

Nandan Kenkeremath
2707 Fairview Court
Alexandria, Virginia 22311

November 13, 2024

Members of the City Council
City of Alexandria

Re: DSUP #2024-10008/5216 Seminary Townhomes

We are affected owners of housing near-by the proposed plan for 7 new townhouses on the current 5216 seminary road site. The list of signers includes the Board of Directors of the Seminary Park Community Association and the Fairview Homeowners Associations. In addition to the two associations there are numerous adults on the signature list for this letter who are nearby owners. The Seminary West Civic Association sent a letter specifically in support of the points.

The staff report was provided on October 25, 2024. We provided a letter in opposition, dated October 30, 2024, submitted by Nandan Kenkeremath and signed by the Board of Directors of Seminary Park Community Association, Fairview Homeowners Association, and 27 residents (October letter).¹ On November 7, 2024—the date of the Commission hearing-- Director of the Department of Planning and Zoning Karl Moritz provided a memorandum in response to the October 30th Kenkeremath letter (Moritz memorandum). The applicant also added material to the record at the hearing of November 7, 2024. See additional materials section of docket at 54-58. We discuss the colloquy related to the additional materials in the analysis.

This letter differs from the October letter in that it addresses the Moritz memorandum, particularly related to legal interpretation. The October letter is still important for the City Council to review particularly with respect to

- Characteristics of the West End Single Family Home Community

¹ See Commission additional materials letter 9. We provided a presentation highlighting and expanding upon issues in the letter (Presentation to Commission). See Commission additional materials letter 15. The Seminary West Civic Association sent a separate letter on October 30, stating that they support the points presented in the Kenkeremath letter of October 30th. Commissioner Brown sent a memorandum to Director Moritz and the applicant on November 6, 2024, which was not in the record for public until later.

- The Characteristics and Current Integration of the Single-Family Home Community with Seminary Heights and Seminary Park
- The Plan Creates Substantial Parking Problems on Echols Avenue
- The Plan Is Unfair and Unworkable for Residents and With Very Little Green Space

There are pictures regarding our community in that October letter we would like to make sure the City Council reviews.

We address certain concerns, responses and the Commission action in the attached analysis. This analysis is not a comprehensive list, and our concerns continue from all prior statements.

The Planning Commission (Commission) approval of this development special use permit application on November 7, 2024, violates at least 3 fundamental provisions of the cluster design regulations and other provisions of the Zoning Ordinance for the City of Alexandria (Code). Errors include incorrect interpretation of the ordinance, failure to make proper findings, and failure to support proper findings. The Commission made decisions under an improper framework. If the opposition is correct on any of our interpretations, the application must fail. The Moritz memorandum fails transparency and the basics of ordinance interpretation. We deserve and the Council must demand a clear explanation of why our interpretations in opposition are wrong.

The City Council should delay consideration so the Council and the public can properly consider and publicly discuss interpretations which address the text of the ordinance related to our specific arguments. The City Council should not vote to approve this application.

SIGNATURES

Board of Directors of Seminary Park Community Association

Fairview Homeowners Association

Les Jackson, 5000 Heritage Lane

And President, Board of Directors Seminary Park Community Association

Annette Miller, 2715 Fairview Court

And President Fairview Homeowners Association

Linda Powell, 5310 Echols Ave
Lexow Grant, 5310 Echols Ave
Jennifer Cave, 5312 Echols Ave
Hilda DeSousa, 5228 Seminary Road
John Esposito, 5331 Echols Ave
Maureen Esposito, 5331 Echols Ave
Andrew Rogers, 2703 Fairview Court
Jessica, Rogers 2703 Fairview Court
Nandan Kenkeremath, 2707 Fairview Court
 And owner 2584 Nicky Lane
Stacey Kenkeremath, 2707 Fairview Court
 And owner 2584 Nicky Lane
Maria Van Horn, 2711 Fairview Court
Tom Van Horn, 2711 Fairview Court
Owen Curtis, 5465 Fillmore Avenue
Lela L. Curtis, 5465 Fillmore Avenue
Manuel Hernandez, 2562 Nicky Lane
Maria De Los Rios, 2562 Nicky Lane
Richard Jones, 2455 Stevens St
Elizabeth Dahouk, 5195 Seminary Road
Abbas Dahouk, 5195 Seminary Road
Ron McNeely, 5319 Fillmore Ave
Mele Williams, 5111 Bellemeade
Don James, 5113 Woodmire Lane
Joan Dodara, 5105 Woodmire Lane
Eric Santure, 5121 Heritage Lane

Thomas L. Stefaniak, 5331 Fillmore Avenue

Theresa Pugh, 2313 North Tracy Street

ANALYSIS

We claim violation of at least 3 provisions of the cluster design ordinance/regulations and an overall ill-considered decision of the Planning Commission (Commission). We have more than one argument related to each provision. If we are correct in our interpretation regarding any of the 3 provisions or arguments the application must fail. Our interpretations are based on specific text of the ordinance and structure. The Moritz memorandum fails transparency and the basics of ordinance interpretation. We deserve and the Council must demand to know why our interpretations are wrong.

Our concerns, as set out below, are at sequential levels. First, the skeletal legal interpretations of ordinance by Director Karl Moritz and the Commission, by virtue of approval, are incorrect. Second, neither the staff nor Commission made necessary findings for modifications under the proper interpretation. Third, such necessary findings are not supported in the record.

Moreover, to the extent there is some discretion that the City Council must consider, the City Council must exercise such discretion based on the proper legal framework. Permissible trade-offs must not be blended with impermissible trade-offs and there must be specific findings consistent with the right legal interpretation.

The larger version of the 7 townhomes approved by the Commission would clearly not fit into the current space due to yard requirements under the ordinary RB zoning rules. Current properties on Echols Avenue have significant yards. The applicant seeks more floor space at the expense of yard space. The applicant seeks to both use the cluster design regulations and ignore our interpretations to accomplish the objective of larger townhouses in the small lot.

As part of the cluster design process the applicant must provide a baseline diagram and sufficient other material to allow the Commission and City Council to evaluate certain requirements of the cluster design regulation. Our argument flows from the applicant's submission. To meet the ordinary requirements that design has townhomes with small footprint dimensions and shorter height than the cluster design proposal. That baseline submission shows about 14, 414 sq. ft of usable open land space. The proposed cluster design provides 5,000 sq. ft of usable open land space as defined by Director Moritz. From our view, the result is even less if one

properly considers the bioretention area is not usable. In the cluster design, there are effectively no front yards, no side yards, and no rear yards but there remains a much smaller area of common usable land space. In the cluster design the row of townhouses is right up on the sidewalk. As we discuss below, this fails at least 3 fundamental provisions of the cluster design regulations.

Director Moritz argues the advantages of rear-loaded garages versus front-load garages can drive approval. This framework ignores that nothing requires the applicant succeeds with respect to 7 townhomes of the size they request. For example, if a rear driveway solution is superior, one could adjust the baseline diagram to remove one townhouse and offer a rear driveway approach. Alternatively, there could be a single driveway cut in the center with two sets of two large townhouses on either side.

I. The Application Fails and the Commission Violates the Section 11-603(D) Floor Area Comparison Limitations

We stated that the application fails the floor area limitations of 11-603(b) several times. *See* October letter at 11-15. *See* also Presentation to Commission at 4-8.

The Moritz memorandum addresses the following point from our letter “It is apparent that the floor area under the cluster design is much larger both on a lot-by-lot basis and in total”. Director Moritz responds with the following:

The applicant has provided an exhibit showing a seven-townhouse proposal consistent with the RB zoning district requirements, including the maximum permitted density, in conformance with the Zoning Ordinance cluster development requirements. The applicant is also requesting additional density for affordable housing consistent with §7-700.

Again, these points from Director Moritz fail to address the opposition argument and fail to identify the relevant text. Under 11-605(B)(1), the applicant must present a baseline which includes “a general site layout plan depicting the density, design and development potential of the subject property under all regulations of the applicable zone without a cluster design.” (emphasis added) Under 11-603(B) “[t]he density of the cluster development shall not exceed the floor area and number of units which could have been developed under the applicable zone regulations without cluster approval” (emphasis added).

The opposition raised the problem that the “floor area” of the cluster design (17, 678 square feet) far exceeds the “floor area” of the baseline plan (12, 617 square

feet) and, therefore, fails the 11-603(B) “floor area” comparison limitation. The numbers are from the applicant’s own submissions under the nomenclature “floor area” in section 8 of the zoning tabulations. See page 16 and 83 of the staff report. Floor area ratio is a separate number and provided under section 7 of the zoning tabulations. The term “floor area” is defined under Section 2-145. Floor area ratio is defined at Section 2-146. The statutory term the opposition focuses on is “floor area” as a comparison limit

Floor area ratio limitations are not the only limitations that affect the “floor area” limitation comparison in 11-603(B). Yard requirements, set back requirements, open space requirements, and height restrictions are all “regulations of the applicable zone without a cluster design”.

The Moritz memorandum speaks to the “maximum permitted density” and “additional density” under Section 7-700. The director fails to address our argument and fails to address the term “floor area” in the text of the Code as the basis of comparison. Our argument is that the “floor area” is based on the applicant’s baseline submission considering all regulations including yard, lot size and set back requirements which are all regulations of the applicable zone without a cluster design.

There is a separate question about whether Section 7-700 authority can be used in a baseline plan with respect to 11-605(b)(1), 11-603(B), 11-603(D) and 11-604(A). We argue that use in a baseline plan is not consistent with the operation of the provision or the concept of a by-right plan. Regardless, the applicant did not present a baseline plan based on 7-700 authority. Until and unless the applicant does, the question is moot. The application fails the floor area comparison limitation, and the approval violates the code.

II. The Application Fails and The Commission Violates the 11-604(A) Equivalent Land and Related Purpose Tests

Once again, we highlight a violation where the Director Moritz fails to identify and analyze the relevant text of the Code. We previously argued this issue on pages 16-19 of the October Letter and pages 9-14 of the Presentation to the Commission. The proposal fails the lot size reduction and cluster open space requirement of 11-604(A) which states:

In each zone in which cluster development is allowed, the lot size may be reduced provided that an equivalent amount of suitable land in open space or common area is preserved and maintained for its scenic or historic value, or for schools, community buildings, historic building or sites, or related uses.

Such common areas may be used as open space, recreational or parking areas. (emphasis added)

The “such” in the second sentence is a reference to the language in the first sentence and does not remove the purpose test requirement of the first sentence. For example, a parking area for a school qualifies but a parking area for the townhouse residents with no other purpose does not. The ordinance assumes parking is part of residential property not a trade to lower lot sizes.

Among the issues in our October letter we state “[t]he common open space area designated for proposed lot 500, whose purpose appears to be a common driveway, common yard space, and a drainage structure does not satisfy the purpose test of the requirement.” October Letter at 17.

The Moritz position is:

The applicant is providing a common Lot 500/Outlot A totaling 10,218 SF, which comprises usable open space and the shared drive aisle. This common area exceeds the minimum required by the Cluster Development SUP. Further, the applicant is providing 5,000 SF of at-grade usable open space that is coterminous, undivided, and has direct access from each dwelling unit. This amount exceeds the 978 SF minimum (15% of total common area) required by the ordinance.

Again, the Moritz memorandum fails to address the specific text we identified as the issue. Notice the only characteristic stated for the shared drive aisle is that it is “common area”. There is no reference to any other language in 11-604(A). The Moritz Memo argues the remaining 5,000 SF is “usable open space.”

The Moritz Memos basic statement is also provided here:

“ The applicant is providing sufficient common area to satisfy this requirement. The common area can include open space, recreational or parking areas per § 11-604(A).”

Again, this interpretation ignores the first sentence of 11-604 (A) and ignores the relationship of the second sentence to the first sentence with respect to the purpose test. To qualify the open space, recreational or parking area must have a relationship to a term in the purpose test of the first sentence.

A. The Common Driveway to Private Garages Does Not Qualify

The purpose of the common driveway is vehicular access to private rear loaded garages. This purpose does not meet the purpose test of the first sentence in 11-604(A). The common driveway is not for “scenic or historic value, schools, community buildings, historic buildings or sites, or related uses” as required under the statute. The staff report at 52 item 6 states “The site does not have any natural, scenic, or historic features.” There are no “schools, community buildings, historic buildings or sites” involved. So, there are no uses related to the prior list in the sentence. For example, if the plan provides a driveway to a school as the trade envisioned under 11-604(A), it might be different.

Driveways are also excluded from the definition of open and usable space under Section 2-180 (E). The Moritz memorandum properly does not include the driveway aisle in describing usable open space. The initial staff report does not include the drive aisle when it refers to open space. See Table 4 of staff report at 12.

We are concerned with the staff’s dangerous assertion regarding recreation on the driveway as an additional function. The driveway is not a recreational area and cannot serve a dual function as a recreational area. This assertion exposes greater liability and safety problems from the plan design.

Access to the at-grade open space will require crossing the drive aisle, but the design does not permit high vehicular speeds and residents in comparable townhouse developments often use the drive aisle as an extension of the open space for recreation that requires a hard surface. See See also p. 12 (...residents using the paved surface for playing games, etc...)”)

Whoever owns outlot 500 will be liable for accidents on that driveway and will likely maintain a condition that vehicle access is the purpose and not recreational activities. Moreover, as discussed below, due to the safety issues of crossing the vehicle access drive aisle, there is not “direct access” from each townhouse within the meaning of Section 11-604(A) to the grass area behind the drive aisle in the plan design.

B. The Bio Retention Area Does Not Qualify

Beyond failing the purpose test, there are further reasons the bioretention area does not qualify. Sufficient drainage capacity is an expectation for residential property and not a reason for lot size reduction. Moreover, the bioretention area has

curbs and a depression that should not be disturbed by play or recreation. There would be safety issues for play. This is not open and usable space for such purposes. The bioretention area is of significant size and separates the strip of land closer to Seminary Road from the remainder of the Lot 500 green space. Accordingly, the full green space is divided and not coterminous. Effectively the Bio Retention Area stretches across the back and covers ground parallel to lot 501-504.

C. Neither the Applicant, the Staff, Nor the Commission Made Sufficient Findings to Designate a Purpose for Any of the Common Area Other Than Identifying a Drive Aisle

We agree there is some green land area where people could gather or potentially engage in limited forms of recreation. As discussed above, that does not satisfy the purpose test. Regardless, the potential area for gathering and recreation is much smaller than 5,000 SF. A community site or purpose is more than a simple statement that a common area exists.

We also note that the thin strip near Seminary Road and the strip parallel to the right of the driveway upon entry are not wide enough for gathering or recreational activities.

D. The Application Fails and the Commission Further Violates the Equivalent Land Determination Under 11-604(A)

The Moritz memo claims the equivalent qualified land necessary is 6,466 SF assuming the lot size minimum requirement for RB zoning of 1980 SF as the baseline to evaluate the reduction. Again, the Director makes no reference in text or structure to support the assertion that the baseline to establish reduction is the lot size minimum requirements. We argued that the lot sizes in the baseline presented by the applicant are the relevant numbers to evaluate the reduction in lot size for purposes of 11-604(A). Based on the application we estimate the total lot size that the baseline 7 townhomes were on is 18, 620 SF and the final total lot size for proposed 501-507 to be 7,390 SF with overall lot size reduction of 11, 230 SF.

The Moritz memorandum claims to meet the requirement using the land space of Lot 500/outlot A which the Moritz memorandum states as 10, 218 SF. This is roughly divided into the "shared drive aisle" (presumably 5, 218 SF) and 5,000 SF of what the Moritz memorandum terms "usable open space" that is conterminous, undivided and has direct access from each dwelling unit. Consistent with Section 2-180 (E) the drive aisle is not usable open space as a matter of law.

The Moritz interpretation and commission approval fail for multiple reasons. If the opposition is correct that the lot reductions are calculated from the baseline diagram, the Moritz memorandum does not cite enough square feet to off-set the required 11, 230 SF. If the opposition is correct that the drive aisle does not qualify, then there is not enough area to qualify, even under the Moritz memorandum narrower interpretation that only requires 6,466 sq. ft. Our further arguments regarding the bio-retention pond and the grass area would further degrade the Moritz and applicant's argument.

III. The Grass Area in the Back Lacks "Direct Access" As Required Under 11-604(A) And the Assumption of Crossing the Drive Aisle Is a Safety Concern

We argued about direct access related to green space and children safety issues related to the drive aisle on page 18, 23 and 24 as well as the Presentation to the Commission at 11. Section 11-604(A) states in part that [a] least 15% of the common area provided shall be open and usable space which is conterminous and undivided and to which direct access is provided from each dwelling unit. The Moritz memorandum identifies the "open usable space" which does not include the drive aisle to meet the standard. We argued that "direct access is not provided from each unit to the common and usable grass area for Lot500/Outlot A..." October Letter at 18. The Moritz memorandum claims that "direct access is also provided by via the rear garage entrance/exit."

To be clear, the Director contemplates that residents travel to the small grass area from the garage doors by crossing the drive aisle. We argue this is not safe direct access for purposes of zoning and code decisions. As we state a concern over crossing a " driveway where vehicles may be coming and going and visibility around the corner may not be great." October letter at 23-24. This visibility and corner issue is particularly acute for lots 506 and 507.

IV. The Application Fails and the Commission Violates the Section 11-603(G) Abutting Property Limitations

Section 11-603(G) apply limits modifications of yard requirements for exterior townhouses which abut properties that meet yard requirements. See October Letter at 15 and 16, Presentation to Commission at 15.

The Moritz memorandum states--

Response: The applicant is seeking modifications from these requirements consistent with the Cluster SUP provisions. The adjacent properties are also in the RB zoning district, so the same dimensional requirements apply.

Without reference to or analysis of text, Director Moritz states the application complies. The reference to these requirements is ambiguous at best. We refer to a limitation under 11-603(g). No effort is made to address our argument or provide a legal analysis at all. There is no reference to the relevant text.

Here is the text of Section 11-603(G):

(G) Area requirements. Modification of yard and lot requirements including minimum lot area and widths may be permitted. The yard regulations applicable to any property abutting a residential cluster development shall also be applicable to the exterior boundary of the cluster development where abutting unless because of the location or other special circumstance of the cluster or abutting development, no benefit will be served by such a yard requirement. Such modifications and variations must be shown on the cluster development plan. (emphasis added)

The second sentence uses the mandatory “shall also be applicable.” The Mortiz Memo does not reflect the operation of the provision. Section 11-603 is styled “limitations”. The abutting requirement applies whether they share the same zoning or do not. The abutting property requirement is a limitation under 11-603(g) for certain properties under the cluster design scenarios. The second sentence divides property into two categories. The proposed townhouses are not “interior” and are on the exterior boundary precisely because there are no other townhouses that surround them in the proposal.

To remove the yard requirements that apply to exterior properties the Commission must make the specific finding that “because of the location or other special circumstances, no benefit will be served by such a yard requirement”. Neither the applicant, Director, nor the Commission identify these findings, request assessment under these required findings, provide a basis, nor make such findings. Any further discussion is post-hoc rationalization and not a basis for the existing, illegal approval by the Commission.

“No benefit” from a front, side or rear yard, is a challenging standard and cannot be met in this case. There is nothing about the location that is any different than what applies to the Seminary Park Townhomes on Echols. The issue of front

loaded versus rear loaded garages is not a special circumstance. The “no benefit” standard is neither a balancing test nor a “consideration” test. There must be no benefit at all. The benefit from yards is space controlled by a specific resident, consistency in setbacks on Echols, and more.

V. The Allocation of the Thin Strip of Lot 500 Between Lot 501 and Seminary Road Is An Inappropriate Means to Remove Corner Lot Requirements

We read the staff report, under the Table 1 zoning tabulation, to state lot 501 is a Corner Lot for lot width purposes and that proposal was to modify the lot width requirement. Accordingly, the proposal should have identified the need to have two front yards, both of which would need independent reasons for modification. The Moritz memorandum takes a conflicting position saying lot 501 is not a corner lot and outlot 500 is. According to Moritz the 10-foot strip between lot 501 and Seminary Road that is part of Outlot 500 effectively eliminates corner lot responsibilities.

We have argued the Moritz interpretation is legally inappropriate. See October letter at 19-20; Presentation to the Commission at 16. The Moritz approach suggests a 1-foot strip could remove corner lot obligations which include a front yard on each street, vision triangle responsibilities under Section 7-801, and other corner lot standardization.

VI. The Commission May Not Allow a Revision to A Baseline Diagram or Review Alternative to the Baseline Diagram as Part of the Legal Basis Under 11-603(B), 11, 603(D), 11-604-(A), or 11-605(b)(1) At the Last Minute

At the hearing, the evening of November 7, 2024, the applicant claims to submit additional application materials. On November 8, we asked staff by email what was the status of the information. Staff responded in critical part:

It’s typical that we receive additional materials prior to the hearing when there is community/commissioner input so that the applicant can attempt to respond to that input. The materials are now part of the official record and are part of the application. Staff in our Board and Commissions Unit are regularly updating the docket to reflect new materials from the applicant, staff, community members, and commissioners to reflect the latest information that we have received.

We do not object to the applicant submitting information in response to public comments or questions from Commissioners. We agree such submissions should be part of the record. The key question is the status of such submission. The Commission cannot accept change to the legal baseline diagram of 11-605(B)(1) in the application without a meaningful opportunity for public comment and without revising the actual application. The official application is what is discussed in the staff report and not revised. We believe it is important for the Commission to be clear they did not accept a change to the baseline diagram for purposes of 11-603(D), 11-604 (A), and 11-605(B)(1).

We should note the applicant presented a diagram which is page 54 under additional materials which the applicant purported to be a “by-right” diagram. The colloquy in the hearing raises fundamental concerns about what the applicant intends and what the status is of the new diagram. We agree there are many potential baseline approaches for the property.

First, the first new additional diagram would not meet the standard. As an example, for the lot nearest Seminary Road, the applicant presents a 50-foot-deep townhouse instead of a 36.5-foot-deep townhome presented in the baseline provided with the application. Among other issues, this townhouse location fails the 60 ft set back requirement from Seminary Road with respect to the full length of the townhouse. As a result, substantively, the diagram fails as a baseline for purposes of 11-605(B)(1) even if properly submitted in the future. Second, this submission cannot change the application.

The colloquy in the video between the applicant and Commissioner Brown suggests substantial lack of clarity regarding the new exhibits. Commissioner Brown talks about the 4 pages that were “just submitted.” Commissioner Brown identifies that the new diagrams are different than what was submitted as the application and the subject of the staff report. Unfortunately, the applicant suggests in the hearing video that both sets of diagrams are “in compliance” with cluster regulations. The applicant seems to call diagrams “additional application material.” We will likely refer to this colloquy as necessary to illustrate the procedural problems if this material is in any way considered part of the application. It is imperative that the Commission clarify the procedural status and that the Commission approval was based on the baseline provided and referred to in the staff report. The Council should not proceed without full clarification.

In addition, the baseline should be a credible and good faith representation of the design of building in terms of basic size and height the applicant seeks. We question this for both the baseline in the application and the latter submission. The colloquy illustrates at least that the latter submissions were not efforts to illustrate the design of buildings the applicant sought. We realize lot sizes and yard sizes, and locations can change under a cluster design but do not agree that the fundamental design of the buildings, including height, should change. *See* October letter at 13-15 and Presentation to the Commission at 6 and 7.

VII. General Trade Offs and Impacts on our Community

The trade for the applicant is for more floor space than ordinary yard requirements would allow. Staff states this is an issue between front-loaded driveways and rear-loaded driveways, but it is not necessarily. If one simply removes one townhouse from the baseline diagram it appears feasible both to have front yards, side yards, compliance with the 60-foot setback along and rear-loaded driveways, given the size of townhouses reflected in the baseline.

A salient reduction is the open and usable land space from the baseline (14,414 sq. ft versus the Moritz claim of open and usable land space (5,000 sq. ft.). That 5,000 sq. ft includes the bioretention facility that we argue is not usable land space. Even assuming the full 5,000 sq. ft. that is a 9,414 sq. ft. reduction in open land space. A simple look at the baseline diagram shows lots of green land space. Play and recreation in the rear yards were unthreatened by vehicular traffic.

Trees, particularly in front yards, increase property value and ambiance in a neighborhood. Front yards provide a place for some community socialization. Removal of green space and increase of asphalt means fewer trees than in the baseline increasing heat and lowering tree cover.

Driveways in either a front-loaded or rear-loaded scenario can be an issue. We understand the primary advantage of a rear-loaded driveway would be that cars back out when entering Echols. Backing out has never been a traffic problem for anyone on Echols because there is great visibility given the large front yards. In the plan, the driveway aisle poses danger to children and residents considering the staff statement there may be recreation and that crossing the drive aisle is the means for crossing to the only green space. Visibility at the viewing triangles of the driveway aisle with respect to both Echols and the driveway and with the driveway turn is not good. As a best practice, pedestrian walkways should be distinct from vehicular drive aisles.

5310 Echols, at least, faces direct impacts from increased traffic flow in the drive aisle with up to 14 cars daily and at whatever hours. There is noise from garage doors and engines. There is light from cars shining in multiple directions. A hard surface driveway in the back increases noise reflectiveness. Any hard surface wall would also amplify engines and garage door opening and closing.

Every house on Echols has a front yard. This proposal changes the character substantially, a point discussed at length in our October letter.

These are townhouses that are only individually rentable and very unlikely to attract longer-term occupant-owners. We are unaware of a living arrangement near our neighborhood with so little access to outdoor space on site. Seminary Park and Seminary Heights have both dedicated yards and common space as well. While Seminary Park and Seminary Height have some rentals, there are many owner occupants. This plan limits the use of green space to scheduling among 7 townhomes. Maybe this is a rental arrangement as a trade for the location. It is much less likely to ever involve long-term, owner-occupants. More occupant ownership is good for the community and property values.

Opposition To Plan For 7 Large Townhouses For 5216 Seminary Road

Presentation of Nandan Kenkeremath To The City Council As Also
Discussed In Letters Dated October 30, 2024 to the Planning
Commission & November 13, 2024 to City Council

nandank@comcast.net

Certain Opposition Letters

- Opposition letter dated October 30, 2024, signed by Board of Seminary Park Community Association, Fairview Homeowners Association and 27+ citizens who Are owners near the site
- Opposition Memorandum of the Seminary West Civic Association dated October 30, 2024, which makes a number of points and “fully supports the points and arguments presented” in the [Seminary Park/Fairview Homeowners] letter.
- Opposition letter dated November 13, 2024, as follow up to October 30 letter and Commission Approval

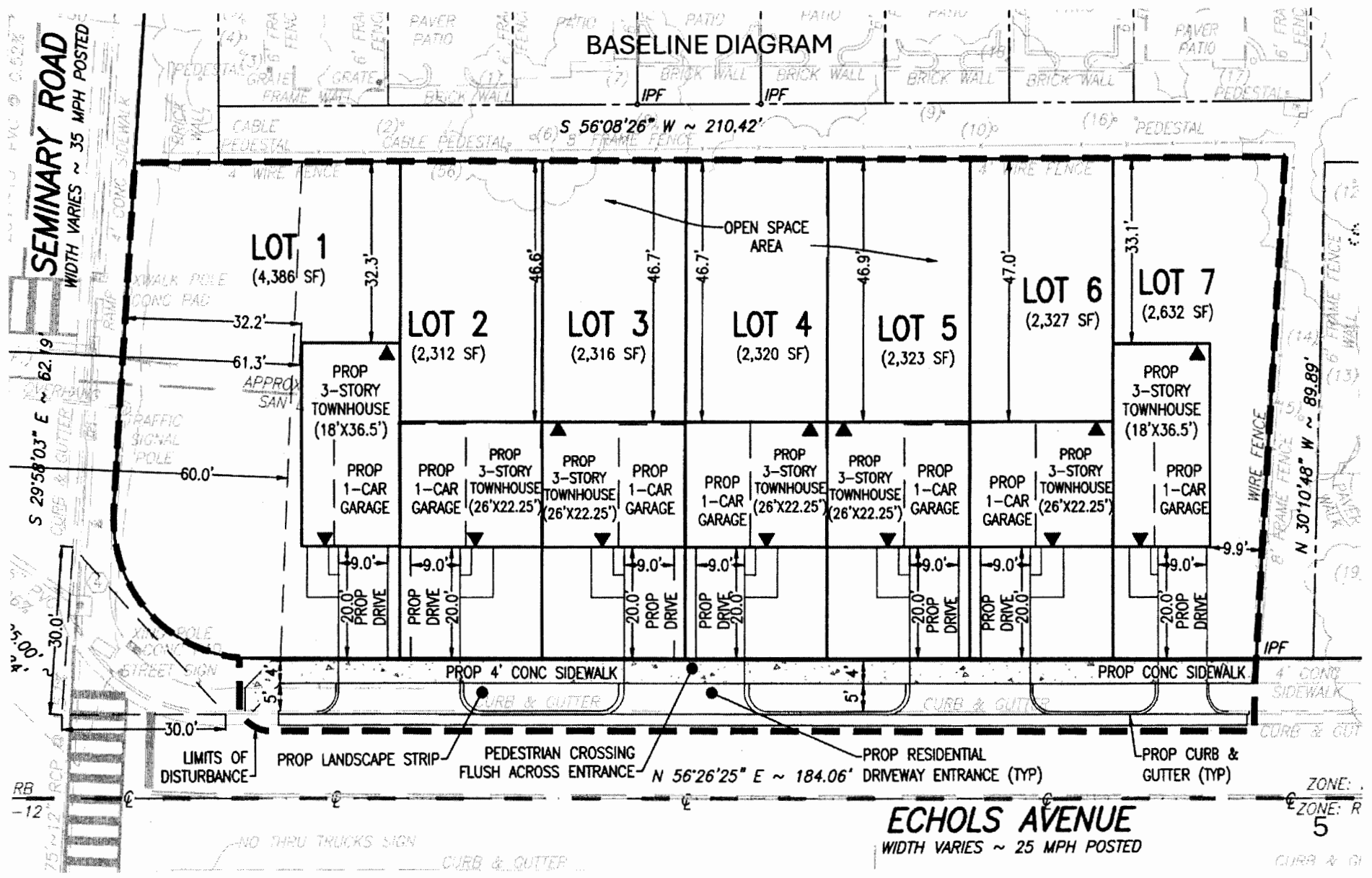
The Application Fails the Alexandria Zoning Ordinance

- The Planning Commission approval on November 7, 2024, violates at least 3 fundamental provisions of the cluster design regulations
- If the opposition is correct on any of our interpretations, the application must fail
- The Moritz memorandum fails transparency and the basics of ordinance interpretation by failing to address the text we the opposition argues from
- We deserve and the Council must demand a clear explanation of why opposition interpretations are wrong.

The Plan Fails 11-603(D) Floor Area Comparison Limits

- Under 11-605(B)(1), the applicant must present a baseline which includes “a general site layout plan depicting the density, design and development potential of the subject property under all regulations of the applicable zone without a cluster design...”
- Under 11-603(D)– “The density of the cluster development shall not exceed the floor area and number of units which could have been developed under the applicable zone regulations without cluster approval”
- The net floor area of the baseline townhouses is listed as 12, 617 SF versus 17,678 SF in the DSUP which violates 11-603(D)
- **Director Moritz and the staff report misreads this requirement and appears to address floor area ratio limitations which are not the only issue under 11-603(D) and not our argument**

BASELINE DIAGRAM



SEMINARY ROAD
WIDTH VARIES ~ 35 MPH POSTED

S 29°58'03" E ~ 62.19'

S 56°08'26" W ~ 210.42'

N 30°10'48" W ~ 89.89'

N 56°26'25" E ~ 184.06'

ECHOLS AVENUE

WIDTH VARIES ~ 25 MPH POSTED

ZONE: R
5

LIMITS OF DISTURBANCE

PROP LANDSCAPE STRIP

PEDESTRIAN CROSSING FLUSH ACROSS ENTRANCE

PROP RESIDENTIAL DRIVEWAY ENTRANCE (TYP)

PROP CURB & GUTTER (TYP)

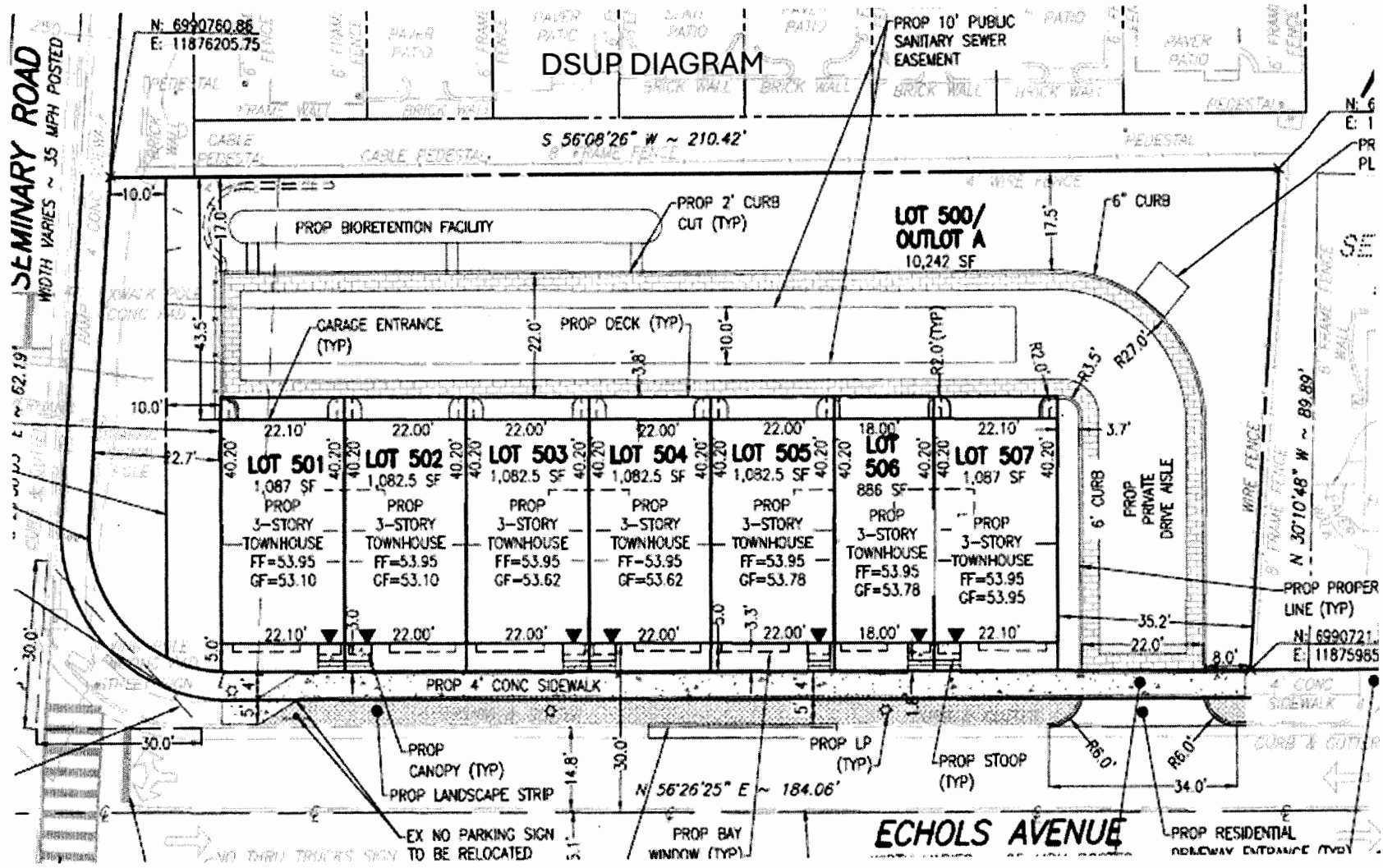
NO THRU TRUCKS SIGN

CURB & GUTTER

CURB & GUTTER

The Application Should Not Enlarge Townhouses Beyond Those Used In the Baseline

- 11-605-(B)(1) requires a general layout plan depicting the density, design and development potential of the subject property under all regulations of the applicable zone without a cluster design
- The 7 larger townhouses would fail the ordinary requirements
 - The larger townhouses fail because a 20 ft front yard requirement + 40 ft townhouse + 44 ft rear yard requirement (1:1)=104 ft
 - The depth of the lot is only 90 ft
- The baseline townhouses are a lot smaller
 - As an example, the baseline townhouses are 29 feet high instead of 44 feet for the DSUP townhouses
 - The ground dimension is 26 ft x 22.25 ft for the 5 middle townhouses instead of what appears to be 22 ft x 40.2 feet for 4 of the middle in the DSUP Townhouses



The Plan Fails 11-604 (A) Requirement For Equivalent Land For Specific Purposes

- 11-604(A) “Lot size reduction. In each zone in which cluster development is allowed, the lot size may be reduced provided that an equivalent amount of suitable land in open space or common area is **preserved and maintained for its scenic or historic value, or for schools, community buildings, historic buildings or sites, or related uses**. Such common areas may be used as open space, recreational, or parking areas.”
- “Related uses” refers to the earlier terms as does “such common areas”
- **The Staff Report at 10 and 12 misreads the requirement by ignoring the first sentence**
- The Plan fails the specific purposes test because common space is simply for a driveway and a small common land area unconnected to the purple language

The Proposal Fails the Equivalent Land Determination

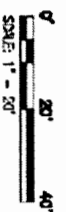
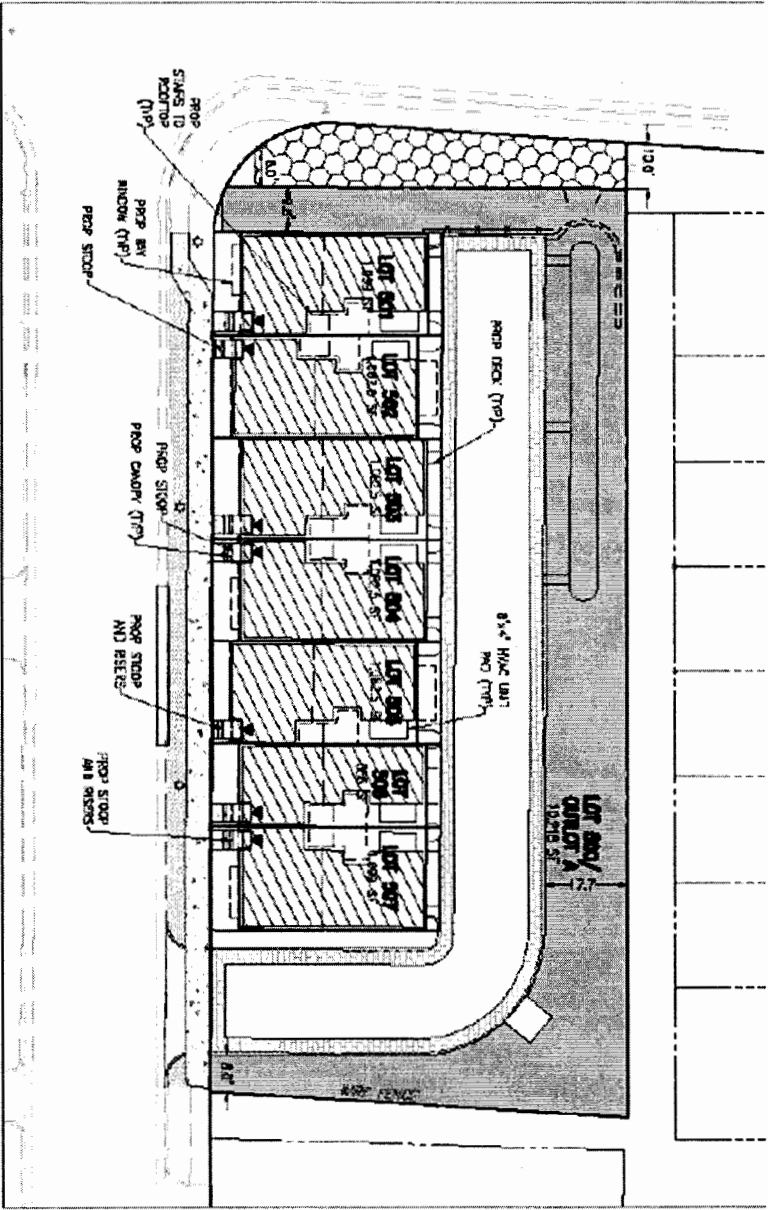
- The staff incorrectly calculates the reduction in lot size to be from zone RB minimum lot size requirements instead of from the baseline diagram which reflects the full range of issues that affect lot sizes
 - The latter include issues like corner lots, required set-backs and yard requirements
 - Staff calculates a deficit of (-6,446 SF) while we calculate (-11,230 SF) from the baseline diagram to determine the necessary “equivalent amount of suitable land.....”
- The 5,000 SF in Outlot A (that is does not include driveway) fails to meet either the number or the purpose test
- The driveway does not meet the number or the purpose test and is not suitable land equivalent or open and usable space
- The bioretention area is also not open and usable space or suitable land
- The small green area fails to have “direct access” because pedestrian pathways should not be conflated with vehicle drive aisles

Open and Usable Space Does Not Include Small Areas And Driveways

- Under 2-180 Open and usable space is that portion of a lot at ground level which is:
- (A) not less than eight feet in width and length [Front Yards in DSUP Fail this]
- (E) not used in whole or in part as roads, alleys....driveways
- The staff report at 12 appears to claim children or residents could play games on the driveway, even though visibility upon turning is an issue
- The thin 17.7 ft strip of green at the back is inadequate and does not have safe direct access
- A significant part of the 17.7 ft strip is the bioretention area

OPEN SPACE GRAPHIC

SCALE 1" = 20'



CONTEXT
SCALE 1" = 20'

OPEN SPACE FOR SITE

PRIVATE GROUND LEVEL OPEN SPACE (ACCESSIBLE BY ALL FUTURE TERRACE RESIDENTS) (3,400 SF) (CONTIGUOUS)

PRIVATE EXTERIOR OPEN SPACE (4,400 SF)

TOTAL - 7,800 SF (ALL ARE)

ADJUSTED SITE AREA POST-STREET DEEDITION - 17,740 SF

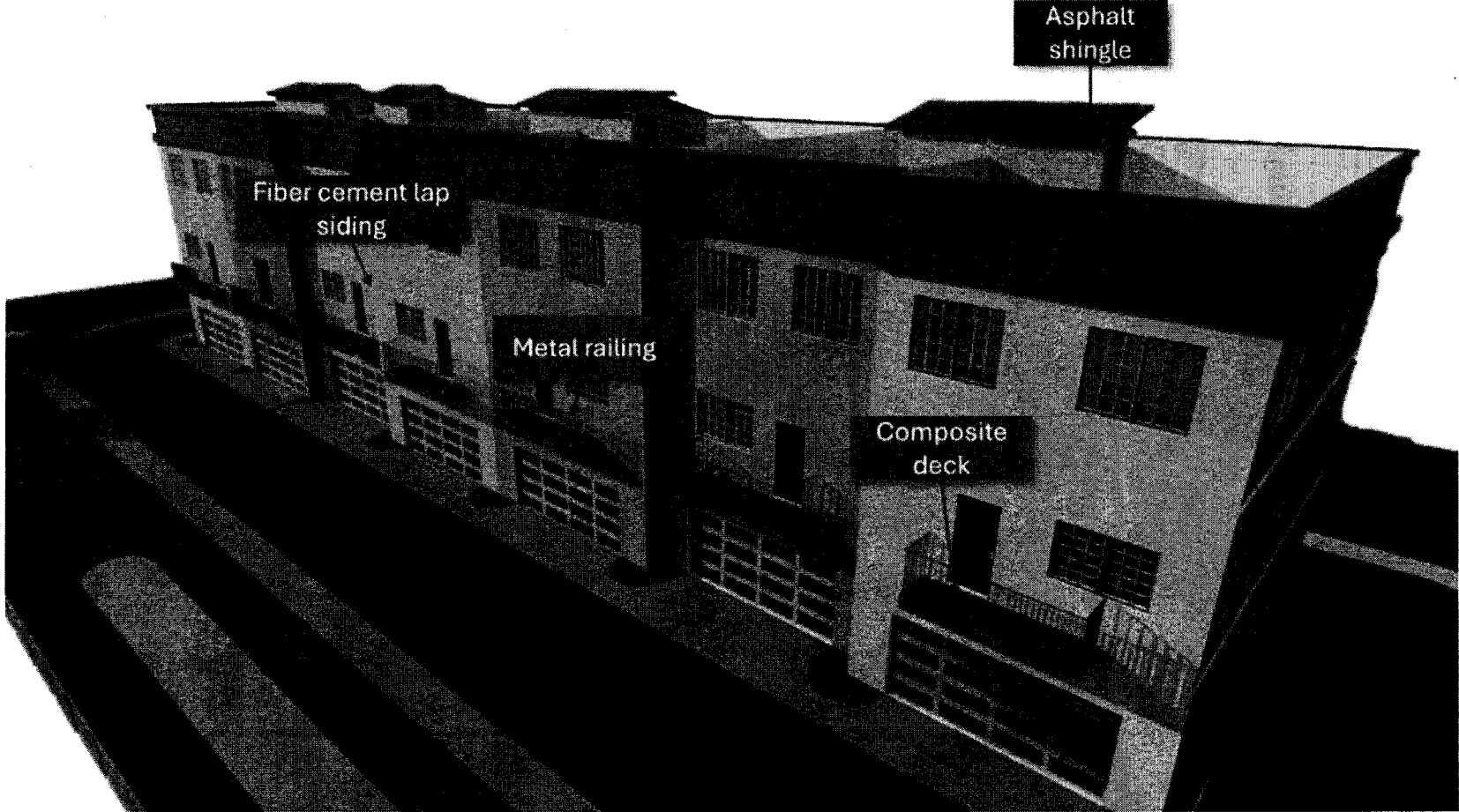
TOTAL SITE AREA PRE-STREET DEEDITION = 10,820 SF

* THE 20% OF MEASUREMENT OF GROUND LEVEL OPEN SPACE WITHIN THE FOOT OF NEW DEEDITION EXCLUDES AREAS WITH LESS THAN 4'-0" DIMENSION. THE TOTAL STREET DEEDITION AREA IS 590 SF.

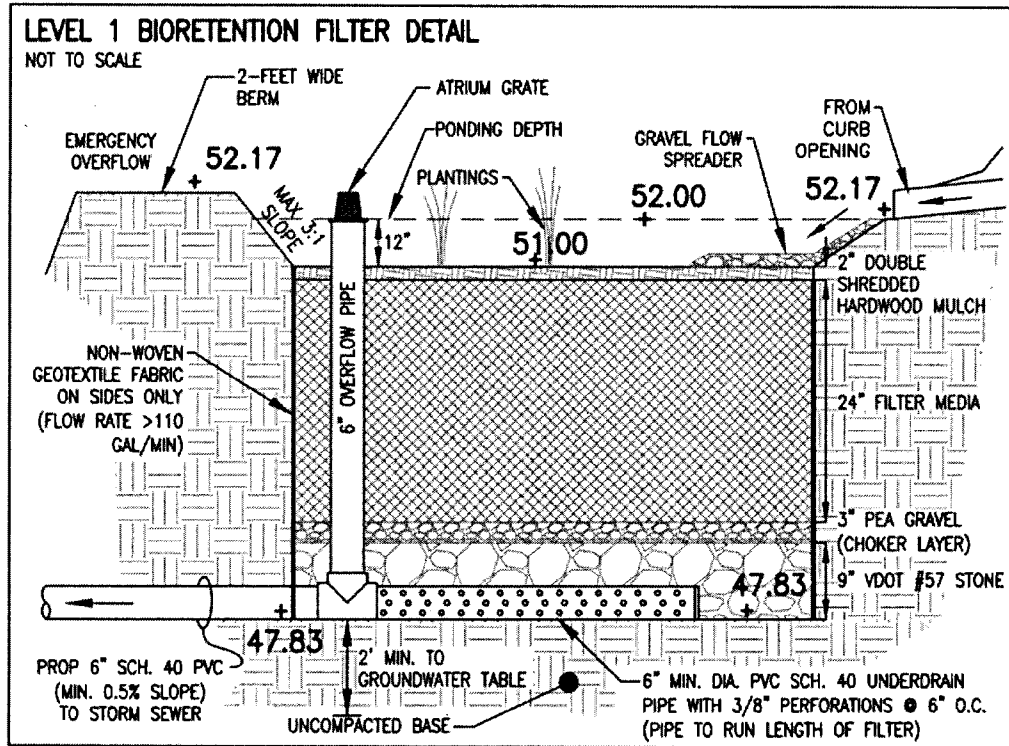
The Original 18, 620 SF of Land Space Is Allocated to Several Categories

	Baseline SF	DSUP SF	Difference SF
Total Lot Sizes without Outlot & Street Dedication	18, 620	7,390	-11, 230
Total Lot Sizes only based on RB Minimum (Staff Interpretation)	13,860	7, 390	-6,446
Outlot	NA	10,218	10,218
Outlot open space	NA	5000	5000
Driveways Including Outlot	1, 260	About 5,200	3,940
Street Dedication	None	988	988
Building Footprint in Lots	4, 206	6,038	1, 832
Land Space in Lots Not Including Building Footprint, Outlot or Street Dedication	14, 414	1,376	-13,038
Open And Usable Land Space Including Outlot	14, 414	5,000	-9,414

Rear left corner



B



The Plan Fails 11-603 (G) Requirement To Comply With Yard Requirements For Abutting Property

- Under 11-603(G), “The yard regulations applicable to any property abutting a residential cluster development shall also be applicable to the exterior boundary of the cluster development unless because of the location or other special circumstance of the cluster or abutting development, no benefit will be served by such a yard requirement”
- The proposed townhouses are “exterior” because there is no “interior” surrounded by “exterior” townhouses
- Accordingly, the proposed townhouses must maintain normal yard regulations at least to the extent abutting property must

The Front And Rear Garage Trade Is A False And Incomplete Framework

- In the cluster design, there are effectively no front yards, no side yards, and no rear yards but there remains a much smaller area of common usable land space
- The row of 7 large townhouses is right up on the sidewalk
- Director Moritz argues the advantages of rear-loaded garages versus front-load garages can drive approval
- Nothing requires the applicant succeeds with respect to 7 townhomes of the size they request
 - For example, if a rear driveway solution is superior, one could adjust the baseline diagram to remove one townhouse and offer a rear driveway approach
 - Alternatively, there could be a single driveway cut in the center with two sets of two large townhouses on either side

The Plan Fails 11-606 Considerations

- 11-606(B) fails applicable regulations
- 11-606 (C) Substantial or undue adverse effects on adjacent property, the character of the neighborhood, and parking
- 11-606 (H) Cluster open space intended for recreation is not usable
- 11-606(I) 34 individual trees taken down
- 11-606(K) a row of townhouses includes no “diversity and originality in lot layout”
- 11-504(A)(1)—With no real play area and the need to go out the front door to get to the back this does not help safety for children

The Applicant Seeks At Least The Following Modifications From RB Zoning Rules

- Across the Board Modifications for Lots 501-507
 - Modify Echols front yard from 20ft to 3.6 ft to 5.7 ft
 - Modify minimum lot size from 1,980 SF to 866 SF to 1,099 SF
 - Modify requirement that 35% of a given lot area open and usable space
- Additional Modifications Corner Lot 501
 - Exception from 60 ft set back requirement from midline of Seminary Road to 51 feet (What is authority and process?)
 - Modify Seminary front yard from 20 ft to zero
 - Modify Echols front yard from 20 ft to 3.6 ft to 5.7 ft
 - Modify Side Yard (Back) facing Seminary Park from (1:3) (14.7 ft) to zero
 - Modify Echols lot width requirement from 38 to 22.33 ft
 - Modify Corner lot structure by intervening an outlot strip between Lot and Seminary Road
 - Fail Clear vision triangle on lot (Section) 7-801
- Lots 502-507
 - Modify Rear Yards from (1:1)(44 ft) to 3.0 ft to 4.8 ft
 - For 507 modify side yard from (1:3) 14.7 ft to zero



Outlook

[EXTERNAL]Development in Alexandria West/5216 Seminary Road

From Jennifer Cave <jdcave@gmail.com>

Date Sat 10/19/2024 7:25 PM

To Alyia Gaskins <alyia.gaskins@alexandriava.gov>; Canek Aguirre <Canek.Aguirre@alexandriava.gov>; Sarah Bagley <sarah.bagley@alexandriava.gov>; Amy Jackson <Amy.Jackson@alexandriava.gov>; Kirk McPike <kirk.mcpike@alexandriava.gov>; John Chapman <john.taylor.chapman@alexandriava.gov>; Justin Wilson <justin.wilson@alexandriava.gov>; PlanComm <PlanComm@alexandriava.gov>; CouncilComment@alexandriava.gov <CouncilComment@alexandriava.gov>

Some people who received this message don't often get email from jdcave@gmail.com. [Learn why this is important](#)

Dear Members of the Alexandria City Council,

I am writing to express my concerns regarding the proposed development at 5216 Seminary Road, which aims to build seven townhomes. While I appreciate the need for housing in our growing city, I believe this project poses significant issues for our community.

First and foremost, the proposed design of the townhomes resembles a warehouse aesthetic that is inconsistent with the architectural character of our neighborhood. The surrounding homes feature a distinct charm that contributes to the overall appeal of the area, and I worry that this development will detract from that cohesion. The proposed development proposes to sit 3 feet off the sidewalk and right near busy Seminary Road, while all the existing home and townhomes are at least 20 feet from the sidewalk. This will be the first thing people see when they turn on Echols Ave.

Additionally, I am concerned about the impact on parking availability. Adding seven townhomes to this space will further strain an already limited resource, making it more difficult for residents and visitors to find convenient parking. This is especially troubling in an area where accessibility is a valued asset.

Furthermore, the loss of green open space and trees is another pressing issue. I moved to Alexandria/Echols Ave last year, drawn to its open areas and community feel. It has a special blend of homes and townhomes fitting in together. These open spaces are vital not only for aesthetics but also for community health and well-being. This is the reason I moved here. Taking away green space and trees for development undermines the quality of life that so many of us cherish.

Not only would the green space and trees be taken away but adding seven townhomes at the corner of Echols and Seminary Roads, also heightens the potential for conflict between turning vehicles and pedestrians. There are frequent pedestrians who walk in this area and there are also cars that try to hurry up to catch the light. This is a risky area to add 7 townhomes that could have the potential of up to 14 more vehicles on a regular basis. It is crucial we prioritize the safety of both residents and commuters in this area.

I urge the council to consider these factors carefully as the project moves forward. It is essential to maintain the character of our neighborhoods, protect our parking resources, preserve the green spaces, and ensure pedestrian and commuter safety that make Alexandria such a wonderful place to live.

We would welcome any City Council or Planning Commission Members to come to Echols and take a look at your convenience.

Thank you for your attention to this important matter.

Sincerely,

Jennifer Cave
5312 Echols Ave
Alexandria, VA 22311
Cell: 202-281-8009

Email: jdcave@gmail.com

DISCLAIMER: This message was sent from outside the City of Alexandria email system.
DO NOT CLICK any links or download attachments unless the contents are from a trusted source.

Outlook

[EXTERNAL]5216 Seminary

From Lexow Grant <lexowgrant@gmail.com>

Date Fri 10/18/2024 10:38 AM

To CouncilComment@alexandriava.gov <CouncilComment@alexandriava.gov>

[You don't often get email from lexowgrant@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Proposed building with no setback, and how Echols looks now

DISCLAIMER: This message was sent from outside the City of Alexandria email system.
DO NOT CLICK any links or download attachments unless the contents are from a trusted source.









Outlook

[EXTERNAL] Proposed Development at 5216 Seminary (November Public Hearings)

From Kathleen Hinman <kmhinman@gmail.com>

Date Thu 10/17/2024 2:56 PM

To Alyia Gaskins <alyia.gaskins@alexandriava.gov>

Cc Canek Aguirre <Canek.Aguirre@alexandriava.gov>; Sarah Bagley <sarah.bagley@alexandriava.gov>; Amy Jackson <Amy.Jackson@alexandriava.gov>; Kirk McPike <kirk.mcpike@alexandriava.gov>; John Chapman <john.taylor.chapman@alexandriava.gov>; Justin Wilson <justin.wilson@alexandriava.gov>; PlanComm <PlanComm@alexandriava.gov>; CouncilComment@alexandriava.gov <CouncilComment@alexandriava.gov>

Some people who received this message don't often get email from kmhinman@gmail.com. [Learn why this is important](#)

Mayor Wilson, Councilwoman Gaskins, Council, Commissioners,

I write to you as a resident of Echols Avenue who lives just a few houses down from the proposed development at 5216 Seminary Road that would face Echols. I am very concerned about both the appearance of the proposed solid, single structure and the waivers that have been requested.

Echols Avenue is currently a mix of townhomes and single-family homes, all which are set back at least 20 feet from the sidewalk and all of which have articulation or some other means to give each home an individual identity. The existing community also benefits from a large, established tree canopy. The proposal for 5216 Seminary is a warehouse-conversion-style solid-fronted building that, while popular and appropriate in revitalized industrial districts, would be completely out of keeping at the entrance to a suburban neighborhood like ours. The proposed setback of 3 feet from the sidewalk indicated to us by the developer would be further out of keeping and prohibit the planting of trees along the sidewalk that could grow to any real size. Graphic representations popularized on local news sites such as ALXNow that appear to show a larger setback are inconsistent with information provided to us by the developer and counsel.

The need for waivers for setback seems to be driven by a desire to address drainage via a retention pond (which I understand to be perhaps the least expensive approach) and for an increased footprint to allow for more units (waiver also requested). However, if waivers are automatic, what is the purpose of the existing requirements? Does it not matter that the character of the rest of the neighborhood was created, at least in part, by adherence to these requirements? Does it not matter whether this new structure would look appropriate with existing structures? Do architectural considerations matter less in the West End than they do in Old Town or Del Ray? Is there not some way to satisfy the need for additional housing that would keep the new development in character with existing homes?

I and others of my neighbors who are aware of the proposal would love to have any council and commission members who are available to come meet with us and walk our neighborhood so that you might better understand the stark contrast the proposed structure would set against the other homes on our beautiful, leafy green street. If members could provide their availability, we will make it work around your schedules.

V/r,

Kathleen Hinman

DISCLAIMER: This message was sent from outside the City of Alexandria email system. DO NOT CLICK any links or download attachments unless the contents are from a trusted source.

Re: Support of Zoning For Housing

From Victoria Marcos Waskowicz <victoria.waskowicz@gmail.com>

Date Wed 11/29/2023 1:08 PM

To CouncilComment@alexandriava.gov <CouncilComment@alexandriava.gov>; PlanComm <PlanComm@alexandriava.gov>

Some people who received this message don't often get email from victoria.waskowicz@gmail.com. [Learn why this is important](#)

Hello,

Thank you for your votes to lift zoning restrictions to allow for more townhouses and multi-family buildings in Alexandria. I believe this is truly the right move not just for this generation but those to come, and Alexandria has now doubled the critical mass of NoVA jurisdictions that have made this change.

Thanks,
Victoria Waskowicz

El El vie, nov 24, 2023 a la(s) 17:58, Victoria Marcos Waskowicz <victoria.waskowicz@gmail.com> escribió:

Hello,

In advance of a counter-rally happening tomorrow, I am writing again to reiterate my support for the City's zoning change proposals.

Thanks,
Victoria Waskowicz
Echols Ave, Alexandria

El El mié, nov 1, 2023 a la(s) 07:25, Victoria Marcos Waskowicz <victoria.waskowicz@gmail.com> escribió:

Hello,

I'm writing to express my personal support for Zoning For Housing.

I am especially struck by two lots on the 5200 block of Seminary Road that I understand were denied applications for rezoning (and remain zoned for SFHs). These would have been great candidates, on a busy road and in sight of both Skyline and Southern Towers.

I think this is a great and necessary policy change, and that the perfect should not be the enemy of the good.

Thanks,

Victoria Waskowicz

Nandan Kenkeremath
2707 Fairview Court
Alexandria, Virginia 22311

October 30, 2024

Chairman Macek
Planning Commission
City of Alexandria

Re: Proposed Preliminary Site Plan For 5216 Seminary Road

We are affected owners of housing near-by the proposed plan for 7 new townhouses on the current 5216 seminary road site. The list includes the Board of Directors of the Seminary Park Community Association and the Fairview Homeowners Associations.

In addition to the two associations there are 27 adults on the signature list for this letter. We will likely have more. Three signers of this letter are owners and residents of the two current townhouses, 5310 Echols Avenue and 5312 Echols in the Seminary Park Development and next to the proposed site. Several other signers are owners/residents at Seminary Park.

The Fairview Homeowners Association involves 5 large single-family homes developed in 1999 in West End Alexandria. One of those homes, 5331 Echols Avenue, is one house down and across the street from the proposed new townhouse development which would replace the current single-family home at 5216 which is at the corner of Seminary Road and Echols Avenue. Four of our houses are on Fairview Court, a private road right off Echols and very near the proposed development. These owners write as individual homeowners and residents and as the Fairview Homeowners Association.

One other signer is directly across from the proposed site development on the other side of Echols. Another is across from the site on the other side of Seminary Road.

There are also several homeowners from Seminary Heights which is just down the block off of Echols Avenue.

Additional signers are in the neighborhood close by the site.

We all oppose the preliminary proposed Special Use Plan for adding 7 townhomes to the 5216 Seminary Road site on several grounds.

Our concerns and arguments are discussed in the attachment styled Arguments Against Proposed Special Use Plan. As a summary, first, the plan violates numerous requirements of the Zoning Ordinance for the City of Alexandria. This argument includes that the plan is based on impermissible and incomplete interpretation of the Code and involves unreasonable and unsupported exercise of discretion. Second, cramming 7 townhouses into that corner lot and modifying all normal yard, set-back, lot, and open space requirements is inconsistent with the fundamental characteristics of our residential community. Third, the plan will exacerbate what is already a substantial problem in terms of traffic and safety at the corner of Seminary Road and Echols Avenue. Fourth, the proposal would cause substantial parking problems on Echols Avenue. Fifth, the plan is unworkable, unfair and unsafe, including for any for children who might live in these proposed townhouses. Generally, the plan will reduce the quality of our neighborhood and property values.

We are happy to discuss these concerns. We believe the developer and the City of Alexandria should substantially step back and develop a proposal that does not involve the numerous modifications to the traditional zoning requirements. If there are questions or further steps, please contact Nandan Kenkeremath at 703-407-9407 and nandank@comcast.net

Signatures of Concerned Entities and Citizens

Board of Directors of Seminary Park Community Association

Fairview Homeowners Association

Les Jackson, 5000 Heritage Lane

And President, Board of Directors Seminary Park Community Association

Annette Miller, 2715 Fairview Court

And President

Fairview Homeowners Association

Linda Powell, 5310 Echols Ave

Lexow Grant, 5310 Echols Ave

Jennifer Cave, 5312 Echols Ave

Hilda DeSousa, 5228 Seminary Road

John Esposito, 5331 Echols Ave

Maureen Esposito, 5331 Echols Ave

Andrew Rogers, 2703 Fairview Court

Jessica, Rogers 2703 Fairview Court

Nandan Kenkeremath, 2707 Fairview Court

And owner 2584 Nicky Lane

Stacey Kenkeremath, 2707 Fairview Court

And owner 2584 Nicky Lane

Maria Van Horn, 2711 Fairview Court

Tom Van Horn, 2711 Fairview Court

Owen Curtis, 5465 Fillmore Avenue

Lela L. Curtis, 5465 Fillmore Avenue

Manuel Hernandez, 2562 Nicky Lane

Maria De Los Rios, 2562 Nicky Lane

Richard Jones, 2455 Stevens St

Elizabeth Dahouk, 5195 Seminary Road

Abbas Dahouk, 5195 Seminary Road

Ron McNeely, 5319 Fillmore Ave

Mele Williams, 5111 Bellemeade

Don James, 5113 Woodmire Lane

Joan Dodara, 5105 Woodmire Lane

Eric Santure, 5121 Heritage Lane

Thomas L. Stefaniak, 5331 Fillmore Avenue

ARGUMENTS AGAINST PROPOSED PRELIMINARY SPECIAL USE PLAN

Background

I. The Characteristics of the West End Single Family Home Community

The corner of Seminary Road and Echols Avenue is a primary gateway to the single-family home communities south and west of that point. The Seminary Park and Seminary Heights Townhomes properly integrate with this single-family residence community and are part of our established community.

The Fairview Court/Echols Avenue development is, geographically, part of a broader community of single-family homes with significant green space and traditional single home community characteristics. Like all of the houses, our houses have a lot of green space, including substantial front and back yards.



5331 Echols Avenue

This area, zoned for single-family homes, also borders John Adams elementary school, the Dora Kelly Nature trail and areas outside Alexandria jurisdiction that are zoned for single-family homes. A community walk easily takes one to parts of the connected single-family home areas for Bailey's Crossroads, and the Lincolnia Heights area. This overall location which crosses jurisdictions is a substantial area for single-family homes with large front yards, large backyards and lots of green and open space.

Recent housing additions on Rosser and Fillmore have been large homes that preserve open space and have increased the property values in the area. We expect that trend to continue as smaller, older houses either get replaced or have substantial additions.

Currently all 4 corner lots at the intersection of Echols and Seminary have single family homes on large lots-- 5158 Echols Avenue (14, 519 SF); 5205 Seminary (15, 579 SF), 5228 Seminary Road (20, 734 SF), 5216 Seminary Road (20,739 SF). All have substantial open space and tree cover.

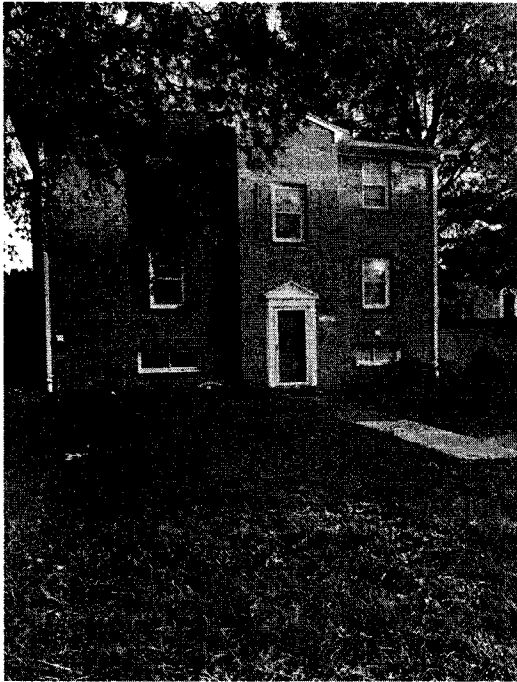
The next single-family home from Seminary Road on Echols Avenue is 5331 Echols (13370 SF). The first Townhouse on Echols Avenue near Seminary Road is 5310 Echols Avenue (2919 SF) (24.1 ft front yard)(Backyard walks out to substantial common space).

There are not so many areas of single-family homes with front and back yards and lots of green space in West Alexandria. West of Van Dorn street there are two such areas. These West End groupings deserve full consideration with respect to preserving traditional characteristics. We already live with the geographic, building and traffic divide that separates the West End single-family home community from Seminary Valley. West Van Dorn Street and East of Beauregard is 395, office buildings, apartments. It does not look like the City of Alexandria or developers will find new, significant areas of single-family homes. It is important that the City of Alexandria treasure these West End single-family residential areas and not take steps to diminish the character or quality of these neighborhoods.

II. The Characteristics and Current Integration of the Single-Family Home Community with Seminary Heights and Seminary Park Townhomes

Our single-family residential home area has bordered two townhouse communities for over 40 years. Part of Echols and part of Stevens border the Seminary Heights Townhome community. The City of Alexandria and developers both took

extraordinary care with respect to how Seminary Heights borders and integrates with the single-family home residential area. The buildings in Seminary Heights that front Echols or Stevens have single-family home appearance from the street view. Each Townhome on Echols and Stevens is part of triplex with a single home facing Echols and Stevens. Looking at those Seminary Heights townhomes from Echols or Stevens is like looking at a large, single-family colonial with a good size front yard. This was a very effective way of maintaining the look of a single-family home area on Echols and Stevens. There is also fair amount of commons areas and green space in Seminary Heights including space that borders Echols.



Seminary Heights Facing Echols



Seminary Heights Facing Echols

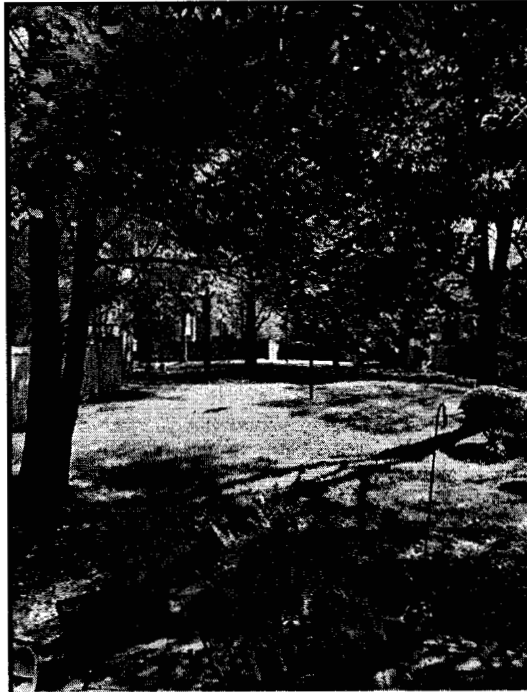


Seminary Heights at Corner of Echols and Stevens

While the 6 townhomes from Seminary Park facing Echols do not have the individual house look of the Seminary Heights Townhomes on Echols and Stevens Avenue, they do maintain the 20-foot minimum set back, the minimum 1980 SF standards for lot size, and minimum standards for lot size frontage. 5310 Echols Avenue, the townhouse closest to the proposed site has a 24.1-foot front yard. These townhomes have significant architectural detail with various pitched roof styles and fronts.



Seminary Park Facing Echols



View from 5310 Echols Avenue Facing Commons Area in Back

Considering how large the Seminary Park Community is, having only this small row of six townhouses at the border of the single-family home area has been a respectful approach. To the south, Seminary Park borders Seminary Heights. To the east, Seminary Park borders commercial space. To the north there is a nice brick wall and a reasonable setback between Seminary Road and the Seminary Park townhouse buildings. There are large, mature trees throughout and substantial commons areas in Seminary Park.

Seminary Heights and Seminary Park have similar style townhomes in that they are brick and of the style built in the 70s or early 80s. Even though there are many townhouses among the Seminary Heights and Seminary Park, there are only the 6 townhouses that look like single-family homes from the street, a single row of 6 townhouses on Echols, and a single side of an end unit in Seminary Park.

III. Background On Certain Terms and Omissions in The Proposed Special Use Permit

By its terms the Special Use Permit would involve:

- Development of a Special Use Permit for Cluster Residential Development of 7 Townhouses pursuant to Section 11-600 of the Zoning Ordinance for the City of Alexandria.

- Special Use Permit for Bonus Density pursuant to Section 7-700
- Modification of minimum lot area pursuant to Section 11-603(G)
- Modification of Section 7-1006(D) for reduced setback from the centerline of Seminary Road
- Modification of Section 3—706(A)(1) for reduced front yard set-back for proposed lots 501-507
- Modification of Section 3-706(A)(3) for reduced side yard setback for proposed lots 501 and 507
- Modification of Section 3-708(A)(5) for reduced rear yard setback for lots proposed 501-507

More specifically, the proposal claims to go under the minimum lot area requirement of Section 3-705(B) from the 1980 square feet minimum requirement down to proposed lot areas that vary from as little as 886 SF to 1087 SF for each lot designated as proposed 501-507.

Our read is that the proposed townhome closest to Seminary Road must take the position as a corner lot and is subject to at 38-ft frontage requirement on both Echols and Seminary. If proposed outlot 500 were to be considered a corner lot, it would fail the 38-foot corner lot frontage requirements.

The proposal plan reduces the front yard set back from a 20 ft minimum to 3.6 to 5.7 feet for the proposed townhomes.

By inappropriately reducing the frontage requirements, the proposal appears to then claim the rule that if a Townhouse is less than 25 feet wide then there is no side yard requirement. However, without a modification to the minimum width requirements, the side set-back ratio is 1:3. At 44 feet high this would mean a side yard on each townhouse of about 14.67 ft. Accordingly, the proposed plan modifies what would be a 14.67 ft side yard requirement to 0 yards for the end units.

The proposal also claims to reduce the rear yard requirement which is a 1:1 set-back ratio. With a 44-foot-high townhouse the ordinary rear yard requirement is 44 feet. Accordingly, the proposal is to change from a 44-yard minimum rear yard to 3.0 to 4.8 ft. The only door to the rear yard is the garage door. The “rear yard” opens directly to the collective driveway and not green space.

The proposal involves an unusual, proposed Lot 500/Outlot A. The use and relationship of proposed Lot 500 to the other lots raises many questions.

IV. ARGUMENT & CONCERNS

We object to each special use plan and/or procedure described above, the modifications described above, and the implicit modifications not fully described by the applicant. While we are concerned about the specific proposal, we are also very concerned about inappropriate interpretations of the Zoning Ordinance of the City of Alexandria. Inappropriate interpretations will undermine important protections for established residential neighborhoods.

We have raised serious concerns over staff code interpretation regarding what we believe are mandatory requirements. It is incumbent that staff respond to the arguments with their contrary interpretations. We seek such a document and discussion about the proper interpretations of the ordinance. Otherwise, we are speaking on different ordinance frameworks. The Commission should not approve a plan unless the commission is sure both that the plan meets the actual standards and is wise where there is discretion.

According to Section 1-102 the ordinance is, among other purposes, designed to:

- “Protect the established character of existing residential neighborhood”
- “To reduce or prevent congestions in the public streets”
- “...facilitate the creation of a convenient, attractive and harmonious community”
- To protect against “overcrowding of land”

I. The Proposal Fails the Purpose, Scope and Requirements of The Cluster Regulations

Cramming a 7-unit row of small-lot townhomes into a small space and modifying all lot size, yard, and set-back requirements is not within the purpose, scope or requirements of the cluster development regulations. Here we go through a non-exclusive list of the problems. To evaluate compliance with the ordinance we compare what we call the baseline diagram which we understand to be presented on page 183 of the staff report and, in part on page 7.

We point out some features from the zoning tabulations on p. 83. First the height of the townhomes is listed at 29 feet. The cluster design proposal townhouse height is 44 feet.

Second the floor area is reflected in the following table

Lot	Lot Area (SF)	Gross Floor Area (SF)	Net Floor Area (SF)	Floor Area Ratio
1	4,387	2,168	1,971	0.499
2	2,313	1,910	1,735	0.750
3	2,316	1,910	1,735	0.749
4	2,320	1,910	1,735	0.748
5	2,324	1,910	1,735	0.747
6	2,328	1,910	1,735	0.745
7	2,632	2,168	1,971	0.749
Total	18,620	13,866	12,617	0.678

Exhibit A on page 16 and Section XI of the Staff Report is Styled Revised Sheets Corresponding to Updated Architecture in Preliminary Special Use Permit for 5216 Seminary Road Townhomes. Exhibit A has analogous information under the cluster design relative to the cluster application design.

Lot	Lot Area (SF)	Gross Floor Area (SF)	Net Floor Area (SF)
501	1,099	2,743	1,971
502	1,082.5	2,743	1,735
503	1,082.5	2,743	1,735
504	1,082.5	2,743	1,735
505	1,082.5	2,743	1,735
506	888	2,251	1,735
507	1,099	2,743	1,971
Street Dedication	988	—	—
500/Outlot A	10,218	—	—
Total	18,620	18,709	17,678

It is apparent that the floor area under the cluster design is much larger both on a lot-by-lot basis and in total.

We note we are skeptical that the applicant's diagram that the non-cluster design with the 29-foot high buildings are credibly 3-stories. If not the square feet calculations would be even smaller for the baseline proposal.

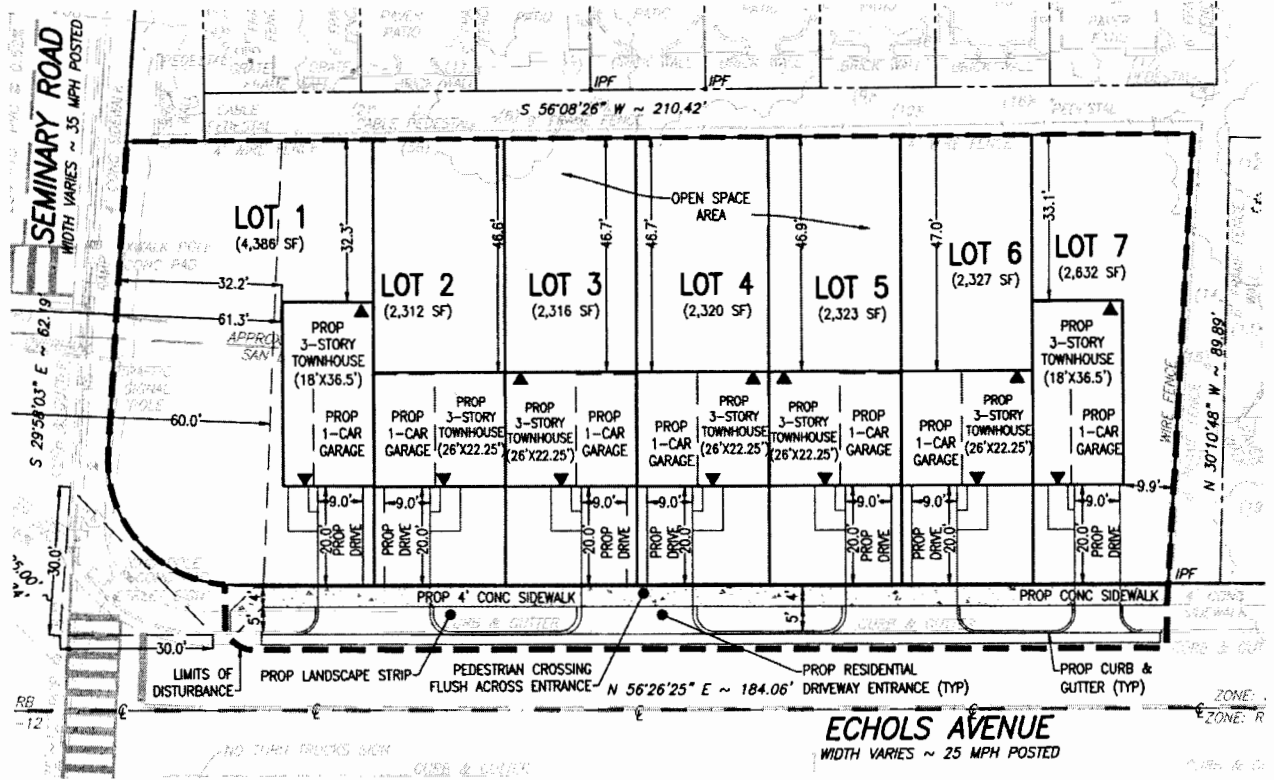
A. Our reading of Section 11-603 (D) starts with the limitation on making floor area larger under the cluster design than the baseline

1. Section 11-603(D) specifically states: The density of the cluster development shall not exceed the floor area and number of units which could have been developed under the applicable zone regulations without cluster approval, and may, depending on the design and configuration achieved in the cluster development plan, be reduced.
2. The applicant provided hypothetical small dimension townhouses to qualify for the 7-unit number for purposes of Section 11-603 (D). The applicant switches to large dimension townhouses for what the applicant seeks under the cluster design.
3. The applicant has exceeded the floor area in the proposed cluster design that could have been developed based on the applicant's own townhouse dimensions they proposed in the baseline diagram. The proposal exceeds the baseline both for individual units and for the total.

B. The proposal fails to follow the procedural requirement under Sections 11-603 (B) to show the land could have accommodated 5 or more dwelling units not considering potential application of the cluster regulations and fails the until limitations under Section 11-603 (D)

Do understand our argument, one needs to understand the proposed height of the townhouses and the yard and set back requirements.

Here is the baseline diagram on page 7 which reflects information on page 83.



1. Our reading is that the “dwelling units” for purposes of Section 11-603(B) must be the same dimensions or square footage as what the applicant seeks through the Section 11-600 series cluster design series. Otherwise, the whole exercise is a meaningless comparison. The ordinance should not be interpreted to allow for submitting a baseline analysis based on different dimensions. What is clear is that given the dimensions including depth and height, one could not fit 7 townhomes under the ordinary rules.
2. A simple analysis based on a townhouse as presented based on the cluster plan as 40 feet deep and 44 feet high would not properly fit given the ordinary yard requirements.
 - a. Ordinarily the site would require a 20-foot front yard, and 44-foot rear yard based on a 1:1 set back requirement. That is 20 feet + 40 feet + 44 feet = 104 feet when the depth of the current lot is only 90 feet in the direction proposed.

3. Instead, the developer has presented a baseline diagram with different dimensions, including that all Townhomes are 29 feet high and not the 44 feet they seek. Also, the Townhomes in the middle in the “By Right” plan have depths of 22.25 feet instead of the 40 feet they now seek.
 4. The floor limitation that the resulting floor area is not larger than baseline floor area under Section 11-603(D) supports our interpretation that one cannot simply substitute larger townhomes after showing a baseline using smaller townhomes to establish the number that could be approved under ordinary regulations.
 5. Building enlargement is also a separate construct under the ordinances than changing lot sizes, yard sizes and setbacks. See, for example, see Section 11-403(B) (new site plan approval required for building alteration); Section 11-419 (enlargement or alteration of any building structure); Section 11-712 (B) (enlargement of floor area); Section 5-4-2 (enlargement of buildings)
 6. While modification of lots and yards is specifically mentioned under cluster design code building enlargement is not.
 7. Minimum yards and set back lines are a function of the building height
 8. Under Section 2-180 open and usable space is that portion of a lot at ground level which is unoccupied by principle or accessory buildings, so open and usable space is a function of building size
- C. The proposal fails to properly address the requirement under Section 11-603(g) that the yard regulation applicable to the abutting residential properties at Seminary Park also apply under the cluster regulations to the 5216 site.
1. Under Section 2-102 Abutting property is “[a]ll property that touches the property in question and any property that directly faces (and, in the case of a corner lot, diagonally faces) the property in question.”
 2. Our interpretation is that this property abuts all of the properties on the corner lots of Seminary and Echols and Abuts the Seminary Park Townhouse both in back and 5310 Echols Avenue.

3. The proposed townhomes would not be surrounded by any other exterior developments, so the proposed townhomes are the exterior developments in this situation
 4. The developer cannot show that no benefit would be served by eliminating these yard requirements under the specific exception of that provision.
 5. Here the benefit of maintaining the current requirements is providing space, symmetry and consistency in the community
 6. Note the burden is on the developer to prove no benefit by evidence and argument
- D. The proposal fails the lot size reduction and cluster open space requirement of 11-604(A) which states:

In each zone in which cluster development is allowed, the lot size may be reduced provided that an equivalent amount of suitable land in open space or common area is preserved and maintained for its scenic or historic value, or for schools, community buildings or sites or related uses.

A couple of tables are relevant to this assessment. From the baseline table we have the following information.

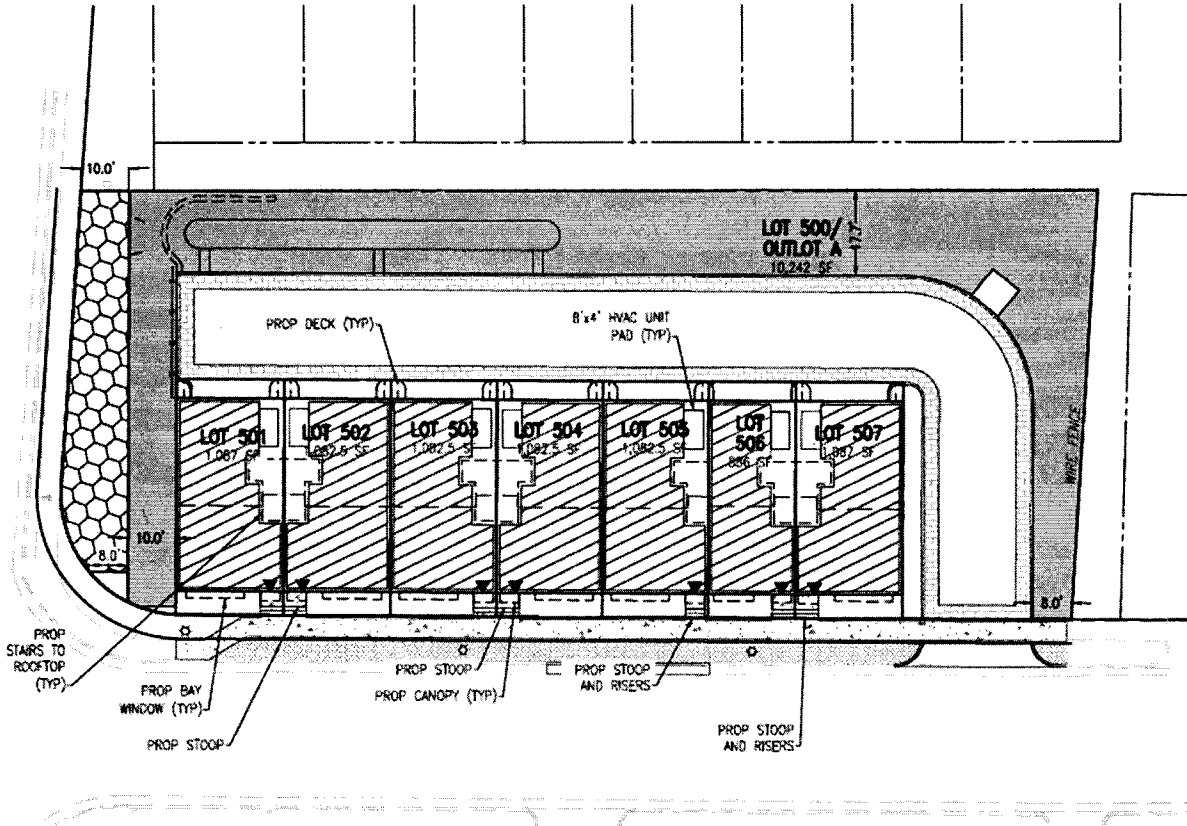
Lot (SF)	Lot Area (SF)	Required Open Space (35%)	Ground Level Open Space	Above Grade Open Space	Total Open Space Provided
	4,387	1,535 SF	3,400 SF	0 SF	3,400 SF
	2,313	810 SF	1, 200 SF	0 SF	1,200 SF
	2,316	811 SF	1, 200 SF	0 SF	1,200 SF
	2,320	812 SF	1, 200 SF	0 SF	1,200 SF
	2,324	813 SF	1, 200 SF	0 SF	1,200 SF
	2,328	815 SF	1, 200 SF	0 SF	1,200 SF
	2,632	921 SF	1, 600 SF	0 SF	1,600 SF

We calculate this table to mean 11,000 SF of ground level open space total and, from prior calculation, an 18, 620 total lot size.

The cluster design proposals subtracts 988 for street dedication and allocates 10, 218 to outlot A/500.

1. Slicing up the same lot yard and claiming the result is common space is not the reallocation required by the provision.
2. The provision requires a trade-for reduction in lot size for areas preserved for “scenic or historic value, schools, community buildings or sites, or related uses”.
3. The common open space area designated proposed lot 500, whose purpose appears to be a common driveway, common yard space, and a drainage structure does not satisfy the purpose test of the requirement
4. We do agree the “street dedication” of 988 SF is a potential advantage for the City, should the City decide to use it. However, this trade does not satisfy the language of Section 11-604(A)
5. Even if one ignores the purpose test requirement, the proposal does not provide sufficient land in the trade off, at least based on the baseline diagram.
6. The rooftop areas do not meet the terms under 11-604 (A) for “an equivalent amount of suitable land”. The rooftops are not land. The rooftops are not common space as they have divisions between. The roof tops are really decks. The rooftops are not open and usable space.
7. Under Section 2-180 open and usable space is that portion of a lot at ground level which is in part is no less than eight feet in width and length and not used in whole or in part as driveways. The purpose of open and usable space is to provide areas of trees, shrubs, lawns pathways and other natural man-made amenities which function for the use and enjoyment of residents, visitors and other persons.

8. The trade from what was previously open space in the baseline diagram to the new, larger building footprints is also a trade that goes in the wrong direction.
9. Under Section 11-604 (B) requires that cluster open space shall be protected by legal arrangements, satisfactory to the city council, sufficient to assure its maintenance and preservation for purpose for which is intended. While we understand not having the actual legal plan at this stage, we have not identified an outline of the proposed legal arrangements.
10. Direct access is not provided from each unit to the common and usable grass area for Lot 500/Outlot A and, instead, people must go out the front door, use the sidewalk, and then access from the side or a driveway
11. We should see the proposed legal arrangement described under Section 11-604 (B) to be able to comment on the mechanism to maintain cluster open space.
12. The rooftops also do not qualify for the open space ratio of 35%. Without the rooftops, the open space appears to be 27%.



E. The Proposal Violates the Height Limitation

1. The elevation on pages 119 and 120 of the staff report (A-201 and A-202) indicates the 44-foot height applies at the top of subfloor 4th floor, but there is an entire structure on top of this level.
2. This does not meet the definition under Section 2-154 (E) of a flat roof with a parapet wall which is three feet in height or left or, in any event, the roofline is higher because the structure on top has the “highest point of the building”. See also rendering on page 24 of staff report showing a door and roof on the smaller structure.
3. The structure on top is not an “appurtenance” as described in Section 2-154(H) or Section 6-403(B).
4. Accordingly, the roofline is the top of the structure sitting on top of the 4th floor is the proper height and exceeds the 45-foot limit.

F. The Proposal Violates the Corner Lot Construct of the Code

1. A corner lot is the lot at the corner of Seminary and Echols

2. It is not appropriate to fail to identify which proposed lot is the corner lot
 3. Our interpretation is proposed lot 501 is simply a non-compliant corner lot which fronts Seminary Road and Echols Avenue
 4. We do not believe a plan can simply lay a 1-foot buffer area and self-declare the disappearance of corner lot status
 5. Even if Lot 500 is the corner lot, it is non-compliant and poses substantial problems
- G. The purposes of the cluster regulations under 11.602 illustrate why the regulations do not apply to establish a row of 7-town homes with nothing more involved

1. 11-602 states:

The purpose of cluster development is to permit a procedure for development which will result in improved living environments; which will promote more economic development layout; which will encourage a variety of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open and usable space to serve recreational, open space, scenic, public service, and other purposes related thereto, while retaining the densities established under the applicable zoning district.

2. There is:
 - a. no improved living environment
 - b. no additional economic development
 - c. no variety of types of residential dwellings
 - i. affordable housing is not a different type of residential dwelling
 - d. no ingenuity and originality in total subdivision and individual site design
 - e. no preservation of open and usable space to serve recreational, open space, scenic, public service, on other purposes related there to
3. The overall cluster regulations are for a larger, more diverse community plan than is possible in this area and certainly not represented by a simple row of 7 townhomes

4. Note that under Section 11-606 (M)(1) the development plan must show the arrangement and location of buildings, structures and spaces as they relate to the intent and purposes of this section
5. Section 11-606 (M)(2) and (3) assume pedestrian circulation in the cluster plan
6. Section 11-606 (M)(7) assumes other features like plazas, courts, terraces, recreational facilities
7. Section 11-606(K) requires consideration that the cluster development plan includes diversity and originality in the lot layout—clearly missing
8. Section 11-606 (L) includes consideration of features like space for recreation or public use
9. Section 11-606 (I) includes consideration that the open space include irreplaceable natural features including individual trees

II. Use of Section 7-700 Is Insufficient and Inappropriate for the Modifications

- A. Section 7-700 Provides Authority for Changes to Floor Area Ratio, Density, Height and Reductions in Required Off-Street Parking but Not to The Lot Sizes, Frontage, Set-Backs And Yard Sizes
 1. Section 7.700 refers to density but lot size is a separate requirement under Section 3-705(B)
 2. Section 7.700 does not refer to minimum yard sizes and set-backs
- B. A Special Use Permit implementing Section 7.700 is Not Appropriate for the Current Proposals Including Because the Proposed Plan Is Not Designed to Avoid, Minimize or Mitigate Any Potentially Adverse Effects on the Neighborhood as a Whole Under 11-501 And Fails the Considerations on Review of 11-504

1. The crowded brick of 7-townhomes inconsistent with the set back and yard requirements will adversely affect the character of the neighborhood, traffic conditions and parking under 11-504(10)
2. The City cannot commit that the developer will maintain low-income housing while the downside of the crowding is irreversible
3. The plan fails the general purpose and intent under 1-102(B) to protect the established character of existing residential neighborhoods
4. The crowding of townhouses fails to reduce or prevent congestion in the public streets at the critical intersection of Echols and Seminary Road
5. The specific location is the wrong place for higher density

III. The Proposal Shows No Authority or Standards for Modification To the 60-Foot Set Back Requirement from Center Line of Seminary Road Under 7-1006 (D); The Proposal Fails That Requirement

1. The cluster regulations do not override this requirement
2. Wherever the right-of-way widths or building setback lines provided in this section 7-1006 require a greater setback than the front yard or setback requirements found elsewhere in this ordinance, the requirements of these provisions shall govern

IV. The Plan Does Not Provide the Required Yard Space or Landscaping on Lot Space as Under 7-1600 Where There Is a Shared Private Driveway

Under 7-1600 (F), lots created for townhouse dwelling units may include private alleys or drive ways but such private alleys or driveways must meet the open space requirement of 7-1600 (a) and (b) and may only be approved based on satisfying those requirements:

Location of parking. *Lots* created for townhouse dwelling units may include areas used, in whole or in part, for private alleys or driveways providing shared access to parking spaces in the rear or side yard for more than one dwelling unit and less than 17 dwelling units. Such shared access will require an access easement or other legal right as part of a development approval

and may only be approved if the planning commission finds that the following factors have been met.

(a) Open space. Sufficient open space and/or landscape areas are provided to mitigate the impact of the private alley or driveway, and should include either:

i. A rear and/or side yard of sufficient depth to provide useable yard space of ten feet or more in depth; or

ii. Enhanced landscape planting areas on the *lot*, and decorative pavement and/or a permeable paving surface on all private alleys or driveways that cross the property.

(b) Compatibility. The proposed shared private alley or driveway allows for a design solution that is compatible with and reinforces the urban form and character of adjoining and nearby properties.

There are no rear or side yards under the proposed plan. The status of outlot A under the plan is ambiguous with respect to this requirement. There appears to be reduction, in usable, open space and no additional mitigating open space provided.

V. The Plan Creates Substantial Parking Problems on Echols Avenue

Currently, no parking is allowed on the side of Echols Avenue at the site. The plan would add, likely, 14 extra cars. Seven might be handled by the proposed parking garages, but the garages are not realistically able to handle 14. As it is, we do not believe the turning situation is credible. If it snows and plowing, is required it will make the ability to turn even harder. Any visitors would never be able to make specific turns into the garages. This means significant reduction in available parking on Echols Avenue.

VI. The Plan Is Unfair and Unworkable for Residents and With Very Little Green Space

We live in a residential neighborhood where children can play in substantial yards or common space. There are no outside places for dogs. The usable common space that is green in the proposal for 7 Townhomes is very small. There are no ordinary back doors to this area. To cross from a townhouse to the very limited green space of proposed lot 500 one must go out the front door and then likely cross

a driveway where cars may be coming and going and visibility around the corner may not be great. This is simply not a good situation for families or children. Our yards have substantial decorations on holidays. Seminary Park and Seminary Heights have commons areas that are substantial. The proposal is to eliminate corner lot requirements, setbacks, and yards in a place where there is great deal of traffic on Seminary Road and Echols. The yard envisioned in the proposal consists of two side alleys which are less than 10 feet-wide and then a back alley behind the common driveway and is about 17.7 feet deep. In this common yard area is a bioretention facility and a transformer. This area is supposed to serve the residents of 7 townhomes.

For the reasons described above, we has the Commission not to approve this plan and to make sure staff addresses the issues of code interpretation are addressed so that the Commission and the citizens on this letter agree or agree to disagree for the next step, if any.



[EXTERNAL]Prior Letter Re Docket Item 13 5216 Seminary Road

From nandank@comcast.net <nandank@comcast.net>

Date Fri 11/15/2024 9:47 AM

To Gloria Sitton <Gloria.Sitton@alexandriava.gov>; CouncilComment@alexandriava.gov <CouncilComment@alexandriava.gov>

1 attachment (2 MB)

Proposed Townhouses At Seminary 5216 Letter 2024-10-30 Final.pdf;

You don't often get email from nandank@comcast.net. [Learn why this is important](#)

Gloria--

Per discussion we had already submitted our letter to City Council and our presentation to City Council regarding item 13 for tomorrow's agenda which is File 25-2616 Development Special Use Permit #2024-10008 5216 Seminary Road Townhouses. Our November 13th letter to the Council includes references to our September 30, 2024 letter to the Commission. It occurs to me that the record from the Commission may not automatically be available. So we want to make sure the September 30th letter to the Commission is part of the Council Record.

We would still only be referring to the Presentation to Council when I speak.

Can you make sure the attached October 30th letter is part of the record for the Council meeting. Please confirm.

Thanks.

Nandan Kenkeremath
703-407-9407

From: Gloria Sitton <Gloria.Sitton@alexandriava.gov>

Sent: Thursday, November 14, 2024 9:59 AM


To: nandank@comcast.net <nandank@comcast.net>

Subject: Council contact information

Attached is contact information for City Council and their administrative aides. Please let me know if you have any questions or need additional information.

Gloria Sitton
City Clerk and Clerk of Council
City of Alexandria, Virginia
Office: 703-746-4550
M-F 8am -5pm

gloria.sitton@alexandriava.gov

 Alexandria's 275 Birthday Logo

The City of Alexandria's 275th Anniversary

DISCLAIMER: This message was sent from outside the City of Alexandria email system.
DO NOT CLICK any links or download attachments unless the contents are from a trusted source.