

SUMMARY OF REFERENCES TO KEY TOPICS/DISCUSSIONS DURING ALEXANDRIA CITY COUNCIL HEARING ON
JUNE 13, 2015 – VASSAR ROAD SUBDIVISION

ALL REFERENCES ARE TAKEN FROM DOCKET NUMBER 13 – TRANSCRIPT OF PROCEEDINGS.

REFERENCES ARE FOLLOWED BY A FULL TRANSCRIPT FOR THE PURPOSES OF TRANSPARENCY

REFERENCES ARE COLOR-CODED ACCORDING TO TOPIC/DISCUSSION AND THE SAME COLOR-CODED
SECTIONS ARE HIGHLIGHTED IN THE FULL TRANSCRIPT SO THEY CAN BE EASILY LOCATED

References to Minimum Number of Lots Required for Comparison

COUNCILMAN SMEDBERG: So you are suggesting then that there is a minimum number of lots that we have to
or that you have to consider? I didn't know there was a minimum

NATHAN RANDALL: The short answer to that is yes. The Ordinance does not contain a particular number of
minimum lots, but in order to have a practical analysis as intended in the Ordinance language, we believe that
there does need to be some minimum number of lots to compare to that would be outside of the exact lots that
as being, that are under the focus of a particular request

COUNCILMAN SMEDBERG: But there is no minimum

NATHAN RANDALL: There is no set minimum in the Zoning Ordinance that lists a particular number

References to Similarly Situated Lots

COUNCILMAN PEPPER: I thought that using the two lots that were behind it on Crown View Drive, those two
lots, I thought were comparable. They were very similar. I thought that by going to the cul-de-sac, that was
really a stretch. And maybe it's legally OK, but in my mind it was really quite a stretch. But the two lots that are
on Crown View Drive look similar.

COUNCILMAN PEPPER: And intuitively, I thought that these other lots were very similar, the ones that would be,
I guess, 807, 805, and on down. That was what I would say. But they aren't very similar to what's across the
street, because they were considerably bigger, and I thought that 813 looked, I guess that's 813 on the corner,
was of course a bigger lot.

COUNCILMAN LOVAIN: I understand with comparable lots, we should be looking at other non-rectangular lots
because of the curves here.

ALEX DAMBACH: So when you deal with wedge-shaped or semi-pie-shaped lots, you're certainly going to have a
much narrower width further forward than you would at the midpoint or further back. So to compare these
proposed lots with lots that flare outward when they go toward the street, meaning that the pie shape is kind of
the opposite, would not really be a fair comparison or not really be an apt comparison because those lots are
going to be extremely wide at their lot width measurement.

NATHAN RANDALL: Now, the Zoning Ordinance also provides that greater weight should be given in lot
character analysis to the subset of lots within the area of comparison that are known as similarly-situated lots.
We determined that eight properties within the larger Clover subdivisions are the most similarly-situated lots
compared to all others. Two of these properties are located north of the site on Crown View Drive, and six of
them are located to the south on Vassar Place. These eight lots all share a unique situation, or position, as the
proposed lots in the subdivision request in that they're all located on the outside portion of sharply-curved
streets as in the current request, and have at least one radial property line.

COUNCILMAN SMEDBERG: Nate, in this slide here, so to Tim's point of pie-shaped or the other-shaped, is there anything in the statute that says that matters?

NATHAN RANDALL: The part of the ordinance, it's right here, it's on your screen, "Lots covered by a re-subdivision shall be of substantially the same character," and then you skip to the end, "particularly with respect to similarly-situated lots within the adjoining portions of the original subdivision."

COUNCILMAN SMEDBERG: OK, well, that's open for a lot of interpretation.

NATHAN RANDALL: True.

COUNCILMAN SMEDBERG: So, again, my question, does it really matter if the lot looks like this or like this or like that?

ALEX DAMBACH: We did feel that it does matter because it does...this is Alex Dambach again...when you are comparing the lot numbers, the width, things of that nature, you do have to look at how those numbers are affected by the shape of the lot. And in this case, because of their wedge shape, it wouldn't be a fair comparison to compare wedge-shaped lots with rectangular lots when we are measuring lot frontage, as one of the criteria looking at the characteristics of the lot, especially when we do go back to the zoning numbers, which do make accommodation for wedge-shaped lots.

COUNCILMAN SMEDBERG: You specifically emphasized the street and the curvature of the street as being the reason why you chose to include the cul-de-sac. And so....

ALEX DAMBACH: It's the position of the lots on the streets. So it's not necessarily the streets themselves.

COUNCILMAN SMEDBERG: You emphasized the street as your justification for considering those lots.

ALEX DAMBACH: I believe that maybe the semantics may have been, could have been stated somewhat more artfully, but what we really are referring to is where the street frontage of a lot corresponds, and that's what we're recommending our basis on.

MARY CATHERINE GIBBS: The Staff rightfully looked at similarly-situated lots in the Clover subdivision. You can't compare straight lots to curved lots. That's why they had to go to Vassar Place. You have to compare curved lots to curved lots. And in fact, in the Seymour case, the Supreme Court told you you can't compare corner lots to interior lots and interior lots to corner lots. You're not allowed to do that. You have to look at similarly-situated lots. That's what your Staff did.

COUNCILMAN WILSON: You see, right now I don't think anybody on either side of this objects that 415 Crown View and 501 Crown View are valid comparators for this subdivision.

COUNSELOR ANDERSON: In the discussion of the Seymour case, and the secondary holding of the Seymour case was about the fact that you do have to look at similarly-situated lots and that you can't compare lots that aren't similarly-situated to each other. In that case it was interior lots and corner lots, but it indicates that you do have to make sure that the lots that you're comparing in similarly-situated are the same kinds of lots.

References to the Definition of Character of the Immediate Neighborhood

COUNCILMAN CHAPMAN: To go off of Mr. Smelberg's point, when I looked at the map for this community, I saw this part, whether it's the sites we're talking about now or the ones across the street, as kind of an inner chamber of the neighborhood because those lots are much larger than any of the other lots in the planned development. They have kind of a different tone or take to them. If I recall, I think the one, I don't remember the address, but the one right across the street, was one of the bigger, if not the biggest, plots in the whole neighborhood.

COUNCILMAN CHAPMAN: Thank you. Looking at this, at the analytical construct, if I may, that I used when we looked at Section 11-17.10(B), it says, "The Commission shall..." I'm paraphrasing or taking a section of this, "The Commission shall consider the established neighborhood created by the original subdivision." And then we go to the map on, I believe it's page 11, or 10 or 11, in the original subdivision, and part of Vassar Road is significantly different from the rest of the neighborhood in terms of lot size, lot width, in the original plats. And

think these are the things I'm looking at when I look at whether or not to approve or withhold. I sustain the appeal. It's specifically this section of the neighborhood. I don't believe we should leave the subdivision to make the northern side of Vassar Place much like the plats on Crown View, Skyhill, or anywhere else within the subdivision. That similar size is the correct use of that subdivision. That's why I agree to sustain the appeal. That's what I'm looking at.

References to Illegality of Picking Certain Subdivisions Over Others

COUNCILMAN WILSON: Because, for example, we got Clover Subdivision Sections 1-13. So you could just pick a section, right? What would be a section of the subdivision?

NATHAN RANDALL: So there were Sections 1-13 for instance. But the Ordinance doesn't direct us, doesn't say that we can do that. In fact it would be seemingly as arbitrary to pick a few.

References to Subjectivity of the Code

COUNCILMAN WILSON: we're setting up this every single time, where what is really supposed to be kind of a checklist of ministerial decision is becoming highly subjective analysis

ALEXANDRIA CITY COUNCIL HEARING ON JUNE 13, 2015
DOCKET NUMBER 13 – TRANSCRIPT OF PROCEEDINGS

1:18:29

CLERK: Public hearing on an appeal of the Planning Commission's decision to approve a preliminary plat for subdivision 2014-014 to re-subdivide two existing lots into three lots at 809 and 811 Vassar Road, Appellants Rebecca Rust and Petitioners.

MAYOR EUILLE: All right, Staff? And then we have about 20 speakers, 19 speakers, I'm sorry, that have signed up for this item.

NATHAN RANDALL: Good morning. For the record, my name is Nathan Randall with Planning and Zoning. This is an appeal of Planning Commission approval of the subdivision request at 809 and 811 Vassar Road, in the Clover neighborhood, north of Bishop Ireton High School. The appeal has been brought forward by a group of individuals owning property that is located within 300 feet of the subject site. The appeal was submitted within the proper time frame as provided for in the Zoning Ordinance, and Staff verified that an adequate number of property owners signed the appeal as required in the Ordinance to docket the request before you today.

With regard to the specifics of the subdivision request, the applicants propose to re-subdivide two existing lots into three lots. The existing dwellings on Proposed Lot 625, which is 809 Vassar, and Proposed Lot 627, which is 811 Vassar, would remain under this request. A brand-new lot, known as Proposed Lot 626, would be located between them.

Proposed Lot 625 would measure 9,891 square feet, have a lot frontage of 59.2 [59.1 on original Staff Report] feet, and have a lot width of 74 [73.9 on original Staff Report] feet. Proposed Lot 626, in the middle, the brand-new lot, would measure 9,452 square feet, have a lot frontage of 55.5 [55.47 on original Staff Report] feet and have a lot width of 67 [66.8 on original Staff Report] feet. And finally, Proposed Lot 627 would measure 14,382 square feet, have a lot frontage of 104 feet and a lot width of 112 [112.24 on original Staff Report] feet.

The applicants have stated that they have no immediate plans to build a new single-family dwelling on the brand-new lot but are likely to do so at some point in the future.

We also note that the request meets technical subdivision and R-8 zone requirements.

With regard to the standards of review, we would like to begin by noting that subdivision cases are considered, according to Virginia case law, to be ministerial decisions that must be approved if the case meets Zoning Ordinance requirements, and that's as opposed to discretionary decisions. Within our Zoning Ordinance, subdivision standards fall into three categories: (1) general or technical subdivision requirements; (2) individual zone requirements regarding matters such as lot area, frontage, and width; and (3) the matter of lot character.

It is the lot character aspect of the current subdivision case that is the most central question before Council today, and one that will now break down into its major components. The overarching standard regarding lot character, as paraphrased from Section 11-1710(B) of the Zoning Ordinance, is that new lots must be substantially consistent with the character of other nearby lots with regard to several lot features, including lot area, frontage, and width. To answer whether a particular subdivision proposal is substantially of the same character with other lots in the vicinity, we must (1) select which set of existing lots we are comparing a proposal to, which may be referred to as the area of comparison; and (2) quantitatively analyze whether a proposal is or is not substantially of the same character as those lots that are selected in the area of comparison, with an emphasis on those lots which are considered to be the most similarly-situated to the proposal. Here's the actual language from Section 11-1710(B) of the Zoning Ordinance. The first paragraph contains the requirement that new lots need to be substantially of the same character, and also places an emphasis on similarly-situated lots, while the second paragraph discusses in greater depth the determination of which lots should be used for comparison purposes. Subsection 1 allows for what we call the original subdivision to be used, and Subsection 2 allows for an alternative area of comparison, defined as land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.

Our determination in the current request of which lots should be the area of comparison as well as those lots that within that area that are most similarly-situated relies upon the Zoning Ordinance language, as we'll discuss in a moment, and is a topic of concern for the appellants.

COUNCILMAN SMEDBERG: Nathan, go back to that previous slide. When it says, "original subdivision," what does that mean exactly?

NATHAN RANDALL: It means, usually it's the subdivision that created the lots in question. And in this case there weren't enough lots in that original subdivision, which was from 1961, to compare. Just as a practical matter, there were only two lots, the subject lots. So there were no other lots in that original subdivision that created the lots to which we could compare them.

COUNCILMAN SMEDBERG: So you are suggesting then that there is a minimum number of lots that we have to, or that you have to consider? I didn't know there was a minimum.

NATHAN RANDALL: The short answer to that is yes. The Ordinance does not contain a particular number of minimum lots, but in order to have a practical analysis as intended in the Ordinance language, we believe that there does need to be some minimum number of lots to compare to that would be outside of the exact lots that is being that are under the focus of a particular request.

COUNCILMAN SMEDBERG: But there is no minimum.

NATHAN RANDALL: There is no set minimum in the Zoning Ordinance that lists a particular number.

COUNCILMAN WILSON: So what do we, I want to tag onto Councilman Smedberg's question, so what language do we hang our hat on, on that, to kind of get to that judgment, that...how do we determine that it's big enough of a comparison?

NATHAN RANDALL: Well, I think that what we do here is we rely on Subsection 2 of Section 11-1710(B) that provides for land in the same general location and zone as the original subdivision, and we then look to an area outside of, say, in these instances where additional or alternative area of comparison is required, is necessary, we use this subsection and we determine what could be the alternative area of comparison, what is the alternative, given land that's in the same general location and zone. In other words, if we find a, we might draw the line, for instance, before a zone line change, which is actually what we've done in two other cases that I'll describe in a moment. And so that's, we find that area of comparison, the number could vary considerably and has actually among the prior cases but the language we used, this analysis, depends on Subsection 2 in this case.

COUNCILMAN WILSON: So, given this isn't a unique role for the Council, because we're not in a, this is a different role than we normally approach this, less policy-making, more kind of ministerial, I'm reading the language and trying to be kind of literal about it. So land in the same general location, that makes sense, same general area...and then it says, "and zone of the original subdivision with the same features as to be essentially similar to the original subdivision area." So, when we're using the word "zone" here, what do we mean?

NATHAN RANDALL: We mean the R-8 zone in this instance.

COUNCILMAN WILSON: So we're looking at land that is nearby, if you will, that's kind of the general location, and in the R-8 zone as the original subdivision. So there's really no definition about kind of what that location is except that it just be nearby?

NATHAN RANDALL: I would say that the ordinance language is more qualitative in nature, and so then to draw the lines and then determine exactly which properties should be in or out is sort of a more quantitative matter that we have made recommendations on to the Planning Commission and Council in this case.

COUNSELOR ANDERSON: Mr. Mayor, if I could? Joanna Anderson with the City Attorney's Office. Just to add to that, it is a fact, you have to look at the facts of every case. And in this case, one of the reasons why we chose this area, or that Staff chose this area, is that this was a phased subdivision. And the subdivision that divided these properties was one phase of that subdivision. But the Clover subdivision was a much larger subdivision. So that was a logical area to pick because it was the entire subdivision that each of those phases made up.

COUNCILMAN WILSON: But I guess I'm back to Councilman Smedberg's first question, which was that, I hadn't really thought about it until you vocalized it the way you did, which is....There's an initial hurdle that we went over which is we determined that the original comparison area, the natural comparison area, if you will, is not sufficient, and where do we get that?

COUNSELOR ANDERSON: Well, there are other parts of our Zoning Ordinance that have requirements for comparing other properties, and they have, in those sections they do have, an actual minimum of numbers of properties. And so we sort of used that as a rule of thumb, like, if it's too small to really have other properties to compare it to, you should compare more, just to be able to make it a fair comparison.

COUNCILMAN WILSON: But there's not the requirement for it? I'm going to come back to that.

1:28:27

COUNSELOR BANKS: Your question is, is there a specific statutory minimum that's described specifically, and there is not one that's specifically set forth in the ordinance. That's the question that you asked.

COUNCILMAN SMEDBERG: And typically some of these cases that we've looked at more recently have been not in areas like this that are so planned and precise. They're much more varied in nature, requiring you then to sort of expand that radius in which to look at.

NATHAN RANDALL: I would say that that's true, although what we've done here in this case is actually similar to the two prior cases that found their way to Council on appeal in a slightly different way, and I'd be happy to continue with the presentation and talk a little bit about that, if you'd like.

COUNCILMAN SMEDBERG: It's an important question.

COUNCILMAN PEPPER: I thought that using the two lots that were behind it on Crown View Drive, those two lots, I thought were comparable. They were very similar. I thought that by going to the cul-de-sac, that was really a stretch. And maybe it's legally OK, but in my mind it was really quite a stretch. But the two lots that are on Crown View Drive look similar. When you say that it meets the subdivision, you're talking about the total square feet that there would be in the lot and you're talking about the frontage on the street, and all those things meet. Is that correct?

NATHAN RANDALL: That's correct.

COUNCILMAN PEPPER: OK. All I can tell you is that as I viewed it, and I walked the whole lot, fell on it too, I don't mind telling you, so I'm here to testify I know every inch of that lot. Well, maybe not every inch, but most of it. And my concern was that if it was divided, whether or not they would be able to, that 811, which I guess is also owned by 809, that 811 would not have enough space for their driveway and everything else. And I have to say, by actually seeing it, I could see that it does work, and that they would have the kind of full lot. You don't want a lot that looks like it's been chopped off so that somebody can have this subdivision. And I think that you have the fullness of both of these lots. And if you try looking at the homes that go down on Vassar Drive, and I'm looking here, they're similar to what this gentleman is trying to do with the subdivision. And so that gave me some comfort. It doesn't quite look, see, when you have so few comparables, I like to see what's intuitive. And intuitively, I thought that these other lots were very similar, the ones that would be, I guess, 807, 805, and on down. That was what I would say. But they aren't very similar to what's across the street, because they were considerably bigger, and I thought that 813 looked, I guess that's 813 on the corner, was of course a bigger lot. But all the others seemed to be well in keeping with this. And I guess the other thing that impressed me were the number of trees or, well, let's just say trees, or shrubbery, that were at the back of the lot that protects Crown View Drive. And the reason I wanted to mention all of this is so that if there are speakers that come forward that would like to comment on any of this, then I'd be interested in what they have to say.

MAYOR EUILLE: Mr. Lovain.

COUNCILMAN LOVAIN: I had some concern with similarly-situated lots here as well, and when we discussed this the other day, I talked to you about one concern of mine, and that is, I understand with comparable lots, we should be looking at other non-rectangular lots because of the curves here. But what I didn't understand was why you could look at ones like this but you couldn't look at the ones like that. And you had an explanation regarding what lot width means? Would you like to repeat that?

ALEX DAMBACH: Thank you, I'd be glad to. This is Alex Dambach. The question is about lot width. In our zoning code, we measure lot width not at the midpoint of the depth of the lot but instead at the point where the front building wall would be permitted to be for zoning. So it's actually usually much further forward, usually it's a third of the way down the lot or even a quarter of the way down the depth of the lot (inaudible). So when you deal with wedge-shaped or semi-pie-shaped lots, you're certainly going to have a much narrower width further forward than you would at the midpoint or further back. So to compare these proposed lots with lots that flare outward when they go toward the street, meaning that the pie shape is kind of the opposite, would not really be a fair comparison or not really be an apt comparison because those lots are going to be extremely wide at their lot width measurement.

COUNCILMAN LOVAIN: Not everybody builds up to that line you're talking about, right? Many people build their house further back on the lot.

ALEX DAMBACH: Actually, under our infill regulations, we do require that they build to that line.

COUNCILMAN LOVAIN: At that line?

ALEX DAMBACH: Yeah. It's set based on the prevailing setbacks. I don't want to take too much time on this, but I'll do it just to illustrate. It's set at basically the prevailing setback of most of the houses on the block. In fact, when Ms. Anderson mentioned a numerical process for measuring front yard setback, we actually do go through a process like that in determining where that line is. And we did that here, too.

COUNCILMAN LOVAIN: Now, lot width, that's in the zoning regulations. It's not in the broader ordinance, is it?

ALEX DAMBACH: It's part of the zoning regulations, much like the subdivision regulations are, and what the subdivision regulations say is that one of the criteria to be met first is that it does meet the minimum lot width, minimum lot frontage, and minimum lot area standards that are spelled out in that zone. So in the R-8 zone, there's a minimum lot width, lot frontage, and lot area standard. And all three of these lots meet those standards.

MAYOR EUILLE: Other questions? Staff, any more comments, any presentation?

NATHAN RANDALL: Certainly. This discussion of area of comparison and similarly-situated lots from Section 11-1710(B) of the Zoning Ordinance may sound familiar to you, particularly in light of two recent appeal cases that were before you in recent months. They were at 200 and 212 Lloyd's Lane and 1905 Commonwealth Avenue. Here we're showing the area of comparison and similarly-situated lots for the same 15 lots in the case of 200 and 212 Lloyd's Lane. We used the same process for determining these lots as we did for the subject case. Similar to the subject case, the original subdivision had only one lot, and from that practical perspective you couldn't, there were no other lots to compare to in the original subdivision. So again we used that Subsection 2, land in the same general area and zone, and in this case actually across Russell Road there was R-5 zoning so we stopped there. To the south the zoning line changed as well. To the west the character of the lots changed. So we took this same approach from the current case, we've used the same approach in other cases before. I'll give you one other example. It's 1905 Commonwealth Avenue. Here we used all of Del Ray Section 2 as the original subdivision, but somewhat oddly, that subdivision line ran through several properties, and so we extended like right down the middle of some properties and would not have a useful or reasonable comparison. So we extended the boundary using an alternative area of comparison that brought in some additional properties from the neighboring subdivision as well. So these are things that we've done in two other cases that were before you. Again, we looked at land in the same general area, same zone, same general lot features. And so these are just two other examples of what we've done here. And in the Commonwealth Avenue case I want to also stress that we've used the notion of, the concept of similarly-situated lots, an emphasis that's required in the Zoning Ordinance, and here, in the similarly-situated lots, were 11 lots within the larger 92 lots of the area of comparison that are fronting on Commonwealth Avenue that shared an east-west orientation on the north-south Commonwealth Avenue.

1:38:37

COUNCILMAN WILSON: So comparing to the Del Ray one that we handled...So in this one, we picked the entirety of several phases of Clover Park. In Commonwealth Avenue, we picked basically just a portion of the subdivision. So how do we make that kind of judgment call, or correct me if I'm wrong, where here we just picked Del Ray Section 2, if I remember correctly, but then there we're doing all of, what, 12 phases. So how did we do that?

NATHAN RANDALL: Well, in this case, you'll see to the west, there's R-5 zoning, and because that's different from the R-2-5 zoning for the subject lot, the Zoning Ordinance gives, has a provision in it saying the land would need to be in the same zone. So we drew the line there because the R-5 zoning changed. The R-5 zoning was different from the R-2-5 of the subject lots.

COUNCILMAN WILSON: So the other, if you go across Commonwealth, or you go farther into Del Ray, the zoning is different in all those other...so we use the zoning as the barrier, how far we drew that line?

NATHAN RANDALL: That's right.

COUNCILMAN WILSON: And so in the case of this case, is the zoning boundary and the subdivision boundary how we use it now one and of the same at this point?

NATHAN RANDALL: The R-8 zone actually keeps going past the Clover subdivision, but...

COUNCILMAN WILSON: It's a different subdivision at that point.

NATHAN RANDALL: Right. And it seemed a reasonable, logical end point for the area of comparison in this case.

COUNCILMAN SMEDBERG: OK. And while you're explaining the mechanics of this, I believe, refresh my memory, Nate, that we actually denied the appeal.

NATHAN RANDALL: That's right. Following the same process, we actually came up with a different result in those cases, that's right.

MAYOR EUILLE: Ms. Silberberg.

COUNCILMAN SILBERBERG: So picking up on Mr. Smedberg's question, Nathan, so with Lloyd's Lane, there were 15 lots considered, and with Commonwealth, 92. And with the current case before us, Vassar, it's 150-something lots?

NATHAN RANDALL: That's correct, 159.

COUNCILMAN SILBERBERG: 159. And in the Lloyd's Lane case, we denied. In the Commonwealth case, we denied. OK. And in terms of Staff's position, how are those different from today's case?

NATHAN RANDALL: The determination of the area of comparison and which are the similarly-situated lots are components of the larger lot character analysis. So in those cases, the two prior cases I mentioned, we made the determination of the area of comparison and the similarly-situated lots, and then we went on to crunch the numbers. And when we crunched the numbers, we found that the proposals were not substantially of the same character as those similarly-situated lots in the area of comparison. Here we have and that's the difference. Here in the case of Vassar Road, we followed the same process to determine what the area of comparison and similarly-situated lots are, but then once we've done that, we then go into a quantitative analysis, comparing the lots that are within the similarly-situated lots, we compare the eight in this instance to the proposal. And we came up with a different result in this instance than we did for the two prior cases.

COUNCILMAN SILBERBERG: (Inaudible) your presentation.

NATHAN RANDALL: Certainly. Now, we have applied the same approach from these other cases and guided by the Zoning Ordinance, in determining the area of comparison and similarly-situated lots for the current request, given that the original subdivision, as we mentioned before, for this current request does not include an adequate number of properties for comparison purposes, we have relied upon Subsection 2 of 11-1710(B) regarding what should constitute an appropriate area of comparison. Again, that section allows for land area in

the same general location and zone, as we have discussed, and here we have determined that that area, 159 lots that comprise Clover Sections 1-13 as shown here. Now, the Zoning Ordinance also provides that greater weight should be given in lot character analysis to the subset of lots within the area of comparison that are known as similarly-situated lots. We determined that eight properties within the larger Clover subdivisions are the most similarly-situated lots compared to all others. Two of these properties are located north of the site on Crown View Drive, and six of them are located to the south on Vassar Place. These eight lots all share a unique situation, or position, as the proposed lots in the subdivision request in that they're all located on the outside portion of sharply-curved streets as in the current request, and have at least one radial property line. Now, with the determination of the area of comparison and similarly-situated lots completed, we now turn to the overarching question of lot character by analyzing the degree of similarity between the proposed lots and the eight similarly-situated lots. The result of this quantitative analysis as described in the Staff Report is a series of six percentages, or three percentages each for the two lots analyzed. These figures express how many of the eight similarly-situated lots are close to the proposal in regard to lot area, lot frontage, and lot width. If the percentages are at or exceed 50%, we conclude that the proposal is substantially consistent with the character of similarly-situated lots as required in the Zoning Ordinance.

An element of this quantitative analysis that has been discussed by the Planning Commission and has raised some concern among the appellants is the concept of "close to." How close can the lot measurements of the similarly-situated lots be to the proposal and still count as being substantially of the same character? Put another way, how close is close? We have defined close to include three circumstances: (1) similarly-situated lots that have less than the lot measurements; (2) similarly-situated lots with the same lot measurements; and (3) similarly-situated lots with lot measurements slightly above those found at the proposed lots.

MAYOR EUILLE: Mr. Smedberg.

COUNCILMAN SMEDBERG: Nate, in this slide here, so to Tim's point of pie-shaped or the other-shaped, is there anything in the statute that says that matters?

NATHAN RANDALL: The part of the ordinance, it's right here, it's on your screen, "Lots covered by a re-subdivision shall be of substantially the same character," and then you skip to the end, "particularly with respect to similarly-situated lots within the adjoining portions of the original subdivision."

COUNCILMAN SMEDBERG: OK, well, that's open for a lot of interpretation.

NATHAN RANDALL: True.

COUNCILMAN SMEDBERG: So, again, my question, does it really matter if the lot looks like this or like this or like that?

ALEX DAMBACH: We did feel that it does matter because it does...this is Alex Dambach again...when you are comparing the lot numbers, the width, things of that nature, you do have to look at how those numbers are affected by the shape of the lot. And in this case, because of their wedge shape, it wouldn't be a fair comparison to compare wedge-shaped lots with rectangular lots when we are measuring lot frontage, as one of the criteria looking at the characteristics of the lot, especially when we do go back to the zoning numbers, which do make accommodation for wedge-shaped lots. Again, realizing that lot width is not at the midpoint but at the forefront, forepoint of the lot, we do need to compare more or less apples to apples, and that's what we aimed to do.

COUNCILMAN SMEDBERG: And lots on cul-de-sacs are typically odd-shaped, and cul-de-sacs in and of themselves have a totally different sort of characteristic and nature, not similar to really a curved street per se. I understand the point you were trying to make, but the cul-de-sac in and of itself is something that I think most people perceive as being something very different and distinct and unique in character.

ALEX DAMBACH: Certainly, say, in terms of the street character, it is. But in terms of the lot character....

COUNCILMAN SMEDBERG: You specifically emphasized the street and the curvature of the street as being the reason why you chose to include the cul-de-sac. And so...

ALEX DAMBACH: It's the position of the lots on the streets. So it's not necessarily the streets themselves.

COUNCILMAN SMEDBERG: You emphasized the street as your justification for considering those lots.

ALEX DAMBACH: I believe that maybe the semantics may have been, could have been stated somewhat more artfully, but what we really are referring to is where the street frontage of a lot corresponds, and that's what we're recommending our basis on.

1:48:40

MAYOR EUILLE: All right, if there aren't any more questions, Staff, you're finished?

NATHAN RANDALL: Almost. I just want to show the results really quick of the analysis once we incorporated the similar or close, I've mentioned the three instances. We also set a definition of what slightly above might mean. We can come to that if needed. But to expedite the presentation just a little bit, here are the results of the analysis of Proposed Lot 625. For the lot size, lot frontage, and lot width, in all three cases, when we crunched the numbers, the percentages exceed 50%. In this case they exceed it here for Proposed Lot 626, they're at or exceed 50%. And so when we arrived at these results, we then could say that the Proposed Lots 625 and 626 are substantially consistent with the character of the other similarly-situated lots in the area of comparison, and that is a requirement of course of the Zoning Ordinance. Since the proposal meets the technical and zone requirements as well, we find that the subdivision meets all Zoning Ordinance requirements, and we recommended approval at the May 5th Planning Commission hearing. The Planning Commission agreed, the majority of the Planning Commission agreed with the Staff analysis, including the determination of the area of comparison and the similarly-situated lots. We'd like to note that in the June 7th Memorandum to Council, we inadvertently referenced Vice-Chair Dunn's vote as being against the proposal. In actuality, the vote of the Planning Commission was 5-0-1, with the Vice-Chair abstaining.

We've received many letters from the community regarding this request, particularly prior to the Planning Commission hearing. Some of them are in support of the request. A group of concerned neighbors submitted a letter prior to the Planning Commission hearing where they expressed several concerns. Many of these neighbors are also the appellants for this case. They expressed additional concerns in their May 19th memo requesting the appeal, and we've addressed those concerns in our June 7th memo. We also met with several of the appellants in person yesterday, and they reiterated their earlier concerns, and you'll likely hear from both the appellants and the applicants, people who are opposed and in support of the subdivision today.

As noted in the June 7th memorandum, we continue to recommend approval of the subdivision request. Mary Lyman, the Planning Commission Chair, is here today and may like to say a few words as well.

CHAIRMAN LYMAN: Thank you, Nate. Just, don't have much to add beyond what the Staff has said. The majority of us thought that this was a reasonable basis given the pretty broad latitude that the wording of the statute gives, we thought that this was a reasonable basis for evaluating the properties. One thing I would add is that a lot of the objections we heard at our hearing were based on what a building on the lot would do to the views that the applicants, particularly those that were behind them on the lower level, would enjoy. And of course, we are not allowed to consider that at all. We can consider the suitability of the property for the building, but we cannot consider what might be built on the property. So that was another basis. At our hearing, some of the concerns that have been brought up subsequently were not brought up. It was, a lot of it was, "we are concerned that our view will be obstructed," "it'll be too crowded having three houses on the lot," that sort of thing. So overall we thought that the Staff had acted reasonably. Mr. Dunn's abstention, I'm sure you're wondering about. Mr. Dunn has a practice sometimes in our evaluation of cases of, when he is not necessarily

opposed to what the outcome of what the majority is approving, but has a concern about a particular aspect of the presentation of the case, or one feature of the case, he will, rather than vote against the project, he will just abstain after expressing his concern. In this case, my recollection is that he was particularly concerned with the evaluation that's shown on Table 2 of what was the Staff Report that was given to us, where it has all of the numbers for lot size, frontage, and lot width of all of the comparison lots and the Proposed Lots 625 and 626. He noted that the lot width of Proposed Lot 626 was smaller than the lot widths of all of the other comparison lots and thought that it was not appropriate to have the lots being evaluated be smaller than the comparison lots. The rest of us felt that this was one feature in one lot that was the smallest, and the rest of them were more properly placed in the middle of the ranges, and that given the overall situation that was not something that would lead us to not approve the subdivision. And I'd be happy to answer any questions.

MAYOR EUILLE: All right, thank you.

COUNCILMAN SMEDBERG: I do have one question for Staff. Nate, the original subdivision, was there a reason why this area was left open?

NATHAN RANDALL: It's not clear from the platting of the subdivision exactly why it was a bit later compared to some of the earlier phases of the subdivision. It was recorded in the same year as the lots on Vassar Place to the south, 1961. But it's unclear, it seems as if it developed in sort of a circular fashion as well, the platting, excuse me, where it was done in bit of a circular fashion, but we have not gleaned any particular reason for that from the subdivision plats.

COUNCILMAN SMEDBERG: Well, when you look at, you don't even have to visit the site, when you just look at it on paper, you know, and given the nature of that neighborhood, and the various lots, I mean, it's an obvious question, why this particular area was left open. There must have been a reason.

NATHAN RANDALL: There isn't a reason that we have found in the analysis, in the documentation.

MAYOR EUILLE: Mr. Chapman, then we're going to go to the speakers.

COUNCILMAN CHAPMAN: To go off of Mr. Smedberg's point, when I looked at the map for this community, I saw this part, whether it's the sites we're talking about now or the ones across the street, as kind of an inner chamber of the neighborhood because those lots are much larger than any of the other lots in the planned development. They have kind of a different tone or take to them. If I recall, I think the one, I don't remember the address, but the one right across the street, was one of the bigger, if not the biggest, plats in the whole neighborhood. So that kind of throws off the planning development across the street not like it does, what's that, Crown View, where it's not thrown off because you have two plats on both ends of the kind of curvature of the road there where you don't have that on Vassar. You have one that kind of takes up that whole curvature on the south part, and then you have the two, and now we'd make a third. So I'm not necessarily sure I'm willing to do that. But of course we're looking at all the other pieces to the puzzle here.

MAYOR EUILLE: OK. First speaker is Mary Hales, followed by David Salmons, Michelle Mrdeza, Matt Sandgren. We have mikes on both sides, three minutes each speaker, and please line up and be ready to go. Mary Hales.

MARY HALES: Hi, I'm Mary Hales, and I am the owner of 809 and 811 Vassar along with my husband Steve. And I just wanted to emphasize a couple of things in response to the appellants' questions. So we obviously believe that our subdivision meets all the requirements under R-8 zoning, and that Staff has determined it to be in character of the neighborhood. So we of course hope that you will approve it along those lines. We know our FAR at 809 was questioned, and we have a signed letter from our architect saying he did the measurements in conjunction with City instruction and ordinance. So I have that if we need to turn that in. We have not, nor will we ever apply for a variance to enlarge a future house that can be built on that lot. In fact, we know it's not possible as Commissioner Brown said in the Commission meeting that it's not possible for us or a future owner of that lot to ever request a variance. So I just kind of wanted to end by saying that we live in Clover. You know,

this is our neighborhood. We live at 811 Vassar. So we love this neighborhood. And we perhaps have the greatest interest in preserving what the neighborhood looks like and the character as we live next door to this new lot. So of course we want it to be beautiful, whatever gets built eventually, and would ensure whatever we could to make sure it followed all the laws, the infill laws and the zoning requirements by the City as we build. I also believe, as one of the neighbors pointed out to us in a letter he wrote, he said, "The stability and predictability of zoning rules protects property values. So applying zoning rules in an unpredictable manner or because neighbors are in opposition to it creates uncertainty for current and potential owners, reduces property value, and creates opportunity for property owners to expropriate value from their neighbors. When an application meets the standards set forth in existing code, the City should approve it," and we respectfully request that you uphold the City Staff and the Planning Commission and approve our subdivision. And I'm happy to answer any questions, either at the end, or after the neighbors have spoken, or whenever.

1:59:38

MAYOR EUILLE: Thank you. David Salmons, Michelle Mrdeza, Matt Sandgren, Jason Van Wagoner.

DAVID SALMONS: Thank you, Mayor Euille and members of the City Council. My name is David Salmons. I've been a residential property owner in the City of Alexandria for more than 15 years. I currently live at 1407 Key Drive. And I urge you to reject this appeal and approve the subdivision of 809 and 811 Vassar Road. Appropriately balancing the interests of property owners with the goal of preserving the community's character can sometimes present difficult questions. This is not one of those times. This is a case where the legitimate rights of the property owners are perfectly aligned with the goal of preserving the character of the neighborhood. Let's start with what should be clear to all of us. First, the subdivision complies with all setbacks and other zoning requirements. This has been exhaustively vetted by the Planning Commission. Their initial approval makes clear that this subdivision is fully compliant, and their memo walks through each of the appellants' contentions and explains why it is misplaced. None of them present close questions or novel steps by the Planning Commission. If you follow your own standards and apply them consistently, you have to approve this subdivision. Second, the subdivision would ensure that the homes on those properties remain consistent with the others in the neighborhood. The 809 property is larger than most of the lots on Vassar Drive, and the home on it is outdated. That makes this property a prime target for developers or others looking to maximize the potential square footage and flip the property. Subdividing the lots would result in three lots with homes appropriately-sized for this community. Appellants may desire no changes at all, but change is inevitable. Eventually, the older homes like the one at 809 will be renovated, potentially expanded, and that's not a bad thing. This is good for the entire city. But subdividing these lots is the way to best ensure that these inevitable changes remain consistent with the character of the neighborhood. Which is undoubtedly why those that actually live on Vassar Road are not appealing the approval. Third, if you don't approve this subdivision, you're sending a very bad message to Alexandria City property owners and inviting problems for all involved. Property owners deal with enough regulatory hurdles and restrictions already. It often takes time and considerable resources to obtain approval of the Planning Commission. Just look at the pages and pages of plans, lists of compliance requirements, and analysis in the record here. Remember that the property owners are not asking for any exception to any zoning requirement. The Planning Commission has done its job, and there is no legitimate reason, legal or otherwise, to deny this subdivision. If you reverse it now, you will encourage baseless appeals of many more Planning Commission decisions. Please end this wasteful appeal and approve this subdivision. Thank you.

MAYOR EUILLE: Thank you. Michelle Mrdeza, Matt Sandgren, Jason Van Wagoner, Ann Spitler.

MICHELLE MRDEZA: Mr. Mayor, Council members, thank you for this opportunity to be here. I'm Michelle Mrdeza. I live at 812 Vassar, and I am pleased to be here because our property has been mentioned several times either directly or indirectly. Our home fronts all three of the proposed subdivided lots, so my family is directly and immediately affected by the proposed subdivision. In fact, our home was built by the original developer of the neighborhood, Mr. Rozier Beech. Mr. Beech disliked monotony, and no two homes in our neighborhood are exactly alike. The neighborhood has a lot of charm and a lot of character. There are some

historians, I guess I'd put that in quotes, in our neighborhood who over the years have looked into Mr. Beech's intents when he built the neighborhood and some of the views and the vista. And I will say that from what I have read, and I can't verify this, obviously, Mr. Beech is long gone, but one of the reasons that that lot was created the way it was was because of the views. And I will tell you this. From the rear of our home, one of the reasons the lot is sitting on a hill is because we had a view of the Potomac. It was beautiful. I can tell you that over the past 50 years that view no longer exists. It is quite different. The trees grow, they get struck by lightning, they come down, lots of things change over the years. As it relates to the view, and to respond to a specific question, I'm a landscape designer, so I'm familiar with the plant materials. I've been in the neighborhood for 21 years. I've lived at 812 Vassar for eight. I'm very familiar with the plant materials that are on that lot, and unfortunately, and no offense to any of my neighbors, but there are a lot of invasive species in there. There are dead trees, there are dead shrubs. From a landscape designer's perspective, it could really benefit from a beautiful redesign removing invasive species, putting in a few native trees. It would be absolutely stunning. But that's just a little aside. So as I've said, I've lived there for 21 years. It's the second home we've owned in the neighborhood. God willing, I'll be there for another 21, so the character and integrity of the neighborhood are extremely important to me and my family, and that's exactly why we fully support the subdivision. We believe very strongly that the subdivision will preserve the quality and character of our neighborhood, and we urge you to reject the appeal and approve the subdivision. I'm happy to answer any questions if I can stop shaking. Thank you.

MAYOR EUILLE: You're family. Thank you, Michelle. Matt Sandgren, Jason Van Wagoner, Ann Spitler, Glenn Spitler. (pause) Ann? No. Jason Van Wagoner, Ann Spitler, Glenn Spitler, Abram Ellis.

JASON VAN WAGONER: Morning, Mayor and Council members. I'm a resident of the neighborhood. I live on Cambridge Road.

MAYOR EUILLE: State your name, please?

JASON VAN WAGONER: Jason Van Wagoner. I live at 307 Cambridge Road. My lot was in the comparison of the lots within the blue lines to see if the new lot would be....I'm for the subdivision because it meets all the requirements and should be approved. There's been a couple points of opposition. One, essentially the slippery slope argument that this could start a process of carving up the neighborhood. And, two, it's essentially squeezing another home in between current homesites. But both of those, I was also at the Planning Commission meeting, both of those were addressed. The slippery slope argument doesn't really hold water because the Commission took a look at that. They looked at the fact that this is the only set of lots that could ever come into question or be subdivided. So that issue has been addressed. The second one is about squeezing a house in between two homes. A lot of the Council members or the Commission have done their homework. They've walked the neighborhood. And the resounding argument was it looks like a house belongs between those two homesites, and it's within character of the neighborhood. So the argument that it's outside of character doesn't hold water either in my opinion. I'm undergoing a major renovation right now, an expansion project, and I've dealt with the City. They're tough. They dot their I's and cross their T's. And I appreciate that. It keeps the neighborhood what we see today and how beautiful it is. And this subdivision meets all requirements, and there's a reason why it passed. I understand that there's also disagreement with the fact that we can't come to the same conclusion; we've got neighbors. I mean, this is a democracy, we don't agree. But at the end of the day we've got the law. We've got rules and regulations. In this case, it meets on all fronts, and it should be approved. I'm a property owner in the neighborhood, and I'm watching the process. And I want to see it approved. And I think not approving it when it meets all the regulations would be arbitrary. So thank you.

MAYOR EUILLE: Thank you. Ann Spitler, Glenn Spitler, Abram Ellis, Lynda Wilson.

ANN SPITLER: Good morning. My name is Ann Davis Spitler. I'm a lifelong resident of Alexandria. And my husband and I have lived at 314 Crown View Drive for 37 years. Crown View Drive is one street to the east below, if you will, Vassar, and approximately 75-100 yards from the houses in question, the subdivision. I oppose the subdivision of 809 and 811 Vassar Road into three lots. In thinking about the future and looking at

the past, there are three things that come to mind for me. Of course, that area is so aesthetically pleasing. It's appealing to see the greenery. We've also been aware over the years of drainage problems, and I think that's a big thing to us. I don't know if it's a drainage pipe or what that runs at the back of our property and in back of the properties on Vassar. Over the years, I have been aware of four water drainage problems or situations, two of which were in the last five years and were due to, and I'm not an engineer. But they happened when there was new construction or renovation going on. Now, this new lot will be at the top of the hill, and I don't know enough about drainage to know if it will happen, but I'm concerned of the people below it. Some of these lots that were compared to were flat. This being on the hill concerns me. And the last big thing that I can think about is the parking. There are so many wonderful children in our neighborhood now, young children, and I don't know how the parking will be for that lot, but since it's pie-shaped, I don't know what they can do, but the thought of even more cars parked on that narrow street along with Bishop Ireton, not too many cut-through people, that concerns me. Our neighborhood has always been a neighborhood of children zooming along on their bikes and having fun. Thank you.

MAYOR EUILLE: Glenn Spitler, to be followed by Abram Ellis, Lynda Wilson, Helen Lloyd.

2:11:27

GLENN SPITLER: Mr. Mayor and City Council members, my name is Glenn Spitler. Just have a brief comment to make. My wife just spoke, and she pretty much said what we had agreed on, herself. We're property owners at 314 Crown View Drive. We're about 75-100 yards from the subject property, downhill, as she mentioned. We've had water problems, have no idea why, building or any...three houses up there versus two, how that might affect future water problems but we've had them in the past, all houses on Crown View Drive below Vassar. In addition to my interest as a property owner, I feel it's my civic duty to encourage and assist the City to justly act in making this decision. That goes without saying. I oppose the subdivision on the grounds that I think this, for the reasons my wife mentioned, it would negatively affect the character of the neighborhood, and I wrote those words before the discussion got into the character of the neighborhood, how essential that everybody else considered it. Somehow, and the gentleman from the Planning Commission gave the presentation, I'm sorry, I didn't catch your name, but I thought it very interesting that you mentioned the qualitative aspects of this. And I've had quantitative analysis experience and qualitative, too, as an MBA, and sometimes you just can't, qualitatively it's different than the numbers turn out to be. And somehow I picture the curvature of this corner, and I'm not an architect, but as the human eye sees it, maybe Leonardo da Vinci could tell us, or whoever discovered perspective, or the other artists or optical people, but somehow I picture this being a real, possibly being a real appearance, if houses are built on these lots according to specs, of a bunch of houses crammed together. And that's not the appearance the way it is, when you mentioned over on Crown View Drive, which I live on, I assume you were talking about the inside curvature there, where it's yellow. I can't really read that, but where it's yellow, that's Crown View Drive, the inside curvature. But somehow qualitatively it just appears, I have a feeling that this is going to be not a pretty picture. That's all I have to say.

MAYOR EUILLE: Thank you very much. Abram Ellis, Lynda Wilson, Helen Lloyd, Elliot Rhodeside. Mr. Wilson and then Ms. Pepper.

COUNCILMAN WILSON: If I could ask a question of Staff, kind of relating to both Mr. and Mrs. Spitler's questions regarding the drainage concerns, the difference in kind of the height and everything. So clearly we've talked about the lot area's orientation, the street frontage and alignment to streets, which are spelled out in the Ordinance. Are those considerations, because I know we're not looking at the potential improvements, but are those considerations as far as the character comparisons for suitability for residential use which is also spelled out in the Code? Is that something that goes to suitability for residential use? Or is that still just related to the improvement which is not in the consideration of whether to allow the subdivision?

ALEX DAMBACH: This is Alex Dambach. That's a great question. When construction actually does occur, it does have to go through a very thorough review process through our Transportation and Environmental Services Department, which of course our department gets involved in with them. And its purpose is to address storm

drainage issues to make sure new construction would not further exacerbate. Construction at the time this neighborhood was built, of course, there was not a process of that nature. And unfortunately we often see the results of 1950s subdivisions having some things like that, some issues from there. So at this time, we are looking at the lot character, particularly its size, shape, its configuration. And if there are drainage issues, it's not necessarily a factor to say that we wouldn't be able to allow this subdivision. The builder will have to go through an engineering process.

COUNCILMAN WILSON: Let me ask this question in a different way. If someone can scroll back to Slide 6 here. So, when we say, "shall be of substantially the same character as to suitability for residential use and structures," what does that language mean? How do we interpret the suitability for residential use and structures?

COUNSELOR ANDERSON: Mr. Wilson, it's focused more on whether the lot is suitable, the shape, size, and orientation of the lot. Not on whether it's suitable for future development. And the runoff and issues that they're talking about here aren't taking about future construction on the property. And, like Alex said, that will be addressed when grading plans are submitted for that. Because there are regulations in the Code that address that. But that's not something that's considered as part of the character of the lot.

COUNCILMAN WILSON: So the slope or anything like that is not? Because I remember slope became an issue when we were talking about Lloyd's. But does the slope go to the character of suitability of residential use? Or is that outside that kind of....

COUNSELOR ANDERSON: The steep slope on a property in the sense of how it affects the lot and where the building could be built on it is something that is looked at when you're talking about the orientation and the character of the lot, but not the actual drainage and what happens when you actually construct something on it. I know, it's a fine line.

COUNCILMAN WILSON: If the lot were at a huge...that would be a factor, but the fact that once the property is built on, there might be drainage issues, that's handled separately as part of the construction of the ultimate, if there is an improvement on the property?

SATYA SINGH: Mr. Mayor, my name is Satya Singh. I'm from the T&ES. When development comes, that's a part of the same reason in this case it has strict stormwater management laws by the State and regulations by the City. And any development will have to meet the requirements of the quantity and quality both. Quantity means the stormwater from this development cannot be released at a higher rate than what is released today. So original water, whatever (inaudible) because of the impervious area that (inaudible) development will have to be detained on site as per the state and local laws.

COUNCILMAN WILSON: And I get that. I'm just trying to, again, go back to the subdivision language. So, to use kind of an extreme example, you know, if every lot in the subdivision was just a flat, completely flat, no-grade lot, and there was a question around subdividing this kind of side of the mountain kind of thing, that would not be consistent as far as suitability and character for residential use with the remaining subdivision and therefore we wouldn't allow it. In this case, that's not the issue. The grade of the lot is similar.

MAYOR EUILLE: Ms. Pepper.

COUNCILMAN PEPPER: That's very similar to the question that I was going to ask. First of all, we don't know that these three lots are contributing to the drainage, but if they are, why hasn't something been done to protect the neighbors then on Crown View Drive? It should have been established that they were or were not participating in the issues of drainage, because when I had talked to the neighbors from Crown View Drive, it was considerable what they're going through. This isn't just a mild thing. This is big stuff that they're suffering. So why wasn't this taken care of to at least identify where it's coming from? Wouldn't that be helpful? And that's one point. Another point is regardless of who's responsible, the ruling that we're hearing is that any new subdivision or any new construction on a given lot cannot make the situation worse. Well, give me a break,

folks! If it's really awful, that's hardly helpful to say, "Well, it can't be worse than this awful situation that we have." So I think that's a pretty poor test of what would pass muster then in getting this put across. Anyway, I appreciate the question that was down here. Thank you.

2:21:42

MAYOR EUILLE: Ms. Silberberg.

COUNCILMAN SILBERBERG: Thank you, Mr. Mayor, and I appreciate the questions that have just been put forth as well. Yesterday when I met with Staff, Mr. Dambach, I did ask you specifically about the drainage and that the retaining wall seems to be buckling already, and that the neighbors had discussed with me the drainage issue that already exists and that they had indicated to me at least that it seemed to be, that the drainage issue became worse after the addition on the adjacent property above them, which would be the Hales' home. So it would have been very helpful today if we had known, frankly, the source of that drainage issue. And in fact you said you were going to follow up at my request about that.

ALEX DAMBACH: We have contacted both the Department of Code Administration and the Department of Transportation and Environmental Services, which both work on the detailed issues of drainage as well of course as the construction project in and of itself. Both parties I believe are...oh, they're here. And I will give them an opportunity to respond.

JAMES HUNT: Yes, my name is James Hunt with the Department of Code Administration. I was with Planning and Zoning beforehand, to be clear. Mayor and members of Council, I do want to let you all know that we were just made aware of this, and we are going to look into it because we realize that it is a serious issue for the neighborhood. We're going to look into it first thing Monday morning and provide you all a resolution. We're going to get with our team of engineers as well as the inspectors and see what's going on.

COUNCILMAN SILBERBERG: So we're not able to rule specifically today with regard to whether there is going to be construction because of the Seymour case, as I understand it. However, if, Mrs. Hales, you had mentioned that you intended to at some point in your comments earlier, and that's freedom of choice, but I'm just a little concerned here, frankly, about the drainage issue and the other impact. And I know based upon what you said it seems to me you wouldn't want to cause damage to any of your neighbors. It seems to me that you had that in your heart, that you didn't want to. So I'm just concerned about that issue, even if it's unintended consequences. It doesn't seem to me that based upon what you said in your presentation.

MARY HALES: Do you want me to speak to that?

COUNCILMAN SILBERBERG: No. I'm just trying to give you the benefit of the doubt, but I believe that, that you spoke and you're trying to be a good neighbor. But even if it's unintended, I'm concerned about the source of that drainage, and, excuse my voice, I've just completely lost it, but I wish we would know that in advance.

MAYOR EUILLE: Well, I think the right answer is that one, Code Administration will do the investigation whether it's coming from above or...work to resolve that efficiently and adequately. The question of, what's before us today is not a question of what gets built there. It's a question of re-zoning. And then once we make that final determination, the applicant, the owner, will then come back to the City's planning process in terms of what gets built there. And whatever gets built there will be addressed in terms of taking care of any efforts to minimize impacts of flooding, drainage, the whole bit. But that's not an issue before us today. Mr. Abram Ellis?

ABRAM ELLIS: Abram Ellis. Mr. Mayor, members of the Council, thank you.

MAYOR EUILLE: I'll call the other names. Lynda Wilson, Helen Lloyd, Elliot Rhodeside, David Rust. OK.

ABRAM ELLIS: I cannot speak to drainage, but I raise my voice in favor of the subdivision and against the appeal. In order to be efficient and save time I will wholeheartedly endorse the comments that have been made by the others in favor of the subdivision. I think they said eloquently everything I had planned to say, and rather than repeat it, I will just say me too. The one thing that I have come to appreciate more fulsomely during the course of this discussion is that the experts in this appear to be at the table and giving us expert opinion as to how best to interpret a very difficult set of regulations, an opaque and ambiguous set of regulations, that they have devised a system that is not arbitrary and capricious but is instead well-reasoned and quantitative, and it gives me great pleasure to know that we have such experts on our City Staff, so I thank them for their service and whole-heartedly endorse their approach. Thank you.

MAYOR EUILLE: Lynda Wilson, Helen Lloyd, Elliot Rhodeside, David Rust, Deborah Nagle.

LYNDA WILSON: Mr. Mayor and members of the City Council, my name is Lynda Wilson. I'm a homeowner at 1234 Dartmouth Road in Alexandria and have been following with interest this proposal of the subdivision and now approved subdivision and am satisfied that it meets all the legal requirements for an additional lot. As to what it might do to the character of the neighborhood, there have been charges that this subdivision would "tear the fabric of our neighborhood apart," which seems to me hysterical. And it is to be noted that none of the neighbors on Vassar Road are against this subdivision. Those are the people most affected and who will see it, and none of them are against it. Someone brought up cars. There's always lots of parking places open on that section of street. I've never seen a parking problem ever. It seems to me that, if I for example, owned a home, and next door to me was an empty lot that had been empty for many, many years, and then was proposed to someone to build a house, I might be unhappy because it would change my views, and I was used to having it be an empty lot. But that has no bearing whatsoever, it's irrelevant, it has no legal status to object because that would change my views or I liked it the way it was. Those just are issues that you might be able to try to put some political pressure, but they just don't have any standing to deny the subdivision. I do agree with all the things that have been said before, and a lot of them I would have said, so I will for the sake of time not re-say them, but only to say that I do think this will not, that this will positively affect the neighborhood and the property values in the neighborhood, and that there's no reason, there really was no reason for this appeal. Thank you.

2:29:26

MAYOR EUILLE: Helen Lloyd, Elliot Rhodeside, David Rust, Deborah Nagle, Tim Lloyd.

HELEN LLOYD: I just want to check that you have the packets. So, Helen Lloyd, 514 Crown View Drive. Mayor, members of City Council, thank you for hearing our appeal against this subdivision today. I'm here on behalf of the residences marked on the map in your packet, and you'll see there's a map with dots which shows you. Twenty-one of them are in the area that are choosing to fight against this subdivision. I also want to make one point about the neighbors on Vassar Road. We understand that they are equally concerned. And I just want to address that point, because it has been mentioned to you. So there has been conversation on the ListServe from the Vassar Road residents. They are not supporting or opposing, particularly, the subdivision. It's not that they're in favor or against it. They are actually terrified of the house at 809 being flipped and turned into a McMansion. I just want to clarify that point.

I want to start by reading the Staff Report prepared for May the 5th. This is in the words of the Staff. So, it says, "During its review in the second proposal, Staff expressed initial concern about whether the brand-new lot would be consistent with the character of the neighborhood lots as required." By comparing the proposed subdivision on Vassar Road to Vassar Place, you're comparing apples and oranges. Sure, they're both fruit, but they have very different characteristics. The Vassar Road neighborhood is unique in Clover. It's at the top of the hill, the crown of the neighborhood. The original developer, Rozier Beech, sited his own house on Vassar Road at 812, on the top of the hill. There, the lots are larger than the rest of the lots on Clover, deliberately to give them a feeling of importance, of space, of wealth, as compared to the rest of the neighborhood. You can see just by the size of the lots that Vassar Road was meant to be the crown jewel of the neighborhood. Beech's house on

almost 20,000 square feet, the others at the top of the hill, 811, 809, come in at around 17,000 square feet. By comparison the lots on Vassar Place are less than half this size at around 8,000 square feet. It creates a very different character for each of the two neighborhoods. You cannot assess this on a zone. You have to assess it on character, and the character of each neighborhood within Clover. Vassar Road is a different neighborhood from Vassar Place. Beech designed Vassar Road to feel different from the rest of the neighborhood. He never intended small lots on the top of the hill. This is not hearsay, but fact. It's part of the oral history that we've collected as Clover's history committee, and we've been collating this for years. You can see the pictures of the view of this in your packets.

As you move away from the top of the hill on Vassar Road the lots become smaller and less significant. Consequently, the feel of the neighborhood changes. It goes from feeling grandiose to medium-sized, middle-of-the-road houses where the ordinary Fords lived, the President who brought the office down to earth. By allowing the subdivision, you'll be irreversibly changing the character of Vassar Road. The spacious Vassar Road with its intended large lots is very different from Vassar Place which is built on the far end of Clover on a 360-degree circle with small frontage lots. You cannot compare apples and oranges.

We're also concerned about the water, and you'll hear that we're also very, very concerned about the close-to method. We regard that as subjective, and that it does not have a place in its judgment.

MAYOR EUILLE: Thank you. Next speaker is Elliot Rhodside, David Rust, Deborah Nagle, Tim Lloyd, Peter Abbruzzese.

ELLIOT RHODESIDE: My name is Elliot Rhodside. I've lived in College Park Clover since 1977, and I've lived in my current home at 414 Crown View Drive since 1988. My property is adjacent to and downhill from the proposed subdivided lots. I love my mid-century neighborhood. It's noted for its gently curving streets, its spaciouly arranged brick homes, its mature shade trees, lovely gardens, and National Historic Landmark property with presidential roots, and a strong community spirit. It's also a community noted for marine clay and underground springs, conditions that make developing here difficult. Clover is a special place that warrants tender loving care by its residents, developers, and the City.

I'm going to speak about comparables. The City Planning Staff used 159 comparables for a basis for analysis. In our analysis of the previous three years of subdivisions that were available online, City Staff have used comparables that ranged from three to 30 lots. In (inaudible) Old Town, Staff have used 72 lots which, due to their exceptionally small size, only covered two blocks and had an area of approximately one half an acre. The typical approach by Staff in the past has been to examine the immediate area surrounding the proposed subdivision to be assured that the new lot would be in keeping with existing characteristics of the area. The comparables used to justify the subdivision, by contrast, extend over 48 acres. This is an unprecedented amount, nearly 100 times larger than the analysis of the 72 lots in Old Town. If developers were allowed to expand their comparable studies to 48 acres, they would undoubtedly be able to find lots small enough to justify sizes that are completely out of character with the immediate vicinity in question. In reality, there are only two similarly-situated lots in Clover that can be considered true comparables. They're located at 415 and 501 Crown View Drive, and you've heard discussion about that. We're concerned that the practice could establish a poor precedent for future subdivisions in the City. Approval of the subdivision may even enable previously-denied subdivision requests to be reconsidered. The case under consideration, if approved, will allow Alexandria's large lots, as those in Rosemont and on Lloyd's Lane, to be subdivided into small, nonconforming, and incompatible lots. Using the basis of the 159 comparables, developers will be able to subdivide properties into small, dense lots that diminish the character of both the neighborhood and the City. We strongly recommend that you deny the subdivision of 809 and 811 Vassar Road.

MAYOR EUILLE: Thank you. David Rust, Deborah Nagle, Tim Lloyd, Peter Abbruzzese, Laura Plaze.

DAVID RUST: Good afternoon. My name is David Rust. My wife and I own 506 Crown View Drive, which is behind one of the lots being considered for subdivision. I support the appeal and oppose the subdivision based

on overly-subjective methods of demonstrating that the new proposed lot, Number 626, is substantially consistent with the neighborhood lot character. We've already heard much talk about the number of lots chosen for the comparison, the 159. I'm not going to cover that again. But jumping to the cul-de-sac itself, I'd like to point out that a 360-degree cul-de-sac is not the same as lots on a gentle curve. This is not, as Staff said, a sharp curve. It's less than 90 degrees, and you can see it on the plats. Also, the lot frontages of those six lots on the cul-de-sac are 10% to 35% smaller than the two lots on Crown View Drive. Those are the two that are on the inside of the curve that are of similar shape. So permitting the use of this apples-to-oranges comparison could potentially establish a precedent of how far one can go to find similarly-situated lots in future subdivision cases. Shape and lot size are not all that matter. There are other dimensions and aspects to consider. But put aside for the moment the debate of whether the cul-de-sac should or shouldn't have been used. With the cul-de-sac lots you've now got eight lots that are considered similarly-situated to use in the comparisons as Staff have described. You've got the two on Crown View and the six in the cul-de-sac. However, even the smaller lots on the cul-de-sac, or even with the smaller lots on the cul-de-sac, the proposed lot is still smaller than any of the eight lots in terms of lot width. The standard as defined by the Staff is that a proposed lot must be similar to 50% of the similarly-situated lots in terms of three metrics: lot size, lot frontage, and lot width. Lot width of the Proposed Lot 626 poses a problem. The lot width of the proposed lot is smaller than all of the other lots. It's anywhere from three to 24 feet smaller than those lots. Staff describes and uses a concept to accommodate lots that might be close enough to the comparables. Their method is defined and very subjective. In this case, Staff uses their discretion to decide that as long as the width of one of the similar lots is no more than 10 feet larger than the width of the proposed lots, it's close enough to be considered similar in character. And if you review, it's Table 2 in the original Staff Report, and I would ask if they could bring it out, it's right before the conclusion slide, where they tabulate the numbers. The lot width should be the bottom one. You'll see that 10 feet is just enough to show that half of the eight similarly-situated lots are close enough to the lot width of the Proposed Lot 626. Staff's justification for this 10 feet is that an additional 10 feet would be imperceptible from the street. Ten feet is, I think you can see that from the street. I would also point out that the last part to make this work is, you have to round the numbers. They go to whole numbers for lot width, whereas the others have, they go to tenth of a foot. And that's sort of the final step to show that this new lot is comparable to at least half of the comparison group. Thank you.

MAYOR EUILLE: Thank you. Deborah Nagle, Tim Lloyd, Peter Abbruzzese, Laura Plaze, Mark Leon.

2:39:54

DEBORAH NAGLE: I wrote down good morning. I have to say good afternoon. Mr. Mayor and City Council members, my name is Deborah Nagle, and my husband and I live at 408 Crown View, which is directly behind 809 Vassar and the proposed subdivided lot. I am speaking to you today not only as a homeowner in the neighborhood, but I'm also speaking to you as a national expert on stormwater management. And I understand, and I've heard it, that you can't take into consideration that a structure will be built on a lot when deciding to approve or disapprove a subdivision. However, as you've also clearly heard, there is an expectation that there will be a home built on this subdivided lot. I think it's important to consider the environmental and economic impacts that can realistically result from construction on this lot. Any construction, a home with no variances. I and my neighbors who have homes behind and downhill from the subject lot have a real concern that construction on this site will cause water problems on two fronts. First, as the lot exists now, vegetation covers the entire lot. So when it rains, water infiltrates into the ground where it lands. Construction of a home will create a large impervious surface. Plus, making this situation worse is this is not a flat lot. It has a gradient of 10 feet from the front by the road to the back of the property line, and then there is a stone wall with a five-foot drop.

We all know that water runs downhill. And it is also a fact that stormwater runoff from impervious cover contributes to downstream flooding. I and my neighbors are concerned that the stormwater runoff from the site will cause flooding in our yards and our homes. Secondly, the soil type in this neighborhood consists of marine clay. Marine clay is not stable for construction. The soil expands when it's wet, and it contracts when it's dry. And on top of that, this neighborhood has numerous underground springs. This is a very dangerous

combination. Any construction could shift the routing of these underground springs and cause basement water issues. This has already happened in the neighborhood. For example, one neighbor on Crown View Drive recently had a major water issue. Their sump pump pumped 20,000 gallons a day all day for a year. All of this water constantly being pumped out in large volumes eroded their front yard. And as a result, the City came and buried a line from the sump pump under their front yard and connected it straight to the storm drain. This water problem all started after the addition behind an above home. Another real concern is that construction could cause damage or collapse of retaining walls. We have old stone walls that range from five to 11 feet in height, and this has already happened in our neighborhood. You've heard about a brick wall that's about three feet high that half of it's collapsed and the rest of it is leaning directly due to an addition on the house behind it. Thank you.

MAYOR EUILLE: Thank you. Tim Lloyd, Peter Abbruzzese, Laura Plaze, Mark Leon.

TIM LLOYD: Good afternoon. We just made it to the afternoon. I'd like to talk a bit about the character of this area. It's fairly easy to portray us as a bunch of cranks who just don't want our views spoiled. I really want to emphasize there is something fundamentally different and special about the area we're in. It was always the intention of Clover's original owner and developer to create larger lots on Vassar Road. It wasn't an accident. The area is defined by its openness. And if you look on the maps you can see it very clearly. Beech's house, which is Number 812, is one of the largest ones there. It's 20,000 square feet. The others on top of the hill, 811 and 809, come in around 17,000. You simply can't compare these lots with lots that are on Vassar Place. I know you can crunch the numbers, I know you can do quantitative analysis, but from a qualitative point of view these are very, very different areas. What you're looking at today is actually the original plan for Clover. So Rozier Beech's original design with the layout of the lots was designed so that it radiated down from the road at the top of the hill. So the top of the hill is Vassar Road. And he saw that crown exactly where that elbow is, is really the place that he radiated the design down from. He saw Vassar Road as the best place in Clover. He created the lots there deliberately wider than the rest of the neighborhood to give it a more spacious feel. It was almost as if he'd made himself king of the area. Bigger, wider lots suited that idea. He deliberately never parceled up that corner because for him, the crown needed to have spacious views around it. So it was essential to the character of the neighborhood that they had these wider lots. And where I live on Crown View Drive, we've got medium-sized buildings. And we're fine with that. But it's part of the character of the neighborhood, it's different. So you can't just draw a loop around and say, "You know what? The Clover district's all the same."

We've spoken to Nancy and Bill Smith, who bought the lot for 811 directly from Beech in 1962. They're in Goodwin House, and you can contact them. I'm sure they'd love to talk to you. Unfortunately, they're both too frail to be here, but they're probably watching today. And they knew Beech personally. So when we're talking oral history, historians, a lot of the people here, not myself, but a lot of the other people here have been here for decades. Beech deliberately created much wider lots at the top of the hill so that houses could be placed, not in the center, but to one side, and allow expansive views around them. Again, it's part of the character.

Vassar Place with its tight 360-degree circle, with lots around 8,000 square feet, is a long way in terms of prestige from the lots of the 17,000-19,000 on Vassar Road. And that's again the way Beech intended it to be. It's part of the character of the neighborhood. So by allowing this subdivision, you'll be allowing a small lot to be squeezed in where large lots were purposefully intended. You'll be letting someone who maybe doesn't appreciate this history of our neighborhood to fundamentally alter it, and once it's done, it's done. And you start setting precedents which can be used to start chopping up the rest.

City Staff themselves recognized this issue when we spoke with them yesterday. They came back to us and admitted they were hesitant about this aspect of the character of the neighborhood and the wide range of comparables used, which they recognize they may have overlooked in their Staff Report. We ask that you let them explore this oversight at the very least today by allowing this appeal or sending it back for further exploration. Thank you.

MAYOR EUILLE: Thank you. Peter Abbruzzese, Laura Plaze, Marc Leon, Zorana Ilec.

PETER ABBRUZZESE: Thank you for letting me speak. I don't live in the neighborhood any more. I lived at Crown View Street across from Gerald Ford for 42 years. The house is owned by my son who lives in it, so I'm still in the neighborhood. And I've had to tear up my presentation because I now have discovered as a result of this hearing, we have no proof that the water that is supplied to a new house on top of, that rainwater, will not fly downhill, will not flow downhill. Astonishing! Where are you, Isaac Newton?

MAYOR EUILLE: Laura Plaze, Marc Leon, Zorana Ilec, and Mary Catherine Gibbs.

LAURA PLAZE: Good afternoon. My name is Laura Plaze, and I live at 402 Cambridge Road, which is a few blocks away from the subject property. With all due respect, you have an opportunity today, Mayor and members of City Council, to reverse and correct a very bad decision of the Planning Commission. This is a decision that will not only harm a beautiful neighborhood, but will set a bad precedent for our city. So I urge you to listen to the applicants and reflect really on the implications of what this means to our city and grant this appeal.

Others have described in detail the strained methodology that the Planning Commission used to arrive at its decision. And while we can say this is a ministerial decision, as we can tell from the considerable discussion there's actually a lot of discretion and judgment that goes into reaching these decisions. It is not simply a matter of adding up the numbers. Others have described also the serious problem that now threatens the neighbors who live below this property in terms of the water runoff, and that's detailed in the record.

Clover is an old and fully-developed neighborhood. All of us who live here, and walk in Clover, stand to lose a lovely vista, and that does go directly to the character of the neighborhood. That is not simply an add-on; that's relevant. The property is located at a high point overlooking the city, and it is no accident that the space between these existing houses is there. It's no accident, as you just heard; the developer's original intent when the neighborhood was designed in the early Sixties was to leave that space open for all to enjoy. Quite simply, this is not a hole to be plugged. I come to this as a neighbor who's lived for 17 years on Cambridge Road and for 10 years before that in Del Ray. My husband and I, and our neighbor Martha Kerr, who lives next door on Cambridge Road, are alarmed at this precedent if this decision is allowed to stand. It is truly baffling to us that Staff would have extended the range of comparables so far out and then come up with a new close-to standard seemingly just to accommodate a property owner's desire to, if you will, cram a new house in. And this doesn't just have implications for Clover. So the argument that there are no other lots around that this could be done at doesn't fly, because if this is allowed to go forward, what's to prevent future subdivision of other large lots elsewhere in the City, or as has happened in this case, what's to prevent the purchase of two adjacent lots, because that's what happened. Two adjacent lots were purchased with the purpose of converting the two lots into three. We don't want to see this. We don't want to see this beautiful City carved up into ever smaller and ever more crowded lots. So fortunately, there is an appeal process. And we are hopeful, really hopeful that you, Mayor Euille and City Council, will reverse this decision. Thank you very much for the opportunity to speak.

2:51:03

MAYOR EUILLE: Thank you. Marc Leon, Zorana Ilec, and Mary Catherine Gibbs.

MARC LEON: Hello, my name is Marc Leon. I live at 404 Crown View Drive, directly behind Lot 625. I'd just like to say that I think the Planning and Zoning Staff overstepped their bounds by considering the whole of the Clover development in the area of comparison for similarly-situated lots. The lots on Vassar Place are a cul-de-sac; Vassar Road is a straight-through road. No comparison. You can't compare them by looking at them. The character of the two streets is not the same. The City Attorney mentioned that this was a phased development. If it is a phased development, and she said it was, so I'll agree with her, then each one of those individual developments should have its own character. The character of Vassar Road is not the character of Vassar Place. These lots should be thrown out for any kind of comparison.

You look at the six lots at the top of Vassar Road. Those lots all have lot frontages of over 100 feet. You go from Lot 625 down Vassar Road. I couldn't use the City's GIS website to measure it because it wasn't working, but I used Google, and it looks like those lots are averaging 85 feet as you go down the hill. These two lots are 59 and 55 feet. That's approximately 30-35% smaller than the lots as you head down Vassar, and they're 50, 60, 70% smaller than the lots at the top of the hill. So if you're looking at character, these two 55- and 59-foot lots are not within the character of Vassar Road. They're completely out of character. If they're completely out of character, then this should be denied. Thank you.

MAYOR EUILLE: Thank you. Zorana Ilec, Mary Catherine Gibbs.

ZORANA ILEC: Good afternoon. My name is Zorana Ilec. Mayor, City Council, thank you for your....

MAYOR EUILLE: I apologize. I'm reading what's typed.

ZORANA ILEC: Nobody ever gets it right. Just remember Zorana Pirahna. Remember it well. I've lived at 500 Crown View Drive for four years, and my home is directly behind and below the recently subdivided lot. And you've heard from many of my neighbors about our serious and extensive concerns. I beg to differ that Vassar Place, or Vassar Road, is more affected by this, because you guys are not downwater from this situation. So those of us on Crown View Drive, being downhill, are going to be most affected by this subdivision.

One of my primary issues is that after thorough examination of the available online subdivision Staff Reports, the report on this subdivision seems very inconsistent. Why was the significant slope of this lot not taken into account, as it was with the Lloyd's Lane case? There's a 16-18 foot height difference between this lot and the homes behind it, yet there's no analysis of the slope of this lot. Why is there no condition for a geotechnical report as there was for Lloyd's Lane? Staff informed us that they used a similarly large sample size in the 1905 Commonwealth Avenue subdivision, but upon inspection, they used, and I quote, "less than three north-south blocks." Is this significantly more, what they used here? Why were there no conditions placed on development of this site related to tree preservation? The proposed lot has a magnificent 60-year-old Cedar Deodara, which is a wonderful, long-living cedar tree that was not mentioned at all, while other Staff Reports have specified that any construction must protect specific specimens.

When asked where else they've used this close-to technique, the Staff informed us that it was in the Lloyd's Lane case. OK. I searched for "close to" in the Staff Report, and the only time it was used was twice. The first time was...upon inspection, the words close to were used in the following manner: "With regard to lot frontage, only four out of 15 properties have a lot frontage less than or close to the 105 feet of frontage proposed for Lot 602." There's no associated specification of a finite number of 10 feet. In fact, there is a clear indication that since there are, quote unquote, "so few properties in the area of comparison having a similar lot frontage or lot size, Staff concludes that the proposed subdivision is not consistent with the character of other lots in the area, a finding required in the Section 11-1710(B) of the Zoning Ordinance." In our case, this lot that they're proposing is narrower than all of the Staff's specified quote unquote, "similarly-situated lots." So why was this subdivision recommended for approval by the Staff when it doesn't meet the criteria used in previous cases? Why did they extend their comparable search beyond the nearest similarly-situated lots? It concerns me deeply that this subdivision doesn't seem to conform with so many of the previous Staff Reports that have been done on subdivisions. But in the end, you really only have to ask yourself one question. Does this new lot look like the majestic lots that surround it at the top of our hill? Clearly, the answer is no. Please help us protect our neighborhood.

MAYOR EUILLE: Thank you. Last speaker is Mary Catherine Gibbs.

MARY CATHERINE GIBBS: Good afternoon, my name is Mary Catherine Gibbs, and I'm a land use attorney for the Hales in this case. Thank you for listening to all of the arguments in this case so thoroughly. A number of issues have been raised in this appeal, and they deserve a thorough analysis. First and foremost, your City Staff and your Planning Commission have considered this matter under the subdivision ordinance requirements, and

both have found that the proposed subdivision meets the requirements for approval, both under the letter and the spirit of the law. That's not insignificant. It meets all the requirements for the R-8 zone. It exceeds all the requirements for the R-8 zone. It also fulfills all the requirements under Section 11-1710. In order to figure out whether or not it is of substantially the same character as to the suitability for residential use and structures, you look at lot areas, orientation, street frontage, and alignment to streets. Lot width isn't one of the enumerated things you look at. Staff does because that's one of the things in the R-8 zone they have to consider. But lot width is not one of the enumerated items when looking at the subdivision ordinance. However, they are still substantially similar with regard to lot width to the lots that they were compared to. If you look at, and I appreciate the excitement and the verve that has come with the opposition. They have worked very hard in their opposition. If you look at one of the pages that they gave you with regard to how this lot actually compares to the two that they say are most comparable, 501 Crown View and 415 Crown View, they superimpose them over this lot in red. The ordinance doesn't say it has to be exactly the same. The ordinance says it has to be substantially similar to. If you look at their own exhibit, this new lot is substantially similar to both of the lots that they say are most comparable. Nothing says it has to be exact. Further, any consideration of what may occur to adjoining parcels based upon what might be built on the new lot is not a permissible consideration under the Zoning Ordinance as found by the Virginia Supreme Court in Seymour v. The City of Alexandria. Your City Attorney confirmed that at the Planning Commission; I am sure your City Attorney would confirm it here for you today. The retaining wall issues and the water runoff issues are not relevant to your determination in this case. I do want you to know, because my client wants you to know, the addition that they built on their house was built on an already impervious surface. This issue of them causing these problems has not been brought to them before this subdivision was brought up.

Finally, the area of comparison is simply the area of the Clover subdivision. The number of lots that are compared in the subdivision analysis is not a strict number. We've had a number of questions and a number of colloquies between you and the Staff about, there's no specific number listed. It involves looking at where subdivision lines are. If I could briefly sum up, Mr. Mayor. The Staff rightfully looked at similarly-situated lots in the Clover subdivision. You can't compare straight lots to curved lots. That's why they had to go to Vassar Place. You have to compare curved lots to curved lots. And in fact, in the Seymour case, the Supreme Court told you you can't compare corner lots to interior lots and interior lots to corner lots. You're not allowed to do that. You have to look at similarly-situated lots. That's what your Staff did.

The Hales have lived in Alexandria for 15 years, and they plan to stay on in their house. It is a shame that these cases can cause division in neighborhoods. I've known some of these people who are opposing this for a number of years. I saw one person here today that I've known since I was a child. It causes division in neighborhoods, but neighborhoods then also heal. This neighborhood is not all against this subdivision. In fact, several homeowners on adjacent parcels, including the parcel that Mr. Chapman questioned earlier, came and spoke to you in strong support, not just that they're not opposing, they are supporting this subdivision. Respectfully we ask you that you support your City Staff and the Planning Commission and vote yes for this subdivision. And we're happy to answer any questions you might have.

MAYOR EUILLE: Thank you. Can we get a motion to close the public hearing?

3:01:13

COUNCILMAN WILSON: Move to close the public hearing.

MAYOR EUILLE: Motion is seconded to close the public hearing for further discussion. All those in favor say Aye.

COUNCIL: Aye.

MAYOR EUILLE: Ayes have it.

COUNCILMAN SMEDBERG: Do we have another speaker?

ZORANA ILEC: Yes. May I have an opportunity to....

MAYOR EUILLE: No, there's no rebuttal process.

COUNCILMAN PEPPER: Couldn't they have one comment?

MAYOR EUILLE: Well, I'll make that call. Let me hear from Staff. Is there anything that you've heard today that, from the various speakers, that warrant you to say that you need to take another re-look or re-visit in terms of some of the information that's been raised with regard to your process in reaching your recommendation?

ALEX DAMBACH: Staff is, did a very thorough job with preparing this report and doing this analysis, and we feel fairly confident that we have done about as much as can be done. We did hear from, several comments, we did address many of them in our Memo to Council for today. So we don't really see a need for further analysis.

MAYOR EUILLE: All right. And you did have a meeting with some of the folks that were, citizens who filed the appeal?

ALEX DAMBACH: We did.

MAYOR EUILLE: And when did that meeting take place?

ALEX DAMBACH: It was yesterday afternoon.

MAYOR EUILLE: OK. I wanted to make sure of that. Now, someone in the audience was saying they wanted to say something? Can you come to the mike and just let me know what you want to say? Before you tell us what you're going to say, what's the purpose....

ZORANA ILEC: Well, I take offense to her characterization that the existing lot is similar to the two lots that are on Crown View Drive. It's 24 feet narrower and 12 feet narrower. They're significantly different.

MAYOR EUILLE: OK. Thank you. Mr. Wilson.

COUNCILMAN WILSON: Can I just ask a question of Staff on that front? And I'm going to be wildly hypothetical here. So the objections that we've heard relate to the comparison area, and I think particularly both the folks who testified as well as the folks on this dais, the objections are specific to the inclusion of Vassar Place in those comparatives. So, and I think obviously the concern that I've heard is that they don't want to see three houses here. They don't want to see this lot subdivided. So if we were to take an extremely narrow view of the comparison area, obviously Crown View would be a part of that and would be similarly-situated. And then if we were to pretend there's no houses on these lots and move the property line, it would strike me as, you could very easily get three lots that are almost exactly identical to Crown View on all the characteristics from the two lots that are there today. You could basically re-draw 625, 626, and 627 and draw those lines so you would be fully consistent with Crown View. So, and I ask this to say that this may not in the end be a question about whether it is, it can be subdivided or not, as much as it is a question about whether it's the right place to draw the lines and whether it's consistent. You understand what I'm asking? Does that question make sense? You see, right now I don't think anybody on either side of this objects that 415 Crown View and 501 Crown View are valid comparators for this subdivision. The question is whether Vassar Place is a valid comparator of the subdivision. So if we just assume you re-draw 625, 626, and 627, you end up in a situation where lot size could be almost exactly the same as the two on Crown View, frontage could be almost exactly the same of those Crown View ones, and lot width almost exactly the same, although there's a 12-foot divergence between the two. In lot width you could be fully consistent. So the question is not whether these lots can be subdivided, but more whether they've drawn the line in the right place, I guess.

ALEX DAMBACH: I think if you use a hypothetical and assume the two houses were not there, yes. You could draw the lines anywhere, and certainly you could adjust them to make them more equal, the three lots more equal in size, and they would probably then wind up being large.

COUNCILMAN WILSON: And you would have three homes that meet the R-8 standard?

ALEX DAMBACH: Correct. As these do already meet the R-8 standard, but yes.

COUNCILMAN WILSON: I understand. But I'm trying to boil down the issue to where we're at. So even if you were to say that the comparator area is not valid and should be much more contracted, there's still a pretty easy scenario where you subdivide these lots.

COUNCILMAN SMEDBERG: But what relevance does that have? The fact is there's a house there now.

COUNCILMAN WILSON: Well, no, I think...remember, our consideration has nothing to do with the house. It has nothing to do with the properties that are already there.

COUNCILMAN SMEDBERG: But you're using a hypothetical as if there is no house there at all.

COUNCILMAN WILSON: I know, but our consideration can't assume....

COUNCILMAN SMEDBERG: Then how can you consider a hypothetical?

COUNCILMAN WILSON: I'm trying to get past the question of the comparator area. And maybe that's a full stop. Maybe we say it's not a valid comparator and we're done. But it strikes me as, the opposition is to the subdivision. Period. And it seems to me you can get to a place where the subdivision is consistent with a much, much smaller comparator area easily.

NATHAN RANDALL: If I may jump in, I think that...it would seem to us that you would have to tear down the house in order to....

COUNCILMAN SMEDBERG: Sure, and that was the point I was making. The fact is, it's there.

NATHAN RANDALL: Right. And that would be a valid matter to consider here if only because when you subdivide a property all existing dwellings would need to meet, continue to meet the individual zone requirements. So although it's true that you can't consider, say, the future development of a lot, we can consider whether an existing dwelling meets the existing zoning requirements. And under the hypothetical that, as I understood it anyway, I mean the line would probably go through the existing house. That wouldn't be allowed under the Zoning Ordinance regulations, and thus I would think it would need to come down. Just to kind of flesh out that idea a little bit.

COUNCILMAN WILSON: OK. All right.

MAYOR EUILLE: Are there questions of Staff? If not, can we get a motion? Vice-Mayor Silberberg.

COUNCILMAN SILBERBERG: So we've heard a lot of discussion today about this, and we have discussed other cases regarding subdivisions not too long ago. We have neighbors who are concerned and we have neighbors who own the property and neighbors who are in support, and it's not clear-cut. But based upon just the mere fact of the, well, (A) the comparison area that has been brought into question, but also this lot width question that Mr. Dunn spoke of and that Ms. Lyman spoke of, and that we've discussed here. And just in terms of fairness and handling things equally, I'm baffled by some of the answers. We keep coming back and forth. I know that in other communities, this is what I was thinking about in the preceding days, that in other communities there's

concern about people taking a property that has existed for a long time in, say, Somerset in Maryland, or Chevy Chase, or Bethesda, either tearing down the house and building a very large house, or taking an empty lot and building a large house that really doesn't fit in with the community that exists. But in this case, if they were to build, and we're not supposed to consider that because of Seymour, but if they were to build, Mrs. Hales has indicated that it would be in keeping with the neighborhood. But then we're not supposed to consider that. So, but it's there. So I appreciate your mentioning that. But then, in Chevy Chase, Somerset, and Bethesda, where these issues have come up regarding building and taking over land, I know some folks who bought the adjacent property to their home. They had owned a property in Bethesda for decades, probably 30 or 40 years, 35 years, and the property next to theirs came up for sale with a large lot around it. They bought it because the property across the street and two houses down had been bought by someone. They tore down the house and put in three townhomes or something, or three small homes. And the neighborhood was very concerned to say the least. And so what these folks did on this street was that they bought the property next to theirs. And they re-did the house, and they somehow protected it. So it protects their interest, their vested interest, because they bought it, and I know that there was, I think it's called McMansion, some kind of jurisdiction, and I'm not saying that that's what's being discussed here necessarily, but it does go to the question of whether things are restricted in any way. And I know that with regard to Seymour we're not supposed to be considering that, but then in fact it's my understanding, Ms. Lyman, that a lot of y'all were saying at the Planning Commission, that it was part of the consideration, but you know, you're not supposed to be considering it, and that must have been very difficult.

3:12:39

MARY LYMAN: Well, excuse me, it was something that was a part of what the neighbors were saying. There was a lot of discussion as you heard today about the view being changed by a house being there. So that's really what I was referring to. I would note also that to the extent we did think about a structure, the Staff reminded us that the infill regulations would limit the extent to which a really out-of-character house could be built on the property.

COUNCILMAN SILBERBERG: What? Would you say that last sentence again?

MARY LYMAN: The infill regulations that were adopted a few years ago would limit the size and the frontage and other areas of concern, so that the house could not be really disproportionate to the others in the neighborhood.

COUNCILMAN SILBERBERG: OK. And then going back to Mr. Dunn's point with regard to his strong concern about the lot width and the inconsistency. I mean, he is a lawyer. He's been on the Planning Commission for a long time.

MARY LYMAN: Right. His concern was that within the range of lot widths that were examined, the 626 lot, which would be the middle lot, was at the bottom of the range. For all the other considerations, however, both lots were neither at the top nor the bottom but within the bounds of the range.

MAYOR EUILLE: All right. Mr. Lovain, then Smedberg.

COUNCILMAN LOVAIN: I'd appreciate, and maybe this is a question for our City Attorney or for the Staff, to state for us what the finding of Seymour is so we thoroughly understand it and how it directs us and binds us in this situation.

COUNSELOR ANDERSON: Councilman Lovain, Joanna Anderson again with the City Attorney's Office. The Seymour case, the main holding in the Seymour case was about the fact that you can't consider future development on a lot when you're considering a subdivision. The subdivision is purely about the lot lines and how they meet the Zoning Ordinance requirements, not about what could be built in the future. In the discussion of the Seymour case, and the secondary holding of the Seymour case was about the fact that you do

have to look at similarly-situated lots and that you can't compare lots that aren't similarly-situated to each other. In that case it was interior lots and corner lots, but it indicates that you do have to make sure that the lots that you're comparing in similarly-situated are the same kinds of lots.

MAYOR EUILLE: All right. Mr. Smedberg, and then we've got to get a motion on the floor.

COUNCILMAN SMEDBERG: So Joanna, so given what you just said, so does Staff go out of its way then to come up with a number of sites to fulfill that requirement, on the side of caution, or...do you understand what I'm asking?

COUNSELOR ANDERSON: Yeah, I think I understand what you're asking. I don't think that Staff goes out of its way to find those lots. I think that the two provisions from 11-1710 that have been shown to you limit what they can look at. They can only look at an area of comparison that is either in the original subdivision or in land that has the same characteristics as that original subdivision. They're limited by, or the Code limits that, and then you can't go to another zone. So as you've seen from the previous examples, that's what they do when they come up with that area of comparison. Unfortunately, when you have a Code section that doesn't have a number to give you, you do have to come up with some approach, and I think the Staff has done as well as they can with coming up with that approach, given the parameters that the Code gives them.

MAYOR EUILLE: Mr. Smedberg.

COUNCILMAN SMEDBERG: You know, these are just really difficult. I'm going to go ahead and put a motion on the table that we uphold the appeal and deny the subdivision.

MAYOR EUILLE: Uphold the appeal?

COUNCILMAN SMEDBERG: Or sustain the appeal.

MAYOR EUILLE: I was going to say. So you're supporting, your motion is to support the appeal that's been brought before us today, reversing the action of the Planning Commission. All right. Motion by Mr. Smedberg. Is there a second?

COUNCILMAN CHAPMAN: Second.

MAYOR EUILLE: Seconded by Mr. Chapman. Mr. Wilson.

COUNCILMAN WILSON: I'm still not anywhere yet. Let me ask another question of Staff. So, give me the menu of options for comparator areas here that we considered in going through this. So first would be the original subdivision, which was just two lots, right?

NATHAN RANDALL: Correct, as shown on the screen.

COUNCILMAN WILSON: So first we could compare against just the two lots. What would be the other option?

NATHAN RANDALL: Then we would have to pick an alternative analysis because from a practical standpoint there's nothing to compare to other than the subject lots. So that's when we went to the Subsection 2 found here where we considered land in the same general location and zone as the original subdivision.

COUNCILMAN WILSON: What would be other alternatives besides what you guys settled on? Because, for example, we got Clover Subdivision Section 1-13. So you could just pick a section, right? What would be a portion of the subdivision?

NATHAN RANDALL: So there were Sections 1-13, for instance. But the Ordinance doesn't direct us, doesn't say that we can do that. In fact, it would be seemingly as arbitrary to pick a level as it would to pick...we wanted to go as far as seemed reasonable within the confines of that Subsection 2, land in the same general location and zone.

COUNCILMAN WILSON: You know, I'm kind of back to where I was on Lloyd's. I keep going all over the place, but I'm kind of back where I was, where I feel like this language is broken. And we have to fix it. Because we're setting up this every single time, where what is really supposed to be kind of a checklist of ministerial decision is becoming highly subjective analysis, and it's not supposed to be. I don't think that's what the law says it should be. I'm uncomfortable with either option in this case, and that is the challenge for me.

MAYOR EUILLE: And I personally agree with you, Councilman Wilson. I had a conversation with Staff, and sometimes you wish the courts would make a ruling so that it's much clearer, but we haven't gotten there yet. But certainly, we have to deal with what's currently the law in terms of how we apply it and make the judgment call. And if the decision isn't satisfactory to certain individual parties, then they have legal parameters. And that's, unfortunately, the outcome of trying to deal with these subdivision type cases. Any other comments by members of Council? I don't want us to keep dragging this out. We either make the decision or we punt. Ms. Pepper.

COUNCILMAN PEPPER: Oh, I'm sorry you worded it that way. Because I'm like Mr. Wilson, I'm really struggling with this. I absolutely hate subdivisions. I think they tighten neighborhoods, and I'm just not pleased with the comparatives that we have here. I don't know what else you can do about that, given the way the lots are. On the other hand, some of the issues that have concerned others were not so much of a concern to me. I do appreciate what Commissioner Dunn had said about the fact that the frontage width that faces the street actually is better as you see it than as it's shown here on any of our maps. It's actually, it appears anyway in the mind's eye, that it is wider and do-able. So I'm struggling with that. Also, I guess, as the Mayor points out, this could be appealed. And if we are saying, "Here are our rules, but no, we don't want to abide by them," we could easily have the Hales take us to court. Circuit Court. And I don't want to make that too easy for them. So I'm like everyone else, and I'm just not sure where we go from here. I do want to say, though, that the gentleman who said that we don't seem to understand that water runs down, and where is Newton when we need him, you bet we understand it. We understand it very clearly, and we're very concerned about it. And we want something done about it, and our Code folks are going to be working on this and hopefully bring some kind of relief to the neighbors. So anyway, I wanted to put that out, and I hope that there are other comments that'll help me kind of focus on what we do here.

3:23:12

MAYOR EUILLE: Mr. Lovain.

COUNCILMAN LOVAIN: Well, I share the concerns expressed first in the choosing of the comparator lots, because just intuitively, it seemed to me that the lots on the curve going the other way were comparators but the cul-de-sac was not. So that's a concern. And there's also the concerns of the neighbors. I walked those backyards and saw those retaining walls leaning over and saw those houses up there on the hill, and I totally get it, that this is a potential problem. But the issue that we come back to is, did the Staff recommendation, and did the Planning Commission, violate, go against the law, the Ordinance as written? And that's a tough call to say that's true. I think they looked at this, there was inherently a subjective element to it, but they struggled mightily and took a great deal of time, and it's hard for me to say they did it wrong. The problem lies with the underlying, the law, and whether that needs to be changed and clarified, or improved. But this is a pretty significant thing to say that they got it wrong. But the rules as written, the Zoning Ordinance and so forth, the decision was made contrary to what the Zoning Ordinance says. That's a tough thing to say. I really don't know if I'm quite there, but I'm interested in hearing what others have to say.

MAYOR EUILLE: Let me ask Staff this. In reading the document here, when this whole area was somewhat created in the early Sixties, probably starting in '61, there was a subdivision that took place then?

NATHAN RANDALL: So the entire Clover neighborhood was developed in stages, with different subdivision plats, I believe beginning in the late Forties and onward, through the early to mid-Sixties. The original subdivision, meaning the subdivision that created the subject lots in question, dates to 1961, and it's been in that same configuration since 1961.

MAYOR EUILLE: So there was a subdivision that took place in '61? And so this is taking another lot and subdividing it?

NATHAN RANDALL: It's re-subdividing, 1961 time frame.

MAYOR EUILLE: So there's a precedent. Well, I wouldn't call it precedent, but it's been done before.

NATHAN RANDALL: In this exact location? Yes.

COUNCILMAN PEPPER: Yes, but I don't see this (inaudible) precedent. I mean, how many lots are there? Could we have our City Attorney comment?

MAYOR EUILLE: Well, we've got our City Attorney there commenting.

COUNSELOR BANKS: What question do you have, Ms. Pepper? What is your question, Ms. Pepper?

COUNCILMAN PEPPER: (Inaudible) legality of all of our possibly rejecting our technical and zoning requirements. I guess that concerns me. And I'm wondering if maybe we should defer this until we can re-examine that. Now, I know that doesn't give much comfort to the owners, but....

COUNSELOR BANKS: I think Mr. Lovain properly stated the legal issue that's in front of you, and that is there needs to be a finding. The question really before you is, did the Planning Commission use the correct legal standards in reaching its decision. And if you decide that they did not, I would suggest to you that you should state on the record specifically what it was that the Planning Commission did or did not do that you believe violated the law that's before you. Because again, even though 11-17(B), Subsection 2 might not be as clear as you would like it to be, that is the relevant law that is in front of you, that is the relevant law that must drive your decision. Whether you wish to amend or change 11-1710(B) 2 at some point in the future is a different and separate question. So the question that is squarely before you now is, did the Planning Commission's actions adhere to the law or not adhere to the law? If you sustain the appeal and deny the subdivision, then I would urge you to state on the record specifically the reasons why you think the Planning Commission action did not comport with the law.

COUNCILMAN PEPPER: Well, I think their action did comport with the law. It's just that I'm saying if we would defer a decision on this, we would be able to perhaps re-examine that law and our criteria for how we decide these things.

COUNSELOR BANKS: No, Ms. Pepper, my response to that question is, at the time that this subdivision appeal came before you, this is the relevant law. Therefore, this is the relevant law that will decide this case, even if you change the law tomorrow. This law is the law that must apply to this case in front of you.

MAYOR EUILLE: Vice-Mayor Silberberg, Mr. Smedberg.

COUNCILMAN SILBERBERG: Well, I appreciate, Mr. Banks, what you're saying. I think if you just stick to the description, the lot width at the frontage to Mr. Lovain's point, really. I think that that particular point, the lot width, the frontage, there's a difference there that we recognize, that Mr. Dunn pointed out and that we can all recognize. I think in addition to that for me, there's the letter of the law and of course there's what on Capitol Hill they call the spirit of the law. And I'm looking at the section now, and to me it leads me, just going with that

in terms of the law and the spirit of the law and the lot width, not even if you set aside the spirit of the law and just go with the lot width specifically, then I would support sustaining the appeal in that case. And I think that it's really a judgment call, but if you set aside judgment and spirit of the law, and I think that we are elected for our judgment actually, but if we want to follow the laws, I'd consider changing the law at some other point, or at least encouraging changing the law, but in terms of sustaining the appeal, I would support sustaining the appeal because of the lot width.

MAYOR EUILLE: I heard someone down there. Mr. Chapman, I'm sorry, Mr. Smedberg. Mr. Chapman.

COUNCILMAN SMEDBERG: Mr. Banks, what you said, and I hear what you're saying, but that also assumes that we agree with the arguments and sort of the rationale with which the Planning Commission came to their determination. One could say, or one could argue, that the inclusion of the Vassar Place cul-de-sac was something that, while the Planning Commission may have agreed with that, although there was quite a bit of discussion on that, that they ultimately made their decision, but then we here could decide, "Well, fine, they made that decision, but yet I in my own opinion do not agree with that." So does that then mean I'm disobeying the law, or pushing back on the Planning Commission to say that what they did was unlawful? I'm using my own personal feelings and judgment to make that determination. That is not any indictment on what Ms. Lyman and her Commission did. So I just want to state that and make that clear, because....

COUNSELOR BANKS: Would you like me to respond, Mr. Smedberg? Because, Mr. Smedberg, I think you are absolutely correct. The point that you are making, if I understand, and it is certainly one that I think would be appropriate, is that if you were to come to the conclusion that the analytical construct used by Staff and considered by the Planning Commission was the improper analytical construct, and that that led them to apply the law in the fashion that they did, and rather you use a different analytical construct to judge the character of the lot, which leads you to a different conclusion, that would certainly be a proper basis for you to sustain the appeal and to deny the subdivision. If in fact that is your conclusion, then for purposes of this matter and certainly to make your City Attorney's life a little easier in the future, I would suggest that you would state that for the record, that you in fact believe that the analytical construct was not the appropriate one, that you yourself would have used a different analytical construct which leads you to a different conclusion about the character. That would be the proper finding of this body, if you were to sustain the appeal and to deny the subdivision.

COUNCILMAN SMEDBERG: Thank you for that clarification.

MAYOR EUILLE: Mr. Chapman.

COUNCILMAN CHAPMAN: Thank you. Looking at this, if the analytical construct, if I may, that I used when we looked at Section 11-1710(B), it says, "The Commission shall..." I'm paraphrasing or taking a section of this, "The Commission shall consider the established neighborhood created by the original subdivision." And then we go to the map on, I believe it's page 13, or 10 or 11, in the original subdivision, this part of Vassar Road is significantly different from the rest of the neighborhood in terms of lot size, lot width in the original plats. And I think those are the things I'm looking at when I look at whether or not to prove or withhold. I sustain the appeal. It's specifically this section of the neighborhood. I don't believe we should lead the subdivision to make the northern side of Vassar Place much like the plats on Crown View, Skyhill or anywhere else within the subdivision. That similar size is the correct use of that subdivision. That's why I agree to sustain the appeal. That's what I'm looking at.

COUNCILMAN WILSON: Mr. Mayor? So we actually have three alternatives on this, right? We can sustain the appeal, we can deny the appeal, we can also send it back to the Planning Commission with instructions that they should apply a different standard?

MAYOR EUILLE: That's correct.

COUNCILMAN WILSON: It seems to me that either way we're actually doing that. We're either denying this one specifically, entirely, and giving the Planning Commission in effect new instructions about how in the future to address these, or we're sending this one specifically back with instructions. Either way we're going to send instructions back to the Commission about how to handle these. I guess in effect we're kind of evolving the way we interpret this code section, the totality of all these decisions we make, whether it's Lloyd's or Del Ray or this one. We basically are evolving this code section, and it just gives me greater and greater unease about kind of how far we're going from what's in the letter of the law. I just think we need to clear up that ambiguity, and I don't think we're going to clear it up on this case, but there has to be a process, and I think Councilman Pepper made mention of this too, that there has to be a process to do that. So I'm, just like Lloyd's, I'm very concerned that we're in a strange place. And it puts me in a place where I'm just uncomfortable voting either way on this. I think Councilman Lovain's points were well-taken earlier.

MAYOR EUILLE: Mr. Lovain.

COUNCILMAN LOVAIN: Yeah, and it occurs to me that if our feeling is that the cul-de-sac shouldn't really be included as a comparator, then we're left with two parcels, right? And then we can look at the lot width concerns with these two parcels, and I know earlier we had this problem of looking at too many parcels. But if we're down to looking at just two parcels, I'm feeling more comfortable having more than two. So I think remanding and then trying to look at, revisit, the issue of our comparables makes me more comfortable than trying to make a judgment based on comparing the two parcels only.

MAYOR EUILLE: Well, let's piggyback on that a little bit. From what I'm reading here, and if I understand what you're saying, Mr. Lovain, the analysis on whichever chart up there says Lots 625 and 626 have lot size, frontage, and width found in at least 50% of the eight most similarly-situated properties, in some cases at much higher percentage. Staff believes the subdivision proposal is therefore substantially consistent with the neighborhood lot character, a finding required in Section 11-1710(B) of the Zoning Ordinance. That would mean then that the subdivision, request for a subdivision, should stand. That's my interpretation of that. I may be wrong; I'm not a lawyer. Mr. Smedberg?

COUNCILMAN SMEDBERG: Mr. Mayor, I say we call the question.

MAYOR EUILLE: Well, let me ask Staff to respond to what I just mentioned.

COUNSELOR ANDERSON: Mr. Mayor, I think that there are a few different lots, and I think you might have been, or two different lots, and I think you might have been reading from one of them and Councilman Lovain is reading from another one potentially. What is shown on the screen here is, for Lot 625, and it's Lot 626 that is a little bit closer in lot width, but as the counsel from the other, for the applicant, has pointed out, lot width is one of these issues that Staff looks at because they feel that it pertains to the Zoning Ordinance requirements, but it's not actually listed in the character provision.

MAYOR EUILLE: All right. Again, we have three options before us. We can....

COUNCILMAN SMEDBERG: No, we have one option. There's a motion on the table....

MAYOR EUILLE: No, not a motion, but we have options. We can sustain, we can deny, and we can remand back. But the motion on the floor is to sustain the appeal. We have a motion by Mr. Smedberg, seconded by Mr. Chapman. Mr. Lovain.

COUNCILMAN LOVAIN: May I offer a substitute motion to remand to the Planning Commission for reconsideration on the basis of the comparable lots?

COUNCILMAN PEPPER: Second.

MAYOR EUILLE: There's a substitute motion made by Mr. Lovain, seconded by Ms. Pepper, to remand back to the Planning Commission with guidance. Further discussion? All right, we'll take a vote on the substitute motion. If the motion passes it becomes the main motion. All those in favor of the substitute motion say Aye.

(SEVERAL COUNCILMEN): Aye.

MAYOR EUILLE: Let's raise our hands on that.

(Lovain, Pepper, Euille, Wilson raise hands.)

MAYOR EUILLE: One, two, three, four. All those opposed?

(Smedberg, Silberberg, Chapman raise hands.)

MAYOR EUILLE: Motion carries on a four to three vote to remand back to the Planning Commission. This now becomes the main motion. All those in favor of the main motion say Aye. (Several voices say Aye.) Opposed No. (Several voices say No.) Show of hands. All those in favor of the main motion raise your hands.

(Inaudible discussion)

MAYOR EUILLE: This is the main motion, which is to remand back to the Planning Commission. All those in favor raise your hand....With guidance.

(Lovain, Pepper, Euille, Wilson raise hands.)

MAYOR EUILLE: One, two, three, four. Motion carries on a four to three vote. All right. That concludes Docket Item Number 13.

3:40:49

[Transcribed by Rebecca Rust, July 2015. Re-checked against video, October 17, 2015.]

In July 2015, the Planning Commission praised the methodology used in the subdivision case of Braddock Road. In fact they said it was, and I quote, "almost a textbook example of the way the technical analysis of subdivisions should work."

The metric method used in the Braddock Road case of July 2015 was viewed by the Planning Commission as the most well defined method, being reasonable, logical, and replicable.

Yet, despite this praise, and despite criticism by the Coty Council of previous methodologies used in subdivision cases, City staff chose not to use the Braddock Road methodology in their new report for Vassar Road.

Why? Because if they had, they would have had to write a staff report rejecting the proposal before you tonight.

In the most recent Staff Report for the Vassar Road subdivision application, Staff offers no analysis or objective methods to justify its conclusion that the proposed lots are of substantially the same character as other lots in the neighborhood with regard to lot size, lot frontage, and lot width.

To be clear, Staff did not apply ANY analytical method to reach its conclusions even after highlighting in its report that, for each of the options presented, one or more of the proposed lots are smaller than any other similarly situated lot in terms of frontage, width, or size by 10% or more.

The new staff report before you tonight shows a distinct lack of objective analysis of whether the new proposed lots are of substantially the same character as other land in the neighborhood, particularly with respect to similarly situated lots.

While the report states the staff belief that they are the same character, no single piece of data within the report supports this claim. In fact, the data in the report is clearly contrary to the words that go along with it.

In the packet in front of you is the analysis applying the Braddock Road methodology to the three options presented in the current Staff Report for Vassar Road. The results are compelling.

The methodology from the Braddock Road case is the most thorough and complete example of how to conduct such an analysis. It should be held up and used as the standard for all subdivision cases and not ignored as irrelevant.

Please consider carefully why it has not been applied to the case before you tonight.

From: Karl Moritz
Sent: Thursday, November 05, 2015 1:46 PM
To: Kristen Walentisch
Cc: Kendra Jacobs
Subject: Fwd: 809/811 Vassar Road Subdivision Response to Neighbor Opposition

Follow Up Flag: Follow up
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Begin forwarded message:

From: Mary Hales <maryhales@gmail.com>
Date: November 5, 2015 at 1:19:32 PM EST
To: malyle@leoadaly.com, mariawaowki@comcast.net,
mslyman@verizon.net, natemacek@hotmail.com, swkoenig@icloud.com,
hsdunn@ipbtax.com, dwbapc@gmail.com, mindylyly@comcast.net
Cc: Alex Dambach <alex.dambach@alexandriava.gov>, Mary Catherine Gibbs
<mcg.hcgk@verizon.net>, Mary Hales <maryhales@gmail.com>, Steve Hales
<steve@haleshomes.com>, karl.moritz@alexandriava.gov
Subject: 809/811 Vassar Road Subdivision Response to Neighbor Opposition

Dear Planning Commissioners-

There are several things we would like to address before the Planning Commission meeting tonight.

We can all agree that the "character" provision is a vague standard. The dictionary definition of the word character says, "personality, nature, disposition, qualities, properties, traits, spirit, essence, identity." Character is much more qualitative and is incredibly hard to quantify by numeric breakdown. If there is ambiguity in how the law should be enforced, the resolution should favor the property owner/applicant.

Also, please allow me to respond to the letter by the opposing neighbors that does a numeric breakdown of "character" of our lot using the two "close to" methods, that have suddenly sprung into existence over the last couple of months. Again, it is appropriate to note that any "close to" calculation is an opinion. There is nothing in the City code about "close to" or any other numeric framework for evaluation of character.

If you insist on using a "close to" methodology for lot comparison then the lots need to be similarly shaped, otherwise you cannot hold the lots to any concrete values. "Close to" numbers worked in our original case when you were comparing pie shaped lots to pie shaped lots -- once again, geometrically similar lots. If, however, you are not allowed to compare similarly shaped lots or if similarly shaped lots don't exist to determine character (because of topographic or other reasons), then you need to use more qualitative measures. In our case you have lots on the inside corner of a street and the staff report is numerically comparing them to rectangular lots. As we have seen, you cannot fairly do this quantitatively. You cannot numerically compare triangles to rectangles. You can, however, qualitatively compare them and say, yes, they are both acceptable shapes. They both hit R-8 zoning requirements, and both shapes belong in this neighborhood. That is what the City Staff has done.

We think the best "close to" numeric comparison is one using the ratios of similarly situated/shaped lots. For example let's look at our two lots compared to the only two pie shaped lots City Council has left us with -- the two lots on the interior corner of Crown View Drive.

If you really want to see if the lots are substantially similar in character, then you should be looking at the ratio of frontage to lot size (SF) on pie shaped lots. Here are those numbers:

Lot 626 (new lot) has 55.5 ft of frontage and 9452 SF. In other words, there is **1 foot of frontage for every 170 SF of size.**

Lot 625 (809 Vassar) has 59.1 ft of frontage and 9891 SF. In other words, there is **1 foot of frontage for every 167 SF of size.**

501 Crown View has 63.7 ft of frontage and 10619 SF. In other words, there is **1 foot of frontage for every 167 SF of size.**

415 Crown View has 67.2 ft of frontage and 12638 SF. In other words, there is **1 foot of frontage for every 188 SF of size.**

415 Crown View actually has a remarkably small amount of frontage for the size of the lot. Both 809 Vassar and new lot 626 have a much larger frontage than 415, in relation to lot size, and equal ratios to 501 Crown View. This proves that both 809 and 626 are substantially similar to other pie shaped lots in the area of comparison and are in character with the neighborhood. This is a better measure of character than raw numbers of frontage and SF, because you would expect a smaller pie shaped lot to have smaller frontage, and a larger pie shaped lot to have larger frontage.

If there is insistence on using the method used in the first Staff report, we can meet it (even though we think the "close to" method is not the best measure for substantial similarity). We brought a new plat to the City (Plat 2 on page 173 of the staff report) that fits the "Hales Close To" method (within 10 ft and within 1000 sq feet of 50% of the pie shaped lots on the corner of Crown View Drive). We were willing to use Plat 2 which would require us to remove 1 course of brick from the corner of garage of 809 Vassar in order to meet the setback of 8 feet. Please look at page 178 and 179 of the staff report. Can you tell a difference between plat 1 and plat 2? **No.** If Plat 2 is substantially similar, so is Plat 1. The City chose to stay with our original plat and compared it to the lots on Crown View in option 3 of their report. I assume the City stuck with our original because if Plat 2 is in character with the neighborhood, so is Plat 1. There is no real difference between the two. And altering a portion of the garage at 809 seems punitive.

If you want to use a "close to" method why is 10 feet the magic number? Why not 13 feet or 15.3 or 20 feet? None of these numbers are codified, so none of them can legally be used to disapprove our subdivision. They are all arbitrary. If you keep our original plat and compare it only to the 2 aforementioned pie-shaped lots the new lot is within 8.2 feet of the frontage of 501 Crown View and within 11.7 feet of the frontage of Crown View Drive. It is also within 1167 SF of 501 Crown View and within 3186 SF of 415 Crown View. You cannot look at these numbers and say they aren't substantially similar. Just because it is 1 or 2 percentage points away from some made up construct of 10 feet and 1000 SF, does not make it substantially different. And once again, I would point you to a better measurement of similarity using the ratio of frontage to SF explained above.

Character of the neighborhood is by definition a more qualitative measure than quantitative and should be looked at accordingly. How can numbers possibly evaluate things like "personality, nature and essence" which are also part of a neighborhood's character? Allow me to describe to you a scenario, which I think demonstrates the shaky ground on which the "character" provision rests. By right, I could build a home at 809 Vassar Rd that would be over 5700 Square feet above grade. With an additional 2500 ft below grade, the home could be as large as 8000 SF. The average size home in Clover/College Park is between 2000 and 3000 TOTAL SF. So a home that is three to four times the average size of other homes could be built. And yet, somehow, when I propose to shrink three lots, which will guarantee that any future development will be in proper scale with the neighborhood, it is viewed as somehow outside the "character" of the neighborhood? Surely, you can see the messiness of such an imprecise law? And to add to the messiness, I could then turn around and do it all over again at my current home at 811 Vassar. Except this time, it could be even bigger than 8000 SF, since the lot at 811 is even larger than 809. Do two massive McMansions make sense in this community? Then why would this choice be incentivized by denying our subdivision? The "character" provision must work both ways for it to be credible - character preservation can happen by addition as well as subtraction. In our case, the proposed subdivision is actually the best tool for preserving neighborhood character.

In summation, these lots meet the R-8 guidelines for square footage, frontage, and width. It has also been found four times by staff, using numerous and various methods, to meet the "substantially similar" clause. Again, if there is any ambiguity in your mind about "character" than you should and must rule on the side of applicant.

Please vote to approve our subdivision a second time.

Thank you,

Mary and Steve Hales

November 3, 2015

City of Alexandria
Department of Planning and Zoning
301 King Street, Room 2100
Alexandria, VA 22314

Re: Subdivision #2014-0014
809 and 811 Vassar Road

Members of the Planning Commission:

I am writing in opposition to the subdivision request for 809 and 811 Vassar Road. The basis of my opposition rests with the lack of objective analysis of whether the new proposed lots are of substantially the same character as other land in the neighborhood, particularly with respect to similarly situated lots.

This case involves two proposed subdivided lots whose characters with respect to lot area and/or street frontage are substantially not the same as similarly situated lots used in the three options presented in the most recent Staff Report. As the Planning Staff states in its Report, "a provision requiring new lots to be consistent with the character of other nearby lots has existed in the Zoning Ordinance¹ for many years and was strengthened in 2006." In previous Staff Reports, City Staff addressed the need for methods to analyze whether a proposed lot is "close enough" in character to justify the approval of an application. In fact, such a method was defined and applied in the original Staff Report for this application, and the method was further refined and applied successfully in the subdivision case for 418 West Braddock Road² finalized in July 2015. Planning Commission stated that the Braddock Road method was "almost a textbook example of the way this technical analysis should work." I believe the Planning Staff is to be commended for its diligence in developing the "close-to" method applied in the Braddock Road case. It is well-defined, reasonable in its criteria, and, most importantly, replicable in other cases.

However, in the most recent Staff Report for the Vassar Road subdivision application, Staff offers no analysis or objective methods to justify its conclusion that the proposed lots are of substantially the same character as other lots in the neighborhood with regard to lot size, lot frontage, and lot width. To be clear, Staff did not apply any analytical method to reach its conclusions even after highlighting in its Report that, for each of the options presented, one or more of the proposed lots are smaller than any other similarly situated lot in terms of frontage, width, or size by 10% or more.

¹ Section 11-1710(B)

² Subdivision #2015-0002

In order to provide the Planning Commission with additional information related to this case, I am enclosing the analysis and the results of applying the Braddock Road methodology³ to the three options presented in the current Staff Report for Vassar Road. The results are compelling. The subdivision request should not be approved based on these results. The methodology used in the attached analysis is not new. It is based on the Planning Staff's selection of similarly situated lots, previously used analytical methods defined by the Staff, and previously applied criteria for determining whether a proposed lot is "close enough" to comparable lots so as to be considered substantially of the same character. I have not introduced any new concepts.

I believe that consistency and repeatability are vital to establishing effective and fair criteria for all current and future subdivision cases in the City of Alexandria. Staff has worked hard during 2015 to provide such criteria. The methodology from the Braddock Road case is the most thorough and complete example of how to conduct such an analysis. It should be held up and used as the standard for all subdivision cases and not ignored as irrelevant.

Lastly, in a letter to the Planning Commission in July 2015, the Applicants requested that the Staff apply the same methodology used in the first Staff Report in determining whether the proposed lots met the criteria of the zoning ordinance. For completeness, I have also included an analysis using the earlier "close-to" method (which I have termed the "Vassar Road Close-To Method") from the first Staff Report for this subdivision case⁴. The results are just as compelling. Again, the subdivision request should not be approved based on the analysis.

I request that the Planning Commission review this information and consider the ramifications of approving this subdivision request based on the current Staff Report. The consequences to our City could be harmful and far-reaching. I recommend DISAPPROVING this subdivision request.

Regards,



David Rust
506 Crown View Drive
Alexandria, VA 22314

Attachments:

Tab 1: Description of Previously Applied Close-To Methods

Tab 2: Assessments of Option 1, Option 2 and Option 3

³ The approved methodology from the Braddock Road case says that a new lot must be within 10% of 50% of comparable lots with regard to lot size, lot frontage, and lot width.

⁴ The approved methodology from the first Vassar Road Staff Report says that a new lot must be within 1,000 sq. ft. or 10 ft., as applicable, of 50% of comparable lots with regard to lot size, lot frontage, and lot width.

DESCRIPTION OF PREVIOUSLY APPLIED CLOSE-TO METHODS

Staff reports from previous subdivision cases have addressed how to consider metric measurements (size, frontage, and width) that are less than any comparable lot. The “close-to” method used in the Braddock Road case of July 2015 is the most well defined method, being reasonable, logical, and replicable.

In previous Staff Reports, Staff only applied a close-to method if the value for one of the metrics (size, frontage, or width) for a proposed lot was less than the corresponding value for all similarly situated lots (comparable lots).

Braddock Road Close-To Method

The approved methodology from the Braddock Road case says that a new lot must be within 10% of 50% of comparable lots with regard to lot size, lot frontage, and lot width.

Specifically, for this method, in order for a lot’s metric to be considered “close enough,” the metric of 50% of the comparable lots must be equal to or less than the proposed lot’s metric plus 10% of the median of the metric for all comparable lots.

Median Lot Size: 9,155	Median Lot Frontage: 78.53	Median Lot Width: 80
10% of median: 915.5	10% of median: 7.85	10% of median: 8

<u>Threshold Values for Lot 626</u>	<u>Threshold Values for 809 Vassar</u>
Lot size: $10,367.5 = 9,452 + 915.5$	Lot size: $10,806.5 = 9,891 + 915.5$
Lot frontage: $63.32 = 55.47 + 7.85$	Lot frontage: $66.97 = 59.12 + 7.85$
Lot width: $74.8 = 66.8 + 8$	Lot width: $81 = 73.9 + 8$

Vassar Road Close-To Method

The approved methodology from the first Vassar Road Staff Report says that a new lot must be within 1,000 sq. ft. or 10 ft., as applicable, of 50% of comparable lots with regard to lot size, lot frontage, and lot width.

Specifically, for this method, in order for a lot’s metric to be considered “close enough,” the metric of 50% of the comparable lots must be equal to or less than the proposed lot’s metric plus 1,000 sq. ft. for lot size or plus 10 ft. for lot frontage and lot width.

<u>Threshold Values for Lot 626</u>	<u>Threshold Values for 809 Vassar</u>
Lot size: $10,452 = 9,452 + 1,000$	Lot size: $10,891 = 9,891 + 1,000$
Lot frontage: $65.47 = 55.47 + 10$	Lot frontage: $69.12 = 59.12 + 10$
Lot width: $76.8 = 66.8 + 10$	Lot width: $83.9 = 73.9 + 10$

Regardless of method, 50% of all comparable values for a given metric (size, frontage, or width) must be equal to or less than the threshold value in order to be considered “close enough.”

ASSESSMENT OF OPTION 1

Area of comparison: 78 lots

Number of lots considered similarly situated (i.e., comparable lots): 65 (50% is 33)
(Note: Does not include the three proposed lots.)

Applying Braddock Road Close-To Method to Option 1:**Lot 626**

Lot size: PASSES. Larger than at least one comparable lot

Lot frontage: FAILS. Not close enough to any of the comparable lots

Lot width: PASSES. Larger than at least one comparable lot

809 Vassar

Lot size: PASSES. Larger than some comparable lots

Lot frontage: FAILS. Not close enough to 50% of the comparable lots – close to only 8 (12%)

Lot width: PASSES. Larger than at least one comparable lot

811 Vassar

Lot size: PASSES. Larger than all comparable lots.

Lot frontage: PASSES. Larger than all comparable lots.

Lot width: PASSES. Larger than all comparable lots.

Conclusion: Lot 626 is NOT substantially of the same character based on lot frontage.
Lot 809 Vassar is NOT substantially of the same character based on lot frontage. Lot 811 Vassar is substantially of the same character to similarly situated lots.

LOT SIZE (sq ft)			LOT FRONTAGE (ft)		LOT WIDTH (ft)	
1	306 Cloverway	8,000	Lot 626	55.47	302 Cloverway	64.98
2	308 Cloverway	8,000	809 Vassar	59.12	306 Cloverway	65
3	305 Cambridge	8,000	501 Crown View	63.58	308 Cloverway	65.78
4	307 Cambridge	8,000	306 Cloverway	64.15	304 Cloverway	65.81
5	311 Cambridge	8,000	312 Cloverway	65	Lot 626	66.8
6	303 Cambridge	8,001	310 Cloverway	65.75	310 Cloverway	67
7	310 Cloverway	8,015	302 Cloverway	66	312 Cloverway	67
8	402 Cloverway	8,024	308 Cloverway	66	402 Cloverway	68
9	404 Cloverway	8,024	304 Cloverway	66	404 Cloverway	68
10	406 Cloverway	8,024	415 Crown View	66.39	406 Cloverway	68
11	408 Cloverway	8,024	402 Cloverway	68	408 Cloverway	68
12	810 Janney's	8,024	404 Cloverway	68	810 Janney's	68
13	403 Cambridge	8,053	406 Cloverway	68	808 Janney's	68
14	405 Cambridge	8,064	408 Cloverway	68	401 Cloverway	70
15	407 Cambridge	8,064	810 Janney's	68	813 Clovercrest	70.01
16	409 Cambridge	8,064	808 Janney's	68	309 Cambridge	71.49
17	808 Janney's	8,067	401 Cloverway	70	403 Cambridge	71.9
18	316 Crown View	8,074	813 Clovercrest	70.01	405 Cambridge	72
19	410 Cloverway	8,080	309 Cambridge	71.49	407 Cambridge	72
20	304 Cloverway	8,142	403 Cambridge	71.9	409 Cambridge	72
21	312 Cloverway	8,207	405 Cambridge	72	303 Cambridge	72.76
22	309 Cambridge	8,299	407 Cambridge	72	305 Cambridge	73.54
23	401 Cloverway	8,400	409 Cambridge	72	307 Cambridge	73.54
24	308 Vassar	8,400	303 Cambridge	72.76	809 Vassar	73.9
25	302 Cloverway	8,529	305 Cambridge	73.54	805 Vassar	75

	LOT SIZE (sq ft)	
26	809 Clovercrest	8,746
27	307 Crown View	8,800
28	313 Vassar	8,800
29	807 Vassar	8,800
30	309 Crown View	8,841
31	402 Crown View	8,912
32	311 Vassar	8,995
33	403 Crown View	9,155
34	407 Crown View	9,155
35	411 Crown View	9,155
36	813 Clovercrest	9,166
37	315 Vassar	9,238
38	311 Crown View	9,340
39	404 Crown View	9,350
40	408 Crown View	9,350
41	309 Vassar	9,416
42	805 Vassar	9,422
43	Lot 626	9,452
44	314 Crown View	9,460
45	312 Crown View	9,492
46	810 Clovercrest	9,525
47	511 Crown View	9,545
48	515 Crown View	9,545
49	401 Crown View	9,547
50	505 Crown View	9,599
51	506 Crown View	9,600
52	514 Crown View	9,600
53	812 Clovercrest	9,633
54	811 Clovercrest	9,665
55	310 Crown View	9,838
56	313 Crown View	9,872
57	315 Crown View	9,879
58	809 Vassar	9,891
59	317 Crown View	9,925
60	814 Clovercrest	10,506
61	500 Crown View	10,536
62	415 Crown View	10,619
63	308 Crown View	10,809
64	414 Crown View	11,779
65	501 Crown View	12,638
66	811 Vassar	14,382
67	814 Vassar	15,897
68	812 Vassar	19,735

LOT FRONTAGE (ft)	
307 Cambridge	73.54
805 Vassar	73.94
315 Vassar	75.36
410 Cloverway	75.71
315 Crown View	76
317 Crown View	76
311 Cambridge	77.35
311 Vassar	77.64
312 Crown View	78.52
310 Crown View	78.53
309 Vassar	79.75
308 Vassar	80
809 Clovercrest	80
307 Crown View	80
313 Vassar	80
807 Vassar	80
506 Crown View	80
514 Crown View	80
314 Crown View	80.77
403 Crown View	81
407 Crown View	81
411 Crown View	81
402 Crown View	81.02
309 Crown View	81.03
812 Clovercrest	82.96
511 Crown View	83
515 Crown View	83
401 Crown View	83.02
505 Crown View	83.47
811 Clovercrest	84.22
814 Clovercrest	84.62
404 Crown View	85
408 Crown View	85
810 Clovercrest	85
311 Crown View	90
313 Crown View	90.33
316 Crown View	101.72
308 Crown View	105.42
811 Vassar	105.98
500 Crown View	123.19
814 Vassar	132
414 Crown View	133.36
812 Vassar	235.79

LOT WIDTH (ft)	
410 Cloverway	75.71
315 Vassar	77
311 Cambridge	77.35
315 Crown View	78
317 Crown View	78
501 Crown View	79
311 Vassar	79
309 Vassar	79.75
308 Vassar	80
809 Clovercrest	80
307 Crown View	80
313 Vassar	80
807 Vassar	80
309 Crown View	80
506 Crown View	80
514 Crown View	80
310 Crown View	80
403 Crown View	81
407 Crown View	81
411 Crown View	81
314 Crown View	81
402 Crown View	81.02
401 Crown View	82
511 Crown View	83
515 Crown View	83
812 Clovercrest	83
811 Clovercrest	83
505 Crown View	83.47
404 Crown View	85
408 Crown View	85
312 Crown View	85
810 Clovercrest	86
313 Crown View	87
814 Clovercrest	88
311 Crown View	89
415 Crown View	91
316 Crown View	94
308 Crown View	96
500 Crown View	102
811 Vassar	112.24
414 Crown View	122
814 Vassar	122
812 Vassar	183

Applying Vassar Road Close-To Method (1,000 sq ft or 10 ft) to Option 1

Lot 626

Lot size: PASSES. Larger than at least one comparable lot

Lot frontage: FAILS. Not close enough to 50% of the comparable lots – close to only 3 (5%)

Lot width: PASSES. Larger than at least one comparable lot

809 Vassar

Lot size: PASSES. Larger than some comparable lots

Lot frontage: FAILS. Not close enough to 50% of the comparable lots – close to only 14 (22%)

Lot width: PASSES. Larger than at least one comparable lot

811 Vassar

Lot size: PASSES. Larger than all comparable lots.

Lot frontage: PASSES. Larger than all comparable lots.

Lot width: PASSES. Larger than all comparable lots.

Conclusion: Lot 626 is NOT substantially of the same character based on lot frontage. Lot 809 Vassar is NOT substantially of the same character based on lot frontage. Lot 811 Vassar is substantially of the same character to similarly situated lots.

ASSESSMENT OF OPTION 2

Area of comparison: 80 lots

Number of lots considered similarly situated (i.e., comparable lots): 22 (50% is 11)

Applying Braddock Road Close-To Method to Option 2:

Lot 626

Lot size: PASSES. Larger than at least one comparable lot

Lot frontage: FAILS. Not close enough to any of the comparable lots

Lot width: FAILS. Not close enough to 50% of the comparable lots – close to only 1 (5%)

809 Vassar

Lot size: PASSES. Larger than some comparable lots

Lot frontage: FAILS. Not close enough to 50% of the comparable lots – close to only 2 (9%)

Lot width: PASSES. Larger than at least one comparable lot

811 Vassar

Lot size: PASSES. Larger than all comparable lots.

Lot frontage: PASSES. Larger than all comparable lots.

Lot width: PASSES. Larger than all comparable lots.

Conclusion: Lot 626 is NOT substantially of the same character based on lot frontage and lot width. Lot 809 Vassar is NOT substantially of the same character based on lot frontage. Lot 811 Vassar is substantially of the same character to similarly situated lots.

	LOT SIZE (sq ft)	
1	401 Cloverway	8,400
2	307 Crown View	8,800
3	313 Vassar	8,800
4	807 Vassar	8,800
5	309 Crown View	8,841
6	311 Vassar	8,995
7	403 Crown View	9,155
8	407 Crown View	9,155
9	411 Crown View	9,155
10	315 Vassar	9,238
11	311 Crown View	9,340
12	309 Vassar	9,416
13	805 Vassar	9,422
14	Lot 626	9,452
15	511 Crown View	9,545
16	515 Crown View	9,545
17	401 Crown View	9,547
18	505 Crown View	9,599
19	313 Crown View	9,872
20	315 Crown View	9,879
21	809 Vassar	9,891
22	317 Crown View	9,925
23	415 Crown View	10,619
24	501 Crown View	12,638
25	811 Vassar	14,382

LOT FRONTAGE (ft)	
Lot 626	55.47
809 Vassar	59.12
501 Crown View	63.58
415 Crown View	66.39
401 Cloverway	70
805 Vassar	73.94
315 Vassar	75.36
315 Crown View	76
317 Crown View	76
311 Vassar	77.64
309 Vassar	79.75
307 Crown View	80
313 Vassar	80
807 Vassar	80
403 Crown View	81
407 Crown View	81
411 Crown View	81
309 Crown View	81.03
511 Crown View	83
515 Crown View	83
401 Crown View	83.02
505 Crown View	83.47
311 Crown View	90
313 Crown View	90.33
811 Vassar	105.98

LOT WIDTH (ft)	
Lot 626	66.8
401 Cloverway	70
809 Vassar	73.9
805 Vassar	75
315 Vassar	77
315 Crown View	78
317 Crown View	78
501 Crown View	79
311 Vassar	79
309 Vassar	79.75
307 Crown View	80
313 Vassar	80
807 Vassar	80
309 Crown View	80
403 Crown View	81
407 Crown View	81
411 Crown View	81
401 Crown View	82
511 Crown View	83
515 Crown View	83
505 Crown View	83.47
313 Crown View	87
311 Crown View	89
415 Crown View	91
811 Vassar	112.24

Applying Vassar Road Close-To Method (1,000 sq ft or 10 ft) to Option 2

Lot 626

Lot size: PASSES. Larger than at least one comparable lot

Lot frontage: FAILS. Not close enough to 50% of the comparable lots – close to only 1 (5%)

Lot width: FAILS. Not close enough to 50% of the comparable lots – close to only 2 (9%)

809 Vassar

Lot size: PASSES. Larger than some comparable lots

Lot frontage: FAILS. Not close enough to 50% of the comparable lots – close to only 2 (9%)

Lot width: PASSES. Larger than at least one comparable lot

811 Vassar

Lot size: PASSES. Larger than all comparable lots.

Lot frontage: PASSES. Larger than all comparable lots.

Lot width: PASSES. Larger than all comparable lots.

Conclusion: Lot 626 is NOT substantially of the same character based on lot frontage and lot width. Lot 809 Vassar is NOT substantially of the same character based on lot frontage. Lot 811 Vassar is substantially of the same character to similarly situated lots.

ASSESSMENT OF OPTION 3

Area of comparison: 80 lots

Number of lots considered similarly situated (i.e., comparable lots): 2 (50% is 1)

Applying Braddock Road Close-To Method to Option 3:

Lot 626

Lot size: FAILS. Not close enough to any comparable lot.

Lot frontage: FAILS. Not close enough to any comparable lot.

Lot width: FAILS. Not close enough to any comparable lot.

809 Vassar

Lot size: PASSES. Close enough to 50% of the comparable lots (1 of 2)

Lot frontage: PASSES. Close enough to 100% of the comparable lots (2 of 2)

Lot width: PASSES. Close enough to 50% of the comparable lots (1 of 2)

811 Vassar

Lot size: PASSES. Larger than all comparable lots.

Lot frontage: PASSES. Larger than all comparable lots.

Lot width: PASSES. Larger than all comparable lots.

Conclusion: Lot 626 is not similar in character based on lot size, lot frontage, and lot width. Lots 809 Vassar and 811 Vassar are similar in character to similarly situated lots.

LOT SIZE (sq ft)		LOT FRONTAGE (ft)		LOT WIDTH (ft)		
1	<i>Lot 626</i>	9,452	<i>Lot 626</i>	55.47	<i>Lot 626</i>	66.8
2	<i>809 Vassar</i>	9,891	<i>809 Vassar</i>	59.12	<i>809 Vassar</i>	73.9
3	415 Crown View	10,619	501 Crown View	63.58	501 Crown View	79
4	501 Crown View	12,638	415 Crown View	66.39	415 Crown View	91
5	<i>811 Vassar</i>	14,382	<i>811 Vassar</i>	105.98	<i>811 Vassar</i>	112.24

Applying Vassar Road Close-To Method (1,000 sq ft or 10 ft) to Option 3

Lot 626

Lot size: FAILS. Not close enough to any comparable lot.

Lot frontage: PASSES. Close enough to 50% of the comparable lots (1 of 2)

Lot width: FAILS. Not close enough to any comparable lot.

809 Vassar

Lot size: PASSES. Close enough to 50% of the comparable lots (1 of 2)

Lot frontage: PASSES. Close enough to 100% of the comparable lots (2 of 2)

Lot width: PASSES. Close enough to 50% of the comparable lots (1 of 2)

811 Vassar

Lot size: PASSES. Larger than all comparable lots.

Lot frontage: PASSES. Larger than all comparable lots.

Lot width: PASSES. Larger than all comparable lots.

Conclusion: Lot 626 is not similar in character based on lot size and lot width. Lots 809 Vassar and 811 Vassar are similar in character to similarly situated lots.

FW: Beech/Clover History

Alex Dambach

Wed 10/28/2015 6:15 PM

REVISED

To PlanComm <PlanComm@alexandriava.gov>;

📎 1 attachment (824 KB)

RJ Beech CORRECTED Clover History Committee 10-28-2015.docx;

This is additional material for Vassar

Alex Dambach, AICP
Division Chief – Land Use Services
City of Alexandria
301 King Street, Rm 2100
Alexandria, VA 22314
Office: 703-746-3829
Mobile: 571-393-7339
alex.dambach@alexandriava.gov
www.alexandriava.gov

-----Original Message-----

From: Helen Lloyd [<mailto:henalloyd@yahoo.com>]
Sent: Wednesday, October 28, 2015 6:10 PM
To: Alex Dambach
Subject: Beech/Clover History

Alex,

There was a minor error in the first copy. For the sake of transparency, we want to send you a corrected version. Please use this version.

Thanks.

Helen
703.244.2041

>
>

Rozier J. Beech (1900-1985)

On August 5, 1946, Virginia Bullock-Willis, owner of the Woodleigh estate on Duke Street Extended, sold 48 acres to Rozier J. Beech, a Maryland developer who relocated to Alexandria.

The first Alexandria homes that Beech built were on the east side of Cambridge Road. Beginning in 1947, he worked his way towards Janney's Lane, completing the first cluster of homes in November 1948. Initially, he lived at 700 Janney's Lane in a pre-existing house that no longer stands. He retained this house as a business office but resided from 1950 to 1954 in a home he built at 904 Janney's Lane in 1948. Martha Kerr, who has lived in the neighborhood since 1952, recalls a brief period when he also lived at 409 Cambridge, conducting business from a first floor guest room behind the kitchen. To this day, the front gates of this bright yellow house sport telltale clover cutouts. According to former neighbor, Nancy Smith, his play on the meaning of "being in Clover" was intentional because people told him that once he sold his houses he would be "in clover." "

Cloverway Drive and 10 houses on Janney's Lane, both developed between 1948 and 1950 came next, then Skyhill, mostly built between 1950 and 1953, and Crown View Drive, beginning in 1955.

In 1956, Beech moved to the turreted house he built for his mother, sister and himself at 812 Vassar Road on what was then the largest property in Clover. (In a preview of a tactic he would again employ a few years later, he created the large lot by combining parcels: in this instance, Lot 1, Block 3 and Lot 2, Block 6, Section 1 of Clover.) According to *Lusk's Northern Virginia Real Estate Directory Service 1956 Edition*, he had reserved the property at the top of the hill for himself two years earlier. He spent 17 years at 812 Vassar Road, where he raised prize-winning orchids in a large attached greenhouse and often invited neighbors to come inside to admire them. He sold the property to William S. Bannister and his wife, Patience on January 26, 1973 (Alexandria Deed Book 752:456), retired and relocated to Boca Raton, Florida. Because details about the original re-subdivision of the lots were missing from the deed of sale, the Bannisters rededicated their property on 31 August, 1973 (Alexandria Deed Book 763:815).

According to an oral history from Nancy Smith and her husband, local historian William F. Smith, former residents of 811 Vassar Road who now live at Goodwin House, Beech insisted that the houses built at 811 and 809 Vassar Road, sit to the far left and right sides of their large lots so that he could retain the view of the Potomac River from his own property.

Indeed he touted the view as an asset to Clover when he sold choice neighborhood lots. In one 1948 newspaper advertisement for 307 Cambridge Road he writes, "The view over the hills starts every day off right" and in an ad for 314 Cloverway Drive, he also singles out the "fine, high view." The Smiths, who originally lived on Skyhill, were longtime acquaintances of Mr. Beech. Nancy Smith, an avid gardener who adorned her Vassar Road property with choice shrubs, trees and flowers has said she believed he was very particular about who bought the lots opposite his own house and had vetted both the Smiths and their next door neighbors, Robert H. Payne and his wife, Marguerite, before selling to them. He wanted to ensure that the quality of his own immediate neighborhood and the view from his house were in keeping with his high standards. His intent became even more apparent when he built the large split-level house at 809 Vassar for the Paynes, increased the size of their original lot from 10,350 square feet to 16,409 square feet and carved out the new, even larger adjacent lot that the William F. Smiths would buy.

REVISED

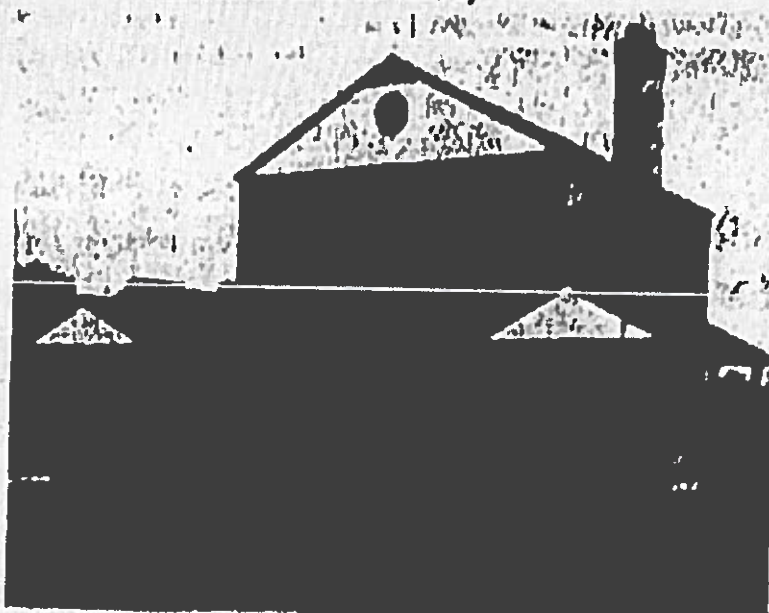
Beech's original 1959 plat of Clover's Section 11 included just three lots on Vassar Road: Number 25, (now 809 Vassar) which was directly across the street from his house and lots 24 and 23 (now 807 and 805 Vassar Road.) Land to the immediate west of Lot 25 was vacant. (Alexandria Deed Book 504:461, December 14, 1959.) Together, Lot 25, which the Paynes purchased on August 15, 1960 (Alexandria Deed Book 518:214) and this vacant property, comprised a 33,625 square foot parcel. A year and a half later, November 20, 1961, Beech used the land in the undeveloped parcel to create a new 17,316 square foot lot (now 811 Vassar Road) and to add 6,059 square feet to the Paynes' Lot 25 (which now included the house he had built for them at 809 Vassar.) Lot 25 became new Lot 525 and in 1962, the Smiths built their residence on the land that had become new Lot 26 in the Re-subdivision of Lot 25, Block 3 and Addition to Section 11 – Clover. (Alexandria Deed Book 544:345.) It hardly seems accidental that these lots, which were both squarely in Beech's line-of-sight, were nearly double the less generous sizes of Lots 24 and 23.

The entire parcel was re-dedicated and re-subdivided into its present configuration with the *proviso* that "said grantees (the Paynes) shall have quiet enjoyment of said property, free from the claims of all persons whomsoever." The Paynes reiterated the same *proviso* when they sold to the C. Carney Smiths

in 1970 and when the C.C. Smiths sold to the Jeffrey Marquardts in 1998.

CLOVER . . .

ALEXANDRIA, VA.



307 CAMBRIDGE RD.

P.M.

ice corner lot in
ust a short walk
that it looks like
screened porch,
ory. 3 twin size
floors, built-in
value.
right to third
Colon Drive.

nc.

EMerson 4450

Bay window dining room; four-exposure porch; sale stairway has two landings;
room for table in kitchen; first floor lavatory; sliding wardrobe doors; \$23,000.
The view out over the hills starts every day off right. One of first well varied
group being completed. Some use of half level designs, one has four
bedrooms, some have first floor bedroom and bath.
All have complete General Electric Kitchens including disposals and dish-
washers.

Come see us—and live in Clover

Start 11th St. Right, curving right, on past Pentagon, bear left on Shirley
Highway, on left-hand, curving left at 1st Street, Follow Santa Fe
down hill, right-hand mile beyond of road circle to right of Exit station
to Cedar Lane, drive six-tenths mile to Square Lane, left one-half mile
to Cambridge Road.

R. J. BEECH, INC.

Dis

Open T

There are
Pre-war
Location:
schools an
Display ho
Room, Ma
We invite
of our 10

**"ROLI
ME"**

Drive out
wooden bridge
on Leland
Oak Cove
St. to Red
over sign.

Realtor

1106 Van

Beech continued to build. After completing Cloverway, Skyhill and Crown View Drive, he added West Taylor Run, Vassar Road, Vassar Place, Clovercrest and Dartmouth Road. According to long-time residents, he built the last homes in Clover in 1965 and 1966 at 255 Cambridge Road, 2008 and 3012 Dartmouth Road. According to the late Firth Morris of 255 Cambridge, the property that became 3012 Dartmouth was the location of a Woodleigh barn that Beech used as a tool shed for storing equipment used in building the Clover houses.

Beech laid Clover out around the shape of his own hill, using a curvilinear pattern of streets that were beginning to replace the grid pattern in the 1940s. Vassar Place was laid out in the 1960s, once cul-de-sacs had become an established feature in urban planning.

REVISED

In 1958, Beech built a large brick ranch house at 301 Crown View Drive at the intersection of Crown View and Dartmouth. The developer of the Chauncey Heights Apartments (now Skyhill) had waged a well-documented fight to extend Dartmouth through to West Taylor Run but Clover's civic association protested en masse. City Council proceeded to vote the road down and Beech built the house to protect the subdivision from unwanted incursions in perpetuity.

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 7, 2015

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: KARL MORITZ, DIRECTOR OF PLANNING & ZONING

**SUBJECT: 809 & 811 VASSAR ROAD - APPEAL OF PLANNING COMMISSION
APPROVAL OF SUBDIVISION #2014-0014**

I. Appeal Background

A group of individuals owning property within 300 feet of 809 and 811 Vassar Road is appealing the May 5, 2015 decision of the Planning Commission to approve a subdivision request at 809 and 811 Vassar Road.

Section 11-1708(D)(1) of the Zoning Ordinance states that an appeal of a Planning Commission decision regarding a subdivision request may be made by “the owners of at least 20 percent of the area of the land within 300 feet of the boundaries of the proposed subdivision.” Section 11-1708(D)(2) further states that any appeal shall be made in writing and filed with the City Clerk within 15 days of the decision of the Commission. When an appeal is filed, the City Council shall schedule one de novo public hearing on the matter and may affirm, reverse, or modify the decision of the Commission. It may also return the matter to the Commission for further consideration. On appeal, the same standards for subdivision review shall be applied as are established for the Commission.

The appellants submitted the subject appeal on May 20, 2015 (see Attachment A), which was within the 15-day window provided for in the Zoning Ordinance. Staff analyzed the property owner signatures and found that one lot needed to be disqualified because not all of its owners had signed the appeal as required. However, the disqualification had no practical effect on the outcome of the appeal. Staff determined that the land owned by the qualifying signers represented 30% of the land area within the 300-foot buffer around the site (see Attachment B). Given that the 30% figure exceeded the 20% requirement, the appeal was deemed valid and was scheduled for consideration at the City Council hearing of June 13, 2015.

II. Subdivision Request

The applicants for the subdivision request, Mary and Stephen Hales, proposed to re-subdivide two existing parcels into three lots. The purpose of the subdivision request would be to eventually build one new dwelling on the “brand-new” lot in the future. Proposed Lot 625, on which the dwelling at 809 Vassar would remain, would measure 9,891 square feet and have a lot frontage of 59.12 feet and a lot width of 73.9 feet. Proposed Lot 626, the “brand-new” lot in the middle of the project area and the potential site of a new single-family dwelling in the future, would measure 9,452 square feet. It would have a lot frontage of 55.47 feet and a lot width of 66.8 feet. Proposed Lot 627, on which the dwelling at 811 Vassar would remain, would be the largest of the three lots with 14,382 square feet. It would have a lot frontage of 103.98 feet and a lot width of 112.24 feet.

III. Subdivision Requirements

Through decades of case law, the Commonwealth of Virginia has established that the approval of subdivision requests by local government entities is a “ministerial” decision as opposed to a “discretionary” decision. The essential difference between these types of decisions is that, in ministerial decisions, a local government must approve a request if requirements from local ordinances are met, whereas in a discretionary type of case, a local government may decide whether or not to approve a request at its discretion.

In addition to individual zone requirements regarding matters such as lot area, frontage, and width, Section 11-1710 of the Zoning Ordinance includes general requirements for all subdivisions and a lot character requirement. With regard to the matter of lot character, Section 11-1710(B) requires subdivision requests to meet the following standards:

No lot shall be resubdivided in such a manner as to detract from the value of adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision. In determining whether a proposed lot is of substantially the same character for purposes of complying with this provision, the commission shall consider the established neighborhood created by the original subdivision, evidence of which may be shown by:

- (1) Subdivision plat documents, including amendments to the subdivision over time, as well as the development that has occurred within the subdivision; and
- (2) Land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.

- (3) No resubdivision shall be approved which results in the creation or the continuation of a lot, building or structure which does not comply with the provisions of this ordinance, unless the commission expressly authorizes a variation pursuant to section 11-1713 of this ordinance.

IV. Recommendation and Initial Approval

Planning & Zoning recommended approval of the request in its staff report for the Planning Commission's May 5th public hearing (see Attachment C.) All three proposed lots met R-8 zone requirements and were found to meet the lot character requirements. There were no lot character questions or concerns for the largest of the three lots (proposed Lot 627), but staff thoroughly examined the matter of lot character at the other two lots (proposed Lot 625 and 626). It compared each of those lots to similarly-situated lots in the area of comparison with regard to three features: lot area, frontage, and width.

Similar to other recent subdivision cases, the matters of which properties constituted the "area of comparison" and the "similarly-situated lots" were also discussed in the staff report to Planning Commission for this case. Given that an insufficient number of properties existed, for comparison purposes, in the 1961 plat that created the existing properties at the site, in their current configuration, staff determined that the "original subdivision" for comparison purposes – henceforth known as the "area of comparison" – should be all sections of the Clover Subdivision (Sections 1-13). Within this area, staff identified eight lots, as shown in Figure 1 on the next page, that were most "similarly-situated" to the subject site. Unlike most lots in the larger Clover development, these eight similarly-situated properties on Crown View Drive and Vassar Place are positioned on the outside portion of sharply-curved street frontages, just like the subject site. They have at least one, if not two, radial side lot lines projecting from concave street frontages that result in a general lot shape, sometimes considered to be "pie-shaped," that is similar to proposed Lots 625 and 626. The front property lines are also noticeably shorter than the front property lines at lots located along straight or mostly-straight portions of public streets in the area of comparison.

In the analysis, the degree of similarity between the eight similarly-situated properties and each of the two proposed lots regarding area, width, and frontage were measured through a series of six percentage comparisons. If the proposed lots came close in measurement to at least 50 percent of the eight similarly-situated properties in the area of comparison, staff could conclude that the subdivision request would be "of substantially the same character" compared to the similarly-situated lots as required. As noted in the staff report, all six percentage comparisons were at, or exceeded, the acceptable threshold of at least 50 percent of the similarly situated lots. Staff therefore concluded that the proposed lots met the lot character requirement in Section 11-1710(B) of the Zoning Ordinance.

As a part of its analysis, staff concluded that measurements of the eight similarly-situated lots were deemed to be close to the measurements of the proposed new lots if they met one of three circumstances: 1) those similarly-situated properties with *less than* the measurements of the proposed two lots, 2) those similarly-situated properties with the *same* measurements, and 3) those similarly-situated properties with measurements *slightly more than* the measurements of

Figure 1: Area of Comparison and Similarly-Situated Lots



the proposed two lots. As noted in its report to the Commission, staff defined “slightly more than” the proposed lots to be not more than 10 additional feet of lot frontage and width and not more than 1,000 additional square feet of lot area.

At its May 5th public hearing, the Planning Commission voted 5-1 to approve the subdivision request. The majority of the Commission members agreed with the staff analysis, including the lot character analysis and the determination of which properties constituted the “similarly-situated lots.” The minority of the Commission did not agree with the recommended selection of “similarly-situated lots” and also expressed concern that, despite staff’s analysis, proposed Lot 626 should not have less lot width than all of the eight similarly-situated lots.

V. Appellants’ Concerns

In addition to the findings provided in the May 5, 2015 staff report and reiterated in this memorandum, staff has also reviewed the appellants’ appeal documents submitted on May 20, 2015. It offers the following response to each of their specific concerns, which have been summarized in italics.

- A. The staff report used a non-standard and previously unused method of comparing lot width of the new lot to other comparable lots, which skewed the results.*

The appellants appear to be referring to the concern of a Planning Commissioner regarding staff’s deeming of properties exhibiting slightly more lot width than proposed Lot 626 as being sufficiently “similar” to proposed Lot 626 so as to be consistent with regard to lot character. Staff had previously applied this concept to its analysis in the recent Lloyd’s Lane subdivision request, which was denied by Planning Commission in December 2014 and upheld as denied by City Council on appeal in January 2015. The use of the method was a minor element in that case given that few properties in that area of comparison had only slightly more of any of the lot features discussed.

Staff continues to believe that considering properties with slightly more lot area, lot width, or lot frontage is an appropriate quantitative interpretation of the qualitative “similar lot character” question. The majority of the Planning Commission agreed with this analysis as well. It should also be noted that the use of the concept in the subject subdivision case was noted in the published May 5th staff report.

- B. The lots on Vassar Place, which is a cul-de-sac, do not provide a true comparison to the lots on Vassar Road or the similarly-shaped lots on Crown View Drive.*

The Zoning Ordinance requires staff to compare subdivision proposals to those similarly-situated lots within an original subdivision or alternative area of comparison. Staff determined that those lots most similar to the proposal are eight specific lots, indicated in Figure 1 of this memorandum, given their all being situated on the outside of sharply-curved street frontages, and therefore being approximately pie-shaped and having property lines shorter in the front than in the rear. The lots on Vassar Place all share these characteristics even though that street is a cul-de-sac. As long as the similarly-situated

lots are located within the original subdivision or alternative area of comparison, they need to be included with the set of similarly-situated lots regardless of which street they are located on and regardless of the particular measurements of lot area, frontage, or width found at those properties.

- C. The basement of the existing dwelling at 809 Vassar Road was excluded from floor area ratio (FAR) calculations, but only basements that extend less than four feet above grade may be excluded from FAR.*

The applicants submitted information certified by their architect, which was included on page 22 of the May 5, 2015 staff report to Planning Commission, indicating that the 908 square feet of basement area deducted from FAR calculations is below grade with a wall exposure area of 3.33 feet above average grade, which means this area of the dwelling meets the Zoning Ordinance definition of a basement having a wall exposure area not more than four feet above grade. The 908 square feet of basement area is therefore an allowable deduction from FAR measurements.

- D. Contrary to the Planning Commission procedures listed on the City's website, the Planning Commission allowed the subdivision applicants to speak last rather than first.*

Staff has reviewed the documents the City provides to the public on its website and could not find instances in which the Planning Commission hearing process is described as requiring a particular order of speakers. It has been common, consistent practice for many years for the Chair of the Planning Commission to make decisions regarding speaking order and to allow applicants to speak in any order. Standard practices were followed during the May 5th Planning Commission public hearing.

- E. Other residential subdivision requests in recent years have required tree protection measures as a condition of approval, but no such conditions were included in this case.*

It is true that staff has recommended tree protection measures in many, but not all, residential subdivision cases in recent years. The tree protection measures are intended to protect specific trees, often medium-to-large sized trees, from being damaged during construction of a future single-family dwelling on the property. It is important to note that the scope of these measures is only limited to their being damaged during construction, and would not necessarily prevent them from being protected in perpetuity. In this case, many trees on the lot are small, and most of the relatively few larger trees are located near the edges of the property generally within existing required zoning setback areas. Staff therefore believed it was not necessary in this case to recommend tree protection condition language.

VI. Conclusion

Staff continues to find that proposal meets Zoning Ordinance requirements for subdivision approvals and continues to recommend approval based on the information and conclusions contained in the May 5, 2015 staff report and as further supported in this memorandum.

Enclosures:

Attachment A – Appeal Documents

Attachment B – Staff Appeal Map & Analysis

Attachment C – May 5, 2015 Staff Report to Planning Commission

Attachment D – Subdivision Plat

ATTACHMENT A

506 Crown View Drive
Alexandria, VA 22314

May 19, 2015

BY HAND DELIVERY

Mayor William D. Euille
Alexandria City Council
301 King Street, Suite 2300
Alexandria, VA 22314

MAY 20 2015

*received by
Glenn Sitter
DCC*

Re: Appeal of Subdivision 2014-0014
809 and 811 Vassar Road

Dear Mayor Euille and City Council Members:

We are writing to respectfully request an appeal hearing for the above-referenced subdivision case, which was decided on May 5, 2015. We are citizens of the Clover neighborhood who will be directly impacted by this subdivision and any resulting future construction. Our concerns are as follows:

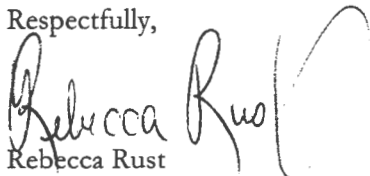
1. The Staff Report used a non-standard and previously unused method of comparing lot width of the new lot to other comparable lots, which skewed the results. This method that was so instrumental in leading to a recommended approval, despite the concerns of several members of the Planning Commission, should be published, codified, and made available to citizens.
2. The Staff Report used comparably shaped lots on Vassar Place. Vassar Place is a cul-de-sac in the neighborhood and should not be confused with Vassar Road. These lots are noticeably smaller in lot frontage than the similarly-shaped lots on Crown View Drive as a result of being on a cul-de-sac and do not provide a true comparison.
3. The square footage of the house on 809 Vassar Road that was used in the Staff Report did not include the basement. A basement can be left out of square footage calculations if it is less than four feet above grade on average. The survey measurements in the application did not report the height of the first floor and used a non-standard measurement process that may have resulted in a misleading average.
4. The Planning Commission hearing did not follow the presentation order provided to citizens. The Planning Commission webpage indicates that the staff presents its report, the applicants get a chance to speak, and then citizens have the right to speak. At the May 5th hearing, the applicant asked for and was given permission to speak last. The applicant time was used by an attorney who discounted neighborhood concerns and demanded that the subdivision be approved. When one of the neighbors tried to rebut the attorney's assertions, the neighbor was told that she had already had her chance to speak and must be silent. We believe that the published procedure should have been followed.
5. Staff reports for many of the residential subdivisions over the past three years have included concerns over tree protection and other issues which could potentially arise during future construction. These issues were not addressed in the Staff Report for 809 and 811 Vassar

Road. There is a large, scenic tree in the "new" lot which neighbors feel is worthy of protection, and no mention was made of that particular feature.

We will be meeting with City staff over the next week or two and will be collecting additional information on this matter.

We would appreciate the opportunity to present our case before the City Council. Thank you for your consideration, and we look forward to hearing from you.

Respectfully,

A handwritten signature in black ink, appearing to read "Rebecca Rust", with a large, sweeping flourish extending from the end of the name.

Rebecca Rust

(On behalf of Clover residents opposed to the subdivision of 809 and 811 Vassar Road)

Attachment: Signatures of Clover residents opposed to subdivision

CC: Vice Mayor Allison Silberberg
Councilman John T. Chapman
Councilman Timothy B. Lovain
Councilwoman Redella S. Pepper
Councilman Paul C. Smedberg
Councilman Justin Wilson ✓


May 17, 2015

We, the undersigned, would like to officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of the two lots at 809 and 811 Vassar Road, as detailed in the attached letter.

	Name	Address	Phone	Signature
1	Zorana ILIC	500 Crown View Drive	703-624-7684	Zorana Ilic
2	Georgia DeBell	407 Cloverway Dr.	703-212-7469	Georgia DeBell
3	Doug Craig	407 Cloung Dr.	703-212-7469	Doug Craig
4	M.L. Russell	415 Crown View	703-511-2575	M.L. Russell
5	Peter Ipsen	402 Crown View	(703) 321-6285	Peter Ipsen
6	Greg Herbold	316 Crown View Dr	703-324-6871	Greg Herbold
7	Natinda Mount	312 Crown View Dr	703-370-3530	Natinda Mount
8	JOHN SIEGMUND	315 Crown View Drive	703-751-6072	John Siegmund
9	Katherine Leon	404 Crown View Drive	511-312-0691	Katherine Leon
10	Deborah F. Nagle	408 Crown View Dr	703-739-9863	Deborah F. Nagle
11	Rebecca Rust	506 Crown View Drive	703-151-1620	Rebecca Rust
12	Julia M.	514 Crown View Drive	703-244-2041	Julia M.
13	Deana Rhodeside	414 Crown View Dr.	703-307-3947	Deana Rhodeside
14	Ann Spitler	314 Crown View	703-370-1707	Ann Spitler
15	C. Wayne Summers	407 Crown View	703-461-3534	C. Wayne Summers

May 17, 2015

We, the undersigned, would like to officially appeal the decision made by the City of Alexandria Planning Commission to approve the subdivision of the two lots at 809 and 811 Vassar Road, as detailed in the attached letter.

	Name	Address	Phone	Signature
16	Deborah L Dawson	805 Crown View Alex VA 22304	71 751-8030	
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809-811 Vassar Road Subdivision Petition

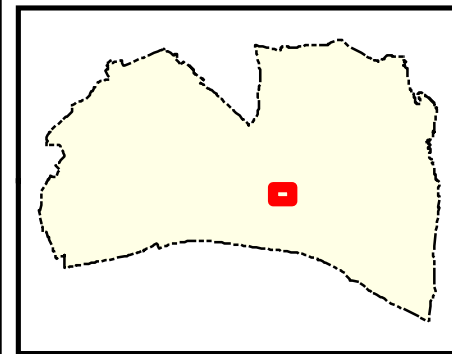
City of Alexandria

Legend

- Subdivision Parcels
- Subdivision 300ft Buffer
- Parcels

Petition Signature

- Yes Signature
- No Signature



0 50 100
Feet



This Parcel-Address-Building template was produced by the GIS Division of the Department of Planning and Zoning, City of Alexandria, Virginia

Mapping Standards:
Coordinate System - NAD83 State Plane Virginia North
Projection - Lambert Conformal Conic
Map Units - Feet

The maps provided hereunder are provided "as is" and the City expressly disclaims all warranties, UCC and otherwise, express or implied, including warranties as to accuracy of the maps and merchantability and fitness for a particular purpose, and further expressly disclaims responsibility for all incidental, consequential or special damages arising out of or in connection with the use or performance of the maps.

Map Produced:
May 2015





ATTACHMENT C

DOCKET ITEM #8
Subdivision #2014-0014
809 & 811 Vassar Road

Application	General Data	
Request: Public hearing and consideration of a request to re-subdivide two lots into three lots.	Planning Commission Hearing:	May 5, 2015
	Approved Plat must be recorded by:	November 5, 2016
Address: 809 & 811 Vassar Road	Zone:	R-8 / Single-Family Zone
Applicant: Stephen and Mary Hales	Small Area Plan:	Taylor Run

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, MAY 5, 2015: On a motion by Commissioner Wasowski, seconded by Commissioner Koenig, the Planning Commission **approved** the request subject to compliance with all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 5 to 1, with Vice Chairman Dunn voting against. Commissioner Lyle was absent.

Reason: The majority of the Planning Commission agreed with the staff analysis, including the lot character analysis and the recommendation of which properties were the most “similarly-situated lots.” It also acknowledged that, consistent with a Virginia Supreme Court decision, the Commission could not consider the aesthetics or character of any dwelling that may be constructed on the lot in the future. The minority of the Planning Commission did not agree with the recommended set of “similarly-situated lots” and also believed that the lot width for proposed Lot 626 did not fall within the range of widths found at comparison lots.

Speakers:

Helen Lloyd, Crown View Drive, expressed opposition to the request. She noted that her property is designated as a National Historic Landmark given that former President Gerald Ford once lived there. She expressed concern that future development of proposed Lot 626 would have a negative impact on the neighborhood character generally. She also stated that any new dwelling on proposed Lot 626 would negatively impact the value of, and view shed from, her property.

David Rust, Crown View Drive, opposed the request. He noted historic elements of the neighborhood and believed that the future new dwelling on proposed Lot 626 would loom over the neighborhood. He stated that the staff report lacked an analysis of the effect the proposal would have on property values in the area.

Zorana Ilic, Crown View Drive, expressed opposition to the request. She disagreed with the recommended “similarly-situated lots” to which the proposal was compared, and stated her concerns about stormwater management and potential damage to retaining walls in connection with a future new dwelling on proposed Lot 626.

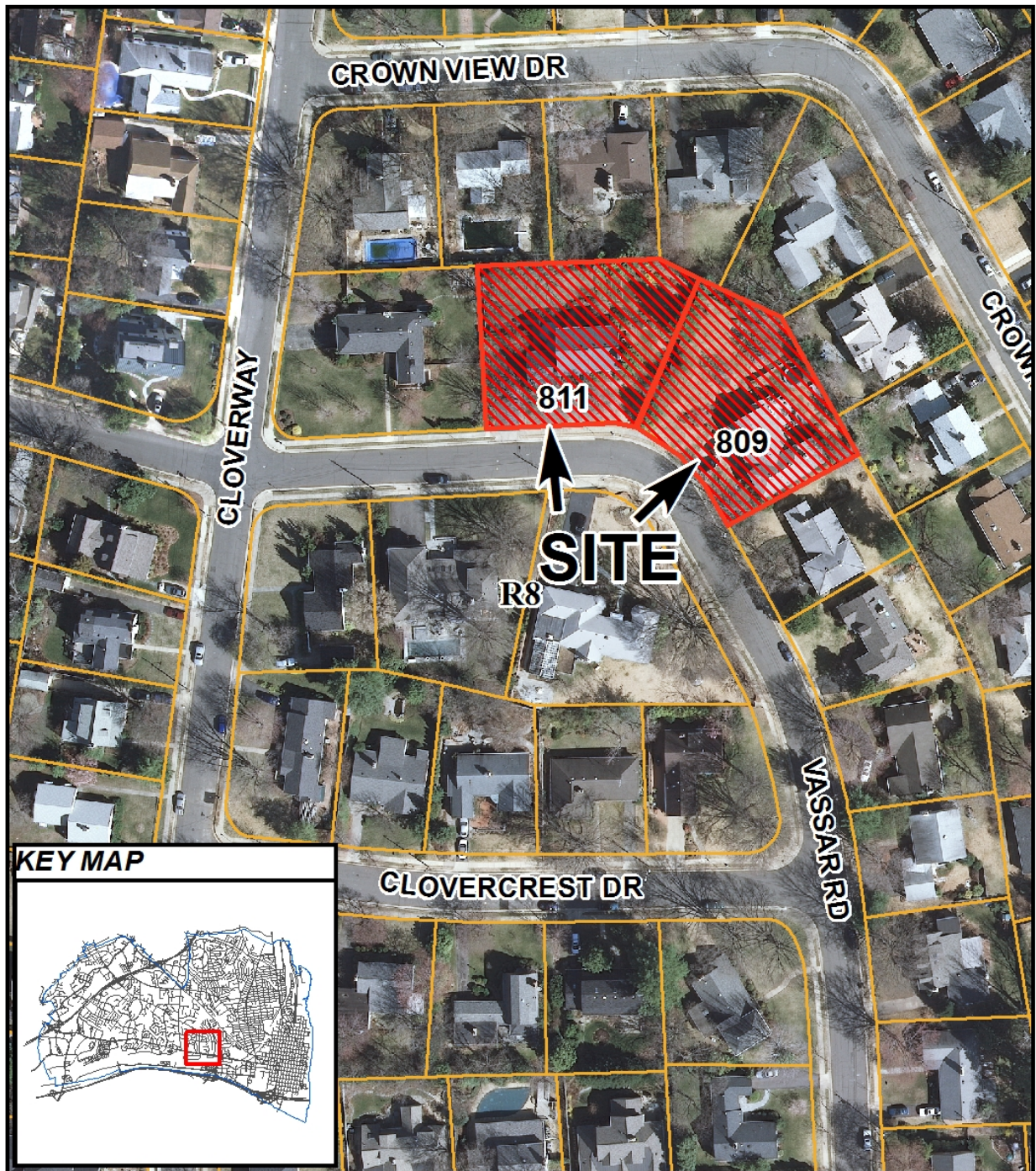
Elliot Rhodeside, Crown View Drive, believed that the subdivision proposal would bring instability to a stable neighborhood. He stated that he disagreed with the staff report and answered questions from the Planning Commission.

Jason Van Wagner, Cambridge Road, stated his support for the request, particularly given the analysis in the staff report. He also noted the existence of other City regulations that would limit the size of any future dwelling.

Don Brady, Crown View Drive, expressed opposition to the request. He stated that a new house in this location would detract from the neighborhood generally, and specifically with regard to property values. He also noted aesthetic and stormwater-related concerns.

Mary Hales, applicant, expressed support for the proposal and referenced her May 4th letter to the Commission. She believed that the subdivision request would add value to the neighborhood and also noted her vested interest in maintaining property values given that she lives immediately next-door to proposed Lot 626. She also answered questions from the Planning Commission.

Mary Catherine Gibbs, attorney for the applicant, spoke in support of the request. She noted that the request under consideration was only for the subdivision and not future development of proposed Lot 626. She referenced several letters of support and stated her agreement with the lot character analysis in the staff report. She also answered several questions from the Planning Commission.



SUB #2014-0014
809 & 811 Vassar Road



I. DISCUSSION

The applicants, Stephen and Mary Hales, request approval to re-subdivide two lots into three lots at 809 and 811 Vassar Road.

SITE DESCRIPTION

The subject site currently comprises two lots of record. The lot at **809 Vassar Road** has 99.97 feet of frontage on Vassar Road, an average lot depth of 115.8 feet and a total lot area of 16,409 square feet. It is improved with a two-story split-level style single-family dwelling. The lot at **811 Vassar Road** has 117.61 feet of frontage on Vassar Road, an average lot depth of 120.8 feet, and a total lot area of 17,316 square feet. It is developed with a two-story Colonial-style single-family dwelling.

The surrounding area is occupied primarily by other single-family dwellings. Bishop Ireton High School is also located a short distance to the south and Douglas MacArthur Elementary School is located a few blocks to the northwest.



SITE / AREA BACKGROUND

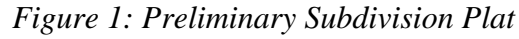
Lots within the Clover development were created by several subdivisions approved between the late 1940s and the mid-1960s. **809 Vassar Road** was first created as a separate lot in 1959, albeit in a smaller configuration, as a part of Clover Subdivision Section 11. **811 Vassar Road** was created as a result of a 1961 re-subdivision plat entitled “Resubdivision Lot 25, Block 3 and Addition to Section 11 – Clover.” In that 1961 plat, 809 Vassar Road was enlarged to include land to the northwest, and 811 Vassar Road was added to Clover Section 11 as a brand-new lot. The two lots remain in the same configuration today, and staff considers the 1961 plat to be the “original subdivision” for purposes of this subdivision review.

REQUEST BACKGROUND

The applicants initially applied for a subdivision request to adjust the property line between the two existing properties with an intended hearing date of December 2014. In subsequent conversations with staff, they expressed interest in amending their application to create a third lot from the existing two lots. The need for additional information in connection with the second proposal, particularly regarding the existing dwellings, caused the request to be deferred to January 2015. During its review of the second proposal, staff expressed initial concern about whether the brand-new lot (proposed Lot 626) would be consistent with the character of other neighborhood lots as required in Section 11-1710(B) of the Zoning Ordinance. The applicant requested additional time to consider its options, and subsequently presented staff with a third proposal – the current request – which, compared to the second proposal, has a slightly larger lot size and lot frontage for proposed Lot 626 (the brand-new lot), and a slightly smaller lot size and lot frontage for proposed Lot 625 (809 Vassar Road.)

PROPOSAL

The applicants propose to re-subdivide the two existing lots at 809 and 811 Vassar Road into three new lots as shown on Figure 1 on the following page. Although the ultimate purpose of creating a third lot is to eventually build a new single-family dwelling, the applicants have indicated to staff that they have no plans to do so in the immediate future, and may not do so for several years. Proposed Lot 625, on which the dwelling at 809 Vassar would remain, would measure 9,891 square feet and have a lot frontage of 59.12 feet and a lot width of 73.9 feet. Proposed Lot 626, the “brand-new” lot and the potential site of a new single-family dwelling in the future, would measure 9,452 square feet. It would have a lot frontage of 55.47 feet and a lot width of 66.8 feet. Proposed Lot 627, on which the dwelling at 811 Vassar would remain, would be the largest of the three lots at 14,382 square feet. It would have a lot frontage of 103.98 feet and a lot width of 112.24 feet.



ZONING / MASTER PLAN DESIGNATION

The property is located in the R-8 / Single-Family zone. As shown in Table 1 below, the proposal meets minimum lot size, frontage, and width requirements for single-family dwellings in the R-8 zone. The existing dwellings also would continue to meet minimum setback and FAR requirements for the R-8 zone. The property is located within the Taylor Run Small Area Plan Chapter of the Alexandria Master Plan, which designates the property for uses consistent with the R-8 zone.

Table 1: Zoning Analysis

	<i>Existing</i>		Minimum Required	<i>Proposed</i>		
	809 Vassar	811 Vassar		Lot 625	Lot 626	Lot 627
Lot Size	16,409 sq. ft.	17,316 sq. ft.	8,000 sq. ft.	9,891 sq. ft.	9,452 sq. ft.	14,382 sq. ft.
Lot Frontage	99.97 feet	117.61 feet	40 feet	59.12 feet	55.47 feet	103.98 feet
Lot Width	121.5 feet	131.24 feet	65 feet	73.9 feet	66.8 feet	112.24 feet
Side Yards	54.5 feet	34.5 feet	1:2 ratio, 8' min	8 feet		14.1 feet
	10 feet	31.1 feet		10 feet		31.1 feet
FAR	0.20	0.27	0.35	0.33		0.33

SUBDIVISION STANDARDS

Sections 11-1706 and 11-1709 of the Zoning Ordinance contain several technical subdivision requirements and Section 11-1710(D) stipulates a general requirement that all lots meet zone requirements. Section 11-1710(B) requires that every subdivided lot be “of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land in the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.” A provision requiring new lots to be consistent with the character of other nearby lots has existed in the Zoning Ordinance for many years and was strengthened in 2006 in the first of three “infill” text amendments.

Section 11-1710(B) further explains that the lots within a given subdivision proposal should be compared, for the purpose of determining neighborhood character, to those existing lots located

within the original subdivision area, evidence of which may be shown by: (1) Subdivision plat documents, including amendments to the subdivision over time, as well as the development that has occurred within the subdivision; and (2) land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.

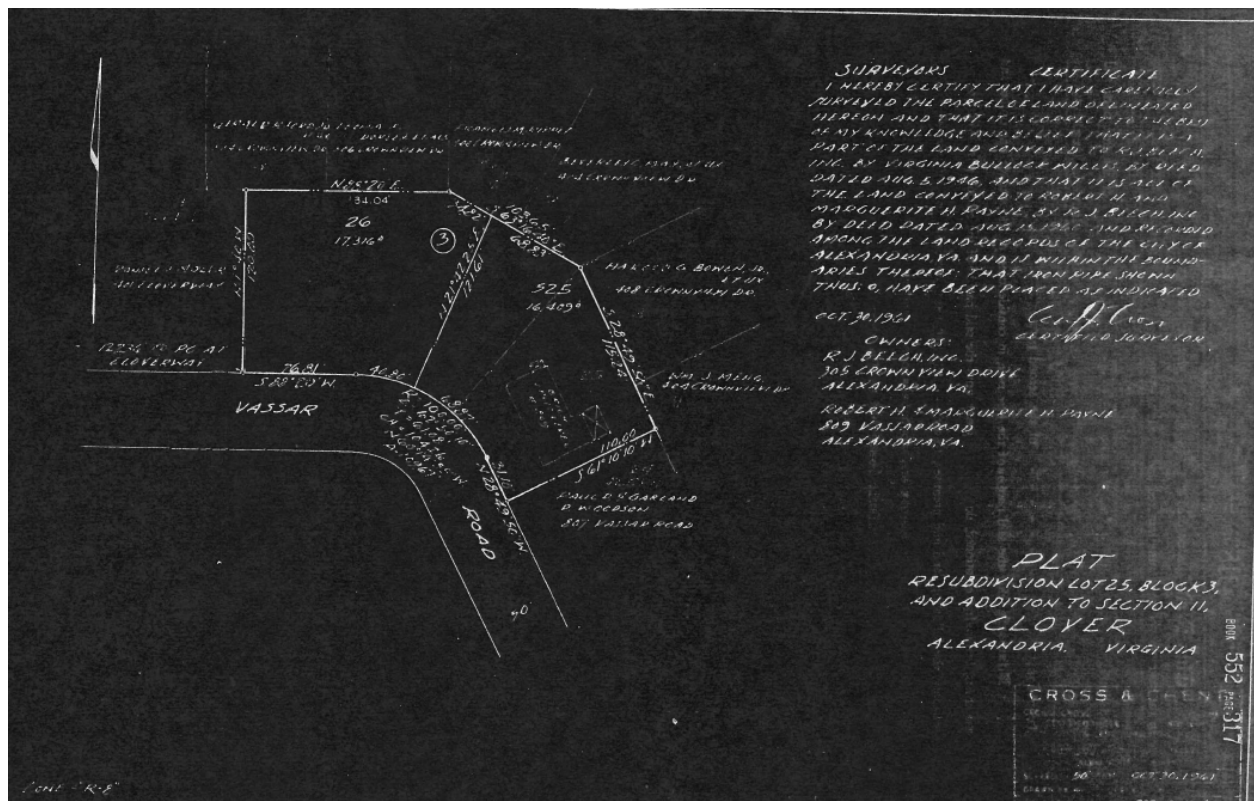
II. STAFF ANALYSIS

Staff supports the requested subdivision. The proposal meets general subdivision requirements as well as technical requirements for the R-8 zone. The new lots also would be consistent with other similarly-situated lots in the area with regard to suitability for residential use, lot size, lot shape, and lot frontage. In reaching this conclusion regarding the proposal's consistency with neighborhood character, staff extensively researched the subdivision history in the Clover development and closely considered the lots that constitute the area of comparison and especially the subset of lots that are most similarly-situated to the subject site.

Neighborhood Character – Area of Comparison

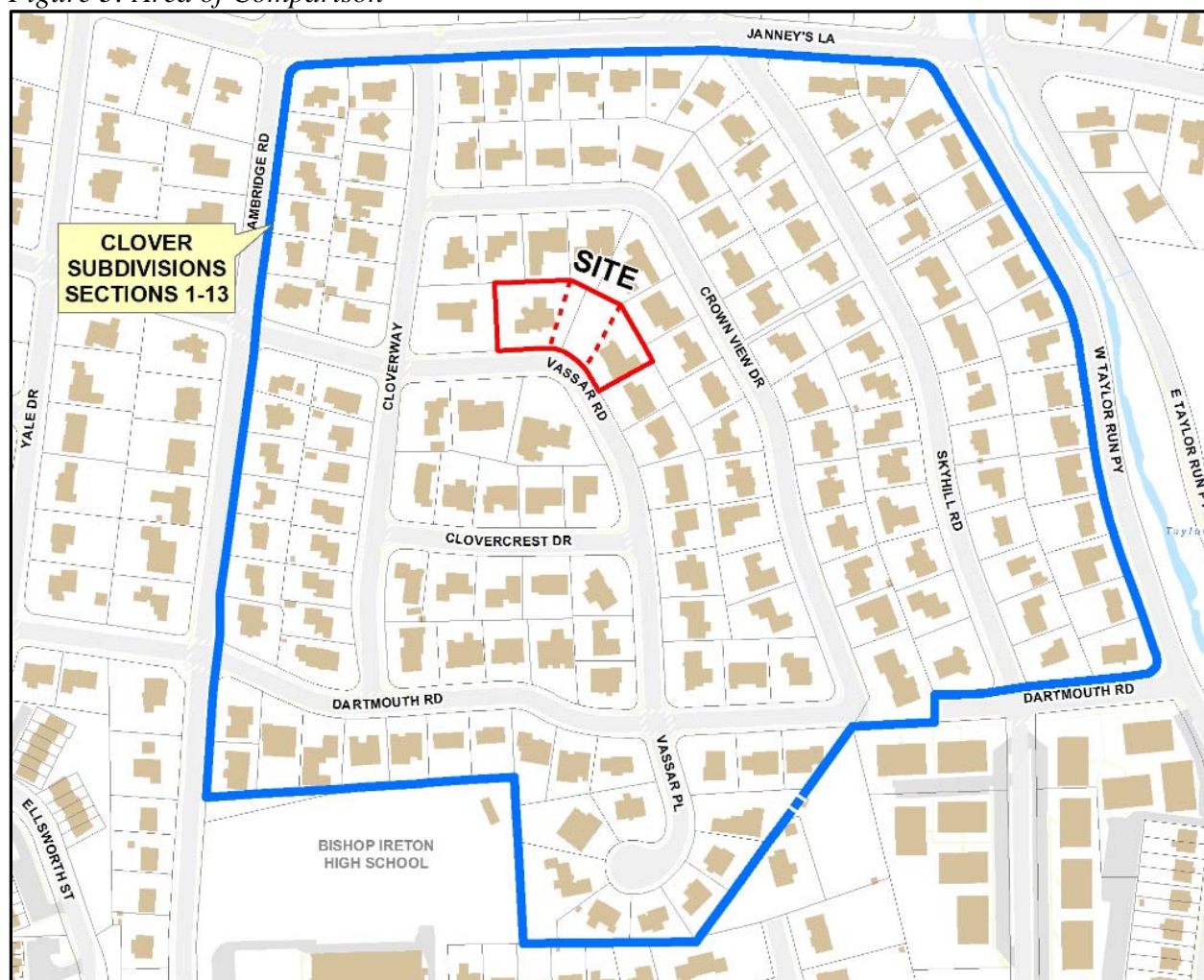
The 1961 plat of resubdivision and addition to Clover Section 11, which created the subject lots in their present configuration, is considered to be the “original subdivision” for the purposes of neighborhood character analysis (see Figure 2 below). However, this subdivision only includes the subject two properties, leaving no other lots to which the current proposal can be compared for the purposes of evaluating neighborhood character. The earlier 1959 Clover Section 11 subdivision plat, another candidate for comparison purposes, only includes two additional properties to the south, which is a number so small as to preclude a reasonable analysis of lot character. Staff therefore determined that the area of comparison should be enlarged, pursuant to Section 11-1710(B)(2), to include additional “land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.”

Figure 2: Original Subdivision



Staff has determined that an appropriate area of comparison includes all 159 lots, except for the existing lots at the subject site, located within the 14 subdivision sections of the Clover development (see Figure 3 below). More specifically, the area includes lots in the subdivisions that created Clover Sections 1-4, Section 5 Parts I and II, Sections 6-10, the two remaining properties from Section 11, and Sections 12 and 13. The area of comparison is fairly large given that staff found no particular lot characteristics that would necessitate the exclusion of one Clover section versus another. The lots in all other sections of the larger Clover development share several similarities in addition to their having similar subdivision names and following the same general neighborhood pattern. The lots in the area of comparison are geographically proximate to the subject site, and given the subject site's central location within the larger Clover development, they surround it on all four sides. The majority of the lots in the entire Clover development feature a similar rectangular pattern, often measuring between 75 and 85 feet wide and between 115 and 135 feet long, while also containing scattered, and significant, exceptions along sharply curvilinear streets and cul-de-sacs. All of the lots in the area of comparison are also zoned R-8.

Figure 3: Area of Comparison



Neighborhood Character – Similarly Situated Lots

Section 11-1710(B) of the Zoning Ordinance also provides that, in answering the question of lot character consistency, greater weight should be given to a subset of lots within a larger area of comparison that are “similarly situated” to the site of a given subdivision request. More specifically, the Ordinance states that lots shall be “of the same character... particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.” The provision has been most commonly applied in prior subdivision cases to distinguish corner lots and interior lots.

Staff finds that, within the area of comparison used in this case (the larger Clover development), a total of eight properties are clearly more similarly-situated than all others when compared to the subject site. As shown in Figure 4 on the next page, two of these properties are located approximately one block to the north at 415 and 501 Crown View Drive, and the remaining six properties are located just over two blocks to the south at 200-205 Vassar Place. The unique situation that these properties share with the subject site is not a matter of interior lots or corner lots, but rather, the shape of the public right-of-way located immediately in front of them. Unlike most lots in the larger Clover development, which are typically oriented at right angles to straight or nearly-straight portions of public streets, the eight similarly-situated properties on Crown View Drive and Vassar Place are instead positioned on the outside portion of sharply-curved streets just like the subject site. As required under Section 11-1706 of the Zoning Ordinance in such instances, the eight properties have at least one, if not two radial side lot lines intersecting with concave street frontages. The natural result of such a circumstance is a group of properties having front property lines noticeably shorter than their rear property lines. The front lot lines of these properties are also noticeably shorter than the front property lines at those lots in the area of comparison that are located along straight or mostly-straight portions of public streets. The eight similarly-situated lots therefore also share a similar general lot shape, sometimes considered to be pie-shaped, as the subject site.

Figure 4: Similarly Situated Lots



Neighborhood Character – Lot Analysis

To answer the lot character question, staff has compared the eight most similarly-situated properties within the area of comparison to the proposed new subdivision. All three lots are approximately similar in lot shape to the eight properties within the area of comparison and all are suitable for residential structures. Staff has focused its review on the matters of lot size, lot frontage, and lot width for the smallest two lots in the current subdivision request, proposed Lots 625 and 626. The third lot, proposed Lot 627, has not been included in the formal analysis because it is substantially larger than the other two lots. Thus if the two smaller lots are deemed consistent with lot character, then the larger proposed Lot 627 would necessarily also be consistent.

Table 2 below shows the lot sizes, frontages, and widths for the eight similarly-situated properties within the area of comparison. Figures for proposed Lots 625 and 626 have been included in the table for reference.

Table 2: Similarly-Situated Lot Sizes, Frontages, and Widths

Address	Lot Size (in Sq. Ft.)	Lot Frontage (in Feet)	Lot Width (in Feet)
415 Crown View Dr	10619	67.2	91
501 Crown View Dr	12638	63.7	79
205 Vassar Pl	9149	57.7	74
203 Vassar Pl	8577	57.7	76
201 Vassar Pl	8003	54.3	78
200 Vassar Pl	10352	45.4	77
202 Vassar Pl	19048	41.8	70
204 Vassar Pl	14876	41.8	80
Proposed Lot 625	9891	59.1	74*
Proposed Lot 626	9452	55.5*	67*

* For comparison purposes, these values have been rounded up to next whole number or tenth of a foot.

An analysis of the above data reveals that the lot areas, lot frontages, and lot widths of proposed Lots 625 and 626 are similar to or exceed the lot areas, frontages, and widths found in at least 50% of similarly-situated lots in the area of comparison. More specifically, proposed Lot 625 has at least, or close to, the lot size of 63% (five of eight) of the similarly-situated lots. Proposed Lot 625 has at least, or close to, the lot frontage and lot width of 100% and 88% (seven of eight) of the similarly-situated lots, respectively. Proposed Lot 626 has at least, or close, to the lot size of 50% of similarly-situated lots in the area of comparison. Proposed Lot 626 has at least, or close to, the lot frontage and lot width of 88% and 50% of the similarly-situated lots, respectively.

This analysis has incorporated the concept that quantifying “similar lot character” should include not only those similarly-situated lots that have less size, frontage, or width than the proposed new lots, but also those lots, if any, that have just slightly more of each lot feature. Staff believes that a reasonable threshold to apply to this case, below which similarly-situated lots are deemed to be similar to the proposed new lots, are those similarly-situated lots with no more than 10 additional feet of lot frontage and width, and no more than 1,000 additional square feet of lot

size, compared to the proposed new lots. Such additional lot size, frontage, or width would also be imperceptible when viewed from the street in this neighborhood.

With its numerical analysis showing that proposed Lots 625 and 626 have the lot size, frontage, and width found in at least 50% of the eight most similarly-situated properties (and in some cases at much higher percentages), staff believes the subdivision proposal is therefore substantially consistent with the neighborhood lot character, a finding required in Section 11-1710(B) of the Zoning Ordinance.

In conclusion, staff finds that the requested subdivision is consistent with general subdivision regulations, the technical requirements of the R-8 zone, and is substantially consistent with the character of other similarly-situated lots in the area of comparison. Subject to the conditions contained in Section III of this report, staff recommends approval of the subdivision request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The final subdivision plat shall comply with the requirements of Section 11-1700 of the Zoning Ordinance. (P&Z)
2. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements. (T&ES)

STAFF: Nathan Randall, Urban Planner III, Department of Planning and Zoning
Alex Dambach, Division Chief, Department of Planning and Zoning

Staff Note: This plat will expire 18 months from the date of approval (November 5, 2016) unless recorded sooner.

IV. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- F-1 The existing two subdivided lots will continue using the existing utility connections. (T&ES)
- F-2 The newly created lot shall have new utility connections and must pay sanitary sewer connection fee applicable at the time of final plan submission. (T&ES)
- R-1 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements. (T&ES)
- R-2 Show the curb cut for the existing driveway at 809 Vassar Rd on the final plat. (T&ES)
- C-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)
- C-2 Any future development/redevelopment on the subdivided lots shall provide adequate storm water outfall per the requirements of Article XI of Alexandria Zoning Ordinance. (T&ES)
- C-3 The development and redevelopment of the subdivided lots shall not adversely impact the storm water drainage or create a nuisance on the public and private properties. (Sec. 5-6-224) (T&ES)
- C-4 Any future development/redevelopment on the subdivided lots shall comply with the requirements of City of Alexandria Zoning Ordinance Article XIII and the applicable laws of the Commonwealth of Virginia at the time of submission of the first final plan for storm water management regarding water quality and quantity control. (T&ES)
- C-5 All secondary utilities serving this site shall be placed underground. (Sec. 5-3-3) (T&ES)

Archaeology:

- F-1 This undertaking will cause no ground disturbance. No archaeological action is required.

Code Enforcement:

- F-1 No comments received

Health Department:

- F-1 No comments

Parks and Recreation:

F-1 No comments

Police Department:

F-1 No comments

NOTES:

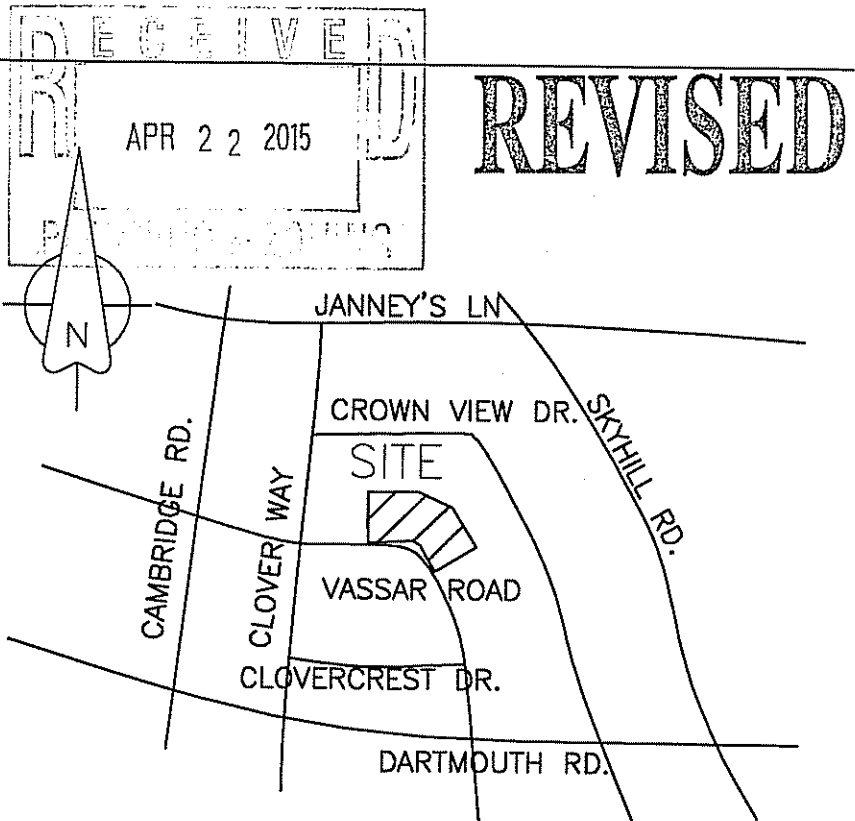
- 1. NO TITLE REPORT FURNISHED.
- 2. THE PROPERTY SHOWN HEREON IS LOCATED ON TAX MAP 052.03-02-18 & 19.
- 3. BOUNDARY INFORMATION SHOWN HEREON IS A COMPILATION OF DEEDS AND PLATS AND DOES NOT REPRESENT A CURRENT BOUNDARY SURVEY BY THIS FIRM.
- 4. THE PROPERTY SHOWN HEREON ARE ZONED R-8.
MINIMUM LOT FRONTAGE = 40 FEET, MINIMUM LOT WIDTH = 65 FEET (INT.), 80 FEET (CORNER)
MINIMUM LOT AREA ALLOWED = 8,000 SQUARE FEET
- 5. THE SUBJECT PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" PER FEMA PANEL #55190037E & FEMA PANEL #5155190029E DATED JUNE 16, 2011. (USGS DATUM NAVD88)
- 6. CERTIFICATE OF TITLE: THE PROPERTY SHOWN HEREON IS NOW IN THE NAME OF STEPHEN OR MARY HALES, INSTR. #1100158659 (LOT 26) AND INSTR.#140015930 (LOT 525) AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.
- 7. PROPERTY CORNERS SHALL BE SET BY A LAND SURVEYOR LICENSED WITHIN THE COMMONWEALTH OF VIRGINIA.
- 8. THERE ARE NO KNOWN, AREAS THAT CAN REASONABLY BE EXPECTED TO OR WHICH DO CONTAIN SOILS OR MATERIALS CONTAMINATED WITH, BUT NOT LIMITED TO HEAVY METALS, PETROLEUM PRODUCTS, PCB PESTICIDES, FLYASH, OR OTHER TOXIC OR HAZARDOUS MATERIALS ON THIS SITE.
- 9. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS ON THIS SITE.
- 10. THIS SITE IS NOT KNOWN TO BE LOCATED WITHIN 1,000 FEET OF A FORMER SANITARY LANDFILL, DUMP, OR DISPOSAL AREA.
- 11. THIS SITE IS NOT KNOWN TO HAVE AREAS WITH THE POTENTIAL OF GENERATING COMBUSTIBLE GASES.
- 12. THERE ARE NO PROPOSED STREETS WITH THIS PLAT.
- 13. THIS SITE SHALL HONOR ALL NATURAL DRAINAGE DIVIDES AND SHALL SHEET FLOW TO THE PUBLIC RIGHT-OF-WAY AND TO THE REAR OF THE SITE, THERE IS STORM SEWER LOCATED ON-SITE WHICH OUTFALL POINT CANNOT BE DETERMINED.
- 14. NO TREES ARE PROPOSED TO BE REMOVED WITH THIS PLAT.
- 15. THIS SITE DOES NOT CONTAIN ANY RESOURCE PROTECTION AREAS (RPA'S) AS PER THE CITY OF ALEXANDRIA RESOURCE PROTECTION AREA MAP. THERE ARE NO KNOWN ON-SITE OR ADJACENT STREAMS OR RPA COMPONENTS THAT WOULD SUGGEST AN RPA EXTENDS ONTO THE SITE.
- 16. THERE IS NO EVIDENCE OF ANY GRAVE OR STRUCTURE MARKING A PLACE OF BURIAL ON THIS SITE.
- 17. THESE LOTS UTILIZE THE EXISTING SANITARY SEWER AND WATER LOCATED WITHIN THE VASSAR ROAD RIGHT-OF-WAY.

AREA TABULATION

EXISTING LOT AREA = 33,725 SF OR 0.7742 ACRES
MINIMUM LOT AREA REQUIRED (R-8) = 8,000 SF
EX. LOT 525 (#809) = 16,409 SF
EX. LOT 26 (#811) = 17,316 SF

NEW LOT 625	=	9,891 SF
NEW LOT 626	=	9,452 SF
NEW LOT 627	=	14,382 SF
TOTAL		= 33,725 SF

(THE SITE CURRENTLY CONTAINS TWO EXISTING LOTS WITH SINGLE-FAMILY DWELLINGS. THE PLAT IS PROPOSING TO ADD ONE ADDITIONAL BUILDING LOT FOR A TOTAL OF THREE LOTS)



VICINITY MAP
1"=500'

OWNER / APPLICANT

STEPHEN OR MARY HALES
811 VASSAR ROAD
ALEXANDRIA VA 22314

APPROVED CITY PLANNING COMMISSION ALEXANDRIA, VA	
DATE	CHAIRMAN
DATE	DIRECTOR OF PLANNING
PUBLIC IMPROVMENT BOND(S) APPROVED	
DATE	DIRECTOR T.&E.S.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IS IT CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT THIS IS A SUBDIVISION OF PART (OR ALL) OF THE LAND CONVEYED BY MICHAEL G. OR SUSAN L. CRABILL TO STEPHEN AND MARY HALES BY DEED DATED 10/31/14 AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA IN INSTR. #140015930 (LOT 525) & BY WILLIAM F. AND NANCY L. SMITH TO STEPHEN AND MARY HALES BY DEED DATED 09/16/11 AND RECORDED AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA IN INSTR. #1100158659 (LOT 26) AND IS WITHIN THOSE BOUNDARIES; AND THAT ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED WHERE INDICATED; EXCEPT THOSE THAT WILL BE INSTALLED AT A LATER DATE BUT BEFORE COMPLETION OF THE PROJECT.



SHEET 1 OF 2
PRELIMINARY SUBDIVISION PLAT
LOTS 625, 626 & 627 OF THE RESUBDIVISION OF
LOTS 26 & 525 OF THE RESUBDIVISION OF
LOT 25, BLOCK 3
AND ADDITION TO SECTION 11
CLOVER
CITY OF ALEXANDRIA, VIRGINIA
SCALE: AS NOTED DATE: 04-06-15



ALEXANDRIA SURVEYS, LLC
1229 GARRISONVILLE ROAD #104, STAFFORD VA. 22556
TEL. NO. 703-636-1313 FAX NO. 703-636-4266

CLOVER-SECTION 4

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	100.00'	110.66'	105.10'	S 60°31'17" E	63°24'18"
C2	100.00'	27.17'	27.08'	S 84°26'28" E	15°33'57"
C3	100.00'	55.47'	54.76'	S 60°45'59" E	31°47'01"
C4	100.00'	28.02'	27.93'	S 36°50'49" E	16°03'21"

CLOVER-SECTION 1

283

TM# 053.03-02-20
JOHN K. CHESLEY
401 CLOVERWAY
ALEX. VA. 22314

TM# 053.03-02-02
TIMOTHY OR HELEN LLOYD
514 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-03
REBECCA OR DAVID RUST
506 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-04
ZORANA ILIC
500 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-05
DEANA OR ELLIOTT RHODESIDE
414 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-06
DEBORAH NAGLE
408 CROWN VIEW DR
ALEX. VA. 22314

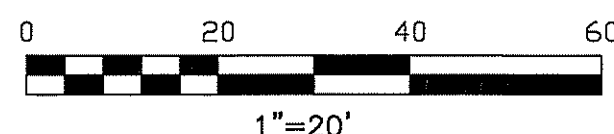
TM# 053.03-02-07
KATHERINE OR MARC LEON
404 CROWN VIEW DR
ALEX. VA. 22314

TM# 053.03-02-17
ALBERT OR MARIE MARSHALL
807 VASSAR RD
ALEX. VA. 22314

- TREE LEGEND**
- 14" MAPLE
 - 18" OAK
 - 16" OAK
 - 6" MULTI STEM HOLLY
 - 12" HOLLY
 - 3" PERSIMMON
 - 10" MAGNOLIA
 - 3" HOLLY
 - 2" MAGNOLIA
 - 2" MAGNOLIA
 - 2" MAGNOLIA
 - 18" PINE
 - 2" POPLAR
 - 3" HAWTHORNE
 - 4" MAGNOLIA (3 TREES)
 - 3" HOLLY
 - 6" CEDAR
 - 6" CEDAR
 - 5" CHERRY
 - 15" MAGNOLIA
 - 2" MULTI CREPE MYRTLE
 - 8" POPLAR
 - 8" POPLAR
 - 10" POPLAR

25. 3" MULTI CREPE MYRTLE
26. 3" MULTI CREPE MYRTLE
27. 3" MULTI CREPE MYRTLE
28. 3" HOLLY
29. 6" HOLLY
30. 4" HOLLY
31. 8" HOLLY
32. 6" FIR
33. 5" CEDAR
34. 2" MULTI CREPE MYRTLE
35. 2" MULTI CREPE MYRTL
36. 2" MULTI CREPE MYRTL
37. 2" MULTI CREPE MYRTL
38. 8" CHERRY
39. 4" HOLLY
40. 3" HOLLY
41. 4" HOLLY
42. 3" MULTI CREPE MYRTLE
43. 2" CREPE MYRTLE
44. 8" HOLLY
45. 6" AILANTHUS
46. 12" OAK
47. 4" HOLLY
48. 24" MAPLE

GRAPHIC SCALE



APPROVED

CITY PLANNING COMMISSION
ALEXANDRIA, VA

DATE	CHAIRMAN
DATE	DIRECTOR OF PLANNING
PUBLIC IMPROVMENT BOND(S) APPROVED	
DATE	DIRECTOR T.&E.S.

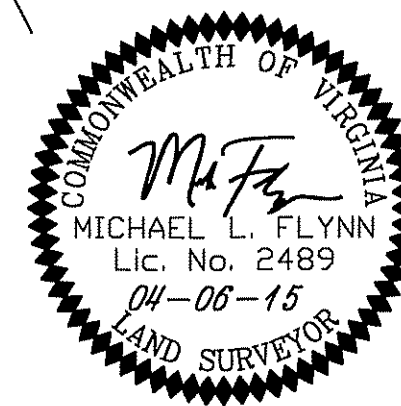
SHEET 2 OF 2

PRELIMINARY SUBDIVISION PLAT
LOTS 625, 626 & 627 OF THE RESUBDIVISION OF
LOTS 26 & 525 OF THE RESUBDIVISION OF
LOT 25, BLOCK 3
AND ADDITION TO SECTION 11
CLOVER

CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1" = 20' DATE: 04-06-15

ALEXANDRIA SURVEYS, LLC

1229 GARRISONVILLE ROAD #104, STAFFORD VA. 22556
TEL. NO. 703-636-1313 FAX NO. 703-636-4266



SPEAKER'S FORM

DOCKET ITEM NO. 13

Would like to go last,

Please.
Mary Catherine

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM**

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Mary Catherine Gibbs
2. ADDRESS: 307 N. Washington St.
- TELEPHONE NO. 7038365757 E-MAIL ADDRESS: mcg.hcgk@verizon.net
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? the Applicant, now
the appellee, the Hales
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: X AGAINST: _____ OTHER: _____
Planning Commission Decision to be upheld
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES X NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed for public hearing at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

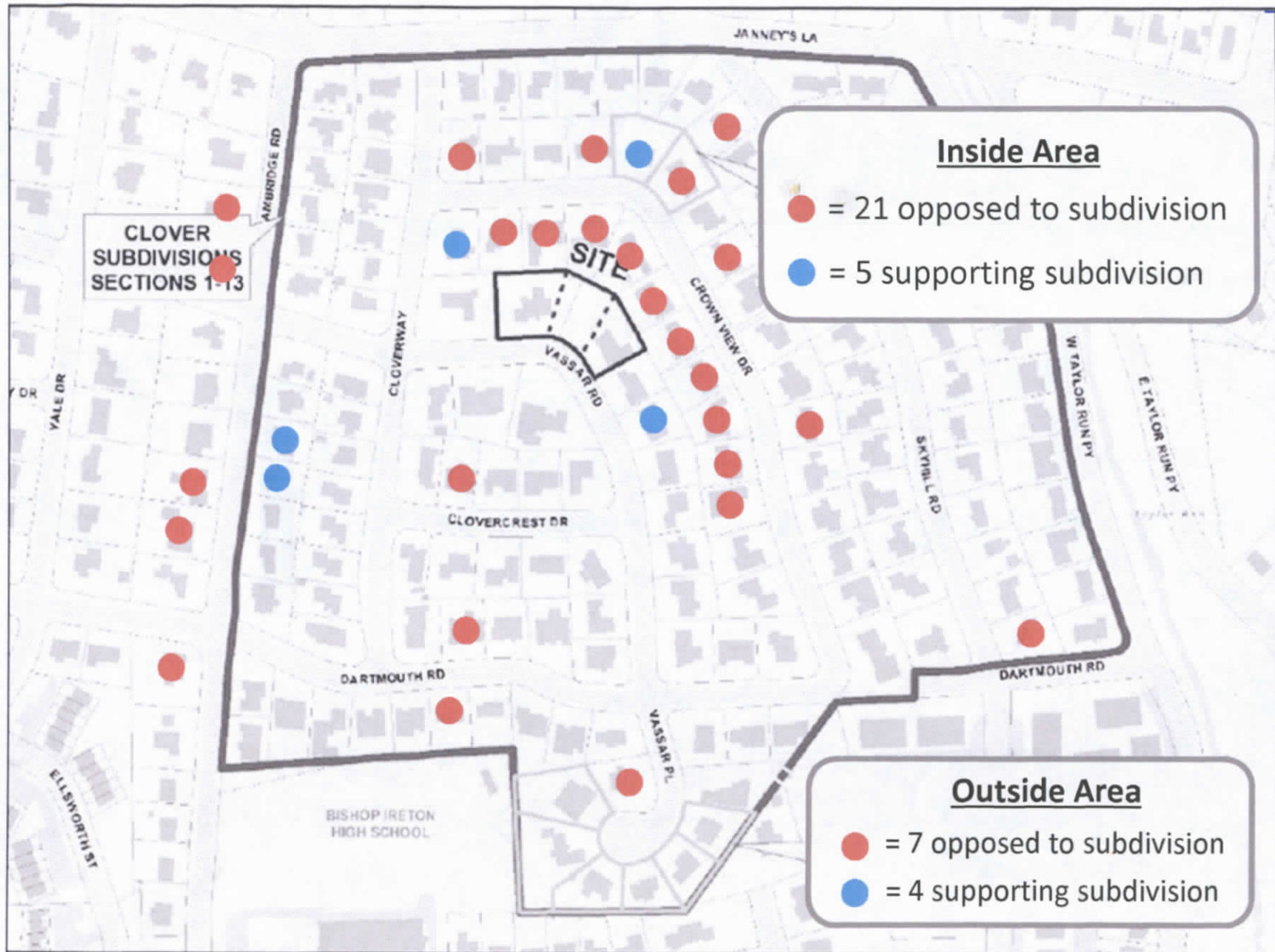
Guidelines for the Public Discussion Period

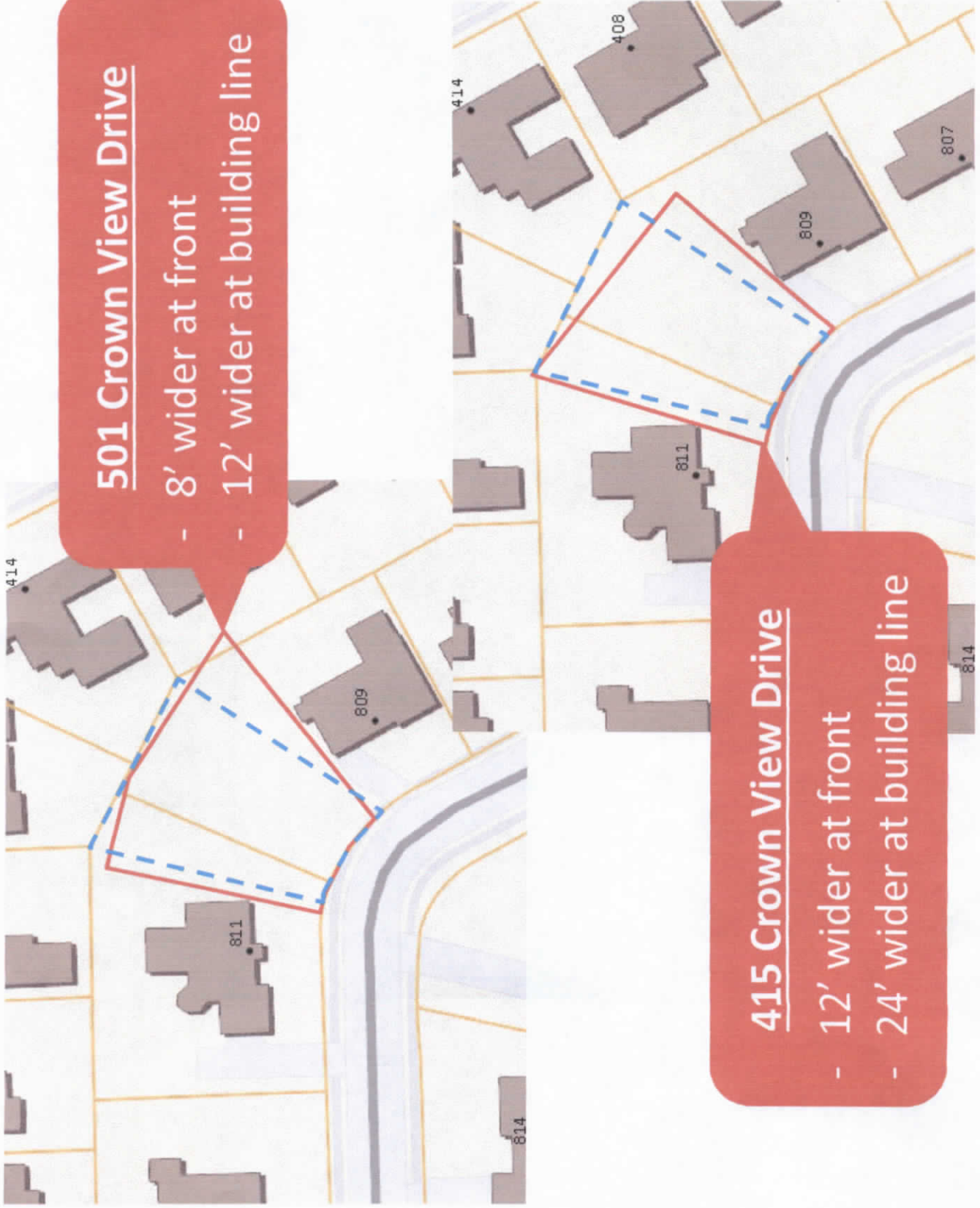
- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

Helen Lloyd

13

6-13-15



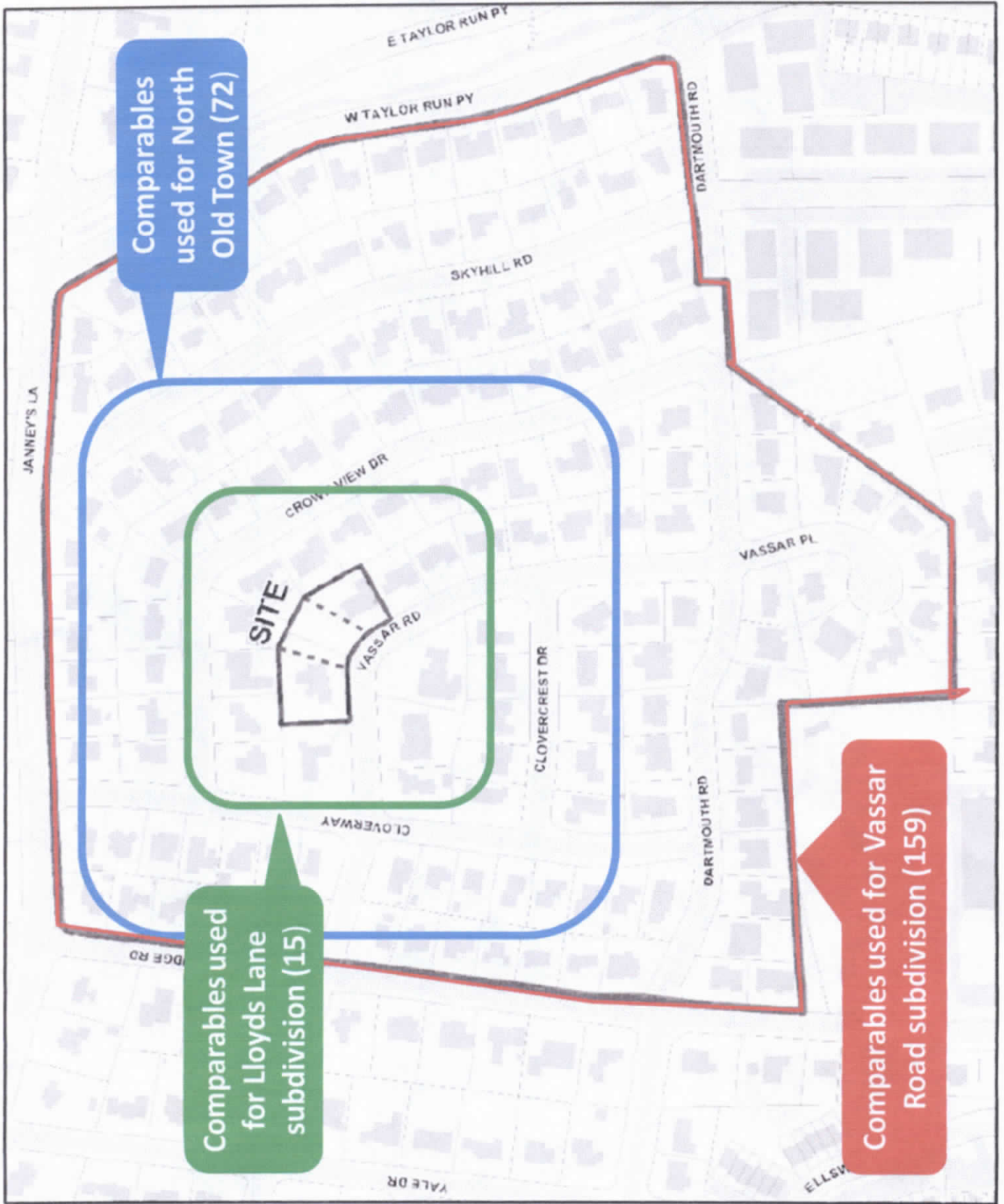


501 Crown View Drive

- 8' wider at front
- 12' wider at building line

415 Crown View Drive

- 12' wider at front
- 24' wider at building line

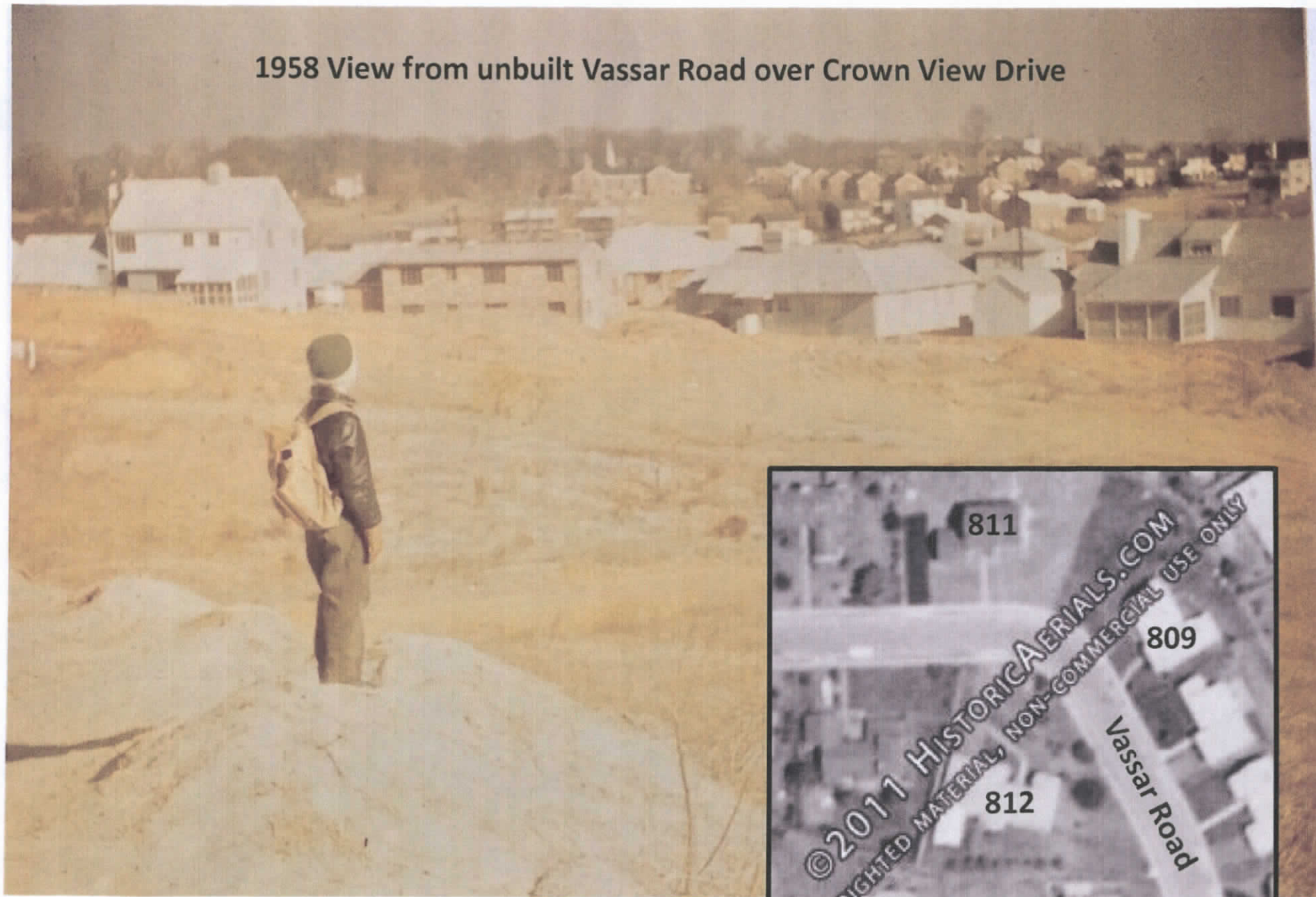


Comparables
used for North
Old Town (72)

Comparables used
for Lloyds Lane
subdivision (15)

Comparables used for Vassar
Road subdivision (159)

1958 View from unbuilt Vassar Road over Crown View Drive



1962 layout of 812, 811 & 809 Vassar Road

Jackie Henderson

From: hon162@aol.com
Sent: Saturday, June 13, 2015 2:51 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74927: Mayor, Vice Mayor, City Council Mayor, Vice-Mayor and City CouncilCity

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 74927.

Request Details:

- Name: John Siegmund
- Approximate Address: No Address Specified
- Phone Number: 703-751-6072
- Email: hon162@aol.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Mayor, Vice-Mayor and City Council
City of Alexandria, Virginia

Re proposed subdivision and development on Vassar Road behind President Ford's former house

Dear Mayor, Vice-Mayor and City Council:

My family lives on Crown View live near the proposed subdivision and development. My wife and I oppose this proposed subdivision.

This subdivision would indeed be a bad precedent for the entire city of Alexandria, and likely lead to many more requests for subdivisions of this kind. Preventing this case from becoming precedent is important. Finally, the recent election in Alexandria was partly about the pace and kinds of development in the city. Most voters indicated reservations about pace and kinds of development in recent years. Thus, in line with voters, the City government should also show reservations about this proposed subdivision and reject the requested subdivision.

I was unable to attend this morning's hearing on this matter, and request that this email be part of the official record of this case.

Sincerely,

John Siegmund
315 Crown View Drive

- Expected Response Date: Monday, June 22

Please take the necessary actions in responding, handling and/or updating this request at the **Call.Click.Connect.** staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a **Call.Click.Connect.** request. Please do not reply to this email.

Jackie Henderson

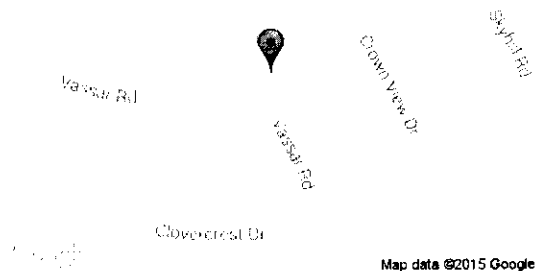
From: jrodblack@gmail.com
Sent: Friday, June 12, 2015 10:32 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74913: Mayor, Vice Mayor, City Council at 811 VASSAR RD I am a resident of Alexandria and I supp

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74913.

Request Details:

- Name: Jon Black
- Approximate Address: 811 VASSAR RD (See [map below](#))
- Phone Number: 5713147228
- Email: jrodblack@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am a resident of Alexandria and I support the sub-division at 809/811 Vassar. All of the appropriate measures have been taken by the property owner throughout the process of this sub-division, and the Planning Commission has approved the development. I am concerned that seemingly baseless protests by a relative few could undermine the laws that are established to protect property owners in Alexandria. I firmly believe that modest, modern homes in neighborhoods like that of Vassar are a wonderful addition to the community. I strongly encourage the City Council to approve this sub-division out of respect for property rights in the City of Alexandria.
- Expected Response Date: Friday, June 19



Please take the necessary actions in responding, handling and/or updating this request at [the *Call.Click.Connect.* staff interface.](#)

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Jackie Henderson

From: vtaylor73@comcast.net
Sent: Friday, June 12, 2015 6:42 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74907: Mayor, Vice Mayor, City Council Mayor,Vice Mayor and City Counsel,I am w

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74907.

Request Details:

- Name: patty taylor
- Approximate Address: No Address Specified
- Phone Number: 703 9091052
- Email: vtaylor73@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Mayor,Vice Mayor and City Counsel,I am writing to today on behalf of my neighbors the Hales Family ,Steve and Mary.I would like to voice my support for the subdivision of their two lots 809 and 811 Vassar rd in 22314. There has been an ongoing battle in the neighborhood since the beginnings of the proceedings. The Hales are a very nice family that have been an excellent addition to our neighborhood.When they had the opportunity to purchase the house next door they naturally did so with the idea of having more play room for their 4 children, with possibly more to come.I have lived in this neighborhood for 14 years. I live across the street from them at 814 Vassar.I have seen other neighbors driven out by other nasty neighbors. I myself have been a victim of these over aggressive and mean spirited neighbors.I was approached more than once , because they didn't like my 12 year old skateboarding! There are some that believe they rule the neighborhood and they need to approve everything you do . Even if it doesn't affect them.Real estate in Alexandria is at a premium, and know that everyone wants to ensure property values and good quality of life.What I don't understand is why the people in the neighborhood who are least affected seem to be the most vocal and mean spirited.The ones that are the most impacted by this have given their approval. The ones on Vassar Rd directly adjacent to the property. We will be the most affected IF and WHEN a house is built .I am asking you to please consider their request closely and don't let the nastier vocal few ruin their future.thank you for attention, Patty Taylor 814 Vassar Rd
- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at [the Call.Click.Connect. staff interface.](#)

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Jackie Henderson

From: gbeeker@comcast.net
Sent: Friday, June 12, 2015 2:29 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74874: Mayor, Vice Mayor, City Council at 811 VASSAR RD Good Afternoon Mr Mayor,I am emailin

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74874.

Request Details:

- Name: Greg Beeker
- Approximate Address: 811 VASSAR RD (See [map below](#))
- Phone Number: 703-927-0003
- Email: gbeeker@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Good Afternoon Mr Mayor,

I am emailing in regard to Mr Hales' request to subdivide his lot. I understand that there is some opposition from the neighbors. However, the city has guidelines for this in place and as long as these guidelines are met, no neighbor should be able to have any say in the matter. Rights of a property owner must be respected by all and should not be dictated by individuals. The guidelines were written for the best interest of the community as a whole.

I encourage you to please support the planning commissions appropriate approval of this property division.

Thank you,

Greg Beeker
3101 N Hampton Dr, #1009
Alexandria, VA

- Expected Response Date: Friday, June 19



Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

Jackie Henderson

From: dbsalmons@gmail.com
Sent: Friday, June 12, 2015 2:21 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74873: Mayor, Vice Mayor, City Council To the Mayor, Vice Mayor, and City Council

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74873.

Request Details:

- Name: David Salmons
- Approximate Address: No Address Specified
- Phone Number: 703-548-2060
- Email: dbsalmons@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: To the Mayor, Vice Mayor, and City Council,

I write in support of the subdivision of 809 and 811 Vassar Road against the appeal from the approval of that subdivision. The proposed subdivision fully complies with all zoning regulations and requirements, is consistent with the property owner's rights, and would help to maintain the character of the neighborhood because it would ensure that only moderately sized homes are built in that location. Given the size of the lots, it is only a matter of time until a developer or someone else buys the 809 property and remodels/rebuilds, which would likely result in a home much larger than the surrounding homes. Those opposing the subdivision are ill-informed and their concerns are misplaced. I understand that most of the neighbors support the subdivision and none of those appealing the approval live on Vassar Road. I am unaware of there ever being an appeal of a residential subdivision approval like this in Alexandria. This appeal should be denied. Anything else would send a terrible signal to home owners throughout the City that their modest, fully compliant requests to develop their property will not be respected. Thank you for your consideration of my views.

David B. Salmons
1407 Key Drive
Alexandria VA 22302

- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Jackie Henderson

From: robertsjim@aol.com
Sent: Friday, June 12, 2015 1:37 PM
To: Jackie Henderson; Gloria Sitton
Subject: Call.Click.Connect. #74869: City Clerk and Clerk of Council June 11, 2016
TO: City Council
RE:

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74869.

Request Details:

- Name: Jimm Roberts
- Approximate Address: No Address Specified
- Phone Number: 703-625-0095
- Email: robertsjim@aol.com
- Service Type: City Clerk and Clerk of Council
- Request Description: June 11, 2016

TO: City Council

RE: APPEAL OF PLANNING COMMISSION APPROVAL OF SUBDIVISION 2014-0014

ACTION REQUESTED: Return to the planning staff for further study the approval of an investor's in-fill application to turn two lots into three in the Clover neighborhood.

The city lacks a clear, citizen-vetted, council approved in-fill building lot policy for established residential neighborhoods.

The planning staff is using the administrative tools crafted when Alexandria was less dense and its suburbs (e. g., the Clover neighborhood) were newly built

BACKGROUND: Clover is a venerable, established neighborhood of single family homes. It is situated between Janney's Lane and Duke Street.

The investor's ambition revealed neighbors, immediate and elsewhere in the Clover neighborhood, are disenfranchised by city planning parameters.

The properties in question are 809 and 811 Vassar Road, respectively lots 625 and 627; lot 625 abuts part of a historic property, President Ford's home

The same person owns both lots.

This investor recently received planning commission approval to further profit by cleaving from these two lots a third

The third recently approved lot, 626, is a pie-shaped lot. It is sandwiched between the original two lots, 625 and 627

The newly approved in-fill building lot, 626, is on level land but, because it is situated where Vassar Road curves ninety degrees, it is pie-shaped.

Its odd shape gives it the smallest street frontage of all lots in its immediate vicinity. Moreover, its pie-shape makes it incompatible with all nearby residential lots

Further, if a structure is built on this lot, then it will alter the area viewscape, especially for the houses behind it, all of which are at a lower elevation

Finally, it will add density to a neighborhood whose last home was built a half century ago

JUSTIFICATION: My reasons for requesting further consideration of the planning commission's action are:

1. The city lacks a clear, citizen-vetted, council approved in-fill building lot policy for established residential neighborhoods.

The planning staff is using the administrative tools crafted when Alexandria was less dense and its suburbs (e. g., the Clover neighborhood) were newly built

2. The planning staff is not required to make community, even nearby neighbor sentiment toward this investor's application part of its report to the planning commission.

This omission grants this and all other speculative investors supreme rights that surpass the rights of the entire community, especially those who will be indisputably affected by a new dwelling where one does not now exist

3. The planning staff's defense of its recommendation suggests that it has no methodology constraints.

The implication is that a determined staff can search until it finds examples needed to support a predetermined conclusion. In this instance, it sought pie-shaped lots

4. The planning staff used the original developer's plat for the entire Clover neighborhood without invoking the original developer's intent.

The staff found comparable pie-shaped lots within this plat but neglected to observe the original developer intentionally did not to create a pie-shaped lot between 809 and 811 Vassar Road.

5. The planning staff also failed to mention topography.

The pie-shaped lots the staff selected as comparable within the original developer's plat are atop a small hill; the newly approved pie-shaped lot is not.

6. The planning staff made unsubstantiated inferences about the original plat for Clover.

Declaring as comparable the hilltop pie-shaped lots in Clover, which are not close to the approved lot, falsely implies the developer rather than the topography mandated their odd lot shape.

SUMMARY: In-fill building lots unmistakably change the community in which they are ensconced.

Additional guidance must be crafted to guide the planning commission and planning staff to allow reasonable weight to be given not only to affected neighbors but, ideally, also to all neighborhood residents

Without giving a voice to the disenfranchised nearby neighbors and to the neighborhood at large, established communities can effortlessly be changed, made denser and irrevocably altered visually and esthetically by a determined investor who maximizes profit above all else

RECOMMENDATION: Send the application back for further review and for suggestions designed to give voice to the neighborhood in which an in-fill building lot is sought, suggestions that especially give voice to the neighborhood, especially to nearby neighbors

Jimm Roberts
2916 Dartmouth Road, part of the Clover neighborhood

- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: robertsjim@aol.com
Sent: Friday, June 12, 2015 1:41 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74871: Mayor, Vice Mayor, City Council No descriptive text provided

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74871.

Request Details:

- Name: Jimm Roberts
- Approximate Address: No Address Specified
- Phone Number: 703-625-0095
- Email: robertsjim@aol.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: No description provided.
- Attachment: [Appeal Planing Commission Vassar Road ver 2.docx](#)
- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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June 11, 2016

TO: City Council

RE: APPEAL OF PLANNING COMMISSION APPROVAL OF SUBDIVISION 2014-0014

ACTION REQUESTED: Return to the planning staff for further study the approval of an investor's in-fill application to turn two lots into three in the Clover neighborhood.

The city lacks a clear, citizen-vetted, council approved in-fill building lot policy for established residential neighborhoods.

The planning staff is using the administrative tools crafted when Alexandria was less dense and its suburbs (e. g., the Clover neighborhood) were newly built

BACKGROUND: Clover is a venerable, established neighborhood of single family homes. It is situated between Janney's Lane and Duke Street.

The investor's ambition revealed neighbors, immediate and elsewhere in the Clover neighborhood, are disenfranchised by city planning parameters.

The properties in question are 809 and 811 Vassar Road, respectively lots 625 and 627; lot 625 abuts part of a historic property, President Ford's home

The same person owns both lots.

This investor recently received planning commission approval to further profit by cleaving from these two lots a third

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Further, if a structure is built on this lot, then it will alter the area viewscape, especially for the houses behind it, all of which are at a lower elevation

Finally, it will add density to a neighborhood whose last home was built a half century ago

JUSTIFICATION: My reasons for requesting further consideration of the planning commission's action are:

1. The city lacks a clear, citizen-vetted, council approved in-fill building lot policy for established residential neighborhoods.

The planning staff is using the administrative tools crafted when Alexandria was less dense and its suburbs (e. g., the Clover neighborhood) were newly built

2. The planning staff is not required to make community, even nearby neighbor sentiment toward this investor's application part of its report to the planning commission.

This omission grants this and all other speculative investors supreme rights that surpass the rights of the entire community, especially those who will be indisputably affected by a new dwelling where one does not now exist

3. The planning staff's defense of its recommendation suggests that it has no methodology constraints.

The implication is that a determined staff can search until it finds examples needed to support a predetermined conclusion. In this instance, it sought pie-shaped lots

4. The planning staff used the original developer's plat for the entire Clover neighborhood without invoking the original developer's intent.

The staff found comparable pie-shaped lots within this plat but neglected to observe the original developer intentionally did not to create a pie-shaped lot between 809 and 811 Vassar Road.

5. The planning staff also failed to mention topography.

The pie-shaped lots the staff selected as comparable within the original developer's plat are atop a small hill; the newly approved pie-shaped lot is not.

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SUMMARY: In-fill building lots unmistakably change the community in which they are ensconced.

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RECOMMENDATION: Send the application back for further review and for suggestions designed to give voice to the neighborhood in which an in-fill building lot is sought, suggestions that especially give voice to the neighborhood, especially to nearby neighbors

Jimm Roberts

2916 Dartmouth Road, part of the Clover neighborhood

Jackie Henderson

From: maria@izalia.com
Sent: Friday, June 12, 2015 12:00 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74859: Mayor, Vice Mayor, City Council Dear Mayer,I, Annette Antonelli, wri

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74859.

Request Details:

- Name: Annette Antonelli
- Approximate Address: No Address Specified
- Phone Number: 7035490911
- Email: maria@izalia.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayer,

I, Annette Antonelli, write in support of Steve Hales and his rights for the property at 809 Vassar Rd. I want to make sure that his concern that property rights are respected by the City of Alexandria, as the owner of the property he may use the land the way his soles desires.

Respectfully,
A.Antonelli

- Expected Response Date: Friday, June 19

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Jackie Henderson

From: mmrdeza@mxm-consulting.com
Sent: Friday, June 12, 2015 11:42 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74857: Mayor, Vice Mayor, City Council at 809 VASSAR RD RE: the subdivision of 809 Vassar Road,

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74857.

Request Details:

- Name: Michelle Mrdeza
- Approximate Address: 809 VASSAR RD (See [map below](#))
- Phone Number: 703-772-9803
- Email: mmrdeza@mxm-consulting.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: RE: the subdivision of 809 Vassar Road, we fully support the current proposal to subdivide the lot. As owners of 812 Vassar Road, directly across the street, we believe this subdivision will help to ensure any future development on 809 Vassar will be fitting and complimentary to the current properties in our neighborhood.
- Expected Response Date: Friday, June 19



Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: smhansen2705@yahoo.com
Sent: Friday, June 12, 2015 1:34 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74867: Mayor, Vice Mayor, City Council I understand the Hales family has submit

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74867.

Request Details:

- Name: Shannon Hansen
- Approximate Address: No Address Specified
- Phone Number: 310-493-5652
- Email: smhansen2705@yahoo.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I understand the Hales family has submitted a request to subdivide the lots at 809 and 811 Vassar Road. I support their request to divide those lots into three lots. I own the house at 1108 Trinity Drive.
- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: katherinekleon@gmail.com
Sent: Friday, June 12, 2015 11:31 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74855: Mayor, Vice Mayor, City Council Dear Mayor, Vice Mayor and City Council

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74855.

Request Details:

- Name: Katherine Leon
- Approximate Address: No Address Specified
- Phone Number: 571-259-0001
- Email: katherinekleon@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor, Vice Mayor and City Council members,

My home would be negatively impacted by the pending subdivision on Vassar Road. (I will attach a photo that shows my vantage of the Hales' second lot, as I stand in my back yard. I am 5' 4", so this will give you an idea of our retaining wall and the runoff problem.)

I am also writing to touch on the "misinformation" that Mary Hales is very publicly complaining about on our CCPCA Listserve, the Connection Newspapers online and the Alexandria Gazette.

Clarity is certainly a good thing. So let's be crystal clear: Steve Hales is a realtor. He used his position as a realtor to purchase two prime homes and lots in Clover, homes that never made it to market. The first home -- 4,500 square feet on half an acre with an assessed value of \$1 million -- would be quite enough for most of us. But a second? Yes, a 4,000 square foot, million dollar home (the Hales, however, paid \$200,000 below the assessed worth) on more than a third of an acre. Just imagine the impact to our neighborhood property values if these gems had actually made it to market, instead of being snatched up by a realtor for his own use.

Is this ethical? Not sure. But equally important, is it now necessary for Steve and Mary to subdivide and negatively impact at minimum six neighbors? Absolutely not.

To be crystal clear, the Hales are real estate developers, not innocent, dreamy eyed home buyers who "lucked into" the opportunity of a lifetime.

Thank you for reading this letter of appeal. I hope that the best interests of the majority will prevail over the influence of a few, and the subdivision will not be approved.

Very truly yours,
Katherine Leon

- Attachment: [IMG_20150611_102159.jpg](#)
- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

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Jackie Henderson

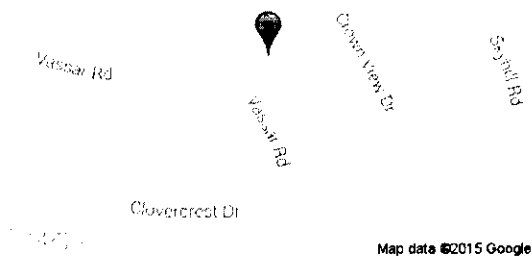
From: giles2@hotmail.com
Sent: Friday, June 12, 2015 10:52 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74849: Mayor, Vice Mayor, City Council at 809 VASSAR RD I am writing to you today to support the

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 74849.

Request Details:

- Name: Giles Strickler
- Approximate Address: 809 VASSAR RD (See [map below](#))
- Phone Number: 703-317-9373
- Email: giles2@hotmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am writing to you today to support the subdivision at 809/811 Vassar. As a resident of the City of Alexandria for over a decade, I am concerned that property rights are not respected due to the appearance that neighbors can unduly influence what a property owner can do with his own property. The law is clear that the proper guidelines are met (as shown by the Staff and Commission support) and the Council has no choice but to approve it. I respectfully ask, why would you not want a new home to beautify and improve a neighborhood? New homes are good for the tax base, and since the City has a debt problem, why wouldn't they want additional tax base?
- Expected Response Date: Friday, June 19



Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

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Jackie Henderson

From: rictalley@aol.com
Sent: Friday, June 12, 2015 9:37 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74840: Mayor, Vice Mayor, City Council I am a resident of Alexandria, zip code

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74840.

Request Details:

- Name: Richard Talley
- Approximate Address: No Address Specified
- Phone Number: 703.841.3256
- Email: rictalley@aol.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am a resident of Alexandria, zip code 22314, and I support the subdivision at 809/811 Vassar. The law is clear and they meet the proper guidelines, as shown by the Staff and Commission support. New homes are good for the tax base, and since the city has some debt issues, why wouldn't we want an additional tax base?
- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

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Jackie Henderson

From: mike.stinson@comcast.net
Sent: Friday, June 12, 2015 9:46 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74841: Mayor, Vice Mayor, City Council I have been a homeowner in the City of A

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74841.

Request Details:

- Name: Michael Stinson
- Approximate Address: No Address Specified
- Phone Number: 703-548-8920
- Email: mike.stinson@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I have been a homeowner in the City of Alexandria for more than 20 years, and I am writing to support the proposed subdivision at 809/811 Vassar. It is my understanding that the proposal has cleared every step of the review process and that all the relevant guidelines for a subdivision have been met. As such, the property owners should be allowed to take whatever steps they deem appropriate for improving their property. Denying the subdivision request, even after every requirement has been met, would be simply unconscionable, and would violate the rights that inherently belong to every property owner to improve their property.
- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

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Jackie Henderson

From: wdl14@hotmail.com
Sent: Friday, June 12, 2015 10:25 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74845: Mayor, Vice Mayor, City Council I'm an Alexandria homeowner for more tha

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 74845.

Request Details:

- Name: Warren Leishman
 - Approximate Address: No Address Specified
 - Phone Number: No Phone
 - Email: wdl14@hotmail.com
 - Service Type: Mayor, Vice Mayor, City Council
 - Request Description: I'm an Alexandria homeowner for more than fifteen years, writing in support of the proposed Vassar property subdivision. I understand the worries of neighboring homeowners but believe they have crossed the line from concerned neighbors to reactionary NIMBYers. I have always appreciated the strong codes and professionalism of city enforcement staff. The codes provide standards applicable to all with enforcement ensuring neutral application. When a proposal is clearly compliant with these standards and receives approval from city staff only exceptional circumstances should warrant review of that decision. Here, it appears that some feel entitled to keep a full size vacant lot in its current state. That's fine if they own the lot but that's not the case. Instead, the rights of the actual property owners to potentially develop the lot in full compliance with city code are being challenged. This risks a dangerous precedent that would put all property rights in jeopardy. I urge you to affirm the original decision and permit the division of the lot in accordance with city code.
- Warren Leishman
- Expected Response Date: Friday, June 19

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Jackie Henderson

From: rich.speckart@gmail.com
Sent: Friday, June 12, 2015 10:29 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74846: Mayor, Vice Mayor, City Council I am a 9 year resident and homeowner in

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74846.

Request Details:

- Name: Richard Speckart
- Approximate Address: No Address Specified
- Phone Number: 703-283-2055
- Email: rich.speckart@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am a 9 year resident and homeowner in Alexandria City and support the subdivision at 809/811 Vassar.

I am concerned that neighbors can unduly influence what a property owner can do with his own property. The law is clear that we meet the proper guidelines (as shown by the Staff and Commission support) and the Council has no choice but to approve it

- Expected Response Date: Friday, June 19

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Jackie Henderson

From: Qrlizard@yahoo.com
Sent: Friday, June 12, 2015 8:38 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74831: Mayor, Vice Mayor, City Council To Whom it May Concern:My name is El

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74831.

Request Details:

- Name: Elizabeth Anderson
- Approximate Address: No Address Specified
- Phone Number: 7034890819
- Email: Qrlizard@yahoo.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: To Whom it May Concern:

My name is Elizabeth Anderson and I have been a resident of Alexandria for 12 year and a homeowner in this City for almost a year. I am writing to show my support for the subdivision at 809/811 Vassar.

As I understand, the owners of that property have gone through the proper channel to make a subdivision and it has been inspected and found to be an appropriate property for such a division; however, there have been neighbors who would like to stop this action.

I am concerned that the rights of a property owner would become weakened if neighbors can unduly influence such actions. Because the proper guidelines have been met, I ask that the Council approve this subdivision request. New homes are good for the tax base and the lot in question is large enough to not take away from the beauty of the neighborhood if it is subdivided.

I appreciate your careful attention to this matter.

Sincerely,
Elizabeth Anderson

- Expected Response Date: Friday, June 19

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Jackie Henderson

From: wilsclan@gmail.com
Sent: Thursday, June 11, 2015 1:52 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74751: Mayor, Vice Mayor, City Council Dear Mayor, Vice Mayor and City Council-

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74751.

Request Details:

- Name: Lynda Wilson
- Approximate Address: No Address Specified
- Phone Number: 8012321178
- Email: wilsclan@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor, Vice Mayor and City Council-

I am a homeowner on Dartmouth Road in Alexandria City. I've been following with interest the proposed subdivision on Vassar Road. As nearly as I can determine the approved subdivision meets all the legal requirements for an additional lot.

It is my understanding that these decisions are not politically based but are instead based upon laws and regulations that are designed to protect the character of our neighborhood. When those laws are carefully followed, as they have been in this case, there is no grounds for such hysterical claims as, "this will tear the fabric of our neighborhood apart."

I have seen the proposed site and am fully satisfied that any house that might be built in the future could only increase the value of homes in the neighborhood.

For any homeowner in a contingent property to claim that it will negatively affect them is irrelevant. If there was an empty lot next to me my own wishes that it remain empty have absolutely no bearing on the legal status and county's determination of what may be done with it. These are legal issues that should be determined by the sound judgement responsible to enforce those laws. They should not be determined by the emotional knee jerk reaction of any neighbor that has taken a dislike to the idea of an additional home in their neighborhood.

Respectfully,
Lynda Wilson

- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: btbarker@gmail.com
Sent: Thursday, June 11, 2015 2:20 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74753: Mayor, Vice Mayor, City Council Support for Subdivision 2014-0014809 a

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74753.

Request Details:

- Name: Brian Barker
- Approximate Address: No Address Specified
- Phone Number: 703-838-0268
- Email: btbarker@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Support for Subdivision 2014-0014 809 and 811 Vassar Road

See attached letter to the Mayor Euille and City Council

- Attachment: [Vassar Subdivision Approval.docx](#)
- Expected Response Date: Thursday, June 18

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Brian Barker
808 Beverley Drive
Alexandria, VA 22302

June 10, 2015

Mayor William D. Euille
Alexandria City Council
301 King Street, Suite 2300
Alexandria, VA 22314

RE: Appeal of Subdivision 2014-0014
809 and 811 Vassar Road

Dear Mayor Euille and Alexandria City Council,

I would like to express my support for the subdivision on Vassar Drive. This issue is a matter of property owner's rights, not a matter of what the neighbors want in their back yard. The Planning Commission approved it with the support of staff and now the property owner should be allowed to move forward with the subdivision. Of course the neighbors don't want it in their back yard. No one ever does. I noticed most of the people opposed to the subdivision live on Crown View Drive and not Vassar Road.

This subdivision is very similar to the way the lots are located on the inside corner of Crown View Drive. I also disagree with those appealing that believe that Vassar Place lot frontages should not be considered.

Please move forward with denying the appeal and supporting the approved subdivision.

Thank you,

Brian Barker

Jackie Henderson

From: zack_parks@hotmail.com
Sent: Thursday, June 11, 2015 2:39 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74762: Mayor, Vice Mayor, City Council I write in support of the subdivision of

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74762.

Request Details:

- Name: Zachary Parks
- Approximate Address: No Address Specified
- Phone Number: 202-285-0524
- Email: zack_parks@hotmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I write in support of the subdivision of 809/811 Vassar Rd. in Alexandria. My wife and I own two homes nearby (1255 Dartmouth Ct., where we live, and 209 Yale Dr., where we previously lived). As Alexandria homeowners, it is important to us that our property rights be respected. The proposed subdivision here is consistent with the character of the neighborhood and I am aware of no reason or provision of city law that would preclude such a subdivision here.

As homeowners, it is important that the City's rules and regulations are applied neutrally, free from political pressure. Were the Council to take the unprecedented step to reverse the Planning Commission's approval of the residential subdivision application, that action would send a signal to homeowners that City land use decisions are influenced by the uninformed voices of a vocal few, rather than neutral application of settled law. I am concerned about the short and long-term consequences such a decision would have.

The decisions of City staff and the Planning Commission should be upheld.

- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: goliverelliott@gmail.com
Sent: Thursday, June 11, 2015 2:53 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74766: Mayor, Vice Mayor, City Council To Whom It May Concern:I support the

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74766.

Request Details:

- Name: Oliver Elliott
- Approximate Address: No Address Specified
- Phone Number: 315-885-1527
- Email: goliverelliott@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: To Whom It May Concern:

I support the subdivision of the 809/811 Vassar properties in Alexandria. As a resident of the city, I support increasing population density in Alexandria. Not only would such an endeavor increase the tax base, it improves environmental outcomes. I support both such efforts.

Thank you.

- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: mattsandgren@mac.com
Sent: Thursday, June 11, 2015 2:57 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74768: Mayor, Vice Mayor, City Council Dear Alexandria City Mayor, Vice Mayor,

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74768.

Request Details:

- Name: Matt Sandgren
- Approximate Address: No Address Specified
- Phone Number: 703-599-1029
- Email: mattsandgren@mac.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Alexandria City Mayor, Vice Mayor, and City Council:

I have been an Alexandria City resident for over 12 years. I have watched with great admiration how our city has grown and prospered. However, I am deeply concerned that recent efforts by some could greatly diminish or even take away my property rights.

I will move out of this area before any person can unduly influence what I can do as a property owner.

Property rights must be respected. They are fundamental to a democratic society. As a father of two, I want new homes built in Alexandria. They are good for the tax base. They fund our schools. They help keep our City afloat.

Please side with property rights and keep others from telling us what we can or cannot do with our land.

Sincerely,

Matt Sandgren
Alexandria City resident

- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: marchant4@hotmail.com
Sent: Thursday, June 11, 2015 3:30 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74776: Mayor, Vice Mayor, City Council Dear Mayor, Vice Mayor, and City Council

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74776.

Request Details:

- Name: Christian Marchant
- Approximate Address: No Address Specified
- Phone Number: 571-253-1334
- Email: marchant4@hotmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor, Vice Mayor, and City Council:

As a long-time resident and nearly 13 year homeowner in Alexandria City. I am writing to support the subdivision of property 809/811 Vassar Road. As a property owner in the city, I believe it is imperative that we respect property rights and the rule of law. Honoring the rights of an individual to use his property, abiding by all existing regulations, is very important to me.

Mr. Hales has met every legal qualification as shown by Staff and Commission support of the subdivision of the property. I believe that new homes are good for the city tax base, and as a property owner I support the city allowing the proper construction of new homes that would increase tax revenue for the city (hopefully decreasing the individual tax burden for most other property owners).

Sincerely,
Christian Marchant
5411 Richenbacher Avenue
Alexandria, VA 22304

- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: dsurratt4@gmail.com
Sent: Thursday, June 11, 2015 3:31 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74777: Mayor, Vice Mayor, City Council Vassar Road Subdivision - Please approv

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74777.

Request Details:

- Name: Dara and Derrick Surratt
- Approximate Address: No Address Specified
- Phone Number: 703-589-7389
- Email: dsurratt4@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Vassar Road Subdivision - Please approve the request based on the facts and the law. We live at 3011 Dartmouth Road in Clover/College Park and a handful of neighbors that are stirring things up. They don't have sound arguments and are not based on the facts. . I hope you continue to support your earlier decisions to allow this subdivision to move forward so that this issue will be put to rest. Again, we SUPPORT the subdivision.
- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: CallClickConnect@alexandriava.gov
Sent: Thursday, June 11, 2015 3:34 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74778: Mayor, Vice Mayor, City Council Dear Mayor, Vice Mayor and Council Membe

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74778.

Request Details:

- Name: A. Seth Atkisson
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: No Email
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor, Vice Mayor and Council Members,

I am a resident of Alexandria and I write in support of the subdivision of the lots at 809/811 Vassar. I am concerned that despite the property owners having gone through the regular channels for approval and having been found compliant with the applicable codes and ordinances, they have been subjected to an unprecedented review for a residential lot. While it appears that such a review by the City Council of the Planning Commission's approval is provided for according to the zoning ordinance, it is my understanding that a review has never been called for over the proposal of a single residential lot. I find this precedent to be disturbing in a number of ways, namely:

1) This action demonstrates a lack of respect for established property rights. The property owners own both the 809 and 811 lots and may under the law enjoy them in a manner that is consistent with the city codes and ordinances. Having found no provision in the ordinances and codes that would disallow them from further enjoying the rights inherent with their ownership in the land, they determined to divide the land. To deny them a division that is otherwise allowable under the law and which asks for no special accommodation or favor threatens the reasonably expected enjoyment of all property owners in the city.

2) The influence that a small minority (as little as 20%) of neighbors can have over the property of another is unsettling. There is an established process in the city of Alexandria for subdividing and creating a lot. The owners complied with this process and presented the Planning Commission with a plan that was overwhelmingly approved. Furthermore, the proposed lots all far exceed the minimum requirements for R-8 Single-Family zone in which the lots are situated. To allow for a minority of proximate homeowners to override the law and approval of the Commission would again threaten the property rights and values of all residential owners within Alexandria.

In conclusion, I ask that the Mayor, Vice Mayor and Members of the City Council reject this novel approach at limiting the rights of property owners and allow the property owners to proceed as planned and approved by the Planning Commission.

Respectfully,

A. Seth Atkisson

- Expected Response Date: Thursday, June 18

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

Jackie Henderson

From: shandielise@gmail.com
Sent: Thursday, June 11, 2015 3:43 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74780: Mayor, Vice Mayor, City Council I am a resident in Alexandria City and s

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74780.

Request Details:

- Name: Shandi Barney
- Approximate Address: No Address Specified
- Phone Number: 7034740940
- Email: shandielise@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am a resident in Alexandria City and support the subdivision at 809/811 Vassar. I think that home owners should have the freedom to do what they want with their property, regardless of their neighbors opinion, when they are following all laws and regulations. Given that this subdivision clearly follows the proper guidelines, the Council must support subdividing this property. Additionally, when the time comes, a new home will only help the City build its tax base and pay off its debts. The real estate market in Alexandria is already tough, why wouldn't the City want an additional home owner?

Thank you for your consideration.

Shandi Barney

- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: jackie.atkisson@gmail.com
Sent: Thursday, June 11, 2015 4:03 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74786: Mayor, Vice Mayor, City Council I am writing concerning the division of

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74786.

Request Details:

- Name: Jackie Atkisson
- Approximate Address: No Address Specified
- Phone Number: 7032035679
- Email: jackie.atkisson@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am writing concerning the division of lots 809 and 811 Vassar. As a resident in Alexandria, I'm deeply concerned the power of disapproving neighbors overrides the rights of property owners. It makes me feel very untrusting of the system.

Please, if the law is clear, and it was already approved, it shouldn't have to go through this extra process because a small minority feel like it's their land to make decisions about as well.

Any built home on this street would raise values and beautify the neighborhood further. It's difficult for some to see the positives when they feel threatened, but down the road, it won't be upsetting or an issue as it seems to be now.

Please, add my voice to the host of voices who are in complete support of dividing lots 809 and 811 Vassar.

Thank you.

Jackie Atkisson

- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: bleen1@gmail.com
Sent: Thursday, June 11, 2015 4:12 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74788: Mayor, Vice Mayor, City Council I am a resident of Alexandria City writi

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74788.

Request Details:

- Name: Christopher Barney
- Approximate Address: No Address Specified
- Phone Number: 4358810661
- Email: bleen1@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am a resident of Alexandria City writing in support of the subdivision at 809/811 Vassar. The subdivision proposal has met all of the guidelines required by the city of Alexandria and should not be denied by the City Council. In fact, this issue should never have escalated this far. The subdivision will cause no harm to the neighbors whose complaints have caused its delay. I respectfully request that you grant the subdivision request.
- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: kylerkronmiller@yahoo.com
Sent: Thursday, June 11, 2015 4:25 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74792: Mayor, Vice Mayor, City Council Hello. I am a home owner in Alexandria,

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 74792.

Request Details:

- Name: Kyler Kronmiller
- Approximate Address: No Address Specified
- Phone Number: 703-738-6394
- Email: kylerkronmiller@yahoo.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Hello. I am a home owner in Alexandria, Virginia, and I am writing to express my support for the subdivision at 809/811 Vassar. This seems like a very specific issue, but I think it reflects three broader issues that affect all property owners in Alexandria. First, it touches on respect for property rights. Second, it touches on respect for laws and regulations governing our city. Third, it demonstrates the actions that neighbors/individuals can take to unduly influence issues that should be decided by laws and regulations. I understand that the subdivision has the support of the Staff and Commission. The rights of the property owners -- in line with existing laws and regulations -- should determine this matter.

Thank you.

Kyler Kronmiller

- Expected Response Date: Thursday, June 18

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Jackie Henderson

From: ThomasWalczykowski@comcast.net
Sent: Thursday, June 11, 2015 4:28 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74794: Mayor, Vice Mayor, City Council I am submitting my comments to support t

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74794.

Request Details:

- Name: Thomas Walczykowski
- Approximate Address: No Address Specified
- Phone Number: 703-461-9206
- Email: ThomasWalczykowski@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am submitting my comments to support the request to subdivide the lots at 809 and 811 Vassar Road. Docket Item 13 for the June 13 meeting
- Attachment: [Support Letter to City Council.docx](#)
- Expected Response Date: Thursday, June 18

Please take the necessary actions in responding, handling and/or updating this request at [the *Call.Click.Connect.* staff interface.](#)

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

6/11/15

Re: Docket Item 13 14-4141 at the June 13, 2015 City Council Meeting

Mr. Mayor and Council Members,

I am submitting my comments regarding the proposed subdivision of 809 and 811 Vassar Road into three lots as an Alexandria citizen and owner of two properties within 300 feet of the subject properties. My primary residence is 405 Cloverway Drive, which is completely within the 300 foot limit. I am currently residing at 404 Cloverway Drive as my primary residence is undergoing a total renovation. The property at 404 Cloverway Drive is 99% within the 300 foot limit.

I fully support the proposal of Stephen and Mary Hales to subdivide their two properties into three lots. The new lot will be in conformance with the other lots down the Vassar Road hill all the way to the Dartmouth intersection. The subdivision by itself will not change the properties in any way and will have no impact on Crown View Drive properties which are adjacent to backs of the proposed three lots. My property at 405 Cloverway Drive, which is next to the Ford House, is at the same elevation of the proposed three lots. I am well aware that the back yards of the Ford House (514) and the back yards at 506, 500, 414, 408, and 404 Crown View Drive are at a lower grade than the lots on Vassar Road. The original builder excavated those lots to support the construction of those homes and in many cases built retaining walls to support the change in elevation. Those retaining walls were certainly not built according to today's codes and have undergone deterioration over the 50 to 60 years. The Ford House lot actually has two tiered brick retaining walls. The top wall has partially collapsed and the three and a half foot bottom wall is leaning.

I mentioned the retaining walls at the back of the Crown View Drive properties because one of the concerns cited by some of those residents is their belief that they will suffer increased water runoff. If and when the Hales or some future owner decides to build a house on the new property, the plans will be reviewed by the Civil Engineering staff of Transportation and Environmental Services. I have seen their review of the new house at 307 Vassar Road and the Civil Engineers inserted a clause for the builder of the new property to be responsible for water problems caused by the new construction. They also have requirements to install cisterns to control water runoff. In the meantime, the Crown View residents should bring their retaining walls up to today's standards and install appropriate weep holes and French drains.

Another concern that the resident raised the view up the hill of their back yards. Frankly, the current view is noxious. There are a few large trees but they are covered with invasive vines like Virginia creeper. One of the trees is a Mulberry Tree and attracts wildlife including foxes. The current property at 809 Vassar Road is simply too large to be properly cared for by home owner with normal gardening skills and desires. When the Hales were trying to rent the house, I recommended that they include basic

yard maintenance by the landlord because the yard would be too daunting for the average renter. The large lawn area is infested with invasive weeds and the beds are unkempt. The yard landscaping will be more in scale if and when a modest house is built on the property and that will be an improvement to the neighborhood.

I support the Hales' proposal because it is their property, the proposal is consistent with City policies and code, and no harm to the neighbors' properties will occur as a result of the subdivision. It is noted that this is the last lot in the Clover Subdivision that could be subdivided. There is only one other property of sufficient size that theoretically could be subdivided; however, a very large addition to the home was made a few years ago and a subdivision would involve tearing down part of the house.

Sincerely,

Tom Walczykowski

405 Cloverway Drive

703-461-9206

Jackie Henderson

From: plaze@comcast.net
Sent: Thursday, June 11, 2015 5:03 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74797: Mayor, Vice Mayor, City Council Re: City Council Public Hearing, June 13

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74797.

Request Details:

- Name: Laura Plaze
- Approximate Address: No Address Specified
- Phone Number: 7034618631
- Email: plaze@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Re: City Council Public Hearing, June 13, 2015 -- 14-4141 (number 13)

Please see uploaded comments in support of the appeal of the Planning Commission's decision to approve a preliminary plat for Subdivision #2014-0014 to re-subdivide two existing lots into three lots at 809 and 811 Vassar Road.

- Attachment: [Plaze Subdivision Letter.docx](#)
- Expected Response Date: Thursday, June 18

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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402 Cambridge Road
Alexandria, VA 22314

June 11, 2015

Re: Docket No. 4141 – June 13 Public Hearing

Dear Mayor Euille and Members of City Council:

You have an opportunity today to correct a bad decision of the Planning Commission, one that will not only harm a beautiful neighborhood but will set a terrible precedent for the City. We urge you to listen to the applicants, reflect on the implications of your decision and grant this appeal.

Others have described in detail the convoluted methodology by which the Planning Commission arrived at its decision to allow the subdivision of adjacent lots on Vassar Road. People below this property who are directly affected are now threatened with a serious problem of water run-off. That, too, is detailed elsewhere in the record. All of us who live and walk in this area stand to lose a lovely vista, as this property is located at a high point that overlooks the City.

We come to this as neighbors who live a few streets away. We are alarmed at the precedent the Planning Commission decision would set if allowed to stand. It is truly baffling that staff would extend the range of comparables so far from the affected property merely to accommodate an owner's desire to cram in another house.

Clover is an old and fully developed neighborhood. If this subdivision is allowed to go forward, what is to prevent the future subdivision of other large lots in any neighborhood in Alexandria? For that matter, as happened in this case, what is to prevent the purchase of two adjacent lots for the purpose of converting the two into three? Alexandria residents do not wish to see their beautiful city carved up into ever smaller, ever more crowded lots.

Fortunately, there is an appeal process and we are hopeful that you, Mayor and City Council, will reverse this decision for the good of the neighborhood and the entire City.

Thank you for your consideration.

Sincerely,

Laura and Bob Plaze

Jackie Henderson

From: nellie.chung@gmail.com
Sent: Thursday, June 11, 2015 8:30 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74807: Mayor, Vice Mayor, City Council I am a homeowner in Alexandria City and

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74807.

Request Details:

- Name: Nelson Chung
- Approximate Address: No Address Specified
- Phone Number: 415-994-5620
- Email: nellie.chung@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am a homeowner in Alexandria City and support the subdivision at 809/811 Vassar. The violation of property rights concerns me, and the law clearly supports that the guidelines are properly met. Furthermore, the new homes are much-needed sources of property taxes that would help with Alexandria's budget situation.
- Expected Response Date: Thursday, June 18

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: derekejohnson@gmail.com
Sent: Thursday, June 11, 2015 8:53 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74808: Mayor, Vice Mayor, City Council Dear Mayor and Council Members,I've

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74808.

Request Details:

- Name: Derek Johnson
- Approximate Address: No Address Specified
- Phone Number: 801.372.9015
- Email: derekejohnson@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor and Council Members,

I've been a resident of Alexandria for the past 8 years. I'm writing to notify you all that I support the subdivision at 809/811 Vassar. I'm very concerned that ones neighbors can unduly influence what a property owner can or can't do with his or her own property -- especially when those actions fall so clearly within the rules and guidelines set by the council and commission. I would hope that my family and I have chosen to live in a city that has a strong commitment to respecting property rights.

Thank you,
Derek Johnson
104 West Taylor Run PKWY
Alexandria, VA 22314

- Expected Response Date: Thursday, June 18

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: CallClickConnect@alexandriava.gov
Sent: Thursday, June 11, 2015 9:32 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74814: Mayor, Vice Mayor, City Council City Council,I am a homeowner in Alexa

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74814.

Request Details:

- Name: *Call.Click.Connect.* Customer
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: No Email
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: City Council,
I am a homeowner in Alexandria and am writing in support of the subdivision at 809/811 Vassar. I feel that it is important that the City of Alexandria respect the rights of property owners and not let neighbors have an undue influence on the use of property they do not own. The proposed subdivision could pave the way for a new home that would improve the overall quality of homes on Vassar and add to the city's tax base. If a subdivision is done in a manner according to the law, it should be approved by the city.
Regards,
Dayne Baird
- Expected Response Date: Thursday, June 18

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: javanwagner@gmail.com
Sent: Friday, June 12, 2015 12:23 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74818: Mayor, Vice Mayor, City Council Dear Mayor, Vice Mayor and City Council:

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74818.

Request Details:

- Name: Jason Van Wagner
- Approximate Address: No Address Specified
- Phone Number: 703-282-8974
- Email: javanwagner@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor, Vice Mayor and City Council:

We are writing to voice our strong support of the Vassar Road subdivision. The approved proposal fulfills all of the city requirements for subdivision easily and without exception. We are part of the Clover-College Park neighborhood and see the approved subdivision as a net positive for our community.

Those opposed to this subdivision believe it will undermine the character of the Clover-College Park neighborhood, adversely affect the houses adjacent to it with water runoff and loss of light/views and will "open all of our quiet, stable, historic neighborhood up to future subdivisions and development." This is untrue. In fact, at the Planning Commission meeting where the Vassar Road subdivision was approved, Commissioner Brown addressed this very topic. He stated that he had looked at the Clover-College Park neighborhood and there is no other lot large enough to subdivide besides 811 Vassar Road and the neighbor's lot directly across the street. This is not a fragile neighborhood and this subdivision is not going to suddenly start a rash of new development here or in Alexandria City. No one is going to be "carving up" the Clover-College Park neighborhood in the future because the law says that can't be done.

Those opposed also claim that the Vassar Road subdivision "means the creation of a new smallest lot." So that the facts are clear: a lot in an R-8 zone (the zoning for Clover-College Park) by law requires 8000 SF, 40 feet of frontage, and 65 feet of building width. The new lot that has been approved is 9452 sq ft, has 55 ft of frontage and 67 ft of building width. It is larger than almost every other lot on the same side of the street all the way down Vassar until you hit Dartmouth Road and it is larger than a majority of lots in this neighborhood (the average lots are in the 8000-9000 sq ft range). Calling this the smallest lot in the neighborhood is incorrect. And since the zoning requirements are set by law, no one in the neighborhood can suddenly decide they want to make two 4000 sq ft lots out of their existing 8000 sq ft lot and increase the density of the neighborhood. This by law can NEVER happen.

Perhaps those against subdivision should be careful in what they are seeking and would reconsider opposition if, in the alternative to subdivision, the entire Vassar Road lot was sold to a commercial builder who could demolish the current structure and build an enormous 8,000 square foot home on the lot which would dwarf every home around. Bottom line: the city supports subdivision, the Alexandria City Council vote was overwhelming in favor of sub-division finding the Vassar Road subdivision meets all requirements.

The Alexandria City staff has carefully considered the appeal and just this week once again recommended the subdivision for approval to the City Council. You can find the link to the staff report where they address all the points of the appeal here:

<https://alexandria.legistar.com/View.ashx?M=F&ID=3813757&GUID=36E01D9D-9A91-4C31-97B3-35DDD60D152B>

Some residents in the neighborhood are appealing the City Council decision and it is absolutely their right to do so. Unfortunately, the opposition and concerns noted above are really more about current neighbors seeking to prevent the subdivision in order to maintain better backyard views. Their argument about preserving the character of the Clover-College Park neighborhood and that somehow the Vassar Road subdivision would jeopardize the integrity of the neighborhood is purely false. Again, the Vassar Road subdivision fulfills all of the city requirements easily and without exception and we strongly support the subdivision recommended for approval by the City Council.

Respectfully,

Daystar & Jason Van Wagner
307 Cambridge Road

- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the **Call.Click.Connect.** staff interface.

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Jackie Henderson

From: CallClickConnect@alexandriava.gov
Sent: Friday, June 12, 2015 12:26 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74819: Mayor, Vice Mayor, City Council Dear Council, As a resident of Alexa

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74819.

Request Details:

- Name: *Call.Click.Connect.* Customer
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: No Email
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Council,

As a resident of Alexandria City, I'm writing in support of subdivision 809/811 Vassar. I want to ensure that property rights are respected and upheld when proper guidelines have been met.

Respectfully,
Audrey MacKay

- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

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Jackie Henderson

From: dccrougths@comcast.net
Sent: Friday, June 12, 2015 2:35 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74820: Mayor, Vice Mayor, City Council Honorable Councilmembers:I am writin

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74820.

Request Details:

- Name: Sean Rough
- Approximate Address: No Address Specified
- Phone Number: 703-868-6537
- Email: dccrougths@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Honorable Councilmembers:

I am writing regarding the 6/13 agenda item relating to the proposed subdivision of 809 and 811 Vassar Road. Please UPHOLD the planning commission finding supporting the subdivision.

As a citizen of Alexandria, I am alarmed by the expense and delay that have been incurred by the City AND by the property owners. Something is badly broken indeed if such a basic question cannot be swiftly and fairly resolved-- should this question really have multiple, lengthy City reports, hefty legal fees borne by the Hales family (respected members of the community), and a full, formal hearing by the Alexandria City Council?

I respectfully recommend that this specific request be approved and settled, and that the City Council revisit the City's treatment of private property, putting statutes in place to allow rapid, rational, consistent, and impartial resolution of the kind of request made by the Hales.

Sincerely,

Sean Rough
207 Longview Dr.
Alexandria

- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: a_decker@live.com
Sent: Friday, June 12, 2015 4:54 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74822: Mayor, Vice Mayor, City Council Hello:I am a homeowner in Alexandria

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74822.

Request Details:

- Name: Alison Decker
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: a_decker@live.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Hello:

I am a homeowner in Alexandria City, and I support the subdivision at 809/811 Vassar for several reasons.

Property rights should be respected and this petition for a subdivision meets the requisite guidelines in this case.

Sincerely yours,
Alison Decker

- Expected Response Date: Friday, June 19

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: abram.ellis@gmail.com
Sent: Wednesday, June 10, 2015 3:17 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74672: Mayor, Vice Mayor, City Council I write concerning the proposed subdivis

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74672.

Request Details:

- Name: Abram Ellis
- Approximate Address: No Address Specified
- Phone Number: 734-780-6923
- Email: abram.ellis@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I write concerning the proposed subdivision of 809 and 811 Vassar. I am troubled by what appears to be a personal campaign against the owners of 809/811. They appear to have fully complied with applicable laws and regulations, and have won the support of the Planning Commission. Moreover, if I understand the facts correctly, the people most concerned by the subdivision are those that live on another street who claim that the so-called Ford house has some historic value, even though it has been renovated and remodeled to the point that it no longer looks or feels anything like a historic site.

Regardless, my biggest concern as a citizen of Alexandria is about the process that led us to this point. If the opposition wins, it will suggest that renovations to my property will be subject to the political whims of my neighbors even if I have done everything right, even if the Planning Commission approves, and even if the proposed changes comply with the relevant laws and regulations. Granting the opposition here, when there are no legal or objective grounds to do so, strikes me as terrible precedent and exactly the type of behavior that would deter (rather than encourage) investment and diversity in our community.

I strongly encourage the City Council to endorse the proposal of the Planning Commission and reject any objections.

- Expected Response Date: Wednesday, June 17

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: shaurishar@hotmail.com
Sent: Tuesday, June 09, 2015 10:50 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74621: Mayor, Vice Mayor, City Council I support the subdivision of property at

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74621.

Request Details:

- Name: shauri dewey
- Approximate Address: No Address Specified
- Phone Number: 734-913-0723
- Email: shaurishar@hotmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I support the subdivision of property at 809 and 811 Vassar Road to allow a new house to be built between these two properties (subdivision #2014-0014)
- Expected Response Date: Tuesday, June 16

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Jackie Henderson

From: Khoadinh Tran
Sent: Tuesday, June 09, 2015 10:09 AM
To: Allison Silberberg; Del Pepper; Jackie Henderson; John Chapman; Justin Wilson; Paul Smedberg; Timothy Lovain; William Euille
Cc: Jim Kapsis; Ryan Wojtanowski; William Skrabak; Anthony Gammon
Subject: EPC Letter Regarding the Windmill Hill Park Shoreline Rehabilitation Project
Attachments: EPC_Windmill_Hill_Letter_6_2015.pdf

Honorable Mayor and Members of City Council:

Please find attached a letter from the Chair of the Environmental Policy Commission regarding the Windmill Hill Park shoreline rehabilitation project.

Sincerely,

Khoa D. Tran
Environmental Program Manager
Infrastructure and Environmental Quality Division
Department of Transportation and Environmental Services
City of Alexandria
Telephone: (703) 746-4076

June 9, 2015

Honorable Mayor William Euille and Members of City Council
City of Alexandria
Suite 2300, City Hall
301 King St.
Alexandria, VA 22314

Dear Mayor Euille and Members of Council:

On behalf of the Environmental Policy Commission (EPC), I am writing in support of the staff proposal for the Windmill Hill Park Shoreline Rehabilitation Project, the "Living Shoreline" option. This staff proposal is in alignment with both the vision of the Eco City Charter, and the Environmental Action Plan -- particularly in regard to land use, open space, water resources, and sustainability.

The environmental benefits of a living shoreline are numerous. The grasses planted in the inter-tidal zone as part of this design and the adjacent sub-aqueous vegetation preserved just off shore will increase habitat for critical species at the bottom of the food chain. They will also provide natural water filtering for the river.

The design's small, off-shore stone sill will create an inter-tidal planting area, allow flushing in that area, and provide wave energy protection at all but the highest tides. When over-topped by an extremely high tide, the gentle grade of the planted slope landward of the sill will provide excellent wave energy absorption, preserving the shoreline using Nature's own methods.

The environmentally friendly design characteristics listed above will also have the following ancillary benefits: in addition to the obvious natural esthetics, the gentle grade will be safe for children, and allow the prevailing northwesterly winds to reach the water in the basin to help flush debris. The natural shoreline is also an instant nature lab, an educational resource for both the Parks Department and the school system. Finally, at an estimated cost of 3.8 million dollars, it is dramatically less expensive than either a bulkhead or a revetment.

Tony Gammon, the project manager and his team have done an excellent job of bringing this long overdue project forward for your consideration. Please do well for Alexandria by doing good for the estuary and support their effort with your approval.

Sincerely,



Jim Kapsis
Chair, Environmental Policy Commission
kapsisje@gmail.com

Jackie Henderson

From: CallClickConnect@alexandriava.gov
Sent: Tuesday, June 09, 2015 6:26 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74500: Mayor, Vice Mayor, City Council I support the subdivision of property at

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74500.

Request Details:

- Name: *Call.Click.Connect.* Customer
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: No Email
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I support the subdivision of property at 809 and 811 Vassar Road to allow a new house to be built between these two properties (subdivision #2014-0014)
- Expected Response Date: Tuesday, June 16

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: larrywilson@gmail.com
Sent: Monday, June 08, 2015 2:25 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74469: Mayor, Vice Mayor, City Council Dear City Council,I am writing in supp

Dear **Call.Click.Connect.** User

A request was just created using **Call.Click.Connect.** The request ID is 74469.

Request Details:

- Name: Larry Wilson
- Approximate Address: No Address Specified
- Phone Number: 8012434726
- Email: larrywilson@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear City Council,
I am writing in support of Steve and Mary Hales's application for a subdivision of 809/811 Vassar Road. My name is Larry Wilson and I am a homeowner on Dartmouth Road in Alexandria. From the things I have read and the conversations I have had with the Hales, I am satisfied with their proposal. It meets all of the City's requirements. It has been thoroughly reviewed and approved by the Planning Commission. It appears that a neighbor is stirring up opposition without understanding the facts. Since the Hales' proposal clearly falls within the City's requirements, I believe you are legally compelled to approve their request. This is a property right's issue. I look forward to the City Council upholding the decision of the Planning Commission. It is the correct decision. As shown in the online poll published by the Alexandria Times, it is also the decision supported by the majority of the public. Thank you for the opportunity to share my view with you.
Sincerely,
Larry Wilson
- Expected Response Date: Monday, June 15

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a **Call.Click.Connect.** request. Please do not reply to this email.

Jackie Henderson

From: Sam Shelby
Sent: Monday, June 08, 2015 4:28 PM
To: Jackie Henderson
Subject: Additional materials for Legistar file ID 14-4141
Attachments: 14-4141_Additional Materials.pdf

Jackie,

Attached please find a Call.click.connect statement to be included with Legistar file ID 14-4141 (subdivision appeal)

Thanks!

Sam Shelby
Planning and Zoning
301 King St, Room 2100
Alexandria, VA 22314
Direct: 703-746-3831
Fax: 703-838-6393

From: c.hergen@hotmail.com [mailto:c.hergen@hotmail.com]

Sent: Thursday, June 04, 2015 10:23 PM

To: Damaso Rodriguez; Cicely Woodrow; Sam Shelby; Amirah Lane; Kristen Walentisch

Subject: Call.Click.Connect. #74274: Development Project Inquiries at 402 PRINCETON BLVD I am opposed to the use of 159 comparabl

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74274.

Request Details:

- Name: Carol Hergen
- Approximate Address: 402 PRINCETON BLVD (See [map below](#))
- Phone Number: 703-548-3272
- Email: c.hergen@hotmail.com
- Service Type: Development Project Inquiries
- Request Description: I am opposed to the use of 159 comparables in the subdivision of this property in the Clover neighborhood of Alexandria. The neighborhoods of Alexandria are being destroyed by the indiscriminate development of land purely for the enrichment of investors/developers.
- Expected Response Date: Thursday, June 11

Jackie Henderson

From: jszamosfalvi@gmail.com
Sent: Monday, June 08, 2015 11:37 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74448: Mayor, Vice Mayor, City Council Dear City Council and Mayor, I am a con

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74448.

Request Details:

- Name: Jozsef Szamosfalvi
- Approximate Address: No Address Specified
- Phone Number: 7037869000
- Email: jszamosfalvi@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear City Council and Mayor,
I am a concerned Alexandria resident. The actions taken to appeal the subdivision of the Vassar property and even entertain such an action by the city council are deplorable. All current and prospective property owners should be aware that anything President Ford might have looked at or stepped on now can be restricted? And how about other Presidents? So shall I now be afraid to own/buy property on Quaker Hill or in Alexandria in general? Please keep our property rights and values intact and do not drive away tax base because of undue restrictions and limitations slapped on property. Stopping the subdivision would have a very negative impact on the tax base in general and all our property values and rights. I would expect that the city council would protect our rights and property values and discard this insidious PR campaign by Ms. Laura Plaze to protect selfishly her own "view" and thereby cause damage to property rights in Alexandria in general.

A concerned resident and property owner:

Jozsef Szamosfalvi
1213 Quaker Hill Dr.
Alexandria, VA 22314

- Expected Response Date: Monday, June 15

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Jackie Henderson

From: kqellis@gmail.com
Sent: Sunday, June 07, 2015 6:34 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74398: Mayor, Vice Mayor, City Council I am writing about the subdivision of pr

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74398.

Request Details:

- Name: Kristin Ellis
- Approximate Address: No Address Specified
- Phone Number: 571-201-3938
- Email: kqellis@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am writing about the subdivision of property at 809 and 811 Vassar Road to allow a new house to be built between these two properties (subdivision #2014-0014)

I just want you to know that as one of the neighbors I completely support the decision. The Hales own this property and are well within their rights to subdivide. I would hope that if I were in the same position I would be able to do what I like with my own property.

Whatever home is eventually built on the subdivided land, will only raise property values.

My fellow neighbors clearly haven't thought through the fact that if the land does not subdivide, the Hales would very likely sell 809 to a developer who would then build a monstrosity of a house that would CERTAINLY not fit within the character of the neighborhood.

Please do not consider reversing the decision of the commission.

Sincerely,
Kristin Ellis

- Expected Response Date: Monday, June 15

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: lance.spencer@att.net
Sent: Sunday, June 07, 2015 9:58 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74384: Mayor, Vice Mayor, City Council Subject: Repeal Subdivision #2014-0014

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74384.

Request Details:

- Name: Lance Spencer
- Approximate Address: No Address Specified
- Phone Number: 5712142316
- Email: lance.spencer@att.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Subject: Repeal Subdivision #2014-0014 at June 13th Public Hearing

Mayor and Council Members,

I ask you to repeal subdivision #2014-0014 at the June 13th Public Hearing. This proposed subdivision and the method used to justify it set a dangerous precedent and action that will erode home values.

We are seeing more and more issues like this proposed subdivision, where a developer wants to profit at the expense of neighbors home values. This is literally taking money from neighbors' and citizens' pockets. Neighborhood aesthetics are a key component of people's housing choices, as it was ours. Allowing subdivisions like these changes the entire complexion of a neighborhood at the expense of homeowners.

Also, the new method used by the Planning Commission is the same as gerrymandering. Changing the comparable scope whittles away at property values.

Do you want this happening near your home? Are you willing to allow a developer to take from your pocket?

I agree with Hellen Lloyd and the other neighbors' letter on page 18 of the Alexandria Gazette Packet, June 4-10, 2015, which I am copying in below. Repeal this subdivision and tell developers they cannot rob from us.

Lance Spencer
1108 Vassar Rd

Letter to the Editor from Helen Lloyd and neighbors:

To the Editor: The majority of you assume you will not be directly impacted by the water run off or restricted views which are the almost inevitable impact of the proposed subdivision and development on Vassar Road behind President Ford's former house, a property listed on the National Register of Historic Places, in the beautiful historic neighborhood of Clover. However, this is not true. Permitting this subdivision to go ahead will adversely affect every person who lives in Alexandria. It will set a catastrophic precedent for all future subdivisions and development across the whole of the City of Alexandria. According to Planning Commission records for the last five years, the number of lots used for comparative purposes within a neighborhood is between 15 and 72. The purpose of comparable lots is to ensure that the feel of the neighborhood remains even when a plot is subdivided. Therefore, with Lloyds Lane, the city chose to draw just 15 comparables, as this was the number of large lots which surrounded the new subdivision. In the development in north Old town, near Pendleton Street, the city drew 72 comparables, which comprised of all the houses on the blocks which touched the new development. With the development in Clover, however, the city is setting a new precedent. It has chosen to use 159 comparables. This

is an unprecedented number. It more than doubles the number of comparables used in any previous subdivision case in the past five years in Alexandria. This stinks of the worst kind of gerrymandering — changing the size and shape of districts to influence a result. City staff has done this because the comparables within 15 houses or 20 houses or even 72 houses would have meant they would have had to write a staff report against the Vassar Road subdivision. None of the plots within this number would have been even close to the new reduced size that the developers are trying to push through. The lot frontage of even the smallest two comparable lots is more than 24 feet larger than the frontage of the new proposed subdivided lot. Instead, by expanding the number of comparables to 159 lots, it meant they could include Vassar Place, where houses are on a 360 degree circular cul-de-sac. The inclusion of these lots inserted six lots uniquely smaller in width and frontage than the other two lots in the group of comparables. Even with these smaller lots, the subdivided lot on Vassar Road is still smaller in lot width than any of the comparable lots. This is a dangerous precedent. It means that by more than doubling the number of permissible comparables, any developer in the future can require the city staff to do the same again. This means that the large lot on Lloyds Lane, which the developers wish to divide into two, still relatively large, lots could potentially be divided into four lots in future. If the city was required to follow its own precedent and use 159 comparables in the Lloyds Lane area, for example, they would be pulling in the much smaller lots which surround that street. Permitting those into the mix would allow developers to crowd houses onto much smaller lots all over Alexandria. The large spacious lots in Rosemont and Russell Road will be next for the developer's knife. Then once those have been subdivided, using the basis of 159 comparables, developers will be able to subdivide them again and again until we have nothing but small over-crowded neighborhoods. Once smaller lots are allowed all over Alexandria, it is not scaremongering to say that the nature of our city and its neighborhoods will be threatened forever. Once this precedent is set, it cannot be undone. It cannot be reversed when the City Council realizes its mistake. This is a one-off chance to ensure that the City of Alexandria remains the wonderful place it is to live in. Please, write to the City Council through call, click, connect (Planning and Zoning – development project inquiries) to ask them to vote against setting this dangerous precedent and protect the city in which we live.

Helen Lloyd along with 10 other Crown View Drive neighbors

- Expected Response Date: Monday, June 15

Please take the necessary actions in responding, handling and/or updating this request at the [Call, Click, Connect. staff interface.](#)

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

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Jackie Henderson

From: menkalan@hotmail.com
Sent: Sunday, June 07, 2015 7:43 AM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74380: Mayor, Vice Mayor, City Council I am all for the sub division of the pro

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74380.

Request Details:

- Name: Kenny Kalan
- Approximate Address: No Address Specified
- Phone Number: 7037519559
- Email: menkalan@hotmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I am all for the sub division of the property between 809 and 811 vassar road
- Expected Response Date: Monday, June 15

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Jackie Henderson

From: PProfTabb1@hotmail.com
Sent: Friday, June 05, 2015 4:01 PM
To: City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton
Subject: Call.Click.Connect. #74334: Mayor, Vice Mayor, City Council I oppose subdividing residential propert

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74334.

Request Details:

- Name: Ellen Tabb
- Approximate Address: No Address Specified
- Phone Number: 703-549-0466
- Email: PProfTabb1@hotmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I oppose subdividing residential properties into smaller plots by choosing as "comparable properties" those which are not typical for the plot under consideration as the Planning Commission has done on Vassar Pl.cf. Crown View Drive.

Helen Lloyd's ltr in the June 4 Gazette made her case appropriately and forcefully; this is an egregious violation in order to attempt to justify subdividing two lots into three. If approved, it would set a terrible precedent for the rest of the city.

The Planning Commission should be rebuked for spending excessive time locating and using 159 "comparables" to get its desired foreordained result. This wildly excessive number - and inappropriate choices at that - is an abuse of taxpayers' funds.

Perhaps the Planning Commission needs directions from Council about the number of appropriate "comparable" choices - an upper limit seems necessary, or who knows how many they may use at another time.

Sincerely,
Ellen Latane Tabb

- Expected Response Date: Friday, June 12

Please take the necessary actions in responding, handling and/or updating this request at [the *Call.Click.Connect.* staff interface.](#)

If you need assistance with handling this request, please contact CallClickConnect@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

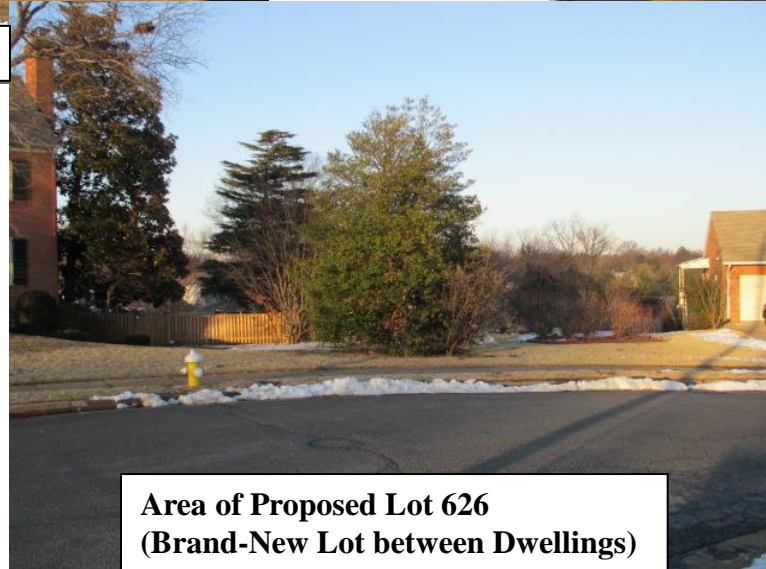
Appeal of Subdivision #2014-0014 809 & 811 Vassar Road



811 Vassar Rd Dwelling



809 Vassar Rd Dwelling



**Area of Proposed Lot 626
(Brand-New Lot between Dwellings)**

Appeal of Subdivision #2014-0014 809 & 811 Vassar Road

- Appeal of Planning Commission approval of subdivision request
- Brought forward by group of owners of property located within 300-foot buffer of subject site
- Appeal verified to meet Zoning Ordinance requirements (20 percent threshold)

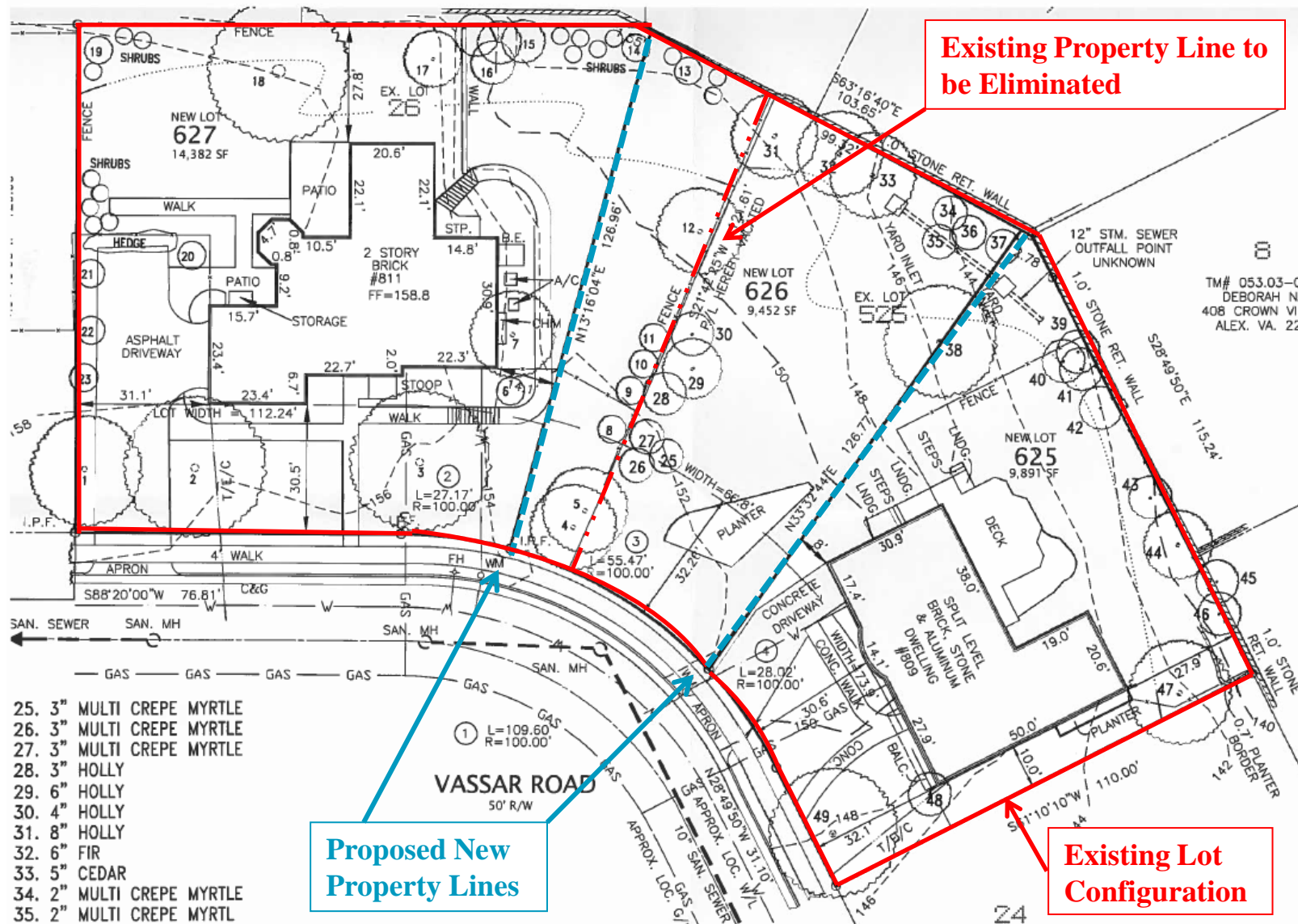


Appeal of Subdivision #2014-0014

809 & 811 Vassar Road

- Subdivision request to divide two existing lots into three new lots
- Existing dwellings would remain on proposed Lot 625 (809 Vassar) and Lot 627 (811 Vassar)
- “Brand-new” proposed Lot 626 between the dwellings
- No immediate plans to build new single-family dwelling on Lot 626
- Proposal meets R-8 zone and technical subdivision requirements





Subdivision Standards

- “Ministerial” decision vs. “discretionary” decision
- General subdivision requirements
- Individual zone requirements (lot area, lot frontage and lot width)
- “Lot character” provisions in Zoning Ordinance
 - New lots must be substantially consistent with other nearby lots with regard to several lot features, especially lot area, lot frontage, and lot width
 - Area of comparison
 - Similarly-situated lots



Section 11-1710(B)

“Lots covered by a re-subdivision shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.”



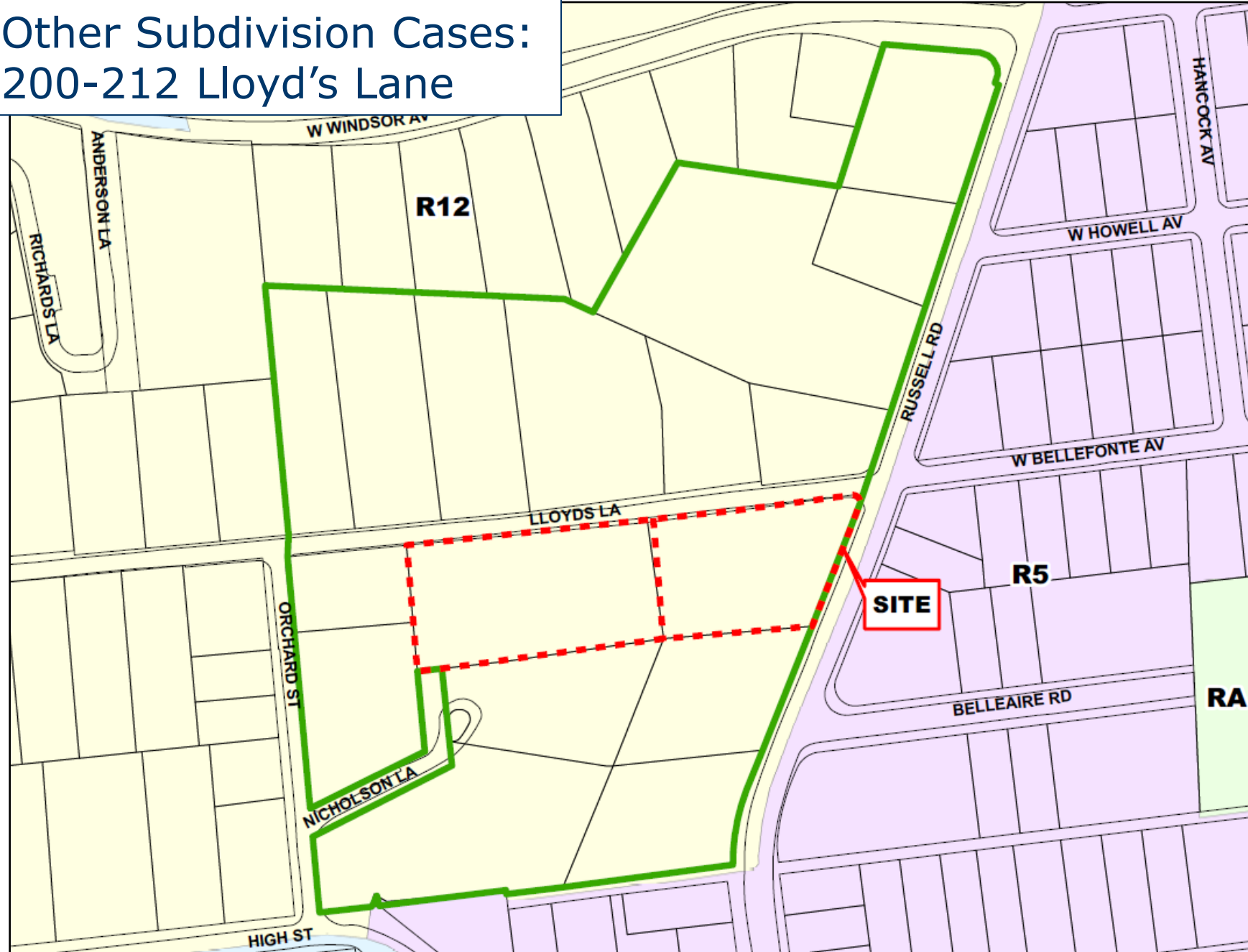
Section 11-1710(B)

“In determining whether a proposed lot is of substantially the same character for purposes of complying with this provision, the commission shall consider the established neighborhood created by the original subdivision, evidence of which may be shown by:

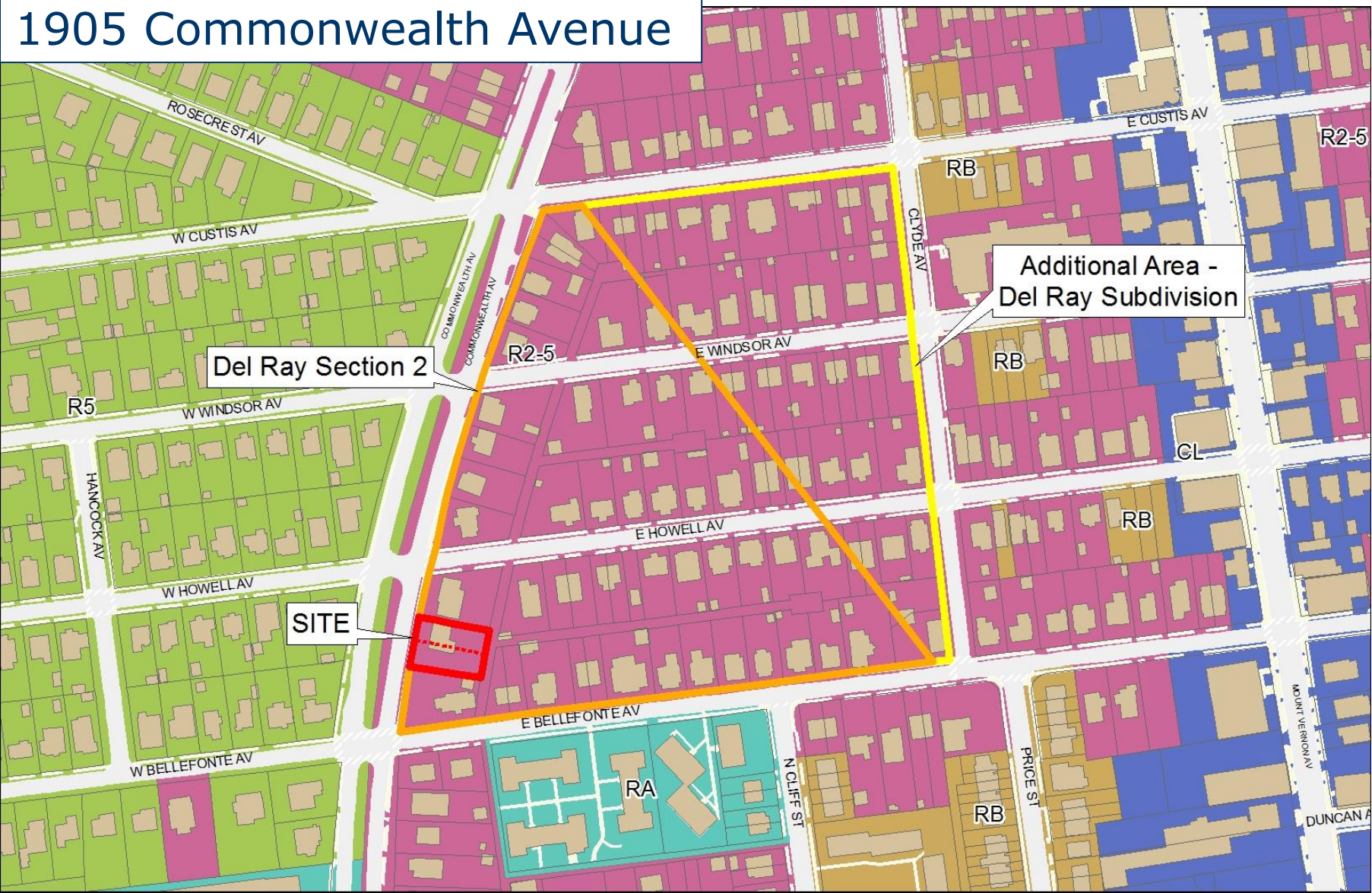
1. Subdivision plat documents, including amendments to the subdivision over time, as well as the development that has occurred within the subdivision; and
2. Land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.”



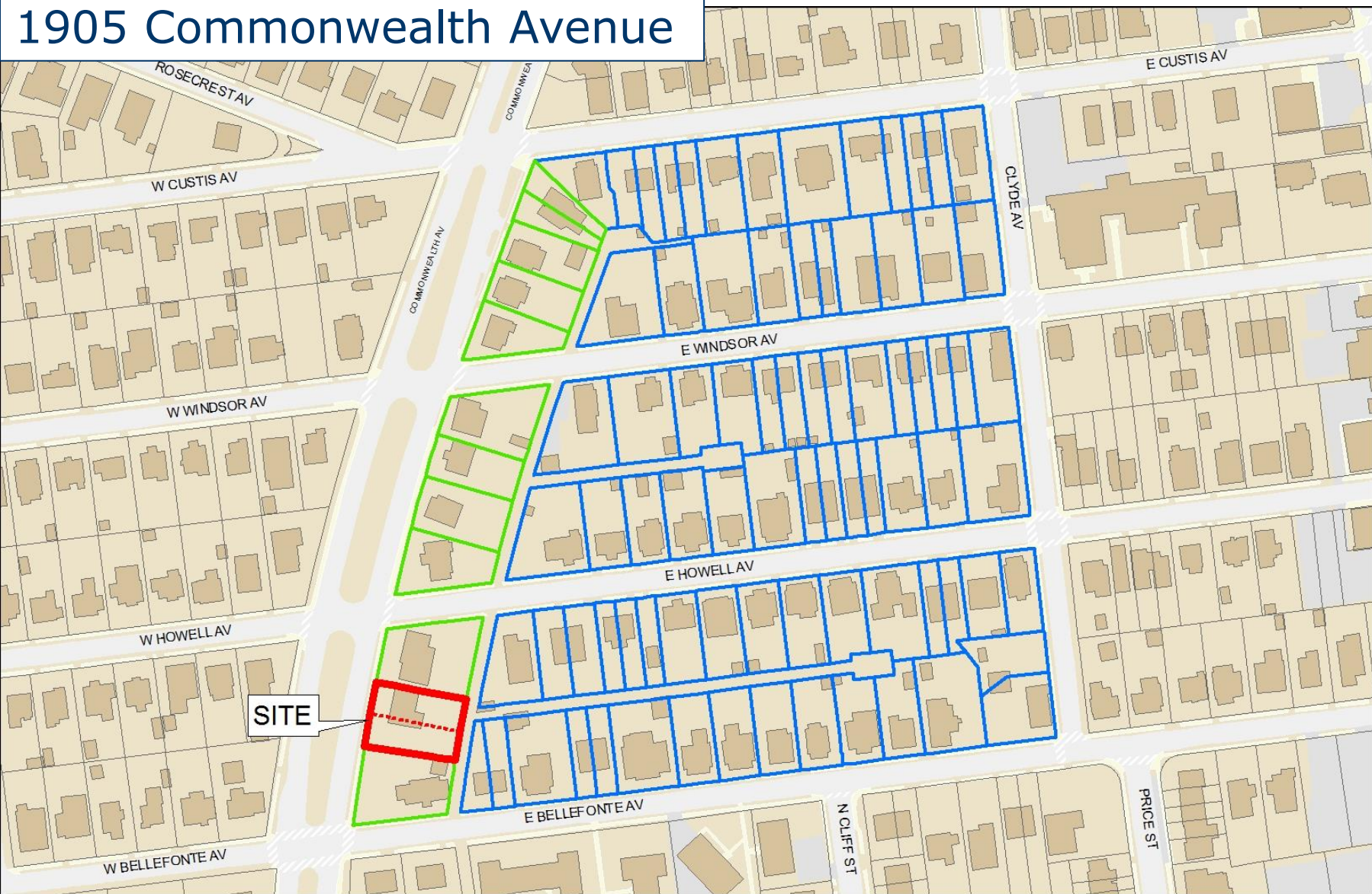
Other Subdivision Cases: 200-212 Lloyd's Lane



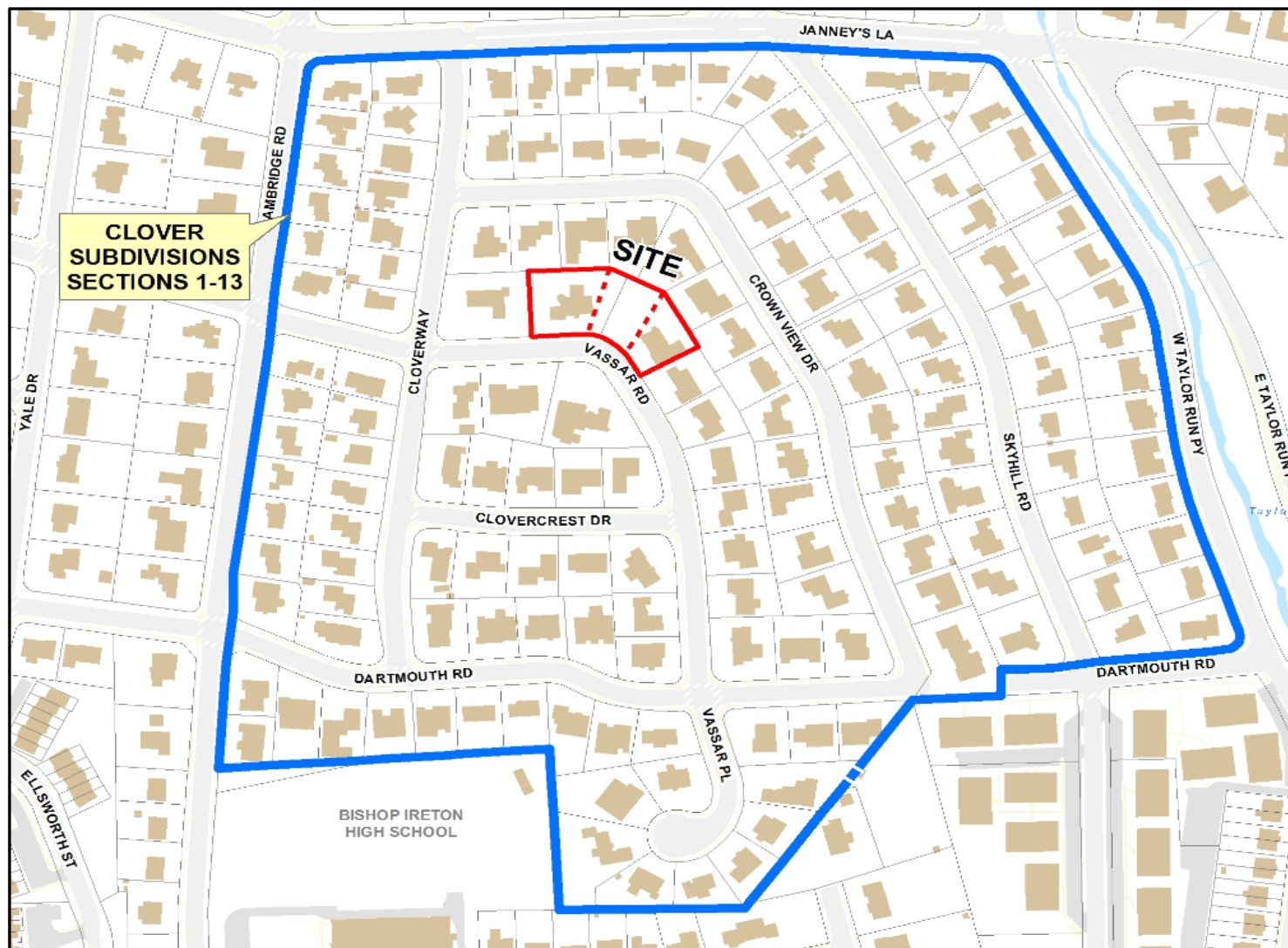
Other Subdivision Cases: 1905 Commonwealth Avenue



Other Subdivision Cases: 1905 Commonwealth Avenue



Area of Comparison: Clover Subdivision Sections



Similarly-Situated Lots within Area of Comparison



Area of Comparison & Similarly-Situated Lots

- Original subdivision had too few properties
- Larger, alternative “area of comparison” used, which is Clover Subdivision Sections 1-13
- Ordinance emphasizes similarly-situated lots
- Eight lots are more similarly-situated than all others in area of comparison
- These lots are located on outside portion of sharply-curved street frontages



Lot Character Analysis

- Quantitative analysis with set of six percentages
- Percentages express how similar or close the proposed lots are to the eight similarly-situated lots in terms of lot area, frontage, and width measurements
- “similar or close”:
 - Similarly-situated lots with *less than* the measurements as the proposed two lots,
 - Similarly-situated lots with the *same* measurements, and
 - Similarly-situated properties with measurements *slightly above* the proposed two lots.



Lot Character Analysis

- “slightly above”
 - Similarly-situated lots with up to 1,000 more square footage than proposed;
 - Similarly-situated lots with up to 10 more feet of lot frontage than proposed; and
 - Similarly-situated lots with up to 10 more feet of lot width than proposed



Analysis: Proposed Lot 625

Address	Lot Size (in Sq. Ft.)
201 Vassar Pl	8003
203 Vassar Pl	8577
205 Vassar Pl	9149
Proposed Lot 625	9891
200 Vassar Pl	10352
415 Crown View Dr	10619
501 Crown View Dr	12638
204 Vassar Pl	14876
202 Vassar Pl	19048

63%

Address	Lot Frontage (in Feet)
202 Vassar Pl	41.8
204 Vassar Pl	41.8
200 Vassar Pl	45.4
201 Vassar Pl	54.3
205 Vassar Pl	57.7
203 Vassar Pl	57.7
Proposed Lot 625	59.1
501 Crown View Dr	63.7
415 Crown View Dr	67.2

100%

Address	Lot Width (in Feet)
202 Vassar Pl	70
205 Vassar Pl	74
Proposed Lot 625	74
203 Vassar Pl	76
200 Vassar Pl	77
201 Vassar Pl	78
501 Crown View Dr	79
204 Vassar Pl	80
415 Crown View Dr	91

88%

Analysis: Proposed Lot 626

Address	Lot Size (in Sq. Ft.)
201 Vassar Pl	8003
203 Vassar Pl	8577
205 Vassar Pl	9149
Proposed Lot 626	9452
200 Vassar Pl	10352
415 Crown View Dr	10619
501 Crown View Dr	12638
204 Vassar Pl	14876
202 Vassar Pl	19048

50%

Address	Lot Frontage (in Feet)
202 Vassar Pl	41.8
204 Vassar Pl	41.8
200 Vassar Pl	45.4
201 Vassar Pl	54.3
Proposed Lot 626	55.5
205 Vassar Pl	57.7
203 Vassar Pl	57.7
501 Crown View Dr	63.7
415 Crown View Dr	67.2

88%

Address	Lot Width (in Feet)
Proposed Lot 626	67
202 Vassar Pl	70
205 Vassar Pl	74
203 Vassar Pl	76
200 Vassar Pl	77
201 Vassar Pl	78
501 Crown View Dr	79
204 Vassar Pl	80
415 Crown View Dr	91

50%

Conclusion

- Both proposed Lots 625 and 626 are substantially consistent with the character of other similarly-situated lots in area of comparison
- Proposal therefore meets all Zoning Ordinance requirements for subdivision approval
- Staff response to appellants' concerns in June 7th memorandum
- Staff continues to recommends APPROVAL



