



January 23, 2020

City of Alexandria Planning Commission  
301 King Street  
Alexandria, VA 22314

**RE: UDR Resource Protection Area (RPA) exception request**

Members of the Planning Commission,

On December 16, 2019, the Environmental Policy Commission (EPC) voted 6-5 (with 1 abstention) to support City staff's position and recommend denial of UDR's request for a Resource Protection Area (RPA) exception to Section 13-107 of the zoning ordinance for the proposed development at Newport Village, located at 4898 W. Braddock Road. This letter is intended to inform the Planning Commission (Commission) of the EPC position, and to provide some context for this result and a summary of the deliberations before the vote was taken.

The divided vote reflects some confusion and disagreement within the EPC as to what factors could or ought to be considered in the recommendation. City staff indicated that EPC was to consider only the narrow range of factors present in Section 13-119 of the zoning ordinance in making this decision, which did not include potential environmental harm at the development site, nor proposed mitigation or other environmental benefits. The EPC's recommendation to support staff's position to deny the request for an exception should therefore not be interpreted as a finding that the proposed development would be environmentally harmful, nor should this letter be interpreted as a finding of a net environmental benefit. **The EPC did not make a determination of the net environmental impact of the proposed exception.**

City staff presented five (5) conditions that must all be met in order to grant an RPA exception. The discussion and decision by the EPC centered on the first of those conditions - that "*granting the exception will not confer upon the applicant any special privileges that are denied to other property owners in the Chesapeake Bay Preservation Area (CBPA) overlay district.*" The primary concern expressed by EPC commissioners was that granting an exception to this development would set a precedent for granting exceptions to more detrimental proposals in the future, and thereby weaken the protections of the CBPA. The EPC steadfastly supports the goals of the CBPA and the use of RPAs as a tool for protecting the integrity of the city's water resources and downstream waters, including Chesapeake Bay.

Conversely, some commissioners felt that the RPA in question was not necessarily functioning as intended. An RPA is defined as "*consist[ing] of sensitive land that has either*

*an intrinsic water quality value due to the ecological and biological processes such land performs, or that is sensitive to uses or activities such that the use results in significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of nonpoint source pollution entering the bay and its tributaries.”* The RPA in question is a 100-foot buffer around a stream in the median of Beauregard Street. The land is not in a natural condition, and because the site of the development is separated from the stream by the eastbound lanes of Beauregard Street and multiple stormwater management structures, it is questionable whether the land affected by the proposed encroachment has intrinsic water quality value, or if the encroachment would result in significant degradation to water quality in the affected stream.

In summary, EPC’s vote to support staff’s position to deny the exception request reflects a view among the majority that the proposed development does not meet all five (5) statutory conditions for granting an exception, and a concern that granting an exception would create a precedent that could weaken the protections of the CBPA. The dissenting commissioners felt that an exception may be warranted since the proposed development does not appear to significantly diminish a functional resource and may provide environmental and social benefits.

Please feel free to contact me or Commission Chair Praveen Kathpal if you have additional questions about the EPC’s deliberations on this topic.

Thanks,



James (Trip) Hook III  
Water Resources Specialist  
Alexandria Environmental Policy Commission

## Call.Click.Connect. #198941: Planning Commission Inquiries, Dockets Dear Planning Commission,...

CallClickConnect@alexandriava.gov <CallClickConnect@alexandriava.gov>

Wed 1/29/2020 1:28 PM

To: CCC PZ PlanComm <CCCPZPlanComm@alexandriava.gov>

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

A request was just created using **Call.Click.Connect.** The request ID is 198941.

### Request Details:

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- Name: **Call.Click.Connect.** Customer
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: No Email
- Service Type: Planning Commission Inquiries, Dockets
- Request Description: Dear Planning Commission,

Reference: Docket issue #13 Feb. 4, 2020 Planning Commission Meeting: Newport Village Resource Protection Area (RPA) Exception Request

Please vote no for the Resource Protection Area (RPA) Exception Request. I'm a 26 year City of Alexandria resident and through the years I have seen significant growth within the city, we have witnessed five new developments within a two block radius (King St/North Beauregard St/Fillmore Ave) in the West End which has seemingly been under construction for the last few years. The noise, the traffic disruption (both travel times and patterns, the construction dirt, the roads being ripped up, the pile driving) and I have not once complained. These developments are restrictive rent/"affordable housing", I can't live in any of these since my rent is nearly \$2,000 for a one-bedroom apartment. I can't reap any of the benefits of this construction that I've been living around for years now. This is making the City a difficult place to live, in general, for middle class. In fact, I feel like all this development is running the middle class out of the city. We make too much for "affordable housing" and not enough for the \$3200 a month for a one bedroom at the new buildings. And at this point, this two block radius doesn't need anymore mid-rise or high rise buildings.

A few days ago I see a public notice regarding Newport Village Resource Protection Area (RPA) Exception Request and I'm floored. UDR is asking to remove 190+ mature, old trees on a beautiful untouched hill that has been one of the few places in the area that has retained natural beauty and a little nature in this concrete city. Some of these trees look to be at least 100 years old. They want to remove 180+ trees and replace them with 17 seedlings. As you already know this goes against the Chesapeake Bay Preservation Act as that area and the stream is a natural Chesapeake Bay Watershed. They want to remove a natural stream. The requested exception does not meet the criteria outlined in Section 13-119 of the EMO, and therefore does not meet the requirements for approval from the planning commission. Going against the staff

recommendation to deny this exception would also go against Alexandria's Eco-City Charter and Environmental Action Plan and set a very negative precedence regarding the City's own Environmental plan as well as the Chesapeake Bay Preservation Act. These plans and guidelines are set in place for situations exactly like this one. Please vote no.

The area residents were also "sold" other plans in July 2019 during the community outreach meeting with UDR. UDR has changed their plans for this location several times now, first it was going to be mixed use and "affordable housing" now it's apparently an age restricted building. Maybe all the boxes for affordable housing have now been checked in the City. Next, they were not going to take the road because "it was a watershed and protected," nor the trees and hill, now they want it all. There is dog park, play ground and picnic areas with grills on top of the very steep hill they said they were keeping as well and that will all be gone under these new plans. Park area even on private property is hard to come by in this city and we need to be doing more to protect the environment especially in times of massive growth. We were misled by UDR and their plans. I know both commission staff and the Environmental Policy Commission has recommended a denial of this but please vote no on this aggressive and "extremely large exception request."

I thank you so very much for your time and hope that my concerns can heard and shared at the Feb 4, 2020 planning commission meeting as I will not be able to make it as a speaker.

- Expected Response Date: Monday, February 3

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## Call.Click.Connect. #199011: Planning Commission Inquiries, Dockets RE: Newport Village Resource...

CallClickConnect@alexandriava.gov <CallClickConnect@alexandriava.gov>

Thu 1/30/2020 11:42 AM

To: CCC PZ PlanComm <CCCPZPlanComm@alexandriava.gov>

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

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### Request Details:

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- Name: **Call.Click.Connect.** Customer
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: No Email
- Service Type: Planning Commission Inquiries, Dockets
- Request Description: RE: Newport Village Resource Protection Area (RPA) Exception Request Docket Item #13 for Tuesday, February 4, 2020

The proposed Newport Village Resource Protection Area (RPA) Exception Request would be in clear defiance the city's goal of reducing several problems the Chesapeake Bay faces and in this proposed redevelopment it would adversely affect any progress that has been done to preserve the Chesapeake Bay. This encroachment into the RPA would increase the level of polluted stormwater runoff, add dog park animal waste and deforest directly along a natural perennial stream.

The Virginia General Assembly enacted the Chesapeake Bay Preservation Act (Bay Act) in 1988. The beds of Virginia's streams, rivers and estuaries, and the waters above them are held and managed by the Commonwealth for the benefit of all Virginians. The Bay Act program is designed to improve water quality in the Chesapeake Bay and its tributaries by requiring the use of effective conservation planning and pollution prevention practices when using and developing environmentally sensitive lands. The principle objective of the Bay Act is to promote land use and development in ways that minimize negative impacts on water quality.

In response to the Bay Act, the city of Alexandria adopted a RPA map in 1992 based on criteria provided in the Management Regulations. New State mandates require that all City streams with perennial flow must be protected by a 100 foot Resource Protection Area buffer. This proposed redevelopment into a RPA clearly violates the city's criteria to protect its natural resources locally with consideration of streams, rivers and bays beyond boundaries of the city. Again, this redevelopment would be damaging to the Alexandria's natural resources, damage the Chesapeake Bay and violate state mandates. The redevelopment should not now or ever be considered for an exception.

- Expected Response Date: Tuesday, February 4

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**From:** [CallClickConnect@alexandriava.gov](mailto:CallClickConnect@alexandriava.gov)  
**To:** [CCC PZ PlanComm](#)  
**Subject:** Call.Click.Connect. #199081: Planning Commission Inquiries, Dockets RE: UDR Resource Protection Area...  
**Date:** Friday, January 31, 2020 1:05:53 PM

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

A request was just created using **Call.Click.Connect.** The request ID is 199081.

**Request Details:**

This is a "public" request. Information may be provided to anyone who requests it.

- Name: Rachel S
- Approximate Address: No Address Specified
- Phone Number: No Phone
- Email: No Email
- Service Type: Planning Commission Inquiries, Dockets
- Request Description: RE: UDR Resource Protection Area (RPA) exception request

Members of the Planning Commission,

I'm writing in hopes that my voice matters to the planning commission. I'm saddened by UDR'S Resource Protection Area exception request and hope that the commission will deny the request for the exception. The planning commission has been advised that staff recommends a denial as does the Alexandria Environmental Policy Commission. This request is in direct opposition of the Chesapeake Bay Preservation Act and would be detrimental to the ecological environment of the area. I'm dismayed as to the drastic change of UDR's original site plan which was to completely spare the watershed, the entire large park area with green grass and trees, four or more grilling areas and picnic tables both covered and uncovered, park benches, a dog park, and a playground. They want to demolish lot's of wonderful green space for another few mid-rise buildings. Last February UDR stated that they wouldn't be disturbing the park area and "not to worry as they haven't even done soil samples for the hill, just on West Braddock Road." That is how much UDR cares about the environment: requesting a SUP for an area which has not had the proper soil samples taken and tested and has a dog park! What negative environmental impact will animal waste have on the watershed? They plan on removing 180 trees and in the new plans they mention throwing down seedlings, many of which probably won't take, in an small area that's 20 feet wide with balcony overhangs impeding future tree growth. There isn't enough space to support these plans.

This section of the city has had explosive growth (Fillmore Place, St. James Plaza, The Spire, The Array, 2000 N. Beauregard, The Mark Center office building conversion to rentals) with at least 1100 new rental units recently added and many more to come. All of this new housing plus the addition of the BRAC-133 Mark Center complex and the traffic that has created has made it difficult to remain a comfortable city resident. I am sick of living in a construction zone. The city is jamming all this into this one section of the city then creating "road diets" like the most recent one on Seminary Road for bike lanes that no one ever uses. Stop this insanity. The rental supply is now bigger than the demand. When is enough, enough? When there is not one blade of grass left in the city? When there are no trees to help us breathe? This section of the city is already much too dense, we're at full capacity. That should be enough alone to reject this SUP request.

Rachel S.

- Expected Response Date: Wednesday, February 5

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[\*\*\*Call.Click.Connect.\*\*\* staff interface.](#)

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February 3, 2020 (as attachment to *E mail*) [PlanComm@Alexandriava.gov](mailto:PlanComm@Alexandriava.gov);

To: Alexandria Planning Commission  
Karl Moritz, Director, Planning and Zoning, City of Alexandria

From: STONEGATE FOUNDATION, INC., HOA  
*Contact: Dina L. Biblin, Secretary-Treasurer of the Board of Directors  
And Registered Agent for Stonegate Foundation*  
[4650-4693 Kirkpatrick Lane; Kinsey Lane, all; Kell Lane, all]

Re: Agenda Item #13 for Feb. 4, 2020  
Newport Village RPA Exception Request  
4698 W. Braddock Road.

The Board of Directors of Stonegate Foundation, Inc., (“SFI”), a homeowner’s association in the State of Virginia, hereby registers its opposition to planning proposals submitted by Newport Village (“Newport”) for consideration on February 4, 2020. We concur with the Alexandria Planning Staff’s Opposition to the proposal but have additional concerns.

We are an association of 76 townhomes immediately adjacent to the Newport property, at the Northeast Corner of W. Braddock Road and N. Hampton Drive. The block on W. Braddock from N Hampton to Beauregard, where the Newport plan for increased density is located, is already highly developed with multi-family apartments and townhomes. Along this block there are five Homeowner Associations, with hundreds of individual townhomes and apartments, plus the entire Newport Village property, and one Section 8 townhome development.

We have significant concerns about overdevelopment of this area and thus are impacted by proposals by Newport Village, of which we have limited knowledge. As such, proper notice of the upcoming request for exception should have been given to our community, among others along Braddock Road, but it was not. Our Board of Directors found out about it by looking at the upcoming Planning Commission docket, which initially appeared to be benign, and then a single letter from Attorney Ken Wire delivered to one of our residents.

First, the Stonegate Foundation, Inc. (SFI or Association), a Virginia corporation, was not provided official Notice of this proposal via its Registered Agent or our Management Company, which has often been in contact with the property managers at Newport Village. Given our proximity to the property at Newport Village, planned development in that area is of major concern to us and Newport is aware of our existence.

Second, only one of our 76 homeowners (not a board member) received a confusing Notice last week from Attorney Ken Wire. The Notice did not specify the actual development plan, but provided a phone number to contact Mr. Wire. The owner made three attempts to call Attorney Wire this past week to get information, as directed by his letter. She never received a return phone call from the messages left with his office, so out of concern, she contacted our Board. Why he sent a notice only to one home in our development is unclear. There are over 30 homes at SFI that border the Newport Village Property and/or Braddock Road.

Third, we are unaware whether any of the other four homeowner associations along this road were contacted, but it is disappointing, to say the least, that Newport's attorney failed to give notice to communities neighboring the Newport development. Our existence is easily determined from City and State records.<sup>1</sup> The City should require that Newport Village, or any other development, must give proper Notice of planned development to the Associations/ neighborhoods that are adjacent and could be impacted by its proposal.

We ask that the Planning Commission please make our concerns known during the hearing on February 4, in lieu of our making an appearance as a speaker. Please know that SFI is appreciative of the work done by Commission staff to review and question the proposal for an exception on ecological grounds.

Respectfully,

STONEGATE FOUNDATION, INC. BOARD OF DIRECTORS

By **Dina L. Biblin**, Secretary-Treasurer and Registered Agent

[DBStonegate@comcast.net](mailto:DBStonegate@comcast.net)

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<sup>1</sup> The undersigned recently looked at a City map of Homeowner's Associations and noticed that our Stonegate development is erroneously grouped with four other independent HOA's, under the name of Stonegate at Hamptons. Your staff may wish to correct the map to reflect that Pulte divided the original plan into separate Associations back in 1994.