

Docket Item #10  
Planning Commission Public Hearing  
January 5, 2021

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of January 5, 2021.

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ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – JANUARY 5, 2021

**\* \* \* M I N U T E S \* \* \***

ALEXANDRIA PLANNING COMMISSION

January 5, 2021, 7:00 p.m.

Electronic Public Hearing

Alexandria, Virginia

Members Present:

Nathan Macek, Chair  
Melissa McMahon, Vice-Chair  
David Brown  
John Goebel  
Stephen Koenig  
Mindy Lyle  
Vivian Ramirez

Members Absent:

None

Staff Present:

Karl W. Moritz	Department of Planning & Zoning
Christina Zechman-Brown	Office of the City Attorney
Nancy Williams	Department of Planning & Zoning
Patrick Silva	Department of Planning & Zoning
Carrie Beach	Department of Planning & Zoning
Carson Lucarelli	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Marlo Ford	Department of Planning & Zoning
Mary Christesen	Department of Planning & Zoning
Ann Horowitz	Department of Planning & Zoning
Anna Franco	Department of Planning & Zoning
Richard Lawrence	Department of Planning & Zoning
Nathan Imm	Department of Planning & Zoning
Tony LaColla	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Jeffrey Farner	Department of Planning & Zoning
Alexa Powell	Department of Planning & Zoning
Sam Shelby	Department of Planning & Zoning
Ashley Labadie	Department of Planning & Zoning
Dirk Geratz	Department of Planning & Zoning
Melanie Mason	Department of Transportation and Environmental Services
Khoa Tran	Department of Transportation and Environmental Services
Megan Oleynik	Department of Transportation and Environmental Services
Brian Dofflemyer	Department of Transportation and Environmental Services
Ryan Knight	Department of Transportation and Environmental Services
Alex Boulden	Department of Transportation and Environmental Services

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Hillary Orr	Department of Transportation and Environmental Services
Lalit Sharma	Department of Transportation and Environmental Services
Bob Garbacz	Department of Transportation and Environmental Services
LaTheasha Hinton	Department of Transportation and Environmental Services
Jesse Maines	Department of Transportation and Environmental Services
Judy Lo	Department of Recreation, Parks, and Cultural Activities
Helen McIlvaine	Office of Housing
Tamara Jovovic	Office of Housing
Julia Santure	Office of Housing
Bill Eger	Department of General Services

### 1. Call to Order.

The Planning Commission Public Hearing was called to order at 7:00 p.m. All members were present at the call to order.

Chair Macek then read the following into the record:

“Due to the COVID-19 Pandemic emergency, the January 5, 2021 meeting of the Planning Commission and the January 23, 2021 meeting of the City Council are being held electronically pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on June 20, 2020 or Section 4-0.01(g) in HB29 and HB30, enacted by the 2020 Virginia General Assembly (Virginia Acts of Assembly Ch. 1283 and 1289), to undertake essential business. All of the members of the respective public bodies and staff are participating from remote locations through Zoom Webinar. These meetings are being held electronically, unless a determination is made that it is safe enough for the meetings to be held in person in the City Council Chamber at 301 King Street, Alexandria, VA. Electronic access will be provided in either event. The meetings can be accessed by the public through: Zoom hyperlink (below), broadcasted live on the government channel 70, and streaming on the City’s website.

URL: [https://zoom.us/webinar/register/WN\\_hKE1LbFQQDOesWOYs1i8Kg](https://zoom.us/webinar/register/WN_hKE1LbFQQDOesWOYs1i8Kg)

To dial-in to tonight’s meeting: 301-715-8592

To access the meeting via Zoom, use the Webinar ID: 929 0455 9682

For both dial-in participants and those accessing via Zoom, use the password: 022300

Public Comment will be received at this Public Hearing. The public may make Public Comments through the conference call or Webinar functions. Public Comments which have been submitted to Department of Planning & Zoning staff at

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PlanComm@alexandriava.gov prior to the Public Hearing have been received and added to the Docket as part of the official record for this Public Hearing.

To address some virtual hearing etiquette that should be observed this evening, please remember to leave your microphone on mute and camera turned off when you are not speaking. In addition, before speaking, please remember to first identify yourself by first and last name. If you wish to speak on an item being heard this evening and have not already signed up to do so, please navigate to the Public Hearing Dockets' page of the City of Alexandria's website, select this evening's Planning Commission hearing, follow the "Sign Up to Speak" link, and fill out the Speaker Form that populates upon doing so. Once you have filled out a Speaker Form and are called upon to speak, please use the "Raise Hand" function located on the Webinar taskbar so that staff is able to quickly identify which User needs to be unmuted in order to provide Public Comment. If you are calling in via telephone this evening, you will press "\*9" to execute the "Raise Hand".

### **CONSENT CALENDAR:**

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Chair Macek inquired as to whether there were any changes to tonight's docket. Staff responded stating there are no changes.

Chair Macek inquired if there were any speakers for any of the three items on the Consent Calendar. Staff responded indicating there is a speaker for Item #2, 222 East Monroe Avenue.

Chair Macek then requested a motion for the other two Consent Items, namely, Items #3 and #4, with a Public Hearing to then follow on Item #2.

3. Development Special Use Permit #2019-00026  
1200 North Quaker Lane and 4200 West Braddock Road – Episcopal High School Dorms and Wellness Center  
Public Hearing and consideration of a request for a Development Special Use Permit and Site Plan to permit the expansion of a private school for the construction of two dormitories, a health center and an internal roadway connection with surface parking (amending DSUP #2018-00019); zoned: R-20/Single-Family.  
Applicant: The Protestant Episcopal High School in Virginia (EHS), represented by Duncan W. Blair, attorney

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Development Special Use Permit #2019-00026, as submitted. The motion carried on a vote of 7-0.

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4. Development Site Plan #2020-00010  
Subdivision #2020-00001  
845 North Howard Street and 1021 North Gaillard Street - St. Andrew's United Methodist Church  
Public Hearing and consideration of a request for a Development Site Plan and a Subdivision with variation to subdivide the property into two lots, to demolish the existing facility and construct a new church with surface parking; zoned: R-12/Single-Family. Applicant: Trustees of St. Andrews United Methodist Church, represented by Duncan W. Blair, Land, Carroll & Blair, P.C., attorney

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to approve Development Site Plan #2020-00010 and Subdivision #2020-00001, as submitted. The motion carried on a vote of 7-0.

2. Special Use Permit #2020-00086  
222 East Monroe Avenue  
Public Hearing and consideration of a request for a Special Use Permit with lot modifications for the construction of a single-family dwelling on a developed substandard lot; zoned: R-2-5/Single and Two Family.  
Applicant: Metro Fine Properties LLC.

Sam Shelby (P&Z) presented the item and answered questions from the Planning Commission.

**Speakers:**

Rod Kuckro, representing the Del Ray Citizens' Association, confirmed that the association did not support the Special Use Permit (SUP) request given that the applicant intentionally demolished the existing home when it did not have a permit to do so. He also mentioned that the staff report did not include the comments from the association.

George Powers, applicant, stated that his company intended to save the requisite portion of the house; however, as construction began, the foundation collapsed, and the entire house required demolition. He added that a portion of the proposed new dwelling would be constructed within the first-floor footprint of the demolished building.

James Pearce, 224 East Monroe Avenue, as the next-door neighbor, expressed support for the application, indicating the proposal was consistent with the neighborhood and would be an improvement over what had been the existing home.

Chas Ryan, 227 East Mason Drive, stated support for the application, noting the improvement to the neighborhood. He asked for an explanation on construction delays.

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On a motion by Commissioner Koenig, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

### Discussion:

Chair Macek stated that, although circumstances of the demolition may not be entirely clear, the pertinent Planning Commission review relates to the compatibility of the proposed dwelling with neighborhood character. He viewed the request as consistent with the neighborhood and stated his support. Commissioner Koenig concurred with Chair Macek's comments and expressed his support.

Commissioner Brown recognized that the previous one-story dwelling was generally compatible in height with the neighborhood and the proposed dwelling's height would be consistent with other homes on the block. On balance, he supported the request. Additionally, he noted that foundation stability issues are not unexpected in older homes, such as the previous dwelling which was constructed in 1925.

Chair Macek asked staff to respond to Mr. Ryan's question on timing for the redevelopment of the new dwelling. Staff responded that the building permit for the original by-right construction was issued in April and the Stop Work Order, related to the demolition of the existing dwelling, was posted in June. As construction could no longer proceed, by-right, staff indicated that SUP approval to proceed was required. The applicant subsequently submitted an SUP on October 13. With that submission date, the case was docketed for the corresponding hearing dates in January.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Koenig, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Special Use Permit #2020-00086, as submitted. The motion carried on a vote of 7-0.

**Reason:** The Planning Commission agreed with staff analysis.

### **NEW BUSINESS:**

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5. Information Item: Discussion of the Draft FY 2022 Long Range Planning Interdepartmental Work Program

Staff: City of Alexandria, Department of Planning & Zoning

Carrie Beach (P&Z) and Karl Moritz (P&Z) presented the item and answered questions from the Planning Commission.

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### Speakers:

Ken Wire, WireGill LLP, thanked staff for their efforts on the draft work program and spoke to the importance of prioritizing Alexandria West within the work program.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

### Discussion:

Commissioner Lyle agreed with the comments made by Mr. Wire regarding the importance of prioritizing Alexandria West.

Vice Chair McMahon echoed Commissioner Lyle's points to state that the long-range plans are where stakeholders are able to provide significant input on the planning process and that it is important to prioritize this process for areas of the City that have not received a Small Area Plan update for a long period of time to avoid an abundance of "aimless" projects.

Chair Macek echoed the comment of Commissioner Lyle and Vice Chair McMahon in relation to the importance of prioritizing Alexandria West. He also stated the importance of finishing the work that has been started in relation to the Arlandria Plan update. Chair Macek further noted the importance of prioritizing work that relates to housing needs. Chair Macek also emphasized the importance of having a strong set of processes in place for the Duke Street Transitway planning effort. Finally, Chair Macek spoke to some concerns the Waterfront Commission has in relation to the Torpedo Factory Art Center Vibrancy and Sustainability Study, including the degree to which the study made assumptions about the future activities of the center.

Vice Chair McMahon then highlighted the importance of a Community Engagement process update and indicated it is a chance for staff to reflect on lessons learned from engagement during COVID-19.

Commissioner Brown then stated he thinks that the City is doing a good job in keeping up-to-date on policy and legislative changes and on development approvals. He also agreed with Commissioner Lyle and Vice Chair McMahon regarding the need to prioritize small area and long-range planning efforts in the areas of the City where large scale development is likely to occur in the future.

Commissioner Ramirez stated that she was energized to see the long-range planning efforts taking place and is excited to see the real time updates being made to planning priorities as a result of the current pandemic circumstances.

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**PLANNING COMMISSION ACTION:** On a motion by Commissioner Brown, seconded by Commissioner Koenig, the Planning Commission voted to accept the Draft FY 2022 Long-Range Planning Interdepartmental Work Program, with comments, including a recommendation to accelerate work on Alexandria West planning to the extent feasible. The motion carried on a vote of 7-0.

**Reason:** The Planning Commission agreed with the staff analysis.

6. Zoning Text Amendment #2020-00007  
Accessory Dwelling Units  
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Article II to define accessory dwellings and to establish floor area exclusions for accessory dwellings; amend Article VII to permit accessory dwellings and to establish use limitations, bulk, height, setback, compatibility and parking requirements for accessory dwellings and amend Article XI to establish a special exception process for accessory dwellings.  
Staff: City of Alexandria, Department of Planning & Zoning and Office of Housing

Sam Shelby (P&Z) and Julia Santure (Office of Housing) presented the item and answered questions from the Planning Commission.

**Speakers:**

Amy Dobson, 3342 South 28th Street, spoke in support of adopting an Accessory Dwelling Unit (ADU) policy and agreed that there is a need for affordable housing options as demonstrated by staff. She commended the City's effort to bring ADUs to Alexandria. However, she requested an amendment to the proposal to include mobile tiny houses in the ADU policy, specifically to address the missing piece for homeowners without enough equity or otherwise limited access to capital to finance construction of ADUs. If a provision were granted to allow mobile tiny homes, she felt it would also be necessary to remove the requirement for ADUs to be under common ownership in the event the ADU resident owned their mobile ADU and wished to pay rent to a property owner for use of space on their lot.

Carter Fleming, President, Seminary Hill Association, believed that the process for developing this policy had not been conducted in an honest and transparent manner. She requested that Planning Commission not recommend approval based upon significant last-minute changes to the proposal. She noted that a majority of these community engagement meetings were held months prior to the release of the draft recommendations. Further, the association felt that the recommendations did not reflect many of the concerns raised by the community. She recalled what she described as the infamous garage case in Del Ray in which a neighbor built a structure in close proximity to their neighbor's house which attracted national attention and asked what had been

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learned from that incident. This neighborhood felt that a one-foot setback was insufficient and that an ADU would have a larger impact than a garage or garden shed. The second most important provision to Seminary Hill was the owner occupancy requirement. This provision was in place when staff's draft recommendations were released but was subsequently removed from the final proposal. She characterized the elimination of this provision of the policy with no public notice as troubling. The speaker cited the rationale for this decision from the City Attorney's Office as a concern. She questioned why other jurisdictions have this requirement and whether they have been subject to legal challenge. She went on to say that staff responded to this inquiry that there was no Virginia case law on this subject but that it had been challenged in the United States. She urged the Planning Commission to include the owner occupancy provision into the proposal as she believed it to be a necessary protection for neighbors that would not be addressed by the occupancy limit proposed by staff.

Ken Notis, representative from Livable Alexandria, explained that their group supports smart growth principles, including a mix of both market rate and committed affordable housing. He expressed general support for ADU policy as proposed. In particular, they were pleased with the potential to allow ADUs City-wide and the lack of a parking requirement. They believed this initiative would help increase affordability, provide homeowners with flexibility, help the City meet housing supply goals and improve the economic and demographic diversity of Alexandria's neighborhoods. They preferred no owner occupancy requirement indicating that in other jurisdictions where that has been adopted it has limited the construction of ADUs. Mr. Notis stated that eliminating the owner occupancy requirement may be an obstacle to less affluent homeowners and may create a burden for military or diplomatic families that may have to move on short notice and need to rent out one or both units.

Robert Knotts, 504 Upland Place, spoke in support of ADU policy as it would provide a unique housing option that can benefit both homeowners and the community. He is interested in developing an ADU on his own property. He appreciated the deliberate way staff has approached this policy and would like to see it move forward without further delay so they can move forward with their own renovation plans.

John Fehrenbach, representing North Ridge Citizens Association (NRCA), had been engaged in several public meetings about ADUs but still felt this process has been rushed and that there are too many outstanding questions. Mr. Fehrenbach expressed concerns about potential negative impacts to the City's neighborhoods. He mentioned two letters submitted by NRCA. He believed that the proposed ADU policy did not adequately address or reflect suggestions made in the association's written statements. It was their opinion that the omission of the owner occupancy requirement was unjustified and that short-term rentals should be prohibited as part of the ADU policy.

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Jeanne Jacob, President, Seminary Ridge Civic Association, expressed the association's opposition to the ADU policy. In particular, its members felt having an ADU one foot from their property line was insufficient due to potential noise concerns. Members were also concerned about an increased parking demand on an already limited supply of available parking spaces. Several expressed concerns over the potential erosion of property values if the policy were approved as written. Their primary concern however was based on a belief that most of these units would be used as income producing properties rather than for caregivers or family. Ms. Jacob stated that the association vehemently opposed the use of ADUs as short-term rentals. The concern among residents was that this policy would not address the housing shortage because these units would instead be used on a short-term basis for visitors. Finally, the association felt strongly that an owner occupancy ought to be included for any potential ADU policy to move forward.

Rebecca Loesberg, representing Grassroots Alexandria, expressed support for the proposed ADU policy. Ms. Loesberg explained that Grassroots Alexandria believes that ADUs represent a creative solution that would provide a partial solution to the affordable housing issues in the region. The organization supported the exclusion of an owner occupancy requirement. It was their feeling that any issues an owner occupancy requirement might address such as noise could be enforced using other City codes. Further they agreed that an owner occupancy requirement would restrict flexibility for homeowners, particularly military and diplomatic families.

Peter Benavage, Co-Chair, Alexandria Federation of Civic Associations (AFCA), spoke in opposition to the request. AFCA challenged whether there is a need for an ADU policy. He also indicated that due to the pandemic people in Alexandria have had other more pressing concerns and therefore were unable to participate in the public engagement process. AFCA's specific concerns about the proposed policy included those related to the setback requirements, compliance with underlying zoning and owner occupancy. AFCA felt that the policy, as written, was not ready to proceed. AFCA requested that the Planning Commission send it back to staff for further deliberation and to conduct additional outreach.

Chair Macek requested clarification on whether the views Mr. Benavage expressed were on behalf of the member associations of AFCA. Mr. Benavage clarified that all but two, Braddock Metro and Del Ray, voted in the affirmative to support his statements.

Robert Ray, 400 Prince Street, spoke in support of allowing ADUs for a family member or caregiver within existing dwellings. He also expressed strong support of single-family zoning. However, he felt the proposal had overly broad changes including provisions allowing for rental of these units by absentee landlords. He proposed that the policy be limited on a trial basis in areas of the City that might most benefit from the policy.

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Finally, he noted a correction that although it may have been planned, staff did not make a presentation to the Old Town Civic Association.

Sarah Haut, 228 East Nelson Avenue, expressed concerns about additional density to the City, the policy's proposed setbacks and their impact on neighbors' light and air, and the potential for more flooding in her neighborhood caused by additional impervious surfaces. Ms. Haut also questioned whether ADUs would create more affordable housing and recommended the ADU policy be permitted only in single-family neighborhoods with large yards, to start.

Skyler Yost, 401 Hume Avenue, spoke in favor of the proposed policy, highlighting the need for more market-affordable housing and mixed-income neighborhoods. Mr. Yost felt that the proposed setbacks were reasonable and would allow more homeowners, especially those with small lots, to construct ADUs.

Gale Rothrock, representing the Historic Alexandria Foundation, expressed concerns about the proposed policy's impact on the Old and Historic District, the Parker-Grey District, and buildings on the designated 100-year-old buildings list. Ms. Rothrock requested that protections for historic districts and buildings be made clear throughout the proposal.

Annetta Catchings, address not provided, expressed concerns about the proposed policy's impact on school capacity, short-term rentals and crime. Ms. Catchings expressed her opposition to the removal of the owner occupancy requirement and requested that Planning Commission defer its consideration of the policy.

Frank Fannon, address not provided, expressed concerns about the proposed policy's setbacks, height, architectural design and use as short-term rentals. Mr. Fannon was supportive of ADUs for the purpose of housing family members but opposed the removal of the owner occupancy requirement.

Mimi Goff, address not provided, expressed concerns with the proposed policy's setbacks, the removal of the owner occupancy requirement, and staff's outreach.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

### Discussion:

Vice Chair McMahon asked how the Civic Associations were engaged in the process. Staff explained that notifications were sent out via eNews and directly to Civic Associations to notify them of the process. Staff relied on Civic Associations to invite staff to present at their meetings due to limited staff capacity. Vice Chair McMahon

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asked how schools could be impacted by ADU policy. Staff explained that ACPS was consulted throughout the process and that staff would monitor the implementation of the policy to review the impact on school enrollment. Staff updates the student generation rate regularly and will track new student enrollment from ADUs. Vice Chair McMahon asked if ADUs will have a significant impact on stormwater runoff. Staff explained that this policy would not allow any new floor area that is not already allowed by the Zoning Ordinance. In addition, the City does not have the authority to regulate any land disturbance less than 2,500 square feet under current regulations in the stormwater management code. Vice Chair McMahon asked if the proposed policy includes provisions or is covered under the provisions added to the Zoning Ordinance as a result of the “spite garage.” Staff confirmed that the “spite garage” provision would apply to newly constructed ADUs under the proposed policy. Vice Chair McMahon asked staff to explain why Arlington has had slow uptake of ADUs since their ADU regulations became effective. Staff confirmed that the ADU policy originally passed in Arlington in 2009 did not produce a lot of units, primarily due to its restrictive regulations. Staff also explained that one of the goals of this policy is to introduce ADUs incrementally and gradually into neighborhoods across the City. Vice Chair McMahon asked how ADUs would impact affordable housing. Staff explained that the size limits imposed on ADUs, as well as the lack of amenities found in typically multi-family buildings, leads ADUs to be rented at more affordable rates. ADUs also add to the overall stock of housing, which can help close the gap between housing supply and demand and slow the growth of rental price increases across the board. ADUs also tend to be rented at below market-rate or free of charge to family members.

Chair Macek asked why staff recommended a one-foot setback for ADUs. Staff explained that the purpose was to respect and resemble the historical development pattern of lots with garages or sheds by encouraging homeowners to maintain as much open space as possible. He also asked staff to clarify how the rules would apply to properties within the Parker-Gray and Old and Historic Alexandria Districts as well as buildings on the 100-year-old buildings list located outside of such districts. Staff replied that the regulations that apply to these properties would remain unchanged by the proposed policy. Chair Macek felt that the staff report should provide a clearer explanation on such properties.

Chair Macek stated he understood the proposal to include only detached ADUs on permanent foundations. He also asked staff if mobile “tiny houses” and other houses on wheels were considered in staff analysis. Staff acknowledged that while these types of detached ADUs tend to be less expensive and provide more flexibility and desirable features they are considered trailers. The Zoning Ordinance requires trailers to receive Special Use Permit approval to place them on property in the City. Staff did not propose amendments to these Zoning Ordinance sections and stated that there could be building code-related concerns about persons residing in such structures. Staff felt that amending

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the Zoning Ordinance to allow trailers as ADUs was not an appropriate or feasible effort for the first iteration, if approved, of ADU policy. Staff also committed to providing a review period after the ADU policy becomes effective, if approved, to monitor its implementation. Staff could then evaluate whether policy amendments could be considered to include permitting mobile detached ADUs.

Commissioner Koenig asked staff to provide an explanation as to why the owner occupancy requirement was not included in the policy recommendations. He also asked staff to respond to the potential impacts that members of the public cited if the policy were not to include an owner occupancy requirement. Staff explained that this requirement was originally part of staff's policy recommendations. Staff found that such requirements exist in many jurisdictions with ADU policies. However, staff analysis found that the issues of property maintenance and nuisances were better resolved by enforcement of existing regulations and requirements of the Virginia Maintenance Code, City Code and other sections of the Zoning Ordinance. Staff determined these regulations more appropriately addressed potential land use impacts related to ADUs. Staff also identified enforcement challenges related to owner occupancy. Commissioner Koenig also asked if other jurisdictions that had removed owner occupancy requirements experienced negative impacts. Staff replied that other jurisdictions had removed the owner occupancy requirement finding it to be an unnecessary regulatory barrier to ADU construction. These jurisdictions also acknowledged that property ownership is not a land use issue.

Commissioner Koenig expressed support for the setbacks proposed by staff. He felt that in neighborhoods with smaller lots, requiring larger setbacks for detached ADUs would occupy too much usable open space on a lot, creating what is often an unusable, undesirable, difficult to maintain space between the detached ADU and the nearest property lines. Commissioner Koenig felt that the existing height limits established for detached garages allows for structures that are less impactful to adjacent neighbors. He suggested that the 20-foot height limit proposed may allow for taller structures too close to adjacent properties. He proposed requiring a larger setback for detached ADUs taller than one story.

Commissioner Lyle observed that, in several meetings she attended where affordable units were discussed, comments were often made by the public that affordable units attract a criminal element. These commenters also stated that the residents of affordable housing would not be desirable neighbors in their communities. These commenters stated that having residents in affordable housing nearby would be detrimental to their children. Commissioner Lyle found this disturbing and that she did not understand the genesis of these comments. She stated that there are no requirements for background checks of any kind for people moving into the City's existing neighborhoods. She found the assumption made by commenters, that those who need affordable housing would make undesirable or

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criminal neighbors, troubling. She asked staff to explore ways in which to dissuade these assumptions from public discussion about affordable housing in the City. Staff replied that research conducted by the Office of Housing repeatedly shows that the mixed income neighborhoods made possible by affordable housing provides community benefits and not negative impacts.

Vice Chair McMahon found that the policy would not result in environmental impacts because the existing controls within the Zoning Ordinance that limit impervious surfaces would not be changed by the proposal. She stated that the setbacks proposed would allow for detached ADUs to be located as to have the least impact on available open space. Vice Chair McMahon found that because ADU policy tends to allow for ADU construction at a gradual rate, that there would be a low probability of impacts to City school capacity. She also felt confident that the City's current methods for tracking school capacity would clearly identify if an issue arose related to ADU construction. She distinguished between ADU policy and the construction of discrete multi-family buildings, where an immediate increase to an area's density is made over a much shorter period.

Vice Chair McMahon found that the potential economic benefits of an ADU policy would provide benefits to the City and would serve a large and diverse number of people. She stated that the financial benefit of an ADU policy could allow for property owners to maintain a more sustainable ownership of their properties over time. Neighborhood stability would be gained by its residents being more financially secure, she said.

Vice Chair McMahon stated satisfaction with the proposal's impact on the City's historic district and historical properties. She found the Zoning Ordinance's existing regulations would sufficiently cover review of ADU construction.

Vice Chair McMahon stated that the policy would not create structures that would be out of character with the City's neighborhoods and that it would provide contextually appropriate height, size and setback limits.

Commissioner Brown stated that it would be helpful to have illustrations that showed the proposed bulk and setback requirements. He asked staff to walk through how the proposed regulations would apply for a hypothetical scenario in which a detached ADU would be constructed on a specific property. Commissioner Brown asked if a detached ADU's second floor could be limited to address the concerns of overly bulky two-story detached ADUs. Staff replied that it would be feasible, but that additional analysis would be needed. He found that graphics could help to lessen concerns raised about the detached ADUs that could be constructed if the policy were approved.

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Commissioner Koenig indicated the City is experiencing a crisis caused by a housing shortage and housing affordability. He found the policy to be a necessary piece of the City's efforts to address the housing crisis. Commissioner Koenig expressed broad support for the policy, finding that it would incrementally increase housing supply and affordability without detrimental impacts to the City's established neighborhoods. He also concluded that the lack of an owner occupancy requirement would not pose a risk to the City, stating that he did not consider ownership to be a land use issue. Finding it somewhat analogous to Commissioner Lyle's statements, Commissioner Koenig further found that the owner occupancy requirement relied on a tenuous assumption that a property owner, who, simply because they resided on site, would therefore be an inherently and predictably more responsible steward than one who did not. Commissioner Koenig was also persuaded by staff research which showed that the concerns that led to the creation of owner occupancy requirements in other jurisdictions with ADU policies were not meaningfully realized.

Commissioner Brown expressed general agreement with the staff memorandum dated December 31, 2020 but clarified with staff that a notification to adjacent property owners could be included in the proposal. Staff confirmed that a notification could be required as part of the administrative ADU permit. Commissioner Brown was not advocating for a formal public comment period but felt that it was important for neighbors to be aware of ADU construction.

Commissioner Brown acknowledged that the conversation at the hearing provided a more complete analysis of all the issues raised and hoped it would help City Council better understand ADU policy. Commissioner Brown expressed disagreement with public comments made that the engagement process conducted by staff was dishonest or was a "bait-and-switch exercise." He felt that staff learned from outreach and adjusted the final policy recommendations based on feedback. Commissioner Brown stated that he was prepared to support the policy as proposed.

Chair Macek expressed general support for the policy, finding that it would partially address the housing crisis faced by the City. He also stated that he had closely followed the community engagement process conducted by staff and felt that an earnest outreach effort had been conducted. He found that the final policy recommendations reflected a balanced responsiveness by staff to feedback received. He acknowledged that staff attended many virtual meetings on the subject and concluded that additional time for outreach was not needed. Chair Macek stated that the policy would provide a way for those in the City who already have "informal" ADUs to help these residents to create legal dwelling units. Chair Macek appreciated that the proposed regulations for detached ADUs were modeled after the existing rules related to detached garages. He also found that the City as a whole would benefit from the policy and supported its implementation City-wide rather than limiting it to specific areas. Chair Macek also supported staff's

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position on short-term rentals, finding that such restrictions do not belong in the Zoning Ordinance. He also stated that the Zoning Ordinance should only regulate land use, not specify who can live in the City. Chair Macek also found that the owner occupancy requirement was beyond what should be regulated by the Zoning Ordinance.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to initiate Zoning Text Amendment #2020-00007. The motion carried on a vote of 7-0.

On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Zoning Text Amendment #2020-00007, as submitted. The motion carried on a vote of 7-0.

**Reason:** The Planning Commission agreed with the staff analysis.

7. Zoning Text Amendment #2020-00010  
RT Zone Setbacks  
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend section 3-1306 to change the rear yard and side yard setback requirement in the RT zone.  
Staff: City of Alexandria, Department of Planning & Zoning

The Planning Commission agreed that a presentation from staff was not required for this item.

**Speakers:**  
N/A

**Discussion:**  
Vice Chair McMahon noted that Karim Khodjibaev had posed a question in relation to this item during another docket item earlier in the evening. Staff noted this and stated they would follow up with him on his questions directly.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to initiate Zoning Text Amendment #2020-00010. The motion carried on a vote of 6-0, with Commissioner Koenig absent.

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Zoning Text Amendment #2020-00010, as submitted. The motion carried on a vote of 6-0, with Commissioner Koenig absent.

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Reason: The Planning Commission agreed with staff's analysis.

8. Street Name Case #2020-00005  
Change of Street Name - Swamp Fox Road  
Public Hearing and consideration of a request for a Street Name Change, from Swamp Fox Road to Hoffman Drive; zoned: CDD #2/Coordinated Development District #2.  
Applicant: Hoffman Company, represented by Kenneth W. Wire, attorney

The Planning Commission agreed that a presentation from staff on this item was not required.

Speakers:  
N/A

Discussion:  
N/A

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Koenig, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Street Name Case #2020-00005, as submitted. The motion carried on a vote of 6-0, with Commissioner Goebel recusing himself.

Reason: The Planning Commission agreed with the recommendation of the City Naming Commission.

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*NOTE: Docket Items 9, 10, and 11 were presented by staff together and considered by the Planning Commission together.*

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9. Development Site Plan #2020-00031  
Subdivision #2020-00007  
Vacation #2020-00005  
2412, 2514, and 2610 Richmond Highway, 2500 Oakville Street, 400 Fannon Street, 400 Calvert Avenue, 300, 403, 405, and 420 Swann Avenue - Oakville Triangle Infrastructure Plan  
Public Hearing and consideration of requests for (A) a Development Site Plan with Subdivision for the construction of sitewide infrastructure for Oakville Triangle and to subdivide the parcels for each block; and (B) a Vacation of a portion of Public Right of Way on Oakville Street; zoned: CDD #24/Coordinated Development District #24.  
Applicant: Stonebridge Associates Inc., represented by Duncan W. Blair, attorney

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10. Development Special Use Permit #2020-10031  
Transportation Management Plan Special Use Permit #2020-00079  
Encroachment #2020-00006  
2412 and 2514 Richmond Highway and 2500 Oakville Street - Oakville Triangle A2 (Inova HealthPlex)  
Public Hearing and consideration requests for (A) a Development Special Use Permit with site plan for the construction of a medical care facility (HealthPlex) with accessory valet parking, including Special Use Permits for a parking reduction and an illuminated sign higher than 35 feet above grade per Section 9-104(B)(10) and modifications to tree canopy coverage requirement and to the height-to-setback ratio requirement of Section 6-403(A); (B) a Special Use Permit for a Tier 1 Transportation Management Plan; and (C) an Encroachment into the public rights of way for building canopies; zoned: CDD #24/Coordinated Development District #24.  
Applicant: Inova Health Care Services, represented by M. Catharine Puskar, attorney
11. Development Special Use Permit #2020-10028 (Block A1)  
Development Special Use Permit #2020-10030 (Block B)  
Encroachment #2020-00007 (Block B)  
Encroachment #2020-00008 (Block A1)  
Transportation Management Plan Special Use Permit #2020-00089 (Block A1)  
Transportation Management Plan Special Use Permit #2020-00090 (Block B)  
2500 Oakville Street, 2412, 2514, 2610 Richmond Highway, and 420 Swann Avenue - Oakville Triangle Block A1 & Block B  
Public Hearing and consideration of requests for (A) a Development Special Use Permit with site plan for the construction of a mixed-use multifamily residential building with ground floor retail and above grade parking, including modifications to tree canopy coverage requirement to the landscape guidelines and to the to the height-to-setback ratio requirement of Section 6-403(A) (Block A1); (B) a Development Special Use Permit with site plan for the construction of a mixed-use multifamily residential building with ground floor retail and above grade parking, including modifications to the vision clearance requirement and to the to the height-to-setback ratio requirement of Section 6-403(A) (Block B); (C) an Encroachment into the public right of way for building canopies (Block B); (D) an Encroachment into the public right of way for building canopies (Block A1); (E) a Special Use Permit for a Tier 2 Transportation Management Plan (Block A1); and (F) a Special Use Permit for a Tier 2 Transportation Management Plan (Block B); zoned: CDD #24/Coordinated Development District #24.  
Applicant: Stonebridge Associates Inc., represented by Duncan W. Blair, Land, Carroll & Blair, P.C., attorney

Richard Lawrence (P&Z) presented the items and answered questions from the Planning Commission.

## ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – JANUARY 5, 2021

### Speakers:

#### *Oakville Triangle Infrastructure Plan:*

Carla Thomas, resident tenant and business owner at 300 Calvert Avenue, requested additional information on access and impacts to parking for her property during construction of infrastructure improvements.

Duncan Blair, Land, Carroll & Blair, P.C., attorney representing Stonebridge, spoke in support of the project.

#### *Oakville Triangle Block A2 (Inova HealthPlex)*

Cathy Puskar, Walsh, Colucci, Lubeley & Walsh, P.C., attorney representing Inova Healthcare Services, spoke in support of the project highlighting the importance of the HealthPlex as part of the Inova system in this area of the City.

#### *Oakville Triangle Block A1 & Block B*

Duncan Blair, attorney representing Stonebridge, spoke in support of the project indicating agreement with the amended conditions included in the staff memorandum and applicant letter.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

### Discussion:

#### *Oakville Triangle Infrastructure Plan:*

Chair Macek expressed support for the project and improvements to the Oakville Triangle site. Commissioner Lyle expressed support for the expansion of the Inova system on the site. Vice Chair McMahon also expressed support for project highlighting the integration of open spaces within the project area and improved pedestrian and bicycle facilities.

#### *Oakville Triangle Block A2 (Inova HealthPlex):*

Chair Macek expressed support for the project and improvements anticipated for the Oakville Triangle site with Inova as an anchor tenant. Commissioner Lyle expressed support for the project with the expansion of the Inova system on the site. Vice Chair McMahon also expressed support for the use as a vital component for healthy communities and highlighted improvements that integrate open spaces within the project area and improved pedestrian and bicycle facilities.

## ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – JANUARY 5, 2021

### Oakville Triangle Block A1 & Block B:

Chair Macek and Commissioner Lyle raised the issue regarding the necessity for Special Use Permits for restaurants, day care, and other uses within Coordinated Development District zones. Department of Planning & Zoning Director, Karl Moritz, indicated that he appreciated these comments from the Planning Commission heard tonight and earlier and staff will plan to come back in the spring with a text amendment to address this.

### **PLANNING COMMISSION ACTION:**

#### Oakville Triangle Infrastructure Plan:

On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to approve Development Site Plan #2020-00031. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

The City Attorney's office reminded the Planning Commission that the Development Site Plan #2020-00031 should reference changes per the applicant's letter dated December 30, 2020 if agreed to.

On a motion by Vice Chair McMahon, seconded by Commissioner Brown, the Planning Commission voted to reconsider the previous vote taken on the Development Site Plan. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to approve Development Site Plan #2020-00031, as amended per the applicant letter dated December 30, 2020. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to approve Subdivision #2020-00007, as submitted. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to find Vacation #2020-00005 consistent with the City's Master Plan, as submitted. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

### Oakville Triangle Block A2 (Inova HealthPlex):

On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Development Special Use Permit #2020-10031, Transportation Management Plan Special Use Permit #2020-00079, and

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Encroachment #2020-00006, as submitted. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

### Oakville Triangle Block A1 & Block B:

On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Development Special Use Permit #2020-10028 and Development Special Use Permit #2020-10030, as amended per the staff memorandum to Planning Commission dated January 4, 2021 and the applicant letter dated December 30, 2020. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Encroachment #2020-00007, Encroachment #2020-00008, Transportation Management Plan Special Use Permit #2020-00089, and Transportation Management Plan Special Use Permit #2020-00090, as submitted. The motion carried on a vote of 5-0, with Commissioner Ramirez and Commissioner Goebel recusing themselves.

Reason: The Planning Commission agreed with the staff analysis.

12. Development Special Use Permit #2020-10019  
Coordinated Sign Program Special Use Permit #2020-00051  
Transportation Management Plan Special Use Permit #2020-00052  
1511 North Quaker Lane, 1707 Osage Street, and 1525 Kenwood Avenue – Lindsay Company Campus  
Public Hearing and consideration of requests for (A) a Development Special Use Permit and site plan for a Volvo automobile sales/service facility building, a Lexus sales facility building, a Lexus service facility, including a Special Use Permit for a loading space reduction and modification of the 25' setback at the line of zone change per Section 7-902 and modifications to the Landscape Guidelines; (B) a Special Use Permit for a Coordinated Sign Plan; and (C) a Special Use Permit for a Transportation Management Plan; zoned: CG/Commercial General and CSL/Commercial Service Low.  
Applicant: Lindsay Motor Car Company, represented by M. Catharine Puskar, Walsh, Colucci, Lubeley & Walsh, P.C., attorney

Anna Franco (P&Z) presented the item and answered questions from the Planning Commission.

### Speakers:

Zachary Best, of 1513 Woodbine Street, expressed his concerns with the project, specifically regarding the ability of an 8-foot fence to adequately screen activities on the Lindsay property. He stated that he would like to see a landscape buffer along the

## ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – JANUARY 5, 2021

property line in addition to the fence. Mr. Best said he understood the landscape buffer would decrease the applicant's parking quantity but believed that there was already enough parking on the site already. Mr. Best also asked staff and/or the applicant to clarify the requested zone transition setback modification, which both staff and the applicant elaborated on later in the meeting.

Kathryn McGlynn, of Woodbine Street (street number not provided), also expressed concerns regarding the 8-foot fence height and its inadequacy to block sound and deter people from jumping the fence. She expressed her hope that the proposed stormwater improvements and adherence to City requirements would improve stormwater issues in the alley parallel to Woodbine Street and stated she would like to review the proposed lighting plan prior to approval.

M. Catharine Puskar, representing the applicant, spoke in support of the project and addressed concerns from the residents of Woodbine Street. First, Ms. Puskar clarified the zone transition setback modification request for Mr. Best. Then Ms. Puskar went on to clarify many aspects of the proposed development.

She stated that demolition of the buildings along the west property line of Site 2 will move automobile activities farther from neighboring residents. She stated that the applicant would not be supportive of installing a landscape buffer along the west property line as this would eliminate the proposed head-in parking for Site 2b and 2c and that all proposed parking is necessary for the proposed automobile uses on the property. Further, she stated that Lindsay employees should not be parking on Kenwood Avenue or Woodbine Street and that the applicant will provide a reminder to all employees to not park in these areas. Regarding the screening fence, Ms. Puskar stated that the fence would provide adequate screening and provided an illustration of a viewshed from the Woodbine properties into the Lindsay property showing what extent of the Lexus Service building they would see. Some residents suggested further beautification of the public alley, however, the applicant declined to provide improvements, due to concerns with overhead utilities and the opinion that the applicant should not be paying for these improvements. Ms. Puskar further addressed lighting conditions and referred to several lighting conditions in the Development Special Use Permit that should adequately address these concerns. Ms. Puskar stated that lighting could be reviewed with the adjacent neighbors after it has been installed. Finally, Ms. Puskar outlined the proposed phasing plan for the development and stated that construction of the property closest to Woodbine Street would not commence until late 2022.

On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

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### Discussion:

Commissioner Brown asked Ms. Puskar about the parking along Centre Plaza, which is half owned by the applicant and Ms. Puskar clarified that the existing angled parking would remain. Commissioner Brown stated that the existing parking makes the commercial area viable and expressed his support of the continuation of this parking.

Chair Macek asked staff if they had additional clarifications regarding the zone transition setback modification request and staff responded with a graphic depiction of the request.

Chair Macek also asked for clarification on why an 8-foot rather than a 6-foot fence was allowed, as fences over 6 feet in height were not allowed in previous cases reviewed by the Planning Commission. Staff clarified that an 8-foot fence is allowed because the property is zoned commercial and has no yard requirements. Therefore, the 6-foot fence maximum does not apply.

Chair Macek expressed support for the proposal and stated his appreciation of Lindsay's outreach efforts to the neighbors. He stated he was happy that we could accommodate the request for additional trees and a higher fence to help protect the adjacent neighbors.

Commissioner Koenig agreed with Chair Macek's observations.

Commissioner Brown stated that residents along Woodbine have lived with their use for a long time. He stated that if we look at the bigger picture, the proposal will make life better for the residents.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Koenig, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Development Special Use Permit #2020-10019, Coordinated Sign Program Special Use Permit #2020-00051, and Transportation Management Plan Special Use Permit #2020-00052, with the following amendment to Condition #18. The motion carried on a vote of 7-0.

### **18. CONDITION AMENDED BY PLANNING COMMISSION:**

Provide the following modifications to the landscape plan and supporting drawings:

- a. The Applicant shall provide 25% canopy coverage. (P&Z)
- b. **The Applicant shall increase the height of the fence along the property line from 6' to 8' in height. (P&Z) (PC)**
- c. **The Applicant shall add three trees on Site 2C as reflected on the Exhibit entitled "Site 2B: Additional Planting Exhibit" prepared by Parker Rodriguez Inc. and dated January 4, 2021. (P&Z) (PC)**

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Reason: The Planning Commission agreed with the staff analysis and the conditions.

### **OTHER BUSINESS:**

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#### 13. Commissioners' Reports, Comments, and Questions.

Chair Macek conveyed that a draft agenda proposal has been made for the joint Planning Commission-Environmental Policy Commission Work Session to take place in February 2021 and that additional details regarding the final agenda are forthcoming.

Commissioner Koenig stated that he thought the draft agenda was on the right track as far as what should be discussed between the respective bodies.

Commissioner Lyle noted that on January 19 there will be an Eisenhower West/Landmark-Van Dorn Advisory group meeting, likely at 6 p.m.

### **MINUTES:**

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#### 14. Consideration of the minutes from the December 1, 2020 Planning Commission meeting.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to approve the minutes of December 1, 2020, as submitted. The motion carried on a vote of 7-0.

### **15. ADJOURNMENT**

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The Planning Commission Public Hearing was adjourned at 12:41 a.m.

### **ADMINISTRATIVE APPROVALS**

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16. Special Use Permit #2020-00092  
1501 Mount Vernon Avenue  
Administrative Special Use Permit request for a Minor Amendment and a Change of Ownership of a restaurant; zoned: CL/Commercial Low.  
Current Business Name: Charlie's On The Avenue  
Proposed Business Name: Joe's Kitchen  
Applicant: ARP 1501 Mt Vernon, LLC  
Planner: Anna Kohlbrenner  
Status: Approved - 12/10/2020