EXHIBIT NO. 1

31
6-12-04

APPEAL TO CITY COUNCIL
OF
PLANNING COMMISSION'S APPROVAL OF SITE PLAN

To: Clerk of City Council
City of Alexandria

Re: City of Alexandria Planning Commission Meeting May 6, 2004
Docket Item 2-B
Development Site Plan #2004-0005
1400 Janneys Lane
Oak Grove
Applicant: Elm Street Development, Inc.

Appeal to City Council of Planning Commission's
Approval of a Request for a Development Site Plan

The undersigned Appellants, each an owner of property located within 1,000 feet of the boundaries of the site plan property known as 1400 Janneys Lane in the City of Alexandria, hereby appeal to the City Council the Planning Commission's approval of the site plan for such property, Docket Item No. 2-B, application submitted by Elm Street Development, Inc. and approved by Planning Commission on May 6, 2004. The grounds of the appeal are set forth in the attached Appellants' Statement of Grounds of Appeal. Appellants request that the City Council docket for public hearing this appeal.

APPELLANTS:

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(continuation of signature block)

APPELLANTS:

Benjamin S. Jones Date: May 20, 2004

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Statement of Grounds of Appeal

1. Nonconformity with the Master Plan

Section 11-420(B) of the Zoning Ordinance states that the site plan "application shall be in reasonable conformity with the master plan of the city." Appellant submits that the site plan is not in "reasonable conformity" with the Master Plan. The Open Space Plan, which is part of the Master Plan, was adopted by the Planning Commission and City Council in 2003. The Open Space Plan states that the Second Presbyterian site is "critical to achieving the goals of the open space plan."

a. The Open Space Plan Classifies Second Presbyterian as One of the Top Ten Critical Open Space Sites in the City.

Chapter 6 of the Open Space Plan, entitled "Plan Priorities and Funding Strategies," identifies eleven "priority actions [in no specific order] for the City to undertake first in its implementation of the Plan." Open Space Plan at pp. 81-83. One of the "priority actions" is to acquire a group of properties on the waterfront. A second "priority action" identifies nine sites, one of which is Second Presbyterian, which are "critical to achieving the goals of the open space plan" and recommends that the city "[s]trongly consider [these] properties for easements, acquisition, or other methods of open space preservation within the short term."

The Open Space Plan makes clear why preserving the Second Presbyterian site is "critical." Chapter 5 of the Open Space Plan, entitled "Plan," provides a "conceptual framework" for "making the most of the small amount of available land for open space use." As part of this framework, at p. 48, "a Central Open Space Conservation Area is established in the heart of the City through the preservation of land owned by Episcopal High School, the Episcopal Theological Seminary and the Second Presbyterian Church." The objectives are that "these open spaces can be protected in perpetuity and, possibly, certain areas made accessible to the general public for many years to come." The proposed site plan precludes achieving these objectives for the Second Presbyterian site.

b. The Open Space Plan, Adopted in 2003, Sets Forth the City's Current Intent for the Second Presbyterian Site.

The intent and spirit of the Open Space Plan, which was adopted just a year ago, should take precedence over the residential zoning of the site, which was last approved by Council over ten years ago. Council clearly and unequivocally expressed its intent in 2003 with adoption of the Open Space Plan that this site should be maintained and preserved as open space. Accordingly, the site plan is inconsistent with the Open Space Plan, which is an approved element of the City's Master Plan.

It is very important to note that the Open Space Plan (in contrast to the recommendation of the Open Space Steering Committee) is the result of extensive public

input. As detailed in Chapter 4 of the Open Space Plan, "Community Process: Synthesis of Ideas," a "multi-tiered involvement process was used to engage a broad range of key stakeholders, community groups, and residents in the planning process," including interviews with open space stakeholders, community sessions, a citywide Open Space Summit and public hearings before the Planning Commission and the City Council. Then, in the spring of 2003, first the Planning Commission and then the City Council unanimously approved the Open Space Plan as an amendment to the City's Master Plan.

Furthermore, City Council, as part of its budget deliberations this year, has stated its intent in the fall of 2004 to raise at least $10 million by issuing bonds for the purpose of acquiring open space and to decide how such funds will be spent for open space. The $10 million dollars is substantially less than the funding called for by the Open Space Plan. Until Council decides the amount of bonding for open space and allocates the funds this fall, it is premature to approve a site plan for a residential development for a site "critical to achieving the goals of the open space plan." Indeed, the initial public hearing on the implementation of the Open Space Plan is not scheduled until June 21, 2004, and further public hearings are contemplated in the fall.

The most recent expression of Council intent regarding the Second Presbyterian site is that the site should be maintained and preserved as open space, not that the site should be a residential development. As part of the process of implementing the Open Space Plan, the prior Council dedicated one penny of the real estate tax rate to an open space fund, the current Council has issued a statement of intent to use this fund to retire bonding for open space, and the current Council has issued a statement of intent to decide this fall what properties to acquire as open space and fund from such bonding. Accordingly, it is premature to approve any site plan for this site.

In addition, it should be noted that apparently City Council in the spring of 2003 informally decided in executive session not to pursue acquisition of the Second Presbyterian property. There does not appear to be any public record documenting consideration of this matter by Council nor the informal decision not to pursue acquisition, and apparently no motion was formally made and considered at any time. Council prior to such informal decision did not inform the general public that such matter was under consideration, provided no opportunity for citizens to comment on this matter, failed to provide any notice to most civic associations about the matter and, in general, informally decided not to pursue acquisition without any input from concerned citizens throughout the City. The owner of property, National Capital Presbytery (NCP) has stated that it made several attempts when the bid price was lower to contact and meet with the City to discuss the City's acquisition of the property and received no responses in return. A Seminary Hills Association Board member stated before the Planning Commission on May 6, 2004, that he was communicating with NCP at that time and he was told by NCP officials that it made three attempts to contact the City regarding City's acquisition, but received no responses. Not only is this process very troublesome, but it provides no basis to contend that Council has made any decision superceding the statements regarding the Second Presbyterian site in the Open

Space Plan, which was unanimously adopted as an element of the Master Plan by City Council in 2003.

c. The Recommendation of the Open Space Steering Committee to Allow Development of the Second Presbyterian Church Site Contradicts the Open Space Plan.

i. The Open Space Steering Committee Solicited No Public Input Prior to Rewriting the Open Space Plan. Contrary to the spirit of the open space planning process that culminated in the adoption of the Open Space Plan as an amendment to the Master Plan in the spring of 2003, the Open Space Steering Committee essentially excluded the public from participating in its deliberations concerning the Second Presbyterian site. First, the Committee insisted on meeting at 7:00 AM, despite the suggestions at a Council work session by both the Mayor and Vice Mayor that this schedule was inappropriate. Second, unlike the development of the Master Plan, including the Open Space Plan element, the Committee interviewed no stakeholders, held no community sessions, held no citywide forum, convened no public hearings and did not otherwise solicit or invite any input from citizens, civic associations or the committees deeply involved in the creation of the Open Space Plan, such as the Parks and Recreation Commission and the Environmental Policy Commission.

ii. The Open Space Steering Committee's Explanation of its Recommendation to Allow Second Presbyterian to be Developed Ignores the Plan's Conceptual Framework and the Central Open Space Conservation Area, Goal 6 Concerning Preservation In Perpetuity of Institutionally-Owned Open Space, and the Plan's Statement that the Site is Critical to Achieving the Goals of the Plan. The Open Space Steering Committee's explanation of its recommendation to allow Second Presbyterian site to be developed, as set forth in its April 19, 2004 memo, ignores (i) the importance of the "Central Open Space Conservation Area" to the "conceptual framework" of the Open Space Plan, (ii) Goal 6 of the Plan, which states that certain institutionally-owned open space, specifically including the Second Presbyterian site, should be protected and preserved in perpetuity, and (iii) the Plan's statement that preserving the Second Presbyterian site and eight other sites is "critical" to achieving the goals of the Open Space Plan.

iii. The Open Space Steering Committee's Evaluation Process Incorrectly Uses Open Space Categories to Recommend that Second Presbyterian Not Be Acquired by the City. Goal 2 in the Open Space Plan, at pages 52-53, states that the City should "Develop Innovative Opportunities for Creating Additional Public Open Space." The Plan then makes "eight recommendations, highlighted below [that] identify a number of innovative methods for creating public open spaces." The eighth recommendation for creating "innovative" open spaces states that the City should "[u]tilize the following selection criteria for **identifying** privately-owned land suitable for acquisition by the City for parkland/open space use," (emphasis added) and then lists twelve categories of oft-overlooked, non-traditional open space, such as pocket parks, excess rights of way, land near trails, and street endings.

Other recommendations to further Goal 2's objective of developing "Innovative Opportunities" for creating open spaces include creating parkland atop below-ground

parking structures, bridging over roads to link open spaces, and use of air rights to create new open space.

Goal 2 of the Open Space Plan and its recommendations for "innovative methods for creating public open space" have absolutely nothing to do with whether a large privately-owned open space site such as the Second Presbyterian Church should be acquired for open space. The Open Space Steering Committee's reliance on the categorization of non-traditional land-types that further the goal of developing "innovative methods for creating public open spaces" in order to evaluate the Second Presbyterian site is at best an inadvertent misreading of the Open Space Plan and at worst a transparent attempt to rank the site as low as possible by using wholly inappropriate evaluation criteria. Obviously, the Second Presbyterian site ranked low because it is not an "innovative method of creating open space," but is rather an entirely traditional open space site -- for Alexandria, a generously-sized park of about six contiguous acres with numerous mature trees and rolling meadow that is integral to the Central Open Space Conservation Area is exactly what the Open Space Plan seeks to preserve and protect.

Moreover, the Open Space Steering Committee – implicitly acknowledging the inappropriateness of the Goal 2 categories as open space evaluation criteria – has developed different criteria to use going forward to evaluate potential open space acquisitions. Practically speaking, the Committee is using the inappropriate Goal 2 criteria to justify its decision to recommend development of Second Presbyterian, but then switching to different evaluation criteria after making that recommendation.

The Appellants submit that Planning Commissioner Richard Leibach, who is a member of both the Open Space Steering Committee and a member of the Planning Commission, abstained from voting on the site plan before the Commission on May 6, 2004. Commissioner Leibach said he abstained due to conflict of interest in that he is serving on both decision-making Committee and Commission and the staff report and analysis before the Planning Commission on the Docket Item for May 6th meeting contained discussion of open space and recommendation of the Open Space Steering Committee against purchase of the property. No other member of the Planning Commission who also serves on the Open Space Steering Committee joined Commissioner Leibach in his abstention.

In summary, the Open Space Steering Committee recommendation not to acquire the Second Presbyterian site and instead allow development (1) was developed without any public input, (2) ignores the Plan's recommendations concerning the Central Open Space Conservation Area, as articulated in Goal 6 and the Plan's list of "critical" sites, and (3) is based on a misreading of Goal 2 of the Plan, which concerns "innovative methods of creating public open spaces", but provides no criteria nor analytical approach for evaluating and prioritizing potential open space acquisitions.

d. The Pickering Subcommittee Report Ranks Second Presbyterian as the Fourth Highest Priority Open Space Site in the City.

On March 11, 2004, the Search Subcommittee of the Open Space Steering Committee, chaired by former Council Member Ellen Pickering, released its one and only report. The Pickering Report ranks the Second Presbyterian Church site as the fourth highest priority open space site in the City. Pickering Report at p. 5. (The other members of the Pickering Subcommittee are Planning Commissioner Richard Leibach, Bill Dickinson, Bruce Dwyer and Kenyon Larsen.)

The Pickering Subcommittee used a two step process to arrive at this ranking. First, the Subcommittee identified, i.e., nominated, sites for consideration as open space (an appropriate use of the land-type categories listed in Goal 2 of the Open Space Plan). As the Pickering Report, at p. 1, states, "Goal 2 recommends the following selection criteria for **identifying** privately-owned land suitable for acquisition by the City for parkland/open space use: [listing of twelve categories of types of open space]." (Emphasis added.) The Pickering Subcommittee correctly understood that this listing of categories is not intended to be used to evaluate and prioritize sites for acquisition.

Second, for each "acquisition opportunity" identified, the Subcommittee used seven "considerations," or evaluation criteria, to determine the ranking of each identified site:
(i) property location and address, (ii) description, including unique environmental features, (iii) descriptions of all development, (iv) parking availability, (v) possible future uses, (vi) price, and (vii) an initial indication of priority (high, medium and low).

The Pickering Subcommittee identified the Second Presbyterian site as privately-owned open space suitable for acquisition. Next, using the seven evaluation criteria, the Pickering Subcommittee ranked the Second Presbyterian site as the fourth highest priority site to acquire for open space in the City. This ranking by the Pickering Subcommittee is entirely consistent with the Open Space Plan, which states that preserving the Second Presbyterian site, as part of the Central Open Space Conservation Area, is "critical to achieving the goals of the open space plan."

Thus, not only is Second Presbyterian a "critical" open space site pursuant to the Open Space Plan, but the <u>only</u> City group after adoption of the Plan that used appropriate criteria to evaluate and rank open space sites concluded that the site is the fourth highest priority site in all of Alexandria to protect and preserve as open space. The analysis of the Pickering Subcommittee is both consistent with the Master Plan and demonstrates the inadequacies of the analysis conducted by the Open Space Steering Committee.

2. Traffic

Subsections 11-410 (J), (K) and (L) of the Zoning Ordinance state: "Streets, sidewalks and alleys shall, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets, alleys and sidewalks. . . . Provision shall be made to ensure that adequate access roads or alleys or entrance or exit drives will be provided and will be designed and improved so as to prevent traffic hazards or problems and to minimize traffic congestion in public streets and alleys. . . . Provision shall be made to ensure that the vehicular circulation elements of the proposed development will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel."

The Appellants submit that the site plan and the traffic studies in support of site plan, including a trip generation study and traffic/queuing study, are insufficient, lacking in facts and scope, erroneous and misleading in presentation and conclusions. Appellants submit that the site plan has failed to provide factual conclusions and several essential and unbiased traffic studies and traffic studies broader in scope and provide traffic impact resolutions in order to meet the requirements of Subsections 11-410 (J), (K) and/or (L) of the Zoning Ordinance.

The City staff report on Site Plan in writing and, in part, orally presented to the Planning Commission, May 6, 2004, for its consideration, IV. Staff Analysis, "C. Traffic", states that applicant submitted a trip generation study and a traffic/queuing study by Wells & Associates completed in August 2003 and February 2004. Wells & Associates on behalf of Elm Street Development acknowledged in a memorandum to Thomas H. Culpepper, City of Alexandria T&ES, dated February 25, 2004, that the traffic counts for the westbound queuing analysis at the intersection to determine whether it will block the proposed development driveway were taken in August, "during which time traffic volumes are typically lighter than during times when school is in session, an adjustment factor to account for the increase in traffic would not significantly affect the calculated queue length." What was the adjustment factor?

The City staff report also stated:

"The trip generation study was based on 9 single family homes as opposed to the 8 currently proposed and compared the number of trips generated by the proposed development to that generated by the existing on-site uses (church and day care) during the AM and PM peak hours. The number of trips that will be generated by the proposed development was estimated based on the Institute of Transportation Engineer's (ITE) figures. Compared to the traffic counts for the existing church use, the study found a reduction in trips generated and that both the existing and proposed uses have no significant impact on the Quaker/Janneys Lane intersection."

Following the above paragraph on trip generation study in IV. Staff Analysis, "C. Traffic" is a chart showing "Use of Single Family, AM Peak, 16 in/out; PM Peak 12

in/out; Existing Church daycare, AM Peak 43 in/out; PM Peak 45 in/out; Percent Difference, AM Peak: -63%; PM Peak: -73%."

Upon seeing this chart previously at the Bishop Ireton community meeting with same information as in said staff analysis to Planning Commission, at the end of the Bishop Ireton meeting I, Judy Durand, informed the city presenter, Rich Baier, Director of T&ES, that I had talked to the director of daycare, and also I had witnessed the traffic count over several days for the existing church daycare and, based on both, the numbers relating to church daycare are incorrect. Ms. Debra Tillman, owner and director of the daycare center, told me, Judy Durand, shortly after a telephone call from the developer's representative, that a gentleman, who said he represented Elm Street Development, telephoned her and asked her one question: How many children attend the daycare at 1400 Janneys Lane in the church building? Ms. Tillman told Ms. Durand that she responded to the Elm Street Development representative: 45 children. According to Mr. Baier, Elm Street Development reported 45 as the traffic count for the existing church daycare use.

Ms. Tillman told Ms. Durand that there are at the Happy Home Child Learning Center, 1400 Janneys Lane, a large number of sibling sets that arrive/depart in one vehicle; a number of parents with child/children using public transportation, and a number of children who carpool to this daycare center. Ms. Tillman reports the majority of the vehicles enters and exits via Quaker Lane with only 4-5 entering and exiting Janneys Lane. Ms. Tillman reports that approximately 8 vehicles of the total exit via Quaker Lane and move through the Janneys/Quaker Lane intersection north to 395 in AM Peak and approximately 8 return through Janneys/Quaker Lane intersection PM Peak. These approximately 8 vehicles in PM Peak exit on Quaker in direction of Duke Street. The remaining vehicles enter/exit Quaker Lane in the AM Peak/PM Peak and travel to/from Duke Street to either 495 or to Old Town, Alexandria. According to Ms. Tillman, the total number of vehicles in the AM Peak and in the PM Peak travelling to and from this daycare, are 14-18 vehicles. Again, the majority of vehicles are entering and exiting Quaker Lane, and of those, approximately 8 vehicles in AM Peak and 8 vehicles in PM Peak of the total number of vehicles to/from daycare move through the Janneys/Quaker Lane intersection. Again, 4-5 vehicles enter/exit Janneys Lane.

This total traffic count for the church daycare of 14-18 in/out AM/PM Peak is remarkably different from the 43-45 in/out AM/PM Peak submitted by applicant and used by city staff. Appellants submit that traffic counts for the church daycare are used by applicant and others to downplay the traffic problems that the vehicles to/from proposed development will create. Mr. Baier stated before the Planning Commission, May 6, 2004, that the volume of traffic from the proposed development is based on 8-11 trips per single detached home. The Appellants submit that "Compared to traffic counts for the existing church use," the study did not find a reduction in trips generated from that of proposed development. The study of comparative traffic count is in question and so too the estimates of number of trips to/from proposed development and their impact on the Janneys Lane and the Janneys/Quaker Lane intersection.

Quaker Lane access is now open, but it will be closed with the proposed development. The Appellants submit that the traffic to/from development will be using Janneys Lane only for entrance/exit and these vehicles will travel eastbound and westbound on Janneys Lane and nearby streets. This will cause a hazardous traffic dynamic for existing residents of particularly the 1400 block of Janneys and particularly too, the beginning of the 1300 block of Janneys as well as Kingston. The beginning of 1300 block of Janneys and most certainly, the 1400 block of Janneys has existing traffic safety hazards which will be seriously compounded by the proposed vehicular driveway of the development only on Janneys and at the 1400 block. Movement by vehicles from the proposed development driveway, turning left and attempting to cross eastbound traffic on the 1400 block of Janneys to enter into westbound traffic to go through Quaker/Janneys Lane intersection will cause at most times but particularly and definitely at peak hours considerable congestion and traffic hazards. This movement by vehicles from the proposed development driveway will dramatically increase hazards to the safety of vehicular traffic and cause undue interference with the existing traffic eastbound and westbound on Janneys Lane. Further, attempts to turn off of Janneys Lane into the proposed development driveway by eastbound or westbound vehicles will substantially increase the existing traffic problems in the 1400 block of Janneys. Where is the impact study and analysis by applicant regarding these specific traffic issues in compliance with Subsections 11-410 (J), (K), and (L) of the Zoning Ordinance?

These traffic problems created by vehicles moving at all times during the day from the proposed development driveway onto Janneys is further aggravated by the many Metro and Dash buses and their stops in the 1300 and 1400 block of Janneys Lane, eastbound and westbound. These buses stop on 2-lane Janneys. Most often, vehicles attempt to pass the buses when they have stopped. There is a Metro/Dash stop eastbound approximately 180-200 feet from intersection and approximately 300 feet from the proposed development driveway on 1400 block of Janneys Lane. During the week, there are approximately 54 scheduled weekday buses eastbound for this Metro/Dash stop. Eastbound and approximately 50 feet from proposed development driveway at the beginning of 1300 block of Janneys Lane, which is at the corner of 1400 Janneys property, is another Metro/Dash stop. Almost directly across the street at 1300 Janneys is a westbound Metro/Dash stop. The number of westbound scheduled weekday buses is approximately same as eastbound. Westbound on Janneys Lane approximately 50 feet from intersection is Metro/Dash stop. Eastbound and westbound for these buses, the Saturday schedule is approximately 32 a day and Sunday, approximately 27 a day. Appellants understands that there will be an easement and bus shelter provided on 1400 block of Janneys Lane at the eastbound Metro/Dash stop only 180-200 feet from intersection and approximately 300 feet from proposed development driveway. Even if there is a decision to remove the eastbound 1300 Janneys stop and keep 1400 block eastbound Metro/Dash stop, the vehicles moving into/out of the proposed development driveway near the stopping and restarting of buses eastbound and westbound in the 1400 block of Janneys Lane will create a greater traffic hazard than exists today particularly as these vehicles try to cross eastbound traffic to enter westbound to move through the intersection. Where is the impact study and analysis by applicant regarding these specific traffic issues in compliance with Subsections 11-410 (J), (K), and (L) of the Zoning Ordinance?

Further, the Appellants submit that the closure of Quaker Lane to the proposed development is a very serious mistake and will cause more serious traffic hazards and congestion on Janneys Lane, particularly at low-numbered 1300 block and the 1400 block.

During peak hours, but not limited to those hours, the vehicles from the proposed development driveway moving into the westbound traffic lane to go through intersection as well as these proposed development vehicles moving through intersection and joining the existing traffic and buses eastbound will most certainly add to the blocking of driveways on the 1400 block of Janneys and some of those in the 1300 block of Janneys. The adverse impact of these vehicles entering/exiting onto 2-lane Janneys adding to the traffic congestion of area will block these existing property owner driveways. There is no question that these added vehicles entering/exiting traffic flow would dramatically worsen the blockage of existing driveways particularly those closer to the intersection or close to the 1300 or 1400 bus stops. The use of existing homeowner driveways on Janneys and Kingston near the proposed site for turnaround vehicles will dramatically increase. Where is the impact study and most importantly the analysis by applicant regarding these specific traffic issues in compliance with Subsections 11-410 (J), (K), and (L) of the Zoning Ordinance?

The Appellants submit that the driveway of the proposed development will be virtually across the street from the entrance/exit of Kingston Avenue. There has been a growth of traffic in and out of Kingston during the last few years and that traffic flow is during the course of the day. The vehicles moving in/out of the proposed development will cause traffic hazards for the existing property owners on Kingston particularly as both Kingston and proposed development vehicles try to enter Janneys Lane traffic westbound moving toward intersection. The Appellants submit that the site plan is void of essential traffic impact studies and analysis designed to prevent traffic hazards or problems and to minimize traffic congestion on Janneys Lane and nearby streets, most particularly low-1300 block, 1400 block of Janneys Lane , and the entrance and exit to Kingston. Where is the impact study and the analysis by applicant regarding these specific traffic issues in compliance with Subsections 11-410 (J), (K), and (L) of the Zoning Ordinance?

In addition, the site plan also has very few parking spaces on the proposed development driveway. The Appellants submit that the site plan does not address parking by vehicles attached to or visiting the proposed development that will be parking on the street at low-1300 block and particularly on the 1400 block of Janneys, which will create more traffic hazards, congestion, and undue interference of vehicular traffic for existing residents. Adding to these problems, if the "public park" at 1400 Janneys Lane is to be used by residents of the City, the site plan has too few parking spaces on the new development driveway, so that visitors to the "public park" will have to park on the streets of Janneys Lane or Kingston in parking spaces close to the "public park" location and near the intersection.

The site plan fails to address or prevent these many traffic hazards or problems, traffic congestion, and undue interference that will result from the vehicular traffic moving to, in and out of proposed development and traffic attached to the "public park". Appellants submit that traffic hazards or problems, undue interference, and traffic congestion resulting from vehicular traffic of proposed development entering/exiting onto 2-lane Janneys and near the intersection will be harmful to the existing nearby residents in violation of Subsections 11-410 (J), (K), and/or (L) of the Zoning Ordinance.

Appellants submit that traffic is one of many issues that Seminary Hills Civic Association and the Taylor Run Association did not consider in any meaningful way before their Board/Executive Committee voted and took position, without polling their memberships or meeting with majority of residents in the neighborhood within their respective association borders, regarding issues pertaining to site plan or generally to proposed development. The Appellants disagree with the staff discussion in report and oral statements put before the Planning Commission, May 6, 2004, on site plan pertaining to Seminary Hills Civic Association Task Force/Forces work to review and assess the issues including traffic in site plan.

3. Tree Preservation

Appellants submit that the approved site plan including the conditions required by city staff for final site plan is in violation of 11-410 (W) in that all of the 22 existing mature trees including the two existing historic trees on the proposed development property cannot be protected or preserved. The site plan's failure to retain all of these mature trees is in violation of the goal to "preserve areas of significant tree cover" in the Open Space Plan approved by City Council and the Planning Commission in 2003.

Stated in the staff report of site plan for consideration of approval by the Planning Commission, May 6:

"In addition to open space preservation, the applicant proposes to retain 22 of the existing trees. The site contains two existing historic oak trees on the southeastern portion of the site. These historic trees have been permanently protected by a covenant on the deed of the property. Both the developer and the new home purchasers are bound to protect and preserve these trees.

"If the site plan is approved, then the trees shown on this plan as retained or relocated will have to be maintained. Staff is recommending conditions that prohibit disturbance within the dripline of canopy of all trees to be protected, and that the homeowners documents communicate to future purchasers that all trees shown as saved on the site plan must be retained...."

Appellants submit that avoidance of tree damage will be an impossibility during substantial construction of proposed development including its proposed storm water management, and landscaping, homeowner constructions such as additions, pools, decks.

Appellants submit that the processes involved with the construction of the proposed development can be deadly to the existing trees on the property, even if there is attempt to fence trees off. The roots of a mature tree extend far from the trunk of the tree. Roots typically will be found growing a distance of 1-3 times the height of the tree. Severing one major root can cause the loss of 5-20% of the root system.

The root systems extend much farther than the driplines of the trees. Therefore, the Appellants object to site plan with " conditions that prohibit disturbance within the dripline of canopy of all trees to be protected."

The roots of a tree will extend far from the trunk and will be found mostly in the upper 6 to 10 inches of the soil. Another problem that may result from root loss due to digging and trenching is that the potential for the trees to fall over is increased. The roots play a critical role in anchoring a tree. If the major support roots are cut on one side of a tree, the tree may fall or blow over.

The digging and trenching that will be necessary to construct the houses and install underground pipes and underground utilities among other underground

constructions will likely sever a portion of the roots of many trees in the area. Further, unless the damage is extreme, the trees may not die immediately, but could decline over several years; the city may not associate the loss of the tree with the construction.

The heavy equipment used in construction compacts the soil and can dramatically reduce the amount of pore space. This not only inhibits root growth and penetration but also decreases oxygen in the soil that is essential to the growth and function of the roots.

Piling soil over the root system or increasing the grade will smother the roots. It only takes a few inches of added soil to kill a mature tree.

Appellants note "VI. Conditions:", to be part of the approved site plan outlines tree protection measures "to ensure the proposed trees to be saved as depicted on the preliminary site plan dated March 30, 2004.... All proposed tree protection details shall be depicted on the final site plan and be provided throughout the construction process." Amazingly inadequate are "Conditions" to be part of the approved site plan: "The developer shall call (emphasis added) the City Arborist for a review of the installed tree protection following its installation and prior to any construction, clearing, grading or site activity."

Appellants submit that the site plan requirements and specifications to protect and preserve these specified trees at 1400 Janneys Lane will fail. There will be substantial construction, digging on property not only for houses but also for storm water management, such as underdrain system and the sanitary and storm drain pipe trenches, and too, there will be soil impacts including piling of soil over the root systems. Appellants submit that a fine to be paid by the applicant "in an amount not to exceed $10,000 for each tree that is destroyed if the approved tree protection methods have not been followed" is a very low price to pay by applicant for loss of any of these trees. The loss of one of the historic trees is a tremendous loss to the city. It will be most difficult if not impossible to prove that any of these trees was destroyed by applicant not following the tree protection methods of site plan, particularly if there is delay in tree symptom development.

4. Compatibility

Appellants submit that the site plan fails under 11-410 (F) because the proposed homes are not compatible with the existing traditional neighborhood.

The compatibility issue pertains not only to the height of the buildings and the architectural incompatibility and massiveness of the proposed homes on lots ranging from 22,000 to 26,000 square feet compared to the smaller size of the traditional neighborhood's existing homes, but also, that the 8 large homes will be sitting on a steep incline. The proposed homes of two to two and a half stories will be sitting on a hill much steeper than that of the one large existing house at 1312 Janneys Lane which sits a substantial distance from the street. In addition, the existing house on Janneys Lane at 1312 is set on a very large lot, while in the new development the lots are much smaller. A large lot can absorb the large house; the much smaller lots in the Oak Grove development are not suitable for the planned large houses given the topography and relationship to other nearby houses in the neighborhood. The proposed lots ranging in size from 22,000 to 26,000 square feet are comparable to the nearby lots with homes much smaller in scale than the proposed massive homes.

Appellants submit that the scale of the proposed buildings cannot be significantly mitigated by the reduction of the size of the roofs. There is considerable change in topography from the Janneys Lane portion of the proposed development to the portion of the proposed development adjacent to Cathedral Drive, which ranges from 2 feet to 30 feet above the street. The topography will have the proposed homes towering in full view high above the street – visually making them even more massive and taller.

The Appellants submit that the scale of the homes cannot be mitigated particularly due to their sitting with full view from the street; their massiveness will be totally out of character and disproportionate to the traditional neighborhood.

5. Stormwater Management/Drainage

The Appellants submit that the site plan as approved violates 11-410 (N),(P), (Q), (S), (T), and (U) as it relates to generally and specifically the following discussion. The Appellants reserve the right to file supplemental documents regarding these and related issues.

The applicant has not demonstrated compliance with the City and State requirements for adequate outfall of drainage from a construction project. The applicant's project discharges runoff into a known inadequate drainage system, but has only proposed to upgrade a portion of the system to current City standards. The applicant's Site Plan knowingly does not contain information beyond the pipe outfall point of an existing 36" storm drainage pipe which serves to ultimately drain the majority of this proposed subdivision and the applicant has indicated that no analysis more than 10' to 20' downstream of this pipe outfall has been performed thus far. Applicant has relied on the statement that by not increasing runoff (another point that is refuted by Appellants) that this project does not have to consider the inadequacy of the downstream conditions below the existing 36" outfall pipe draining this site and the intersection of Janney's, Seminary and Quaker Lane.

Onsite Design and Conditions (to include all portions of the plan shown graphically as "proposed")

Based on the Bowman plan, 1.48 acres (24%) of the 6.07 acre site is improved with impervious areas (parking, travelways, structures, sidewalks and outbuildings). The developer proposes to construct eight single family detached dwellings, associated sidewalks, driveways and a public cul-de-sac asphalt street to serve these homes. As part of this plan of development, a new storm sewer system is being proposed. No stormwater management (SWM) features are proposed with this approved Site Plan based on the current plan, but it is the understanding of the Appellants that the developer and the City are considering agreeing on an SUP condition which would require such stormwater management to address potential downstream inadequacies in the outfall channel system. Notwithstanding this condition, there is no assurance that detention onsite can create an adequate condition below the 36" outfall through to Key Drive and Francis Hammond Parkway.

The staff report and approved Site Plan state that total impervious area will decrease from 1.48 acres to 1.42 acres upon redevelopment. This will hold true, so long as no more impervious area is constructed within the site beyond the 0.06 acre (2,613 square feet) difference that currently exists. This assumes, logically, that the homes, driveways and sidewalks that are shown on the GDP are what actually is constructed. Further, the natural pattern of home ownership and maintenance includes home additions, pools, patios, tennis courts that are added after the dwellings are constructed and the subdivision released from bond. A rather significant portion of the developer's engineer's opinion of storm drainage adequacy, based on Appellants' engineer review of the plan as well as discussion with the developer's engineer and the City T&ES, indicate that the concept of a runoff decrease is based on the quantity of impervious area being

incrementally reduced. With the average home addition occupying approximately a minimum of 600 to 1,000 square feet or more, a pool and associated deck approximately 300 to 500 square feet, a tennis court approximately 7,200 square feet and a patio approximately 200 to 400 square feet, it is not hard to see homeowners in the first five to ten years of homeownership, if not sooner, building out more "personal" impervious surface than the "excess" 2,613 square feet of additional impervious area difference between existing and proposed imperviousness. It is presumed, but (important) not stated in the approved Site Plan, that an SUP condition requiring SWM would create adequacy downstream.

Thus, Appellants assert that it is appropriate, absent a "cap" on the total amount of impervious area per lot via a covenant or restriction in the Deed of Subdivision as an SUP Condition (so that downstream owners can rest assured that the statement that stormwater runoff is generally decreased or at a minimum, not increased from this site can continue to be a reality after bond release and that the City or downstream property owners can enforce the requirements of maintaining a specific amount of impervious area on the overall project/subdivision, that the impervious area on this project site will increase, not decrease, as a result of this subdivision. Further, the two lots (which are being deeded as a "park" as appellant understands it from discussions with the City and developer) need to be restricted via covenant or other legal mechanism so that impervious areas are not constructed on those two lots by the City in the future or that some method of annotating the land records for these two lots be devised to insure that no runoff increase occurs from these properties if any impervious areas are planned in the future. The computations by the developer do not account for any impervious area on those two lots in the "Park Option" of development according to the Site Plan.

An additional concern of the Appellants related to the drainage system is to insuring that the final plans account for the actual drainage area to the existing pipe system in the intersection of Seminary/Janneys/Quaker Lane that is actually conveyed versus that watershed depicted in the approved Site Plan. Due to the apparent inadequacy of the storm sewer in the street, if the current flow to the existing 36" outfall is reduced (today) due to the inadequacies, then corrective measures (as shown in the Park Option) to replace the existing 15" storm sewer with more appropriately sized 30" storm sewer may actually convey additional runoff from the watershed that may not be conveyed to this outfall today. Since it is not within the scope of the Preliminary Site Plan to verify this, the Appellants can only ask the question of the developer's engineer as to whether a hydraulic grade line analysis was conducted of the existing system and whether all runoff from the drainage sheds shown in the approved Site Plan are, in fact, being passed through the storm sewer to the outfall in the pre-development calculations.

The Appellants further assert that in order to determine how much runoff is being proposed for the new storm sewer system, the approved Site Plan depicts specific drainage divides which must be fairly rigidly followed to insure that the desired "no net increase" effect is achieved. The approved Plan does not demonstrate how these new drainage divides are arrived at, since no grading plans have been submitted as part of the approved Plan. To recommend a PSP (Preliminary Site Plan) for approval without benefit of knowing whether these modified drainage divides are realistic or can be

achieved in reality is further grounds for this Appeal of the Planning Commission's decision.

Description of Offsite Outfall Channel

The existing storm drainage system serving the majority of the proposed development drains to the Seminary/Janneys/Quaker Lane intersection and ultimately discharges to the east within a currently vacant lot fronting Quaker Lane. The existing 36" storm drainage pipe outfalls into an existing trapezoidal concrete channel. This channel varies in height and conveyance capacity for the approximately 50 linear feet that it continues below the downstream end of the 36" pipe. At its largest point, the channel is approximately near 4' in depth and of similar top width, with bottom width being approximately 2' to 3' and this is, according to the applicant, the furthest point below the project site that the outfall was checked for adequacy.

Approximately 50 linear feet beyond the outfall of the pipe, the trapezoidal channel ends with the depth of the channel reduced to less than 2', linearly tapering in depth from the exit point of the pipe to the apparent downstream property line of the vacant lot. At this point, a series of quarter-sections of concrete pipe, laid in their side, forms a shallow circular channel approximately 12" to 15" deep and approximately 3' wide through the next property downstream. This area was not included in the approved Site Plan or verified by the applicant as to drainage conveyance adequacy.

This channel terminates at a driveway culvert on the third downstream property from the pipe exit and follows a somewhat natural channel of similar size, showing varying stages of minor erosion, through the lot, to a fourth lot (the final lot where open channel flow below the outfall pipe is present). This fourth lot features a smaller trapezoidal concrete channel than the upstream first (vacant) lot . This channel feeds into the public storm drainage system of Key Drive.

Appellants' assertions regarding lack of adequate outfall

Based on the size of the channels on the four properties below and the developer's engineer's quote of the approximate drainage area of this watershed (approximately 26 acres at the exit point of the 36" pipe in the vacant lot), the Appellants question why the Planning Commission does not consider the outfall channels described above to be part of the reviewable portion of the project under City Code and whether adequate outfall regulations should be applied by the City to the open channel sections of the outfall below the existing 36" storm drainage system and believes the subject outfall channel between Quaker Lane and Key Drive should be included in the outfall analysis of the project. The channel sections (most averaging not more than 2' deep and 2' to 4' wide dependent on where they would be measured) would not carry any substantial amount of runoff before overtopping into the adjacent lawns and yards of the homes this channel system flows through, not meeting City design standards for outfall channels

EXHIBIT NO. 2

31

6-12-04

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 4, 2004

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

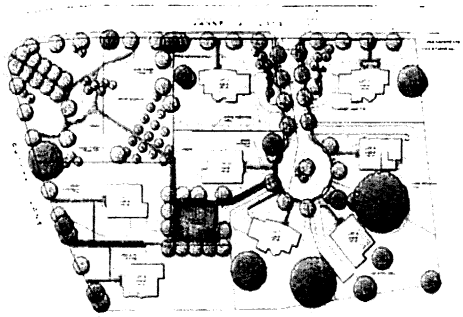
THROUGH: PHILIP SUNDERLAND, CITY MANAGER PS

FROM: EILEEN P. FOGARTY, DIRECTOR, PLANNING AND ZONING Eileen Fogarty

SUBJECT: SECOND PRESBYTERIAN - OAK GROVE (DSP# 2004-0005) APPEAL OF A SITE PLAN APPROVAL BY THE PLANNING COMMISSION

I. Appeal:

Four nearby property owners are appealing the Planning Commission's May 6, 2004, approval of the site plan. The proposal is to construct eight single-family homes within the current R-20 zoning. The 6.07 acre site is located at the intersection of Quaker Lane and Janneys Lane. *(see the attached staff report)*



Site Plan Proposal

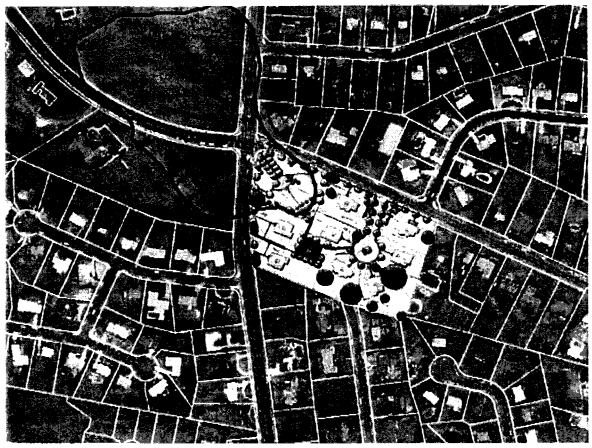
Site Plan Appeal:

A site plan approved by the Planning Commission may be appealed to City Council by an owner of property within 1,000 feet. The Council can affirm, reverse or modify the decision of the Commission, or vacate and return the matter to the Commission for further consideration.

Planning Commission Action:

The Planning Commission approved the site plan and found the site plan in compliance with the current R-20 single-family zoning requirements, with Sec. 11-400 and other applicable requirements of the Zoning Ordinance and all applicable laws. The Commission also added 74 conditions of approval that address issues of water runoff, building compatibility, tree preservation, open space and landscaping.

II. Analysis:



The appeal is based on arguments that the site plan fails to comply with the site plan requirements for traffic, storm water management-drainage, tree preservation, compatibility and also that the proposal fails to comply with the Open Space portion of the Master Plan. The Zoning Ordinance requires that adequate provision be made for the following elements and the Commission and staff have found these areas have been addressed as discussed below and within the staff report.

Storm water Management:

The existing site contains 1.48 impervious acres of building, pavement, sidewalks etc. and, as part of the proposed improvements, the existing buildings and parking lots on the site will be demolished. This results in a decrease in total impervious area to 1.42 acres with the voluntary donation of two buildable lots for open space. In addition, the site plan includes a new underground collection system that will substantially reduce the existing surface runoff sheet flowing off-site.

The groundwater is reduced due to the placement of foundation drains around the structures and additional under drains placed in the northern portion the site, as well as in the proposed roadway. In addition, the fact that the surface runoff is collected in an underground system will reduce the amount of groundwater migrating to the adjacent properties. The proposal also provides methods to reduce the amount of groundwater seepage, including under drains that provide alternate paths for the groundwater.

Thus, the proposed development reduces both the surface runoff and groundwater onto the adjacent properties and right-of-way.

Compliance with the Open Space Master Plan:

A goal identified by the City and community early in the process was that the open space and sense of openness at the corner of Quaker and Janneys Lanes should be retained. The applicant is voluntarily donating two buildable lots comprising approximately 1.1 acres (approximately 18% of the total site area) as passive open space for the community at the corner of Quaker Lane and Janneys Lane. Together with open space on the private lots, approximately 75% of the site will be retained as public and private open space. The open space at the corner of Quaker and Janneys Lanes provides open space where it is most visible to the public and where it retains the sense of openness at the intersection that is visually connected to the open space at the Virginia Theological Seminary and the Immanuel on the Hill Church. This passive park provides open space to the City at no cost.

The Open Space Plan identifies institutional uses such as the Second Presbyterian Church site, Immanuel on the Hill Church and the Virginia Theological Seminary as significant areas of open space in the City. The Plan recommends preserving all or a significant part of the Second Presbyterian site through donation of land, acquisition, easements and tree protection measures. The Commission and City staff found that the voluntary donation of two buildable lots (1.1 acres), in addition to the open space on the individual lots, and the retention of mature tree canopy is consistent with the Open Space Master Plan.

Tree Preservation:

The appellant has raised the concern that many of the trees that are designated to be retained as part of the construction process for the proposed development will not be adequately protected. The retention of the trees was a consideration as part of the initial siting of the homes, driveways, streets and utilities; therefore, staff believes that the proposed trees that are designated to be retained can survive the construction process and be retained. In addition, the limits of disturbance and tree protection measures have been reviewed and approved by the City Arborist to minimize impacts on the trees.

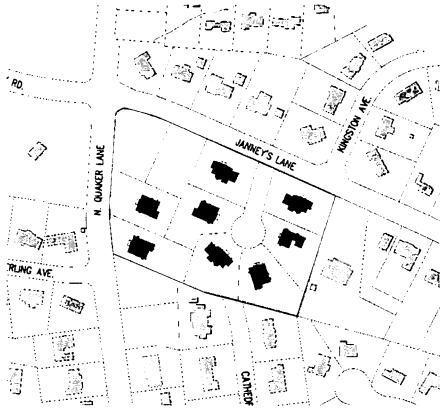
50 inch Historic White Oak

In addition, the Planning Commission also required conditions of approval regarding tree protection that require that:

- construction storage and materials must be stored outside the tree protection areas;
- wooden tree protection fencing around each tree-area must be installed;
- All underground utilities will be located so as to minimize disturbance in the tree protection areas; and
- A significant fine ($10,000) for each tree that is designated to be saved and is not retained serves as a significant incentive to ensure that each tree is retained. In addition for each tree that is designated to be retained but is damaged during the construction process, the applicant is required to replace it with the largest tree that can be transplanted and plant the remainder of the caliper on the site.

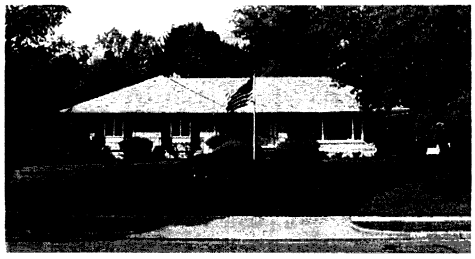
Staff believes that with the current site plan, tree protection measures and conditions of approval, retention of the trees can be accomplished.

Compatibility:



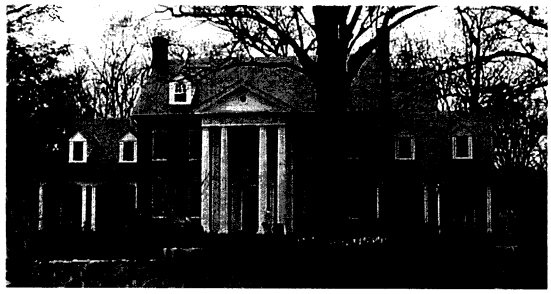
Context Plan

A concern raised by the appellant is the compatibility of the proposed homes with the existing neighborhood. This issue was also a concern of staff and the community throughout the review process, as discussed in the staff report. The proposed lots range in size from 22,000-26,000 sq. ft., which is comparable to many of the adjoining R-20 lots. The minimum lot size within the R-20 zone is 20,000 sq. ft. and the proposed homes have a similar building footprint and lot placement to the adjoining homes.


Typical House on Janneys opposite site

With respect to scale, most of the proposed homes are two to two and a half stories, whereas the homes surrounding the site range from one-story homes to two-story homes.

There also is a considerable change in topography from the northern (Janneys Lane) portion of the site to the southern portion of the site (adjacent to Cathedral Drive) that ranges from 2 ft. to 30 ft. above street level. This topography will give the homes the appearance of being taller, though they remain within the 35 ft. height permitted within the zone.



However, there are numerous good examples of larger homes within the City and adjoining neighborhoods that are located and designed in a way that are compatible with the architecture of the City. These houses generally have several common elements that help reduce the perceived scale of the homes. Examples include front porches, historically correct roof pitches and forms and symmetrical window patterns. In addition, these homes were generally constructed with several additions that occurred over time and appear as additive elements thus helping to mitigate the mass and scale of the proposed homes. These additive elements are generally a different material such as painted clapboard siding or enclosed porches, which add richness and variety to each of the homes.

House on Cathedral adjacent to site

A condition of the Planning Commission approval requires that the applicant work with staff on elements that can be incorporated into the proposed

A condition of the Planning Commission approval requires that the applicant work with staff on elements that can be incorporated into the proposed design of the proposed buildings such as porches, variation on roof pitches and materials in order to ensure more compatibility with homes typically found in Alexandria.

III. May 6, 2004 Planning Commission Hearing:

The Planning Commission approved the site plan, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0, with Mr. Leibach abstaining. The Commission found the plan to be in compliance with Sec. 11-400 of the Zoning Ordinance, which governs site plans. The Commission discussed the fact that the proposed development, with the significant donated open space area, complied with the goals of the Open Space Plan. The Commission also expressed their satisfaction with the staff analysis of water flow issues on the site, and agreed generally with the staff analysis and recommendations, which addressed additional issues of traffic, access, orientation of buildings, storm water runoff, drainage, tree retention, open space and compatibility with adjacent and nearby residential development. Further, the Commission recommended that if the City decides to purchase an additional lot for open space that the lot should be lot 9, located along North Quaker Lane.

IV. Staff Recommendation:

Staff recommends that the Council deny the appeal for the reasons set out above.

APPEAL TO CITY COUNCIL
OF
PLANNING COMMISSION'S APPROVAL OF SITE PLAN

To: Clerk of City Council
City of Alexandria

Re: City of Alexandria Planning Commission Meeting May 6, 2004
Docket Item 2-B
Development Site Plan #2004-0005
1400 Janneys Lane
Oak Grove
Applicant: Elm Street Development, Inc.

Appeal to City Council of Planning Commission's
Approval of a Request for a Development Site Plan

The undersigned Appellants, each an owner of property located within 1,000 feet of the boundaries of the site plan property known as 1400 Janneys Lane in the City of Alexandria, hereby appeal to the City Council the Planning Commission's approval of the site plan for such property, Docket Item No. 2-B, application submitted by Elm Street Development, Inc. and approved by Planning Commission on May 6, 2004. The grounds of the appeal are set forth in the attached Appellants' Statement of Grounds of Appeal. Appellants request that the City Council docket for public hearing this appeal.

APPELLANTS:

Judy C. Durand — Date: 05/20/04
Judy C. Durand
1431 Janneys Lane
Alexandria, VA 22302

Shahram Yavari — Date: 05/20/04
Shahram Yavari
1312 Janneys Lane
Alexandria, VA 22302

Ellen Evans Kranidas — Date: 05-20-2004
Ellen Evans Kranidas
1409 Kingston Avenue
Alexandria, VA 22302

(continuation of signature block)

APPELLANTS:

Benjamin S. Jones

Date: May 20, 2004

Benjamin S. Jones
1416 Key Drive
Alexandria, VA 22302

Statement of Grounds of Appeal

1. Nonconformity with the Master Plan

Section 11-420(B) of the Zoning Ordinance states that the site plan "application shall be in reasonable conformity with the master plan of the city." Appellant submits that the site plan is not in "reasonable conformity" with the Master Plan. The Open Space Plan, which is part of the Master Plan, was adopted by the Planning Commission and City Council in 2003. The Open Space Plan states that the Second Presbyterian site is "critical to achieving the goals of the open space plan."

a. The Open Space Plan Classifies Second Presbyterian as One of the Top Ten Critical Open Space Sites in the City.

Chapter 6 of the Open Space Plan, entitled "Plan Priorities and Funding Strategies," identifies eleven "priority actions [in no specific order] for the City to undertake first in its implementation of the Plan." Open Space Plan at pp. 81-83. One of the "priority actions" is to acquire a group of properties on the waterfront. A second "priority action" identifies nine sites, one of which is Second Presbyterian, which are "critical to achieving the goals of the open space plan" and recommends that the city "[s]trongly consider [these] properties for easements, acquisition, or other methods of open space preservation within the short term."

The Open Space Plan makes clear why preserving the Second Presbyterian site is "critical." Chapter 5 of the Open Space Plan, entitled "Plan," provides a "conceptual framework" for "making the most of the small amount of available land for open space use." As part of this framework, at p. 48, "a Central Open Space Conservation Area is established in the heart of the City through the preservation of land owned by Episcopal High School, the Episcopal Theological Seminary and the Second Presbyterian Church." The objectives are that "these open spaces can be protected in perpetuity and, possibly, certain areas made accessible to the general public for many years to come." The proposed site plan precludes achieving these objectives for the Second Presbyterian site.

b. The Open Space Plan, Adopted in 2003, Sets Forth the City's Current Intent for the Second Presbyterian Site.

The intent and spirit of the Open Space Plan, which was adopted just a year ago, should take precedence over the residential zoning of the site, which was last approved by Council over ten years ago. Council clearly and unequivocally expressed its intent in 2003 with adoption of the Open Space Plan that this site should be maintained and preserved as open space. Accordingly, the site plan is inconsistent with the Open Space Plan, which is an approved element of the City's Master Plan.

It is very important to note that the Open Space Plan (in contrast to the recommendation of the Open Space Steering Committee) is the result of extensive public

input. As detailed in Chapter 4 of the Open Space Plan, "Community Process: Synthesis of Ideas," a "multi-tiered involvement process was used to engage a broad range of key stakeholders, community groups, and residents in the planning process," including interviews with open space stakeholders, community sessions, a citywide Open Space Summit and public hearings before the Planning Commission and the City Council. Then, in the spring of 2003, first the Planning Commission and then the City Council unanimously approved the Open Space Plan as an amendment to the City's Master Plan.

Furthermore, City Council, as part of its budget deliberations this year, has stated its intent in the fall of 2004 to raise at least $10 million by issuing bonds for the purpose of acquiring open space and to decide how such funds will be spent for open space. The $10 million dollars is substantially less than the funding called for by the Open Space Plan. Until Council decides the amount of bonding for open space and allocates the funds this fall, it is premature to approve a site plan for a residential development for a site "critical to achieving the goals of the open space plan." Indeed, the initial public hearing on the implementation of the Open Space Plan is not scheduled until June 21, 2004, and further public hearings are contemplated in the fall.

The most recent expression of Council intent regarding the Second Presbyterian site is that the site should be maintained and preserved as open space, not that the site should be a residential development. As part of the process of implementing the Open Space Plan, the prior Council dedicated one penny of the real estate tax rate to an open space fund, the current Council has issued a statement of intent to use this fund to retire bonding for open space, and the current Council has issued a statement of intent to decide this fall what properties to acquire as open space and fund from such bonding. Accordingly, it is premature to approve any site plan for this site.

In addition, it should be noted that apparently City Council in the spring of 2003 informally decided in executive session not to pursue acquisition of the Second Presbyterian property. There does not appear to be any public record documenting consideration of this matter by Council nor the informal decision not to pursue acquisition, and apparently no motion was formally made and considered at any time. Council prior to such informal decision did not inform the general public that such matter was under consideration, provided no opportunity for citizens to comment on this matter, failed to provide any notice to most civic associations about the matter and, in general, informally decided not to pursue acquisition without any input from concerned citizens throughout the City. The owner of property, National Capital Presbytery (NCP) has stated that it made several attempts when the bid price was lower to contact and meet with the City to discuss the City's acquisition of the property and received no responses in return. A Seminary Hills Association Board member stated before the Planning Commission on May 6, 2004, that he was communicating with NCP at that time and he was told by NCP officials that it made three attempts to contact the City regarding City's acquisition, but received no responses. Not only is this process very troublesome, but it provides no basis to contend that Council has made any decision superceding the statements regarding the Second Presbyterian site in the Open

Space Plan, which was unanimously adopted as an element of the Master Plan by City Council in 2003.

c. The Recommendation of the Open Space Steering Committee to Allow Development of the Second Presbyterian Church Site Contradicts the Open Space Plan.

i. The Open Space Steering Committee Solicited No Public Input Prior to Rewriting the Open Space Plan. Contrary to the spirit of the open space planning process that culminated in the adoption of the Open Space Plan as an amendment to the Master Plan in the spring of 2003, the Open Space Steering Committee essentially excluded the public from participating in its deliberations concerning the Second Presbyterian site. First, the Committee insisted on meeting at 7:00 AM, despite the suggestions at a Council work session by both the Mayor and Vice Mayor that this schedule was inappropriate. Second, unlike the development of the Master Plan, including the Open Space Plan element, the Committee interviewed no stakeholders, held no community sessions, held no citywide forum, convened no public hearings and did not otherwise solicit or invite any input from citizens, civic associations or the committees deeply involved in the creation of the Open Space Plan, such as the Parks and Recreation Commission and the Environmental Policy Commission.

ii. The Open Space Steering Committee's Explanation of its Recommendation to Allow Second Presbyterian to be Developed Ignores the Plan's Conceptual Framework and the Central Open Space Conservation Area, Goal 6 Concerning Preservation In Perpetuity of Institutionally-Owned Open Space, and the Plan's Statement that the Site is Critical to Achieving the Goals of the Plan. The Open Space Steering Committee's explanation of its recommendation to allow Second Presbyterian site to be developed, as set forth in its April 19, 2004 memo, ignores (i) the importance of the "Central Open Space Conservation Area" to the "conceptual framework" of the Open Space Plan, (ii) Goal 6 of the Plan, which states that certain institutionally-owned open space, specifically including the Second Presbyterian site, should be protected and preserved in perpetuity, and (iii) the Plan's statement that preserving the Second Presbyterian site and eight other sites is "critical" to achieving the goals of the Open Space Plan.

iii. The Open Space Steering Committee's Evaluation Process Incorrectly Uses Open Space Categories to Recommend that Second Presbyterian Not Be Acquired by the City. Goal 2 in the Open Space Plan, at pages 52-53, states that the City should "Develop Innovative Opportunities for Creating Additional Public Open Space." The Plan then makes "eight recommendations, highlighted below [that] identify a number of innovative methods for creating public open spaces." The eighth recommendation for creating "innovative" open spaces states that the City should "[u]tilize the following selection criteria for **identifying** privately-owned land suitable for acquisition by the City for parkland/open space use," (emphasis added) and then lists twelve categories of oft-overlooked, non-traditional open space, such as pocket parks, excess rights of way, land near trails, and street endings.

Other recommendations to further Goal 2's objective of developing "Innovative Opportunities" for creating open spaces include creating parkland atop below-ground

parking structures, bridging over roads to link open spaces, and use of air rights to create new open space.

Goal 2 of the Open Space Plan and its recommendations for "innovative methods for creating public open space" have absolutely nothing to do with whether a large privately-owned open space site such as the Second Presbyterian Church should be acquired for open space. The Open Space Steering Committee's reliance on the categorization of non-traditional land-types that further the goal of developing "innovative methods for creating public open spaces" in order to evaluate the Second Presbyterian site is at best an inadvertent misreading of the Open Space Plan and at worst a transparent attempt to rank the site as low as possible by using wholly inappropriate evaluation criteria. Obviously, the Second Presbyterian site ranked low because it is not an "innovative method of creating open space," but is rather an entirely traditional open space site -- for Alexandria, a generously-sized park of about six contiguous acres with numerous mature trees and rolling meadow that is integral to the Central Open Space Conservation Area is exactly what the Open Space Plan seeks to preserve and protect.

Moreover, the Open Space Steering Committee - implicitly acknowledging the inappropriateness of the Goal 2 categories as open space evaluation criteria - has developed different criteria to use going forward to evaluate potential open space acquisitions. Practically speaking, the Committee is using the inappropriate Goal 2 criteria to justify its decision to recommend development of Second Presbyterian, but then switching to different evaluation criteria after making that recommendation.

The Appellants submit that Planning Commissioner Richard Leibach, who is a member of both the Open Space Steering Committee and a member of the Planning Commission, abstained from voting on the site plan before the Commission on May 6, 2004. Commissioner Leibach said he abstained due to conflict of interest in that he is serving on both decision-making Committee and Commission and the staff report and analysis before the Planning Commission on the Docket Item for May 6th meeting contained discussion of open space and recommendation of the Open Space Steering Committee against purchase of the property. No other member of the Planning Commission who also serves on the Open Space Steering Committee joined Commissioner Leibach in his abstention.

In summary, the Open Space Steering Committee recommendation not to acquire the Second Presbyterian site and instead allow development (1) was developed without any public input, (2) ignores the Plan's recommendations concerning the Central Open Space Conservation Area, as articulated in Goal 6 and the Plan's list of "critical" sites, and (3) is based on a misreading of Goal 2 of the Plan, which concerns "innovative methods of creating public open spaces", but provides no criteria nor analytical approach for evaluating and prioritizing potential open space acquisitions.

d. The Pickering Subcommittee Report Ranks Second Presbyterian as the Fourth Highest Priority Open Space Site in the City.

On March 11, 2004, the Search Subcommittee of the Open Space Steering Committee, chaired by former Council Member Ellen Pickering, released its one and only report. The Pickering Report ranks the Second Presbyterian Church site as the fourth highest priority open space site in the City. Pickering Report at p. 5. (The other members of the Pickering Subcommittee are Planning Commissioner Richard Leibach, Bill Dickinson, Bruce Dwyer and Kenyon Larsen.)

The Pickering Subcommittee used a two step process to arrive at this ranking. First, the Subcommittee identified, i.e., nominated, sites for consideration as open space (an appropriate use of the land-type categories listed in Goal 2 of the Open Space Plan). As the Pickering Report, at p. 1, states, "Goal 2 recommends the following selection criteria for **identifying** privately-owned land suitable for acquisition by the City for parkland/open space use: [listing of twelve categories of types of open space]." (Emphasis added.) The Pickering Subcommittee correctly understood that this listing of categories is not intended to be used to evaluate and prioritize sites for acquisition.

Second, for each "acquisition opportunity" identified, the Subcommittee used seven "considerations," or evaluation criteria, to determine the ranking of each identified site:
(i) property location and address, (ii) description, including unique environmental features, (iii) descriptions of all development, (iv) parking availability, (v) possible future uses, (vi) price, and (vii) an initial indication of priority (high, medium and low).

The Pickering Subcommittee identified the Second Presbyterian site as privately-owned open space suitable for acquisition. Next, using the seven evaluation criteria, the Pickering Subcommittee ranked the Second Presbyterian site as the fourth highest priority site to acquire for open space in the City. This ranking by the Pickering Subcommittee is entirely consistent with the Open Space Plan, which states that preserving the Second Presbyterian site, as part of the Central Open Space Conservation Area, is "critical to achieving the goals of the open space plan."

Thus, not only is Second Presbyterian a "critical" open space site pursuant to the Open Space Plan, but the <u>only</u> City group after adoption of the Plan that used appropriate criteria to evaluate and rank open space sites concluded that the site is the fourth highest priority site in all of Alexandria to protect and preserve as open space. The analysis of the Pickering Subcommittee is both consistent with the Master Plan and demonstrates the inadequacies of the analysis conducted by the Open Space Steering Committee.

2. Traffic

Subsections 11-410 (J), (K) and (L) of the Zoning Ordinance state: "Streets, sidewalks and alleys shall, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets, alleys and sidewalks. . . . Provision shall be made to ensure that adequate access roads or alleys or entrance or exit drives will be provided and will be designed and improved so as to prevent traffic hazards or problems and to minimize traffic congestion in public streets and alleys. . . . Provision shall be made to ensure that the vehicular circulation elements of the proposed development will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel."

The Appellants submit that the site plan and the traffic studies in support of site plan, including a trip generation study and traffic/queuing study, are insufficient, lacking in facts and scope, erroneous and misleading in presentation and conclusions. Appellants submit that the site plan has failed to provide factual conclusions and several essential and unbiased traffic studies and traffic studies broader in scope and provide traffic impact resolutions in order to meet the requirements of Subsections 11-410 (J), (K) and/or (L) of the Zoning Ordinance.

The City staff report on Site Plan in writing and, in part, orally presented to the Planning Commission, May 6, 2004, for its consideration, IV. Staff Analysis, "C. Traffic", states that applicant submitted a trip generation study and a traffic/queuing study by Wells & Associates completed in August 2003 and February 2004. Wells & Associates on behalf of Elm Street Development acknowledged in a memorandum to Thomas H. Culpepper, City of Alexandria T&ES, dated February 25, 2004, that the traffic counts for the westbound queuing analysis at the intersection to determine whether it will block the proposed development driveway were taken in August, "during which time traffic volumes are typically lighter than during times when school is in session, an adjustment factor to account for the increase in traffic would not significantly affect the calculated queue length." What was the adjustment factor?

The City staff report also stated:

"The trip generation study was based on 9 single family homes as opposed to the 8 currently proposed and compared the number of trips generated by the proposed development to that generated by the existing on-site uses (church and day care) during the AM and PM peak hours. The number of trips that will be generated by the proposed development was estimated based on the Institute of Transportation Engineer's (ITE) figures. Compared to the traffic counts for the existing church use, the study found a reduction in trips generated and that both the existing and proposed uses have no significant impact on the Quaker/Janneys Lane intersection."

Following the above paragraph on trip generation study in IV. Staff Analysis, "C. Traffic" is a chart showing "Use of Single Family, AM Peak, 16 in/out; PM Peak 12

in/out; Existing Church daycare, AM Peak 43 in/out; PM Peak 45 in/out; Percent Difference, AM Peak: -63%; PM Peak: -73%."

Upon seeing this chart previously at the Bishop Ireton community meeting with same information as in said staff analysis to Planning Commission, at the end of the Bishop Ireton meeting I, Judy Durand, informed the city presenter, Rich Baier, Director of T&ES, that I had talked to the director of daycare, and also I had witnessed the traffic count over several days for the existing church daycare and, based on both, the numbers relating to church daycare are incorrect. Ms. Debra Tillman, owner and director of the daycare center, told me, Judy Durand, shortly after a telephone call from the developer's representative, that a gentleman, who said he represented Elm Street Development, telephoned her and asked her one question: How many children attend the daycare at 1400 Janneys Lane in the church building? Ms. Tillman told Ms. Durand that she responded to the Elm Street Development representative: 45 children. According to Mr. Baier, Elm Street Development reported 45 as the traffic count for the existing church daycare use.

Ms. Tillman told Ms. Durand that there are at the Happy Home Child Learning Center, 1400 Janneys Lane, a large number of sibling sets that arrive/depart in one vehicle; a number of parents with child/children using public transportation, and a number of children who carpool to this daycare center. Ms. Tillman reports the majority of the vehicles enters and exits via Quaker Lane with only 4-5 entering and exiting Janneys Lane. Ms. Tillman reports that approximately 8 vehicles of the total exit via Quaker Lane and move through the Janneys/Quaker Lane intersection north to 395 in AM Peak and approximately 8 return through Janneys/Quaker Lane intersection PM Peak. These approximately 8 vehicles in PM Peak exit on Quaker in direction of Duke Street. The remaining vehicles enter/exit Quaker Lane in the AM Peak/PM Peak and travel to/from Duke Street to either 495 or to Old Town, Alexandria. According to Ms. Tillman, the total number of vehicles in the AM Peak and in the PM Peak travelling to and from this daycare, are 14-18 vehicles. Again, the majority of vehicles are entering and exiting Quaker Lane, and of those, approximately 8 vehicles in AM Peak and 8 vehicles in PM Peak of the total number of vehicles to/from daycare move through the Janneys/Quaker Lane intersection. Again, 4-5 vehicles enter/exit Janneys Lane.

This total traffic count for the church daycare of 14-18 in/out AM/PM Peak is remarkably different from the 43-45 in/out AM/PM Peak submitted by applicant and used by city staff. Appellants submit that traffic counts for the church daycare are used by applicant and others to downplay the traffic problems that the vehicles to/from proposed development will create. Mr. Baier stated before the Planning Commission, May 6, 2004, that the volume of traffic from the proposed development is based on 8-11 trips per single detached home. The Appellants submit that "Compared to traffic counts for the existing church use," the study did not find a reduction in trips generated from that of proposed development. The study of comparative traffic count is in question and so too the estimates of number of trips to/from proposed development and their impact on the Janneys Lane and the Janneys/Quaker Lane intersection.

Quaker Lane access is now open, but it will be closed with the proposed development. The Appellants submit that the traffic to/from development will be using Janneys Lane only for entrance/exit and these vehicles will travel eastbound and westbound on Janneys Lane and nearby streets. This will cause a hazardous traffic dynamic for existing residents of particularly the 1400 block of Janneys and particularly too, the beginning of the 1300 block of Janneys as well as Kingston. The beginning of 1300 block of Janneys and most certainly, the 1400 block of Janneys has existing traffic safety hazards which will be seriously compounded by the proposed vehicular driveway of the development only on Janneys and at the 1400 block. Movement by vehicles from the proposed development driveway, turning left and attempting to cross eastbound traffic on the 1400 block of Janneys to enter into westbound traffic to go through Quaker/Janneys Lane intersection will cause at most times but particularly and definitely at peak hours considerable congestion and traffic hazards. This movement by vehicles from the proposed development driveway will dramatically increase hazards to the safety of vehicular traffic and cause undue interference with the existing traffic eastbound and westbound on Janneys Lane. Further, attempts to turn off of Janneys Lane into the proposed development driveway by eastbound or westbound vehicles will substantially increase the existing traffic problems in the 1400 block of Janneys. Where is the impact study and analysis by applicant regarding these specific traffic issues in compliance with Subsections 11-410 (J), (K), and (L) of the Zoning Ordinance?

These traffic problems created by vehicles moving at all times during the day from the proposed development driveway onto Janneys is further aggravated by the many Metro and Dash buses and their stops in the 1300 and 1400 block of Janneys Lane, eastbound and westbound. These buses stop on 2-lane Janneys. Most often, vehicles attempt to pass the buses when they have stopped. There is a Metro/Dash stop eastbound approximately 180-200 feet from intersection and approximately 300 feet from the proposed development driveway on 1400 block of Janneys Lane. During the week, there are approximately 54 scheduled weekday buses eastbound for this Metro/Dash stop. Eastbound and approximately 50 feet from proposed development driveway at the beginning of 1300 block of Janneys Lane, which is at the corner of 1400 Janneys property, is another Metro/Dash stop. Almost directly across the street at 1300 Janneys is a westbound Metro/Dash stop. The number of westbound scheduled weekday buses is approximately same as eastbound. Westbound on Janneys Lane approximately 50 feet from intersection is Metro/Dash stop. Eastbound and westbound for these buses, the Saturday schedule is approximately 32 a day and Sunday, approximately 27 a day. Appellants understands that there will be an easement and bus shelter provided on 1400 block of Janneys Lane at the eastbound Metro/Dash stop only 180-200 feet from intersection and approximately 300 feet from proposed development driveway. Even if there is a decision to remove the eastbound 1300 Janneys stop and keep 1400 block eastbound Metro/Dash stop, the vehicles moving into/out of the proposed development driveway near the stopping and restarting of buses eastbound and westbound in the 1400 block of Janneys Lane will create a greater traffic hazard than exists today particularly as these vehicles try to cross eastbound traffic to enter westbound to move through the intersection. Where is the impact study and analysis by applicant regarding these specific traffic issues in compliance with Subsections 11-410 (J), (K), and (L) of the Zoning Ordinance?

Further, the Appellants submit that the closure of Quaker Lane to the proposed development is a very serious mistake and will cause more serious traffic hazards and congestion on Janneys Lane, particularly at low-numbered 1300 block and the 1400 block.

During peak hours, but not limited to those hours, the vehicles from the proposed development driveway moving into the westbound traffic lane to go through intersection as well as these proposed development vehicles moving through intersection and joining the existing traffic and buses eastbound will most certainly add to the blocking of driveways on the 1400 block of Janneys and some of those in the 1300 block of Janneys. The adverse impact of these vehicles entering/exiting onto 2-lane Janneys adding to the traffic congestion of area will block these existing property owner driveways. There is no question that these added vehicles entering/exiting traffic flow would dramatically worsen the blockage of existing driveways particularly those closer to the intersection or close to the 1300 or 1400 bus stops. The use of existing homeowner driveways on Janneys and Kingston near the proposed site for turnaround vehicles will dramatically increase. Where is the impact study and most importantly the analysis by applicant regarding these specific traffic issues in compliance with Subsections 11-410 (J), (K), and (L) of the Zoning Ordinance?

The Appellants submit that the driveway of the proposed development will be virtually across the street from the entrance/exit of Kingston Avenue. There has been a growth of traffic in and out of Kingston during the last few years and that traffic flow is during the course of the day. The vehicles moving in/out of the proposed development will cause traffic hazards for the existing property owners on Kingston particularly as both Kingston and proposed development vehicles try to enter Janneys Lane traffic westbound moving toward intersection. The Appellants submit that the site plan is void of essential traffic impact studies and analysis designed to prevent traffic hazards or problems and to minimize traffic congestion on Janneys Lane and nearby streets, most particularly low-1300 block, 1400 block of Janneys Lane , and the entrance and exit to Kingston. Where is the impact study and the analysis by applicant regarding these specific traffic issues in compliance with Subsections 11-410 (J), (K), and (L) of the Zoning Ordinance?

In addition, the site plan also has very few parking spaces on the proposed development driveway. The Appellants submit that the site plan does not address parking by vehicles attached to or visiting the proposed development that will be parking on the street at low-1300 block and particularly on the 1400 block of Janneys, which will create more traffic hazards, congestion, and undue interference of vehicular traffic for existing residents. Adding to these problems, if the "public park" at 1400 Janneys Lane is to be used by residents of the City, the site plan has too few parking spaces on the new development driveway, so that visitors to the "public park" will have to park on the streets of Janneys Lane or Kingston in parking spaces close to the "public park" location and near the intersection.

The site plan fails to address or prevent these many traffic hazards or problems, traffic congestion, and undue interference that will result from the vehicular traffic moving to, in and out of proposed development and traffic attached to the "public park". Appellants submit that traffic hazards or problems, undue interference, and traffic congestion resulting from vehicular traffic of proposed development entering/exiting onto 2-lane Janneys and near the intersection will be harmful to the existing nearby residents in violation of Subsections 11-410 (J), (K), and/or (L) of the Zoning Ordinance.

Appellants submit that traffic is one of many issues that Seminary Hills Civic Association and the Taylor Run Association did not consider in any meaningful way before their Board/Executive Committee voted and took position, without polling their memberships or meeting with majority of residents in the neighborhood within their respective association borders, regarding issues pertaining to site plan or generally to proposed development. The Appellants disagree with the staff discussion in report and oral statements put before the Planning Commission, May 6, 2004, on site plan pertaining to Seminary Hills Civic Association Task Force/Forces work to review and assess the issues including traffic in site plan.

3. Tree Preservation

Appellants submit that the approved site plan including the conditions required by city staff for final site plan is in violation of 11-410 (W) in that all of the 22 existing mature trees including the two existing historic trees on the proposed development property cannot be protected or preserved. The site plan's failure to retain all of these mature trees is in violation of the goal to "preserve areas of significant tree cover" in the Open Space Plan approved by City Council and the Planning Commission in 2003.

Stated in the staff report of site plan for consideration of approval by the Planning Commission, May 6:

"In addition to open space preservation, the applicant proposes to retain 22 of the existing trees. The site contains two existing historic oak trees on the southeastern portion of the site. These historic trees have been permanently protected by a covenant on the deed of the property. Both the developer and the new home purchasers are bound to protect and preserve these trees.

"If the site plan is approved, then the trees shown on this plan as retained or relocated will have to be maintained. Staff is recommending conditions that prohibit disturbance within the dripline of canopy of all trees to be protected, and that the homeowners documents communicate to future purchasers that all trees shown as saved on the site plan must be retained...."

Appellants submit that avoidance of tree damage will be an impossibility during substantial construction of proposed development including its proposed storm water management, and landscaping, homeowner constructions such as additions, pools, decks.

Appellants submit that the processes involved with the construction of the proposed development can be deadly to the existing trees on the property, even if there is attempt to fence trees off. The roots of a mature tree extend far from the trunk of the tree. Roots typically will be found growing a distance of 1-3 times the height of the tree. Severing one major root can cause the loss of 5-20% of the root system.

The root systems extend much farther than the driplines of the trees. Therefore, the Appellants object to site plan with " conditions that prohibit disturbance within the dripline of canopy of all trees to be protected."

The roots of a tree will extend far from the trunk and will be found mostly in the upper 6 to 10 inches of the soil. Another problem that may result from root loss due to digging and trenching is that the potential for the trees to fall over is increased. The roots play a critical role in anchoring a tree. If the major support roots are cut on one side of a tree, the tree may fall or blow over.

The digging and trenching that will be necessary to construct the houses and install underground pipes and underground utilities among other underground

constructions will likely sever a portion of the roots of many trees in the area. Further, unless the damage is extreme, the trees may not die immediately, but could decline over several years; the city may not associate the loss of the tree with the construction.

The heavy equipment used in construction compacts the soil and can dramatically reduce the amount of pore space. This not only inhibits root growth and penetration but also decreases oxygen in the soil that is essential to the growth and function of the roots.

Piling soil over the root system or increasing the grade will smother the roots. It only takes a few inches of added soil to kill a mature tree.

Appellants note "VI. Conditions:", to be part of the approved site plan outlines tree protection measures "to ensure the proposed trees to be saved as depicted on the preliminary site plan dated March 30, 2004.... All proposed tree protection details shall be depicted on the final site plan and be provided throughout the construction process." Amazingly inadequate are "Conditions" to be part of the approved site plan: "The developer shall call (emphasis added) the City Arborist for a review of the installed tree protection following its installation and prior to any construction, clearing, grading or site activity."

Appellants submit that the site plan requirements and specifications to protect and preserve these specified trees at 1400 Janneys Lane will fail. There will be substantial construction, digging on property not only for houses but also for storm water management, such as underdrain system and the sanitary and storm drain pipe trenches, and too, there will be soil impacts including piling of soil over the root systems. Appellants submit that a fine to be paid by the applicant "in an amount not to exceed $10,000 for each tree that is destroyed if the approved tree protection methods have not been followed" is a very low price to pay by applicant for loss of any of these trees. The loss of one of the historic trees is a tremendous loss to the city. It will be most difficult if not impossible to prove that any of these trees was destroyed by applicant not following the tree protection methods of site plan, particularly if there is delay in tree symptom development.

4. Compatibility

Appellants submit that the site plan fails under 11-410 (F) because the proposed homes are not compatible with the existing traditional neighborhood.

The compatibility issue pertains not only to the height of the buildings and the architectural incompatibility and massiveness of the proposed homes on lots ranging from 22,000 to 26,000 square feet compared to the smaller size of the traditional neighborhood's existing homes, but also, that the 8 large homes will be sitting on a steep incline. The proposed homes of two to two and a half stories will be sitting on a hill much steeper than that of the one large existing house at 1312 Janneys Lane which sits a substantial distance from the street. In addition, the existing house on Janneys Lane at 1312 is set on a very large lot, while in the new development the lots are much smaller. A large lot can absorb the large house; the much smaller lots in the Oak Grove development are not suitable for the planned large houses given the topography and relationship to other nearby houses in the neighborhood. The proposed lots ranging in size from 22,000 to 26,000 square feet are comparable to the nearby lots with homes much smaller in scale than the proposed massive homes.

Appellants submit that the scale of the proposed buildings cannot be significantly mitigated by the reduction of the size of the roofs. There is considerable change in topography from the Janneys Lane portion of the proposed development to the portion of the proposed development adjacent to Cathedral Drive, which ranges from 2 feet to 30 feet above the street. The topography will have the proposed homes towering in full view high above the street – visually making them even more massive and taller.

The Appellants submit that the scale of the homes cannot be mitigated particularly due to their sitting with full view from the street; their massiveness will be totally out of character and disproportionate to the traditional neighborhood.

5. Stormwater Management/Drainage

The Appellants submit that the site plan as approved violates 11-410 (N),(P), (Q), (S), (T), and (U) as it relates to generally and specifically the following discussion. The Appellants reserve the right to file supplemental documents regarding these and related issues.

The applicant has not demonstrated compliance with the City and State requirements for adequate outfall of drainage from a construction project. The applicant's project discharges runoff into a known inadequate drainage system, but has only proposed to upgrade a portion of the system to current City standards. The applicant's Site Plan knowingly does not contain information beyond the pipe outfall point of an existing 36" storm drainage pipe which serves to ultimately drain the majority of this proposed subdivision and the applicant has indicated that no analysis more than 10' to 20' downstream of this pipe outfall has been performed thus far. Applicant has relied on the statement that by not increasing runoff (another point that is refuted by Appellants) that this project does not have to consider the inadequacy of the downstream conditions below the existing 36" outfall pipe draining this site and the intersection of Janney's, Seminary and Quaker Lane.

Onsite Design and Conditions (to include all portions of the plan shown graphically as "proposed")

Based on the Bowman plan, 1.48 acres (24%) of the 6.07 acre site is improved with impervious areas (parking, travelways, structures, sidewalks and outbuildings). The developer proposes to construct eight single family detached dwellings, associated sidewalks, driveways and a public cul-de-sac asphalt street to serve these homes. As part of this plan of development, a new storm sewer system is being proposed. No stormwater management (SWM) features are proposed with this approved Site Plan based on the current plan, but it is the understanding of the Appellants that the developer and the City are considering agreeing on an SUP condition which would require such stormwater management to address potential downstream inadequacies in the outfall channel system. Notwithstanding this condition, there is no assurance that detention onsite can create an adequate condition below the 36" outfall through to Key Drive and Francis Hammond Parkway.

The staff report and approved Site Plan state that total impervious area will decrease from 1.48 acres to 1.42 acres upon redevelopment. This will hold true, so long as no more impervious area is constructed within the site beyond the 0.06 acre (2,613 square feet) difference that currently exists. This assumes, logically, that the homes, driveways and sidewalks that are shown on the GDP are what actually is constructed. Further, the natural pattern of home ownership and maintenance includes home additions, pools, patios, tennis courts that are added after the dwellings are constructed and the subdivision released from bond. A rather significant portion of the developer's engineer's opinion of storm drainage adequacy, based on Appellants' engineer review of the plan as well as discussion with the developer's engineer and the City T&ES, indicate that the concept of a runoff decrease is based on the quantity of impervious area being

incrementally reduced. With the average home addition occupying approximately a minimum of 600 to 1,000 square feet or more, a pool and associated deck approximately 300 to 500 square feet, a tennis court approximately 7,200 square feet and a patio approximately 200 to 400 square feet, it is not hard to see homeowners in the first five to ten years of homeownership, if not sooner, building out more "personal" impervious surface than the "excess" 2,613 square feet of additional impervious area difference between existing and proposed imperviousness. It is presumed, but (important) not stated in the approved Site Plan, that an SUP condition requiring SWM would create adequacy downstream.

Thus, Appellants assert that it is appropriate, absent a "cap" on the total amount of impervious area per lot via a covenant or restriction in the Deed of Subdivision as an SUP Condition (so that downstream owners can rest assured that the statement that stormwater runoff is generally decreased or at a minimum, not increased from this site can continue to be a reality after bond release and that the City or downstream property owners can enforce the requirements of maintaining a specific amount of impervious area on the overall project/subdivision, that the impervious area on this project site will increase, not decrease, as a result of this subdivision. Further, the two lots (which are being deeded as a "park" as appellant understands it from discussions with the City and developer) need to be restricted via covenant or other legal mechanism so that impervious areas are not constructed on those two lots by the City in the future or that some method of annotating the land records for these two lots be devised to insure that no runoff increase occurs from these properties if any impervious areas are planned in the future. The computations by the developer do not account for any impervious area on those two lots in the "Park Option" of development according to the Site Plan.

An additional concern of the Appellants related to the drainage system is to insuring that the final plans account for the actual drainage area to the existing pipe system in the intersection of Seminary/Janneys/Quaker Lane that is actually conveyed versus that watershed depicted in the approved Site Plan. Due to the apparent inadequacy of the storm sewer in the street, if the current flow to the existing 36" outfall is reduced (today) due to the inadequacies, then corrective measures (as shown in the Park Option) to replace the existing 15" storm sewer with more appropriately sized 30" storm sewer may actually convey additional runoff from the watershed that may not be conveyed to this outfall today. Since it is not within the scope of the Preliminary Site Plan to verify this, the Appellants can only ask the question of the developer's engineer as to whether a hydraulic grade line analysis was conducted of the existing system and whether all runoff from the drainage sheds shown in the approved Site Plan are, in fact, being passed through the storm sewer to the outfall in the pre-development calculations.

The Appellants further assert that in order to determine how much runoff is being proposed for the new storm sewer system, the approved Site Plan depicts specific drainage divides which must be fairly rigidly followed to insure that the desired "no net increase" effect is achieved. The approved Plan does not demonstrate how these new drainage divides are arrived at, since no grading plans have been submitted as part of the approved Plan. To recommend a PSP (Preliminary Site Plan) for approval without benefit of knowing whether these modified drainage divides are realistic or can be

achieved in reality is further grounds for this Appeal of the Planning Commission's decision.

Description of Offsite Outfall Channel

The existing storm drainage system serving the majority of the proposed development drains to the Seminary/Janneys/Quaker Lane intersection and ultimately discharges to the east within a currently vacant lot fronting Quaker Lane. The existing 36" storm drainage pipe outfalls into an existing trapezoidal concrete channel. This channel varies in height and conveyance capacity for the approximately 50 linear feet that it continues below the downstream end of the 36" pipe. At its largest point, the channel is approximately near 4' in depth and of similar top width, with bottom width being approximately 2' to 3' and this is, according to the applicant, the furthest point below the project site that the outfall was checked for adequacy.

Approximately 50 linear feet beyond the outfall of the pipe, the trapezoidal channel ends with the depth of the channel reduced to less than 2', linearly tapering in depth from the exit point of the pipe to the apparent downstream property line of the vacant lot. At this point, a series of quarter-sections of concrete pipe, laid in their side, forms a shallow circular channel approximately 12" to 15" deep and approximately 3' wide through the next property downstream. This area was not included in the approved Site Plan or verified by the applicant as to drainage conveyance adequacy.

This channel terminates at a driveway culvert on the third downstream property from the pipe exit and follows a somewhat natural channel of similar size, showing varying stages of minor erosion, through the lot, to a fourth lot (the final lot where open channel flow below the outfall pipe is present). This fourth lot features a smaller trapezoidal concrete channel than the upstream first (vacant) lot . This channel feeds into the public storm drainage system of Key Drive.

Appellants' assertions regarding lack of adequate outfall

Based on the size of the channels on the four properties below and the developer's engineer's quote of the approximate drainage area of this watershed (approximately 26 acres at the exit point of the 36" pipe in the vacant lot), the Appellants question why the Planning Commission does not consider the outfall channels described above to be part of the reviewable portion of the project under City Code and whether adequate outfall regulations should be applied by the City to the open channel sections of the outfall below the existing 36" storm drainage system and believes the subject outfall channel between Quaker Lane and Key Drive should be included in the outfall analysis of the project. The channel sections (most averaging not more than 2' deep and 2' to 4' wide dependent on where they would be measured) would not carry any substantial amount of runoff before overtopping into the adjacent lawns and yards of the homes this channel system flows through, not meeting City design standards for outfall channels

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 30, 2004

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: EILEEN P. FOGARTY, DIRECTOR, PLANNING AND ZONING

SUBJECT: REVISED CONDITIONS #47 AND #48 FOR OAK GROVE (DSP #2004-0005, SUB #2004-0005 and Street Name Case #2004-0001)

As a matter of clarification, please note the following revised conditions #47 and 48 that are recommended by staff in place of condition #47 and 48 that were included within the staff report.

47. The final architectural elevations shall be consistent with the level of quality and detail provided in the preliminary architectural elevations dated March 25, 2003. In addition, ~~the applicant shall provide additional refinements to the satisfaction of the Director of P&Z that shall at a minimum include~~:
    a. The primary materials of the units for each facade shall be limited to brick, stone or cementitious siding.
    b. Where possible, ~~For all of the units~~ the width of shutters needs to equal half the width of the adjacent window.
    c. Color elevations will ~~shall~~ be submitted for review and comment with the final site plan.
    d. Architectural elevations (front, side and rear) shall be submitted for review and comment with the final site plan. Each elevation shall indicate average finished grade.
    e. The facades that are visible from the streets and potential ~~future~~ public park shall be designed with a level of architectural detail and with finishes consistent with the front facade treatment. (P&Z)

48. The applicant shall submit revised architectural elevations for review and comment by the Director of P&Z. The revised elevations should generally ~~design of the units shall be improved and refined to~~ present a more balanced facade appearance, orderly fenestration pattern and ~~to more closely~~ emulate the styles and scale of residential houses typically found in the City of Alexandria. ~~The changes should generally include the following to the satisfaction of the Director of P&Z.~~ Items to be considered by the applicant in revising the elevations include:

a. Revising the size, pitch and design of the roofs ~~shall be revised~~ to reduce their size and mitigate the ~~large~~ scale of the buildings;

b. Establishing a more formal order on the elevations, particularly sides and rears, for a ~~to have~~ a more symmetrical arrangement of appropriate sizes, proportions, and types of windows;

c. Using ~~types of~~ window styles ~~used should~~ that conform with the historic style of the general design of the house;

d. Using special windows, such as Palladian windows, only a focal points of the entire elevation ~~house design~~;

e. Incorporating architectural elements typically found on houses in Alexandria such as the presence of covered porticoes and porches on at least the front facade and desirable on other elevations;

f. Making chimneys ~~should be~~ more massive, reflecting load-bearing masonry construction typical of the historic houses depicted;

g. Using materials ~~should be~~ that are consistent with the traditional buildings in Alexandria that are predominantly brick or siding or a combination of the two. Stone was not often used as a general cladding material except in some Arts and Crafts style houses.

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May 6, 2004

Eric R. Wagner, Chairman, and Members
Alexandria Planning Commission
City Hall
301 King Street
Alexandria, VA 22314

RE: Oak Grove Development Site Plan #2004-0005, Subdivision #2004-0005
Street Name Case #2004-0001

Dear Chairman Wagner and Members of the Commission:

On behalf of Elm Street Development, Inc., the developers of Oak Grove, I am submitting revised conditions for your consideration.

Sincerely,

Jonathan P. Rak

Jonathan P. Rak

Enclosure
cc: Eileen Fogarty, Planning Director
James Perry, Elm Street Development

CONDITIONS:

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

I. Landscaping and Tree Protection

1. The applicant shall implement the following tree protection measures to ensure the retention of the proposed trees to be saved as depicted on the preliminary site plan dated March 30, 2004 to the satisfaction of the Directors of P&Z and RC&PA. All proposed tree protection details shall be depicted on the final site plan and be provided throughout the construction process.
   a. No construction materials or equipment shall be stored or staged beyond the limits of disturbance.
   b. A note identifying these restrictions shall be provided on the Site Plan Cover, Erosion Sediment Control and Landscape Plan sheets.
   c. Provide a note on the plan that the existing shed on lot 5 in the drip line will be removed without heavy equipment entering into the drip line of the existing tree.
   d. Tree protection for any protected tree shall be constructed of 4"x 4" wooden vertical posts installed in the ground 8' on center with 1"x 6" wooden battens mounted between them. Temporary plastic fencing may be used to define other limits of clearing. All tree protection must be shown on the final site plan, and is to be installed prior to any clearing, excavation or construction on the site. **Alternative tree protection, providing equivalent or superior protection, may be approved by the City Arborist.** The developer shall call the City Arborist for a review of the installed tree protection following its installation and prior to any construction, clearing, grading or site activity.
   e. All underground utilities shall be located so as to avoid disturbance for grading beyond the limits of disturbance.
   f. If the trees are damaged or destroyed ~~during the~~**by** construction ~~process~~**activities** the applicant shall replace the tree(s) with the largest caliper trees(s) of comparable species that are available or can be transplanted to the satisfaction of the City Arborist and Director of P&Z; the remaining tree caliper shall be planted on-site or adjacent to the site. In addition, a fine will be paid by the applicant in an amount not to exceed $10,000 for each tree that is destroyed if the approved tree protection methods have not been followed. The replacement trees shall be installed and if applicable the fine shall be paid prior to the ~~issuance~~**release** of the ~~last certificate of occupancy permit~~**public improvements bond**. (P&Z)

2. The Homeowners Association (HOA) shall incorporate language that requires the following elements and other restrictions deemed necessary by the City Attorney to ensure that the trees proposed to be saved are retained including:
   a. The two historic trees shall be subject to all restrictions as mandated by the City Code and applicable ordinances. The owners for lot 7 and lot 6 shall be required to sign a disclosure statement acknowledging the prescence and required protection of the trees.

b. The trees to be protected as depicted on the approved site plan shall be required to be retained unless otherwise permitted to be removed by the City Arborist due to the health and safety of the tree.

c. Any proposal to remove a tree that is designated to be retained on the approved site plan for reasons other than health or safety shall require unanimous approval by the Homeowners Association and subsequent approval by the Planning Commission. (P&Z)

3. The area of the limits of disturbance and clearing for the site shall be limited to the areas as generally depicted on the preliminary site plan dated March 30, 2004 and reduced if possible to retain existing trees and grades. (P&Z)

4. Depict and label tree save areas on the site plan, erosion control plan, and grading plan sheets in addition to the tree preservation plan sheet. (RP&CA)

5. Revise the site plan, landscape plan and tree protection plan to minimize impact on trees to be saved and protected in accordance with the following to the satisfaction of the Directors of P&Z and RP&CA:
   a. Provide a tree preservation plan for the alternative preliminary site plan, and revise tree protection (sheet C-9) to be located outside of the Historic Tree canopies.
   b. On lot 6, shift driveway and retaining wall farther away from the drip line of the 43" caliper white oak to the maximum extent possible.
   c. Relocate the house and/or below grade drainage pipe for lot 5 to ~~be located completely outside the drip line for~~**the north and away from** the 50" caliper white oak.
   d. Expand the tree save area around the 43" white oak on lot 7.
   e. Revise the property line of lot 9 to exclude the proposed 33" chestnut oak tree to be saved to be located outside the dripline of the tree.
   f. Relocate the proposed street tree adjacent to the 24" London Plane tree to be saved, on the cul-de-sac, lot 10. This tree is positioned too close to the existing tree, and too close to the edge of the proposed retaining wall.
   g. Provide tree pruning/root pruning preservation notes for the 43" caliper white oak tree on lot 7, where the proposed stone wall will be installed. Root pruning shall be required prior to the installation of the retaining wall. (P&Z) (RP&CA)

6. A landscape plan shall be provided with the final site plan to the satisfaction of the Directors of P&Z and RP&CA. At a minimum the plan shall provide:
   a. Street trees at an interval of no more than 30 feet on-center along Janneys Lane, Quaker Lane and the new public street.
   b. Additional evergreen planting, trees and landscaping shall be provided for all retaining walls that exceed 3 ft. tall.
   c. Provide a significant amount of additional decidious and evergreen trees on the eastern portion of the site to provide screening for the adjoining single-family home.
   d. Provide a significant amount of additional decidious and evergreen trees on the southern portion of lot 7 and lot 8 to provide screening for the adjoining single-family homes.

e. All landscaping shall be maintained in good condition and replaced as needed.

f. All plant materials and specifications shall be in accordance with the current and most up to date edition of the American Standard For Nursery Stock (ANSI Z60.1) as produced by the American Association for Nurserymen; Washington, D.C.

g. Show proposed bus shelters on landscape plan.

h. A bond ~~for all existing trees and landscaping designated to be retained, in an amount determined by the Director of Parks, Recreation and Cultural Activities, and for 100% of the cost of trees and landscaping required to be installed, shall be provided and maintained for a period of five years.~~ **or escrow for all landscaping shall be required in accordance with Section 11-413(A)(6)(b). No release of this bond or escrow shall occur until any existing vegetation damaged by the construction process is replaced in accordance with Section III.D of the City Landscape Guidelines.**

i. The applicant shall be permitted to make minor modifications, if the modifications enhance the tree protection measures. (P&Z)(RP&CA)

7. The applicant shall revise the design of the open space at the corner of Quaker and Janneys Lane and shall be responsible for the amenities and landscaping to the satisfaction of the Directors of RP&CA, P&Z and T&ES in consultation with the community. The plan shall be revised to provide the following:

   a. The open space shall provide amenities such as such as brick sidewalks, benches, focal element, high quality signage, trash receptacles, landscaping, etc. to encourage its use.

   b. There shall be no walls or fences that would appear to close the open space from public access.

   c. The trees shall be reconfigured and the tree species shall be revised to provide a more open and informal gathering area and open space.

   d. Locate trees and specify species in a manner that substantially preserves the openness at the corner of Quaker Lane and Janneys Lane and provides high-quality passive use space.

   e. The pathways shall be handicap accessible.

   f. Locate utilities in a manner which eliminates or minimizes as much as possible conflicts between utilities and existing and proposed landscaping, including the following:

      i. ~~Abandon the existing 12" storm line under the canopy~~**If a new storm drainage line is required along the western property line in the vicinity** of the 33" chestnut oak tree to be saved at Quaker Lane ~~and install new storm~~ **the** line **shall be installed** outside the drip line.

      ii. Relocate the proposed gas line that is now shown traversing the proposed park conflicting with the landscaping proposed.

8. Revise the property line of lot 9 to exclude the 33" chestnut oak to the tree canopy drip line. (RP&CA)

II. Site Plan:

9. Revise the proposed public sidewalks and public pedestrian easements to provide the following:
   a. The internal sidewalk adjacent to the public street shall be 5ft. wide with a 4 ft. landscape strip between the sidewalk and the curb.
   b. A 5 ft. wide pedestrian easement and sidewalk or path shall be provide on the southern and eastern portion of lot # 9 and on the southern portion of lot # 10. The path shall provide a pedestrian connection from Quaker Lane to the open space on the corner of Quaker Lane and Janneys Lane and the internal public street.
   c. The landscape island within the cul-de sac shall be increased and the end of the on-street parking lane near Janneys Lane shall be reconfigured to the satisfaction of the Director of P&Z, T&ES and Code Enforcement.
   d. Provide a six foot sidewalk adjacent to the public streets on Quaker Lane and Janneys Lane with a 4 ft. landscape strip between the curb and the sidewalk.. Provide a public access easement for that portion of the six foot sidewalk located on the lots 3, 4, 8 and 9. **Modifications to this standard section may be permitted by the Directors of P&Z and T&ES in order to limit impacts on existing trees.** (P&Z)(RP&CA) (T&ES)

10. A public access easement for a pedestrian connection from the proposed public street parallel with the lot line of lot 6 and lot 7 and which shall connect to the existing sidewalk on Cathedral Drive. The surface for the trail shall be a pourous material. (T&ES)(RPCA)

11. All retaining walls shall be constructed with a natural stone or brick veneer. Any protective fencing or railing atop retaining walls shall be visually unobtrusive and of a decorative metal material, to the satisfaction of the Directors of P&Z and Code Enforcement. Additional retaining walls other than those shown on the preliminary site plan shall be permitted if they are required to protect existing trees or to prevent any extensive grading, or additional tree loss. Provide a retaining wall detail on the final site plan. (P&Z)

12. Fences shall be limited to a maximum height of 3.5 ft. and shall be limited to a decorative open style metal fence or painted wooden picket to the satisfaction of the Director of P&Z. A detail of all fences shall be provided on the final site plan. Fences within the front yard of lot 3 and lot 9 shall not be permitted. No fences shall be installed within the drip line of any tree shown to be saved ~~saved~~ on the preliminary site plan **unless the city arborist determines that the proposed installation will not adversely affect the tree**. All fence locations shall be depicted on the final site ~~pan~~**plan** and a detail of all proposed fences shall be provided on the final site plan.(RP&CA)(P&Z)

13. Show existing and proposed street lights and site lights on the site plan. Provide a lighting plan with the final site plan to the satisfaction of the Director of T&ES in consultation with the Chief of Police. The plan shall show existing and proposed street lights and site lights; indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts; provide manufacturer's specifications for the fixtures; and provide lighting calculations to verify that lighting meets City Standards. (T&ES)(Police)

14. Provide all pedestrian and traffic signage to the satisfaction of the Director of T&ES. (T&ES)

15. All driveway entrances and sidewalks in public ROW or abutting public ROW shall meet City standards. (T&ES)

16. Show all existing and proposed easements, both public and private. (T&ES)

17. Replace existing curb and gutter, sidewalks, and handicap ramps that are in disrepair or broken. (T&ES)

18. Provide structural details for the proposed retaining walls greater than four feet in height.. (T&ES)

19. The Developer should provide two 4" rigid steel galvanized traffic signal conduits along the Quaker Lane and Janneys Lane frontage of the project. The conduits shall be buried 2 feet and shall terminate in developer supplied junction boxes at each end and at the Quaker Lane and Janneys Lane intersection. (T&ES)

20. The plans need to show more detail of the existing traffic signal and any impacts. (T&ES)

21. The proposed roadway will be a public roadway and must meet all minimum City street standards. Provide a five foot sidewalk on both sides of the proposed roadway and the cul-de-sac, street lighting and drainage. (T&ES)

22. The proposed width of the public roadway is too narrow to allow on-street parking on both sides of the street. Parking will only be allowed on one side of street as determined by the Director of T&ES. (T&ES)

23. Show the location of the bus shelters on the plan with associated easements and passenger loading ramps. Relocate bus shelter easements away from the trees to be saved on Quaker Lane. Relocate bus shelter or relocate proposed entry walk so that the bus shelter is not directly located next to the entry sidewalk into lot 8. (RP&CA) (T&ES)

24. Show all utility structures, including transformers, on the final development plan. All utility structures (except fire hydrants) shall be clustered where possible and located so as not to be visible from a public right-of-way or private street. When such a location is not feasible, such structures shall be located and screened to the satisfaction of the Director of P&Z. (P&Z)

III. Environmental

25. Developer to comply with the peak flow requirements of Article XIII of AZO. All roof drains, foundation drains and the majority of site runoff must be piped to an underground stormwater conveyance system. Provide measures to limit the migration of groundwater to adjacent properties. (T&ES)

26. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)

27. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of Article XIII of AZO shall be met. (T&ES)

28. Provide a narrative describing how the project will comply with the stormwater quantity and quality requirements of Article XIII of the Zoning Ordinance. (T&ES)

29. Provide pre and post development, two and ten year storm water computations for the entire site along with a drainage map. (T&ES)

30. Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfalls are available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall. The majority of the runoff from the proposed development outfalls into an existing closed storm drainage system which discharges into an open channel. Due to the proximity of the open channel to the existing homes on Key Drive, discuss the impacts of development to the downstream properties. (T&ES)

31. The proposed grading on the eastern portion of the site is steeper than the existing. Show how the runoff will be handled before it impacts the adjacent property. Show additional spot elevations on the eastern end of the retaining wall. (T&ES)

32. The applicant is encouraged to involve the stormwater management designer at an early stage of the site plan process in order to ensure future submittals incorporate stormwater design aspects into the site design in accordance with Article XIII of the Zoning Ordinance. (T&ES)

33. ~~Abandon the storm sewer located on the western portion of the property and relocate the new system into the Quaker Lane right of way.~~ All storm sewers maintained by the City must be a minimum size of 15" for catch basin connections and a minimum size of 18" for storm sewer mains. (T&ES)

34. All Best Management Practices (BMP) stormwater facilities shall be located on private property or on common areas. This may require applicant to install two smaller flow through BMPs instead of one with higher capacity. (T&ES)

35. Provide additional inlets in place of manholes on the existing and proposed storm sewer on lots 1-3 to maximize the collection of surface run-off from the site **if required by the Director of T&ES**. (T&ES)

36. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to

clearly show the drainage patterns. (T&ES)

37. Maintain a ten foot horizontal separation between sanitary and waterlines and a six foot horizontal separation between sanitary and storm sewer. (T&ES)
38. A detailed geotechnical report will be required to be submitted with the first final plan submission. The site is bordering the marine clay area as delineated on the City map of marine clay areas. There is evidence of groundwater seepage on the site. The report is to include, at a minimum: groundwater information, identifying the problems and presenting solutions, underdrain systems, waterproofing basements, how to handle surface and ground water on the site and a summary of impacts to adjacent properties. (T&ES)

39. The stormwater collection system is part of the Taylor Run watershed. All on-site stormwater curb inlets and public curb inlets within 50 feet of the property line shall be duly marked to the satisfaction of the Director of T&ES.(T&ES)

40. Provide a drainage map for the area flowing to the chosen stormwater Best Management Practices (BMPs), including topographic information and storm drains.(T&ES)

41. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:

    a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
    b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized.
    c. The surface appurtenances associated with the on-site structural stormwater Best Management Practices (BMPs) shall be marked to the satisfaction of the Director of T&ES to identify them as part of a structural BMP system. (T&ES)

42. For any surface-installed stormwater Best Management Practice (BMP), i.e. Bio-Retention Filters, Vegetated Swales, etc. that are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of T&ES. (T&ES)

43. Prior to approval of the final site plan, and as reviewed as part of the second final, the applicant shall execute, submit and appropriately record in the land records, a maintenance agreement with the City for the Stormwater Quality Best Management Practices (BMPs). (T&ES)

44. Prior to release of the performance bond, the applicant is required to submit a certification by a qualified professional to the satisfaction of the Director of T&ES that the existing stormwater management facility adjacent to the project and associated conveyance systems were not adversely affected by the construction and that they are functioning as designed and are in a condition similar to prior to construction began. If maintenance of the facility or systems were required in order to make this certification, provide a description of the

maintenance performed. (T&ES)

45. The applicant shall furnish the Home Owners Association, where applicable or the owners with an Owner's Operation and Maintenance Manual for all the Best Management Practices (BMPs) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. Prior to release of the performance bond, a copy of the Operation and Maintenance Manual shall be submitted to the City on a digital media. (T&ES)

46. Plan does not indicate whether or not there are any known soil and groundwater contamination as required with all preliminary submissions. Should any unanticipated contamination or underground storage tanks, drums and containers be encountered at the site the applicant must immediately notify the City of Alexandria Department of Transportation and Environmental Services, Division of Environmental Quality.(T&ES)

IV. Architectural

47. The final architectural elevations shall be consistent with the level of quality and detail provided in the preliminary architectural elevations dated March 25, 2003. In addition, the applicant shall provide additional refinements to the satisfaction of the Director of P&Z that shall at a minimum include:
    ~~a.~~a. The materials of the units for each facade shall be limited to brick, stone or cementitious siding.
    b. For all of the units the width of shutters needs to equal half the width of the adjacent window.
    ~~c.~~c. Color elevations shall be submitted with the final site plan.
    d. Architectural elevations (front, side and rear) shall be submitted with the final site plan. Each elevation shall indicate average finished grade.
    e. The facades that are visible from the streets and future public park shall be designed with a level of architectural detail and with finishes consistent with the front facade treatment. (P&Z)

48. The design of the units shall be improved and refined to present a more balanced facade appearance, orderly fenestration pattern and to more closely emulate the styles and scale of residential houses typically found in the City of Alexandria. The changes should generally include the following to the satisfaction of the Director of P&Z:
    a. The size, pitch and design of the roofs shall be revised to reduce their size and mitigate the large scale of the buildings;
    b. Establish a more formal order on the elevations, particularly sides and rears, to have a more symmetrical arrangement of appropriate sizes, proportions, and types of windows;
    c. Types of window styles used should conform with the historic style of the general design of the house

d. Use special windows, such as Palladian windows, only a focal points of the entire house design;
e. Incorporate architectural elements typically found on houses in Alexandria such as the presence of covered porticoes and porches on at least the front facade and desirable on other elevations;
f. Chimneys should be more massive, reflecting load-bearing masonry construction typical of the historic houses depicted;
g. Materials should be consistent with the traditional buildings in Alexandria that are predominantly brick or siding or a combination of the two. Stone was not often used as a general cladding material except in some Arts and Crafts style houses.

49. The building footprints for each unit shall be limited to the building envelope depicted on the preliminary plan unless otherwise necessary to retain additional trees to the satisfaction of the Director of P&Z. (P&Z)

V. Street Name Case

50. The new public street shall be named Barecroft Place and shall be shown on the final site plan. (P&Z)

VI. Subdivision/Legal

51. The final subdivision plat shall be consistent with the final site plan, except that the subdivision plat shall be modified to provide a separate lot for the driveway that provides access to lots 7, 8, 9 and 10. Lots 1 shall generally be a minimum of 26,030 sq. ft. and lot 2 shall generally be a minimum of 22,582 sq. ft. as reflected on the preliminary site plan dated 3/30/04 to the satisfaction of the Directors of P&Z and RC&PA. The final subdivision plat shall be approved and recorded prior to the release of the final site plan. The subdivision plat and all easements shall be submitted as part of the first final site plan submission. (P&Z)

52. The developer shall provide a signed disclosure statement from each purchaser prior to the release of a certificate of occupancy permit for that unit. The prospective purchasers shall be informed of the restrictions imposed on the landowners by the elements of this proposed site plan, including:
a. Tree protection requirements;
b. The presence and location of the proposed public park;
c. Public access easements/paths through the development site and to the open space and public streets;
d. The new public street and emergency vehicle easement restrictions;
e. Sanitary sewer easements; and
f. That zoning limits construction of future building additions and/or decks larger than what is shown on the site plan. (P&Z)

53. The applicant shall submit a homeowner's agreement (HOA) for approval by the City Attorney, prior to applying for the first certificate of occupancy permit. Such HOA shall

include the conditions listed below, which shall be clearly expressed in a separate section of the HOA. Also, such section within the HOA shall include language which makes clear that the site plan conditions listed shall not be amended without the approval of the Planning Commission:

a. The protected trees/tree protection areas as set forth as part of the site plan approval.
b. Exterior building improvements by future residents, including above ground decks not included on the approved plans or different from the approved plans, shall require the approval of the Director of Planning and Zoning and must be consistent with the site plan conditions.
c. Building additions, including decks are limited to the building envelope depicted on the approved site plan.
d. All required landscaping and screening including trees and landscaping in the common area,) shall be maintained in good condition.
e. No ground disturbing activity shall occur within the "limits of disturbance" areas or drip-line areas of trees preserved as a condition of this site plan approval.
f. The principal use of the individual garages shall be for passenger vehicle storage only. ~~(P&Z)~~
g. Each homeowner shall maintain the private storm drain lines on their property in good working order in accordance with the approved final site plan. (P&Z)

54. Freestanding subdivision and/or development sigage shall be prohibited. (P&Z)

55. In accordance with the City's Affordable Housing Policy, the applicant shall make a contribution to the City's Housing Trust Fund of $1.00 per gross square foot of new building area (see definition of gross square footage provided in the Developer Checklist). The applicant shall pay the contribution to the City prior to the issuance of the certificate of occupancy. (Housing)

VII. Construction and Phasing

56. A temporary informational sign shall be installed on the site prior to the approval of the final site plan for the project and shall be displayed until construction is complete or replaced with a marketing sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project. (P&Z)

57. The applicant shall identify a person who will serve as liaison to the community throughout the duration of construction. The name and telephone number of this individual shall be provided in writing to residents, whose property abuts the site, and to the Directors of P&Z and T&ES. (P&Z)

58. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging. (T&ES)

59. During the construction phase of this development, the site developer, its contractor, certified land disturber, or owner's other agents shall implement a waste and refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them and sanitary waste at the construction site and prevent its off site migration that may cause adverse impacts to the neighboring properties or the environment to the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be disposed off site properly in accordance with all applicable federal, state and local laws.(T&ES)

VIII. General

60. Remove gas line from 10' water main easement. No other utilities are allowed within the VAWC easement. (T&ES/VAWC)

61. The General Notes of the Final Site Plans must include the following statements so that on-site contractors are aware of the requirements:
    a. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
    b. The applicant shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology. (Archaeology)

62. Certificates of Occupancy will not be issued for this property until the final archaeological report has been received and approved by the City Archaeologist. (Archaeology)

63. The developer will erect a historic marker on the property according to specifications provided by Alexandria Archaeology. The marker will highlight the historical and archaeological significance of the property. (Archaeology)

64. The developer will produce a booklet for the public on the history and archaeology of the property, according to specifications provided by Alexandria Archaeology. (Archaeology)

65. Any inconsistencies between the various drawings shall be reconciled to the satisfaction of the Directors of P&Z and T&ES. (P&Z)

66. All Traffic Control Device design plans, Work Zone Traffic Control plans, and Traffic Studies shall be sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)

67. Solid waste services shall be provided by the City. In order for the City to provide solid waste service, the following conditions must be met. The development must meet all the minimum street standards, including all standard cul-de-sac turnarounds, if applicable. The developer must provide adequate space within each unit to accommodate a City Standard super can and recycling container. The containers must be placed inside the units or within

an enclosure that completely screens them from view. The developer must purchase the standard containers from the City or provide containers that are compatible with City collection system and approved by the Director of Transportation and Environmental Services. The houses on the pipestem driveway will have to bring the trash containers down to the public street right of way. (T&ES)

68. If fireplaces are to be included in the development, the applicant is required to install gas fireplaces to reduce air pollution and odors. Animal screens must be installed on chimneys. (T&ES)

69. The final site plan shall include a zoning tabulation that clearly depicts the permitted and proposed net/gross floor areas, height, yard setbacks, and all other applicable zoning requirements for each individual lot. This information sheet shall also be attached to all building permits. (P&Z)

70. Submit a building location survey to Planning staff prior to applying for a certificate of occupancy permit for each unit. The applicant shall submit the final "as-built" site plan for the entire project prior to applying for a certificate of occupancy permit for the last dwelling unit. (P&Z)

71. Temporary construction trailer(s) shall be permitted and be subject to the approval of the Director of P&Z. Temporary structures for sales personnel, as well as sales/marketing signs, shall be permitted, with the size and site design for such temporary structures, including signs, subject to approval by the Director of Planning and Zoning. (P&Z)

72. The applicant is to consult with the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding locking hardware and alarms for the homes. This is to be completed prior to the commencement of construction. (Police)

73. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for any sales or construction trailers as soon as they are to be placed on site. (Police)

74. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z)

Staff Note:
In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of

a special use permit by City Council or the special use permit shall become void.

Document comparison done by DeltaView on Thursday, May 06, 2004 6:08:57 PM

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Document 1	PowerDocs://REALESTATE-ENV/214105/1
Document 2	PowerDocs://REALESTATE-ENV/214105/2
Rendering set	MW Standard

Legend:	
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Statistics:	
	Count
Insertions	18
Deletions	15
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	33

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May 6, 2004

Eric R. Wagner, Chairman, and Members
Alexandria Planning Commission
City Hall
301 King Street
Alexandria, VA 22314

RE: Oak Grove Development Site Plan #2004-0005, Subdivision #2004-0005
Street Name Case #2004-0001

Dear Chairman Wagner and Members of the Commission:

On behalf of Elm Street Development, Inc., the developers of Oak Grove, I am submitting photographs of houses within the immediate vicinity of the development and a pattern exhibit of the development to address the issue of "compatibility" in the staff analysis.

As you know, a site plan application must meet the provisions of the Zoning Ordinance. The residential zone regulations are objective standards designed to address lot size, floor area ratio, yard setbacks and building height. In the R-20/Single Family Zone, the standards were established to provide and maintain low density residential neighborhoods of single-family homes. As stated in the staff report, the proposed Oak Grove development either meets or exceeds the zoning requirements of the R-20 zone.

The Site Plan requirements in Section 11-410 (C) & (F) specifically address issues of massing and scale, location and orientation of buildings, and site design and site layout to ensure compatibility with the surrounding property and neighborhood. Unlike a Special Use Permit, the Site Plan provisions of the Zoning Ordinance do not address the architectural design and details of the housing except for the mass and scale of the buildings.

The enclosed photographs show that the proposed two-story buildings with attached garages will be compatible with the mass and scale of the two-story buildings with attached garages in the immediate vicinity of the proposed development. With regard to location and orientation, the pattern exhibit shows that the units on the streets are sited correctly, with their front façades setback from the streets in an orderly manner as are the existing homes along Janney's Lane and Quaker Lane. The remaining houses are clustered around a cul' d' sac, much like the existing houses on Canterbury Lane and Chancel Place.

With regard to architectural design, although not required by the Site Plan Provisions in the Zoning Ordinance, we have agreed to address specific comments of Conditions 47 and 48, where possible. We look forward to working with the staff in the refinements of this development proposal.

Sincerely,

Jonathan P. Rak

Jonathan P. Rak

Enclosure
cc: Eileen Fogarty, Planning Director
James Perry, Elm Street Development

505 Quaker Lane

513 Cathedral Street

1402 Trinity Drive

1312 Janney's Lane

509 Quaker Lane

SHEET	1 OF 1
FILE No.	2267-D-PR-001
DATE	FEBRUARY, 2004
JOB No.	2267-01-001
SCALE	H: 1"=100' V:
DESIGN	DAW
DRAWN	DAW
CHKD	AM
DATE	
DESCRIPTION	
PLAN STATUS	

COMMONWEALTH OF VIRGINIA
DAVID A. WALL
No. 038104
PROFESSIONAL ENGINEER

PATTERN EXHIBIT

OAK GROVE

CITY OF ALEXANDRIA VIRGINIA

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Cad file name: P:\2267 - Janneys & Quaker\2267-01-001\Engineering\Misc Plans\Site Sections\2267-01-001-EXH-PATTERN.dwg

Docket Item #2-A & B
DEVELOPMENT SITE PLAN #2004-0005 (2-A)
SUBDIVISION #2004-0005 (2-B)
STREET NAME CASE #2004-0001 (2-A)
OAK GROVE

Planning Commission Meeting
May 6, 2004

ISSUE: Consideration of a request for a development site plan to subdivide the property into 10 lots, to construct single family homes and to name a new public street.

APPLICANT: Elm Street Development, Inc.

LOCATION: 1400 Janneys Lane

ZONE: R-20/Residential

Site Plan Case

PLANNING COMMISSION ACTION, MAY 6, 2004: On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to approve the site plan, subject to compliance with all applicable codes, ordinances and staff recommendations and amended conditions 47, 48 as outlined in the April 30, 2004, memorandum from Eileen Fogarty and also amended conditions #1, 5, 7, 9, 12, 33, 35, and 53. The motion carried on a vote of 6 to 0, with Mr. Leibach abstaining.

Reason: The Planning Commission approved the site plan finding the plan in compliance with Sec. 11-400 of the Zoning Ordinance and the Master Plan. Commissioners discussed the fact that the proposed development, with the significant donated open space area, complied with the goals of the Open Space Plan. Commissioners also expressed their satisfaction with the staff analysis of water flow issues on the site, and agreed generally with the staff analysis and recommendations, which addressed additional issues of traffic, access, orientation of buildings, storm water runoff, drainage, tree retention, open space and compatibility with adjacent and nearby residential development. Further, the Commission recommended that if the City decides to purchase an additional lot for open space that the lot should be lot 9, located along North Quaker Lane.

Subdivision Case

PLANNING COMMISSION ACTION, MAY 6, 2004: On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to approve the subdivision, subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 6 to 0, with Mr. Leibach abstaining.

Reason:

The Planning Commission approved the subdivision and found the subdivision in compliance with Sec. 11-1700 of the Zoning Ordinance.

Street Name Case

PLANNING COMMISSION ACTION, MAY 6, 2004: On a motion by Mr. Robinson, seconded by Mr. Komoroske, the Planning Commission voted to approve the proposed street name for the proposed public street. The motion carried on a vote of 6 to 0, with Mr. Leibach abstaining.

Reason: The Commission agreed with the staff analysis.

Speakers (*All three cases*) :

Jonathan Rak, representing the applicant.

Katy Cannady, 20 E. Oak Street, requested a deferral in order to work to reduce the size of the proposed houses to make them more compatible with the surrounding neighborhood.

Judy Durand, 1431 Janneys Lane, requested a deferral until issues of storm and ground water and traffic could be better addressed. She stated that she had hired an engineer from GJB Incorporated to evaluate the manner in which the plan addresses water concerns and discussed some of the preliminary report from her hired engineer including adequate outfall and a recommendation that impervious area not be allowed to increase beyond the area shown on the plan.

Nancy Gilbert, 1118 Janneys Lane, spoke of concerns regarding stormwater drainage. She clarified that the grounds of the Virginia Theological Seminary and Immanuel on the Hill Church are not public.

Shahram Yavari, 1312 Janneys Lane, expressed concerns regarding storm and ground water and traffic. He said that he has been involved in three accidents in this vicinity on Janneys Lane over the last three years and that improvements to Janneys Lane should be considered with this development.

Bob Jenkins, 1603 Walleston Court, spoke in support of his neighbors and the concerns that they had raised.

Joanne Tomasello, 2500 Van Dorn Street #250, said that the current proposal was a good plan but requested a deferral until City Council decides future expenditures to purchase open space.

Jack Sullivan, 4300 Ivanhoe Place, spoke in support of the Seminary Hills position to support the plan with recommendations. He questioned what uses would be proposed for the site if the City were to purchase the entire site for open space, saying that any proposed uses for the site may not be desirable to the surrounding neighbors or neighborhood. He stated the Association spent more time reviewing this case than any other development case and that the executive board voted overwhelmingly to support the application with recommendations.

Ursula Gallagher, 707 Kingston Place, said that she agreed with Judy Durand's position and believed that the case should be deferred to address water and traffic concerns.

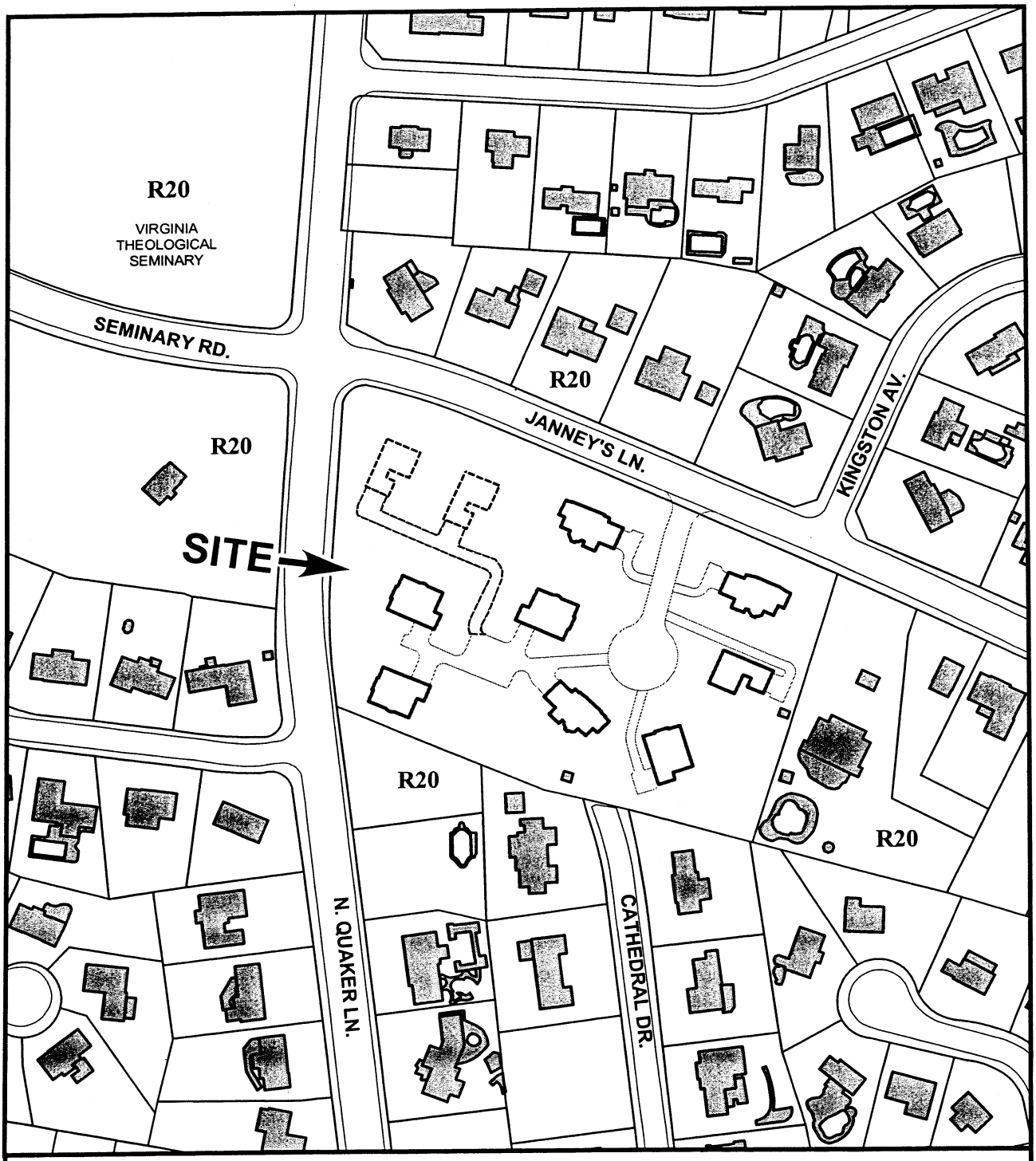
Beth Beck, 818 West Taylor Run Pkwy, requested that the Planning Commission defer the case to further explore possible community open space uses for the site.

Bill Dickinson, 805 N. Quaker Lane, representing Seminary Hills Civic Association and their president Frank Putzu, spoke in support of the Seminary Hills Civic Association to support the plan with recommendations. He said that the Association had worked for at least four years with the Second Presbyterian Church, the National Capital Presbytery and most recently with the applicant to help guide development for the site. He said that the proposed 1.1 acres of donated open space is testament to the Open Space Plan and the work of the staff. He suggested that undergrounding the utility lines around the site could be accomplished with a long-term charge to adjacent residents' utility bills as was done along his property.

Judy Noritake, 605 Prince Street, representing the Open Space Steering Committee, stated that, while Mr. Leibach from the Steering Committee believed the entire site should be preserved for open space, the clear majority of the Committee believed that the proposed site plan, with a

donation of more than an acre of open space at the intersection of Quaker and Janneys Lane, met the City's open space goals for the site to preserve the most critical open corner of the site. The Committee recommended against City Council purchasing the entire site for open space.

Joe Fischer, 512 N. Quaker Lane, representing the Seminary Hills Civic Association, spoke in favor of the Seminary Hills Civic Association's position to support the application with recommendations, and explained the process that the Civic Association went through to review development of the site. He said that as head of the Civic Association's task force established for the site, he worked intimately with the pastor of the Second Presbyterian Church, Immanuel on the Hill Church and the residents along Cathedral Drive, Quaker Lane and Janneys Lane beginning in August 2002 to review the issues and plans for the site. He said that the task force met six times with surrounding residents. He said that the task force met with the developer three to four times and that the developer reduced the by-right density of 11 to 12 homes and added open space in response to the Association's concerns. The review process took over a year and a half and involved numerous meetings between community residents, the developer and the City. He said after study, polling of members and agonizing over the issue the overwhelming majority of the board voted to support the current plan.



DSP #2004-0005
SUB #2004-0005
Street Name Case #2004-0001

05/06/04

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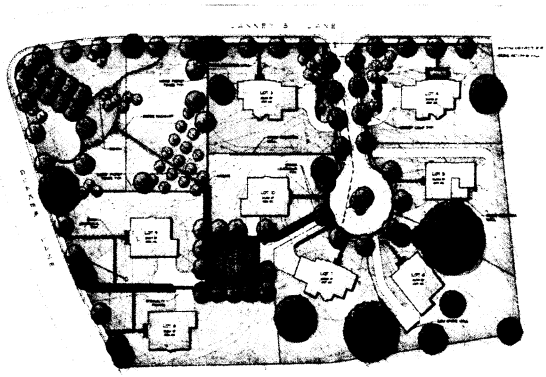
I. EXECUTIVE SUMMARY:

A. Overview

Staff recommends approval of the proposed development site plan, subdivision and associated street name case for the site at the corner of Quaker and Janneys Lanes. The proposed plan consists of 10 lots that are accessed from a new public street that will be located on the eastern portion of the site. Two lots (approximately 1.1 acres) are proposed to be voluntarily donated to the City. The proposed site plan meets the zoning requirements of the R-20 zone and provides the following benefits:

- approximately 1.1-acre open space area at the corner of Quaker and Janneys Lanes retaining the open space and visual openness of this site, consistent with the Open Space Plan;
- location of the homes and street to minimize site grading and loss of trees;
- retention of the many of existing mature trees on the site, including two historic trees;
- elimination of access and associated traffic from Quaker Lane; and
- decrease in stormwater run-off to adjacent properties and the public street.

Site Aerial



Site Plan Proposal

B. Background:

The site contains several mature trees, two historic trees and an existing house and church building. The existing site conditions create challenges and opportunities to ensure that the proposed plan is compatible with the adjoining neighborhood and Open Space Plan.

C. Issues:

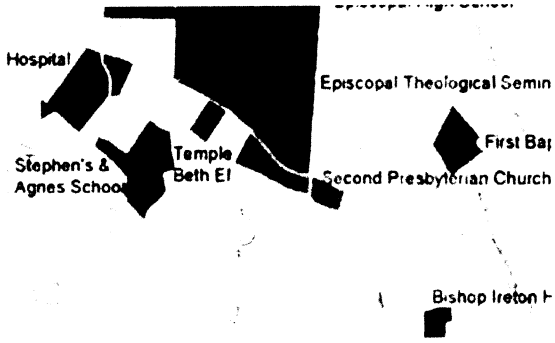
The primary issues for the site include:

- open space;
- tree preservation;

- neighborhood compatibility;
- access and traffic; and,
- stormwater management.

Open Space:

The Open Space plan discusses the important benefit institutional uses, the Second Presbyterian Church site, the adjoining Immanuel on the Hill Church, Virginia Theological Seminary and Episcopal High School, provide through open space and visual "openness" at the corner of Quaker Lane. The Plan references the site as one where all or a significant portion of the site should be retained to preserve this openness. The Plan also references the use of easements or similar methods for preservation of these sites for both physical and visual connectivity.



Open Space Plan Goal 6 - Institutional lands

To address the goals of the Open Space Plan, the applicant has proposed to voluntarily donate two lots as open space. The applicant proposes to sell open space tax credits for these two lots as discussed in more detail below. The proposed open space lots will retain a total of approximately 1.1 acres (approximately 18% of the total site area) as passive open space for the community at the corner of Quaker Lane and Janneys Lane. Together with open space on the private lots, approximately 75% of the site will be retained as public and private open space.

Tree Preservation:

The site contains two historic trees on the southern portion of the site and numerous mature trees that range up to 50" caliper. A primary goal of the City has been to minimize the amount of grading on the site to lessen the impact on the existing trees. Both the new street and the homes have been located in a way to retain a majority of the mature trees and to remain outside the drip line of the trees. The retention of the mature trees is consistent with a goal of the Open Space Plan to "preserve areas of significant tree cover."

50 inch Historic White Oak

Compatibility:

A concern raised by staff and the community throughout the review process is the compatibility of the proposed homes with the adjoining residential neighborhoods. Compatibility can be measured both in terms of lot and building footprint arrangement and size, and actual mass and scale of the proposed homes. The proposed lots range in size from 22,000-26,000 sq. ft., which is comparable to many of the adjoining R-20 lots. The minimum lot size within the R-20 zone is 20,000 sq. ft. As depicted in the graphic, the proposed homes have a similar building footprint and lot placement to the adjoining homes.

Context Plan

With respect to scale, most of the proposed homes are two to two and a half stories, whereas the homes surrounding the site are generally one-story. There also is a considerable change in topography from the northern (Janneys Lane) portion of the site to the southern portion of the site (adjacent to Cathedral Drive) that ranges from 2 ft. to 30 ft. above street level. This topography will give the homes the appearance of being taller, though they remain within the 35 ft. height permitted within the zone.

Although the application is a site plan and, as such, the design of the houses cannot be a condition of approval, the applicant has agreed to work further to address design elements that will reduce the perceived mass of the buildings. Modification to the building height/mass should make the houses more compatible with architectural styles typically found in Alexandria.

Stormwater Management:

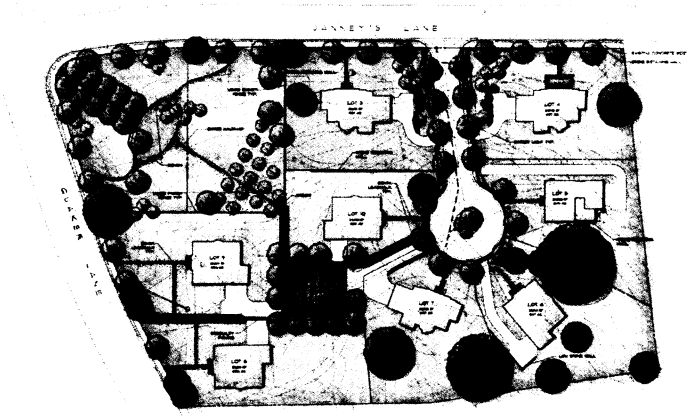
Many of the adjoining residents have expressed concern that the proposed development will negatively impact the adjoining single-family homes due to stormwater and ground water run-off. Transportation and Environmental Services staff believe this can be addressed through the conditions of approval as discussed on pages 15 and 16 of the report. The proposed plan reduces both groundwater and surface water run-off onto the adjacent properties and right-of-way.

D. Community:

Since the site plan was proposed in May 2003, the applicant, the City and the adjoining residents have had numerous meetings, including 17 community/citizen meetings, presentations to the Seminary Hills Civic Association, and a large community meeting at Bishop Ireton High School. In spring 2003, the Seminary Hills Civic Association established a special Task Force to review and assess the issues surrounding the sale of this property by the church and the proposed redevelopment. Through this process, the community has raised questions related to open space, stormwater, trees, compatibility and traffic. The Seminary Hills Civic Association voted to recommend approval of the proposed plan with recommendations that: 1) the City purchase an additional lot for open space; 2) the existing utilities be buried; 3) the mass of the new homes be reduced along Janneys and Quaker; 4) the City not use the site for any purpose other than open space without a public hearing. Other members of the community have recommended that all of the site be purchased by the City for open space.

E. Open Space Committee:

As discussed at the April 20, 2004 joint Planning Commission and City Council work session, the Open Space Steering Committee does not recommend that the City purchase the property. The majority of committee members believed that the proposed donation of more than one acre of the site would meet the goals of the Open Space Plan, although there were a couple of members who thought the City should purchase the entire site. The Open Space Steering Committee was divided on the issue of the City purchasing one additional lot for open space. The Committee did not recommend for or against purchase of one additional lot.



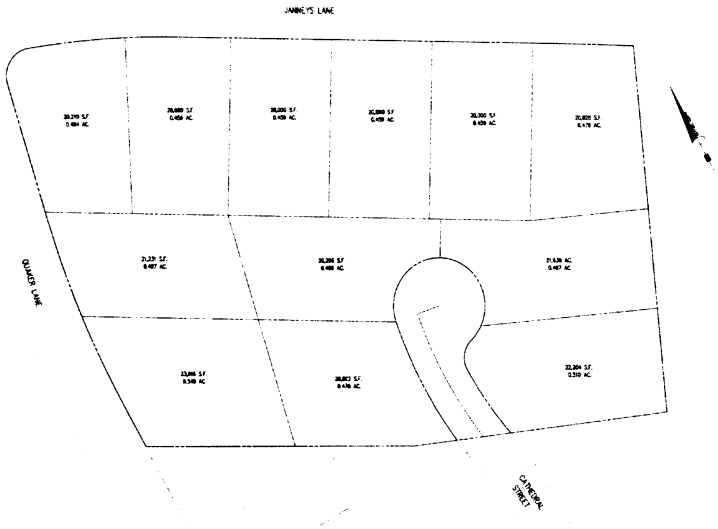
Proposed Site Plan

F. Conclusion:

Staff recommends approval of the development site plan, subdivision, and street name case subject to the recommended conditions. On balance, the application provides a high-quality development at a significantly lower density than is permitted on the site and will provide significant open space benefit to the public to achieve the objectives of the Open Space Plan for the site without cost to the City.

II. BACKGROUND:

The site is currently occupied by a church building and surface parking lot which were constructed as the first phase of what was proposed to be a larger church complex. The site has been used by the Second Presbyterian Church since the early 1960's and most recently by an Ethiopian congregation and the Happy Home Child Learning Center. The site is one lot of record and is zoned R-20/Residential, which permits single-family uses and requires a minimum lot size of 20,000 sq.ft. The property has been zoned R-20 since the 1950's. A single-family house that is approximately 90 years old is located on the southeast portion of the site. The remainder of the site contains open space along the frontage of Quaker and Janneys Lanes and trees that range from 3 inch to 50 inch caliper trees.

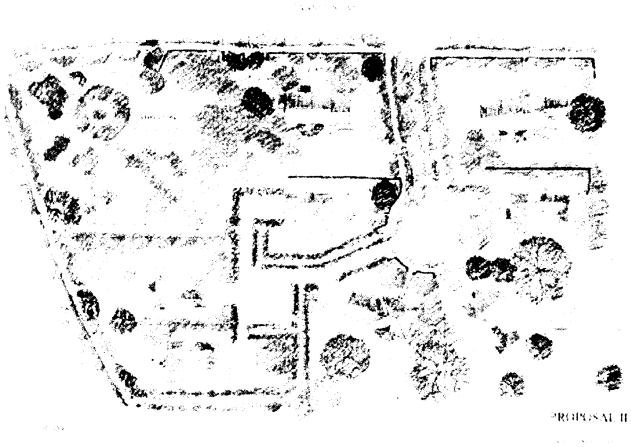


By-right 12 Lot subdivision plan
Initial (first) Site Plan

The initial development plan proposed by the applicant consisted of 12 lots that removed many of the mature trees and involved significant grading. Both the City and the community expressed concerns with this plan including open space, density, tree loss and compatibility. The site plan was also not consistent with the intent of the Open Space Plan. The City requested that the applicant explore creative approaches, such as tax credits, to develop the site while retaining the open space and natural characteristics of the site.

The City met with the Seminary Hills Civic Association as part of this process. At that time, the Seminary Hills Civic Association had a separate work group to review and evaluate the proposed site plan. Seminary Hills shared the concern of the City regarding the desire to retain open space along the frontage of Quaker and Janneys Lanes. In response to the concerns, the applicant revised the plan with numerous changes, including:

- Reducing the number of lots from 12 to 10 lots;
- Revising the placement of the homes, street and internal driveway to retain 22 of the mature trees on the site;
- Announcing their intention to voluntarily donate two lots at the corner of Quaker Lane and Janneys Lane as public open space;
- Orienting all homes toward the adjoining public streets;
- Providing internal pedestrian connections; and
- Providing streetscape and sidewalk improvements on Quaker and Janneys Lanes.



Early Proposal

Current Proposal

The current site plan, which complies with the R-20 zoning, consists of a 10-lot subdivision and requires site plan approval by the Planning Commission. The site will be subdivided into 10 lots averaging approximately 24,000 sq. ft. The voluntary donation of the two lots (approximately 1.1 acres) plus the individual yards would preserve approximately 75% of the site as open space. Approximately 16,000 sq. ft of the site will be dedicated to the City as a new public street on the eastern portion of the site.

The proposed houses are large, single-family homes that are 2 to 2 ½ stories in height, which range in size from 5,500 - 6,300 sq. ft. Each home contains a three-car garage with additional parking spaces available in the driveway. On-street parking is also provided on one side of the new public street.

III. ZONING

The applicant is requesting approval for a development site plan and subdivision for 10 lots to construct single family houses, with two lots to be donated to the City for a public park.

OAK GROVE

Property Address:	1400 Janneys Lane
Total Site Area:	6.076 Acres (264,433 s.f.)
Zone:	R-20
Current Use:	Church, daycare and residence (unoccupied)
Proposed Use:	Single-family homes

	Lot Size Proposed	Floor Area Permitted	Floor Area Proposed
Lot 1*	26,030 s.f	6,507 s.f	5,500 s.f
Lot 2*	22,582 s.f	5,645 s.f.	5,500 s.f.
Lot 3	24,978 s.f	6,244 s.f.	6,175 s.f.
Lot 4	24,596 s.f	6,149 s.f.	6,175 s.f.
Lot 5	22,302 s.f	5,575 s.f.	5,500 s.f.
Lot 6	26,452 s.f	6,613 s.f.	6,300 s.f.
Lot 7	24,788 s.f	6,197 s.f.	6,175 s.f.
Lot 8	25,224 s.f	6,306 s.f.	6,300 s.f.
Lot 9	25,829 s.f	6,457 s.f.	6,300 s.f.
Lot 10	25,482 s.f	6,370 s.f.	6,300 s.f.

	Permitted/Required	Proposed
FAR	.25	.21 to .25
Yards		
Front	40 feet	40 to 77 feet
Side	12 feet (1:2 ratio)	15.32 to 17.41 feet
Rear	12 feet (1:1 ratio)	40.95 to 114.87 feet
Height	35 feet	31.01 to 34.81 feet
Parking	2 spaces/unit	3 spaces/unit (garag

*The applicant has indicated that they intend to voluntarily donate lots 1and 2 to the City for open space.

IV. STAFF ANALYSIS

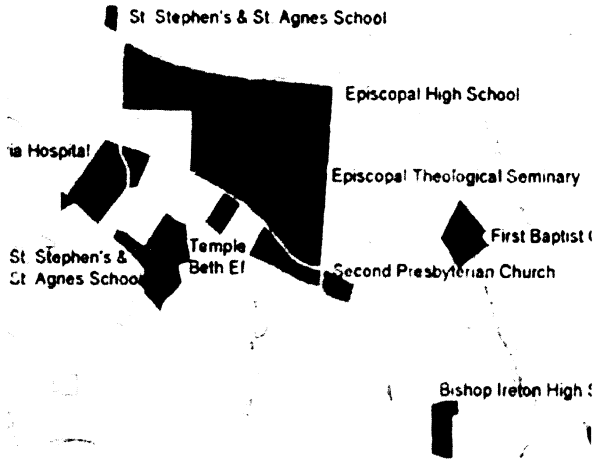
The applicant has resolved many of the site plan issues of open space and tree retention, grading, access, and stormwater management with creative site plan solutions. The proposed homes and new public street are sited in a manner that minimizes grading and enables the long-term retention of the numerous mature trees on site, including two designated historic trees. The houses will be sited to front Quaker and Janneys Lanes and the new public street. The applicant proposes a stormwater management system that will reduce groundwater and surface water run-off from the site onto the adjacent properties and the Janneys Lane right-of-way.

The development will provide significant open space benefit to the public enabling the City to meet the goals for this site of the Open Space Plan at no cost to the City. The proposal provides an appropriate balance between a significant amount of publicly accessible open space (approximately 1.1 acres) and private open space (approximately 3.5 acres) on the site. As depicted in the graphic, the proposal also enables visual and physical connectivity of the open space on the site and the approximately 50 acres of open space on the Virginia Theological Seminary. The retention of open space and the retention of the tree canopy on the site are consistent with the intent of the Open Space Plan.

The remaining issues requiring further refinement or discussion include park design, possible purchase of an additional lot for open space, and building design and architectural compatibility. These issues are addressed in greater detail in this section of the report.

A. Open Space:

A goal identified by the City and community early in the process was that the open space and sense of openness at the corner of Quaker and Janneys Lanes be preserved. As previously discussed the applicant has voluntarily offered to donate the land at the corner of Quaker and Janneys Lanes through the use of tax credits. The two lots would be donated to the City as public open space. Because of a new program approved under the Virginia Land Conservation Act of 1999, the developer can donate an easement on the land to a qualifying conservation organization or the government to protect it in perpetuity in exchange for a state tax credit equal to 50% of the value of the donation. The approved tax-credit is subtracted from the amount of income tax the taxpayer owes for the year, so it is the same as a cash payment of that amount to the conservation donor. Unused credits may be carried forward into five more tax years after the original donation. Based on the land valuation provided by the appraiser hired by the City, the fair market value of the land to be donated to the City would be valued at approximately $1 million.



Open Space Plan Goal 6 - Institutional lands

The applicant has submitted a subdivision and site plan for ten lots with single family dwellings which comply with the requirements of the zoning ordinance. The City does not have the authority to require dedication of any of these lots and the conditions include no requirement for this dedication. However, the applicant has announced its intention to voluntarily donate lots 1 and 2 to the City for open space purposes. The subdivision will create ten buildable lots and the site plan includes alternate plans for eight and ten houses.

Two lots at the corner of Quaker and Janneys provide open space where it is most visible to the public and where it preserves the sense of openness at the intersection visually connected to the open space at the Virginia Theological Seminary and the Immanuel on the Hill Church. While passive in nature, this park provides open space to the City at no cost.

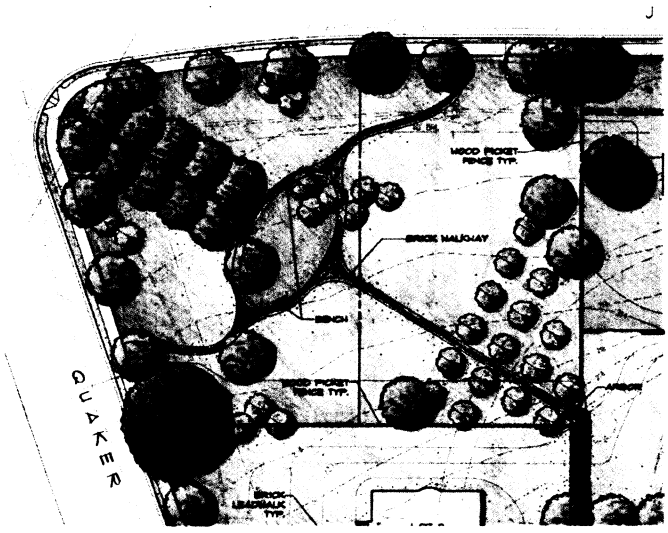
The Open Space Steering Committee recently evaluated the Second Presbyterian Church site for acquisition at the City Council's request and does not recommend that the City purchase the property. The committee used its newly developed criteria to evaluate priorities for land suitable for open acquisition. The criteria assigns 1 to 3 points (for low priority to high priority) for 11 areas of evaluation based on the qualities of the site, i.e. is the site near or adjacent to natural

resource areas, is it contiguous with existing parks and trails, does the site have known or potential cultural significance, etc. Using the criteria, the site was assessed as low to medium priority for acquisition, scoring 16.5 points out of a range of 11 to 33 points. The areas scoring 2 and higher that the committee believed enhance the property's value as open space include:

- Potential pedestrian connection to Cathedral Drive;
- Proximity across the site to extensive institutional green space at the Virginia Theological Seminary (only category to achieve a score of 3);
- Significant trees; and
- Existing house for its cultural significance, however, the committee noted that the house was of limited cultural significance compared to other cultural resources in the City.

While one or two members of the committee believed that the City should purchase the entire site, the majority of committee members believed that the proposed donation of more than one acre of the site would meet the goals of the Open Space Plan. The Committee was divided as to whether the City should purchase one additional lot for open space and did not recommend for or against purchase of one additional lot.

Park Design



Proposed Park Design

The proposed open space to be donated to the City is to be improved with a series of benches, sidewalks and landscaping as passive public open space that would be donated to the City. The open space is designed to function as a passive open space park that will be primarily a neighborhood park, but will also be open to the general public as a public park. The park is large enough to be designed in a way to function as a passive park with views of the adjoining Virginia Theological Seminary and the steeple. The proposed open space is approximately the size of the plaza on Market Square. The size enables a significant amount of landscaping and screening on the perimeter of the open space, that will enable this 1-acre park to be a valuable addition to the City's inventory of parkland and a significant public benefit for the City and the adjoining neighborhood. The site plan includes two pedestrian access easements that provide additional pedestrian opportunities

for accessing the proposed parkland. Approximately five parking spaces will be available on the western portion of the new public street to accommodate people who may drive to the area to use the park.

View of Seminary from Site

While staff believes the amount and location of the proposed open space to be donated to the City is desirable, staff has considerable concerns regarding the applicant's proposed design and landscaping for the open space. The design and landscaping proposed by the applicant are more formal with a double row of trees at the intersection of Quaker and Janneys Lanes and a symmetrical row of trees on the eastern portion of the site. Staff believes this design is too formal and structured for this location, and is recommending that the design be revised to use more native species and random plantings to appear as a more natural extension of the existing site.

One of the issues that has been raised throughout the review process is the possibility of a pedestrian trail connection from Cathedral Drive to the proposed public street on the eastern portion of the site. Parks and Recreation, Planning and Zoning and T&ES identified the opportunity for a future pedestrian trail connection from Cathedral Drive north to the proposed cul-de-sac and Janneys Lane early in the site plan review process. This possibility was discussed with the adjoining property neighbors on Cathedral Drive, many of whom raised concerns regarding a trail connection at this location.

There are positive and negative aspects to a public trail connection in this location. The positive aspect is the additional link from Cathedral Drive to and through the site consistent with the Open Space Plan to provide additional pedestrian routes in the City. On the other hand, a trail connection in this location could negatively impact a mature and established tree, specifically a 43" caliper White Oak tree that is located directly in line with any future pedestrian-trail connection to Cathedral Drive.

Staff has included a recommendation that would require the open space at the corner of Quaker Lane and Janneys Lane be redesigned in consultation with the adjoining residents and community. As part of this community process evaluating the design of the park, the possibility of a pedestrian access from Cathedral Drive can be discussed with the adjoining residents. That forum is an appropriate one for discussion of both the benefits and potential problems with a connection from Cathedral Drive, and will allow the discussion to take place within the larger

context of evaluating pedestrian circulation, open space and publicly accessible open space on this site.

Acquisition of an Additional Lot

As previously discussed, an issue that has been raised by the community is the possibility of acquiring a portion or all of the site to remain as open space. While the contract sales price is not public information, a separate land appraisal conducted by a consultant contracted by the City valued the property at $6,350,000 or approximately $635,000 per lot. The appraisal also indicated that the value of the land could rise approximately 20%.

Staff believes that the open space as proposed by the applicant complies with the intent of the Open Space Plan, and when combined with the private open space provided on each lot, retains a significant amount (approximately 75%) of the site as open space. Moreover, the open space proposed by the applicant is being provided voluntarily at no cost to the City.

Open Space if City were to Purchase Lot 9

The purchase of an additional lot would result in approximately 75,000 sq.ft. (1.7 acres) of open space. Staff initially recommended that such a lot purchase should be acquired on Quaker Lane to visually connect to the adjoining open space on Quaker Lane. Such a location also would allow the open space to be visible to the most people, creating the greatest impact, both visually and functionally relating to the open spaces to the west/northwest. If this lot was acquired it would revise the plan as generally depicted in the graphic.

An additional lot along Quaker Lane provides the largest benefit and would have a magnifying effect as the open space relates to open space at Immanuel on the Hill Church to the west and the Virginia Theological Seminary. However, some of the residents have suggested that purchasing the adjacent lot along Janneys Lane would be preferable.

Tree Preservation

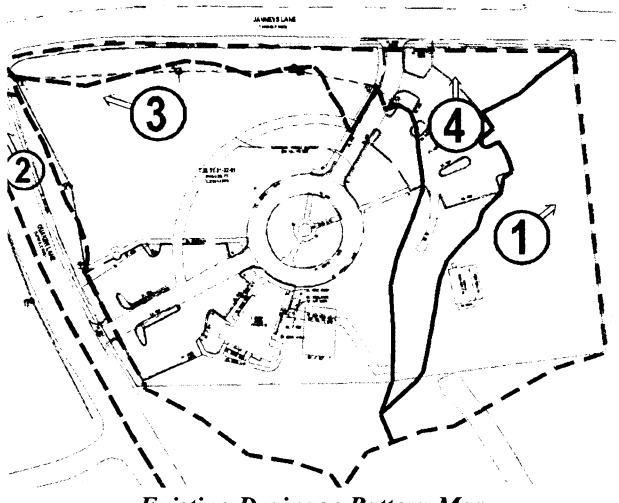
In addition to open space preservation, the application proposes to retain 22 of the existing trees. The site contains two existing historic oak trees on the southeastern portion of the site. These historic trees have been permanently protected by a covenant on the deed of the property. Both the developer and the new home purchasers are bound to protect and preserve these trees.

50 inch Historic White Oak

If the site plan is approved, then the trees shown on this plan as retained or relocated will have to be maintained. Staff is recommending conditions that prohibit disturbance within the dripline of canopy of all trees to be protected, and that the homeowners documents communicate to future purchasers that all trees shown as saved on the site plan must be retained. In addition to the saved trees, the applicant is proposing to plant 70 shade trees, 50 ornamental and evergreen trees, and 400 shrubs.

B. <u>Storm Water Management:</u>

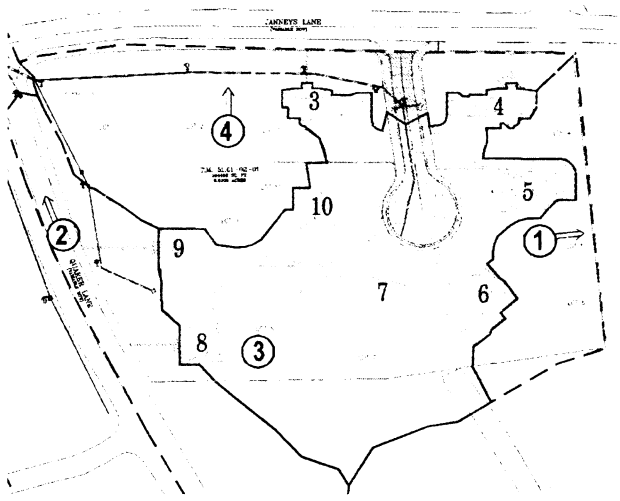
The existing site contains 1.48 impervious acres of building, pavement, sidewalks and miscellaneous features. Generally, the topography slopes from south to north and from the middle to the east/west directions. No existing detention or BMPs are present on the site currently. The existing storm drain system (which runs parallel to Janneys Lane) connects to the existing storm drain system within the right-of-way at the intersection of Janneys Lane and Quaker Lane. As part of the proposed improvements, the existing buildings and parking lots on the site will be demolished and replaced with 8 single-family dwellings, resulting in a decrease in total impervious area to 1.42 acres.



Existing Drainage Pattern Map

In the northern portion of the site, the existing runoff discharges through a flume into Janneys Lane, then flows in a westerly direction within Janneys Lane to an existing storm sewer system.

The eastern portion of the site sheet flows off-site across the property to the east and into Janneys Lane.



Proposed Drainage Pattern Map

Under the development plan most of the site run-off from areas 1, 3 and 4 will be collected by underdrains, roof drains and storm sewer to convey the surface run-off to an existing underground storm sewer conveyance system. This will substantially reduce the existing surface run-off sheet flowing off-site. Stormwater management detention practices will be implemented, if necessary, to make sure that the proposed run-off will not exceed the existing run-off flowing into the existing storm sewer system.

Studies have revealed that there are no springs or Resource Protection Areas (RPA's) on site. The groundwater seepage is limited to the northeast corner of the site. Confirmed by on site inspection and borings, the marine clay deposits in this area, a perched groundwater table exists and the groundwater migrates to the surface along Janneys Lane. In the proposed plan, the groundwater is reduced due to the placement of foundation drains around the structures and additional underdrains placed in the northeast corner of the site, as well as in the proposed roadway. In addition, the fact that the surface run-off is collected in an underground conveyance system, as mentioned above, thereby reducing the amount of run-off percolating into the ground, the amount of groundwater migrating to the adjacent properties will be reduced.

Drainage Area #1 (Sheet flow onto adjacent house east of site) 10-Year Storm

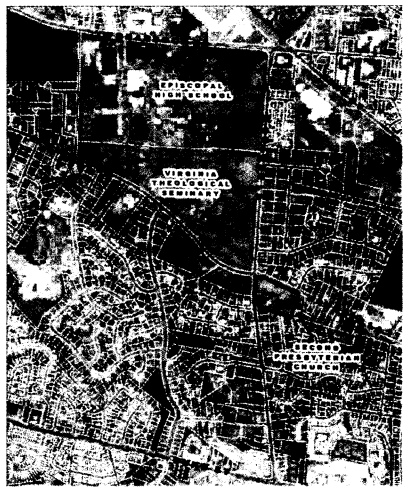
	Drainage Area	Flow (cfs)	% Decrease
Existing	1.46	4.16	—
Proposed	.91	2.05	51

Drainage Area #4 (Sheet flow Into Janneys Lane) 10-Year Storm

	Drainage	Flow (cfs)	% Decrease
Existing	1.28	5.45	—
Proposed	2.02	5.13	6

The proposed plan provides methods to reduce the amount of groundwater seepage, including underdrains that provide alternate paths for the groundwater. A closed drain system is also shown for collection of surface run-off, also reducing the amount of groundwater. The proposed development reduces both the surface run-off and groundwater onto the adjacent properties and right-of-way.

C. Traffic:



In response to City and community concern about traffic, the applicant submitted a trip generation study and traffic/queuing study by Wells & Associates completed in August 2003 and February 2004, respectively. The trip generation study was based on 9 single family homes as opposed to the 8 currently proposed and compared the number of trips generated by the proposed development to that generated by the existing on-site uses (church and day care) during the AM and PM peak hours. The number of trips that will be generated by the proposed development was estimated based on the Institute of Transportation Engineers' (ITE) figures. Compared to traffic counts for the existing church use, the study found a reduction in trips generated and that both the existing and proposed uses have no significant impact on the Quaker/Janneys Lane intersection.

Use	AM Peak	PM Peak
Single Family	16 in/out	12 in/out
Existing Church daycare	43 in/out	45 in/out
Percent Difference	-63%	-73%

The traffic study examined and completed a queue analysis for the intersection of Quaker Lane, Seminary Road and Janneys Lane. In particular, it focused on the westbound queue at the intersection to determine whether the driveway to the proposed development would be blocked. The proposed driveway is approximately 500 feet east of the signalized intersection, and the analysis shows that the westbound queue at this location is estimated to be 140 feet, and therefore the driveway will not be blocked.

D. Existing House and Site

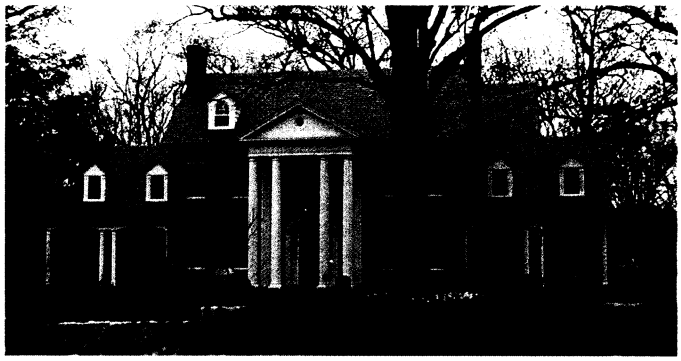
Staff identified retention of the existing house on the southeastern portion of the site early in the site plan review process. The City has two avenues for regulating architectural changes and demolitions for older buildings with the City. The first is the designation of a building on the 100 year building survey list that is compiled by the City and approved by City Council, the other is for buildings located within one of the two local controlled historic districts (Old and Historic district and the Parker Gray historic district).

The City evaluated the history, construction, age and architectural quality of this house as part of this application. The research, physical and documentary evidence indicates that the existing house on the site was constructed in 1910-1911, making the structure 93 years old. The house was built by Winslow H. Randolph and was remodeled extensively in 1937 when Lowell Mellet purchased the property. Significant changes were made to the interior and exterior of the house at that time, as well as a reorientation of the existing building. The Federal Revival style was added at this time, as were three dormers, the northwestern chimney, and the new steps that led to the front door. The porches with brick columns on the southeast and southwest were left in place. Lowell Mellet owned the house until 1960 when the Second Presbyterian Church purchased the site. The house has been used intermittently since the purchase by the church and has been vacant for a significant period of time. The house is 93 years old and, therefore, does not qualify for Alexandria's "100-Year Old Building" designation for preservation. In addition, the renovation during the 1930's removed or revised many of the elements of the original house that was constructed in 1910-1911. The applicant does not intend to retain the building as the house is in a considerable state of disrepair given the amount of time that the house has been unoccupied.

E. Compatibility:

As discussed in the executive summary, the actual siting and footprints of the proposed homes are generally compatible with the neighborhood. The two areas where compatibility is an issue are the perceived height of the buildings and the architectural design itself. As stated in the summary, the topography change of 30 feet combined with the 2 ½ stories of the proposed homes will result in visually taller structures. The following section identifies architectural approaches to address these issues.

Architectural Design



There are numerous examples of larger homes within the City that are located and designed in a way that are compatible with the architecture of the City. These houses generally have several common elements that help to reduce the perceived scale of the homes such as front porches, historically correct roof pitches and forms, symmetrical windows patterns, etc. In addition, these homes were generally constructed as one home with several additions that occurred over time that appear as additive elements that help to mitigate the mass and scale of the proposed homes. These additive elements are generally a different material such as painted clapboard siding or enclosed porches, which add richness and variety to each of the homes.

In addition, the overwhelming majority of all of the larger homes within the City are either brick or clapboard siding. Stone in general is not a building material that is characteristic of the City's older buildings and architecture, based on the readily available local materials for bricks.

Proposed Home Elevation

One of the issues that can significantly reduce the perceived mass and scale of the proposed buildings is to design them in a style that is compatible with Alexandria, specifically the pitch of the roofs for each of the units should be modified.

Staff met with the applicant's design team to discuss what characteristics might be incorporated into the design of the houses to make them more architecturally compatible. The comments that the City provided to the applicant included the following:

The scale of the buildings can be mitigated by the reduction of the size of the roofs, whether by lowering the pitch or subdividing the roof into a series of elements to avoid the appearance of a 50-foot-deep footprint. It is often the height and sheer massiveness of the roof that is the hallmark of the contemporary luxury home, as opposed to the existing typical homes whose roofs are not as tall or broad at their bases.

More formal order should be imposed on the elevations, particularly the sides and rears, to avoid the haphazard arrangement of different sizes, proportions, and types of windows all in the same view. Generally, more symmetry and regularity in the treatment of the elevations is implied in the traditional architecture styles proposed by the applicant; special windows such as Palladian windows should be used only at focal points of the entire house design

Architectural elements typical of Alexandria houses should be used; the foremost of these in Alexandria is the presence of covered porticoes or porches on at least one--typically more than one--elevation. Chimneys should be more massive, reflecting the bearing-masonry construction typical of these historic styles. The types of styles of windows should conform specifically to the historic style depicted in the general design of each house.

Following the meeting with the applicant, they have agreed to incorporate many of the staff comments regarding general use of materials, order and symmetry to make the homes more consistent with homes and architectural styles within the City. The applicant has stated that a reduction in the height of the roofs will result in the loss living space and that the height of the units comply with the zoning ordinance. However, the applicant has agreed to continue to work with staff on the architectural style of each unit and to reduce the perceived mass and scale of the building.

F. <u>Community Response to Proposed Project:</u>

Since May 2003, city staff has held 17 community/citizen meetings, including presentations to the Seminary Hills Civic Association and a large community meeting at Bishop Ireton High School. The applicant and staff worked with the community throughout the development review process. The Seminary Hills Civic Association established a special Task Force in spring 2003 to specifically review and assess the issues surrounding the sale of this property by the National Capital Presbytery and proposed redevelopment. A number of community concerns were raised throughout this process including open space preservation, stormwater/drainage problems, compatibility with the existing neighborhood, traffic issues, and concern for the existing historic house. Some members of the community would like to have this site preserved in its entirety or an additional lot purchased as open space. The Seminary Hills Civic Association voted to recommend approval of the proposed plan with the following recommendations for the proposed site plan:

- Urge the City to purchase one lot, eliminating one of the eight proposed houses, and establish a plan on how the public land here should be used and maintained;

- Urge the City to explore with the power company and the developer possible means to underground the utilities on Janneys and Quaker Lanes;

- Urge that the proposed homes be reduced in mass along Janneys and Quaker Lanes to conform to the character of the existing community;

- Seek assurance from the City that the public space acquired by the City on this site never be sold, built upon, or used for any public purpose without a public hearing process; and

- Seek examination by the City of needed improvements to the Quaker/Seminary/Janneys Lane intersection.

G. New Public Street Name:

Staff recommends naming the new public street Barecroft Place after Dominic Barecroft who was one of the first free black men to live in Alexandria. To name a new public street, Staff generally suggests names of prominent residents or features associated with the particular development site. In this case, staff was not successful in finding a name of a prominent resident or feature of the development site or the site vicinity that could be suggested to name the new street. Names of past residents or property owners were either already in use or were too similar to existing city streets to be used. Staff believes that it is appropriate to name the new street after an African-American, currently under-represented with street names in the City.

Dominic Barecroft came from Northumberland County and was born around 1762. Records show that he was in the area by at least 1796 and that in 1800 he gained his freedom. He resided in an house that he purchased on N. Fairfax Street. Mr. Barecroft became an enterprising businessman in the City selling fresh fruit and seafood, and operating a tavern specializing in crabs. His licensed public house in Alexandria drew distinguished visitors from downtown Washington. He died in 1830 at the age of 68.

V. STAFF RECOMMENDATION

Staff recommends approval of the development site plan, subdivision, and street name case subject to the recommended conditions.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farner, Development Chief;
Stephen Milone, Urban Planner;
Laura Durham, Urban Planner.

VI. CONDITIONS:

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

I. Landscaping and Tree Protection

1. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall implement the following tree protection measures to ensure the retention of the proposed trees to be saved as depicted on the preliminary site plan dated March 30, 2004 to the satisfaction of the Directors of P&Z and RC&PA. All proposed tree protection details shall be depicted on the final site plan and be provided throughout the construction process.
   a. No construction materials or equipment shall be stored or staged beyond the limits of disturbance.
   b. A note identifying these restrictions shall be provided on the Site Plan Cover, Erosion Sediment Control and Landscape Plan sheets.
   c. Provide a note on the plan that the existing shed on lot 5 in the drip line will be removed without heavy equipment entering into the drip line of the existing tree.
   d. Tree protection for any protected tree shall be constructed of 4"x 4" wooden vertical posts installed in the ground 8' on center with 1"x 6" wooden battens mounted between them. Temporary plastic fencing may be used to define other limits of clearing. All tree protection must be shown on the final site plan, and is to be installed prior to any clearing, excavation or construction on the site. **Alternative tree protection, providing equivalent or superior protection, may be approved by the Directors of P&Z and RC&PA**. The developer shall call the City Arborist for a review of the installed tree protection following its installation and prior to any construction, clearing, grading or site activity.
   e. All underground utilities shall be located so as to avoid disturbance for grading beyond the limits of disturbance.
   f. If the trees are damaged or destroyed ~~during the~~ **by** construction ~~process~~ **activities** the applicant shall replace the tree(s) with the largest caliper trees(s) of comparable species that are available or can be transplanted to the satisfaction of the City Arborist and Director of P&Z; the remaining tree caliper shall be planted on-site or adjacent to the site. In addition, a fine will be paid by the applicant in an amount not to exceed $10,000 for each tree that is destroyed if the approved tree protection methods have not been followed. The replacement trees shall be installed and if applicable the fine shall be paid prior to the ~~issuance~~ release of the ~~last certificate of occupancy permit~~ **public improvement bonds**. (P&Z)**(PC)**

2. The Homeowners Association (HOA) shall incorporate language that requires the following elements and other restrictions deemed necessary by the City Attorney to ensure that the trees proposed to be saved are retained including:
   a. The two historic trees shall be subject to all restrictions as mandated by the City Code and applicable ordinances. The owners for lot 7 and lot 6 shall be required to sign a disclosure statement acknowledging the prescence and required protection of the trees.
   b. The trees to be protected as depicted on the approved site plan shall be required to be retained unless otherwise permitted to be removed by the City Arborist due to the health and safety of the tree.
   c. Any proposal to remove a tree that is designated to be retained on the approved site plan for reasons other than health or safety shall require unanimous approval by the Homeowners Association and subsequent approval by the Planning Commission. (P&Z)

3. The area of the limits of disturbance and clearing for the site shall be limited to the areas as generally depicted on the preliminary site plan dated March 30, 2004 and reduced if possible to retain existing trees and grades. (P&Z)

4. Depict and label tree save areas on the site plan, erosion control plan, and grading plan sheets in addition to the tree preservation plan sheet. (RP&CA)

5. **CONDITION AMENDED BY PLANNING COMMISSION:** Revise the site plan, landscape plan and tree protection plan to minimize impact on trees to be saved and protected in accordance with the following to the satisfaction of the Directors of P&Z and RP&CA:
   a. Provide a tree preservation plan for the alternative preliminary site plan, and revise tree protection (sheet C-9) to be located outside of the Historic Tree canopies.
   b. On lot 6, shift driveway and retaining wall farther away from the drip line of the 43" caliper white oak to the maximum extent possible.
   c. Relocate the house and/or below grade drainage pipe for lot 5 to ~~be located completely outside the drip line for~~ **the north and away from** the 50" caliper white oak.
   d. Expand the tree save area around the 43" white oak on lot 7.
   e. Revise the property line of lot 9 to exclude the proposed 33" chestnut oak tree to be saved to be located outside the dripline of the tree.
   f. Relocate the proposed street tree adjacent to the 24" London Plane tree to be saved, on the cul-de-sac, lot 10. This tree is positioned too close to the existing tree, and too close to the edge of the proposed retaining wall.

g. Provide tree pruning/root pruning preservation notes for the 43" caliper white oak tree on lot 7, where the proposed stone wall will be installed. Root pruning shall be required prior to the installation of the retaining wall. (P&Z)(RP&CA)**(PC)**

6. A landscape plan shall be provided with the final site plan to the satisfaction of the Directors of P&Z and RP&CA. At a minimum the plan shall provide:
   a. Street trees at an interval of no more than 30 feet on-center along Janneys Lane, Quaker Lane and the new public street.
   b. Additional evergreen planting, trees and landscaping shall be provided for all retaining walls that exceed 3 ft. tall.
   c. Provide a significant amount of additional decidious and evergreen trees on the eastern portion of the site to provide screening for the adjoining single-family home.
   d. Provide a significant amount of additional decidious and evergreen trees on the southern portion of lot 7 and lot 8 to provide screening for the adjoining single-family homes.
   e. All landscaping shall be maintained in good condition and replaced as needed.
   f. All plant materials and specifications shall be in accordance with the current and most up to date edition of the American Standard For Nursery Stock (ANSI Z60.1) as produced by the American Association for Nurserymen; Washington, D.C.
   g. Show proposed bus shelters on landscape plan.
   h. A bond for all existing trees and landscaping designated to be retained, in an amount determined by the Director of Parks, Recreation and Cultural Activities, and for 100% of the cost of trees and landscaping required to be installed, shall be provided and maintained for a period of five years.
   i. The applicant shall be permitted to make minor modifications, if the modifications enhance the tree protection measures. (P&Z)(RP&CA)

7. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall revise the design of the open space at the corner of Quaker and Janneys Lane and shall be responsible for the amenities and landscaping to the satisfaction of the Directors of RP&CA, P&Z and T&ES in consultation with the community. The plan shall be revised to provide the following:
   a. The open space shall provide amenities such as such as brick sidewalks, benches, focal element, high quality signage, trash receptacles, landscaping, etc. to encourage its use.
   b. There shall be no walls or fences that would appear to close the open space from public access.
   c. The trees shall be reconfigured and the tree species shall be revised to provide a more open and informal gathering area and open space.

d. Locate trees and specify species in a manner that substantially preserves the openness at the corner of Quaker Lane and Janneys Lane and provides high-quality passive use space.

e. The pathways shall be handicap accessible.

f. Locate utilities in a manner which eliminates or minimizes as much as possible conflicts between utilities and existing and proposed landscaping, including the following:

i. ~~Abandon the existing 12" storm line under the canopy~~ **If a new storm drainage line is required along the western property line in the vicinity** of the 33" chestnut oak tree to be saved at Quaker Lane ~~and install new storm~~ the line **shall be installed** outside the drip line.

ii. Relocate the proposed gas line that is now shown traversing the proposed park conflicting with the landscaping proposed. (P&Z)(RP&CA)**(PC)**

8. Revise the property line of lot 9 to exclude the 33" chestnut oak to the tree canopy drip line. (RP&CA)

II. Site Plan:

9. **CONDITION AMENDED BY PLANNING COMMISSION:** Revise the proposed public sidewalks and public pedestrian easements to provide the following:
   a. The internal sidewalk adjacent to the public street shall be 5ft. wide with a 4 ft. landscape strip between the sidewalk and the curb.
   b. A 5 ft. wide pedestrian easement and sidewalk or path shall be provide on the southern and eastern portion of lot # 9 and on the southern portion of lot # 10. The path shall provide a pedestrian connection from Quaker Lane to the open space on the corner of Quaker Lane and Janneys Lane and the internal public street.
   c. The landscape island within the cul-de sac shall be increased and the end of the on-street parking lane near Janneys Lane shall be reconfigured to the satisfaction of the Director of P&Z, T&ES and Code Enforcement.
   d. Provide a six foot sidewalk adjacent to the public streets on Quaker Lane and Janneys Lane with a 4 ft. landscape strip between the curb and the sidewalk.. Provide a public access easement for that portion of the six foot sidewalk located on the lots 3, 4, 8 and 9. **Modifications to this standard section may be permitted by the Directors of P&Z and T&ES in order to limit impacts on existing trees**. (P&Z)(RP&CA)(T&ES)**(PC)**

10. A public access easement for a pedestrian connection from the proposed public street parallel with the lot line of lot 6 and lot 7 and which shall connect to the existing sidewalk on Cathedral Drive. The surface for the trail shall be a pourous material. (T&ES)(RPCA)

11. All retaining walls shall be constructed with a natural stone or brick veneer. Any protective fencing or railing atop retaining walls shall be visually unobtrusive and of a decorative metal material, to the satisfaction of the Directors of P&Z and Code Enforcement. Additional retaining walls other than those shown on the preliminary site plan shall be permitted if they are required to protect existing trees or to prevent any extensive grading, or additional tree loss. Provide a retaining wall detail on the final site plan. (P&Z)

12. **CONDITION AMENDED BY PLANNING COMMISSION:** Fences shall be limited to a maximum height of 3.5 ft. and shall be limited to a decorative open style metal fence or painted wooden picket to the satisfaction of the Director of P&Z. A detail of all fences shall be provided on the final site plan. Fences within the front yard of lot 3 and lot 9 shall not be permitted. No fences shall be installed within the drip line of any tree shown to be saved on the preliminary site plan **unless the Directors of P&Z and RP&CA determine that the proposed installation will not adversely affect the tree.** All fence locations shall be depicted on the final site plan and a detail of all proposed fences shall be provided on the final site plan.(RP&CA)(P&Z)**(PC)**

13. Show existing and proposed street lights and site lights on the site plan. Provide a lighting plan with the final site plan to the satisfaction of the Director of T&ES in consultation with the Chief of Police. The plan shall show existing and proposed street lights and site lights; indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts; provide manufacturer's specifications for the fixtures; and provide lighting calculations to verify that lighting meets City Standards. (T&ES)(Police)

14. Provide all pedestrian and traffic signage to the satisfaction of the Director of T&ES. (T&ES)

15. All driveway entrances and sidewalks in public ROW or abutting public ROW shall meet City standards. (T&ES)

16. Show all existing and proposed easements, both public and private. (T&ES)

17. Replace existing curb and gutter, sidewalks, and handicap ramps that are in disrepair or broken. (T&ES)

18. Provide structural details for the proposed retaining walls greater than four feet in height.. (T&ES)

19. The Developer should provide two 4" rigid steel galvanized traffic signal conduits along the Quaker Lane and Janneys Lane frontage of the project. The conduits shall be buried 2 feet and shall terminate in developer supplied junction boxes at each end and at the Quaker Lane and Janneys Lane intersection. (T&ES)

20. The plans need to show more detail of the existing traffic signal and any impacts. (T&ES)

21. The proposed roadway will be a public roadway and must meet all minimum City street standards. Provide a five foot sidewalk on both sides of the proposed roadway and the cul-de-sac, street lighting and drainage. (T&ES)

22. The proposed width of the public roadway is too narrow to allow on-street parking on both sides of the street. Parking will only be allowed on one side of street as determined by the Director of T&ES. (T&ES)

23. Show the location of the bus shelters on the plan with associated easements and passenger loading ramps. Relocate bus shelter easements away from the trees to be saved on Quaker Lane. Relocate bus shelter or relocate proposed entry walk so that the bus shelter is not directly located next to the entry sidewalk into lot 8. (RP&CA) (T&ES)

24. Show all utility structures, including transformers, on the final development plan. All utility structures (except fire hydrants) shall be clustered where possible and located so as not to be visible from a public right-of-way or private street. When such a location is not feasible, such structures shall be located and screened to the satisfaction of the Director of P&Z. (P&Z)

III. Environmental

25. Developer to comply with the peak flow requirements of Article XIII of AZO. All roof drains, foundation drains and the majority of site runoff must be piped to an underground stormwater conveyance system. Provide measures to limit the migration of groundwater to adjacent properties. (T&ES)

26. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)

27. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of Article XIII of AZO shall be met. (T&ES)

28. Provide a narrative describing how the project will comply with the stormwater quantity and quality requirements of Article XIII of the Zoning Ordinance. (T&ES)

29. Provide pre and post development, two and ten year storm water computations for the entire site along with a drainage map. (T&ES)

30. Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfalls are available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall. The majority of the runoff from the proposed development outfalls into an existing closed storm drainage system which discharges into an open channel. Due to the proximity of the open channel to the existing homes on Key Drive, discuss the impacts of development to the downstream properties. (T&ES)

31. The proposed grading on the eastern portion of the site is steeper than the existing. Show how the runoff will be handled before it impacts the adjacent property. Show additional spot elevations on the eastern end of the retaining wall. (T&ES)

32. The applicant is encouraged to involve the stormwater management designer at an early stage of the site plan process in order to ensure future submittals incorporate stormwater design aspects into the site design in accordance with Article XIII of the Zoning Ordinance. (T&ES)

33. **CONDITION AMENDED BY PLANNING COMMISSION:** ~~Abandon the storm sewer located on the western portion of the property and relocate the new system into the Quaker Lane right of way~~. All storm sewers maintained by the City must be a minimum size of 15" for catch basin connections and a minimum size of 18" for storm sewer mains. (T&ES)**(PC)**

34. All Best Management Practices (BMP) stormwater facilities shall be located on private property or on common areas. This may require applicant to install two smaller flow through BMPs instead of one with higher capacity. (T&ES)

35. **CONDITION AMENDED BY PLANNING COMMISSION:** Provide additional inlets in place of manholes on the existing and proposed storm sewer on lots 1-3 to maximize the collection of surface run-off from the site **to the satisfaction of the Director of T&ES.** (T&ES)**(PC)**

36. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)

37. Maintain a ten foot horizontal separation between sanitary and waterlines and a six foot horizontal separation between sanitary and storm sewer. (T&ES)

38. A detailed geotechnical report will be required to be submitted with the first final plan submission. The site is bordering the marine clay area as delineated on the City map of marine clay areas. There is evidence of groundwater seepage on the site. The report is to include, at a minimum: groundwater information, identifying the problems and presenting solutions, underdrain systems, waterproofing basements, how to handle surface and ground water on the site and a summary of impacts to adjacent properties. (T&ES)

39. The stormwater collection system is part of the Taylor Run watershed. All on-site stormwater curb inlets and public curb inlets within 50 feet of the property line shall be duly marked to the satisfaction of the Director of T&ES.(T&ES)

40. Provide a drainage map for the area flowing to the chosen stormwater Best Management Practices (BMPs), including topographic information and storm drains.(T&ES)

41. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
    a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
    b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized.
    c. The surface appurtenances associated with the on-site structural stormwater Best Management Practices (BMPs) shall be marked to the satisfaction of the Director of T&ES to identify them as part of a structural BMP system. (T&ES)

42. For any surface-installed stormwater Best Management Practice (BMP), i.e. Bio-Retention Filters, Vegetated Swales, etc. that are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of T&ES. (T&ES)

43. Prior to approval of the final site plan, and as reviewed as part of the second final, the applicant shall execute, submit and appropriately record in the land records, a maintenance agreement with the City for the Stormwater Quality Best Management Practices (BMPs). (T&ES)

44. Prior to release of the performance bond, the applicant is required to submit a certification by a qualified professional to the satisfaction of the Director of T&ES that the existing stormwater management facility adjacent to the project and associated conveyance systems were not adversely affected by the construction and that they are functioning as designed and are in a condition similar to prior to construction began. If maintenance of the facility or systems were required in order to make this certification, provide a description of the maintenance performed. (T&ES)

45. The applicant shall furnish the Home Owners Association, where applicable or the owners with an Owner's Operation and Maintenance Manual for all the Best Management Practices (BMPs) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. Prior to release of the performance bond, a copy of the Operation and Maintenance Manual shall be submitted to the City on a digital media. (T&ES)

46. Plan does not indicate whether or not there are any known soil and groundwater contamination as required with all preliminary submissions. Should any unanticipated contamination or underground storage tanks, drums and containers be encountered at the site the applicant must immediately notify the City of Alexandria Department of Transportation and Environmental Services, Division of Environmental Quality.(T&ES)

IV. Architectural

47. **CONDITION AMENDED BY PLANNING COMMISSION:** The final architectural elevations shall be consistent with the level of quality and detail provided in the preliminary architectural elevations dated March 25, 2003. In addition~~, the applicant shall provide additional refinements to the satisfaction of the Director of P&Z that shall at a minimum include~~:
    a. The **primary** materials of the units for each facade shall be limited to brick, stone or cementitious siding.
    b. **Where possible,** ~~For all of the units~~ the width of shutters needs to equal half the width of the adjacent window.
    c. Color elevations **will** ~~shall~~ be submitted **for review and comment** with the final site plan.
    d. Architectural elevations (front, side and rear) shall be submitted **for review and comment** with the final site plan. Each elevation shall indicate average finished grade.
    e. The facades that are visible from the streets and **potential** ~~future~~ public park shall be designed with a level of architectural detail and with finishes consistent with the front facade treatment. (P&Z)**(PC)**

48. **CONDITION AMENDED BY PLANNING COMMISSION: The applicant shall submit revised architectural elevations for review and comment by the Director of P&Z.** The **revised elevations should generally** ~~design of the units shall be improved and refined to~~ present a more balanced facade appearance, orderly fenestration pattern and ~~to more closely~~ emulate the styles and scale of residential houses typically found in the City of Alexandria. ~~The changes should generally include the following to the satisfaction of the Director of~~

~~P&Z:~~ Items to be considered by the applicant in revising the elevations include:

a. **Revising** the size, pitch and design of the roofs ~~shall be revised~~ to reduce their size and mitigate the ~~large~~ scale of the buildings;

b. Establish**ing** a more formal order on the elevations, particularly sides and rears, **for a** ~~to have~~ a more symmetrical arrangement of appropriate sizes, proportions, and types of windows;

c. **Using** ~~types of~~ window styles ~~used should~~ that conform with the historic style of the general design of the house;

d. Using special windows, such as Palladian windows, only a focal points of the entire **elevation** ~~house design~~;

e. Incorporating architectural elements typically found on houses in Alexandria such as the presence of covered porticoes and porches on at least the front facade and desirable on other elevations;

f. **Making** chimneys ~~should be~~ more massive, reflecting load-bearing masonry construction typical of the historic houses depicted;

g. **Using** materials ~~should be~~ that are consistent with the traditional buildings in Alexandria that are predominantly brick or siding or a combination of the two. Stone was not often used as a general cladding material except in some Arts and Crafts style houses.(P&Z)**(PC)**

49. The building footprints for each unit shall be limited to the building envelope depicted on the preliminary plan unless otherwise necessary to retain additional trees to the satisfaction of the Director of P&Z. (P&Z)

V. Street Name Case

50. The new public street shall be named Barecroft Place and shall be shown on the final site plan. (P&Z)

VI. Subdivision/Legal

51. The final subdivision plat shall be consistent with the final site plan, except that the subdivision plat shall be modified to provide a separate lot for the driveway that provides access to lots 7, 8, 9 and 10. Lots 1 shall generally be a minimum of 26,030 sq. ft. and lot 2 shall generally be a minimum of 22,582 sq. ft. as reflected on the preliminary site plan dated 3/30/04 to the satisfaction of the Directors of P&Z and RC&PA. The final subdivision plat shall be approved and recorded prior to the release of the final site plan. The subdivision plat and all easements shall be submitted as part of the first final site plan submission. (P&Z)

52. The developer shall provide a signed disclosure statement from each purchaser prior to the release of a certificate of occupancy permit for that unit. The prospective purchasers shall be informed of the restrictions imposed on the landowners by the elements of this proposed site plan, including:
    a. Tree protection requirements;
    b. The presence and location of the proposed public park;
    c. Public access easements/paths through the development site and to the open space and public streets;
    d. The new public street and emergency vehicle easement restrictions;
    e. Sanitary sewer easements; and
    f. That zoning limits construction of future building additions and/or decks larger than what is shown on the site plan. (P&Z)

53. **CONDITION AMENDED BY PLANNING COMMISSION:** The applicant shall submit a homeowner's agreement (HOA) for approval by the City Attorney, prior to applying for the first certificate of occupancy permit. Such HOA shall include the conditions listed below, which shall be clearly expressed in a separate section of the HOA. Also, such section within the HOA shall include language which makes clear that the site plan conditions listed shall not be amended without the approval of the Planning Commission:
    a. The protected trees/tree protection areas as set forth as part of the site plan approval.
    b. Exterior building improvements by future residents, including above ground decks not included on the approved plans or different from the approved plans, shall require the approval of the Director of Planning and Zoning and must be consistent with the site plan conditions.
    c. Building additions, including decks are limited to the building envelope depicted on the approved site plan.
    d. All required landscaping and screening including trees and landscaping in the common area,) shall be maintained in good condition.
    e. No ground disturbing activity shall occur within the "limits of disturbance" areas or drip-line areas of trees preserved as a condition of this site plan approval.
    f. The principal use of the individual garages shall be for passenger vehicle storage only.
    g. **Each homeowner shall maintain the private storm drain lines on their property in good working order in accordance with the approved final site plan.** (P&Z)**(PC)**

54. Freestanding subdivision and/or development sigage shall be prohibited. (P&Z)

55. In accordance with the City's Affordable Housing Policy, the applicant shall make a contribution to the City's Housing Trust Fund of $1.00 per gross square foot of new building area (see definition of gross square footage provided in the Developer Checklist). The applicant shall pay the contribution to the City prior to the issuance of the certificate of occupancy. (Housing)

VII. Construction and Phasing

56. A temporary informational sign shall be installed on the site prior to the approval of the final site plan for the project and shall be displayed until construction is complete or replaced with a marketing sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project. (P&Z)

57. The applicant shall identify a person who will serve as liaison to the community throughout the duration of construction. The name and telephone number of this individual shall be provided in writing to residents, whose property abuts the site, and to the Directors of P&Z and T&ES. (P&Z)

58. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging. (T&ES)

59. During the construction phase of this development, the site developer, its contractor, certified land disturber, or owner's other agents shall implement a waste and refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them and sanitary waste at the construction site and prevent its off site migration that may cause adverse impacts to the neighboring properties or the environment to the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be disposed off site properly in accordance with all applicable federal, state and local laws.(T&ES)

VIII. General

60. Remove gas line from 10' water main easement. No other utilities are allowed within the VAWC easement. (T&ES/VAWC)

61. The General Notes of the Final Site Plans must include the following statements so that on-site contractors are aware of the requirements:
    a. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds.
    b. The applicant shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology. (Archaeology)

62. Certificates of Occupancy will not be issued for this property until the final archaeological report has been received and approved by the City Archaeologist. (Archaeology)

63. The developer will erect a historic marker on the property according to specifications provided by Alexandria Archaeology. The marker will highlight the historical and archaeological significance of the property. (Archaeology)

64. The developer will produce a booklet for the public on the history and archaeology of the property, according to specifications provided by Alexandria Archaeology. (Archaeology)

65. Any inconsistencies between the various drawings shall be reconciled to the satisfaction of the Directors of P&Z and T&ES. (P&Z)

66. All Traffic Control Device design plans, Work Zone Traffic Control plans, and Traffic Studies shall be sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)

67. Solid waste services shall be provided by the City. In order for the City to provide solid waste service, the following conditions must be met. The development must meet all the minimum street standards, including all standard cul-de-sac turnarounds, if applicable. The developer must provide adequate space within each unit to accommodate a City Standard super can and recycling container. The containers must be placed inside the units or within an enclosure that completely screens them from view. The developer must purchase the standard containers from the City or provide containers that are compatible with City collection system and approved by the Director of Transportation and Environmental Services. The houses on the pipestem driveway will have to bring the trash containers down to the public street right of way. (T&ES)

68. If fireplaces are to be included in the development, the applicant is required to install gas fireplaces to reduce air pollution and odors. Animal screens must be installed on chimneys. (T&ES)

69. The final site plan shall include a zoning tabulation that clearly depicts the permitted and proposed net/gross floor areas, height, yard setbacks, and all other applicable zoning requirements for each individual lot. This information sheet shall also be attached to all building permits. (P&Z)

70. Submit a building location survey to Planning staff prior to applying for a certificate of occupancy permit for each unit. The applicant shall submit the final "as-built" site plan for the entire project prior to applying for a certificate of occupancy permit for the last dwelling unit. (P&Z)

71. Temporary construction trailer(s) shall be permitted and be subject to the approval of the Director of P&Z. Temporary structures for sales personnel, as well as sales/marketing signs, shall be permitted, with the size and site design for such temporary structures, including signs, subject to approval by the Director of Planning and Zoning. (P&Z)

72. The applicant is to consult with the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding locking hardware and alarms for the homes. This is to be completed prior to the commencement of construction. (Police)

73. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for any sales or construction trailers as soon as they are to be placed on site. (Police)

74. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit by the Departments of Planning and Zoning and Transportation and Environmental Services. (P&Z)

Staff Note:
In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DSP #2004-0005
SUB#2004-0005
STREET NAME CASE #2004-0001
OAK GROVE

CITY DEPARTMENT CODE COMMENTS

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

Transportation & Environmental Services:

R-1 Underground the utilities along the frontage of the property on North Quaker Lane and Janneys Lane.

F-1 Correct the 10 minute time of concentration label to 5 minute time of concentration

F-2 Relocate the 24" storm sewer further away from the proposed dwelling on lot 3.

F-3 Relocate the 30" storm sewer connection from the stormceptor. It is in conflict with the traffic signal poles.

F-4 Revise drainage arrows on storm sewer to show correct direction of flow.

F-5 Relocate utilities in public right of way to maintain adequate clearances between utilities.

F-6 Revise proposed drainage map to correctly depict drainage area. Revise computations accordingly.

C-1 Bond for the public improvements must be posted prior to release of the plan.

C-2 All downspouts must be connected to a storm sewer by continuous underground pipe.

C-3 The sewer tap fee must be paid prior to release of the plan.

C-4 All easements and/or dedications must be recorded prior to release of the plan.

C-5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.

C-6 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.

C-7 All utilities serving this site to be underground.

C-8 Provide site lighting plan to meet minimum city standards.

C-9 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

C-10 The applicant must comply with the Article XIII of the City's zoning ordinance, which includes requirements for stormwater pollutant load reductions, treatment of the water quality volume default, and stormwater quantity management.

C-11 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. This includes naming a Responsible Land Disturber on the Erosion and Sediment Control sheets prior to engaging in land disturbing activities in accordance with Virginia Erosion and Sediment Control Law.

C-12 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. This includes the new state requirement for a VPDES permit for all construction activities greater than 1 acre.

Virginia American Water Company:

1. Show and call out two-inch blow off approximately fifteen feet west of the proposed fire hydrant by Lot 9. Terminate eight-inch water main at this point.

2. Show proposed water meter locations right behind curb and gutter.

3. Add the following notes to the plan: "All water facility construction shall conform to the Virginia American Water Company Standards and Specifications," and "Contact Virginia American Water Company at 703-549-7080 to coordinate construction and inspection of water facilities."

Code Enforcement:

The following are repeat comments from a review on 2/2/04 & 3/15/04. Updated comment from April 14, 2004 are in **BOLD.**

F-1 Two fire hydrants will be required. One shall be located at the entrance to the subdivision at the northeast corner of Lot 3 (Janneys Lane & Entrance to Development). The second shall be located along the edge of the circle near the front walk to lot 10. Relocate the hydrants show to the new locations mentioned above. **Hydrants have been relocated in accordance with previous requirements for Sheet C5.00, However, Sheet C5.10 (Park Option) is still deficient in proper hydrant coverage.**

Sheets C5.00 & C5.10 should be identical in reference to hydrant locations and should conform to the locations shown on Sheet C5.00 in this submission.

F-2 Finding deleted by staff

F-3 The submitted response letter does not reflect the plans submitted. The applicant references Notes 26 - 33 on Sheet C2.00. The submitted plans have only Notes 1 - 10 on Sheet C2.00. **Finding unresolved. Sheet C2.00 only provides Noted 1-11.**

C-1 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). Show note on plans. Condition met. Shown as Note 3 on Sheet C2.00.

C-2 A soils report must be submitted with the building permit application. Show note on plans. Condition met. Shown as Note 4 on Sheet C2.00.

C-3 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers. Show note on site plan. **Condition met. Shown as Note 11 on Sheet C2.00.**

C-4 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0. Show note on plans. Condition met. Shown as Note 2 on Sheet C2.00.

C-5 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property. Condition met. Shown as Note 6 on Sheet C2.00.

C-6 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems. Condition met. Shown as Note 7 on Sheet C2.00.

C-7 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property. Condition met. Shown as Note 8 on Sheet C2.00.

C-8 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection. Condition met. Shown as Note 9 on Sheet C2.00.

Health Department:

No code comments received

Parks and Recreation:

No code comments.

Historic Alexandria (Archaeology):

F-1 Historical maps indicate that structures were located on the southeast portion of this property by at least the 1860s. In addition, documents suggest that the lot was the location of encampments of Union soldiers during the Civil War. The property therefore has the potential to yield archaeological resources which could provide insight into military activities during the war and into domestic activities on the outskirts of town in 19th-century Alexandria.

F-2 The applicant hired Thunderbird Archeological Associates to complete an archaeological evaluation and metal detection survey of the property. A scatter of artifacts relating to a Civil War encampment was discovered, along with the foundations of a small 19th-century out-building. The consultant has submitted a draft report on the investigation and must complete required revisions. No additional archaeological field work is required.

APPLICATION for
DEVELOPMENT SITE PLAN
DSP # 2004-0005

PROJECT NAME: Oak Grove

PROPERTY LOCATION: 1400 Janney's Lane, Alexandria, VA 22302

TAX MAP REFERENCE: 051.01-02-01 ZONE: R-20

APPLICANT Name: Elm Street Development, Inc.

Address: 6820 Elm Street, Suite 200
McLean, VA 22101

PROPERTY OWNER Name: National Capital Presbytery

Address: 4915 45th Street, NW
Washington, DC 20016

SUMMARY OF PROPOSAL: To subdivide the property into 10 lots for upto 10 single family residences. The applicant intends to voluntarily donate 2 lots for use as a public city park.

MODIFICATIONS REQUESTED: none

THE UNDERSIGNED hereby applies for Development Site Plan approval in accordance with the provisions of Section 11-400 of the Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his knowledge and belief.

Jonathan P. Rak, Esq., Agent
Print Name of Applicant or Agent

Jonathan P. Rak
Signature

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Mailing/Street Address

(703) 712-5411 (703) 712- 5231
Telephone # *Fax #*

McLean, VA 22102
City and State *Zip Code*

January 26, 2004
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Fee Paid & Date: $_____ _____

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: _____

Development Site Plan (DSP) # 2004-0005

All applicants must complete this form.

1. The applicant is the (check one):

[ ] Owner [X] Contract Purchaser

[ ] Lessee [ ] Other: _____

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

100% Elm Street Development, Inc.

6820 Elm Street, Suite 200

McLean, VA 22101

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[X] Yes. Provide proof of current City business license

[ ] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

APPLICATION for SUBDIVISION

SUB # 2004-0005

REVISED

[*must use black ink or type*]

PROPERTY LOCATION: 1400 Janney's Lane

TAX MAP REFERENCE: 051.01-02-01 ZONE: R-20

APPLICANT'S NAME: Elm Street Development, Inc.

ADDRESS: 6820 Elm Street, Suite 200
McLean, VA 22101

PROPERTY OWNER NAME: National Capital Presbytery

ADDRESS: 4915 45th Street, NW
Washington, DC 20016

SUBDIVISION DESCRIPTION: To subdivide the property into 10 lots for upto 10 single family residences. The applicant intends to voluntarily donate 2 lots for use as a public city park.

THE UNDERSIGNED hereby applies for a Subdivision in accordance with the provisions of Section 11-1700 of the Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Jonathan P. Rak, Esquire, Agent
Print Name of Applicant or Agent

Jonathan P. Rak
Signature

McGuireWoods LLP
Mailing/Street Address

703-712-5411 *Telephone #*

703-712-5231 *Fax #*

1750 Tysons Boulevard, Suite 1800
McLean, VA 22102
City and State *Zip Code*

April 20, 2004
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ $_____

ACTION - PLANNING COMMISSION: _____

Subdivision #2004-0005

All applicants must complete this form.

1. The applicant is the *(check one)*:

[ ] Owner [x] Contract Purchaser

[ ] Lessee [ ] Other: _____

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

100% Elm Street Development, Inc.

6820 Elm Street, Suite 200

McLean, VA 22101

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

[x] Yes. Provide proof of current City business license

[ ] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

Subdivision #2004-0005

2. Please describe the existing and proposed use of the property(ies). Include a description of any structures, trees and landscaping, or other elements that occupy the property(ies).

Existing use of property is a church. Proposed use is for up to 10 single family residences.

APPLICATION for NEW STREET NAME

ST NAME # 2004-0001

[*must use black ink or type*]

LOCATION: 1400 Janney's Lane

TAX MAP REFERENCE: 051.01-02-01 ZONE: R-20

APPLICANT'S NAME: Elm Street Development, Inc.

ADDRESS: 6820 Elm Street, Suite 200
McLean, VA 22101

REASON FOR REQUEST FOR A NEW STREET NAME: Creation of new public street for proposed 10 single family residential development.

Jonathan P. Rak, Esquire, Agent
Print Name of Applicant or Agent

Jonathan P. Rak
Signature

McGuireWoods LLP
Mailing/Street Address

703-712-5411 *Telephone #*

703-712-5231 *Fax #*

1750 Tysons Boulevard, Suite 1800
McLean, VA 22102
City and State *Zip Code*

April 20, 2004
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Legal Advertisement: _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Docket Item # 2 A&B
DSP 2004-0005 + SUB 2004-0005
3T NAME CASE 2004-0001

"dblair" <dblairs1@comcast.net >

05/06/2004 07:36 AM

To: <erwagner@comcast.net>, <RichLeibach@aol.com>, <mkomorosj@nasd.com>, <jlr@cpma.com>, <hsdunn@ipbtax.com>, <fossum@rand.org>, <jssjennings@aol.com>
cc: <Barbara.Ross@ci.alexandria.va.us>, <ghparry@fortebrio.com>
Subject: Proposed Development of Second Presbyterian Church Site

Members of the Planning Commission,

IWe will not be able to attend the public hearing this evening, but we wanted to tell you how strongly we support the retention of the Second Presbyterian Church site as open space for Alexandria. We understand that the 2003 Open Space Master Plan designates the property as a critical site. As residents of Alexandria who have seen the amount of open space shrink over the years, we are convinced that the residential areas of the City such as the Quaker Lane/Seminary Road area have reached the limits of their development. Our property taxes are going up dramatically in the City – what we expect for the increased taxes is for Alexandria to maintain the quality of life that we are proud of – including space to walk, jog and relax. Now that the City Council has agreed in principle to issue bonds to purchase more open spaces, we believe the Planning Commission should defer any decision on the Second Presbyterian Church Site

Dennis and Diane Blair

Docket Item #2 A+B
DSP 2004-0005 + SUP 2004-0005
SPECIAL NAME CASE 2004-0001

"MacHarg, Jean"
<JMacHarg@PattonBoggs.com>
05/06/2004 11:03 AM

To: <erwagner@comcast.net>, <RichLeibach@aol.com>, <mkomorosj@nasd.com>, <jlr@cpma.com>, <hsdunn@ipbtax.com>, <fossum@rand.org>, <jssjennings@aol.com>
cc: "Barbara Ross, Deputy Director of Planning," <Barbara.Ross@ci.alexandria.va.us>, "Ginny Hines Parry, President, ASG, at" <ghparry@fortebrio.com>
Subject: Open Space/ Second Presbyterian

Mr. Chairman and Members of the Planning Commission:

The developer's site plan contradicts the Open Space Master Plan (OSMP), adopted as an amendment to the City's Master Plan in 2003. The OSMP designates the Second Presbyterian property as a "critical" site to preserve as open space and one of the top ten most critical sites in the City to preserve as open space.

The Planning Commission should defer consideration of the developer's applications until the fall after City Council, as agreed on May 3, decides which open space sites will be acquired and what amount of bonds for open space will be issued.

Please do not under-estimate the importance of this issue to the community. The wide-spread support for preservation of this site as open space should by now be very clear to all.

Thank you for your time and attention.

Very truly yours,

Jean V. MacHarg

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This e-mail message contains confidential, privileged information intended solely for the addressee. Please do not read, copy, or disseminate it unless you are the addressee. If you have received it in error, please call us (collect) at (202) 457-6000 and ask to speak with the message sender. Also, we would appreciate your forwarding the message back to us and deleting it from your system. Thank you.

Docket Item# 2A+B
DSP 2004-0005 + SUB 2004-0005
ST NAME CASE 2004-0001

Ginny Hines Parry <ghparry@fortebrio.com>

05/06/2004 09:15 AM

To: Eric Wagner <erwagner@comcast.net>, Rich Leibach <RichLeiBACH@aol.com>, John Komoroske <mkomorosj@nasd.com>, "J. Lawrence Robinson" <jlr@cpma.com>, Stewart Dunn <hsdunn@ipbtax.com>, Donna Fossum <fossum@rand.org>, Jesse Jennings <jssjennings@aol.com>
cc: Eileen Fogarty <eileen.fogarty@ci.alexandria.va.us>, Barbara Ross <Barbara.Ross@ci.alexandria.va.us>
Subject: 5/6/04 Docket, Items ~~#3~~ A, ~~#3~~ B

May 4, 2004

Chairman and Members of the Planning Commission
City Hall
301 King Street
Alexandria, VA 22314

Re: 5/6/04 Docket, Items ~~#3~~ A, ~~#3~~ B, 1400 Janneys Lane, Oak Grove, AKA 2nd Presbyterian Church

Dear Chairman and Members of the Planning Commission:

Alexandrians for Sensible Growth (ASG) requests that the Planning Commission defer consideration of Items #3-A and 3-B, 1400 Janneys Lane, Oak Grove, also known as Second Presbyterian Church, because this site is one of several being considered as open space by the City Council. City Council released a statement on May 3 stating that it will decide this fall what sites to try to acquire as open space with funds from bonding.

To date, there has been no opportunity for citizens to comment before the Open Space Steering Committee, the Planning Commission or City Council on this potential open space site. The first opportunity for public comment will be June 15, when City Council hears comments on the recommended list of sites for acquisition. In the fall, Council will evaluate specific sites, decide what sites to try to acquire and the level of bonding for open space acquisitions. This process should be respected and allowed to proceed prior to the Planning Commission hearing requests for development approvals.

It is disrespectful of the Open Space Master Plan, City Council and the citizens of Alexandria to move forward with development of any potential open space when there has never been an opportunity for citizens to comment on the implementation of the Open Space Master Plan and, specifically, on this site.

It would also be an undue hardship to the developer to proceed with consideration of these plans given that the site is under consideration as open space.

Please allow this process to proceed before you consider the development applications for the Second Presbyterian Church site. Your consideration of this request is greatly appreciated.

Sincerely,

Ginny Hines Parry, President
Alexandrians for Sensible Growth
317 Skyhill Road
Alexandria, VA 22314

PC Docket Item # 9 A+B
DSP 2004-0005 + SUB 2004-0005
ST NAME CASE 2004-0001

Bob Jenkins
<slyjenk@yahoo.com>

05/05/2004 09:33 PM

To: <erwagner@comcast.net>, <richleibach@aol.com>, <fossum@rand.org>, <jssjennings@aol.com>, <komorosj@nasd.com>, <hsdunn@ipbtax.com>, <jlr@cpma.com>, <Barbara.Ross@ci.alexandria.va.us>

cc:

Subject: Let's Do the Right Thing for Alexandria!

Dear Planning Commission Members:

I write as a resident of Alexandria for nearly thirty-five years, as one who lives near Second Presbyterian, and as an Alexandrian who cares deeply about the declining quality of life in this area. I have seen open spaces disappear every year, traffic and communiting time dramamtically increase, along with rising pollution, frustrated people fighting for parking spaces, and the clear degrading of the attractiveness and livability that open space gives to a community. You know that the heavy development in the Eisenhower Avenue area will further contribute to the well-known congestion problems in this part of Alexandria. It is a topic that is widely discussed. I often hear my neighbors ask: "Why do they continue playing into the hands of the developers who "dense pack" our city with developments, soaring chateaus, and then move away to their walled estates and distant communities. As you well know, Alexandria is already one of the most densely populated cities in the country. Why further contribute to reducing the quality of life for all of us?

We all agree that the Second Presbyterian property is a critical site to preserve as open space. The Planning Commission should defer consideration of the developer's applications until the fall, after the City Council, as agreed on May 3, decides which open spaces will be acquired and what amount of bonds for open space will be issued. Waiting until the fall is too late. This is a classic opportunity to show a commitment to the open space concept. Alexandria is already facing an open space crisis and you are in a position to use your good judgment and commitment to us in the community to do the right thing. Now is the time to increase open space and parkland. Waiting further increases the chances that land prices will escalate in cost even more. Communities all over America routinely issue bonds to purchase open space. Why don't we do the same? I will carefully watch your decision and hope that you have the interests of my family and my fellow Alexandrians in mind when you decide. Let's do the right thing this time for future generations who have to live in this town! Many thanks.

Regards, Bob Jenkins

Docket Item # 2 A+B
DSP 2004-0005
SUB 2004-0005
STREET NAME CASE 2004-0001

"Zimmer, Michael J" <Michael.J.Zimmer@BAKERNET.com>

05/05/2004 06:57 PM

To: <erwagner@comcast.net>, <richleibach@aol.com>, <mkomorosj@nasd.com>, <jlr@cpma.com>, <hsdunn@ipbtax.com>, <Fossum@rand.org>, <jssjennings@aol.com>
cc: <barbara.ross@ci.alexandria.va.us>
Subject: FW: Thursday, May 6, 7:30pm -- Planning Commission Hearing onProposed Development of Second Presbyterian Church, Alexandria

Mr. Chairman and Members of the Planning Commission:

The developer's site plan for this parcel contradicts the Open Space Master Plan (OSMP), adopted as an amendment to the City's Master Plan in 2003. The OSMP designates the Second Presbyterian property as a "critical" site to preserve as an open space and one of the top ten most critical sites in the City to preserve as open space. Recent discussion in the community confirms the maintenance of this designation and strong public interest in retention of this property as an open space.

The Planning Commission should defer consideration of the developer's applications until the Fall after City Council, as agreed on May 3, decides which open space sites will be acquired and what amount of bonds for open space will be issued by the City. The two processes should be linked together since they are inter- related. This approach is also the only approach in strict compliance with the requirements of the OSMP.

Thank you.

Michael J. Zimmer
Maureen A. Mirro-Zimmer
4206 Maple Tree Court
Alexandria, VA 22304

Docket Item #2A+B
DSP 2004-0005 & SUB
ST NAME CASE 2004-0005 2004-0005

<ROBERTSJIM@aol.com>

05/05/2004 11:45 PM

To: <erwagner@comcast.net>, <RichLeibach@aol.com>, <mkomorosj@nasd.com>, <jlr@cpma.com>, <hsdunn@ipbtax.com>, <fossum@rand.org>, <jssjennings@aol.com>, <Barbara.Ross@ci.alexandria.va.us>

cc:

Subject: Request

Planning Commission Members,

In the spirit of elemental fairness, please defer consideration of applications to develop property identified as part of the Open Space Master Plan, until the fall after City Council--as it agreed on May 3--decides which open space sites will be acquired and what amount of bonds for open space will be issued for this purpose.

These sites, including one which is for all practical purposes already a park replete with a historic structure, ancient trees, a well used community center and off street parking (i.e. the 2ed Presbyterian church property) merit deferential consideration.

Having personally met with the developer of 2ed P, I can attest that he is sensitive to community sensibilities. He also stated that his firm has ample time before it must let lapse, sell or excerise its option to turn this property now accessable to all into an enclave for eight families.

A deferment to the fall will not affect the developer's schedule. More importantly, it will allow the city, staff and residents, time to deliberately consider the Open Space Plan and the wisdom of acquiring properties identified within it, especially those sought by developers.

Sincerely,

Jim Roberts
Alexandria, VA

Docket Item #2 A+B
DSP 2004-0005 +SUB 2004-0005
TX NAME CASE 2004-0001

"Tuppence Blackwell" <tuppenceblackwell@earthlink.net>

05/05/2004 01:40 PM
Please respond to tuppenceblackwell

To: <erwagner@comcast.net>, <RichLeibach@aol.com>, <mkomorosj@nasd.com>, <jlr@cpma.com>, <hsdunn@ipbtax.com>, <fossum@rand.org>, <jssjennings@aol.com>
cc: <Barbara.Ross@ci.alexandria.va.us>, "Ginny Hines Parry" <ghparry@fortebrio.com>
Subject: Second Presbyterian Property

Mr. Chairman and Members of the Planning Commission:

I have a class Thursday evenings and cannot attend the public hearing on May 6, but I wanted to express myself to you.

The developer's site plan contradicts the Open Space Master Plan (OSMP), adopted as an amendment to the City's Master Plan in 2003. The OSMP designates the Second Presbyterian property as a "critical" site to preserve as open space and one of the top ten most critical sites in the City to preserve as open space.

The Planning Commission should defer consideration of the developer's applications until the fall, after City Council (as agreed on May 3) decides which open space sites will be acquired and what amount of bonds for open space will be issued.

Thank you for your consideration of my opinions, as a 28-year resident of Alexandria.

Sincerely,

Tuppence Blackwell
3254 Gunston Road
Alexandria, VA 22302
703.379.2992
tuppenceblackwell@earthlink.net
For trees, for dance, for community

Docket Item # 2 A+B
DSP 2004-0005 + SUB 2004-0005
3T NAME CASE 2004-0011

"Stephen J. Kahn, CPA" <stephen@kahncpa.com>

05/05/2004 11:05 AM

To: <erwagner@comcast.net>, <RichLeibach@aol.com>, <mkomorosj@nasd.com>, <jlr@cpma.com>, <hsdunn@ipbtax.com>, <fossum@rand.org>, <jssjennings@aol.com>
cc: <Barbara.Ross@ci.alexandria.va.us>
Subject: PROPOSED DEVELOPMENT OF SECOND PRESBYTERIAN CHURCH

Mr. Chairman and Members of the Planning Commission:

The developer's site plan contradicts the Open Space Master Plan (OSMP), adopted as an amendment to the City's Master Plan in 2003. The OSMP designates the Second Presbyterian property as a "critical" site to preserve as open space and one of the top ten most critical sites in the City to preserve as open space.

The Planning Commission should defer consideration of the developer's applications until the fall after City Council, as agreed on May 3, decides which open space sites will be acquired and what amount of bonds for open space will be issued.

Thank you for considering my thoughts in this matter.

Stephen Joel Kahn
1262 Quaker Hill Drive
Alexandria, VA 22314
(703) 370-0019

Date: Tue, 04 May 2004 12:53:06 -0400
Subject: 5/4/04 Docket, Items #15, #24A and #24B; 5/6/04 Docket, Items #2-A, #2-B
From: Ginny Hines Parry <ghparry@fortebrio.com>
To: Eric Wagner <erwagner@comcast.net>, Rich Leibach <RichLeiBACH@aol.com>, John Komoroske <mkomorosj@nasd.com>, "J. Lawrence Robinson" <jlr@cpma.com>, Stewart Dunn <hsdunn@ipbtax.com>, Donna Fossum <fossum@rand.org>, Jesse Jennings <jssjennings@aol.com>
Cc: Eileen Fogarty <eileen.fogarty@ci.alexandria.va.us>, Barbara Ross <Barbara.Ross@ci.alexandria.va.us>
X-BigFish: vpcs-54(z21dIL519iz77cIKfb0P11fbP122eHzzzzz)
X-OriginalArrivalTime: 04 May 2004 17:16:21.0688 (UTC) FILETIME=[85579B80:01C431FB]

May 4, 2004

Chairman and Members of the Planning Commission
City Hall
301 King Street
Alexandria, VA 22314

Dear Chairman and Members of the Planning Commission:

Alexandrians for Sensible Growth (ASG) requests that the Planning Commission defer consideration of the items listed below because all of the sites are being considered for acquisition as open space by the City Council. City Council released a statement on May 3 stating that it will decide this fall what sites to try to acquire as open space with funds from bonding.

May 4, 2004 Docket:

15. SUBDIVISION #2003-0010
2207 IVOR LANE

Consideration of a request to subdivide the subject property into two lots; zoned R-8/Residential.
Applicant: KG Development, LLC by Susan Kelly
(Deferred from April docket)

24-A. SUBDIVISION #2003-0011
1900, 1904 and 1910 RUSSELL ROAD
RUSSELL-LLOYDS
Consideration of a request to subdivide three existing lots on the subject property in order to reconfigure the parcel lines; zoned R-12/Residential.
Applicant: Renaissance Custom Communities, LLC by Harry Hart, attorney

24-B. DEVELOPMENT SITE PLAN #2004-0008
1900, 1904 and 1910 RUSSELL ROAD
RUSSELL-LLOYDS
Consideration of a request for a development site plan to construct three

single family dwellings; zoned R-12/Residential.
Applicant: Renaissance Custom Communities, LLC by Harry Hart, attorney

May 6, 2004 Docket:

2-A. SUBDIVISION #2004-0005
1400 JANNEY'S LANE
OAK GROVE
Consideration of a request to subdivide the subject property into 10 lots; zoned R-20/Residential.
Applicant: Elm Street Development, Inc. by Jonathan P. Rak, attorney

2-B. DEVELOPMENT SITE PLAN #2004-0005
STREET NAME #2004-0001
1400 JANNEY'S LANE
OAK GROVE
Consideration of a request for a development site plan to construct single family dwellings and a request to name a public street; zoned R-20/Residential.
Applicant: Elm Street Development, Inc. by Jonathan P. Rak, attorney

The Ivor Lane site is part of several parcels listed for priority attention in the Open Space Steering Committee Report which will be discussed at the May 12, 2004 City Council work session with the Open Space Steering Committee. Both the Russell-Lloyds Lane and the 1400 Janneys Lane sites are listed as important sites in the same report.

To date, there has been no opportunity for citizens to comment before the Open Space Steering Committee, the Planning Commission or City Council on these potential open space sites. The first opportunity for public comment is scheduled for June, when City Council hears comment on the recommended list of sites for acquisition. Then in the fall, Council will evaluate specific sites, decide what sites to try to acquire and the level of bonding for open space acquisitions. This process should be allowed to proceed and not be prematurely cut short by granting the various approvals being sought by each of these applications.

It fundamentally is disrespectful of the Open Space Plan, City Council and the citizens of Alexandria to move forward with development of any of these sites when there has never been an opportunity for citizens to comment before Planning Commission and Council on the implementation of the Open Space Plan and, specifically, on these sites, and when Council has not yet had time to deliberate and decide as to whether to purchase the sites.

It would also be an undue hardship to the developers to proceed with consideration of these plans given that the sites are under consideration as open space.

Your consideration of this request is greatly appreciated.

Sincerely,

Ginny Hines Parry, President
Alexandrians for Sensible Growth
317 Skyhill Road
Alexandria, VA 22314
703-212-0982
ghparry@fortebrio.com

PC Docket Items # 2 A+B
May 6, 2004
DSP 2004-0005; SUB 2004-0005
3T NAME CASE 2004-0001

Natalie Burch

05/02/04 03:32 PM

To: Kendra Jacobs/Alex@Alex
cc:
Subject: Purchase of Second Presbyterian Church

fyi attached
----- Forwarded by Natalie Burch/Alex on 05/02/2004 03:32 PM -----

Ginny Hines Parry <ghparry@fortebrio.com>

05/02/2004 03:19 PM

To: Eric Wagner <erwagner@comcast.net>, Rich Leibach <RichLeiBACH@aol.com>, John Komoroske <mkomorosj@nasd.com>, "J. Lawrence Robinson" <jlr@cpma.com>, Stewart Dunn <hsdunn@ipbtax.com>, Donna Fossum <fossum@rand.org>, Jesse Jennings <jssjennings@aol.com>, Bill Dickinson <wdickin953@aol.com>, Bill Henrickson <WHendrick@aol.com>, Cindy DeGrood <cgrotius@ix.netcom.com>, Bruce&Linda Dwyer <ouibike@worldnet.att.net>, <gleneuguster@aol.com>, <markfields@ccl-eng.com>, <kenyonlarson@sra.com>, <jnoritake@erols.com>, Ellen Pickering <elpickering@juno.com>
cc: Eileen Fogarty <eileen.fogarty@ci.alexandria.va.us>, Barbara Ross <Barbara.Ross@ci.alexandria.va.us>, Mark Jinks <Mark.Jinks@ci.alexandria.va.us>
Subject: Purchase of Second Presbyterian Church

TO: Planning Commission
Open Space Steering Committee

FROM: Ginny Hines Parry, Vice-President
Clover-College Park Civic Association

RE: Position of Clover-College Park Civic Association Board of Directors regarding Second Presbyterian Church

DATE: May 3, 2004

The letter below was sent to the Mayor and City Council recently regarding the position of the Board of Directors of the Clover-College Park Civic Association and the Second Presbyterian Church site.

Please contact me if you have any questions.

Ginny Hines Parry, Vice-President
Board of Directors
Clover-College Park Civic Association
317 Skyhill Road
Alexandria, Virginia 22314
703-212-0982
ghparry@fortebrio.com

****

[redacted]

April 29, 2004

The Honorable Mayor and Members of City Council
City Hall
301 King Street
Alexandria, VA 22314

Dear Mayor and Members of City Council:

The Board of Directors of the Clover-College Park Civic Association recently voted to request that the City purchase the entire Second Presbyterian Church property and to retain it as open space.

The city has a rare opportunity to acquire a park-like property that already has an expansive structure on it serving as a community center and polling station. Open space of this size with an existing structure ideal for public uses is seldom available. Since none is foreseen for purchase of this size and with its extraordinary features, the city should purchase this property so it may serve current but most importantly future generations of an evermore congested city.

The 6.07 acre Second Presbyterian is already part of the Open Space Master Plan (OSMP) adopted last year. It was incorporated into the city's master land use plan. The purchase of this entire site should begin now with a letter of intent to the owner. Its purchase should be included in the city's FY2005 Capital Improvement Project (CIP) budget.

The city staff should be directed to find a fiscally responsible means to purchase the site. The owners have never paid any taxes on this property. They are in a position to make it available to the city at a reasonable price.

The city should consider using general obligation bonds as a cost-effective means of purchasing the property. Hundreds of communities across the country routinely use bonds to quickly purchase open space. Current open space funds can be used to offset the costs associated with the sale of the bonds so that more open space can be purchased when it becomes available, as is done in numerous other communities. Non-critical CIP projects could be delayed and those funds could also be used now to offset the costs of a bond sale.

The former church building at Second Presbyterian already produces income from the day care and church tenants. Continuing revenues from these tenants could also be used to offset maintenance costs.

The city's AAA/Aaa bond rating, the very highest awarded by Moody's and Standard and Poor's, is a testimony to the city's excellent financial position. This highly regarded rating allows the city to borrow bonds at low rates. The city should be taking advantage of its hard-earned credit rating to borrow funds now while low interest rates are available and before the cost of Second Presbyterian increases even further.

If the city does purchase the Second Presbyterian site, future uses there should be decided with extensive community input. Consideration should be given to including neighborhood activities and recreational programs, such as special programs for the elderly and disabled, youth groups, and similiar worthy programs.

Finally, the house at Second Presbyterian is over 50 years old and may be eligible for nomination to the National Register of Historic Places on the Virginia Landmarks Register. The nomination process for these designations

should begin immediately to ensure its preservation.

Your consideration of this request to purchase 2nd Presbyterian is very much appreciated.

Sincerely,

Ginny Hines Parry, Vice President
Board of Directors
Clover-College Park Civic Association
317 Skyhill Road
Alexandria, VA 22314
703-212-0982
ghparry@fortebrio.com

cc: Jim Butler, President, CCPCA Board of Directors
CCPCA Officers and Directors

Taylor Run Citizens Association

Founded 1966

http://taylor-run.alexandria.va.us/ **P.O. Box 16321, Alexandria, VA 22302**

PC Docket Item #7 A+B
May 6, 2004
DSP 2004-0005
SUB 2004-0005
ST NAME CASE 2004/0021

April 30, 2004

Mr. Eric R. Wagner
Chairman
Planning Commission
City Hall
Alexandria, VA 22314

Dear Mr. Chairman and Commissioners:

I am writing on behalf of the Taylor Run Citizens Association regarding the future of the Second Presbyterian property. TRCA is composed of almost 1,000 homes located just east of the property under consideration.

TRCA has had a long-standing interest in the retention of open space and preservation of trees in our City. We appreciate the City Council's commitment to open space by its earmarking of one penny of property tax to an "Open Space Fund" to obtain land. The planning process for how to spend those monies is now underway. The current controversy over Second Presbyterian, given the pending application by its new owner, Elm Street Development, presents the City with a dilemma.

TRCA's Executive Committee discussed this matter on April 14 and voted to support the proposal wherein the City would receive two lots within the property along Janney's Lane for public use. The Elm Street Development proposal would have eight homes constructed on the property.

Given the citywide open space goal, it is important to gain at least some open space on this property. Concern was heard about sharply increased traffic should the entire property be acquired by eminent domain. We are aware of questions about suitability of the land for home construction, and recommend that the Commission ensure there is proper drainage and no adverse effect on the Chesapeake Bay watershed. We also recommend retention of as many trees as possible.

Thank you for consideration of our views.

Sincerely,

Peter Newbould

Peter Newbould, *2004 President*, 506 Robinson Court, Alexandria, VA 22302
703-548-6517 pnewbould@apa.org

Jim Moran, *Vice President*; Sharon Crampton, *Secretary*; Joan Peterson, *Treasurer*.
Executive Committee Members: Marcia Argust, Randy Cole, Michael Cook,
Peter Freeman, Jack House, Suzanne Jackson, Elizabeth Jones,
John Manning, Ellen Pickering, Randy Sengel, Paul Stilp, Sandra Wiener

From: "Alex Krem" <akrem@admiralty.net>
To: <DELPepper@aol.com>, <council@joycewoodson.net>, <wmeuille@wdeuille.com>, <alexvamayor@aol.com>, <rob@krupicka.com>, <councilmangaines@aol.com>, <macdonaldcouncil@msn.com>, <smedbergPC@aol.com>
Cc: <erwagner@comcast.net>, <jlr@cpma.com>, <donna_fossum@rand.org>, <hsdunn@ipbtax.com>, <richleibach@aol.com>, <komorosj@nasd.com>, <jssjennings@aol.com>, "Joan M" <joan.e.mitchell@verizon.net>, "AK" <akrem@admiralty.net>
Subject: Protection of the 2nd Presbyterian Church site
Date: Tue, 27 Apr 2004 16:02:27 +1200
X-Priority: 3 (Normal)
Importance: Normal
X-BigFish: vpcs-50(zzcc5II7efR14e2P1418M12c9Mff4M122eHzzzzz)
X-OriginalArrivalTime: 27 Apr 2004 04:03:04.0157 (UTC) FILETIME=[8A1C80D0:01C42C0C]

26 April 2004

Re: Protection of the 2nd Presbyterian Church site

Dear Councilor,

Greetings and best wishes.

I am writing you in support of open space. I believe that parks and green spaces are needed, and that the few remaining sites need to be protected and preserved -- as a vital and urgent part of our beautiful City's agenda. .

Ms. Ginny Hines Parry, President of Alexandrians for Sensible Growth, asked me to comment on the Open Space Committee's recent recommendation not to protect the Second Presbyterian Church site from development. I felt you might be interested in my perspective, as well. My comments are made with the best interests of the City in mind. I do not profit directly or indirectly from the outcome – other than by seeing our lovely City protected and preserved, and our quality of life enhanced.

1. It seems that the discussion and recommendations of the Open Space Committee were made in a vacuum. How much does the City have to spend? How much more can it borrow? It seems to me that these issues are discussed and understood before a decision can be made about preserving the Second Presbyterian Church site, or any other. I would urge the Open Space Committee to address these critical issues first, if it intends to do its job fairly and intelligently.

2. The decision process of the Committee seems badly flawed and designed to ensure that most properties in the Open Space Master Plan will not be protected. For example, the report says: "In summary, a clear majority of the Committee did not believe that the Second Presbyterian Church property merited ***higher*** priority consideration for expenditure of limited funding resources over other sites...." (italics

added) This implies that only properties at the top of the list will be funded. I would have thought that the City would be working hard to protect **every site** identified in the Open Space Master Plan. Instead, it proposes a beauty contest in which only those that merit *"higher priority consideration"* will be considered at all.

This is not a logical methodology. By this test, most properties (already identified as desirable) will fail to be supported, as they would not deserve "**higher** priority consideration". Then of the remainder, most will fail on an identical retest. And so on, and so forth, until only one property deserves "higher priority consideration".

I think that a far more sensitive and logical approach would be to say: "These are the properties we want to protect and here is how we intend to fund their purchase." It seems to me that this is the proper job of the Open Space Committee. If not this, then what? I believe the Committee should be working for a way to protect the identified properties, rather than finding ways to exclude them from the protection they earned by getting on the Open Space Master Plan list in the first place.

3. The Committee's current approach seems to redefine what is and what is not protected by the Open Space Master Plan, rather than working to protect space already identified. Is this its mandate? I hope not.

4. The use of a mathematical scorecard seems logical. However the chosen approach would work against a property like this, and made the Committee's final recommendation a foregone conclusion.

5. The report states that "many members of the Committee [believed] that portions of the property should be preserved as open space." Then, despite this promising remark, it concludes that does not recommend protecting the property. How strange.

6. The report gives us no idea of what happened in the meeting, nor what the issues were, nor who stood where on what. Many of us will be quite interested to review the minutes of the meeting to learn who is for and who against protecting this particular property, and other available space as well.

7. The final paragraph of the report admits that the Committee was divided on the purchase of additional land. This obscures the evident fact that the Committee t was divided on the entire subject.

We all want what is best for Alexandria. Parks and other open spaces are critical. I think this need has been recognized, and is the basis of the Master Plan. With great respect, I believe the Open Space Committee should act to protect the Second Presbyterian Church site and all other properties recognized in the Master Plan, as a minimum position, rather than as a "wish list" from which it can pick and choose.

The present outcome would allow a wag or cynic to observe: "The Open Space Steering

///

Committee was divided and couldn't reach agreement. It developed an absurd paradigm that only the very best property deserves to be protected. Since the Second Presbyterian Church site is not the very best site in the City for a park, the Committee concluded that there was no need to recommend protecting it. The Open Space Master Plan was ignored, so the developer can have its way."

With the greatest respect for the sincerity and dedication of the Committee members, I think we can do better than this. If any of the Committee members do not feel that their job is to follow the Master Plan and to protect ***all*** the properties identified for preservation, perhaps it is appropriate to replace such members with people who are interested in supporting open space in our City.

Thank you.

Respectfully,

Alex Krem
701 Hawkins Way

X-Comment: AT&T Maillennium special handling code - c
To: council@joycewoodson.net, jlr@cpma.com, rob@krupicka.com,
ludgaines@aol.com, smedbergpc@aol.com, erwagner@comcast.net,
alexvamayor@aol.com, hsdunn@ipbtax.com, delpepper@aol.com,
jssjennings@aol.com, richleibach@aol.com, ahmacdonald@his.com,
fossum@rand.org, komorosj@nasd.com
Cc: beth.beck@nasa.gov, judy durand <j.durand@worldnet.att.net>
Subject: development of 2nd Presbyterian church property
From: beth beck <bethbeck1@comcast.net>
Date: Thu, 22 Apr 2004 07:28:37 -0400
X-BigFish: vpcs11(zz1862rzzzz2c32iz)
X-OriginalArrivalTime: 22 Apr 2004 11:34:12.0301 (UTC) FILETIME=[BBEABFD0:01C4285D]

I attended the City Council meeting last evening for the presentation and discussion of the proposed development at Quaker Lane and Janneys Lane.

I would like to share some observations, as well as ideas. Please don't let my observations prevent you from hearing my ideas.

1. Open space criteria

As I read the memo from the Open Space Committee and heard Judy Noritake's presentation, my first thought was who developed the criteria and why. I also have questions with how the criteria was applied for the 2nd Presbyterian site.

-- Requiring new land to be adjacent to existing parks is nice, however, the park already exists. Opportunities for new "pocket parks" in easily accessible locations should receive high marks.

-- Requiring connections to streets should have given the 2nd Presbyterian lot high marks. It already links to Janneys Lane. However the scoring sheet refers to Cathedral Drive as the only connection considered, yet the calls (what would be a second connection) undesirable without an explanation why.

-- Clearly having space contiguous to another "institutional" property, such as a school, is admirable in order to increase the maximum potential of the open space. However, used as a filter, that criteria negates a property that is large enough to stand alone as a wide open space -- such as the 6 acre plot at 2nd Presbyterian. That specific criteria is only necessary for a small plot of one acre. Using that criteria as a filter, the Open Space Committee would give low marks to 100 acres plot that had no connection to a walking path or contiguous schools, etc -- which is just silly. Also, the land is within walking distance of MacArthur, T.C, Minnie Howard, and Bishop Ireton. Not a bad intersection for the area schools.

-- Requiring the lot to be adjacent to linking existing trails or greenways, the score sheet gave low marks, yet 2nd Presbyterian is across the street from existing greenways.

-- Requiring small lots for pocket parks in dense areas for gardens green spaces and playgrounds received low marks with no explanation. Is 2nd Presbyterian not small enought, not green enough, not acceptable for gardens or playgrounds?

-- I can't conceive discounting a house that barely missed the City's historical landmark designation as of limited value to the city "in comparison to other resources." Was this evaluation

giving a score or a ranking of other property. I didn't see the other properties listed that the committee compared it with.

-- I don't know what the high need is. The "needs assessment" wasn't attached.

-- A nice little fitness trail can easily be plotted on 6 acres of land (independent of trail connections) with yard markers and exercise junctions, surrounded by gardens and playgrounds. We could do a number of creative things with 6 acres.

2. Citizen participation on committees

Judy Noritake's comment that she chairs three commissions/committees and has no time to open the meetings to the public struck me as another problem with this process. Surely this city is large enough to draw a greater pool of volunteers to staff these committees. Perhaps you will gain valuable new insight and fresh ideas if you cast the net more widely for volunteers. You may find you have more citizen support on difficult issues facing the City. But, that's just one person's opinions.

3. Cost to buy back the property

I spoke with a man on the way out of the meeting who told me the developer assured him they haven't paid one penny for the property at 2nd Presbyterian. They want to ensure they receive support for their proposal before they seal the deal. That surprised me in light of the discussion of the high cost to the City if we buy it back from them. Perhaps we can offer a counter proposal at or near the price the developer agreed to pay.

4. Ideas

Once we lose these 6 acres, they will be lost forever. A great loss for this crowded city.

We could use the 6 acres in a number of ways to benefit the City. (Personally, I was originally interested in the property as a potential "field of dreams" for girl's fast-pitch softball, but now with talks about a sports facility with a designated girls softball field, I take that option off the table.) We could turn the historic manse into a community-centered habitat for humanity type project where youth work with adults to renovate the house for a youth-run center. In this center (in walking distance from Minnie Howard and TC) the youth could run game rooms, video rooms, art rooms, a music studio where they record demo tapes, study rooms, coffee shop and so on. Perhaps they could construct a simple mini golf course behind the house. They would learn valuable lessons about how to run a business, plus indulge their creative energies with art and music.

Or, the house could be renovated (habitat for humanity style) and used as a visiting artist residence where artists from this area or around the world could stay cheaply while they write their novel or paint the masterpiece. I've looked into artist's residence organizations in the US and UK. They are run very differently. Some allow residents to stay for extended periods with communal eating/cleaning duties. Some sponsor writing or art classes where the artists stay for short periods of a week to several weeks just for the class. What a fabulous resource so close to the nation's Capitol and historic landmarks for artists to come here for inspiration.

The existing church building could be used for senior center, or youth center, or artist

center (although the artists might be more inspired by the manse location).

The grounds could be turned into walking paths, exercise paths, or garden trails -- or all of the above.

With creative energy, the 2nd Presbyterian land could be turned into a model site for community activity. Again, what a tremendous tragedy to let this incredible resource go.

5. Attitudes and appearances

Sitting near the back, I witnessed the interaction between the City staff and the "guests" in the chambers. The City staff appeared to portray an "us vs. them" attitude. Since the staff doesn't know me, they had no reason to "check" their behavior in my presence. As a long time public servant of the federal government, I was taken aback by what looked like a clear bias toward the developer's plan, rather than an objective evaluation and recommendation for Council members.

The City Manager made a comment that we should be celebrate the open space plan. I agree. We should celebrate open debate about what direction the City is taking to achieve it. I didn't get the impression that the debate itself was worthy of celebration by city staff. Perhaps I misunderstood the dynamics in the room.

Thanks you for hearing my passionate thoughts about this potential open space. Once lost, lost forever.

beth beck
bethbeck1@comcast.net
Proverbs 24:3-4
By wisdom a house is built,
and through understanding it is established;
through knowledge its rooms are filled
with rare and beautiful treasures.

ASG Alexandrians for Sensible Growth, Inc.
317 Skyhill Road Alexandria, Virginia 22314
703-212-0982 ghparry@fortebrio.com

April 20, 2004

Mayor William Euille, Vice Mayor Redella Pepper
and Council Members Ludwig Gaines,
Rob Krupicka, Andrew Macdonald,
Paul Smedberg and Joyce Woodson

Planning Commission Chair Eric Wagner,
Vice Chair Donna Fossum, and Commissioners
Stewart Dunn, Jesse Jennings, John Komoroske,
Richard Leibach and Lawrence Robinson
City Hall
Alexandria, Virginia

Dear Mayor, Vice Mayor, Council Members, and Planning Commission Chair, Vice Chair and Commissioners:

Alexandrians for Sensible Growth strongly urges City Council to approve the purchase of the Second Presbyterian Church site for the following reasons.

1. The Recommendation of the Open Space Steering Committee to Allow Development of the Second Presbyterian Church Site Contradicts the Open Space Plan

a. The Open Space Steering Committee Solicited No Public Input Prior to Rewriting the Open Space Plan.

Contrary to the spirit of the open space planning process that culminated in the adoption of the Open Space Plan as an amendment to the Master Plan in the spring of 2003, the Open Space Steering Committee essentially excluded the public from participating in its deliberations concerning the Second Presbyterian site. Unlike the development of the Master Plan, the Committee interviewed no stakeholders, held no community sessions, held no citywide forum, convened no public hearings and did not otherwise solicit or invite any input from citizens, civic associations or the committees deeply involved in the creation of the Open Space Plan, such as

the Parks and Recreation Commission and the Environmental Policy Commission.

b. The Open Space Steering Committee's Explanation of its Recommendation to Allow Second Presbyterian to be Developed Ignores the Plan's Conceptual Framework and the Central Open Space Conservation Area, Goal 6 Concerning Preservation In Perpetuity of Institutionally Owned Open Space, and the Plan's Statement that the Site is Critical to Achieving the Goals of the Plan.

The Open Space Steering Committee's explanation of its recommendation to allow Second Presbyterian to be developed, as set forth in its April 19, 2004 memo, ignores (i) the criticality of the "Central Open Space Conservation Area" to the "conceptual framework" of the Open Space Plan, (ii) Goal 6 of the Plan, which states that certain institutionally-owned open space, specifically including the Second Presbyterian site, should be protected and preserved in perpetuity, and (iii) the Plan's statement that preserving the Second Presbyterian site and eight other sites is "critical to achieving the goals of the open space plan." Each of these elements of the Plan are discussed below.

c. *The Open Space Steering Committee's Evaluation Process Incorrectly Uses Open Space Categories* ***to Recommend that Second Presbyterian Not Be Acquired by the City.***

Goal 2 in the Open Space Plan, at pages 52-53, states that the City should "Develop Innovative Opportunities for Creating Additional Public Open Space." The Plan then makes eight recommendations "highlighted below [that] identify a number of innovative methods for creating public open spaces." The eighth recommendation for creating "innovative" open spaces states that the City should "[u]tilize the following selection criteria for identifying privately-owned land suitable for acquisition by the City for parkland/open space use," and then lists 12 categories of types of oft-overlooked, non-traditional open space, such as pocket parks, excess rights of way, land near trails, and street endings.

Other recommendations to further Goal 2's objective of developing "innovative" open spaces include creating parkland atop below-ground parking structures, bridging over roads to link open spaces, and use of air rights to create new open space.

Goal 2 of the Open Space Plan and the recommendations for "innovative methods for creating public open space" have absolutely nothing to do with whether a large privately-owned open space such as the Second Presbyterian site should be acquired for open space. The Open Space Steering Committee's reliance on the categorization of non-traditional land-types that further the goal of developing "innovative methods for creating public open spaces" in order to evaluate the Second Presbyterian site is at best an inadvertent misreading of the Open Space Plan and at worst a transparent attempt to rank the site as low as possible by using wholly inappropriate evaluation criteria. Obviously, the Second Presbyterian site ranked low because it is not an "innovative method of creating open space," but is rather an entirely traditional open space site -- for Alexandria, a generously-sized park of about six contiguous acres with numerous

mature trees and rolling meadow land -- exactly what the Central Open Space Conservation Area, as discussed below, is intended to preserve and protect.

In summary, the Open Space Steering Committee recommendation not to acquire the Second Presbyterian site (1) was developed without any public input, (2) ignores the Plan's recommendations concerning the Central Open Space Conservation Area, as articulated in Goal 6 and the Plan's list of "critical" sites, and (3) is based on a misreading of Goal 2 of the Plan, which concerns "innovative methods of creating public open spaces", but provides no criteria nor analytical approach for evaluating and prioritizing potential open space acquisitions.

2. The Open Space Plan Designates the Second Presbyterian Site as One of the Top Ten Sites in the City to Preserve as Open Space

a. The Open Space Plan is the Result of Extensive Public Input.

In the spring of 2003, first Planning Commission and then City Council approved the Open Space Plan as an amendment to the City's Master Plan. As detailed in Chapter 4 of the Open Space Plan, "Community Process: A Synthesis of Ideas," a "multi-tiered involvement process was used to engage a broad range of key stakeholders, community groups, and residents in the planning process," including interviews with key open space stakeholders, community sessions, a citywide Open Space Summit and public hearings before the Planning Commission and the City Council.

b. City Council and Planning Commission Both Unanimously Approved the Open Space Plan.

Four members of the current City Council voted in favor of the Open Space Plan--Mayor Euille, Vice Mayor Pepper and Council Member Woodson, as well as Council Member Gaines (then a Planning Commissioner).

c. The Plan States that Preserving Second Presbyterian is "Critical to Achieving the Goals of the Open Space Plan."

Chapter 6, "Plan Priorities and Funding Strategies," identifies eleven "priority actions [in no specific order] for the City to undertake first in its implementation of the Plan." Open Space Plan at pp. 81-83. One of the "priority actions" is to acquire a group of properties on the waterfront. A second "priority action" identifies nine sites, one of which is Second Presbyterian, which are "critical to achieving the goals of the open space plan" and recommends that the city "[s]trongly consider [these] properties for easements, acquisition, or other methods of open space preservation within the short term."

3. The Open Space Plan Establishes a "Central Open Space Conservation Area," which includes Second Presbyterian Church

a. The Plan Advocates for Protecting Second Presbyterian in Perpetuity as Part of the Central Open Space Conservation Area.

Chapter 5, "The Plan," provides a "conceptual framework" for "making the most of the small amount of available land for open space use." As part of this framework, at p. 48, "a Central Open Space Conservation Area is established in the heart of the City through the preservation of land owned by Episcopal High School, the Episcopal Theological Seminary and the Second Presbyterian Church." The objectives are that "these open spaces can be protected in perpetuity and, possibly, certain areas made accessible to the general public for many years to come." Acquisition of the Second Presbyterian Church site achieves these objectives.

b. Goal 6 of the Plan States that Institutionally-Owned Open Space Should be Protected and Preserved In Perpetuity.

Recognizing that "some of the most significant open spaces in the City are institutionally owned, Goal 6 of the Plan states that "[t]he City, together with these institutions, should collaborate on protecting, in perpetuity, these important open spaces" and recommends that the City "[p]reserve and protect all, or significant parts, of . . . Second Presbyterian Church."

4. The Pickering Subcommittee Report Ranks Second Presbyterian as the 4th Highest Priority Open Space Site in the City

On March 11, 2004, the Search Subcommittee of the Open Space Steering Committee, chaired by former Council Member Ellen Pickering, released its one and only report. The "Pickering Report" ranks the Second Presbyterian Church site as the 4th highest priority open space site in the City. Pickering Report at p. 5. (The other members of the Pickering Subcommittee are Planning Commissioner Richard Leibach, Bill Dickinson, Bruce Dwyer and Kenyon Larsen.)

The Pickering Subcommittee used a two step process to arrive at this ranking. First, the Subcommittee identified, i.e., nominated, sites for consideration as open space (an appropriate use of the land-type categories listed in Goal 2 of the Open Space Plan). As the Pickering Report, at p. 1, states, "Goal 2 recommends the following selection criteria for identifying privately-owned land suitable for acquisition by the City for parkland/open space use: [listing of 12 categories of types of open space]." The Pickering Subcommittee correctly understood that this listing of categories is not intended to be used to evaluate and prioritize sites for acquisition.

Second, for each "acquisition opportunity" identified, the Subcommittee used seven "considerations," or evaluation criteria, to determine the ranking of each identified site: (i) property location and address, (ii) description, including unique environmental features, (iii) descriptions of all development, (iv) parking availability, (v) possible future uses, (vi) price, and (vii) an initial indication of priority (high, medium and low).

The Pickering Subcommittee identified the Second Presbyterian site as privately-owned open space suitable for acquisition. Next, using the 7 evaluation criteria, the Pickering Subcommittee ranked the Second Presbyterian site as the 4th highest priority site to acquire for open space in the City. This ranking by the Pickering Subcommittee is entirely consistent with the Open Space Plan, which states that preserving the Second Presbyterian site, as part of the Central Open Space Conservation Area, is "critical to achieving the goals of the open space plan."

Not only is Second Presbyterian a "critical" open space site pursuant to the Open Space Plan, but the only City committee that used appropriate criteria to evaluate and rank open space sites concluded that the site is the fourth highest priority site in all of Alexandria to protect and preserve as open space.

Alexandrians for Sensible Growth urges City Council to implement the Open Space Plan, as adopted as an amendment to the Master Plan in 2003, and acquire the Second Presbyterian Church site.

Respectfully submitted,

Ginny Parry

Ginny Hines Parry, President
Alexandrians for Sensible Growth, Inc.

31
6-12-04

DATE: June 11, 2004

TO: Mayor and Council

FROM: Mrs. Fagelson
1412 Key Dr.
Alexandria, VA
703-751-7775

RE: Docket Item #31 (Janney's Lane)

She is against the building of more houses. Her backyard already has drainage problems and this would make it worse.

31

6-12-04

DATE: June 11, 2004

TO: Mayor and Council

FROM: Suzanne Post
1408 Key Drive
Alexandria, VA
703-370-5592

RE: 1400 Janney's Lane Appeal

She is strongly opposed to any run-off water going into the channel. This is right in front of her house.

31
6-12-04

DATE: June 11, 2004

TO: Mayor and Councilmembers

FROM: Dr. Harvey Wenick
1411 Key Drive
Alexandria, VA
703-751-9280

RE: 1400 Janney's Lane Appeal
Docket Item #31

He is very much opposed to this item.

31
6-9-04

June 11, 2004

To: Mayor and Council

From: Carolanne Sharpe
1304 Key Drive
Alexandria, VA

Re: 1400 Janney's Lane Appeal

She is strongly opposed to any run-off water going down her street from the proposed development.

Item #31. Please submit for the record. Can't stay

31

6-12-04

OPEN SPACE HEARING, JUNE 12, 2004

My name is Kathleen Burns (1036 N. Pelham St.) and I am vice president of the Brookville Seminary Valley Civic Association

We are here today to support the issue of Open Space in Alexandria in general and the 2nd Presbyterian Church site, in particular. To that end, some numbers are useful:

The number 6---as in the estimated cost of $6 million dollars for the 2nd Presbyterian parcel. In today's numbers, that is a very low number for the acres it represents.

The number 7—as in the 7 members of the City Council who will cast a momentous vote on whether this parcel will be preserved or privatized.

The number 8---as in the number of 8 McMansions that would be built on this coveted spot, for the exclusive use of these wealthy, exclusive homeowners.

But perhaps there are some other numbers we should focus on.

Start with 137,000----the number of people who live in Alexandria. How could this space best be utilized to be a public benefit to the entire community, and not just a handful of millionaires?

This site is centrally located, so many people would have access to its visual beauty as they drove by, and to its physical beautiful as they walked the grounds.

This site is on both Metro and DASH bus lines, so that the many residents who don't own a car, could enjoy the outdoors via public transportation.

This site is accessible to 6 public and private schools near the Quaker and Seminary corridor---T.C. Williams, MacArthur, St. Stephens, Episcopal, Blessed Sacrament, Hammond--- that could fully utilize this wonderful space for fun, recreation and unleashing their vital spirits.

Another number we need to consider is ---the 28 to 43 miles of Open Space that disappear in this region EACH AND EVERY DAY.

Once this centrally located parcel of 2nd Presbyterian is lost to the public for public pursuits, it will be lost forever. This would be a tragic mistake.

I have lived in the West End of Alexandria since 1975. In all that time, Alexandria has never met a developer it didn't like and support.

Unfortunately, some members of the Open Space Committee seem to be more supportive of the outlook for developers than they are for the residents who live here. I would strongly encourage the members of the Council to admonish Committee members to

follow the original guidelines and to look for public benefit, not private gain, in Open Space discussions. And again, let us plead for more openness and transparency in their dealings, and let us reiterate our plea that meetings be held at a more realistic hour than 7 a.m. so that many people could attend and offer input---not just the chosen few.

The final number we lay before you is the $440 million budget----Please rethink the incredible return on investment you would get for a $6 million dollar investment on this parcel, in perpetuity.

Don't wait til next year to talk about putting aside $10 million or $15 million or $25 million for "future Open Space possibilities."

Make a deposit on the future right now with $6 million of our money. Every member of the Council needs to LITERALLY put their money where their mouth is." Instead of talking about next year, the time for action is now. Otherwise, by the time the city finally holds public hearings and reserves bond money, this choice parcel will be gone.

And we won't need the Open Space Committee, because the Open Space will be all gone—and there won't be anything to talk about.

To the City Council members, we ask you to find courage—and vote on behalf of the people---not on behalf of the one developer and the 8 wealthy homeowners.

Thank you.

June 11, 2004

To: Honorable Mayor and City Council
Clerk of City Council
City of Alexandria

Re: Appeal to City Council of Planning Commission's Approval of Site Plan
1400 Janneys Lane, Alexandria, Virginia

I am an appellant in the appeal filed to City Council the Planning commission's approval of the site plan and an owner of property located within 1,000 feet of the boundaries of the site plan property known as 1400 Janneys Lane in the City of Alexandria.

I request approval be granted that I may speak for 15 minutes (I understand to be the limit for residents) before the City Council during the hearing of said appeal scheduled for June 12, 2004 concerning grounds for the appeal.

Judy C. Durand

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Jonathan P. Rak
Direct: 703.712.5411

McGUIREWOODS

jrak@mcguirewoods.com
Direct Fax: 703.712.5231

31
6-12-04

June 11, 2004

BY MESSENGER
Honorable Mayor and Members of City Council
Room 2300, City Hall
301 King Street
Alexandria, VA 22314

Re: Development Site Plan #2004-0005, 6/12/04 Docket Item #31

Dear Mayor Euille and Members of Council:

On behalf of the Applicant, Elm Street Development, I am enclosing a Memorandum in support of the Development Site Plan 2004-0005.

Thank you for your consideration.

Sincerely,

Jonathan P. Rak

Jonathan P. Rak

cc: Ms. Eileen P. Fogarty, Director, Department of Planning and Zoning
Jim Perry

\\REA\219318.1

Applicant's Memorandum of Law in Support of
Development Site Plan 2004-0005
June 11, 2004

I am writing on behalf of Elm Street Development, Inc. the applicant for the above-referenced site plan in support of the Planning Commission approval. The Planning Commission's approval of the site plan was in conformance with the Zoning Ordinance and must be affirmed by City Council.

1. The site plan meets Alexandria requirements and must be approved as a matter of law.

   The Virginia Supreme Court has held that "approval of a site plan and issuance of a building permit are ministerial, rather than discretionary, acts, the performance of which may be enforced by *mandamus* when an applicant has complied with or is ready, willing and able to comply with the local requirements."[1] Prior to the Planning Commission hearing, the city staff exhaustively reviewed the proposed plan and determined that the proposal complies with all requirements of the zoning ordinance. The planning commission then reviewed the site plan application and determined that all valid city requirements had been complied with. It then correctly approved the site plan, as it was obligated to do.

   The objections raised by the appellants in this appeal are not as much objections to conformance of the site plan with the zoning ordinance, as they are objections to any development of this parcel of land. The city does not have authority to deny development of the property if it is in conformance with the ordinance.

2. Although not required, the site plan does conform to the Master Plan.

   Pursuant to Virginia law, a master plan is advisory for land use decisions such as rezonings and special use permits.[2] Once the land use decision on a particular parcel of land has been made by a legislative body the master plan's function ceases with respect to that parcel. Requiring site plan conformance with the Master Plan would expand the legal status of the Master Plan to that of a site plan regulation.

   Even if a planning commission *could* require a site plan's conformance with the current master plan, the city's adopted Master Plan imposes no requirement for a land owner to contribute private land for public open space nor to preserve existing open space that may be developed pursuant to the regulations of the

[1] Board of Supervisors v. Horne, 216 Va. 113, 119 (1975) (citing Planning Commission v. Berman, 211 Va. 774, 777 (1971)).
[2] *See, e.g.*, Board of Supervisors v. Allman, 215 Va. 434, 441 (1975) (a comprehensive or master plan does not have the status of a zoning ordinance but rather is advisory only and serves as a guide to a zoning body).

Zoning Ordinance. The Open Space Plan does recommends a variety of techniques for the preservation or creation of public open space. These include purchase of land or easements, conditional zoning (proffers), taxation incentive programs, etc. The Open Space Plan recognizes that the city cannot deny development in accordance with adopted zoning unless it compensates the landowner for the loss in value. Although the city council may determine to purchase or condemn property for open space purposes, recommendations for open space acquisition have no bearing on a landowner's development rights pursuant to the zoning ordinance.

The R-20 zoning district has no specific open space requirement, however, the approved plan contains approximately 75 % open space for the site plan that includes the park option. This amount exceeds the open space requirement of any residential zone in the ordinance. In fact, the proposed development will result in an increase in the total amount of open space as defined in the zoning ordinance compared with the existing site conditions.

3. The site plan complies with all traffic related requirements of the zoning ordinance.

The approved site plan is consistent with all adopted standards and good practices for vehicular access to and from the property. Contrary to the appellant's assertion, the zoning ordinance does not require the applicant to submit a traffic impact study or analysis for a site plan. The applicant did provide a trip generation study and a queuing analysis for the Janney's Lane/ Seminary Road intersection. The trip generation study predicted that the post-development peak hour trip generation will be less than existing conditions. However, there is no zoning ordinance requirement that the trip generation be less than existing conditions. As documented in the staff report, adequate capacity is available on Janney's Lane for this development.

The closure of the existing Seminary Road driveway is for traffic safety purposes. The volume of traffic, the wider roadway and the more limited sight distance make the Seminary Road access less safe than the Janney's Lane access. At the request of the neighbors, we have kept the Janney's Lane access point in the same location, which avoids headlights shining in to homes across the street. This entrance continues to meet adopted standards for location and design.

4. The site plan exceeds the tree preservation requirements of the zoning ordinance.

The Zoning Ordinance and City Code only require the preservation of the two designated historic trees on the property. All other landscaping requirements could be met exclusively with the planting of new trees and no other tree

preservation. However, the applicant has proposed to preserve a total of 20 large trees on the site in addition to new plantings. The conditions of the approved plan are, to our knowledge, the most stringent tree preservation conditions imposed on a development in Alexandria. The tree preservation conditions are the recommendations of the City Arborist.

5. The proposed development meets all ordinance requirements for mass, scale, site layout, and site design and is compatible with the character of the surrounding neighborhood.

   The approved site plan is compatible with the character of the surrounding property and the neighborhood. The site plan is for 2 ½ story single family homes with attached garages. The existing homes in the neighborhood range from 1 story to 2 ½ story single family homes with attached garages. The proposed homes are oriented to face the primary streets consistent with other houses in the neighborhood. The adjacent neighborhood contains some of the largest homes in the city, several of which are larger than the proposed homes. Not only are the proposed homes compatible with the character of the neighborhood, they meet all the specific restrictions as to maximum height, floor area, and setbacks established in the R-20 zoning district. If a house does not exceed the specific size restrictions in the zone and meets the requirements of the ordinance, the fact that it is larger than some or all of the other houses in the neighborhood is not grounds for denial.

   The appellant criticizes the site plan for proposing to build on a "steep incline" and for not grading the site to lower the elevation of the proposed houses. The existing topography of the site slopes gradually from south to north (approximately 7%) and is not a steep incline. Furthermore, this slope cannot be reduced without clearing the mature trees that the developer proposes to preserve. To implement the appellant's request to grade the site would directly contradict their demand to preserve the existing trees.

6. The site plan meets the stormwater management requirements of the zoning ordinance.

   A preliminary site plan is not required to include detailed engineering plans for stormwater management. The approved preliminary plan demonstrates that stormwater will be appropriately collected and deposited, but the specific engineering is not required at this stage. The appellants challenge the adequacy of a design that is not yet required and has not been prepared. The Department of Transportation and Environmental Services is charged with determining the adequacy of stormwater management consistent with adopted engineering standards in review of the final site plan. In addition, the planning commission

approval includes code requirements and a condition that requires the applicant to comply with adopted city standards for stormwater management, including adequate outfall, on the final site plan.

To address the concern about homeowners increasing the impervious area, the commission adopted a condition, at the applicant's suggestion, that each homeowner be informed that "zoning limits construction of future building additions and/or decks larger than what is shown on the site plan". Cond. 52.f.

7. Additional matters of state law may require denial of the appeal.

In order to preserve our client's ability to raise all potential legal defenses upon a judicial appeal of the site plan, we must note the following defenses. The appeal of the planning commission's approval of the site plan should be denied because the city council lacks jurisdiction to hear the appeal, because the appellants have failed to state an appealable decision of the planning commission, and because the nearby property owners lack standing to appeal.

Virginia Code Section 15.2-2259 specifically states that if a planning commission disapproves a subdivision/site plan "and *the subdivider* contends that *the disapproval* was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to *the circuit court* having jurisdiction of such land and the court shall hear and determine the case as soon as may be..." (emphasis added). This code section does not state that *nearby property owners* may appeal a decision of a planning commission. Nearby property owners therefore lack standing to bring an appeal. In addition, this code section only allows for the appeal of a denial of a site plan by a planning commission. Because the site plan was not denied, there is no proper reason to appeal the planning commission's decision. Finally, this code section only authorizes appeals to be heard by the circuit court having jurisdiction of the land. It does not authorize an appeal to a city council. For all these reasons, the appeal should be denied.

The procedural requirements for an appeal are not changed by the appeal language found in City Code Section 11-409. As the Virginia Supreme Court has repeatedly ruled, Virginia is a Dillon's Rule state,[3] meaning that the city

> possesses and can exercise the following powers, and no others: First, those granted in express words; Second, those necessarily or fairly implied in or incident to the powers expressly granted; Third, those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable. Any fair,

[3] *See, e.g.*, Stallings v. Wall, 235 Va. 313 (1988) (quoting Winchester v. Redmond, 93 Va. 711 (1896)).

> reasonable doubt concerning the existence of power is resolved by the courts against the corporation, and the power is denied.[4]

Nowhere in the Virginia Constitution, the City Charter[5] or the Virginia Code is the City of Alexandria expressly granted the power to add an additional appellate review by the city council of its planning commission's approval of site plans. Nor is such power necessarily or reasonably implied, since the General Assembly has already adequately addressed the matter of appellate review in Virginia Code Section 15.2-2259. Finally, such power is not essential to the declared objects and purposes of the city. Because the enactment of City Code Section 11-409 appeal language in this City Code section was beyond the power of the city council, and because it conflicts with the Virginia Code, it is therefore superceded by state law.[6]

Conclusion

As demonstrated by the review of city staff and approval of the Planning Commission without a dissenting vote, the approved site plan meets the requirements of zoning ordinance. As a matter of law, the site plan must be affirmed and the appeal denied.

Respectfully Submitted,

Jonathan P. Rak

Jonathan P. Rak
McGuireWoods LLP
Counsel to Applicant Elm Street Development, Inc.

\\REA\218348.6

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[4] *Id.*

[5] City Charter Section 9.33 merely states that the "city council shall have the power to adopt by ordinance regulations and restrictions relative to the development of land. Such regulations and restrictions may prescribe standards and requirements which provide for, but shall not be limited to...the submission and approval of site plans and plats prior to developments; and procedures enforcement and penalties." This is not an express grant of power to add an additional layer of appellate review.

[6] *See, e.g.*, Alexandria v. Potomac Greens, 245 Va. 371, 378 (1993) (citing Norfolk v. Tiny House, 222 Va. 414, 421 (1981) ("[w]hen a conflict exists between state law and municipal law, state law must prevail")).

31
6-12-04

TO HONORABLE MAYOR AND Members of The City Council

From SHAHRAM YAVARI
Re. SECOND PROSBYTERIAN - OAK GROVE (DSP#2004-0005)
APPEAL OF A SITE PLAN APPROVAL BY THE PLANNING COMMISS.

~~Due~~ I LIKE to GIVE MY TIME TO JUDY C. DURAND

~~Due 5/6~~

THANK YOU
Shahram YAVARI

31 & 32
6-12-04

304 East Spring Street
Alexandria, Virginia 22301
June 9, 2004

Mayor Bill Euille and
City Council members
City Hall
Alexandria, Virginia

Dear Mayor Euille and City Council members:

I am writing in support of the Planning Commission's decisions on items 31 and 32 of the docket for the June 12, 2004 Council meeting. I ask that you dismiss the appeals that have been made of the commission's decisions.

Docket item 31 concerns the Second Presbyterian Church site (development site plan 2004-0005). The dedication by the developer of two lots totaling more than one acre for public use is at least a partial victory for open space acquisition in the city. The city's open space plan, after all, does not specifically call for acquiring the entire site.

There has been discussion about the city purchasing an additional lot. Before you do this, please carefully examine and define what tangible additional open space benefit would be derived from doing this. Purchasing an additional lot would be expensive. I would prefer that the city make a significant investment in landscaping the one acre, so that this public space actually become usable (as opposed to space that can simply be observed and enjoyed from a distance). I am thinking about something more extensive than what the developer would be required to do, such as adding features that would shield visitors from the traffic and noise on Quaker and Janneys Lanes (berms and fountains, for example).

Docket item 32 concerns the property at Lloyd's Lane and Russell Road (development site plan 2004-0008, subdivision 2003-0011). I believe that the staff (with neighborhood input) has done a superb job in protecting the natural features of the site. (An astounding 70 percent of the property will remain in a "natural" state.) The staff (again with neighborhood input) has also taken extensive steps to reduce the impact that the home on lot 903 will have on adjacent properties. In short, this is an amazing site plan. Please don't accept any changes that would diminish it.

Finally, I find it unfortunate that there has not been more support for acquiring this 2.44-acre site for publicly useable open space. The site ranked highly but not highly enough in the initial analysis done by the Open Space Steering Committee. It ranked relatively highly because there is relatively little useable public open space in this area (compared to a relative abundance in the area surround the Second Presbyterian Church site).

Thank you for your consideration.

Sincerely,

Bill Hendrickson

6/12/04

SPEAKER'S FORM

DOCKET ITEM NO. 31

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:** Jonathan Rak

2. **ADDRESS:** 1750 Tysons Blvd. McLean VA 22102

   TELEPHONE NO. 703 712 5411 **E-MAIL ADDRESS:** jrak@arguiresoals.com

3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
   Site Plan Applicant

4. **WHAT IS YOUR POSITION ON THE ITEM?**
   FOR: Site Plan **AGAINST:** Appeal **OTHER:** _____

5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
   Attorney for site plan applicant

6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
   YES ✓ **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. 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.

(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 allocate 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.

#31

APPLICATION for DEVELOPMENT SITE PLAN

DSP # 2004-0005

PROJECT NAME: Oak Grove

PROPERTY LOCATION: 1400 Janney's Lane, Alexandria, VA 22302

TAX MAP REFERENCE: 051.01-02-01 ZONE: R-20

APPLICANT Name: Elm Street Development, Inc.

Address: 6820 Elm Street, Suite 200
McLean, VA 22101

PROPERTY OWNER Name: National Capital Presbytery

Address: 4915 45th Street, NW
Washington, DC 20016

SUMMARY OF PROPOSAL: To subdivide the property into 10 lots for upto 10 single family residences. The applicant intends to voluntarily donate 2 lots for use as a public city park.

MODIFICATIONS REQUESTED: none

THE UNDERSIGNED hereby applies for Development Site Plan approval in accordance with the provisions of Section 11-400 of the Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his knowledge and belief.

Jonathan P. Rak, Esq., Agent
Print Name of Applicant or Agent

Jonathan P. Rak
Signature

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Mailing/Street Address

(703) 712-5411 *Telephone #*

(703) 712- 5231 *Fax #*

McLean, VA 22102
City and State *Zip Code*

January 26, 2004
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Fee Paid & Date: $_____ _____

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: 05/06/04 APPROVED 6-0-1

City Council Appeal Action: Deferred until June 22,2004 (see attached)

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

31. DEVELOPMENT SITE PLAN #2004-0005
1400 JANNEYS LANE
Public Hearing of an appeal to a decision of the Planning Commission on May 6, 2004, for a development site plan for construction of single family houses at 1400 Janneys Lane; zoned R-20/Residential. Applicant: Elm Street Development, Inc.

City Council held the public hearing and deferred action until June 22, 2004, so that Council and staff has the opportunity to see the official statement from the Engineer the citizens have hired that refutes what the City staff and the City's Engineer has stated, and that information would have to be to City staff by close of business on Monday, June 14, 2004.
Council Action:_____

32. DEVELOPMENT SITE PLAN #2004-0008
SUBDIVISION #2003-0011
Public Hearing of an appeal to a decision of the Planning Commission on May 4, 2004, for a development site plan and subdivision for construction of single family homes at 1900, 1904 and 1910 Russell Road; zoned R-12/Single-Family Residential. Applicant: Renaissance Custom Communities, LLC by Harry P. Hart attorney

City Council denied the appeal.
Council Action:_____

ORDINANCES AND RESOLUTIONS

33. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the Government of the City of Alexandria for FY 2004. (#12, 6/9/04) **[ROLL-CALL VOTE]**

City Council finally passed the Ordinance upon its Second Reading and Final Passage. **ORD. NO. 4351**
Council Action:_____

34. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Appropriations For the Support of the Government of the City of Alexandria for FY 2005. (#13, 6/9/04) **[ROLL-CALL VOTE]**

City Council finally passed the Ordinance upon its Second Reading and Final Passage. **ORD. NO. 4352**
Council Action:_____

35. Public Hearing, Second Reading and Final Passage of an Ordinance to