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**SANDRA COPE**

626 North Washington Street  
Alexandria, Virginia 22314

January 23, 2009

The Honorable William D. Euille  
Mayor of the City of Alexandria  
And  
The Honorable Members of the City Council  
For the City of Alexandria  
301 King Street  
Alexandria, Virginia 22314

Re. Appeal in Case No. 2008-0002, Subdivision proposal by Sophie Development, 714 Wythe Street

Dear Sirs/Mesdames:

This is in response to Mr. Josephson's letter to you dated December 12, 2008, regarding the above-referenced appeal. A copy of Mr. Josephson's letter is attached for your convenient reference. Some of his statements are inconsistent with the facts.

In the second paragraph on page two (the pages are not numbered) of Mr. Josephson's letter, he referred to the parking maneuverability on my property and my neighbors' properties. He wrote:

"Access into and out of these parking spaces from the 10 foot alley will still be possible, but may require some additional turning movements once the subject property is developed.... In recognition of this, the applicant proposed to make available three feet of his property for additional maneuvering space."

My vans, used in my business, would require 17 back and forth turning movements to get out of the spaces on my property. I know because I tried it and measured. Mr. Josephson should do the same. Moreover, the plan submitted by Sophie Development to the Board of Architectural Review expressly called for posts and bushes to be installed right on the property line which would impede any additional parking maneuverability. Mr. Josephson is just plain wrong on his facts.

I fully realize that Sophie Development has no obligation to continue renting parking spaces on that property; however, the proposed project can only be built with the blessing of the City and the granting of multiple variances approved by the City including

an exception to the 9-foot setback requirement on the side facing the front doors of our business properties. While Sophie Development has the right to stop leasing parking spaces, the City also is not required to make special exceptions for a developer from Maryland who will be exacerbating the parking problems that already plague our “Alexandria Gateway” community and diminish the value of our properties.

It does not take a degree in economics to understand that a property with two parking spaces is more valuable than a property with one space. Maybe when all of the small businesses have been driven away from our block, the City will ask itself what it got from Sophie Development in exchange for the loss of a long-term viable commercial tax base derived from our properties. We will have to consider moving from this untenable commercial space if this project goes forward.

In the second paragraph on unnumbered page 3 of Mr. Josephson’s letter, he wrote:

“The proposed rooftop open space may actually provide more visible open space from nearby buildings than ground level open space, especially if the ground level space is enclosed by fencing.”

Has Mr. Josephson not looked at the drawings? Even a glance would reveal that the proposed project is going to be a full story taller than all the other buildings on the block. How are we supposed to “enjoy” a view of a rooftop that towers over our properties? Is Sophie Development going to offer helicopter rides to the neighbors?

On the same page three, Mr. Josephson seems to quote, without citation, the standard that the Planning Commission is supposed to follow which reads:

“No lot shall be subdivided in such a manner as to detract from the value of adjacent property. Lots covered by a subdivision shall be of substantially the same character as to suitability for residential use and structures, lots area, orientation, street frontage, alignment to streets and restrictions as other within the subdivision, particularly with respect to similarly situated lots within the adjoining subdivision.”

From this, Mr. Josephson goes on to opine in the next paragraph that, “The Planning Commission is to consider the subdivision of land only, not the subsequent improvements resulting from the subdivision.” This narrow interpretation ignores the reality that Sophie Development’s subdivision application now approved by the Planning Commission contains multiple variances, including setback requirements. They are buried in the subdivision approval and these exceptions will definitely permit uses that will detract from the value of adjacent properties. Moreover, Mr. Josephson does not address the second requirement about the subdivision being of substantially the same character as to suitability for residential use...and restrictions...particularly with respect to similarly situated lots within the adjoining subdivision. The Sophie project is completely incompatible with the surrounding buildings and has been designed as proposed,

according to Sophie Development, because it is the only design that can be approved by Planning and Zoning.

In the last paragraph on unnumbered page three, Mr. Josephson wrote:

“In regard to compatibility of any proposed building on the property, the proposed lots meet the requirements in the zoning ordinance for subdivision of property.”

They do not meet the zoning requirements. The proposed project cannot be built without the granting of multiple variances that were built into Sophie Development’s subdivision application. Ask Mr. Josephson exactly how many variances had to be granted as part of the subdivision application process in order to make the project “compliant” with the zoning requirements.

On unnumbered page four, Mr. Josephson claims that Sophie Development made changes based on neighbors’ concerns and, in particular the addition of three feet for parking maneuverability. As noted above, the Sophie’s application to the BAR called for posts and bushes at the property line. Even if it had been proposed, it would still be woefully inadequate to address our basic concerns. You can see for yourself if you look at what was turned down by the Planning Commission in July and compare it to what was approved in September. It is virtually the same proposal with the same multiple variances.

Mr. Josephson claims that I did not meet the requirements for pursuing an appeal of this Planning Commission decision. There is something very wrong with a process that allows a developer to appeal and yet denies the same right to an individual adjacent property owner. That is something that you can act on. You can rectify this mistake by sending Sophie Development’s application back to the Planning Commission with an instruction to reconsider their earlier decision. Ask yourselves this question: Would you want this architectural monstrosity approximately 20 feet from your front door?

Thank you for your consideration.

Respectfully yours,

Sandra Cope

Cc: Richard Josephson, Deputy Director  
Department of Planning and Zoning

**CITY OF ALEXANDRIA**  
**MEMORANDUM**

DATE: SEPTEMBER 4, 2008

TO: CHAIRMAN WAGNER AND MEMBERS OF THE PLANNING COMMISSION

FROM: RICH JOSEPHSON, DEPUTY DIRECTOR  
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: SUBDIVISION OF 714 WYTHE STREET (SUB #2008-0002)

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At its July 1, 2008 meeting, the Planning Commission voted 6 – 0 to defer this case. The Commission heard testimony from neighbors who raised concerns about a number of issues. The Planning Commission deferred the request to allow staff to respond to these issues and concerns, which included:

- the ownership of the alley to the east of the subject property
- allowing open space requirements to be met through a combination of ground level and rooftop open space
- access to parking from narrow alleys, and
- the impact on the value of the neighboring properties as a result of the proposed subdivision

The following information is provided by staff in response to those concerns.

Alley Ownership

A speaker at the July 1, 2008 Planning Commission meeting, Mr. Gregory Wade, 616 North Washington Street, stated that a portion of the alley bounding the subject property to the east was actually private property belonging to him. As such, he maintained that there is no through access along the alley from Wythe Street south toward Pendelton Street without traversing the portion of the alley which he maintains is his private property. He referenced a court case, but did not provide any documentation at the Commission meeting. Subsequent to the July 1 hearing, staff spoke with Mr. Wade in an attempt to verify the information he provided verbally at the hearing. Mr. Wade did not provide any documentation relative to his ownership of the alley. In reviewing the deed to Mr. Wade's property, staff notes that the metes and bounds description of the property reflects what is shown on the City's maps, which includes an alley of approximately 10 feet in width behind the property at 616 North Washington Street. In regard to the 10 foot alley, the deed states, "...with the use and right of way over said court or alley in common with others entitled thereto." Thus, Mr. Wade has the right to use the alley, in common with other

If the SUP is approved, the applicant will be required to re-obtain variances from the Board of Zoning Appeals, prior to developing the property. The proposed house is located in the Parker-Gray Historic District. If the SUP is approved, and if the variances are granted, a new Certificate of Appropriateness from the Parker-Gray BAR is also required for the project to proceed.

PARKING

Section 8-200 of the Zoning Ordinance requires that a single family dwelling provide two parking spaces. The applicant is proposing one parking space, with access from the alley. The applicant is requesting a parking reduction to allow the provision of only one parking space instead of the two parking spaces required. Section 8-100 of the Zoning Ordinance allows a reduction of required parking only with a Special Use Permit.

Staff conducted parking surveys over three days, in the mornings and evenings to determine if there was a shortage of parking in the vicinity of the 600 block of North Columbus. Staff found that there was adequate parking at all times observed.

ZONING/MASTER PLAN DESIGNATION *HERE IS WHERE ZONING SUGGESTS WASHINGTON ST OWNERS WE CAN PARK.*

The subject property is located in the RB zone. Section 3-702 (C) of the Zoning Ordinance allows a townhouse dwelling in the RB zone.

The subject property has been zoned RB since 1951 when the zone was adopted. Since then, RB Zoning has been amended several times, to include grandfathered language designed to recognize properties that no longer complied with the zone after amendments were approved. In addition to allowing multifamily and commercial uses, in limited instances, the language in Section 3-707 (B) of the Zoning Ordinance allows lots of record to be developed even though they may have less than the required lot area. Section 3-707B provides:

*Any land zoned to RB prior to February 27, 1973 may be developed at a minimum lot size of 1,600 square feet per dwelling; provided however that if the lot was recorded prior to December 28, 1951, the lot may be developed with a single family dwelling and accessory structures at the lot size shown on the recorded plat.*

The subject lot existed prior to 1951 and contains 1,479 square feet of land area, therefore it is a legally buildable lot.

The proposed use is consistent with the Braddock Road Metro Station Small Area Plan chapter of the Master Plan which designates the property for residential use.

2 ZONING