

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)

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

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abutting property owners, but he does not have exclusive use of the alley directly abutting his property. Even if what Mr. Wade asserts is correct, that he owns a portion of the alley abutting his property at 616 North Washington Street, it would have no bearing on the proposed subdivision as the applicant does not need access from this alley to get to the parking spaces required for the proposed semi-detached dwellings. All four of the required parking spaces for the two proposed dwellings are accessed from the alley to the west of the subject property.

Open Space

As to the open space requirements for the site and the provision of open space through a combination of ground level and improved rooftop gardens, Section 4-806(A)(2)(b) of the Zoning Ordinance states,

“Open Space. Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director’s determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.”

Under the applicant’s proposed plan, over 75% of the required open space will be supplied at ground level in the back yards of the two semi-detached dwellings with the rest provided as rooftop gardens. There was some concern expressed at the July Planning Commission meeting that the use of any amount of open space other than ground level open space was not appropriate. Staff finds that in an urban setting it is desirable to provide rooftop amenities such as gardens and patios. Staff feels that the use of rooftop open space by individual homeowners is appropriate. 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. In the past, the Department of Planning & Zoning has recommended the provision of open space on improved rooftops for a variety of development projects, including the Payne St. Condos, the Monarch, the Prescott and the Postmasters Building. Where appropriate and reasonable, such as in this instance, staff will continue to support the use of rooftop open space.

Alley Parking Access

Parking access to and from the alley to the east of the subject property has been and will continue to be tight. The width of the alley is ten feet. For a number of years, the applicant has leased out his property for parking to some of the businesses fronting on Washington Street. Now that the applicant wishes to develop the property, the parking will no longer be available to these businesses. Some of the businesses have parking behind their buildings, which are accessible from the existing 10 foot alley. 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, since vehicles will no longer be able to use the applicant’s property as a driveway. In recognition of this, the applicant proposes to make available three feet of his property for additional maneuvering space. This should make it easier for the occupants of the properties on North Washington Street to access their parking.

It is not unusual for a 10 foot alley, with adjacent perpendicular parking, to abut developed properties. There are other instances of perpendicular parking abutting 10 foot alleys in the City, most notably at the southern end of the alley in question.

Property Value

In reviewing an application for a subdivision, the Planning Commission is to consider that:

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

The Planning Commission is to consider the subdivision of land only, not the subsequent improvements resulting from the subdivision. At the July hearing some neighbors asserted that the subdivision would have a negative impact on the value their properties due to loss of parking, obstructed views and loss of light.

In regard to the loss of parking, the applicant could have stopped leasing out parking spaces on his property without proposing any subdivision or any new development. The impact would be the same to the neighbors – potential loss of parking and change in how vehicles maneuver in and out of spaces behind their commercial buildings. Staff does not agree that the applicant should have to forego any development of his property to maintain parking for adjoining neighbors. The parking behind the businesses on North Washington Street that may potentially be affected would include one of two spaces behind each business due to reduced turning movements. As stated earlier, it will still be possible to access these parking spaces, even after development of the subject property. Neighbors also have the option of leasing parking elsewhere in the area (some have previously leased spaces from the applicant) or reducing the number or size of vehicles used. Another option would be for the businesses to work together to create a shared parking scheme behind their buildings. Staff could work with these owners on such a scheme. It was also pointed out at the July Planning Commission hearing that a vacant lot with or without parking could have a negative impact on the value of adjoining property.

In regard to obstructed views and loss of light, while the criteria for approval of the subdivision does not consider any planned improvements on the property, if one were to take into account the impact on views and light, one would find that the proposed semi-detached dwellings will be compatible in height with the buildings on North Washington Street and will be located over 30 feet from these buildings. Based on this, there should be no negative impact on views or light.

Outreach

The applicant has met with neighbors in groups and individually on several occasions over the past few months to explain and seek support for the proposed subdivision. He has been willing to modify his plans to help address the parking and access concerns expressed by some neighbors. Hence his proposal to provide an additional three feet of his property for vehicles to maneuver into and out of parking spaces behind their businesses along Washington Street. Most recently, the applicant has been speaking with neighbors about ways in which he can help provide parking during construction of the two proposed semi-detached dwellings.

In summary, staff feels that the applicant has addressed the concerns of neighbors relative to the above issues in accordance with applicable regulations and in a fair and reasonable manner and should be allowed to proceed with the proposed subdivision.

Docket Item #2
SUBDIVISION #2008-0002

Planning Commission Meeting
September 4, 2008

ISSUE: Consideration of a request for subdivision.

APPLICANT: Sophie Development, LLC

STAFF: Richard W. Bray
Richard.bray@alexandriava.gov

LOCATION: 714 Wythe Street

ZONE: OC/Office Commercial

PLANNING COMMISSION ACTION, JULY 1, 2008: On a motion by Mr. Dunn, seconded by Ms. Fossum, the Planning Commission voted to defer the request. The motion carried on a vote of 6 to 0, Mr. Robinson was absent.

Reason: The Planning Commission had concerns about the ownership of the alley to the southeast of the subject property, the location of the proposed open space, the access to parking at the rear of the properties on Washington Street and devaluation of neighboring properties.

Speakers:

David Chamowitz, 307 N. Washington Street, representing the applicant, presented the case and outlined the applicant's outreach efforts.

Jeff Erickson, 628 N. Washington Street, spoke in opposition to the project, stating that the alley is critical to the businesses on N. Washington and that if the property is developed it should be developed as a single family home.

Greg Wade, 616 N. Washington Street, spoke concerning the ownership and rights of the alley to the southeast of the subject lot.

Charles V. Stanley, Jr., 630 N. Washington Street, spoke concerning the parking situation for the properties fronting on N. Washington Street. Mr. Stanley stated that, given the width of the alley, this development will make the parking behind the N. Washington properties inaccessible.

Sandra Cope, 626 N. Washington Street, spoke concerning the parking difficulties in the alley and neighborhood in general. Ms. Cope stated that the loss of this parking lot would contribute to the loss of over 50 parking spaces and that a parking lot is the best use for this land. She also stated that there are no comparable narrow alley parking situations in the City. Ms. Cope also questioned whether or not this was the kind of development the City wanted on a property that is considered part of the “Gateway to Alexandria.”

Charles Varipapa, 624 N. Washington Street, spoke in opposition to the proposed development, stating that the mass and scale of the proposed townhouses are out of scale with the neighborhood. He also stated that the applicant has been negligent in maintaining the property.

Jaime Rubini, 632 N. Washington Street, spoke in opposition to the request.

Walter Marlowe, 619 N. Columbus Street, spoke in support of the request, stating that the alley will be safer with the development and praising the outreach of the applicants.

Corinne Marlowe, 619 N. Columbus Street, spoke in support of the request, stating that the subject parcel was a dirt lot prior to the applicant paving and striping it for leased parking. Ms. Marlowe stated that there is ample parking in the garages of the Saul Center and opined that two homes would make a better gateway and be more ecologically sound than the current lot which is an eyesore.

STAFF RECOMMENDATION: Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the recommended conditions found in Section III of this report.



SUB #2008-0002

09/04/08



I. DISCUSSION

REQUEST

The applicant, Sophie Development, LLC, requests approval to resubdivide two lots at 714 Wythe Street with variations to lot width and side yard setbacks for both properties and minimum lot size for proposed lot #1.

SITE DESCRIPTION

The existing lots have a total frontage of 43 feet on Wythe Street, a maximum depth of 136 feet and 4,902 square feet of lot area. The site is developed with a surface parking lot. A ten foot public alley surrounds the property. The property is located in the Alexandria Old & Historic District.

BACKGROUND

The applicant has been investigating with staff the various options for developing this property for a number of years. The development options have included an office building, a multi unit condominium development and the current proposal of two semi detached single family residences. Staff encouraged the applicant to choose a development that would make the best use of the subject property with the least impact on the community.

PROPOSAL

The applicant proposes to resubdivide the existing lots to provide equal frontage on Wythe Street for the purpose of constructing two semi detached dwellings on the newly created lots. The resulting lots would be unequal in size, with lot #1 having 2,240 square feet and lot #2 having 2,662 square feet. The new houses will be compliant with the OC zoning regulations with respect to rear yard setback, parking, floor area ratio and height. The houses will be built on the front property line, in keeping with the development in the neighborhood and therefore the houses would meet the prevailing setback. The open space requirement for the lots will be met with a combination of ground level open space and improved rooftops. Lot #1 will have 549 square feet of open space at ground level and lot #2 will have 1,065 square feet of open space at ground level. Lot #2 is compliant with regard to lot size. The applicant seeks variations to the zoning ordinance for the following requirements:

	Lot #1	Lot #2
Minimum Lot Size	Req. 2,500 s.f. / Prop. 2,240 s.f.	Req. 2,500 s.f. / Prop. 2,662 s.f.
Minimum Lot Width	Req. 37.5 ft / Prop. 21.71 ft	Req. 37.5 ft / Prop. 21.71 ft
Side Yard Setback	Req. 12.1 ft / Prop. 0 ft	Req. 12.1 ft / Prop. 0 ft

Parking

The parking requirements for semi-detached houses are two cars per dwelling. The applicant proposes to meet these requirements. The parking requirements for the alternative developments considered for this site are shown below:

<u>Proposed uses:</u>	Floor Area	# of Units	Required Parking
Office Building	7,300 square feet (max.)	N/A	15 spaces
6 Unit Condominium	4,800 square feet	6	9 spaces
Current proposal-2 Semi-detached houses	5,530 square feet (total)	2	4 spaces
<u>Possible uses:</u>			
Retail (ground floor only)	4,000 square feet	N/A	19 spaces
Personal service (ground floor only)	4,000 square feet	N/A	10 spaces

In developing this property the applicant will be removing 20 existing leased parking spaces from the neighborhood. Given this fact, staff encouraged development that would not add to the neighborhood parking burden. Staff felt that this proposal would have the least impact on parking in the community. The community has expressed concerns over the loss of the surface parking lot as well as the impact on the remaining parking behind the businesses on North Washington Street and the residences on North Columbus. Business owners are concerned that they will not be able to utilize the parking behind their shops due to the narrow ten foot width of the alley.

SIMILAR DEVELOPMENTS

There are several nearby residential and office developments similar to the applicant's proposal with respect to lot size. All are surrounded by public right of ways.

ADDRESS	ZONE	USE	LOT SIZE	LOT WIDTH	SIDE YARD SETBACK
709 Oronoco St.	OC	Residential	1,950 square feet	19 feet	Non complying
711 Oronoco St.	OC	Residential	1,950 square feet	19 feet	Non complying
907 Pendleton St.	RB	Residential	1,760 square feet	20 feet	Non complying
909 Pendleton St.	RB	Residential	1,760 square feet	20 feet	Non complying
115 S. Columbus St.	CD	Office	2,420 square feet	22 feet	Complying
117 S. Columbus St.	CD	Office	2,486 square feet	22 feet	Complying
119 S. Columbus St.	CD	Residential	2,486 square feet	22 feet	Non complying

Section 11-1710(B) of the zoning ordinance requires a subdivision to meet the following standard:

No lot shall be resubdivided in such a manner as to detract from the value of the adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use, areas, street frontage, alignment

to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision.

Master Plan/Zoning: The subject property is zoned OC/Office Commercial, and is located in the Old Town North Small Area Plan.

II. STAFF ANALYSIS

Staff supports this application for subdivision. The applicant has explored a variety of alternatives for developing the property. The proposed subdivision will have the least impact on the surrounding neighborhood and be more consistent with other similar development in the area.

As illustrated with the parcels above, developments such as the one proposed occur in other commercial zones in the area. The variations requested have precedence in the Old and Historic area of the City. The properties listed above are all non-complying with respect to frontage, lot size and side yard setback.

Although supportive, staff has heard from community members concerned with the impact this development would have on the parking off of the alley. Neighbors have also expressed concern with the impact on the quality of light in the alley. Staff feels that these impacts can be mitigated through careful design. The applicant has indicated that although the technical request is for a variation to allow a zero side yard setback, at ground level there will be a three foot setback. The building wall at ground level is set back three feet from the property, at a height of 7'6" there will be bay windows that project three feet from the building wall to the property line, necessitating the variation to allow no setback. Staff feels that this ground level setback of three feet will help to alleviate parking concerns by allowing a greater tolerance for turning movements for the cars parked on opposite sides of the alley. Staff understands these concerns, but feels that it is important to note that the proposed subdivision and development impacts the affected neighbors less than by right scenarios. The applicant would be within their rights to install fencing or landscaping around the lot which could be placed on the property line and restrict turning movements more than the proposed development.

Therefore, with the following conditions, staff recommends approval.

STAFF: Richard Josephson, Deputy Director, Department of Planning and Zoning;
Richard Bray, Urban Planner.

III. STAFF RECOMMENDATION:

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

1. Locations of all easements and reservations such as the ingress/egress easement for the alley and all other easements and reservations shall be depicted on the final subdivision plan. (P&Z)
2. The final plat shall include the Surveyors Certification and plat title to indicate resubdivision of the existing lots. (P&Z)
3. The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES) (P&Z)
4. A GRADING PLAN is required showing all improvements and alterations to the site which must be approved by T&ES prior to issuance of a building permit. (T&ES)
5. Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
6. All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
7. An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. An erosion and sediment control bond shall be posted prior to release of the grading plan. (T&ES)
8. No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
9. The ownership status of the alleys (public or private) should be noted on the plat prior to approval. (T&ES)
10. Place an ingress/egress easement on the proposed parking spaces for Lot 1 as it appears that vehicles will be required to cross the proposed property line in order to exit the spaces. (T&ES)
11. Close the existing curb cut that will be located in front of the proposed buildings. (T&ES)
12. Include surveyor's certificate and approval block on mylar. (T&ES)

13. A note shall be added to the plans indicating that the rooftop open space is provided to meet the open space requirement and will be usable by the residents of the units.
(RP&CA)
14. A landscape plan for each lot shall be submitted to RP&CA for review. (RP&CA)
15. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance including Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements: (Archeology)
 - a. The applicant/developer shall 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/developer shall call Alexandria Archaeology (703/838-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
 - c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.

Staff Note: This plat will expire 18 months from the date of approval, or on January 3, 2010, unless recorded sooner.

CITY DEPARTMENT COMMENTS

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

Transportation & Environmental Services:

- F-1 Provide turning movements for design vehicles to enter and exit proposed parking spaces at Grading Plan submission. (T&ES)
- F-2 The existing condition for this area is an asphalt parking lot and several vehicles appear to use it during the daytime hours. Where will these vehicles park as a result of this development? (T&ES)
- R-1 The final subdivision plat shall comply with the provisions of Section 11-1709 of the City's Zoning Ordinance. (T&ES)
- R-2 A GRADING PLAN is required showing all improvements and alterations to the site which must be approved by T&ES prior to issuance of a building permit. (T&ES)
- R-3 Applicant shall be responsible for repairs to the adjacent city right-of-way if damaged during construction activity. (T&ES)
- R-4 All improvements to the city right-of-way such as curbing, sidewalk, driveway aprons, etc. must be city standard design. (T&ES)
- R-5 An erosion and sediment control plan must be approved by T&ES prior to any land disturbing activity greater than 2500 square feet. An erosion and sediment control bond shall be posted prior to release of the grading plan. (T&ES)
- R-6 No permanent structure may be constructed over any existing private and/or public utility easements. It is the responsibility of the applicant to identify any and all existing easements on the plan. (T&ES)
- R-7 The ownership status of the alleys (public or private) should be noted on the plat prior to approval. (T&ES)
- R-8 Place an ingress/egress easement on the proposed parking spaces for Lot 1 as it appears that vehicles will be required to cross the proposed property line in order to exit the spaces. (T&ES)

- R-9 Close the existing curb cut that will be located in front of the proposed buildings. (T&ES)
- R-10 Include surveyor's certificate and approval block on mylar. (T&ES)
- C-1 Roof, surface and sub-surface drains be connected to the public storm sewer system, if available, by continuous underground pipe. Where storm sewer is not available applicant must provide a design to mitigate impact of stormwater drainage onto adjacent properties and to the satisfaction of the Director of Transportation & Environmental Services. (Sec.8-1-22)
- C-2 All utilities serving this site shall be placed underground. (Sec. 5-3-3)
- C-3 Pay sanitary sewer tap fee prior to release of Grading Plan. (Sec. 5-6-25.1)
- C-4 Any work within the right-of-way requires a separate permit from T&ES. (Sec. 5-3-61)

Code Enforcement:

- C-1 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line.
- C-2 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.
- C-3 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-4 A soils report must be submitted with the building permit application.
- C-5 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- 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.

- 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.
- 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.

Police Department:

- F-1 The Police Department has no objections to the subdivision.

Real Estate:

No comment

Historic Alexandria Commission (Archaeology):

- R-1 The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Erosion and Sediment Control, Grading, Utilities and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
 - a. The applicant/developer shall 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/developer shall call Alexandria Archaeology (703/838-4399) two weeks before the starting date of any ground disturbance so that an inspection schedule for city archaeologists can be arranged.
 - c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
- F-1 Tax records indicate that a small house owned by Captain James Campbell stood on 1/4-acre of this city block facing Columbus Street in 1810. The property was valued at \$250.00 at that time. The exact address of the house is not known, and the structure appears to have been gone by 1830. Subsequent historical documents indicate that the current development property is located on the site of the stables of the Washington Street Corral built by the Union Army during the Civil War. By 1896, a house was present on this lot. Construction and

demolition of the 1890's house would have caused some disturbance to the previous resources, which were fairly ephemeral. Given the scale of this project and the post-Civil War disturbance, the property has limited potential to yield archaeological resources that could provide insight into residential life in 19th-century Alexandria, and into military activities during the Civil War. The applicant must fulfill the above requirements to insure that significant information about the past is not lost as a result of this development.

Recreation, Parks & Cultural Activities (Arborist):

- R-1 A note shall be added to the plans indicating that the rooftop open space is provided to meet the open space requirement and will be usable by the residents of the units.
- R-2 A landscape plan for each lot shall be submitted to RP&CA for review.

Board Of Architectural Review

- F-1 The subject property is located in the Old and Historic Alexandria District and is under the jurisdiction of the Old and Historic Alexandria Board of Review (BAR). Requests for approvals of new construction must be reviewed and approved by the Board of Architectural Review. The applicant is reminded that any future exterior changes, including new fencing or garden walls, new or replacement signage, lighting, window replacement, kitchen exhaust and/or new HVAC vents or fixtures, or other alterations visible from a public right-of-way would need to be submitted for review and approval by the BAR Staff and the Board of Architectural Review. It is the applicant's responsibility to inform BAR Staff when new signage, lighting, or other external alterations are proposed which require BAR review and approval.