



**Kenneth W. Wire**  
kwire@wiregill.com  
703-677-3129

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**VIA EMAIL TO [yon.lambert@alexandriava.gov](mailto:yon.lambert@alexandriava.gov)**

Yon Lambert, Director  
Department of Transportation and Environmental Services  
301 King Street, Suite 4100  
Alexandria, Virginia 22314

**RE: Newport Village  
4898 W. Braddock Road (the "Property")**

Dear Mr. Lambert,

On behalf of my client, UDR, I am submitting this hearing request for approval of an encroachment into the Resource Protection Area ("RPA") along the eastern side of Beauregard Street for the above referenced property. UDR requests this exception to Zoning Ordinance Section 13-107 as permitted by Zoning Ordinance Section 13-119. As shown on the attached exhibits, the total improvements to the Property will increase the impervious area within the RPA with offsets proposed by removing City impervious area associated with travel lanes at this intersection and replanting other areas. This exception is appropriate because 1) the Property's extreme topography precludes any other viable redevelopment scenario; 2) the existing RPA is separated from the stream itself by several lanes of Beauregard Street; 3) the overall water quality will be significantly improved by the proposed mitigation; and 4) the proposed building line will create a better interaction between the building façade and the future BRT station.

**I. Project Background**

UDR is the owner of the Newport Village Apartments (the "Property") and has worked with City staff over the past several months to determine a viable redevelopment strategy for a portion of the Property located at the south western intersection of Beauregard Street and Braddock Road. UDR's initial concept was to demolish the three smaller scale buildings located at this intersection and redevelop their footprint with a larger multi-family building with below grade parking. One of these buildings currently encroaches in the RPA in the same location of the requested exception. *See Existing Conditions, attached as Exhibit A.*

As you may know, the grade of the Property is very steep as it rises significantly to the south. During the initial design phase, the UDR team obtained updated construction pricing associated with pushing the new building into the grade which proved to be extremely inefficient and costly. UDR and its team spent the past few months redesigning the new development

proposal to move the new building out from the steep slope and save one of the existing buildings by revisiting the proposed project's footprint. *See Proposed Plan, attached as Exhibit B.*

UDR and its team worked with the City to also design a better interaction of the new building with the proposed BRT stop at Beauregard Street and orient the active uses within the building towards the BRT stop. The team also proposes shifting a portion of the building slightly further into the RPA to enhance the pedestrian experience at the intersection and remove the City's existing impervious slip lanes. UDR is supportive of this approach and requests a positive EPC recommendation for the encroachment.

## **II. Existing RPA Conditions**

The proposed redevelopment site is located at the south-west corner of N. Beauregard Street and W. Braddock Road. There is an RPA associated with the stream that runs in the Beauregard median. The stream in the RPA is in poor condition with heavily eroding slopes and invasive species. The RPA extends between 39 feet and 59 feet into the redevelopment site on the western side. There are existing improvements located within the RPA including the N. Beauregard travel lanes, sidewalks and a very small corner of the northwest building. Proposed within the redevelopment site, there is a portion of a building and its associated concrete walkways located within the RPA. UDR and its team recently field verified the RPA which begins at the top of bank for the stream in the middle of Beauregard. The total on-site impervious area currently within the RPA is approximately 5,135 s.f. (0.12 Ac). *See Exhibit A.*

## **III. Required vs. Proposed RPA Mitigation**

The proposed redevelopment consists of the demolition of two existing buildings, associated walkways/sidewalks, parking, drive aisles and utilities, and the construction of a new multifamily building with associated walkways, drive aisles and utilities. If the RPA did not exist, the proposed building would comply with current stormwater requirements and no additional mitigation. The attached Chart demonstrates the difference between the no additional mitigation scenario and the proposed additional mitigations that would be provided if this exception is granted. *See Chart, attached as Exhibit C.* We have also attached a Water Quality Impact Assessment Report ("WQIA"), *attached as Exhibit D.*

Section IV below, addresses each of the factors that must be addressed granting any RPA exception. We note, however, that the very purpose of the RPA regulations is to protect water quality within the Chesapeake Bay Watershed. Exhibit A shows that there would be approximately 5,135 s.f. (0.12 Ac) of existing impervious area that will be removed from the RPA for the proposed improvements. Approximately 5,100 s.f. of the proposed building and associated walkways are proposed within the RPA. Therefore, the total on-site impervious area proposed within the RPA would be shifted landward and *reduced* by 35 s.f.

In order to mitigate the impacts of the proposed improvements within the RPA, the owner is proposing the following (*See Chart and summary attached Exhibit C*):

1. **Stream Bank Stabilization**—The stabilization of the stream bank of 800 linear feet is estimated to allow for removal of at least 24.5 lbs. of phosphorus, which far exceeds any other mitigation strategy, and alone mitigates the impacts of the proposed development by 10-fold.

Specifically, the stream bank stabilization/restoration includes removal of debris and invasive plants/trees; the implementation of imbricated boulders; and in-stream step pools to address high velocities, bed and bank shear stress, and erosion. Pursuant to Virginia DEQ Guidance Memo No 15-2005 interim rates, after implementing these practices, the estimated pollutant of concern (“POC”) reduction credit may be up to 30.6 pounds of TP, 33.75 pounds of TN, and 3,656 pounds of TSS. However, to be conservative we are proposing a lower estimate of 24.5 pounds of TP, 23.16 lbs of TN and 2,509 pounds of TSS. Credit for POC’s is determined after a Bank Assessment for Non-Point Consequences of Sediment (BANCS) has been completed and verified by DEQ. UDR agrees to participate in the DEQ verification process.

2. **Removal of the existing slip lanes at the intersection of North Beauregard and West Braddock** - In order to reduce the impervious surface within the RPA, the two existing slip lanes at the intersection will be removed. The removal of the existing slip lanes will remove approximately 4,500 s.f. (0.10 Ac) of impervious area from the RPA. With the removal of the slip lanes, vehicular contact areas will be removed from the RPA and replaced with pervious cover. This will reduce the amount of high-concentration pollutants (0.14 lbs of phosphorus) generated by surface runoff being conveyed into the RPA.
3. **Reforestation** – Reforestation using native species will be provided within the RPA (approximately .40 Ac or 17,420 s.f. is proposed). 0.15 lbs of phosphorus will be removed in implementing this strategy.
4. **Pet Waste Plan** – UDR is also proposing a pet waste management system to reduce pet waste intrusion into the water shed.

With each of the above mitigation measures, the granting of this exception conditioned on the implementation of each of these measures will improve water quality by **27.54 lbs of total phosphorus removal per year** or 24.8 lbs of phosphorus above the baseline amount that would otherwise be achieved by not granting this exception.

#### **IV. Section 13-119 – Exceptions**

This proposed exception will greatly improve water quality and is eligible for the exception under Section 13-119. Under Section 13-119 – Exceptions, the Director of T&ES shall review the request for an exception and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article XIII “Environmental Management” if the Director of T&ES finds that an applicant has demonstrated by a preponderance of the evidence that the following criteria are met. UDR’s response to each criterion is stated below in italics.

(1) Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners in the CBPA overlay district;

*Granting an exception in this case would not confer special privileges to UDR that have previously been denied to other property owners primarily because the proposed amount of encroachment in the RPA is slightly reduced from the existing encroachment of the building and slip lanes and the proposal includes a significant amount of mitigations that other property owners likely have not been willing to provide. Additionally, UDR's project is different from other properties and developments because of its unique characteristics inherent to the Property and the imposition of more onerous conditions to greatly improve water quality than would be possible by not granting the exception.*

*Unique characteristics of the Property include the steep topography, the urbanized setting whereby the stream is in the center of a four-lane major thoroughfare, and the removal of existing impervious area (5,135 s.f.) that currently encroaches within the RPA boundary.*

*Unique elements of the proposed development plan include: mitigations that will increase water quality beyond the quality that exists; the limited size of the proposed development within the RPA; and in total, the project will add significant levels of housing located adjacent to the City's BRT, the use of which will reduce single-occupancy vehicle trips (SOVs).*

(2) The exception is not based upon conditions or circumstances that are self-created or self-imposed, nor does the exception arise from conditions or circumstances either permitted or noncomplying that are related to adjacent parcels;

*The steep topography of the Property and limits on reasonable development costs of construction type are conditions and circumstances that are not self-created. After performing feasibility analysis, it has been determined that no other plan is feasible. Additionally, this exception does not arise from conditions or circumstances permitted or noncomplying that are related to adjacent parcels.*

(3) The exception is the minimum necessary to afford relief;

*The proposed development within the RPA is 5,100 s.f. and the existing impervious area that will be removed from the RPA is 5,135 s.f. UDR's proposed project clearly makes the existing condition no worse, and in fact is slightly better since 35 s.f. smaller. UDR and their design team attempted other designs that are not realistically feasible considering the steep topography. The area proposed to develop is in fact the minimum area to develop a building, given the constraints of topography, building height limits of the construction type and retention of the existing buildings to remain on the Property. Any other alternative plan is not reasonably feasible given the unique characteristics of the Property, namely the topography whereby pushing the building into the grade exponentially increases the construction costs and requires demolition of existing buildings to remain.*

*The proposed encroachment is also only for a portion of the building fronting on Beauregard. Of the 395 linear feet of building frontage on Beauregard only 197 linear feet is requested to encroach into the RPA.*

(4) The exception will be consistent with the purpose and intent of the overlay district, and not injurious to water quality, the neighborhood or otherwise detrimental to the public welfare;

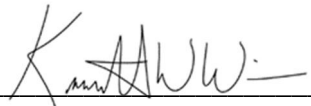
*UDR has committed to mitigations stated above which include stream bank restoration, valued at \$500,000, and removes at least 24.5 lbs. of phosphorus alone; removal of impervious area of the existing slip lanes; and reforestation—all of which are consistent with the purpose and intent of the overlay district. As stated in 13-1010, the purpose of the overlay zone is: minimizing the potential pollution from stormwater runoff and erosion and sedimentation; the reduction of the introduction of harmful nutrients and toxins into state waters; and the maximization of rainwater infiltration while protecting groundwater. With the proposed mitigations, the development will be consistent with the ultimate policy goal of increasing the water quality beyond its existing levels, which promotes the general welfare.*

(5) Reasonable and appropriate conditions are imposed, as warranted, to prevent the allowed activity from causing degradation of water quality.

*UDR agrees to reasonable and appropriate conditions including the proposed mitigations and future monitoring, in order to prevent the proposed development from causing degradation of water quality.*

For each of these reasons, we respectfully request a hearing by the Environmental Policy Committee for an exception to Zoning Ordinance Section 13-107 for the proposed encroachments and improvements within the RPA.

Sincerely,

By:   
Kenneth W. Wire

Enclosures

CC: Praveen Kathpal, Chair, Environmental Policy Commission  
Karl Moritz, Director, Department of Planning and Zoning