

Leeway Overlee Civic Association
Minutes of General Membership Meeting
Wednesday, June 11, 2008 at Rivendell School:
Arlington's Accessory Dwellings Proposal; East Falls Church Planning; Elections

1. Civic Association President Suzanne Kray-Idziak called the meeting to order at 7:35 pm and introduced Arlington County Civic Federation (ACCF) delegate Jerry Auten, who shared information on the **East Falls Church Planning and Transportation Study**. The purpose of the study is to generate a land use and transportation vision for transit-oriented development in the East Falls Church area of Arlington County and the adjacent part of Falls Church City. The planning area covers an area of about four blocks' circumference around East Falls Church metro. Representatives from the Virginia Department of Transportation (VDOT) and the Washington Metropolitan Area Transit Authority (WMATA) participate, along with County and FC City staff. Although Leeway-Overlee Civic Association has not been invited to participate, residents are welcome to do so on their own behalf. There is reason for concern given that dense development could impact our neighborhood. Meetings are normally held at 7pm on the 4th Wednesday of each month at fire station #6 (Lee Hwy at Gresham Place). More information is available on the County website-- see EFC planning study. Arlington County point of contact is Richard Tucker, Staff Coordinator, 703-228-0069.

2. Mr. Auten also briefed on the ACCF's June 3 meeting and resolution concerning Accessory Dwellings (ADs). The ACCF resolved to support amending the Zoning Ordinance provisions for Family Suites, to enable up to two live-in caregivers who are not related to the homeowner, but found insufficient support to amend the Zoning Ordinance to enable any other form of AD.

3. Ms. Kray-Idziak then invited **reports from officers**. Civic Association Vice President Jenni Michener reported that according to Commerce Bank attorney Tad Lunger (Bean, Kinney & Korman), building permits were filed June 10 for construction of a bank to replace the **Pure gas station at 5510 Lee Highway**. Commerce Bank has two years from the time of the project's approval last January to complete construction. However, it remains unclear when the Pure station will be shut down. Treasurer Carolyn Connell reported a Civic Association balance of \$4,122.94, an increase of \$99.24. This reflects membership and yard sale receipts which exceeded newsletter, yard sale, and other expenses. The yard sale itself resulted in a net loss of \$4.58. Secretary Ladd Connell summarized the minutes of the February 13 meeting, which covered Arlington fire and emergency services, and the April 29 meeting, at which Fran Lunney, County Coordinator of Housing Planning, and Larry Mayer, ACCF President, spoke on the AD proposal.

4. Ms. Kray-Idziak invited ACCF delegate Vicki Howard to read a draft letter to the County Board in **support of implementing HB 1437**, which enables local governments to require builders **to retain a portion of the trees at any construction site**. Several members spoke in support of the letter, suggesting that it could be even stronger. Members noted that developers often promise to preserve trees, but fail to do so, instead planting new trees which take many years to grow; the construction at the former AT&T property was an example. Members also noted the difficulty of enforcement, since trees are often removed on weekends, when County officials aren't working; even if discovered, builders often prefer to pay the fine than to work around the trees. Members approved the Civic Association sending a stronger letter that would urge the County to adopt regulations

requiring that developers retain the maximum percentage of trees that could be required (30%) absent other community prerogatives, and that it be enforced with much higher fines (say \$20,000) than are presently levied for similar violations.

5. Member Rob Bobowski reported on construction at the **former AT&T property** north/east of 22nd & Harrison Streets: the extension of Greenbrier Street is open; two houses are completely framed up; landscaping has been done along the fence; and the sidewalk along 22nd St. to the 22207 post office is complete. Houses will be sold as they're built. Concerning the remaining radio tower, WAVA-AM is off; only cellphone relays remain active on it.

6. Concerning the **Lee Center exterior renovation**, Ms. Howard reported that Arlington's Urban Forester Dick Miller and Patrick Weygeng, Environmental Landscape Supervisor for the Parks and Natural Resources Division, have been working to mitigate the adverse effects of construction on root systems of the trees. Additional landscape trees (hollies) and plants are being planted, along with an 8' hedge and fence on the back of the basketball court to screen it. Member Ed Robinson noted the importance of proper drainage for the park, since in winter the runoff at 24th & Kentucky Streets has become an ice sheet. The softball field, if it is retained, also needed proper fencing to prevent damage from errant balls.

7. Ms. Kray-Idziak then introduced County Housing Planner Joel Franklin (jefranklin@arlingtonva.us, 703-228-7949) and opened discussion of **Accessory Dwellings (ADs)**. Neighborhood Conservation Advisory Committee (NCAC) Representative Rob Swennes discussed the **Civic Association's draft letter**, which supported the family suites proposal, but opposed the AD proposal. He noted that the NCAC had not yet decided whether to take a formal position on ADs, and that many Civic Associations had not taken a position. Asked whether family suites could alternatively be approved by the Board to be built via a use permit process, he replied that they could. However, our draft letter was recommending support for the family suites because they would be of use to some residents and overall would do little or no harm. The broader AD proposal, on the other hand, would give developers an incentive to build or rough in the extra units to maximize their profit on a new home.

8. Members noted that ADs represented a major zoning change—moving lots from being single family to duplexes. Member Bob Adamson advised that the County had sent to random households a 6-8 page questionnaire which included questions that were worded so as to support increased affordable housing. However, there was no guarantee that the additional units would be affordable; they would be market rate housing. Mr. Swennes agreed; the more honest and potentially defensible position for ADs was that they would provide a modest increase in density in single family neighborhoods in order to reflect Smart Growth principles that encourage greater density in inner suburbs served by good mass transit. He summarized the discussion by noting three issues which should be incorporated in the letter: (1) can ADs be permitted while preserving the character of our neighborhoods? (the answer appeared to be no); (2) would limits on ADs be enforced/enforceable? (again, no); (3) can unauthorized ADs be prevented or forced to comply? (a third no). Members commented that the proposal was naïve: both builders and homeowners would be motivated to build as much as allowed and profit as much as they

could. While potentially benefiting individual homeowners, ADs would have a negative impact on neighborhood appearance, crowding, and parking.

9. Member Ed Robinson noted that Barbara Favola was the only County Board member up for re-election this year; how could we have an impact? Mr. Swennes advised that letters alone had much less impact on the County Board than “warm involved bodies,” i.e. citizens who attended and spoke up at County Board hearings on the issue. Unfortunately, at an earlier meeting on the AD proposal at Central Library, the majority (60/40) of residents were opposed, but no County Board member was there. The votes on ADs would take place on Saturday, July 19 or the following Tuesday or Wednesday (7/22 or 23). Another member noted that the majority of the Board had referred to the AD proposal as an “experiment” and suggested that ADs would be good for County real estate tax revenue. This failed to consider that, without greatly expanded enforcement, there would be no incentive to declare the income. Moreover, people would inevitably seek exceptions to any restriction, e.g. to add ADs on top of garages.

10. Amid further discussion, a member moved to approve the letter presented by Mr. Swennes with inclusion of revisions to strengthen the **opposition to the AD proposal but to support the family suite proposal**. The revisions which Mr. Swennes noted were to suggest to the Board to:

- 1) Explore use of a permit (case-by-case) approach;
- 2) Be cautious, given that such a step would be extremely difficult to reverse, given the investment that homeowners and developers would make in taking advantage of it, or even given assumptions that they would make about property values under such a rule;
- 3) Bear in mind that the units added would not necessarily be affordable, given that there is no economic reason to rent any one legal unit for less than a comparable unit;
- 4) Consider collateral effects, such as increased difficulty in legal parking, and a need for increased zone permits, thus increasing parking shortages around Metro stations.

With these revisions noted, Ms. Kray-Idziak called for a vote, and members voted 22-2 in favor of the association sending the proposed letter. Mr. Robinson suggested that in addition to sending the letter to the Board, it be copied to the *Sun Gazette*, and that the Association contact *Gazette* reporter Scott McCaffrey to brief him on it.

11. **Civic Association elections** were then held. The Nominating Committee proposed as candidates Jennifer Michener for President; Pierre Boyer, Vice President; Ladd Connell, Secretary; Carolyn Connell, Treasurer; Robert Swennes, Neighborhood Conservation Advisory Committee (NCAC) representative; Michael O’Connor, NCAC alternate; Jerry Auten and Ed Robinson, Arlington County Civic Federation (ACCF) delegates; Amy Applebaum, Vicki Howard, Suzanne Kray-Idziak, and Robert Swennes, ACCF alternates. The Civic Association President and Vice President are ACCF full delegates *ex officio*. Other nominations were solicited, but none received, and the slate was elected by acclamation.

12. Ms. Howard briefed on **Rivendell School** and its use of the Lee Park (behind Lee Center). She has met with several Rivendell officials to ask them what the school would do to preserve the neighborhood and specifically the park in light of its use of the park, e.g. for recesses. They had said, in a follow-up letter, that Rivendell would seek to: 1) provide adequate adult supervision; 2) allow only children from kindergarten and grades one and

two to use the playground; 3) use the gate to enter and leave the park; and 4) be mindful that many others use the park and playground. However, they had not offered any firmer commitments for tangible action or payment for their daily use of the park and had not signed any memorandum of agreement with the County, which was investing several hundred thousand dollars in upgrading the park.

13. Another member raised the issue of traffic, speeding, and neighborhood safety. The queue of parents' (often large) vehicles for drop-off/pick-up of students resulted in a blind spot for other drivers. Some adjustments had been made to mitigate this, but the issue remained; one suggestion was for the school to post a staff member to ensure that traffic wasn't blocked. Parents of young children noted that the park is also used by a cooperative play group, and the school's use of the park was often to the effective exclusion of their own children. A member noted that the community could do worse than having supervised school kids using the park. The issue was what we would ask for. Ideas included provisions on where (in the park) kids should play, i.e. not to run inside the new butterfly garden, adherence to the age rating of the playground, consideration for small children and seniors, and paying something for the privilege of regular use. Mr. Swennes noted that there was precedent for educational institutions paying for such use: for example, Marymount paid for much of the cost of rebuilding the soccer field in Quincy Park; as a result it received County approval for some future priority use of the refurbished field. Ms. Kray-Idziak advised that Rivendell's use permit, issued by the County in June 2003, was up for renewal. The hearing, of which she had just (belatedly) received notice, would be held on June 17. It was agreed that the Civic Association would ask for the permit renewal be deferred until at least September. In the interim, information would be shared via the Civic Association listserv.

14. In closing, members expressed thanks to Ms. Kray-Idziak for her excellent service over the past two years as Civic Association president. The meeting concluded at approximately 9:30 p.m.

--Submitted by Ladd Connell, Secretary