

Seminary Hill Association, Inc.
2115 Marlboro Drive
Alexandria, VA 22304

June 1, 2011

Director of Planning & Zoning
City of Alexandria
Alexandria City Hall,
301 King Street,
Alexandria, VA 22314

Ms. Faroll Hamer:

Seminary Hill Association, Inc., (SHA) received an announcement last week about the June 7 hearing before the Planning Commission on the application for ACPS to install lighting on the field at Francis C. Hammond Middle School (Hammond). SHA had requested that ACPS withdraw this application in a letter dated May 18, 2011, for the reasons stated in that letter. Neither ACPS nor any other City official has responded to any of the concerns raised in the letter or in previous correspondence from the community.

In the announcement of this hearing, ACPS is now asking for a second SUP—a new entry on the application regarding the scope of the hearing—to request the Planning Commission and City Council relieve it of height and setback restrictions. SHA agrees with ACPS that the SUP application violated height and setback restrictions and that this introduces significant legal and policy issues. We also note that the proposed lighting violates illumination restriction on City Code 13-1-3, which appears to cap illumination at 0.25 of a footcandle in a residential area. The applicant admitted at a public meeting that it would shed 0.44 of a footcandle on neighboring properties, thus exceeding restrictions. The latest announcement says nothing about this issue. The addition of the request for relief from Code raises at least the following issues:

- The request for relief from height and setback restrictions are not in the application itself, meaning the public was given about a 10-day notice that it was a purpose of the SUP.
- The City or ACPS needs to get a variance from those restrictions. The new SUP request admits that the setback requirement requires relief from the Zoning Ordinance as an R-20 zone under Section 3-106(A). The lighting towers also exceed the 40 foot height restriction in Section 3-106(C). The applicant may claim that the lighting towers at Hammond constitute a public school being “constructed, expanded or reconstructed” under Section 7-2100, permitting application for a new SUP for towers up to 60 feet height. However, lighting towers (which are unlikely to be used for any school purpose) do not fit under any of those categories in 7-2100, and are more properly viewed under 3-106(C). Thus, the height violations also require a variance. ACPS is no different than any residence in an R-20 zone seeking a variance from the Zoning Code. It is required to demonstrate a hardship, like any other applicant, in the normal course of business before the Board of Zoning Appeals.

At the last minute, ACPS is changing their application materially to add a second request with significant precedential potential, and the public should have the benefit of reviewing and understanding the request. Adding to the need for more time is the fact that there is no indication in any documents before the Planning Commission or from City staff that the City has considered this issue with any depth. SHA residents can attest that getting relief from height, setback, and illumination restrictions is a detailed, complicated analysis that must be understood on its facts and for its implications before moving ahead. As a result, SHA requests:

1. A ruling from the Planning Director on the correct process to get relief from the height and setback restrictions, including whether a variance is required, with SHA reserving the right to appeal to the Board of Zoning Appeals (BZA), if necessary;
2. A ruling from the Planning Director on whether illumination restrictions apply to the application, and if not why the application is relieved of the illumination requirements of City Code, with SHA reserving the right to appeal to the BZA, if necessary; and
3. At a minimum, postponement of the hearing at least until the fall of 2011 to allow for an intelligent assessment of the new requests in the SUP application.

SHA residents look forward to hearing from you.

Sincerely,



President Nancy R. Jennings
Seminary Hill Association, Inc.

CC:

Superintendent of ACPS
Members of the Alexandria School Board
Mayor and City Council
Planning Commission
James Spengler, Parks & Recreation