

[SEE ATTACHED SIGNATURE PAGES]

BeaconCrest Homes
1355 Beverly Road, Suite 330
McLean, VA 22101

RE: Proposed "two-unit semi-detached residential building" at 1313 N. Harrison St.

Dear BeaconCrest Homes,

We, the undersigned residents of Larchmont, write in response to your August 3, 2023, letter to several residents in the neighborhood regarding your proposed development at 1313 N. Harrison St., Arlington, VA 22205. We have significant concerns regarding your intention to develop a "two-unit semi-detached residential building" on a lot clearly limited to "one house," on a narrow street that is not suitable for multi-family units. For the reasons addressed below, among others, we will oppose any attempt to obtain permits for such a building if you ultimately move forward with the project as currently planned. Our concerns include, but are not necessarily limited to, the following.

First, your position that a two-unit residential building is compliant with the deed for the property—which as you know, contains the covenant "[t]hat not more than one house shall be constructed upon the lot"—is fundamentally flawed. Under any reasonable interpretation of this language, the term "one house" does not mean "one structure" with any number of units you wish to include. Each unit on this property will be a separate home, with separate parking, trash, recycling, and yard waste bins, etc. Each unit may have separate yards (or a divided yard) with separate owners responsible for each. You will also undoubtedly be marketing and selling these units separately as individual homes, and the county will be taxing them accordingly. Simply put, if your interpretation of the covenant's language was accurate, any multi-unit structures like townhouses, apartments, or condos would fit the definition. They do not.

Your interpretation of the covenant's language is also at odds with Virginia precedent and likewise runs contrary to Arlington County's zoning ordinance. *See, e.g., Waynesboro Village, LLC v. BMC Properties*, 255 Va. 75, 80 (1998); Arlington County Zoning Ordinance § 1.4.1 (if a county's zoning ordinance imposes either a greater or lesser standard than a covenant upon the use of buildings or premises, the height of buildings, or the size of yards, courts or other open spaces, then the more restrictive standard controls). We also note that even if one part of a deed is deemed unenforceable, as you allude to in your letter, the remaining elements remain enforceable—and a "one house" requirement is commonplace and routinely upheld. *See, e.g., Woodward v. Morgan*, 252 Va. 135, 138 (1996). Consistent with this, as you may be aware, the Larchmont neighborhood has a history of successfully halting developers' attempts to ignore similar existing deeds and covenants (e.g., 1320 Greenbrier and 1500 Harrison, among others).

Second, and critically, our paramount concern is safety. Harrison Street already faces dangerous congestion. Your proposed development will only exacerbate this, endangering residents, including the many children who live on the block. Indeed, Harrison Street is one of the only streets connecting two major arteries of the city, Washington Boulevard and Langston Boulevard. And yet, Harrison Street is narrower than neighboring streets, causing traffic to slalom around parked vehicles. This issue with Harrison Street is well-documented in property assessment records, and certain blocks (and partial blocks) have already been forced to discontinue allowing parking on one side for safety. Adding multi-

unit housing, which requires mandated space for on-street parking, will result in further traffic and safety issues. Indeed, numerous residents have recently flagged this particular concern with the county—requesting additional zoning restrictions regarding parking—further detailing why multi-unit housing on this block of Harrison Street is inappropriate and unsafe.

While we respect the broader need for additional housing development in Arlington, and do not oppose your construction of a single-family home on the lot, it is essential that such development is aligned with applicable legal requirements and the safety needs of the neighborhood. We urge you to reconsider your plans and respect the conditions of both the property covenant and the well-being of the neighborhood.

Please be aware that if the proposed development continues as planned, we reserve the right to seek all available legal remedies. We hope that it does not come to that, and we can find an appropriate resolution to this matter. We look forward to hearing from you. Please respond, in writing, no later than August 28, 2023.

Sincerely,

Your Larchmont Neighbors

[SEE ATTACHED ADDITIONAL SIGNATURE PAGES]

[ATTACHMENT A]

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