

# City of Alexandria, Virginia

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## MEMORANDUM

**DATE:** JANUARY 17, 2024  
**TO:** MAYOR WILSON AND MEMBERS OF CITY COUNCIL  
**FROM:** KARL MORITZ, DIRECTOR; DEPARTMENT OF PLANNING & ZONING  
**SUBJECT:** DSUP #2023-10009, REZ #2023-00003, & MPA #2023-00002/301 North Fairfax Street

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### **ISSUE:**

1. Letters from members of the public received last month raised questions regarding three items that staff has addressed below.
  - a. An issue was raised in the enclosed letter to the Planning Commission from Anna Bergman dated December 4, 2023 regarding the proposed building design at 301 North Fairfax Street. The letter suggests the building as proposed does not meet the penthouse requirements of the Zoning Ordinance, pursuant to sections 6-403(B)(3)(a) which states, “a maximum of three penthouses are permitted unless the number is increased by a special use permit;” and 6-403(B)(3)(c) which states, “the penthouses must be limited in size to the minimum space necessary for stairs, elevators, required elevator vestibules not exceeding 64 square feet per elevator, necessary mechanical equipment, or similar appurtenances;”.
  - b. The Master Plan Resolution (MPA#2023-00002) contains a clerical error and erroneously includes a clause on page 63 of the staff report which references “amending the Old Town North Small Area Plan” instead of “amending the Old Town Small Area Plan”.
  - c. How the project meets Section 5-301 (the Purpose section for CRMU-H) and how staff considers it as part of the rezoning analysis.
2. To address concerns raised about the overall building design, specifically blank or windowless elevations and a physical break through the block, the applicant has proposed changes to the building design at the north property line and east elevation in an effort to mitigate these concerns.

### **STAFF RESPONSE:**

#### Penthouse Requirements

The issue raised in the above referenced letter refers to the Preliminary Plan dated August 22, 2023, and questioned the number of penthouses proposed on the Roof Plan (Sheet A-103). However, on further discussion and review, the yellow boxes that appeared as penthouses are access stairs and not inclusive of the other rooftop mechanical equipment (for example, for an elevator overrun and future electrical panels for solar). The applicant's plans showed the extent of mechanical rooftop screening (9 feet) both in plan and in elevation to illustrate the extent of the penthouses. Penthouses are not included in the height of a building and they are typically set back substantially to minimize their appearance. Planning & Zoning (both Development and BAR) staff work closely with applicants during the Final Site Plan and Certificate of Appropriateness phases to ensure that penthouses and mechanical screening are the minimal size necessary and also architecturally integrated. The applicant has continued the design process for the rooftop mechanical and provided an updated Roof Plan exhibit to confirm that there will be no more than three (3) penthouses in the final building design. Staff will work with the applicant to refine the final design of this element during the Final Site Plan process, which is typically when design elements related to mechanical systems are more fully developed and therefore penthouse equipment and screening are finalized. These details will also be reviewed by the Board of Architectural Review (BAR), who will need to approve any proposed rooftop mechanical screening and penthouses before granting a Certificate of Appropriateness.

### Master Plan Amendment Resolution

Staff wants to advise you of a clerical error in the reference to the Old Town North Small Area Plan in the Master Plan Amendment Resolution (page 63, paragraph 1 of the staff report) ("the Resolution"). The Resolution is only intended to amend the Old Town Small Area Plan, which is referenced six (6) times throughout the Resolution text, in bold, underlined text. The Planning Commission's discussion and action was clear that they were amending the Old Town Small Area Plan. Additionally, the attached Land Use Maps associated with the Resolution on pages 64 and 65 are official maps from the Old Town Small Area Plan, not the Old Town North Small Area Plan. Staff will ensure that the implementation ordinance that is docketed for Council adoption references the Old Town Small Area Plan.

### Section 5-301 – Purpose

This section outlines the purpose of CRMU-H:

*The intent of the CRMU-H zone is to establish a zoning classification which permits developments that include a mixture of residential, commercial, cultural, and institutional uses in a single structure or multiple but integrated and related structures; to encourage a diversification of uses in unified projects located in proximity to metro stations in order to encourage the conservation of land resources, minimization of automobile travel, and the location of employment and retail centers in proximity to housing; and to promote the development of mixed use projects by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, design and location of the development warrant.*

Staff considers the purpose of a zone when considering a potential rezoning. The CRMU zones are mixed use zones that encourage a mix of uses either within a building or in an area. In evaluating the suitability of CRMU-H, staff noted that this proposed rezoning allows for the continued diversification of uses in this area of Old Town by permitting a multi-unit building in proximity to two metro stations (accessed by walking, bike or frequent bus service), the ability of the project to conserve land resources, locate housing in a multi-modal setting and the addition of housing in proximity to the commercial center of Old Town. In alignment with the zone, past approved rezonings to CRMU-H have involved

parcels located from under a mile to almost 3 miles from a metro station as well as single-use (residential) projects.

### Design Changes

The attached *Exhibit A* shows changes to the building design proposed by the applicant in response to concerns raised about the lack of a building break through the block at the north property line as well as the blank walls proposed at both the north and east elevations. The building will be set back approximately 5 feet from the north property line to provide a physical and visual break through the site toward the river. The floor area will remain the same and be shifted along the North Fairfax Street elevation. The building will still have setbacks and entry stoops along North Fairfax Street. Due to the setback, windows will be added to the façade of the north elevation, transforming this portion of the building from what was previously a blank wall. The building also previously included a blank wall at the east elevation and the applicant has proposed additional architectural refinements to provide a more visually interesting design. Staff supports the proposed revisions to the building design and the setback and has proposed condition language below.

### Added Conditions

In response to the building design changes and penthouse issue raised in this memo, Staff proposes City Council amend Condition 9 and 9(d) by adding the following language:

9. The building design, including the appearance, color, and quality of materials; final detailing; three-dimensional expression; and depth of all plane changes, shall be consistent with the elevations dated August 22, 2023 **as revised by Exhibit A, dated January 12, 2024, showing updated revisions to the north and east elevations and a setback from the north property line, and** the following conditions. Provide this information regarding materials and design to the satisfaction of the Director of P&Z prior to Final Site Plan release: (P&Z) (Code) \*
  - a. Samples of actual window glazing, frame, and sash components proposed for each area of the building in the color and material that will be provided (may reduce sample sizes for ease in handling).
    - i. Window sizes and types.
    - ii. Window mullion dimensions and projection in front of face of glass.
    - iii. Window frame, sash, and mullion materials.
    - iv. All windows must comply with the BAR Alexandria New and Replacement Window Performance Specifications.
  - b. Where fiber cement façade panels are permitted, they shall not use a wrap-around trim for mounting to the substructure but may use either a batten system to conceal the joints or a rainscreen type installation. If exposed fasteners are proposed, they shall be finished to match the adjacent panels and their location integrated into the overall design.
  - c. The underside of all balconies shall be finished and present a visually cohesive appearance.

- d. Coordinate the design, color, and materials of all penthouses, rooftop mechanical areas, and rooftop screening with the overall architecture of the building, as regards massing, materials, and detailing/expression.
  - i. **No more than three penthouses are permitted without a special use permit pursuant to Section 6-403-(B)(3)(a). The applicant shall work to reduce the overall height of the mechanical screen, as appropriate, in consultation with staff. The general design of the penthouse and rooftop scheme shall be consistent with the Preliminary Plan and updated revision dated January 12, 2024 and finalized during the Final Site Plan process to the satisfaction of the Director of Planning & Zoning.**

**STAFF:**

Karl Moritz, Director, P&Z

Robert M. Kerns, AICP, Chief of Development, P&Z

Catherine Miliaras, AICP, Principal Planner, P&Z

Daniel Welles, Urban Planner, P&Z

**ATTACHMENTS:**

1. December 4, 2023 Letter to Planning Commission from Anna Bergman
2. Updated Roof Plan and Penthouse Exhibit, January 12, 2024
3. Master Plan Resolution #2023-00002 and associated Land Use Maps
4. Exhibit A showing applicant's proposed revisions to north setback, north elevation and east elevation, dated January 12, 2024

## ATTACHMENT 1

From: Anna Bergman [anna@annabergman.com](mailto:anna@annabergman.com)

Sent: December 4, 2023 8:35 AM

To: PlanComm

Subject: Zoning Analysis- 301 N Fairfax for the Public Record

Please include this zoning and SUP analysis for the public record for tomorrow, Tuesday, December 5th planning commission meeting on 301 N. Fairfax.

Could I ask you to please confirm receipt. Thank you. See attached.

Statement for Inclusion in the Public Record

Planning Commission December 5 Meeting Re: 301 N. Fairfax Proposal

I respectfully ask the staff and commissioners to consider this zoning/SUP analysis prior to your meeting:

Section 5-301 of the Zoning Ordinance establishes the CRMU-H zone. Section 5-302 (B) permits multifamily dwellings in the zone. Section 5-305 establishes that the FAR permitted depends on BOTH whether the use is single use (all residential or all commercial) and whether an SUP is sought.

Under Section 5-305 (A) (2) only a 1.25 FAR is permitted for 301 N. Fairfax because its use is intended to be 100% residential. Because the developer is requesting an SUP that aligns with 5-305 (C) requirements, if the Planning Commission grants the SUP, then Hoffman's FAR can be increased to the 2.5 that the developer is requesting. If you refuse the SUP, Hoffman must build 301 N. Fairfax to a 1.25 FAR.

However, if you rezone this parcel as a CRMU-H density zone knowing the building use will NOT be mixed use, and if you grant the SUP that doubles the FAR, you will be permitting a privileged developer to erect what we know doesn't pass these tests required by the Zoning Ordinance:

- 5-309 (B) requires you – before granting the SUP - to consider “*The ability of the design to promote the integration of uses within the project and to promote compatibility of the project with the neighborhood.*”
  - The Winn Stanley design is willfully incompatible with the surrounding residential neighborhood.
  
- 5-309 (C) requires you – before granting the SUP – to consider “*The inclusion of site amenities, open space and features...in a manner which encourages pedestrian use...*”
  - The only way to retain and enhance the original bifurcating alley without encroaching on the development rights of 333 N. Fairfax is to reduce the length of the 301 proposal for a 20 foot alleyway that retains what the Waterfront Small Area Plan calls a “view corridor” to the west-to-east “permeability” for enhanced river access that is the plan's hallmark; you can do that by requiring the applicant to retain the historic alley and by reducing the FAR you grant Hoffman.<sup>1</sup>
  - Contrary to the Staff Report on page 11 that characterizes the Waterfront Small Area Plan as only “an overlay plan” that is not dispositive, page 10 of that Plan says “...through this Plan, the City is amending portions of the Old Town Small Area Plan...and, therefore, amending the City's Comprehensive Master Plan.” Therefore, the Plan's requirement to retain the alley and view corridor are critical.

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<sup>1</sup> Thompson's Alley bifurcates the 200 block of N. Fairfax to N. Lee; Swift's Alley and a second unnamed historic alley does the same for the 100 block of S. Fairfax. Restoring the alley bifurcating the 300 block of N. Fairfax to N. Lee will add historic symmetry to this block and provide the required pedestrian corridor through the block to the river.

- 5-309 (D) requires you – before granting the SUP – to consider “*The distribution of floor area ratio over the site so that the mass and scale of buildings do not overwhelm and are compatible with neighboring areas.*”
  - Rather than referencing the other out of place 1960’s and 1970’s buildings on this block, or the developer’s incessant reference to other 4 and 5 story buildings elsewhere in Alexandria, the Commission should focus on the townhomes surrounding this site – they carry a weighted average 2.5 floors. The proposed 4-floor and 9 additional feet to enclose mechanical equipment and rooftop decks will overwhelm the residential neighborhood in its inappropriate size, height and scale. It exceeds the 50 feet height district map limit; the 1,600 SF of enclosed penthouse area exceeds the limit of the minimum space necessary as stated in the zoning code.<sup>2</sup>
  
- Section 5-310 (D) requires you – before granting the SUP – to be confident that “*All operations....shall be conducted within a completely enclosed building...*” with some exceptions that are not relevant to this proposal.
  - As demonstrated below, many building operations will occur outside the proposed building, not inside as required.
  
- Section 10-101 states as its purpose, in part “*... to promote the..... general welfare of the public through the identification, preservation, and enhancement of ....settings, neighborhoods, places and features with special historical....and architectural significance.*”
  - Section 10-101 (C) requires the city to “*maintain and improve property values by...encouraging desirable uses and forms of economic development that will lead to the continuance, conservation and improvement of the city's historic resources in their setting.*”
    - We do not see how the 301 proposal improves Old Town’s historic resources in their setting in any way.
  - Section 10-101 G) requires the city to “*assure that new structures....be in harmony with their historical and architectural setting and environs.*”
    - You’ve seen the modern design proposed by Hoffman....it is hardly in harmony with its historical and architectural environs.
  
- 10-105 (A) (2) creates standards that must be met before the BAR and City Council can grant a certificate of appropriateness. Thus, the Planning Commission should take these into account now:
  - Standard (a) requires you consider the “*Overall architectural design, form, style and structure, including, but not limited to, the height, mass and scale of buildings or structures.*”

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<sup>2</sup> • Section 6-403 (B) (3) (a) states “a maximum of three penthouses are permitted unless the number is increased by a special use permit”, however there are more than three penthouses but a special use permit has not been requested for this additional exception.

- Section 6-403 (B) (3) (c) “The penthouses must be limited in size to the minimum space necessary for stairs, elevators, required elevator vestibules not exceeding 64 square feet per elevator, necessary mechanical equipment, or similar appurtenances;” however, the penthouses totaling around 1,600 SF and stretching almost the length and width of the 4th floor do not reflect the minimum size necessary.

- As many BAR members said at three BAR meetings this summer, this proposal is too big, too imposing, too overwhelming to the surrounding historic neighborhood. It's too much building on far too small of a lot.
- Standard (b) requires you to consider "...*the degree to which the distinguishing original qualities or character of a....site... are retained.*"
  - Historic maps we have uncovered show decisively that alleyways originally existing that bifurcated the site and block, and thus must be restored to provide a "view corridor" and pedestrian access from Fairfax through the property that, as it connects to Quay Street, opens that corridor to the river, just as the Waterfront Small Area Plan requires.
- Standard (c) requires you to consider "...*the impact upon the historic setting, streetscape or environs.*"
  - The unanimous opposition to the 301 proposal demonstrates that Alexandrians consider this building to result in a wholly negative impact.
- Standard (e) requires you to consider "*The relation of the features...to buildings and structures in the immediate surroundings.*"
  - The developer and staff are eager to compare the proposal to the other 1960's/70's buildings on this block, or to other larger buildings elsewhere in Alexandria. But Standard (e) requires you to consider only the "*immediate surroundings.*" The Hoffman proposal fails to relate to the features of the townhomes that immediately surround it.

For the developer to escape the 1.25 FAR limit on a property that will only have a residential use, he is relying completely upon the Planning Commission granting the SUP. If you don't grant it, Hoffman must build a residence to a 1.25 FAR. The citizens, neighbors and civic organizations that unanimously oppose this project before you have shown numerous standards and considerations that the Commission is required to consider in deciding to grant or reject the demand for the SUP.

For the sake of the very Old & Historic District that is the reason Alexandria is a national destination, we urge you not to grant this SUP. Instead, compel the developer to build to a more appropriate scale and style. It is not the Commission's or staff's mission to make sure a wealthy developer's plans are viable or his profit margins adequate large. It is the Commission's role to protect the essential historic asset that is our beautiful Old & Historic District.

Anna Bergman  
300 Queen Street



LEGEND

- PENTHOUSE (MAX. 9')
- MECHANICAL SCREEN (MAX. 9')
- OPEN SPACE

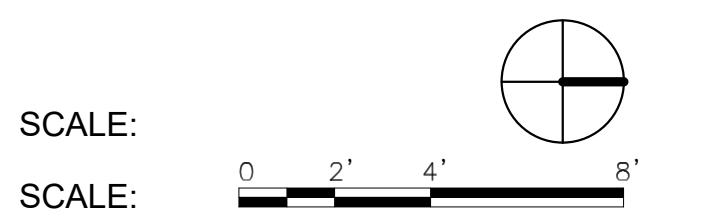
ARCHITECT'S SEAL

REGISTRATION:

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	11/21/2023	100% DESIGN DEVELOPMENT

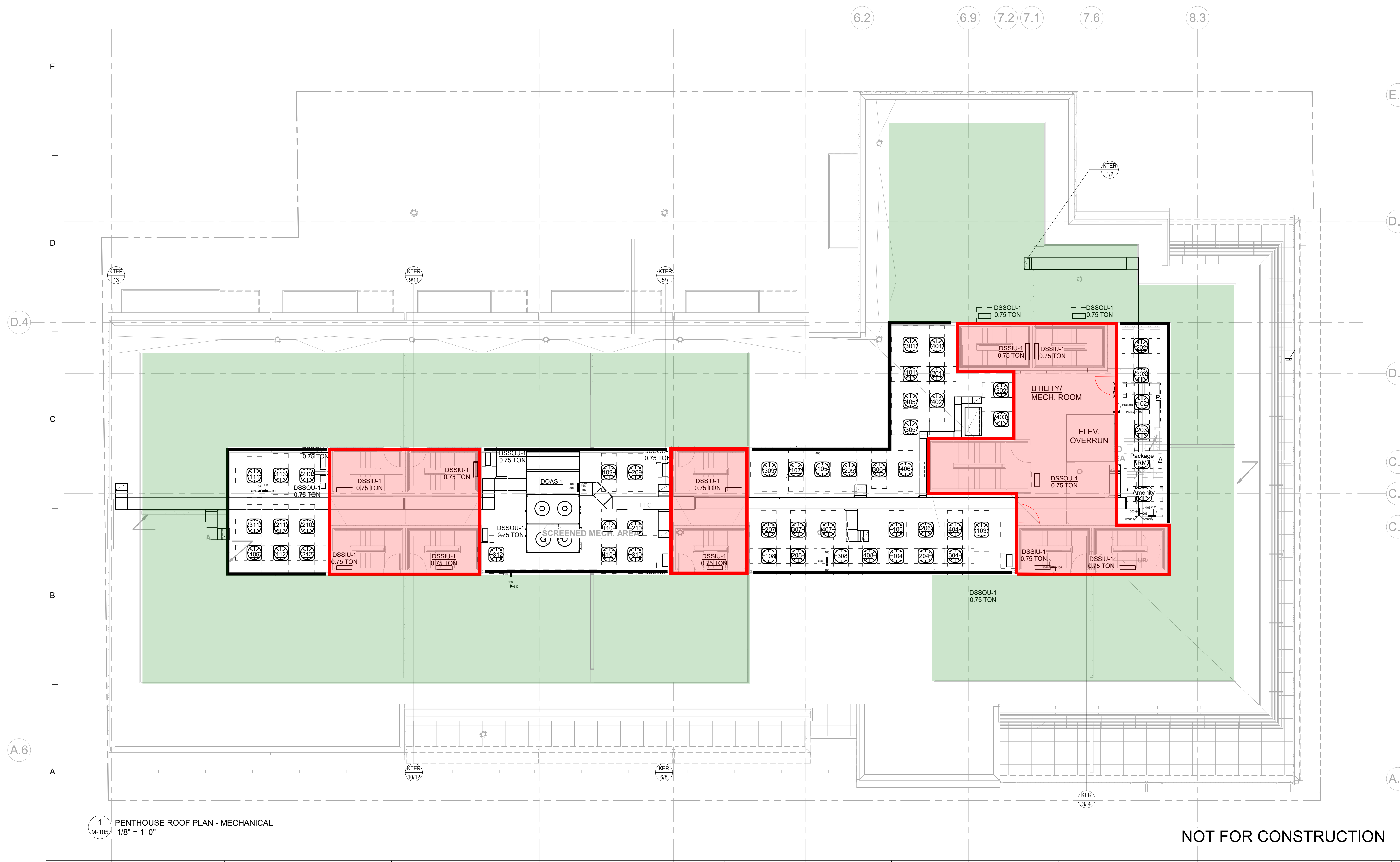
A/E PROJECT NO: ## - ##  
 DRAWN BY: XX  
 CHECKED BY: XX

KEY PLAN



SHEET TITLE:  
**EXHIBIT:  
 ROOF LEVEL  
 PENTHOUSES  
 01/08/2024**

NOT FOR CONSTRUCTION



1 M-105 PENTHOUSE ROOF PLAN - MECHANICAL  
1/8" = 1'-0"

**ATTACHMENT 2: Master Plan Amendment Resolution****RESOLUTION NO. MPA 2023-00002**

WHEREAS, under the Provisions of Section 9.05 of the City Charter, the Planning Commission may adopt amendments to the Master Plan of the City of Alexandria and submit to the City Council such revisions in said plans as changing conditions may make necessary; and

WHEREAS, the proposed amendment will amend the **Old Town Small Area Plan** chapter of the 1992 Master Plan;

WHEREAS, the Department of Planning and Zoning has analyzed the proposed revisions and presented its recommendations to the Planning Commission; and

WHEREAS, a duly advertised public hearing on the proposed amendment was held on **December 5, 2023** with all public testimony and written comment considered; and

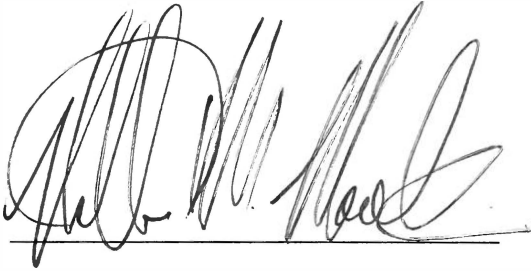
WHEREAS, the Planning Commission finds that:

1. The proposed amendment is necessary and desirable to guide and accomplish the coordinated, adjusted and harmonious development of the **Old Town Small Area Plan** section of the City; and
2. The proposed amendment is generally consistent with the overall goals and objectives of the 1992 Master Plan and with the specific goals and objectives set forth in the **Old Town Small Area Plan** section of the 1992 Master Plan; and
3. The proposed amendment shows the Planning Commission's long-range recommendations for the general development of the **Old Town Small Area Plan**; and
4. Based on the foregoing findings and all other facts and circumstances of which the Planning Commission may properly take notice in making and adopting a master plan for the City of Alexandria, adoption of the amendment to the **Old Town Small Area Plan** chapter of 1992 Master Plan will, in accordance with present and probably future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the residents of the City;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Alexandria that:

1. The attached amendments to the **Old Town Small Area Plan** are hereby adopted in their entirety amending the Old Town North Small Area Plan chapter of the 1992 Master Plan of the City of Alexandria, Virginia in accordance with Section 9.05 of the Charter of the City of Alexandria, Virginia, to the:
  - Amend Map 25: Old Town Land Use; to amend the land use map for the subject property from CD (Commercial Downtown) to RH (Residential High).
2. This resolution shall be signed by the Chairman of the Planning Commission and attested by its secretary, and a true copy of this resolution forwarded and certified to the City Council.

ADOPTED the 5th of December, 2023.



Chair, Alexandria Planning Commission

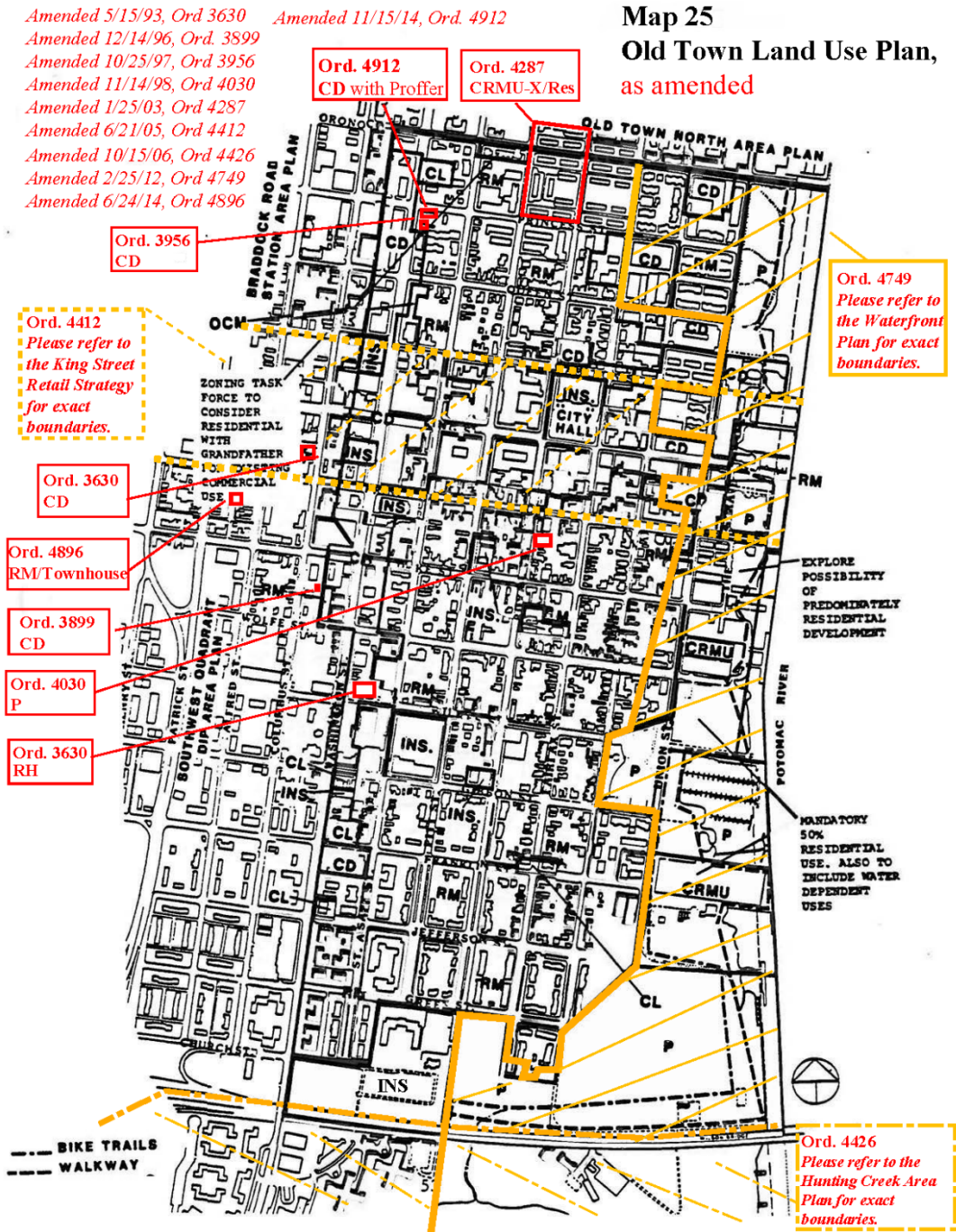
ATTEST:



Karl Moritz, Secretary

Attachments

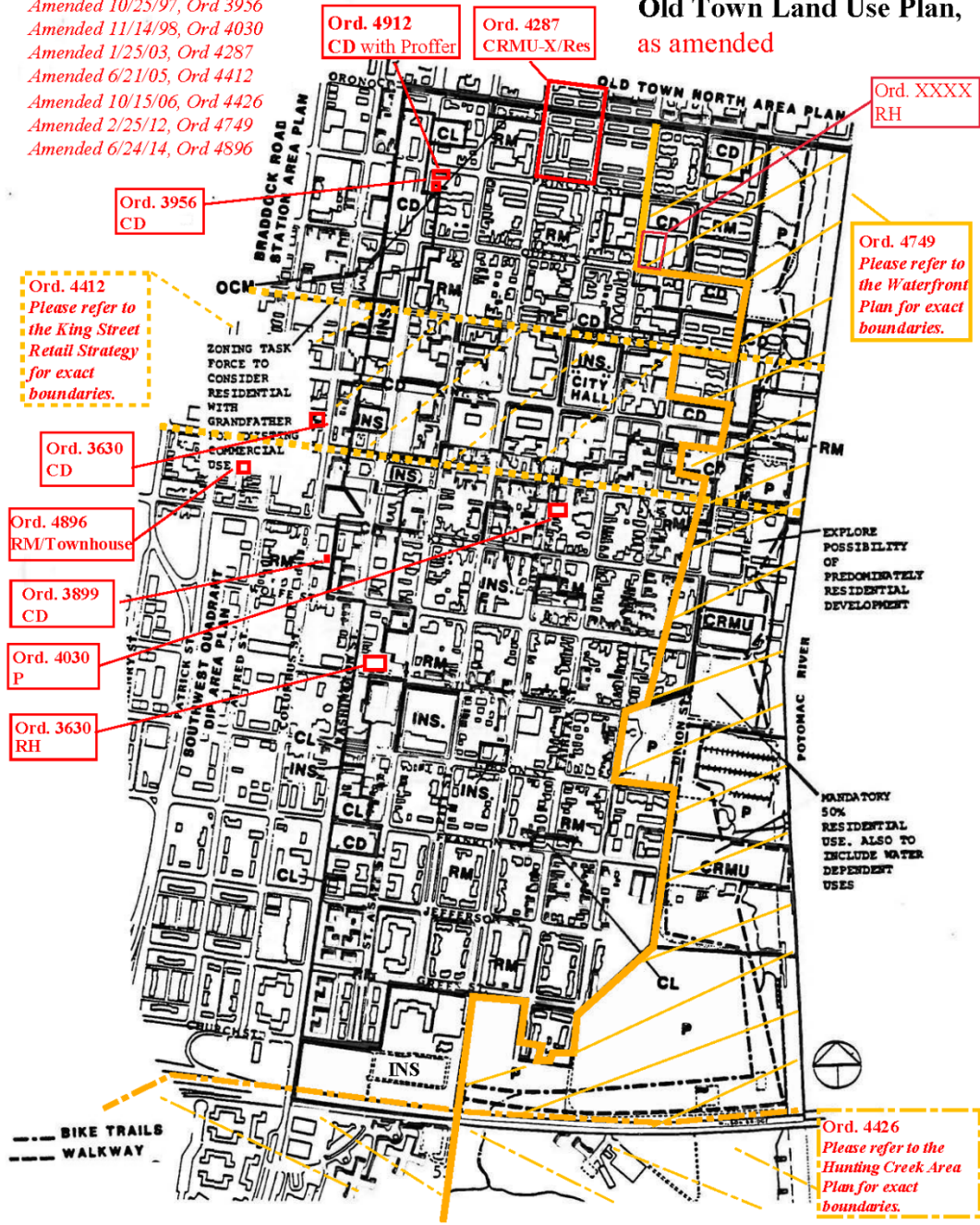
Map 25: Old Town Land Use, Existing



**Map 25: Old Town Land Use, Proposed**

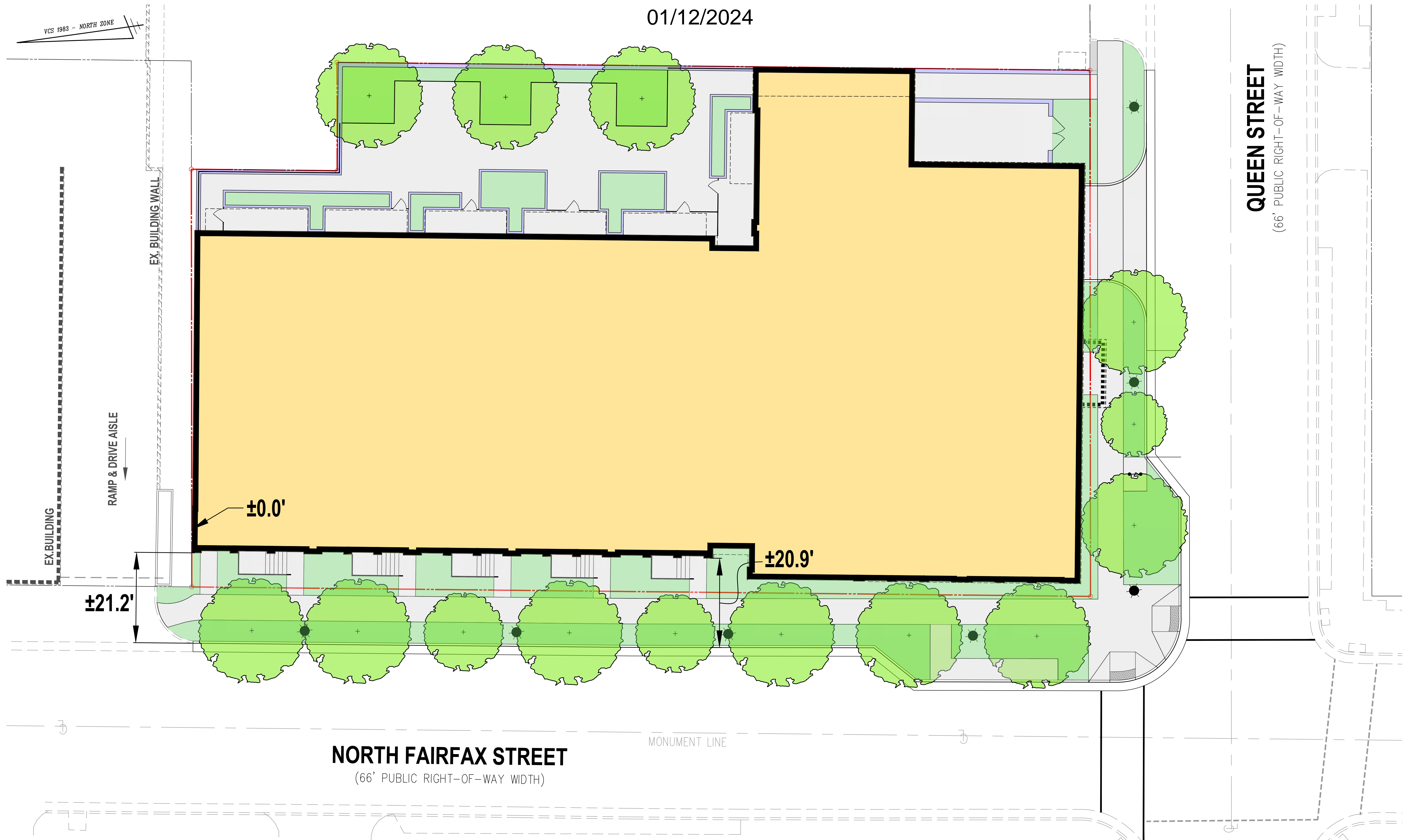
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*Amended 12/14/96, Ord. 3899*    *Amended DATE, Ord. XXXX*  
*Amended 10/25/97, Ord 3956*  
*Amended 11/14/98, Ord 4030*  
*Amended 1/25/03, Ord 4287*  
*Amended 6/21/05, Ord 4412*  
*Amended 10/15/06, Ord 4426*  
*Amended 2/25/12, Ord 4749*  
*Amended 6/24/14, Ord 4896*

**Map 25  
Old Town Land Use Plan,  
as amended**



**EXHIBIT A**

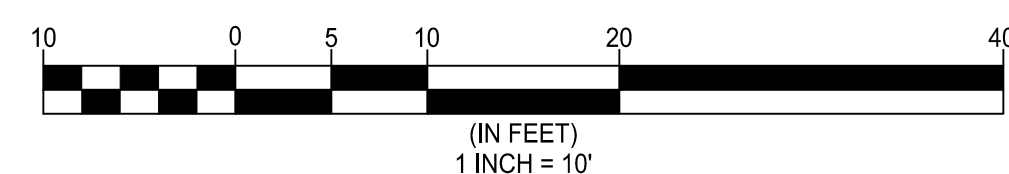
01/12/2024



**NORTH FAIRFAX STREET**  
(66' PUBLIC RIGHT-OF-WAY WIDTH)

**QUEEN STREET**  
(66' PUBLIC RIGHT-OF-WAY WIDTH)

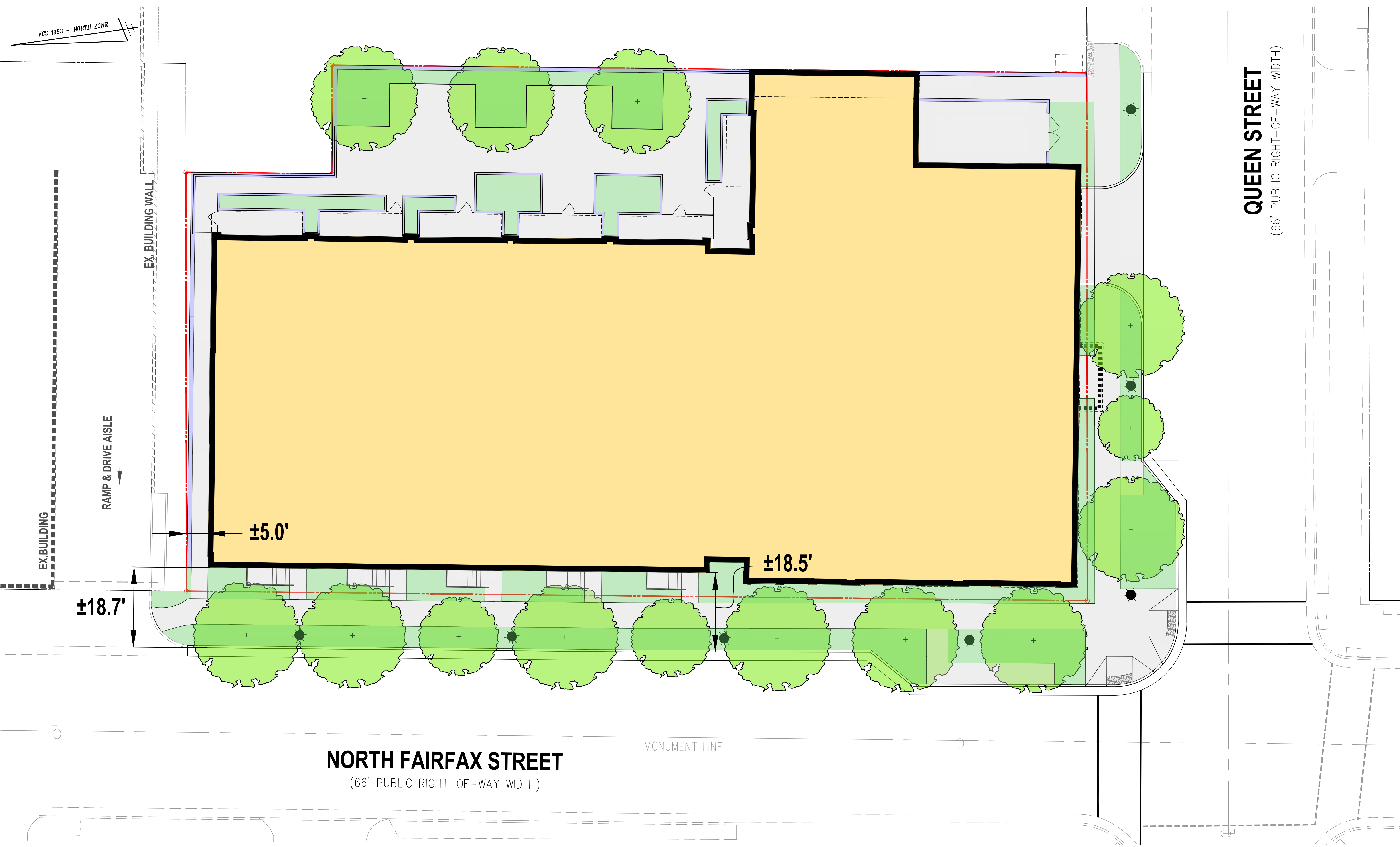
**ORIGINAL**



**BUILDING SETBACK EXHIBIT**  
**301 N FAIRFAX STREET**

NOTE: DETAILS SHOWN ON THIS EXHIBIT REFLECT THOSE IN PRELIMINARY SITE PLAN DSUP#2023-10009. FOR CONCEPTUAL PURPOSES ONLY.

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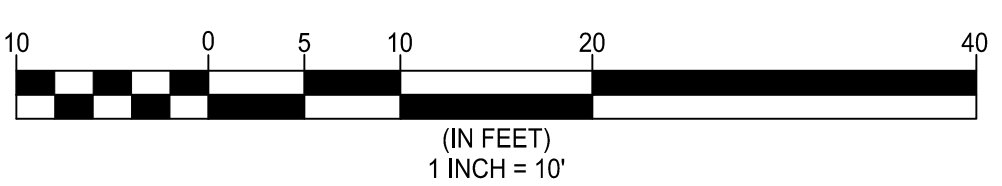


**NORTH FAIRFAX STREET**  
 (66' PUBLIC RIGHT-OF-WAY WIDTH)

**QUEEN STREET**  
 (66' PUBLIC RIGHT-OF-WAY WIDTH)

**PROPOSED**

**BUILDING SETBACK EXHIBIT**  
**301 N FAIRFAX STREET**



NOTE: DETAILS SHOWN ON THIS EXHIBIT REFLECT THOSE IN PRELIMINARY SITE PLAN DSUP#2023-10009. FOR CONCEPTUAL PURPOSES ONLY.

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PREPARED BY  
**WALTER L. PHILLIPS**  
 INCORPORATED

Engineers • Surveyors • Planners  
 Landscape Architects • Arborists  
 207 PARK AVENUE  
 FALLS CHURCH, VIRGINIA 22046  
 (703) 532-6163 Fax (703) 533-1301  
 WLPINC.com

SCALE: 1" = 10'

301 N. FAIRFAX  
ALEXANDRIA, VA 22314

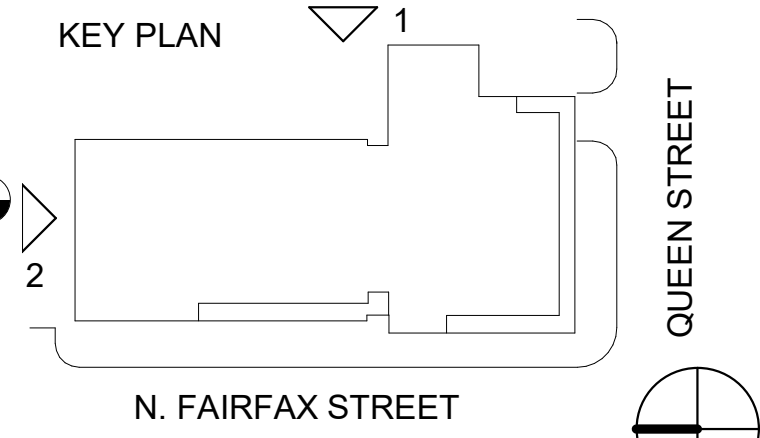
**WINSTANLEY**  
ARCHITECTS & PLANNERS

Professional Certification. I certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the state of Virginia, license number 0401012577, expiration date 08/31/2024

REGISTRATION:

NO.	DATE	ISSUE DESCRIPTION
02/17/2023	02/17/2023	STAGE 1 CONCEPT PLAN
04/07/2023	04/07/2023	BAR DEMOLITION PRELIM. SUBMISSION
04/07/2023	04/07/2023	BAR CONCEPT I - PRELIM. SUBMISSION
04/17/2023	04/17/2023	BAR CONCEPT I / DEMO - FINAL SUBMISSION
04/21/2023	04/21/2023	CONCEPT II FINAL SUBMISSION
06/21/2023	06/21/2023	BAR CONCEPT II SUBMISSION
07/12/2023	07/12/2023	DSUP PRELIMINARY COMPLETENESS
08/07/2023	08/07/2023	BAR CONCEPT III SUBMISSION
08/22/2023	08/22/2023	DSUP COMPLETENESS VERIFICATION

A/E PROJECT NO: ## - ##  
DRAWN BY: XX  
CHECKED BY: XX



SCALE: 0 5' 10' 20'

SHEET TITLE:  
**EXTERIOR ELEVATIONS**

SHEET NUMBER:  
**A-202**

APPROVED SPECIAL USE PERMIT NO. <u>CDSP#2023-</u>	
DEPARTMENT OF PLANNING & ZONING	
DIRECTOR	DATE
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES	
SITE PLAN No. _____	
DIRECTOR	DATE
CHAIRMAN, PLANNING COMMISSION	
DATE RECORDED _____	
INSTRUMENT NO.	DEED BOOK NO.
	PAGE NO.



**1 COURTYARD ELEVATION (DSUP)**  
1/8" = 1'-0"



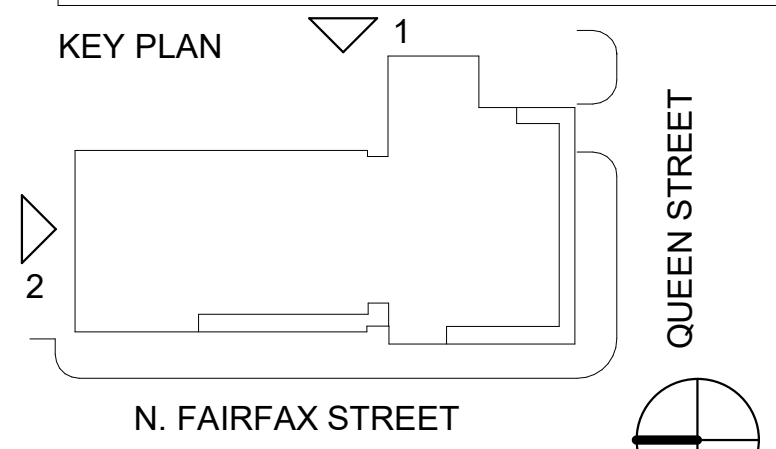
**2 COURTYARD ELEVATION (PROPOSED)**  
1/8" = 1'-0"



REGISTRATION:

NO.	DATE	ISSUE DESCRIPTION
02/17/2023	02/17/2023	STAGE 1 CONCEPT PLAN
04/07/2023	04/07/2023	BAR DEMOLITION PRELIM. SUBMISSION
04/07/2023	04/07/2023	BAR CONCEPT I - PRELIM. SUBMISSION
04/17/2023	04/17/2023	BAR CONCEPT I / DEMO - FINAL SUBMISSION
04/21/2023	04/21/2023	CONCEPT II FINAL SUBMISSION
06/21/2023	06/21/2023	BAR CONCEPT II SUBMISSION
07/12/2023	07/12/2023	DSUP PRELIMINARY COMPLETENESS
08/07/2023	08/07/2023	BAR CONCEPT III SUBMISSION
08/22/2023	08/22/2023	DSUP COMPLETENESS VERIFICATION

A/E PROJECT NO: ## - ##  
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CHECKED BY: XX

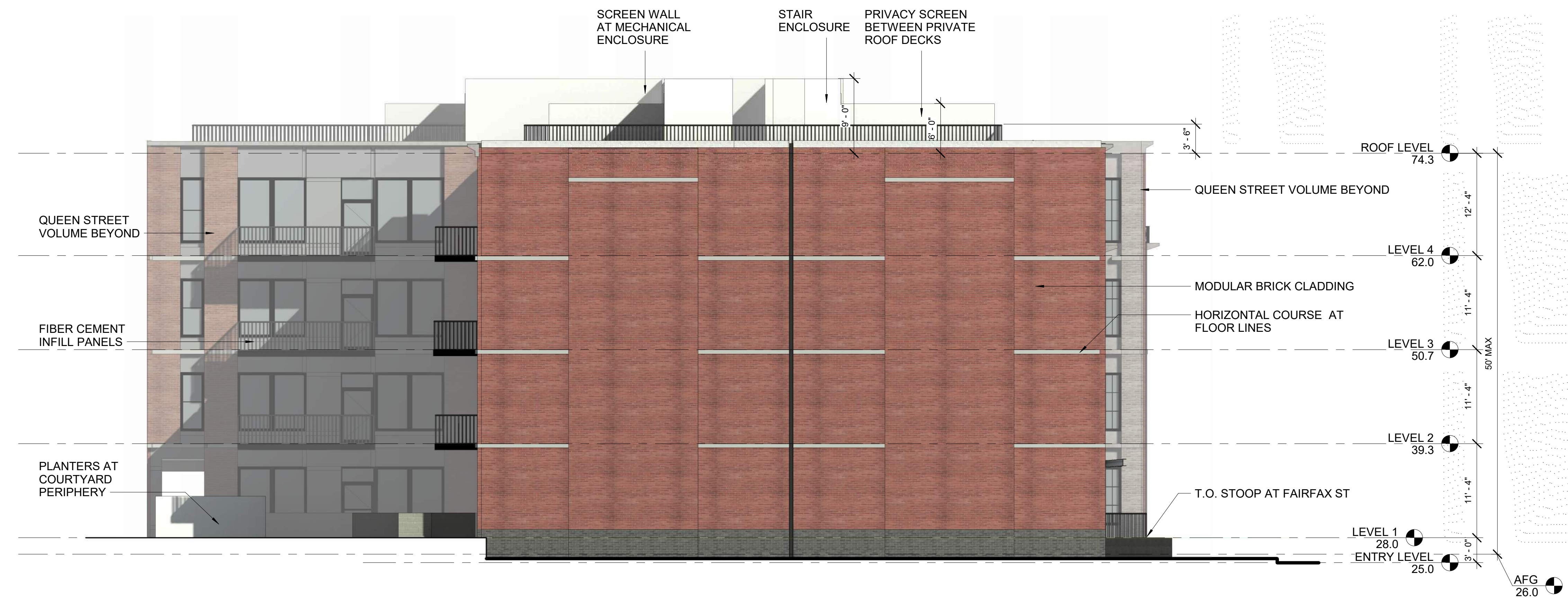


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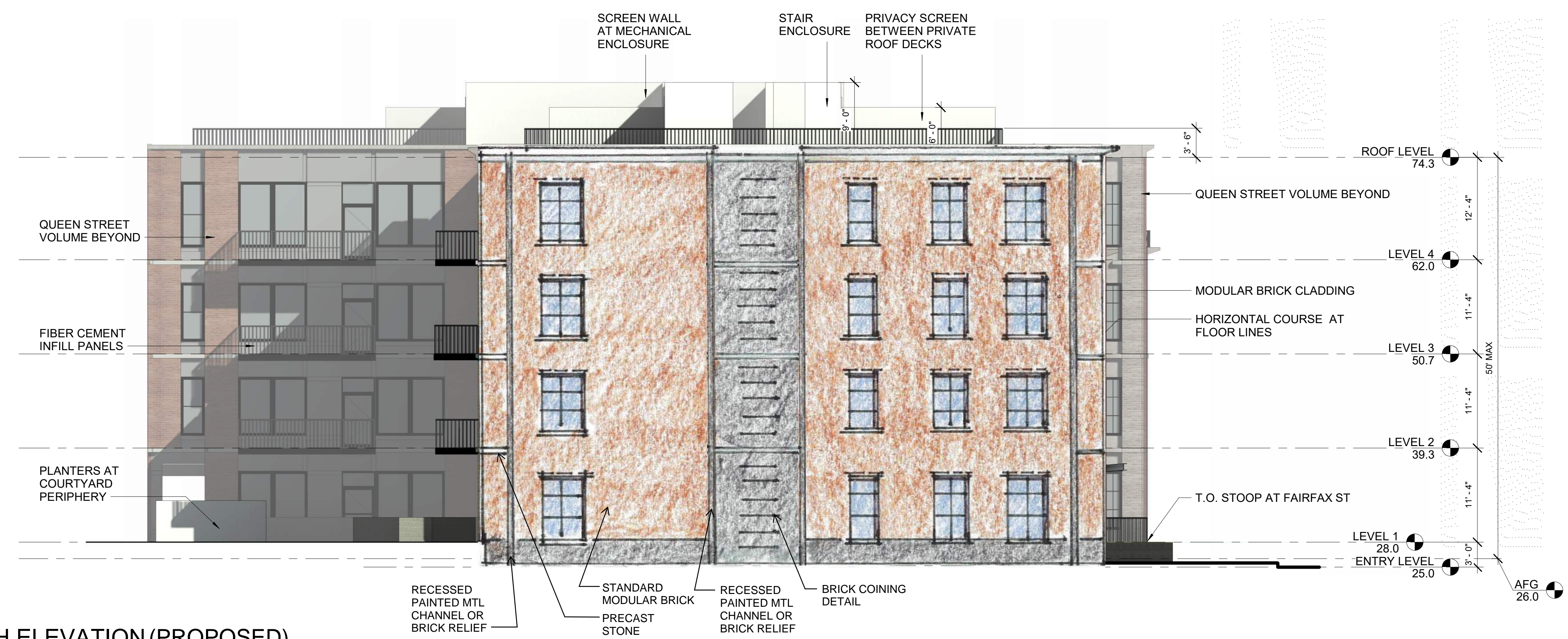
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**EXTERIOR ELEVATIONS**

SHEET NUMBER:  
**A-202A**

APPROVED SPECIAL USE PERMIT NO. <u>CDSP-2023-</u>	
DEPARTMENT OF PLANNING & ZONING	
DIRECTOR _____	DATE _____
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES	
SITE PLAN No. _____	
DIRECTOR _____	DATE _____
CHAIRMAN, PLANNING COMMISSION _____	
DATE RECORDED _____	
INSTRUMENT NO. _____	DEED BOOK NO. _____
PAGE NO. _____	



**1 NORTH ELEVATION (DSUP)**  
1/8" = 1'-0"



**2 NORTH ELEVATION (PROPOSED)**  
1/8" = 1'-0"