

***Development Special Use Permit #2019-00033***  
***Special Use Permit #2020-00036***  
***116 South Henry Street***

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Application	General Data	
<b>Project Name:</b> 116 South Henry Street	PC Hearing:	September 1, 2020
	CC Hearing:	September 12, 2020
	If approved, DSUP Expiration:	September 12, 2023 <sup>1</sup> (3 years)
	Plan Acreage:	0.35 acres (15,332 SF)
<b>Location:</b> 116 South Henry Street	Zone:	CD/Commercial Downtown
	Existing Uses:	Surface parking
	Proposed Uses:	Mixed-use (residential, retail, automated structured parking, restaurant)
	Dwelling Units:	19
<b>Applicant:</b> Galena Capital Partners, represented by Mary Catherine Gibbs, attorney	Gross Floor Area:	Residential/retail: 25,970 SF Garage: 40,367 SF Total: 66,337 SF
	Net Floor Area:	Residential/retail: 20,632 SF Garage: 3,701 SF Total: 24,333 SF
	Small Area Plan:	Old Town / King Street Retail Strategy
	Historic District:	Old and Historic Alexandria
	Green Building:	2009 Green Building Policy <ul style="list-style-type: none"> <li>• LEED Certified or equivalent for residential</li> <li>• LEED Silver or equivalent for commercial</li> <li>• ParkSmart or comparable green building practices for the automated garage</li> </ul>

Purpose of Application
Public Hearing and consideration of a request for a Development Special Use Permit and site plan with modifications to construct a 16-unit mixed-use retail/residential building with ground floor commercial uses facing S. Henry Street, a three-unit multifamily residential building facing S. Patrick Street and a 142-space, six-story automated parking garage.
Special Use Permits and Modifications Requested:
<ol style="list-style-type: none"> <li>1. Development Special Use Permit and Site Plan to construct a mixed-use retail/residential building and a 142-space automated parking garage;</li> <li>2. Special Use Permit to increase the number of dwellings per acre to not exceed 54.45;</li> </ol>

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<sup>1</sup> The DSUP approval time of validity may be extended per the conditions of approval based on City Council guidance for land use approvals based on the COVID-19 pandemic.

3. Special Use Permit for motor vehicle parking or storage for more than 20 vehicles;
4. Special Use Permit to exceed the maximum parking requirement;
5. Special Use Permit for a reduction of the loading space requirement;
6. Special Use Permit for restaurant use;
7. Modification to the crown coverage requirement;
8. Modification to the street tree requirements in the Landscape Guidelines;
9. Modification to the open space requirement; and,
10. Modification to the setback requirements of the CD Zone.

**Staff Recommendation: APPROVAL WITH CONDITIONS**

**Staff Reviewers:**

Robert M. Kerns, AICP, Chief of Development  
Catherine Miliaras, AICP, Principal Planner  
Stephanie Sample, Urban Planner

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**CITY COUNCIL ACTION, SEPTEMBER 12, 2020:**

City Council approved the Planning Commission, with an amendment to **Condition #40**, to delete “provided the applicant notify the Director of T&ES that excess parking is available” and add a period after the word "parking".

**PLANNING COMMISSION ACTION, SEPTEMBER 1, 2020:**

On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to recommend the approval of Development Special Use Permit #2019-00033 as amended, and Special Use Permit #2020-00036. The motion carried on a vote of 5 to 0, with Commissioner Lyle recusing herself.

Reason: The Planning Commission agreed with the staff analysis and with the recommended changes to the conditions as shown below:

**Condition 40**

40. Parking spaces within the parking garage that are allocated to the residential or retail use that are required to comply with zoning requirements may be made available for public/off-site parking provided the applicant notify the Director of T&ES that excess parking is available. ~~excess parking can be demonstrated to the satisfaction of the Directors of P&Z and T&ES. (T&ES) (P&Z)~~

**New Condition 112(j)**

Residents are not eligible for residential street parking permits because the property is not located within a residential permit parking district and are not eligible for a permit in a sub-district based on code requirements.

Vice Chair McMahon said that although she is not typically in favor of excess parking, she was in support of this new type of parking garage due to its relatively small footprint and efficient use

of space. The functionality of the garage allows for real-time flexibility and can utilize all available parking, meeting the definition of shared parking. She said that she was not in favor of the portion of Condition #40 that required that the applicant to demonstrate the availability of excess parking to staff prior to making it available to the public. The applicant's attorney, Mary Catherine Gibbs, suggested alternative language that requires the applicant to notify the Director of T&ES of excessing parking availability, allowing the parking operator to make excess parking available in real time. She said that she felt comfortable with the operator self-policing the reserved residential spaces and said the nature of a computer-operated parking system allows for the facility to be used to its fullest possibility.

Chair Macek agreed that the condition was too onerous on the applicant and thought the condition could be simplified to ensure that the leased residential spaces were reserved but allowing non-reserved residential spaces to be made available to the public immediately. He also asked for an explanation of Condition #21 and Ms. Gibbs noted that the garage could be retrofitted in the future once induction technology expands for use in an automated garage. She said that there were other opportunities as part of the Green Building condition for them to provide an on-site or nearby EV charging station as part of the construction of the garage.

Ms. Oleynik, Transportation & Environmental Services, explained that the condition had been written to give the applicant the flexibility to provide additional public parking but that the intent was to ensure that the garage maintained the required amount of parking required in the Zoning Ordinance, recognizing that some residents would not purchase spaces in the garage. She said that the intent was not to make the process difficult for the applicant and recognized that parking is a dynamic situation. She noted that the garage data would be shared with the City through the API (Application Programming Interface) so she did not feel like the applicant would have a difficult time demonstrating that there were unused residential spaces.

Mr. Macek also raised the issue of residential parking permits for future owners/tenants and Ms. Oleynik stated that the future residents would not be eligible for on-street parking permits. Ms. Miliaras, Planning & Zoning, and Ms. Oleynik recommended the addition of Condition 112(j) to notify future residents of the restriction in the disclosure documents.

Commissioner Koenig said that he had been following the evolution of the project and was in strong support. He said that the interior location of the parking allowed the architect to design very successful buildings which would be a significant improvement in this area.

Commissioner Brown noted that the Commission was taking a big leap of faith in approving a project with a new building type (automated parking) but that he felt it was a very successful infill project. He asked for confirmation from Ms. Gibbs that the hourly rates would be higher because this is a privately-operated garage and she stated that due to the cost of constructing the facility the hourly fee would be higher than the typical parking fees in Old Town. He commended the project team on the project on a particularly challenging site.

Commissioner Goebel said that he was in support of the size, scale and design of the project which would be a big improvement on a challenging site.

Speakers:

Charlotte Hall, Old Town Business Association, spoke in support of the mixed-use multifamily project with parking garage in this area of Old Town. She encouraged the applicant to provide as much public parking as possible, and even consider offering valet parking.

Mary Catherine Gibbs, representing the applicant, spoke in favor of the project and introduced the project team. She said that the project provides high-quality, well-designed architecture and that the new garage will accommodate all of the surface parking spaces being lost due to the development, plus additional spaces. She explained that the nature of the garage, located in the center of the site, limited the amount of open space that could be provided at grade in the project.

Steve Milone, president of the Old Town Civic Association, said the association was generally in favor of the project, although they recognized that the buildings are significantly larger than surrounding properties. He said that the applicant did a fair amount of outreach prior to the COVID-19 pandemic and continued to reach out in other ways after public spaces were closed to gatherings. He said that he was concerned about the large expanse of synthetic stucco (EIFS) on the garage and would support the idea of an art installation on that elevation. He said the new automated garage has the potential to be unattractive to drivers looking to run quick errands at the nearby businesses and that could impact public street parking.



PROJECT LOCATION MAP

## **I. SUMMARY**

### ***A. Recommendation***

Staff recommends approval of the request to construct a mixed-use development with 19 multifamily units in two buildings (one fronting S. Henry Street and one fronting S. Patrick Street), ground floor retail facing S. Henry Street, and a six-story automated parking structure, with a Development Special Use Permit (DSUP) and associated requests, and subject to compliance with staff recommendations. The proposal provides many benefits for the City and surrounding community, including:

- High-quality, compatible design and architecture that has been endorsed by the Board of Architectural Review;
- Contextually responsive infill development that removes a large surface parking lot in a vibrant part of the City;
- Automated parking which maximizes parking in a small footprint and accommodates the required residential parking, plus approximately 90 publicly available spaces;
- The creation of “retail-ready” units facing S. Henry Street that can be used for commercial or residential purposes, or a combination of the two;
- Neighborhood-serving retail space on S. Henry Street;
- A widened and improved public alley (Downham Way) with a defined pedestrian walkway to the parking garage;
- Residential units just off of King Street that will add to the mixed-use character of Old Town;
- New street trees and pedestrian improvements;
- Green building and site design, including LEED Certified (or equivalent) for residential, LEED Silver (or equivalent) for commercial and ParkSmart (or comparable green building practices) for the automated garage;
- Public art contribution or on-site public art (at a minimum value of \$19,901);
- An affordable housing contribution of approximately \$70,480;
- A \$2,500 contribution to Capital Bikeshare; and,
- A \$9,046 contribution to the Urban Forestry Fund.

Staff acknowledges the number of Special Use Permits (SUPs) and site plan modifications requested by the applicant. The site constraints and urban setting, and the requirement to provide residential parking for both the subject property and the associated 912-920 King Street development, as well as public parking, provides a basis for the staff recommendation for the DSUP and associated application approval.

## ***B. General Project Description & Summary of Issues***

The applicant, Galena Capital Partners, requests approval for a mixed-use project with two multifamily buildings (19 units total), including two ground-floor retail-ready units and approximately 1,500 square feet of dedicated neighborhood-serving retail or restaurant space, and a 142-space fully-automated (sometimes referred to as robotic) parking garage. The project site, 116 S. Henry Street, is a through lot with frontage on both S. Henry (92.5 feet) and S. Patrick (25.5 feet) streets, adjacent to Downham Way to the north, a public alley<sup>2</sup> measuring 18 feet wide. The site area is 15,332 square feet.

This site, along with 912-920 King Street (DSUP#2019-00032), are City-owned parking lots currently under contract by Galena Capital Partners (see Section 2A below for a discussion of the disposition and RFP process). The associated development at 912-920 King Street will have a 30-unit mixed-use four-story residential building with ground-floor commercial space and retail-ready units facing Downham Way. The projects are phased such that the parking garage on the S. Henry Street site must be constructed and operable before the King Street project can proceed due to the need to maintain public parking in the immediate vicinity. The site is located within the Old and Historic Alexandria District (OHAD) and is within the purview of the Board of Architectural Review (BAR).

The project consists of three distinct elements: a four-story multifamily building facing S. Patrick Street; a six-level automated parking garage in the interior of the site; and, a four-story mixed-use building facing S. Henry Street with two retail-ready units and ground floor retail.

The applicant is requesting the following approvals with this project:

- A Development Special Use Permit (DSUP) with Site Plan and including:
  - The construction of a 16-unit multifamily with ground floor retail on S. Henry Street, a three-unit multifamily residential building on S. Patrick Street and a six-story, 142-space automated parking garage;
  - A Special Use Permit to increase the number of dwellings per acre in the CD zone, not to exceed 54.45;
  - A Special Use Permit for motor vehicle parking or storage for more than 20 vehicles;
  - A Special Use Permit to exceed the maximum parking requirement;
  - A Special Use Permit for a reduction of the loading space requirement to allow for a reduced loading space clearance height;
  - A Special Use Permit for a restaurant use; and,
  - Site Plan Modifications to the crown coverage, open space, setback, and street tree requirements.

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<sup>2</sup> The adjacent section of Downham Way is public, while the section of Downham Way located behind the 912-920 King Street (DSUP#2019-0032) property is private.

Key issues that were considered in the staff analysis and discussed in further detail in this report include:

- Consistency with City policies and process:
  - Consideration of the proposal's consistency with the parameters of the City Request for Proposal (RFP); and,
  - Implementation of City policies and goals, including the 2009 Green Building Policy and affordable housing.
- Site design:
  - Creating an engaging frontage and street presence on S. Henry and S. Patrick streets to replace an unattractive surface parking lot in compliance with the King Street Retail Strategy;
  - Improving Downham Way as both a pedestrian and vehicular space;
  - A combination of rooftop (2,555 SF) and at-grade (513 SF) open space for tenants;
  - Placement of street trees on S. Henry Street and compliance with the 2019 Landscape Guidelines and a contribution toward the Urban Forestry Fund for an additional street tree in the vicinity; and,
  - Introduction of an innovative building type, an automated parking structure, in close proximity to King Street.
- Building design:
  - Building massing and setbacks in relation to adjacent properties;
  - Architectural character and quality that is commensurate with the character of the Old and Historic Alexandria District;
  - Design, functionality and flexibility of the retail-ready spaces; and,
  - Integration of an automated parking structure into the urban fabric of Old Town and its relationship to an improved Downham Way.

## **II. BACKGROUND**

### ***A. Disposition of 912-920 King Street and 116 S. Henry Street & RFP Process***

In October 2007, the Mayor's Economic Sustainability Work Group made several recommendations regarding the City of Alexandria's economic vision and future including encouraging and pursuing commercial development and expanding the City's focus on retail expansion. The Work Group also recommended that the City develop and maintain an inventory of City-owned properties; periodically evaluate those properties to determine their long term use which would be in the long term best interest of the City; and sell, lease or otherwise dispose of properties that it determines are not needed for a public purpose after determining what is the highest and best use of these properties. In 2009, the King Street and S. Henry Street parcels were declared surplus property.

Following an unsolicited offer from the applicant for the subject properties and a third surface parking lot at 120-122 ½ N. Patrick Street in 2016, the City hired Jones Lang, LaSalle (JLL) to

evaluate the financial feasibility and potential land value of the parcels. The analysis indicated the following highest and best use for the King Street and S. Henry Street sites:

- On the King Street site, a mixed-use building composed of ground floor and below grade retail with small office and residential units above.
- On the S. Henry Street site, three uses including a three-level 80 to 90 space parking garage, ground level retail and commercial office space overlooking S. Patrick Street.

In 2017 the City subsequently authorized the City Manager to issue a Request for Proposals (RFP) for the disposition, sale and redevelopment of the King and S. Henry sites. As outlined in the RFP, the goals of the sale and redevelopment included the preservation of the historic identity of the area; high quality development in terms of materials and design; economic development; consistency with the City's Master Plan; the need for additional public parking in this area of King Street (minimum of 85 spaces to replace the spaces currently existing in the City-owned parking lots<sup>3</sup>); and, maintaining some public parking spaces during project construction. The City received three proposals, although one was subsequently withdrawn. The applicant's proposal was selected as it was the highest offer and because it provided the most public parking, a variety of residential unit types, ground floor retail, and included affordable housing (or a comparable contribution).<sup>4</sup>

On July 9, 2019, City Council authorized the City Manager to enter into a contract with Galena Capital Partners, LLC to sell the City-owned properties located at 912, 916 and 920 King Street and 116 S. Henry Street for \$5.3 million contingent upon (1) approval of the Development Special Use Permit (DSUP) for these sites by the Planning Commission and City Council; and (2) review of the sale of these properties by the Planning Commission per Section 9.06 of the City Code.

On October 3, 2019, Planning Commission reviewed and approved the sale of the King Street and S. Henry Street properties per City Charter Section 9.06, which requires that the Planning Commission review any acquisition or sale of public land to ensure consistency with the City's Master Plan. The proposal was evaluated for consistency with the goals of the Old Town Small Area Plan (1992), which advocates for a balance of residential and commercial uses and contextual development. The proposal achieved this through the conversion of surface parking to a mixed-use development compatible with the historic district; additional ground level retail space on King and S. Henry streets; and, structured parking that will enhance the visitor and tourist experience. Planning Commission also found that the two infill project sites would enhance the pedestrian realm through streetscape improvements; provide continuous retail uses on two blocks that currently have vacant lots; fully utilize upper floors for residential uses; and retain and expand the parking supply through the construction of an automated parking garage in an area with limited off-street parking, consistent with the King Street Retail Strategy (2005).

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<sup>3</sup> Includes the King Street and S. Henry Street parking lots as well as the City-owned lot at 120-122 ½ N. Patrick Street.

<sup>4</sup>The June 22, 2018 City memo detailing the contract consideration to Galena Capital Partners can be found at: <https://alexandria.legistar.com/LegislationDetail.aspx?ID=3537780&GUID=A7E86686-E601-4BB7-A0C3-57B88711C83A>

The closing for each site will be determined based on the Agreement for Sale and Redevelopment negotiated between the City and applicant. For the 116 S. Henry site, closing will occur after approval of building permits. The conditions of approval reflect the consideration for project phasing as agreed upon between the City and applicant as part of the RFP process.

## ***B. Site Context***



**Figure 1: Aerial of Project Site**

Wood-framed dwellings stood on this parcel along S. Henry and S. Patrick streets beginning around 1890. These buildings served residential purposes until the 1950s, when some began to convert to commercial uses. By 1974, the buildings were in poor condition and the City purchased the properties, demolished the buildings and created a Central Business District parking lot for 44 vehicles (SIT#74-0027). The property is currently improved with 48 paved parking spaces, a parking attendant hut and a multi-space parking meter, managed by the City as a public pay lot.

The site sits south of the 1000 block of King Street fronting Downham Way and the rear of the King Street-fronting buildings (Figure 1). There are commercial and retail uses in the 100 blocks of S. Patrick and S. Henry streets and a few residences on the west side of S. Henry Street near the intersection with Prince Street. Immediately to the south of the site is the Virginia Tech Washington-Alexandria Architecture Center, which occupies two buildings facing Prince Street. On S. Patrick Street immediately adjacent to the site are three historic townhouses of various styles.

The site topography is generally flat with a slight rise from S. Henry Street to S. Patrick Street. The lot is largely impervious with only small areas for plantings.

### ***C. Detailed Project Description***

#### **S. Patrick Street Multifamily Building (Figure 2)**

The four-story masonry townhouse-scaled building will have a raised first-floor with a recessed entrance, as well as a 19-foot setback at the fourth floor for private rooftop open space. The building will be constructed at the front property line, consistent with the existing townhouses to the south and the CD zone front yard setback requirements. The three bays facing S. Patrick Street are relatively traditional, with narrow bays of modern and full storefront glazing and a metal canopy over the top floor open space (Figure 2). The portion of the building facing S. Patrick will be constructed of dark grey brick; the fourth-floor cladding and canopy will be constructed of metal panels to differentiate the upper floor. A simple metal horizontal railing will define the rooftop open space.

The Downham Way elevation will be broken up with different brick colors (light cream brick and red brick in addition to the grey brick which wraps around the corner) to recall common townhouse forms and proportions. The different bay spacings express the verticality of the building on this elevation.



**Figure 2: S. Patrick Street rendering**

#### **Automated Parking Garage (Figure 3)**

The automated garage, located at the interior of the site, will accommodate 142 vehicles within six levels (average floor-to-ceiling clearance is 6'8") but will not exceed the height limit of 50 feet. An automated garage works by having the driver enter one of the two ground-level entry/exit bays and exiting the vehicle. No users or operators enter the automated garage beyond the drop-off area and lobby. The pallet system then collects the car and moves it into a space, not unlike an elevator

that moves both up and down and side to side. When the owner is ready to retrieve their car the pallet system (there are three in the facility) collects the car and returns the vehicle through one of the two entry/exit bays. Because the cars are not driven in the facility, they are able to be parked bumper-to-bumper allowing for greater efficiency and less square footage due to the lack of drive aisles like traditional parking garages.

On the exterior, the upper floors extend 18 feet over the ground level where entry/exit into the two garage bays will occur. A lobby to the west of the garage bays provides an area for customers to wait while their car is being retrieved. The first-floor materials consist largely of metal panels, garage doors and a storefront system for the lobby. The upper levels of the garage will be clad with synthetic stucco with score lines to give the façade a mid-century modern commercial appearance. The garage will have a green roof and will also house mechanical equipment. The east elevation of the garage adjacent to the S. Patrick Street building will have an open stair to provide emergency access.

A demonstration of the automated garage technology can be seen here:

<https://www.youtube.com/watch?v=H6BQuggpWWg>



Figure 3: Automated Parking Structure rendering

### **S. Henry Street Mixed-Use Multifamily Building** (Figure 4)

The proposed S. Henry Street building elevation will include two flexible retail-ready units (also known as live/work units), a small commercial space on the corner of S. Henry and Downham

Way and the lobby entrance to the residential units. The residential and retail entrances, as well as the retail-ready units will be defined by overhead canopies and have areas for signage. The building massing is broken down with vertical expressions on the exterior and strategic setbacks at the upper floors. Like the S. Patrick Street building, this building is four stories tall and defined by different brick colors to suggest a townhouse scale. The glass wall at the fourth floor will be setback five-and-a-half-feet with a cantilevered roof above. A significant portion of the roof (2,260 square feet) will be dedicated to rooftop open space behind a metal railing, while the remainder will be occupied by mechanical equipment, stair towers and an elevator overrun. Additional ground level open space (513 square feet) will be located at behind the multifamily building and the garage.



Figure 4: S. Henry rendering

### III. ZONING

*Table 1 – Zoning Tabulations*

<b>Property Address:</b> 116 S. Henry Street		
<b>Total Site Area:</b> 0.35 acres (15,332 SF)		
<b>Existing Zone:</b> CD / Commercial Downtown		
<b>Current Uses:</b> Surface parking		
<b>Proposed Uses:</b> Mixed-use (multifamily, retail/restaurant and structured parking)		
	<b>Permitted / Required</b>	<b>Proposed / Provided</b>
<b>FAR:</b> <sup>5</sup>	1.25 residential/2.5 non-residential	1.25 residential/.034 non-residential
<b>Height:</b>	50 feet	50 feet
<b>Open Space:</b>	40% (6,133 SF)	20% provided (3,068 SF) 513 SF (3.3%) at grade 2555 SF (16.7%) above grade <sup>6</sup>
<b>Crown Coverage:</b>	25% (3,833 SF)	3.7% (560 SF) <sup>7</sup>
<b>Parking:</b> <sup>8</sup>	Residential: 17-20 Exempt from commercial	142 standard spaces
<b>Loading spaces:</b>	1	1 <sup>9</sup>

### IV. STAFF ANALYSIS

#### *A. Conformance with the Master Plan*

The site is located within the Old Town Small Area Plan and King Street Retail Strategy boundary. The Old Town Small Area Plan was adopted in 1992, and advocates for planning policies that retain the balance of residential and commercial uses and contextual development. The mixed-use development at 116 S. Henry Street furthers plan area goals by:

- “Encourag[ing] the design of new buildings... on a basis that is compatible with existing development;”
- “Encourag[ing] mixed use in new development where appropriate;”
- “Encourag[ing] more neighborhood serving retail uses and discourag[ing] large scale commercial buildings;” and,
- “Encourag[ing] the design of new buildings in the Old Town Plan area on a basis that is compatible with existing development.”

<sup>5</sup> The difference between the gross and net non-residential FAR for the automated garage is the result of significant deductions because the majority of the building is mechanical space per Zoning Ordinance Section 2-145(B)(2). The ground floor under the overhang, the first-floor lobby space, mechanical room and parking bays are counted as net FAR; the back half of the first floor as well as the upper floors are mechanical deductions.

<sup>6</sup> Modification requested.

<sup>7</sup> Modification requested.

<sup>8</sup> See Parking Section for and explanation of the commercial parking.

<sup>9</sup> Loading Reduction SUP requested.

### King Street Retail Strategy

Adopted in 2005, the King Street Retail Strategy provides a detailed assessment and blueprint for the continued health, preservation, and expansion of the retail environment on King Street. The Retail Strategy provided the framework for what became the King Street Urban Retail Zone (KR). The retail strategy was adopted with a Master Plan Amendment that incorporated it into the Old Town Small Area Plan (MPA#2005-0002). Each chapter in the Retail Strategy covers a specific Guiding Principle such as Urban Design, Land Use, and Parking and has detailed Planning Recommendations that are designed to implement the plan. Although the parcels located off of King Street retained their CD zoning designation and were not rezoned KR, the plan nonetheless considers these parcels integral to the health of King Street and its environs. Table 2 below illustrates how the proposal conforms to and is in the general spirit of the King Street Retail Strategy.

**Table 2 – King Street Retail Strategy Elements**

ELEMENT	GOALS/RECOMMENDATIONS	PROPOSED
Urban Design	<b>Guiding Principle:</b> Require landscaped tree wells or tree grates.	Street trees in landscaped tree wells are proposed along S. Henry Street meeting the Landscape Guidelines.
	<b>Guiding Principle:</b> Explore options for increasing the lighting level in the pedestrian areas.	New Historic Alexandria Street Lights will be installed on both frontages.
Land Use	<b>Guiding Principle:</b> The goal is to have a mix of uses. Residential use creates life on the street after dark and provides a market for businesses; therefore, the amount of residential floor area and the parking requirements for residential uses should be modified to make residential a more attractive King Street use and a more competitive market choice.	The mixed-use project includes both residential uses, ground floor retail and retail-ready units as well as parking for two residential projects as well as for the general public. This project will help to fill in a nearly vacant lot and bring residents to this block in Old Town.
Vital Retail Environment	<b>Guiding Principle:</b> Encouraging residential uses on upper floors to provide 16-hour activity and lights on the street in the evening	The addition of multifamily units will increase activity adjacent to King Street during evenings and weekends.

## ***B. Conformance to City Policies***

The proposed development meets several applicable City policies including:

### **Affordable Housing Policy**

The applicant is providing a voluntary monetary contribution of \$70,480 to the City's Housing Trust Fund based on a Non-Residential contribution of \$2.29 per square foot, a Tier 1 Residential contribution of \$3.06 per square foot, and a Tier 2 Residential contribution of \$6.11 per square foot. This contribution is consistent with the City's Procedures Regarding Affordable Housing Contributions and supports the goals and strategies of the City's Housing Master Plan. It is noted that the majority of the garage is not counted as floor area and therefore is not included in the formula for the Housing Trust Fund contribution per the City's Procedures. The automated garage is a unique building type with significant floor area deductions because large portions of the building are dedicated to mechanical space. The City may want to consider amending the policy in the future to capture the income-generating portions of parking garages that are designed to provide additional parking beyond that required for the associated commercial or residential uses.

### **Green Building Policy**

City Council adopted an updated Green Building Policy on June 22, 2019 to replace the 2009 policy. The new policy became effective for any DSP or DSUP applications submitted on or after March 2, 2020, and based on this date, this proposal is not subject to the standards of the updated policy. Per the 2009 policy any DSP or DSUP should achieve LEED Certified (or equivalent) for residential uses and LEED Silver (or equivalent) for non-residential uses.

The applicant submitted materials with the Preliminary Plan indicating that they would be pursuing two Green Globes (the equivalent of LEED Silver), beyond the 2009 policy requirement for the residential portions. As a result, staff has included a condition that requires the applicant to seek to achieve either two Green Globes for the entire building or meet one set of performance points (relating to energy, indoor water or air quality) outlined in the 2019 Green Building Policy.

The automatic parking garage is primarily unoccupiable space there are more limited opportunities to integrate green building features within the building. A large portion of the garage will have a green roof but additional green building commitments should be met for this building, which as a non-residential building should achieve LEED Silver (or equivalent). Staff recommends that the applicant pursue certification (Silver) through the ParkSmart certification program (or comparable green building elements) for the automated garage. Examples of green infrastructure that could be considered for the garage include solar panels integrated with the green roof, rapid EV charging station installed on the exterior of the facility or off-site in the immediate vicinity or induction or other EV charging infrastructure in the garage.

Attainment of the certification is included as part of the conditions of approval for this project.

## **Public Art Policy**

In October 2012, the City Council adopted the Public Art Policy which established a monetary contribution requirement from development projects to go towards public art. The contribution can be used for public art on the site or a contribution to further the City's public arts efforts in the neighborhood. If the applicant elects for the monetary contribution option the policy requires a monetary contribution of \$0.30 per gross square foot of development, or approximately \$19,901 for this project. Staff and the applicant have had a brief discussion about the feasibility of including an art feature on the automated garage exterior facing Downham Way, which will be explored as the project evolves. The ultimate decision about on-site art or a contribution will be made during the Final Site Plan process.

### ***C. Building Design and Board of Architectural Review***

The S. Patrick Street building will contain three residential units and a recessed entrance to avoid any encroachments into the public sidewalk. The fourth floor will be set back almost 20 feet to maintain a lower, more pedestrian scale height at the street level while the longer Downham Way elevation will be visually broken down through the use of different brick colors. Sconce lights on the side of the building will illuminate the pedestrian walkway. Behind the S. Patrick Street building will be a small enclosed patio area and a screened above-grade transformer.

The garage will be devoid of window openings with the exception of the waiting area, which will have a storefront window system. The majority of the garage will be clad with a white synthetic stucco) with horizontal and vertical seams to provide some visual interest. There is no precedent for this type of automated garage structure in the City; however, the location of the garage in the interior of the site helps to screen the use. Furthermore, the large blank wall along the alley may allow for a creative art installation.

The mixed-use S. Henry Street building has a more varied façade given the different functions on the first floor – a 1,500-square-foot retail space, the main building entrance and two 1,500 square foot retail-ready units. The entire first-floor will feature storefront windows and doors and be able to accommodate canopies and signage. Like the S. Patrick Street building, the top floor is set back and opens onto a rooftop open space for the upper tenants. The Downham Way red-brick transitional bay links the mixed-use building with the adjacent garage and contains the interior loading space for the building.

Attainment of the certification is included as part of the conditions of approval for this project.

### **Board of Architectural Review (BAR)**

The Board of Architectural Review (BAR) reviewed this project in concept at two separate hearings. The BAR concept review process is an optional, informal process at the beginning of a DSUP application whereby the BAR provides the applicant, staff, the Planning Commission and City Council with comments relating to the overall appropriateness of a project's height, scale, mass and general architectural character.

The applicant first presented the proposed project on January 22, 2020 (BAR Case #2019-0007) and the BAR provided feedback on the height, scale, mass and architectural character of the proposed project. The BAR was generally supportive of the project and their primary feedback concerned the monolithic appearance of the garage entrance elevation and the appearance of the top floors of the buildings on S. Henry and S. Patrick streets.

The project went before the BAR for a second time on June 3, 2020. Refinements made between the first and second review included additional fourth-floor setbacks on both the S. Patrick and S. Henry Street buildings; additional detailing on the synthetic stucco garage cladding; brick color changes on S. Henry Street; and, the addition of a canopy over the rooftop open space on the S. Patrick Street building. The BAR endorsed the height, scale, mass and general architectural character of the project and asked for minor refinements when the applicant returned to the BAR for approval of the Certificate of Appropriateness after DSUP approval by City Council.

#### ***D. Site Design***

The irregular site fronts both S. Henry and S. Patrick streets and Downham Alley to the north and is located in the Central Business District, where properties have been commonly built to the front and side property lines. The applicant has proposed three district “buildings” in order to break down the mass and define all three street/alley frontages. The S. Patrick Street building is intended to read as a single townhouse on the front but is further broken down to read as three separate townhouse-scaled buildings along Downham Way. The S. Henry Street building will read as a mixed-use building with ground floor retail and the main building entrance to the residential units. On the south end of the building there will be two retail-ready units designed to accommodate small retail, office and potentially food or drink service in the future, residential uses, or a combination of the two. The units will have canopies and sign brackets, as well as storefront windows/doors to reflect their flexible use.

All of the buildings along Downham Way will be set back 4 feet from property line in order to create a defined pedestrian walkway (with a public access easement) because this 22-foot-wide space will accommodate both vehicular and pedestrian use. The walkway will be differentiated from the drive aisle to keep pedestrians at a safe distance from the cars.

Filling in this open parking lot will complement the adjacent historic buildings surrounding the site and extend the street wall along both blocks as they approach King Street.

#### ***E. Special Use Permit Requests***

Section 11-500 of the Zoning Ordinance gives authority to the City Council to approve Special Use Permits (SUPs), five of which are included with this application. The Zoning Ordinance requires that the approval of the SUPs associated with the development application:

1. Will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
2. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and,
3. Will substantially conform to the master plan of the city.

A summary of each SUP requested with this application along with a rationale for approval is provided below.

**Increase the Number of Dwellings Per Acre Not to Exceed 54.45**

Of the 19 residential units proposed by the applicant the majority will be either one-bedroom or studios (14) units with just five two- or-three-bedroom units, resulting in a relatively high number of dwellings per acre. However, the square footage of the units combined does not exceed the allowable FAR for residential uses in the CD zone (1.25). The CD zone encourages housing compatible with the most common type of housing in the historic district, townhouses, and envisions multifamily housing limited to accessory apartments above offices and not multifamily housing as the applicant is proposing. The zone generally assumes townhouse size lots and disincentives multifamily developments on large redevelopment parcels like 116 S. Henry Street. Based on the three criteria City Council considers in its approval of SUPs, staff supports this approval due to the following:

1. The increased density will not have an adverse effect on area residents and workers, as the building fits into the urban fabric of the area;
2. The proposed new building will enhance this portion of the King Street retail area, and the increased density will allow the applicant to provide a contextual building that appeals to those people who want smaller, more affordable units; and,
3. The added density provides a variety of unit sizes and allows for the implementation of the infill of the underutilized and unattractive surface parking lot with a new automated parking structure.

**Motor Vehicle Parking or Storage for More than 20 Vehicles**

As noted above, the proposed automated parking garage is the first of its kind in the City of Alexandria and the Zoning Ordinance does not take into consideration a parking garage of this design. The CD zone is located only in the historic district with its dense urban core, and large vehicle storage facilities would typically be strongly discouraged. However, to comply with the RFP, the parking garage is required to provide all of the parking for the King and Henry street projects, but it will also provide parking available to the general public. Parking in this part of Old Town is challenging due to the limited street parking on Patrick and Henry streets (Route 1), the prevalence of residentially zoned parking on Prince Street, and the absence of street parking in the 1000 block of King Street. The business community has requested additional parking over the years to support the retail and restaurants in this area of Old Town. The applicant has indicated if the required parking is underutilized that additional public parking may become available.

Based on the three criteria City Council considers in their approval of SUPs, staff supports this approval due to the following:

1. This request will benefit the adjacent neighborhood by providing parking for all new residents of the project as well as the general public;
2. Parking will be managed through a parking management plan that will be reviewed by City staff that will address how any impacts will be mitigated; and,

3. By implementing the requirements of the RFP the applicant is meeting City goals and policies to maintain public parking in Old Town.

### **To Exceed the Maximum Parking Requirement**

Because the parking structure will accommodate residential parking for two different properties, and include public parking as required in the RFP, the project will exceed the maximum parking requirements identified in the Zoning Ordinance for the CD zone. The ordinance also does not envision such an automated parking garage, which is able to accommodate a high number of parking spaces in a relatively small footprint.

Based on the three criteria City Council considers in their approval of SUPs, staff supports this approval due to the following:

1. The parking garage will accommodate parking for three multifamily buildings with 49 units (including 912-920 King Street), any required retail parking and public parking in a single structure;
2. The garage location will serve both the public and private developments and will provide enough parking to accommodate nearby commercial uses along King Street; and,
3. The infill projects and the associated automated garage are consistent with the recommendations in the Master Plan documents and the King Street Retail Strategy.

### **Loading Space Reduction**

The applicant is requesting a loading reduction SUP for the commercial uses – more specifically, a reduction in the minimum clearance height for the provided loading space. Section 8-200(B) of the Zoning Ordinance requires that buildings that provide areas for “manufacturing, storage, warehouse, goods display, retail store, wholesale business, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution by vehicles of materials or merchandise” require one off-street loading space per 20,000 feet of floor area “or fraction thereof.”

Additionally, Section 8-200(B)(3) establishes minimum dimensions for width, depth and clearance height for the loading space. Due to site and structural limitations, the applicant is unable to provide a loading space that meets the minimum 14.5-foot clearance height mandated in the Zoning Ordinance.

The clearance height proposed by the applicant is approximately 10.5 feet. The applicant has provided information to City staff regarding the size of trucks that will utilize the loading space, and the smaller “box” trucks only require a clearance height of 10 feet. Staff believes a higher clearance of 11.5 feet will allow for additional trucks to be able to utilize the loading and has added a condition requiring increased clearance height. Staff has also added a condition to the disclosure requirements section of the conditions of approval that requires notice to any property owner / building manager to coordinate trash and deliveries to be handled by trucks that can fit into the loading dock space. This condition is repeated in the Restaurant SUP section of the conditions.

Based on the three criteria City Council considers in their approval of SUPs, staff supports this approval due to the following:

1. The reduced-sized loading bay will still allow off-street loading in the alley in minimal conflict with pedestrians and other vehicles;
2. The loading bay will still allow off-street loading activities within the building and the smaller trucks that will utilize the loading dock will have an impact on neighboring properties that is no greater than other loading activities in Old Town; and,
3. The flexibility of the loading dock size requirements allows the construction of a contextual building in conformance with the guiding Master Plan documents.

### **Restaurant (SUP#2020-00036)**

While the applicant has not proposed any commercial tenants, they are requesting a blanket restaurant SUP to allow for administrative SUP restaurant approval should a tenant be interested in the future. The applicant is requesting a restaurant SUP that would apply to any of the ground-floor commercial spaces, including the retail-ready units, in the new building facing S. Henry Street. The CD zone allows restaurants as administrative SUPs, though this SUP request allows for additional flexibility in terms of restaurant operations sought by the applicant.

The restaurant SUP allows the applicant and potential future restaurant operators flexibility in operating hours and seating, which will not be restricted as they are with administrative restaurant SUPs. The full-hearing SUP also permits live entertainment, which will be allowed until 11:00 p.m., consistent with City Noise Ordinance requirements for the Central Business District. The applicant is not requesting outdoor dining with this SUP.<sup>10</sup>

Based on the three criteria City Council considers in its approval of SUPs, staff supports this approval due to the following:

1. Restaurant(s) at this location are consistent with the mix of businesses operating in this area of Old Town. The spaces will be managed through conditions of approval;
2. The restaurant(s) will increase activity adjacent to King Street; and,
3. The addition of active uses immediately off of King Street is in conformance with the King Street Retail Strategy and Old Town Small Area Plan.

## ***F. Modifications***

As part of this DSUP, the applicant is requesting four modifications to the Zoning Ordinance. Pursuant to Section 11-416, the Planning Commission may approve modifications if they determine that such modifications:

1. Are necessary or desirable to good site development;

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<sup>10</sup> Any future restaurants in this development will require an administrative SUP for the change of ownership from the applicant to future restaurant owner. The conditions of approval contained in this report will apply to these future restaurants.

2. That specific and identified features of the site design compensate for the impacts otherwise protected by the regulations for which the modification is sought; and,
3. That such modification will not be detrimental to neighboring property or to the public health, safety and welfare.

### Open Space Requirements in the CD Zone

The applicant is requesting a modification to the minimum required open space for the mixed use/multifamily development in the CD zone. Per Section 6-705(B) of the Zoning Ordinance, “Multifamily residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.”

The applicant has incorporated 3,068 square feet of open space into the site, in a ground level courtyard and rooftop open space on the S. Henry Street building, as well as a private rooftop open space for the top tenant of the S. Patrick Street building (Figure 7).

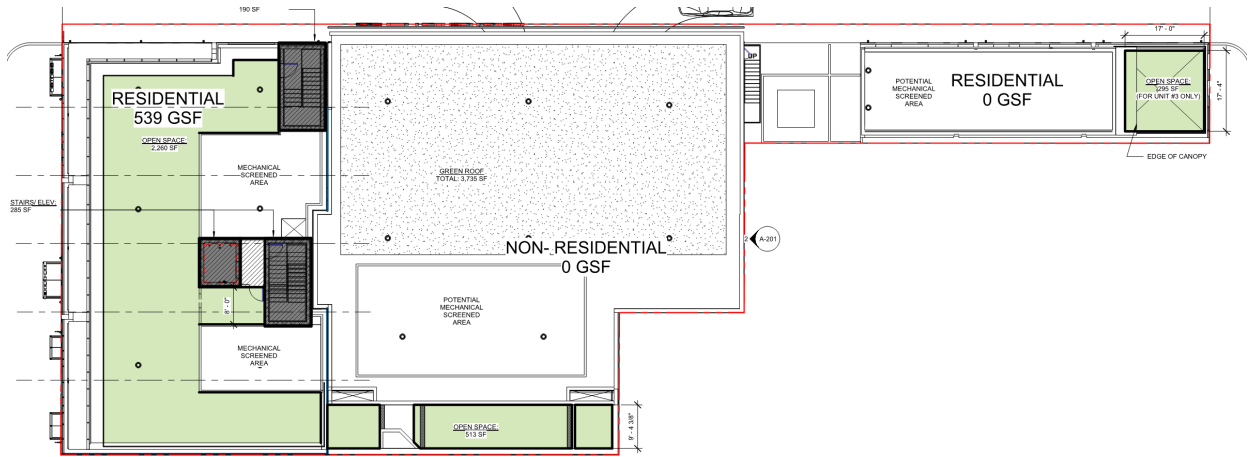


Figure 7: Areas in green show ground and rooftop open space

Table 3 – Open Space

OPEN SPACE	AMOUNT
<b>Required per CD Zone</b>	<b>6,133 SF (40% of site area)</b>
<b>Total Provided*</b>	<b>3,068 SF (20% of site area)</b>
Ground-Level Provided	513 SF (3.3% of site area)
Above-Grade Provided	2,555 SF (16.7% of site area)
* all open space is private	

The proposal does not comply with the CD zone open space requirement, but the open space provided meets the definition for “functional and usable.” The relatively small redevelopment site (0.35 acres) and urban location, along with the requirement to provide both residential and public parking, provides little opportunity for quality ground-level open space. The site layout proposed

is consistent with nearby properties where parcels are occupied by building coverage and parking access areas with little to no ground-level open space.

Based on the criteria listed above that Planning Commission uses to approve modifications, staff supports this modification for the following reasons:

1. The modification is necessary to allow for viable mixed-use development at the site. The site is consistent with other commercial and mixed-use properties in this area of Old Town, where little ground-level open space exists and the automated parking structure, with its publicly available parking, provides other benefits to this area of King Street;
2. The new building will provide highly functional areas of above-grade open space for residents and a nicely landscape ground level courtyard, and significant areas of green roof (which do not count toward the open space calculation); and,
3. The reduced amount of on-site open space is consistent with multi-family residential projects within the King Street Retail Strategy Area where residential uses typically only feature above grade open space.

### **Side Yard Setback Requirements in the CD Zone**

The proposed project complies with the setback requirements for the required front yard on S. Patrick and S. Henry streets (as a through lot the property has no rear yards) but the project does not meet the side yard requirements in the CD zone as outlined below:

#### *Side Yard*

Each multifamily dwelling shall provide two side yards based on a 1:3 setback ratio and of a minimum of 25 feet each per Zoning Ordinance Section 4-506 (A) (2)(b)(2).

The CD zone is intended to provide for an urban mix of retail, office, service, hotel, residential and civic functions for the city's downtown business core. The location of the zone in and near the Old and Historic Alexandria District requires that such uses be compatible with nearby residential housing and with that area generally. The CD zone generally assumes townhouse size lots and not large redevelopment parcels like 116 S. Henry Street. As a result, the applicant is required to seek a modification.

1. The modification is necessary to allow for viable mixed-use development at the site. Providing the required setbacks is not feasible nor recommended for a site with multifamily and mixed-use buildings;
2. The project site must accommodate parking for two development sites as well as public parking, limiting where the multifamily buildings can be constructed. The location of buildings on the property line is not unusual in the historic district; and,
3. The setbacks of the proposed buildings is consistent with nearby mixed use properties and the buildings' locations on or near the property line respect historic setbacks and traditional development patterns in Old Town.

### **Crown Coverage**

The applicant is requesting a modification to the 25-percent-minimum crown coverage requirement in the 2019 Landscape Guidelines, and as required by Section 11-410(CC) of the Zoning Ordinance. As often seen in the urbanized portions of the City, the site is constrained in terms of accommodating the required tree canopy coverage. The proposed new buildings cover much of the site at-grade, and with the exception of the small courtyard in the rear and a small area behind the Patrick Street building, which includes a transformer and trash storage, so there are limited opportunities for the required tree canopy coverage. The applicant is utilizing the roof of the automated parking garage for bioretention (green roof) and above-grade open space is programed for residential so there are no additional opportunities for crown coverage.

To mitigate the impacts of the reduced on-site crown coverage, the applicant is providing a \$6,546 contribution (\$9,046 total when including the street tree contribution discussed below) to the Urban Forestry Fund for tree plantings in the neighborhood.

Based on the criteria listed above that Planning Commission uses to approve modifications, staff supports this modification for the following reasons:

1. The modification is necessary to allow for viable development at the site. The site is consistent with neighboring properties on King Street and the surrounding area, where tree cover is generally provided on-street and not on-site;
2. The site layout greatly eliminates surface parking and asphalt coverage from the site, which can contribute to the urban “heat island” effect. The applicant is additionally increasing the street tree cover adjacent to the site on S. Henry Street; and,
3. The reduced amount of crown coverage will not have an adverse impact on neighboring properties because the few trees that exist on the property are unsightly volunteer trees, and the increased street tree canopy coverage and contribution to the Urban Forestry Fund for tree plantings in the vicinity will positively impact neighboring properties.

### **Street Tree Requirements**

The applicant is requesting a modification to the street tree requirement in the Landscape Guidelines, and as required by Section 11-410(CC) of the Zoning Ordinance. The Guidelines require street trees on a site where a Development Site Plan (DSP) or DSUP is requested.

The applicant has proposed three street trees along the along the S. Henry Street frontage but has not proposed a street tree on the S. Patrick Street. The sidewalk width is 8.41 feet however a light is proposed in front of the building and immediately to the south there is an existing street tree and two encroaching stoops contributing to a narrow sidewalk challenging to pedestrians. The applicant has agreed to paying a \$2,500 fee to the Urban Forestry Fund in lieu of planting a tree on S. Patrick Street tree per the Landscape Guidelines.



Figure 7: Google Streetview showing sidewalk encroachments

Based on the criteria listed above that Planning Commission uses to approve modifications, staff supports this modification for the following reasons:

1. The modification is necessary based on the S. Patrick Street sidewalk constraints, and the City can use the \$2,500 contribution to plant a street tree in the vicinity; and,
2. The limited street frontage and the placement of an Alexandria Historic Street Light in front of the property does not allow for enough space for a street tree on S. Patrick Street; and,
3. The lack of a street tree in front of the applicant's property on S. Patrick Street will not have an adverse impact on neighboring properties, and the increased street tree canopy coverage and contribution to the Urban Forestry Fund for tree plantings in the vicinity will positively impact neighboring properties.

### ***G. Pedestrian and Streetscape Improvements***

The proposal features significant improvements to the streetscape along the S. Henry Street frontage and along Downham Way, as well as providing a new concrete sidewalk on S. Patrick Street. The applicant will provide the following improvements:

- New concrete sidewalks along S. Henry and S. Patrick streets;
- Removal of a large curb cut on S. Henry Street;

- Three new street trees on S. Henry Street;
- A four-foot walkway along Downham Way, differentiated from the vehicular passage through the use of differentiated paving material, to provide a separate pedestrian zone to the parking garage; and,
- Five new Alexandria Historic Street Lights, four along S. Henry Street and one in front of the multifamily building on S. Patrick Street.

The streetscape improvements provided by the applicant will enhance the sidewalks adjacent to the project site. Downham Way will be significantly improved and enlarged with the new pedestrian walkway and lighting. The removal of a large curb cut along S. Henry Street and the planting of street trees will greatly improve the pedestrian experience on this block. The applicant will provide a public access easement for the four-foot pedestrian walkway along Downham Way that falls within their property line.

## ***H. Parking and Transportation***

### **Parking**

As discussed above, the proposed automated parking garage will have 142 spaces and accommodate the required parking for the residential units at both 116 S. Henry Street and 912-920 King Street, as well as public parking. Per the negotiations between the City and the applicant as part of the RFP and subsequent selection process, construction cannot begin on the King Street site until the automated parking garage is operational. Of the 142 spaces, 28-32 spaces are required for the King Street property and 17-20 spaces are required for the Henry Street residential units (the applicant was allowed deductions related to the site's high "walkability index" score and close proximity to four or more bus lines). In addition, the RFP required that there be a minimum of 85 public spaces in the garage and the applicant proposes to meet or exceed that number.

The applicant is not required to provide off-street parking spaces for the proposed ground-floor commercial uses, since the commercial parking requirement would not exceed two spaces based on the amount of commercial and retail-ready (if used as commercial) square footage. According to Section 8-100(A)(9) of the Zoning Ordinance, "nonresidential uses that have a parking requirement of two spaces or less shall be exempt from providing the spaces." The employees of the future commercial spaces will be encouraged to utilize public transportation for their work trips, per the participation of the applicant in a transportation management plan.

The Parking Management Plan submitted by the applicant with the Final Site Plan will include a narrative of the shared use of the garage and accessibility to the public, as well as description of the automatic garage operations and management.

### **Traffic**

The proposal does not trigger a traffic study based on the City's guidelines for the trip generation for a proposed development. According to the trip generation analysis submitted by the applicant, the combined redevelopment of 912-920 King Street and 116 S. Henry Street will create a total of

23 vehicle trips/hour in the AM Peak Hour and 41 vehicle trips/hour in the PM Peak Hour, which would include inbound and outbound vehicle trips.

The applicant submitted a Multimodal Assessment and Trip Generation Analysis that determined the impacts from the proposed joint project and the automated parking garage operation. According to the automated parking garage manufacturer's specification, the processing speed for inbound vehicles is approximately 28 vehicles/hour. From the trip generation projection, it is anticipated inbound vehicle trips will be approximately 8 vehicle trips/ hour in the AM Peak Hour and 22 vehicle trips/hour in the PM Peak Hour. Based on the assumed processing speed and the trip generation projection for inbound vehicles, the assessment inferred the queue of vehicles waiting to enter the garage would be at most three vehicles. The alley provides approximately four to five vehicles storage length in each direction, allowing adequate length within the alley without impacting adjacent public streets.

### **Transit and Bicycle Facilities**

This site is located within proximity to transit and bicycle facilities. The site is served by four lines on King Street, including the DASH AT2, AT7 and AT8, which have stops on the adjacent blocks to the east and the west, and the King Street Trolley. The nearest Capital Bikeshare station is currently located in the 912-920 King Street parking lot. The City plans to move this Capital Bikeshare station to the King Street roadway adjacent to the curb as part of the King Street redevelopment. The King Street Metrorail Station is located over 0.5 miles to the west.

### ***I. School Impacts***

The applicant proposes to construct 19 multifamily units and the student generation rate for market-rate mid-rise multifamily units is 0.03 students per unit, or approximately 1 student. This project is located within the Lyles Crouch Traditional Academy attendance area. Staff will integrate the proposed development project in forthcoming school enrollment forecasts.

## **V. COMMUNITY**

The proposal was presented to the community several times for comment jointly with the 116 S. Henry Street proposal. As shown in Table 4 below, the applicant held community meetings in addition to presenting to the BAR twice for the project concept review.

The development review process for this project was bifurcated by the COVID-19 pandemic and shutdown of indoor public facilities, with the Development Concept Review process taking place prior to the pandemic shutdown and the Preliminary Plan review coming largely after public meeting places closed in March 2020. The applicant hosted an in-person community meeting at the Durant Center on January 16, 2020. The applicant adapted their outreach by broadcasting the second community meeting on March 30 live on YouTube while soliciting real-time feedback through email and social media. The applicant has continued to receive project feedback through social media, while the March 30 meeting has over 250 views as of mid-August, and subsequent video postings detailing project updates have received an additional 100 views.

The community outreach process provided the applicant opportunities to give project updates and solicit direct feedback from neighborhood residents and business owners, including on the functionality of the retail-ready spaces and access to resident parking, while the BAR concept review process worked to refine the building design aspects of the development proposal through a public review process.

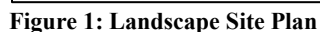
***Table 4 – Community and City Meetings***

DATE	MEETING
<b>Community Meetings</b>	
January 16, 2020	Applicant-hosted community meeting at the Durant Center
March 30, 2020	Applicant-hosted virtual meeting
<b>City Meetings</b>	
January 22, 2020	Board of Architectural Review (BAR)
June 03, 2020	Board of Architectural Review (BAR)

## ***VI. CONCLUSION***

Staff recommends approval of the development site plan and modifications and all associated special use permits subject to compliance with all applicable codes and the following staff recommendations.

*Staff:* Karl Moritz, Director, Planning and Zoning  
Robert M. Kerns, AICP, Chief, Development Division  
Catherine Miliaras, AICP, Principal Planner, Development Division  
Stephanie Sample, Urban Planner III, Development Division



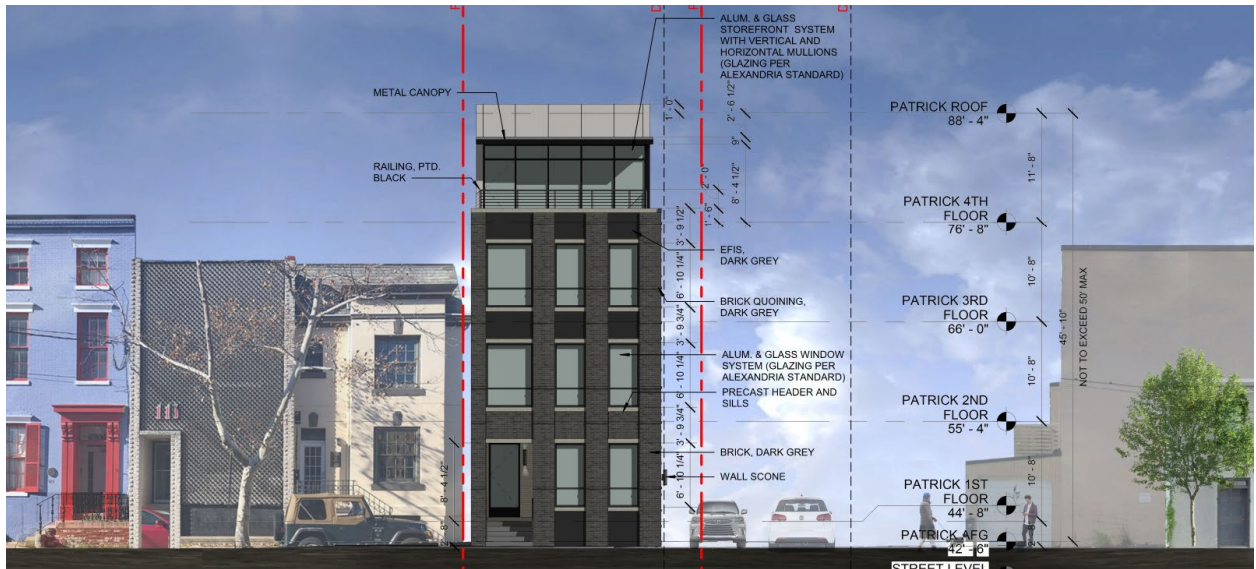


Figure 3: S. Patrick Street Elevation



Figure 4: Downham Way Elevation

## **VIII. STAFF RECOMMENDATIONS**

1. The Final Site Plan shall be in substantial conformance with the Preliminary Plan dated May 1, 2020, and as amended June 12, 2020, and comply with the following conditions of approval.

### **A. SITE PLAN**

2. Per Section 11-418 of the Zoning Ordinance, the development special use permit shall expire and become null and void, unless substantial construction of the project is commenced within 36 months after initial approval (plus any extensions per the July 7, 2020 City Council Docket Item 15.a. due to the COVID-19 emergency) and such construction is thereafter pursued with due diligence. The applicant shall provide a written status report to staff 18 months after initial approval to update the City Council on the project status if substantial construction has not commenced at such time. The period of validity may be extended upon petition by the applicant and after adequate notice and public hearing. (P&Z)
3. Submit the plat and all applicable easements prior to the Final Site Plan submission. The plat(s) shall be approved prior to or concurrently with the release of the Final Site Plan. (P&Z) (T&ES) \*
4. The plat shall be recorded, and a copy of the recorded plat, dedications and deeds shall be submitted with the first request for a building permit. (P&Z) (T&ES) \*\*
5. Provide a public access easement for the portions of the four-foot sidewalk adjacent to Downham Way on the applicant's property. The easement language shall be reviewed by the Office of the City Attorney and to the satisfaction of the Directors of P&Z and T&ES.
6. Coordinate location of site utilities with other site conditions to the satisfaction of the Directors of P&Z and T&ES. These items include:
  - a. Location of site utilities including above grade service openings and required clearances for items such as transformers, telephone, HVAC units and cable boxes.
  - b. Minimize conflicts with plantings, pedestrian areas and major view sheds.
  - c. Do not locate above grade utilities in dedicated open space areas and tree wells.
  - d. If applicable, all utilities shall be screened from the public ROW to the satisfaction of the Director of P&Z. (P&Z) (T&ES) (BAR)
7. Provide a lighting plan with the Final Site Plan to verify that lighting meets City standards. The plan shall be to the satisfaction of the Directors of T&ES and/or P&Z in consultation with the Chief of Police and shall include the following:
  - a. Clearly show location of all existing and proposed streetlights and site lights, shading back less relevant information.

- b. Determine if existing lighting meets minimum standards within the City right-of-way adjacent to the site. If lighting does not meet minimum standards, additional lighting shall be provided to achieve City standards or to the satisfaction of the Director of T&ES.
- c. A lighting schedule that identifies each type and number of all fixtures, mounting height, and strength of fixture in Lumens or Watts.
- d. All streetlights fronting the site and along the public alley shall be replaced with Alexandria Historic Streetlights (or subsequent designated streetlight) with details coordinated with the City. (P&Z) (T&ES) (Police)(BAR)(Code)
- e. Manufacturer's specifications and details for all proposed fixtures including site, landscape, pedestrian, sign(s) and security lighting.
- f. A photometric plan with lighting calculations that include all existing and proposed light fixtures, including any existing streetlights located on the opposite side(s) of all adjacent streets. Photometric calculations must extend from proposed building face(s) to property line and from property line to the opposite side(s) of all adjacent streets and/or 20 feet beyond the property line on all adjacent properties and rights-of-way. Show existing and proposed streetlights and site lights.
- g. Photometric site lighting plan shall be coordinated with architectural/building mounted lights, site lighting, street trees and streetlights to minimize light spill into adjacent residential areas.
- h. If site lights are included in the photometric plan to comply with City's lighting standards, then these lights shall be put on photovoltaic switches.
- i. Provide location of conduit routing between site lighting fixtures to avoid conflicts with street trees.
- j. Detail information indicating proposed light pole and any footing in relationship to adjacent grade or pavement. All light pole foundations shall be concealed from view or light poles shall be direct bury.
- k. The lighting for the areas not covered by the City of Alexandria's standards shall be designed to the satisfaction of Directors of T&ES and P&Z.
- l. Provide numeric summary for various areas (i.e., roadway, walkway/ sidewalk, alley, and parking lot, etc.) in the proposed development.
- m. The walls and ceilings in the occupiable spaces of the garage must be light-colored to increase reflectivity and provide safe lighting levels at night.
- n. The lighting for the underground/structured parking garage shall be a minimum of 5.0-foot candle maintained, where occupied. When unoccupied the lighting levels will be reduced to no less than 1.5-foot candles. Lighting levels in the storage area of the garage will be at emergency levels only.
- o. Light fixtures for the underground/structured parking garage shall be recessed into the ceiling for any areas that can be seen from the public ROW.
- p. Light fixtures for open canopies shall be recessed into the ceiling for any areas that can be seen from the public ROW.

- q. Upon installation of all exterior light fixtures for the site/building, the applicant shall provide photographs of the site demonstrating compliance with this condition.
  - r. Full cut-off lighting shall be used as applicable at the development site to prevent light spill onto adjacent properties.  
(P&Z) (T&ES) (Police)(BAR)(Code)
8. Provide a unit numbering plan for each floor of a multi-unit building with the first Final Site Plan submission. The unit numbers should comply with a scheme of 100 level numbers on the first floor, 200 level numbers on the second floor, and 300 level numbers for third floor and continue in this scheme for the remaining floors. Indicate unit's use (i.e.: Residential, Retail, Office) if known.  
(P&Z)
  9. Provide a georeferenced CAD file in .dwg format of the dimension plan of this project. This information will be used to compile a master CAD reference to ensure all elements/layers are correctly located and will connect. (P&Z) (DPI)  
\*

### **BUILDING:**

10. The building design, including the appearance, color and quality of materials, final detailing, three-dimensional expression shall be generally consistent with the elevations dated June 12, 2020, and the approved Certificate of Appropriateness from the Board of Architectural Review and the following conditions. (P&Z)
11. Provide the following building refinements to the satisfaction of the Director of P&Z:
  - a. Any ventilation for the retail/commercial (including retail-ready spaces) use shall be integrated with the overall building design, reviewed and approved to the satisfaction of the Director of Planning and Zoning and the Board of Architectural Review.
  - b. All wall mounted vents shall be flush mounted and architecturally integrated with the building design with regard to both placement and color.
12. Provide detailed drawings (enlarged and coordinated plan-section-elevation studies, typically at 1/4"=1'-0" scale, in color, with shadows cast at 45 degrees from both left and above to show true depth of recesses and projections) in color to evaluate the building base, entrance canopy, stoops, window and material details including the final detailing, finish and color of these elements during the Final Site Plan review. Separate design drawings shall be submitted for each building typology or different bay type. (P&Z)

13. Building materials, finishes, and relationships shall be subject to review and approval by the Department of Planning and Zoning for substantial conformance to the Preliminary Plan and as set forth in the associated *Guidelines for Preparations of Mock-Up Panels* Memo to Industry, effective May 16, 2013. The following submissions shall be provided to review the materials, finishes and architectural details, prior to selection of final building materials:
  - a. Provide a materials board that includes all proposed materials and finishes at first Final Site Plan. \*
  - b. The materials board shall remain with the Department of Planning and Zoning until the final certificate of occupancy, upon which all samples shall be returned to the applicant. \*\*\*
  - c. Provide drawings of a mock-up panel that depict all proposed materials, finishes, and relationships as part of the first Final Site Plan. \*
  - d. Construct an on-site, mock-up panel of proposed materials, finishes, and relationships for review and approval prior to final selection of building materials. The mock-up panel requires a building permit and shall be constructed and approved prior to vertical (above-grade) construction and prior to ordering final building materials. \*\*
  - e. The mock-up panel shall be located such that it shall remain on-site in the same location through the duration of construction until the first certificate of occupancy. \*\*\* (P&Z) (Code)
14. Building materials, finishes and architectural details shall be subject to review and approval by the Board of Architectural Review. A materials board shall be submitted as part of the Certificate of Appropriateness approval. (BAR)
15. Per the City's Green Building Policy adopted April 18, 2009, achieve LEED Certified (or equivalent) for the residential portion of the building and LEED Silver (or equivalent) for the commercial portion of the building and retail-ready units to the satisfaction of the Directors of P&Z, and/or RP&CA and T&ES. In addition to the compliance with the 2009 Green Building Policy, the applicant shall demonstrate additional commitment to green building practices by seeking to achieve one of the following:
  - a. LEED Silver / 2 Green Globes (or equivalent) for the entire building.
  - b. Meeting one of the performance points requirements for Green Globes outlined in the 2019 Green Building Policy:
    - i. 3.3.1.1 - Assessing Energy Performance
    - ii. 3.3.9.1.1 / 3.3.9.1.2 / 3.3.9.2.1 - Renewable Energy
    - iii. 3.4.1.1 - Indoor Water Consumption
    - iv. 3.7.1.1 / 3.7.1.2 / 3.7.2.1 – Indoor Air Quality
16. Achieve ParkSmart Silver Certification (or equivalent) for the automated parking garage or integrate comparable green building elements into the garage design at Final Site Plan. Satisfaction of green building practices may include one or more of the following:

- a. Solar panels integrated with the green roof to meet the majority of non-process electricity use (energy usage not directly related to the movement and storage of motor vehicles, i.e. garage lighting and waiting room) to the satisfaction of the Director of Planning & Zoning and T&ES.
  - b. Rapid EV charging station installed on the exterior of the facility or off-site in the immediate vicinity to the satisfaction of the Director of T&ES.
  - c. Induction or other EV charging infrastructure in the garage to satisfaction of the Director of T&ES. (P&Z) (T&ES) \*
- 17. Diligent pursuance and achievement of the applicable green building certification for the project, including the automated parking garage and performance points, shall be monitored through the following:
  - a. Provide evidence of the project's registration with LEED (or equivalent) with the submission of the first Final Site Plan and provide a draft checklist showing how the project plans to achieve the certification. \*
  - b. Provide evidence of submission of materials for Design Phase credits to the U.S. Green Building Council (USGBC) (or equivalent) prior to issuance of a certificate of occupancy. \*\*\*
  - c. Provide evidence of submission of materials for Construction Phase credits to USGBC (or equivalent) within six months of obtaining a final certificate of occupancy.
  - d. Provide documentation of certification within two (2) years of obtaining a final certificate of occupancy.
  - e. Failure to achieve LEED Certified (or equivalent) for the residential portion of the project and LEED Silver (or equivalent) for the commercial and retail-ready portion of the project, ParkSmart Silver (or equivalent) and the additional green building requirement as outlined above will be evaluated by City staff, and if staff determines that a good faith, reasonable, and documented effort was not made to achieve these certification levels, then any City-wide Green Building policies existing at the time of staffs' release of Final Site Plan will apply.
  - f. Provide documentation to future retail and daycare tenants encouraging them to operate their business consistently with the goals of LEED, as well as to pursue LEED for Commercial Interiors certification. (P&Z) (T&ES) (RP&CA)
- 18. Increase the loading dock clearance height at the building opening to a minimum 11.5 feet above the Downham Way elevation finished floor to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (T&ES) \*
- 19. The applicant shall work with the City for recycling and/or reuse of the existing building materials as part of the demolition process, including leftover, unused, and/or discarded building materials. (T&ES) (P&Z)
- 20. Install Energy Star labeled appliances in all multi-family residential units. (T&ES)

21. Provide 50 percent of the required parking spaces with the necessary infrastructure for the future installation of level 2 electric vehicle chargers (240 volt and at least a 40-amp dedicated conduit). (T&ES)
22. In order to provide a more sustainable use of natural resources, the applicant shall use EPA-labeled WaterSense or equivalent low flow fixtures. In addition, the applicant is encouraged to explore the possibilities of adopting water reduction strategies (i.e., use of gray water system on-site) and other measures that could reduce the consumption of potable water on this site. A list of applicable mechanisms can be found at: [www.epa.gov/WaterSense](http://www.epa.gov/WaterSense). (T&ES)

**OPEN SPACE/LANDSCAPING:**

23. Develop, provide, install and maintain an integrated Landscape Plan with the Final Site Plan that is coordinated with other associated site conditions to the satisfaction of the Director of P&Z. Landscape plans shall be submitted in accordance with the City of Alexandria's Landscape Guidelines, available online at: [www.alexandriava.gov/uploadedFiles/recreation/ParkPlanning/LandscapeGuidelinesFinalv2Final.pdf](http://www.alexandriava.gov/uploadedFiles/recreation/ParkPlanning/LandscapeGuidelinesFinalv2Final.pdf)
24. Coordinate with the adjacent property owner of tree T-280 to discuss removal of the tree or potential damage which may be incurred during construction and provide a letter documenting the discussion (P&Z)
25. If existing soils will not be used and imported soils are specified, provide a soil sample test report documenting the imported soil's pH concurrent with the landscape installation/planting operations pre-installation/construction meeting. (P&Z) \*\*\*
26. Develop a palette of site furnishings in consultation with staff. Site furnishings may include benches, bicycle racks, trash and recycling receptacles, and other associated features (P&Z) (T&ES) \*
27. Provide material, finishes, and architectural details for all retaining walls, seat walls, decorative walls, and screen walls. Indicate methods for grade transitions, handrails — if required by code, directional changes, above and below grade conditions. Coordinate with adjacent conditions. Design and construction of all walls shall be to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (T&ES) (Code) \*
28. Provide, implement and follow a Tree and Vegetation Protection Plan per the City of Alexandria Landscape Guidelines (P&Z) (RP&CA)

**ARCHAEOLOGY:**

29. Hire a professional consultant to work with staff and the landscape designers to incorporate and interpret elements of the historical character and archaeological findings into the design of the open space and to prepare interpretive elements, which shall be erected as part of the development project. The site plan shall indicate themes and locations of interpretive elements. Prior to release of the Final Site Plan, the consultant shall provide text and graphics for the interpretive elements subject to approval by the Office of Historic Alexandria/Alexandria Archaeology and the Directors of P&Z. (Arch)(P&Z) \*
30. Hire an archaeological consultant to complete a Documentary Study and an Archaeological Evaluation. If significant resources are discovered, the consultant shall complete a Resource Management Plan, as outlined in the City of Alexandria Archaeological Standards. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented. (Archaeology)
31. The Final Site Plan, Grading Plan, or any other permits involving ground disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance) shall not be released until the City archaeologist confirms that all archaeological field work has been completed or that an approved Resource Management Plan is in place to recover significant resources in concert with construction activities. \* (Archaeology)
32. Call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
33. The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
34. Certificates of Occupancy shall not be issued for this property until interpretive elements have been constructed, interpretive markers have been erected, and the final archaeological report has been received and approved by the City Archaeologist.\*\*\* (Archaeology)

**PEDESTRIAN/STREETSCAPE:**

35. Provide the following pedestrian improvements to the satisfaction of the Directors of P&Z and T&ES:
- a. Complete all pedestrian improvements prior to the issuance of a certificate of occupancy permit.
  - b. Construct all concrete sidewalks to City standards. The minimum unobstructed width of newly constructed sidewalks shall be 6 feet.
  - c. Sidewalks shall be flush across all driveway crossings.
  - d. All below grade utilities placed within a City sidewalk shall be designed in such a manner as to integrate the overall design of the structure with the adjacent paving materials to minimize any potential visible impacts.
  - e. The sidewalk adjacent to Downham Way on the applicant's property in the public access easement shall have a different treatment, such as a row of brick along the right-of-way line, that delineates the concrete sidewalk from the vehicular travel way.\*\*\* (P&Z) (T&ES)

**PARKING:**

36. Parking for the residential and commercial uses shall be consistent with the requirements of the Zoning Ordinance in effect at the time of approval by City Council and/or Planning Commission. Parking requirements associated with 912-920 King Street (DSUP#2019-00032) shall be provided by this development plan 116 S Henry Street (DSUP#2019-00033). (P&Z) (T&ES)
37. All residential parking shall be unbundled (i.e., the cost to purchase or lease a parking space is separate from the cost to purchase or lease the residential unit). (T&ES)
38. Provide a Parking Management Plan with the Final Site Plan submission in coordination with the development at 912-920 King Street. The Parking Management Plan shall be approved by the Departments of P&Z and T&ES prior to the release of the Final Site Plan and comply with the requirements of the Parking Management Plan Template provided in Memo to Industry 01-19. In addition to the requirements of the Memo to Industry, include the agreement between this development and the development at 912-920 King Street, a narrative of the shared use of the garage and accessibility to the public, and a description of the automatic garage operations and management. (P&Z) (T&ES)
39. Parking garage shall utilize a smart parking system that provides an open API (Application Programming Interface) for the City and its agents to access occupancy data and direct parkers to available public parking spaces solely for the purpose of determining real time availability. The City will notify the parking operator before releasing such information. (T&ES)

40. Parking spaces within the parking garage that are allocated to the residential or retail use that are required to comply with zoning requirements may be made available for public/off-site parking. (T&ES) (CC)
41. Provide a copy of the Automated Garage manufacturer specification to the city prior to the issuance of Certificate of Occupancy. In addition, a copy of the specification shall remain on site. (T&ES).
42. Provide a Maintenance Agreement for the Automated Garage equipment and structure to ensure operation and processing speed is maintained per the manufacturer specifications prior to the issuance of Certificate of Occupancy. The Maintenance Agreement should include, but not limited to, a periodic check of operating condition in which processing speed is logged, and an agreed plan for parked vehicles when garage is under maintenance and not operational. (T&ES)
43. All on-street parking controls and restrictions within the project area shall be determined by the City. Any such controls and restrictions which the applicant desires shall be shown on the Final Site Plan. (P&Z) (T&ES)\*
44. Provide 10 bicycle parking spaces per Alexandria's current Bicycle Parking Standards. Bicycle parking standards, acceptable rack types for short- and long-term parking and details for allowable locations are available at: [www.alexandriava.gov/bicycleparking](http://www.alexandriava.gov/bicycleparking). Details on location and type of bicycle parking shall be provided on the Final Site Plan. Bicycle parking must be installed and operational prior to first CO. (T&ES) \*\*\*

## **B. TRANSPORTATION**

### **STREETS/TRAFFIC:**

45. If the City's existing public infrastructure is damaged during construction, or patch work required for utility installation then the applicant shall be responsible for construction/ installation or repair of the same as per the City of Alexandria standards and specifications and to the satisfaction of Director, Transportation and Environmental Services. (T&ES)
46. A pre-construction walk/survey of the site shall occur with Transportation and Environmental Services Construction & Inspection staff and Code Administration staff to document existing conditions prior to any land disturbing activities. (T&ES) (Code)
47. Furnish and install two 4-inch Schedule 40 PVC conduits with pull wires, and junction boxes located underneath the sidewalk along S. Henry Street to the extent of the property's frontage. These conduits shall terminate in an

underground junction box at each corner of the site. The junction box cover shall have the word "TRAFFIC" engraved on it. (T&ES)

48. Asphalt patches larger than 20 percent of the total asphalt surface, measured along the length of the road adjacent to the property frontage and/or extending to the centerline of the street, will require full curb to curb restoration. (T&ES)

## **C. PUBLIC WORKS**

### **WASTEWATER/SANITARY SEWERS:**

49. The project lies within the Combined Sewer System (CSS) area district, therefore, stormwater management and compliance with the state stormwater quality and quantity requirements and the City's Alexandria Water Quality Volume Default shall be coordinated with the project's compliance with the CSS Management Policy set forth in Memo to Industry 07-14, effective July 1, 2014. The applicant is proposing to discharge both the sanitary flow and the stormwater from the site to the combined sanitary sewer system. With respect to sanitary requirements, the applicant shall contribute \$36,018.00 based on a formula of \$1.5 per gallon of peak sanitary flow (\$1.5 per gallon x 6,003 gallons x 4). With respect to the stormwater requirement, the applicant is proposing a green roof to help mitigate stormwater impacts on combined sewer discharges. Staff has determined that the size of the proposed green roof would meet 42 percent of their stormwater requirements. Therefore, the applicant shall contribute based on a formula of \$200,000 per acre x 0.43-acre x (1-0.42), which results in a contribution of \$49,880.00. The sanitary and stormwater contribution fee is due prior to release of the final site plan. (T&ES)\*
50. The sewer connection fee must be paid prior to release of the final site plan. (T&ES)\*
51. If a commercial kitchen is constructed, then the kitchen facility shall be provided with an oil & grease separator and the discharge from the separator shall be connected to a sanitary sewer. Submit two originals of the Oil and Grease separator Maintenance Agreement with the City prior to the release of the final site plan. The agreement must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to site plan release. (T&ES)  
\*

### **UTILITIES:**

52. Locate all private utilities without a franchise agreement outside of the public right-of-way and public utility easements. (T&ES)
53. Undergrounding shall be consistent with the exhibit entitled, "King Street and S. Henry Street Dry Utility Plan" provided to the City of Alexandria on August

6<sup>th</sup>, 2020. Any deviations to the dry utility plan shall be approved by the Director of T&ES. (T&ES)

54. No transformer and switch gears shall be located in the public right of way. (T&ES)

**SOLID WASTE:**

55. If the property is a required user, the development must meet all the minimum street standards for the City to provide solid waste collection service. See Alexandria Virginia Code of Ordinances Title 5 Chapter 1 Solid Waste Control. Collection vehicles must be able to pick up solid waste from private streets without backing up. The containers must be stored inside the units or within an enclosure that completely screens them from view. Where the City of Alexandria provides the solid waste collection services; all refuse/recycling shall be placed at the City Right-of-Way for collection. The official setout location of the containers shall be approved by the Director of T&ES. (T&ES)
56. All trash collectors for the project site are required to take their collected trash to the Alexandria/Arlington waste-to-energy facility (T&ES)
57. Provide \$1,402 per receptacle to the Director of T&ES for purchase and installation of one (1) Victor Stanley Ironsites Series model SD-42 black receptacle with Dome Lid per block face dedicated to trash collection. The receptacle(s) shall be placed in the public right of way to serve open space and park sites. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan. (T&ES) \*
58. Provide \$1,626 per receptacle to the Director of T&ES for the purchase and installation of one (1) Victor Stanley Ironsites Series Model SD-42 blue receptacle with Dome Lid, approved dome decals, and approved band per block face dedicated to recycling collection. The receptacle(s) shall be placed in the public right of way to serve open space and park sites. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan. (T&ES)\*

**D. ENVIRONMENTAL**

**STORMWATER MANAGEMENT:**

59. The City of Alexandria's stormwater management regulations regarding water quality are two-fold: 1) state phosphorus removal requirement and 2) Alexandria Water Quality Volume Default. Compliance with the state phosphorus reduction requirement does not relieve the applicant from the

Alexandria Water Quality Default requirement. The Alexandria Water Quality Volume Default, as determined by the site's post-development impervious area shall be treated in a Best Management Practice (BMP) facility. (T&ES)

60. Provide BMP narrative and complete pre and post development drainage maps that include areas outside that contribute surface runoff from beyond project boundaries to include adequate topographic information, locations of existing and proposed storm drainage systems affected by the development, all proposed BMPs and a completed Virginia Runoff Reduction Method (VRMM) worksheet showing project compliance. The project must use hydrologic soil group "D" in the spreadsheet unless a soils report from a soil scientist or geotechnical engineer delineates onsite soils otherwise. (T&ES)
61. All stormwater Best Management Practices (BMPs) must be designed to comply with the most recent standards and specifications published in the Virginia Stormwater BMP Clearinghouse. Provide complete design details for all BMPs. This includes site specific plan views, cross sections, planting plans, and complete design calculations for each BMP. (T&ES)
62. Provide a BMP table with a separate listing for each individual BMP that includes the name of the practice, total area treated (acres), pervious area treated (acres), impervious area treated (acres), phosphorous removal efficiency (percentage), phosphorous removal efficiency (percentage), phosphorous removed by the practice (lbs.), and latitude and longitude in decimal degrees (NAD83). (T&ES)
63. Construction inspection checklists and associated photographic documentation must be completed for each stormwater best management practice (BMP) and detention facility during construction. Prior to the release of the performance bond, the applicant must submit all documents required by *The City of Alexandria As-Built Stormwater Requirements* to the City including as built plans, CAD data, BMP certifications and completed construction inspection checklists. (T&ES)
64. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
  - a. Constructed and installed as designed and in accordance with the released Final Site Plan.
  - b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. (T&ES) \*\*\*\*
65. Surface-installed stormwater Best Management Practice (BMP) measures, i.e. Bio-Retention Filters, Vegetated Swales, etc. that are employed for this site,

require installation of descriptive signage to the satisfaction of the Director of T&ES. (T&ES)

66. Submit two (2) originals of the stormwater quality BMP Maintenance Agreement, to include the BMP Schedule and Guidelines Addendum with the City to be reviewed as part of the Final #2 Plan. The agreement must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to approval of the Final Site Plan. (T&ES) \*
67. The Applicant shall be responsible for maintaining stormwater Best Management Practices (BMPs) until activation of the master association. Prior to transferring maintenance responsibility for the BMPs to the master association, the Applicant shall execute a maintenance service contract with a qualified private contractor for a minimum of three (3) years, and transfer the contract to the master association. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the maintenance contract shall be submitted to the City. (T&ES) \*\*\*\*\*
68. If units will be sold as individual units and a Master Association established the following two conditions shall apply:
  - a. The Applicant shall furnish the Master Association with an Owner's Operation and Maintenance Manual for all Best Management Practices (BMPs) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including any mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City.
  - b. The Developer shall furnish each home/ property purchaser with a brochure describing the stormwater BMP(s) installed on the site, outlining the responsibilities of the property owners and the Master Association with respect to maintenance requirements. Upon activation of the Master Association, the Developer shall furnish five copies of the brochure per unit to the Master Association for distribution to owners. (T&ES)
69. Submit a copy of the Operation and Maintenance Manual to the T&ES Stormwater Management Division on digital media prior to release of the performance bond. (T&ES) \*\*\*\*\*
70. Prior to release of the performance bond, the Applicant is required to submit a certification by a qualified professional to the satisfaction of the Director of T&ES that any existing stormwater management facilities adjacent to the project and associated conveyance systems were not adversely affected by construction operations. If maintenance of the facility or systems were required

in order to make this certification, provide a description of the maintenance measures performed. (T&ES) \*\*\*\*

**WATERSHED, WETLANDS, & RPAs:**

71. Provide Environmental Site Assessment Notes that clearly delineate, map, describe and/or explain the following environmental features if located on site: individual components of the RPA as well as the total geographic extent of the RPA, to include the appropriate buffer, intermittent streams and associated buffers; highly erodible and highly permeable soils; steep slopes greater than 15 percent in grade; known areas of contamination; springs, seeps or related features; and a listing of all wetlands permits required by law. (T&ES)

**CONTAMINATED LAND:**

72. Indicate whether there is any known soil and groundwater contamination present on the plan. The applicant must submit supporting reports for associated environmental investigations or assessments performed to substantiate this determination. (T&ES)
73. If environmental site assessments or investigations discover the presence of contamination on site, the final [site plan/demo plan/grading plan] shall not be released, and no construction activity shall take place until the following has been submitted and approved by the Director of T&ES:
- a. Submit a Site Characterization Report/Extent of Contamination Study detailing the location, applicable contaminants, and the estimated quantity of any contaminated soils and/or groundwater at or in the immediate vicinity of the site.
  - b. Submit a Risk Assessment indicating any risks associated with the contamination.
  - c. Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility corridors. Utility corridors in contaminated soil shall be over excavated by 2 feet and backfilled with “clean” soil. Include description of environmentally sound methods of off-site transport and disposal of contaminated soils and debris (including, but not limited to types of vehicles appropriate for handling specific materials and ensuring vehicle loads are covered).
  - d. Submit a Health and Safety Plan indicating measures to be taken during remediation and/or construction activities to minimize the potential risks to workers, the neighborhood, and the environment. Initial Air Monitoring may be required during site activities to demonstrate acceptable levels of volatiles and/or airborne particles. The determination whether air monitoring is needed must be adequately addressed in the Health and Safety Plan submitted for review.

- e. The applicant shall screen for PCBs as part of the site characterization if any of the past uses are within the identified high risk category sites for potential sources of residual PCBs, which includes the following SICs: 26&27 (Paper and Allied Products), 30 (Rubber and Misc. Plastics), 33 (Primary Metal Industries), 34 (Fabricated Metal Products), 37 (Transportation Equipment), 49 (Electrical, Gas, and Sanitary Services), 5093 (Scrap Metal Recycling), and 1221&1222 (Bituminous Coal).
  - f. Applicant shall submit three (3) electronic and two (2) hard copies of the above. The remediation plan must be included in the Final Site Plan. (T&ES) \*
74. Should any unanticipated contamination, underground storage tanks, drums or containers be encountered at the site during construction, the Applicant must immediately notify the City of Alexandria Department of Transportation and Environmental Services, Office of Environmental Quality. Should unanticipated conditions warrant, construction within the impacted area shall be stopped until the appropriate environmental reports identified in a. through f. above are submitted and approved at the discretion of the Director of Transportation and Environmental Services. This shall be included as a note on the Final Site Plan. (T&ES) (Code)
75. If warranted by a Site Characterization report, design and install a vapor barrier and ventilation system for buildings and parking areas in order to prevent the migration or accumulation of methane or other gases, or conduct a study and provide a report signed by a professional engineer showing that such measures are not required to the satisfaction of Directors of T&ES and Code Administration. The installed vapor barrier and ventilation system must include a passive ventilation system that can be converted to an active ventilation system if warranted. (T&ES)

#### **NOISE:**

76. Prepare a noise study identifying the levels of noise residents of the project will be exposed to at the present time, and 10 years into the future in a manner consistent with the Noise Guidance Book used by the Department of Housing and Urban Development (HUD). In addition, include analysis of the levels of noise residents of the project will be exposed to due to loading and unloading activities, idling and traffic. Identify options to minimize noise and vibration exposure to future residents at the site, particularly in those units closest to the commercial activities, loading areas, garage entrances, interstate highway, railroad tracks and airport traffic, including triple-glazing for windows, additional wall / roofing insulation, installation of resilient channels between interior gypsum board and wall studs, installation of a berm or sound wall and any other special construction methods to reduce sound transmission. If needed, the applicant shall install some combination of the above to the satisfaction of the Directors of P&Z and T&ES. (T&ES)

77. The noise study and noise commitment letter shall be submitted and approved prior to Final Site Plan release.\* (T&ES)
78. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
79. No vehicles associated with this project shall be permitted to idle for more than 10 minutes when parked. This includes a prohibition on idling for longer than 10 minutes in the loading dock area. The applicant shall post of minimum of two no idling for greater than 10 minutes signs in the loading dock area in plain view. (T&ES)

**AIR POLLUTION:**

80. If fireplaces are utilized in the development, the Applicant is required to install gas fireplaces to reduce air pollution and odors. Animal screens must be installed on chimneys. (T&ES)
81. Control odors and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Director of Transportation and Environmental Services. (T&ES)

**E. CONSTRUCTION MANAGEMENT**

82. Submit a separate construction management plan to the Directors of P&Z, T&ES and Code Administration prior to Final Site Plan release. The plan shall:
  - a. No streetlights shall be removed without authorization from the City of Alexandria.
  - b. If streetlights are to be removed from the public right of way, then temporary lights shall be provided until the installation and commissioning of new lights.
  - c. Include an analysis as to whether temporary street or site lighting is needed for safety during the construction on the site and how it is to be installed.
  - d. Provide a detailed sequence of demolition and construction of improvements in the public right of way along with an overall proposed schedule for demolition and construction;
  - e. Include an overall proposed schedule for construction;
  - f. Include a plan for temporary pedestrian circulation;
  - g. Include the location and size of proposed construction trailers, if any;
  - h. Include a preliminary Maintenance of Traffic Plan (MOT) as part of the construction management plan for informational purposes only, to include proposed controls for traffic movement, lane closures, construction entrances and storage of materials.

- i. Copies of the plan shall be posted in the construction trailer and given to each subcontractor before they commence work. (P&Z) (T&ES)
- 83. Provide off-street parking for all construction workers without charge to the construction workers. The applicant shall be responsible for ensuring that all contractors use the off-street parking provided. For the construction workers who use Metro, DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be a component of the construction management plan, which shall be submitted to the Department of P&Z and T&ES prior to Final Site Plan release. This plan shall:
  - a. Establish the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit.
  - b. Provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes.
  - c. If the off-street construction workers parking plan is found to be violated during construction, a correction notice will be issued to the developer. If the violation is not corrected within five (5) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. (P&Z) (T&ES) \*
- 84. Sidewalks adjacent to the site shall remain open during construction. If sidewalks must be closed, pedestrian access shall be maintained adjacent to the site per Memo to Industry #04-18 throughout the construction of the project. The plan for maintenance of pedestrian access shall be included in the Construction Management Plan for approval by T&ES. (T&ES)
- 85. Bicycle facilities including Capital Bikeshare stations adjacent to the site shall remain open during construction. If a bicycle facility including a Capital Bikeshare station must be closed, Bicycle access shall be maintained adjacent to the site per Memo to Industry #04-18 throughout the construction of the project. The plan for maintenance of bicycle access shall be included in the Construction Management Plan for approval by T&ES. (T&ES)
- 86. No major construction staging shall be allowed within the public right-of-way. The applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities. (T&ES)
- 87. Transit stops adjacent to the site shall remain open if feasible for the duration of construction. If construction forces the closure of the stop, a temporary ADA accessible transit stop shall be installed. The exact temporary location shall be coordinated with the T&ES Office of Transit Services at 703-746-4075 as well as with the transit agency which provides service to the bus stop. Signs noting

the bus stop closure and location of the temporary bus stop must be installed at all bus stops taken out of service due to construction. (T&ES)

88. Any structural elements that extend into the public right of way, including but not limited to footings, foundations, tie-backs etc., must be approved by the Director of T&ES as a part of the Sheeting and Shoring Permit. (T&ES)
89. A “Certified Land Disturber” (CLD) shall be named in a letter to the Division Chief of Infrastructure Right of Way prior to any land disturbing activities. If the CLD changes during the project, that change must be noted in a letter to the Division Chief. A note to this effect shall be placed on the Phase I Erosion and Sediment Control sheets on the site plan. (T&ES)
90. Prior to commencing clearing and grading of the site, the applicant shall hold a meeting with notice to all adjoining property owners and civic associations to review the location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified a minimum of 14 calendar days prior to the meeting date, and the meeting must be held before any permits are issued. (P&Z) (T&ES)
91. Prior to commencement of landscape installation/planting operations, a pre-installation/construction meeting will be scheduled with the project planner in the Department of P&Z to review the scope of installation procedures and processes. This is in addition to the pre-construction meeting required above. (P&Z)
92. Identify a person who will serve as a liaison to the community throughout the duration of construction. The name and telephone number, including an emergency contact number, of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site and shall be placed on the project sign, to the satisfaction of the Directors of P&Z, and/or and T&ES. (P&Z) (T&ES)
93. Install a temporary informational sign on the site prior to release of the Final Site Plan for the project. The sign shall notify the public of the nature of the project and shall include the name and telephone number of the community liaison, including an emergency contact number for public questions regarding the project. The sign shall be displayed until construction is complete. (P&Z) (T&ES)
94. Implement a waste and refuse control program during the construction phase of this development. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them, and all sanitary waste at the construction site and prevent offsite migration that may

cause adverse impacts to neighboring properties or to the environment to the satisfaction of Directors of T&ES and Code Administration. All wastes shall be properly disposed offsite in accordance with all applicable federal, state and local laws. Provide information on the program in construction management plan. If program is implemented in coordination with green building certification, include documentation as appropriate per the City's Green Building Policy and conditions herein. (T&ES)

95. Temporary construction and/or on-site sales trailer(s) shall be permitted and be subject to the approval of the Director of P&Z. The trailer(s) shall be removed prior to the issuance of a final certificate of occupancy permit. (P&Z) (Code) \*\*\*
96. Submit a wall check prior to the commencement of construction of the first floor above grade framing for the building(s). The wall check shall include the building footprint, as depicted in the released Final Site Plan, the top-of-slab elevation and the first-floor elevation. The wall check shall be prepared and sealed by a registered engineer or surveyor and submitted to Planning & Zoning. Approval of the wall check by Planning & Zoning is required prior to commencement of framing. (P&Z)
97. Submit an as-built development site plan survey, pursuant to the requirements outlined in the initial as-built submission for occupancy portion of the as-built development site plan survey checklist to the Department of Transportation and Environmental Services Site Plan Coordinator prior to requesting a certificate of occupancy permit. The as-built development site plan survey shall be prepared and sealed by a registered architect, engineer, or surveyor. Include a note which states that the height was calculated based on all applicable provisions of the Zoning Ordinance. (P&Z) (T&ES) \*\*\*
98. Contractors shall not cause or permit vehicles to idle for more than 10 minutes when parked. (T&ES)
99. If there are outstanding performance, completion or other bonds for the benefit of the City in effect for the property at such time as it may be conveyed or sold to a party other than the applicant, a substitute bond and associated documents must be provided by that party or, in the alternative, an assignment or other documentation from the bonding company indicating that the existing bond remains in effect despite the change in ownership may be provided. The bond(s) shall be maintained until such time that all requirements are met, and the bond(s) released by the City. (T&ES)

## **F. CONTRIBUTIONS**

100. Contribute \$2,500 to the City prior to Final Site Plan release to install Capital Bikeshare station on or directly across from the project as part of a coordinated bike share program. In the event a Capital Bikeshare station cannot be located along the site frontage due to space constraints or impacts to operational efficiency, an alternate off-site location within a two-block radius of the project may be selected. (T&ES)
101. Contribute \$9,046 to the Urban Forestry Fund prior to first Certificate of Occupancy per the Landscape Guidelines. This contribution includes a fee-in-lieu of the required on-site crown coverage and \$2,500 for an additional street tree. (RP&CA)(P&Z)\*\*\*

### **HOUSING:**

102. A voluntary contribution of \$70,480 to the Housing Trust Fund would be consistent with the conclusions of the Developer's Housing Contribution Work Group accepted by The Alexandria City Council in December 2013.

### **PUBLIC ART:**

103. Per the City's Public Art Policy, adopted December 13, 2014, work with City staff to determine ways to incorporate public art elements on-site, or provide an equivalent monetary contribution to be used toward public art within the Small Area Plan planning area, to the satisfaction of the Directors of RP&CA and P&Z. The in-lieu contribution shall be \$.30 per gross square foot, with a maximum contribution of \$75,000 per building. In the event public art is provided on-site, the public art shall be of an equivalent value. (RP&CA) (P&Z)
  - a. The next submission shall identify the location, type and goals for public art. Prior to release of the Final Site Plan, the applicant shall have selected the artist, have locations and medium finalized and provide a schedule for the art installation. The applicant is strongly encouraged to concurrently provide information on construction materials and the recommended maintenance regimen. The art shall be installed prior to the issuance of the first Certificate of Occupancy, to the satisfaction of the Directors of P&Z and/or RP&CA. (RP&CA)(P&Z) \* \*\*\*
  - b. The in-lieu contribution shall be \$.30 per gross square foot, with a maximum contribution of \$75,000 per building. The contribution shall be provided prior to the issuance of the first Certificate of Occupancy. (RP&CA) (P&Z) \*\*\*

## **G. USES AND SIGNS**

### **RETAIL USES:**

104. Provide documentation (lease agreement or similar) to future retail tenants requiring them to operate their business consistently with the goals of LEED, as well as to pursue LEED for Retail or LEED for Commercial Interiors certification at a Silver level.
105. Ensure the following for the retail and retail-ready units within the development, to the satisfaction of the Director of P&Z:
  - a. Provide the minimum floor to floor heights per the Preliminary Site Plan.
  - b. All entrances along S. Henry Street are required to be operable and ADA accessible, even if the retail-ready space is used for residential purposes. This requirement shall be included as part of the lease for each tenant.
  - c. All windows and doors shall be a storefront system as depicted in the Preliminary Site Plan.
  - d. The placement or construction of items that block the visibility of the interior of the store from the street and sidewalk (e.g. storage cabinets, carts, shelving, boxes, coat racks, storage bins, closets, etc.) shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. This requirement shall be included as part of the lease for each tenant. The interior layout of retail-ready units must consist of full-height space off of the storefront entrance and include a bathroom that can be publicly accessible.
  - e. The location for signage shall be identified as part of the coordinated site plan.
  - f. The retail-ready unit type shall be listed on all promotion material/websites to encourage active uses. (P&Z)
106. The applicant shall encourage its employees who drive to use off-street parking. (T&ES)
107. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
108. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)

109. The applicant shall encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)

**SIGNAGE:**

110. Design and develop a coordinated sign plan, which includes a color palette, for all proposed commercial signage, including for the retail-ready spaces. The plan shall be included as part of the Final Site Plan and BAR Certificate of Appropriateness and shall coordinate the location, scale, massing and character of all proposed signage to the satisfaction of the Director of P&Z.\* (P&Z) (BAR)
111. Provide signage at the entrances to the parking garage with retail parking that is consistent with the City's Wayfinding standards for identifying parking garages. (T&ES)

**H. DISCLOSURE REQUIREMENTS**

112. All master association covenants shall be reviewed by the Director of P&Z and the City Attorney to ensure inclusion of all the conditions of this DSUP prior to applying for the first certificate of occupancy permit for the project. The association covenants shall include the conditions listed below, which shall be clearly expressed in a separate section of the covenants. The language shall establish and clearly explain that these conditions cannot be changed except by an amendment to this development special use permit approved by City Council.
- a. The principal use of the automated garage shall be for passenger vehicle parking only; storage which interferes with the use of a parking space for a motor vehicle is not permitted.
  - b. The property includes a public access easement over the four-foot pedestrian sidewalk adjacent to Downham Way.
  - c. The site is located in the Old and Historic Alexandria District, and any exterior alterations are subject to review and approval by the Board of Architectural Review.
  - d. All landscaping and open space areas within the development shall be maintained by the master association.
  - e. Exterior building improvements or changes by future residents shall require the approval of the City Council, as determined by the Director of P&Z.
  - f. Develop a noise control by-law aimed at controlling noise levels in the proposed development and resolving noise issues between neighboring occupants and disclose this by-law to all involved at the time of sale or lease agreement.
  - g. The specific language of the disclosure statement to be utilized shall be provided to the City for approval prior to release of any certificate of occupancy permit.

- h. Stormwater facility BMPs must be inspected and adequately maintained as designed to ensure proper functioning.
  - i. The specific language of the disclosure statement to be utilized shall be provided to the City for approval prior to release of any certificate of occupancy permit.
  - j. Residents are not eligible for residential street parking permits because the property is not located within a residential permit parking district and are not eligible for a permit in a sub-district based on code requirements. (P&Z) (T&ES) (PC) \*\*
113. If environmental site assessments or investigations discover the presence of onsite contamination, the applicant or its agent shall furnish each prospective buyer with a statement disclosing the prior history of the site, including previous environmental conditions and on-going remediation measures. Disclosures shall be made to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
114. Present a disclosure statement to potential buyers disclosing the following to the satisfaction of the Directors of P&Z and T&ES, and the City Attorney:
- a. That the loading dock clearance is under 14'6" and the building operator and/or commercial tenants shall coordinate with trash and delivery services accordingly.
  - b. That Route 1 is an existing/planned location for Transit Corridor A, which will traverse in a north-south direction in the general vicinity of Route 1 and connect to future transit corridors in Fairfax and Arlington Counties. (P&Z) (T&ES) (City Attorney)

## **I. RESTAURANT USE (SUP#2020-0036)**

115. The conditions contained herein relating to restaurant uses cover any of the ground-floor commercial or retail-ready tenant spaces in DSUP#2019-0033. (P&Z)(T&ES).
116. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
117. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
118. Live entertainment shall be limited to indoor only. The applicant shall conform with the City's noise ordinance and no amplified sound shall be audible at the property line after 11:00 p.m. (T&ES)

119. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue be washed into any street, alley, or storm sewer. (T&ES)
120. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00 p.m. and 7:00 a.m. (T&ES)
121. Control odors and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Director of Transportation and Environmental Services. (T&ES)
122. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
123. If used cooking oil is stored outside, the lid of the used cooking oil drum shall be kept securely closed (using a bung) when not receiving used oil. The drum shall be placed on secondary containment and situated under cover to prevent rainwater from falling on it. (T&ES)
124. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES)
125. The applicant shall encourage its employees who drive to use off-street parking. (T&ES)
126. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES)
127. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for more information about available resources. (T&ES)
128. The applicant shall encourage patrons to park off-street through the provision of information about the on-site public garage and other nearby garages on advertising and on the restaurant's website. (T&ES)
129. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one (1) year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have

been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

## **IX. CITY DEPARTMENT CODE COMMENTS**

Legend: C - Code Requirement R - Recommendation S - Suggestion F – Finding

### **Planning and Zoning (P&Z)**

- R - 1. For all first-floor bays with a street-facing door providing their primary access, please coordinate with the Geographic Information Systems (GIS) Division for address assignments at tenant fit out. These uses are not permitted to use the primary building address as their address. Please contact the Addressing Coordinator in the GIS Division (703-746-3823) as each new tenant is determined, and an appropriate address based on the location of the primary entrance door of the new space will be assigned.
- C - 1 As-built documents for all landscape and irrigation installations are required to be submitted with the Site as-built and request for Performance Bond release. Refer to City of Alexandria Landscape Guidelines, Section III A & B. (P&Z) (T&ES) \*\*\*\*
- C - 2 Tree conservation and protection plans shall identify all trees to be removed, and all trees to be protected / preserved. Construction methods to reduce disturbance within driplines shall also be identified. An on-site inspection of existing conditions shall be held with the City Arborist and Natural Resources Division Staff prior to the preparation of the Tree Conservation and Protection Plan.
- C - 3 The landscape elements of this development shall be subject to the Performance and Maintenance bonds, based on criteria established by the City and available through T&ES. Release of Performance and Maintenance Bonds are subject to inspections by City staff per City Code requirements. A final inspection for landscaping is also required three (3) years after completion. (P&Z) (T&ES) \*\*\*\*
- C - 4 No permits shall be issued prior to the release of the Certificate of Appropriateness from the Board of Architectural Review. (BAR)
- C-5 Parking ratio requirement adjustment. Any parking requirement may be adjusted within 5% of the requirement if the director of Planning and Zoning determines that physical requirements of the building prevent compliance with the specific number of parking spaces required. (Section 8-200(A)(2)(c)(i) of the Zoning Ordinance) (T&ES) (P&Z)

### **Code Administration (Building Code)**

- F - 1. The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. A preconstruction conference is recommended for large projects. If there are any

questions, the applicant may contact the Code Administration Office, Plan Review Supervisor at 703-746-4200.

- C - 1 New construction or alterations to existing structures must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C - 2 The developer shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) total floor area per floor; e) height of structure f) non-separated or separated mixed use g) fire protection system requirements.
- C - 3 A soils report must be submitted with the building permit application for all new and existing building structures.
- C - 4 The most restrictive type of construction shall apply to the structure for height and area limitations for non-separated uses.
- C - 5 Where required per the current edition Virginia Uniform Statewide Building Code exits, parking, and facilities shall be accessible for persons with disabilities.
- C - 6 All proposed buildings where an occupied floor exceeds 75 feet above the lowest level of fire department vehicle access shall meet the Virginia Uniform Statewide Building Code for HIGH-RISE buildings.
- C - 7 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to the Department of Code Administration that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C - 8 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C - 9 A wall location plat prepared by a land surveyor is required to be submitted to the Department of Code Administration prior to any building framing inspection.

### **Archaeology**

- F - 1. This section of upper King St. experienced development in the early nineteenth century. For example, as detailed in the 1810 tax assessor's list there were eight standing houses on the street face. Moreover, Levin Moreland and James Nutt lived on the street face in the vicinity of 116 S. Henry St. in 1810. Both lots likely contain significant archaeological evidence of the development of late eighteenth- and nineteenth-century Alexandria, especially considering that most of the two lots are paved which suggests modern impacts to the archaeological resources could be minimal.

- C -1. All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.

**Transportation and Environmental Services (T&ES)**

- F - 1. Since the record drawings, maps, and other documents of the City of Alexandria, State, and Federal agencies show the true north pointing upwards, therefore, the Site Plan shall show the true north arrow pointing upward as is customary; however, for the sake of putting the plan together and/or ease of understanding, the project north arrow pointing upward, preferably east, or west may be shown provided it is consistently shown in the same direction on all the sheets with no exception at all. The north arrow shall show the source of meridian. The project north arrow pointing downward will not be acceptable even if, it is shown consistently on all the sheets. (T&ES)
- F - 1. The Final Site Plan must be prepared per the requirements of Memorandum to Industry 02-09 dated December 3, 2009, Design Guidelines for Site Plan Preparation, which is available at the City's website:  
<http://alexandriava.gov/uploadedFiles/tes/info/Memo%20to%20Industry%20No.%2002-09%20December%203,%202009.pdf>
- F - 2. The plan shall show sanitary and storm sewer, and water line in plan and profile in the first final submission and cross reference the sheets on which the plan and profile is shown, if plan and profile is not shown on the same sheet. Clearly label the sanitary and storm sewer, or water line plans and profiles. Provide existing and proposed grade elevations along with the rim and invert elevations of all the existing and proposed sanitary and storm sewer at manholes, and water line piping at gate wells on the respective profiles. Use distinctive stationing for various sanitary and storm sewers (if applicable or required by the plan), and water line in plan and use the corresponding stationing in respective profiles. (T&ES)
- F - 3. The Plan shall include a dimension plan with all proposed features fully dimensioned and the property line clearly shown. (T&ES)
- F - 4. Include all symbols, abbreviations, and line types in the legend. (T&ES)
- F - 5. All storm sewers shall be constructed to the City of Alexandria standards and specifications. Minimum diameter for storm sewers shall be 18" in the public Right of Way (ROW) and the minimum size storm sewer catch basin lead is 15". The acceptable pipe materials will be Reinforced Concrete Pipe (RCP) ASTM C-76 Class IV. Alternatively, AWWA C-151 (ANSI A21.51) Class 52 may be used if approved by the Director of T&ES. For roof drainage system, Polyvinyl Chloride (PVC) ASTM D-3034-77 SDR 26 and ASTM 1785-76 Schedule 40 pipes will be acceptable. The acceptable minimum and maximum velocities will be 2.0 fps and 15 fps, respectively. The storm sewers immediately upstream of the first manhole in the public Right of Way shall be owned and maintained privately (i.e., all storm drains not shown within an easement or in a public Right of Way shall be owned and maintained privately). (T&ES)

- F - 6. All sanitary sewers shall be constructed to the City of Alexandria standards and specifications. Minimum diameter of sanitary sewers shall be 10 inches in the public Right of Way and sanitary lateral 6 inches for all commercial and institutional developments; however, a 4-inch sanitary lateral will be acceptable for single family residences. The acceptable pipe materials will be Polyvinyl Chloride (PVC) ASTM D-3034-77 SDR 26, ASTM 1785-76 Schedule 40, Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52, or reinforced concrete pipe ASTM C-76 Class IV (For 12 inch or larger diameters); Class III may be acceptable on private properties. The acceptable minimum and maximum velocities will be 2.5 fps and 10 fps, respectively. Laterals shall be connected to the sanitary sewer through a manufactured "Y" or "T" or approved sewer saddle. Where the laterals are being connected to existing Terracotta pipes, replace the section of main and provide manufactured "Y" or "T", or else install a manhole. (T&ES)
- F - 7. Lateral Separation of Sewers and Water Mains: A horizontal separation of 10 feet (edge to edge) shall be provided between a storm or sanitary sewer and a water line; however, if this horizontal separation cannot be achieved then the sewer and water main shall be installed in separate trenches and the bottom of the water main shall be at least 18 inches above of the top of the sewer. If both the horizontal and vertical separations cannot be achieved, then the sewer pipe material shall be Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 and pressure tested in place without leakage prior to installation. (T&ES)
- F - 8. Crossing Water Main Over and Under a Sanitary or Storm Sewer: When a water main over crosses or under crosses a sanitary / storm sewer then the vertical separation between the bottom of one (i.e., sanitary / storm sewer or water main) to the top of the other (water main or sanitary / storm sewer) shall be at least 18 inches for sanitary sewer and 12 inches for storm sewer; however, if this cannot be achieved then both the water main and the sanitary / storm sewer shall be constructed of Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 with joints that are equivalent to water main standards for a distance of 10 feet on each side of the point of crossing. A section of water main pipe shall be centered at the point of crossing and the pipes shall be pressure tested in place without leakage prior to installation. Sewers crossing over the water main shall have adequate structural support (concrete pier support and/or concrete encasement) to prevent damage to the water main. Sanitary sewers under creeks and storm sewer pipe crossings with less than 6-inch clearance shall be encased in concrete. (T&ES)
- F - 9. No water main pipe shall pass through or come in contact with any part of sanitary / storm sewer manhole. Manholes shall be placed at least 10 feet horizontally from the water main whenever possible. When local conditions prohibit this horizontal separation, the manhole shall be of watertight construction and tested in place. (T&ES)
- F - 10. Crossing Existing or Proposed Utilities: Underground telephone, cable T.V., gas, and electrical duct banks shall be crossed maintaining a minimum of 12 inches of separation or clearance with water main, sanitary, or storm sewers. If this separation cannot be achieved, then the sewer pipe material shall be Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 for a distance of 10 feet on each side of the point of crossing and pressure

tested in place without leakage prior to installation. Sanitary / storm sewers and water main crossing over the utilities shall have adequate structural support (pier support and/or concrete encasement) to prevent damage to the utilities. (T&ES)

- F - 11. Dimensions of parking spaces, aisle widths, etc. within the parking garage shall be provided on the plan. Note that dimensions shall not include column widths. (T&ES)
- F - 12. Show the drainage divide areas on the grading plan or on a sheet showing reasonable information on topography along with the structures where each sub-area drains. (T&ES)
- F - 13. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)
- F - 14. All the existing and proposed public and private utilities and easements shall be shown on the plan and a descriptive narration of various utilities shall be provided. (T&ES)
- F - 15. A Maintenance of Traffic Plan shall be provided within the Construction Management Plan and shall replicate the existing vehicular and pedestrian routes as nearly as practical. Pedestrian and bike access shall be maintained adjacent to the site per Memo to Industry #04-18. These sheets are to be provided as "Information Only." (T&ES)
- F - 16. The following notes shall be included on all Maintenance of Traffic Plan Sheets: (T&ES)
  - a. The prepared drawings shall include a statement "FOR INFORMATION ONLY" on all MOT Sheets.
  - b. Sidewalk closures will not be permitted for the duration of the project. Temporary sidewalk closures are subject to separate approval from Transportation and Environmental Services (T&ES) at the time of permit application.
  - c. Contractor shall apply for all necessary permits for uses of the City Right of Way and shall submit MOT Plans with the T&ES Application for final approval at that time. \*
- F - 17. Add complete streets tabulation to the cover sheet with the Final 1 submission. (T&ES)
- C - 1 Per the requirements of the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a drainage study and adequate outfall analysis for the total drainage area to the receiving sewer that serves the site. If the existing storm system is determined to be inadequate, then the applicant shall design and build on-site or off-site improvements to discharge to an adequate outfall; even if the post development stormwater flow from the site is reduced from the pre-development flow. The Plan shall demonstrate to the satisfaction of the Director of T&ES that a non-erosive stormwater outfall is present. (T&ES)
- C - 2 Per the requirements of the City of Alexandria Zoning Ordinance (AZO) Article XIII, Environmental Management Ordinance, the applicant shall comply with the stormwater quality and quantity requirements and provide channel protection and flood protection in accordance with these requirements. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of the Zoning Ordinance shall be met. If

the project site lies within the Braddock-West watershed or known flooding area, then the applicant shall provide an additional 10 percent storage of the pre-development flows in this watershed to meet detention requirements. (T&ES)

- C - 3 Per the requirements of Article 13-114 (f) of the AZO, all stormwater designs that require analysis of pressure hydraulic systems, including but not limited to the design of flow control structures and stormwater flow conveyance systems shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. The design of storm sewer shall include the adequate outfall, inlet, and hydraulic grade line (HGL) analyses that shall be completed to the satisfaction of the Director of T&ES. Provide appropriate reference and/or source used to complete these analyses. (T&ES)
- C - 4 The proposed development shall conform to all requirements and restrictions set forth in Section 6-300 (Flood plain District) of Article VI (Special and Overlay Zones) of the City of Alexandria Zoning Ordinance. (T&ES)
- C - 5 If it is determined that the site is not in compliance with Section 13-1-3 of the City Code, then the applicant shall make additional improvements to adjust lighting levels to the satisfaction of the Director of T&ES to comply with the Code. (T&ES)
- C - 6 Location of customer utility services and installation of transmission, distribution and main lines in the public rights of way by any public service company shall be governed by franchise agreement with the City in accordance with Title 5, Chapter 3, Section 5-3-2 and Section 5-3-3, respectively. The transformers, switch gears, and boxes shall be located outside of the public right of way. (T&ES)
- C - 7 (a) Per the requirements of Section 5-3-2, Article A, Chapter 3 of the City of Alexandria Code, all new customer utility services, extensions of existing customer utility services and existing overhead customer utility services supplied by any existing overhead facilities which are relocated underground shall, after October 15, 1971 be installed below the surface of the ground except otherwise exempted by the City Code and to the satisfaction of the Director, Department of Transportation and Environmental Services. (b) Per the requirements of Section 5-3-3, Article A, Chapter 3 of the City of Alexandria Code, all new installation or relocation of poles, towers, wires, lines, cables, conduits, pipes, mains, and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the City shall, after October 15, 1971, be installed below the surface of the ground or below the surface in the case of bridges and elevated highways except otherwise exempted by the City Code and to the satisfaction of Director, Department of Transportation and Environmental Services. (T&ES)
- C - 8 Flow from downspouts, foundation drains, and sump pumps shall be discharged to the storm sewer per the requirements of Memorandum to Industry 05-14 that is available on the City of Alexandria's web site. The downspouts and sump pump discharges shall be

- piped to the storm sewer outfall, where applicable after treating for water quality as per the requirements of Article XIII of Alexandria Zoning Ordinance (AZO). (T&ES)
- C - 9 In compliance with Title 5: Transportation and Environmental Services, Section 5-1-2(12b) of the City Charter and Code, the City of Alexandria shall provide solid waste collection services to the condominium townhomes portion of the development. All refuse / recycling receptacles shall be placed at the City Right-of-Way. (T&ES)
- C - 10 Per the requirements of Title 4, Chapter 2, Article B, Section 4-2-21, Appendix A, Section A 106(6), Figure A 106.1 Minimum Standards for Emergency Vehicle Access: provide a total turning radius of 25 feet to the satisfaction of Directors of T&ES and Office of Building and Fire Code Administration and show turning movements of standard vehicles in the parking lot as per the latest AASHTO vehicular guidelines. (T&ES)
- C - 11 The applicant shall provide required storage space for both trash and recycling materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The plan shall show the turning movements of the collection trucks and the trucks shall not back up to collect trash or recycling. The City's storage space guidelines are available online at: [www.alexandriava.gov/solidwaste](http://www.alexandriava.gov/solidwaste) or by contacting the City's Solid Waste Division at 703-746-4410, or via email at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov). (T&ES)
- C - 12 The applicant shall be responsible to deliver all solid waste, as defined by the City Charter and Code of the City of Alexandria, to the Covanta Energy Waste Facility located at 5301 Eisenhower Avenue. A note to that effect shall be included on the plan. The developer further agrees to stipulate in any future lease or property sales agreement that all tenants and/or property owners shall also comply with this requirement. (T&ES)
- C - 13 The applicants shall submit a Recycling Implementation Plan (RIP) form to the Solid Waste Division, as outlined in Article H of Title 5 (Ordinance Number 4438), which requires all commercial properties to recycle. Instructions for how to obtain a RIP form can be found at: [www.alexandriava.gov/solidwaste](http://www.alexandriava.gov/solidwaste) or by calling the Solid Waste Division at 703.746.4410 or by e-mailing [CommercialRecycling@alexandriava.gov](mailto:CommercialRecycling@alexandriava.gov). (T&ES)
- C - 14 All private streets and alleys shall comply with the City's Minimum Standards for Private Streets and Alleys. (T&ES)
- C - 15 Bond for the public improvements must be posted prior to release of the site plan. (T&ES)\*
- C - 16 Plans and profiles of utilities and roads in public easements and/or public Right of Way must be approved prior to release of the plan. (T&ES) \*
- C - 17 Provide a phased erosion and sediment control plan consistent with grading and construction plan. (T&ES)

- C - 18 Per the Memorandum to Industry, dated July 20, 2005, the applicant is advised regarding a requirement that applicants provide as-built sewer data as part of the final as-built process. Upon consultation with engineering firms, it has been determined that initial site survey work and plans will need to be prepared using Virginia State Plane (North Zone) coordinates based on NAD 83 and NAVD 88. Control points/Benchmarks which were used to establish these coordinates should be referenced on the plans. To ensure that this requirement is achieved, the applicant is requested to prepare plans in this format including initial site survey work if necessary. (T&ES)
- C - 19 The thickness of sub-base, base, and wearing course shall be designed using “California Method” as set forth on page 3-76 of the second edition of a book entitled, “Data Book for Civil Engineers, Volume One, Design” written by Elwyn E. Seelye. Values of California Bearing Ratios used in the design shall be determined by field and/or laboratory tests. An alternate pavement section for Emergency Vehicle Easements (EVE) to support H-20 loading designed using California Bearing Ratio (CBR) determined through geotechnical investigation and using Virginia Department of Transportation (VDOT) method (Vaswani Method) and standard material specifications designed to the satisfaction of the Director of Transportation and Environmental Services (T&ES) will be acceptable. (T&ES)
- C - 20 All pedestrian, traffic, and way finding signage shall be provided in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition to the satisfaction of the Director of T&ES. (T&ES)
- C - 21 No overhangs (decks, bays, columns, post or other obstructions) shall protrude into public Right of Ways, public easements, and pedestrian or vehicular travelways unless otherwise permitted by the City Code. (T&ES)
- C - 22 All driveway entrances, curbing, etc. in the public ROW or abutting public ROW shall meet City design standards. (T&ES)
- C - 23 All sanitary laterals and/or sewers not shown in the easements shall be owned and maintained privately. (T&ES)
- C - 24 The applicant shall comply with the City of Alexandria’s Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C - 25 All construction activities must comply with the Alexandria Noise Control Code Title 11, Chapter 5, Section 11-5-4(b)(15), which permits construction activities to occur between the following hours:
- Monday Through Friday from 7 AM To 6 PM and
  - Saturdays from 9 AM to 6 PM.
  - No construction activities are permitted on Sundays and holidays.  
Section 11-5-4(b)(19) further restricts the Pile Driving to the following hours:
  - Monday Through Friday from 9 AM To 6 PM and
  - Saturdays from 10 AM To 4 PM

- f. No pile driving is permitted on Sundays and holidays.  
Section 11-5-109 restricts work in the right of way for excavation to the following:
- g. Monday through Saturday 7 AM to 5 pm
- h. No excavation in the right of way is permitted on Sundays. (T&ES)

C - 26 The applicant shall comply with the Article XIII of the City of Alexandria Zoning Ordinance, which includes requirements for stormwater pollutant load reduction, treatment of the Alexandria Water Quality Volume Default and stormwater quantity management. (T&ES)

C - 27 The applicant shall comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. (T&ES)

#### **PWS Comments**

C-28 Proposed 4 feet public alley widening should be an asphalt hatch, not a concrete hatch as shown.

#### **AlexRenew Comments**

No comments.

#### **VAWC Comments**

No comments received.

#### **Fire Department**

No comments.

#### **Police Department**

- R - 2. It is recommended that the buildings have an address number which is contrasting in color to the background, at least 3 inches high, reflective, and visible from the street placed on the front and back of each home. It is strongly suggested that no brass or gold colored numbers are used. This aids in a timely response from emergency personnel should they be needed.
- R - 3. It is recommended that all the ground floor level windows be equipped with a device or hardware that allows windows to be secured in a partially open position. This is to negate a “breaking and entering” when the windows are open for air.
- R - 4. It is recommended that a “door-viewer” (commonly known as a peep-hole) be installed on all doors on the ground level that lead directly into an apartment. This is for the security of the occupant.

**Asterisks denote the following:**

- \* Condition must be fulfilled prior to release of the Final Site Plan
- \*\* Condition must be fulfilled prior to release of the building permit
- \*\*\* Condition must be fulfilled prior to release of the certificate of occupancy
- \*\*\*\* Condition must be fulfilled prior to release of the bond



## APPLICATION

### DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN

**DSUP #** 2019-0033

**Project Name:** GCP Henry Street

**PROPERTY LOCATION:** 116 S. Henry Street

**TAX MAP REFERENCE:** 074.01-05-12

**ZONE:** CD

**APPLICANT:**

Name: Galena Capital Partners

Address: 1010 Pendleton Street, Alexandria, VA 22314

**PROPERTY OWNER:**

Name: City of Alexandria

Address: 301 King Street, Alexandria, VA 22314

**SUMMARY OF PROPOSAL** The applicant is seeking a DSUP for multi-family residential uses development with ground floor retail, flex live/work space and an automated parking facility.

**MODIFICATIONS REQUESTED** Less than 40% open space, decrease set back requirement in CD zone and less than 25 % canopy coverage, and street tree requirements.

**SUP's REQUESTED** Motor vehicle parking and storage of more than 20 vehicles and SUP for loading space reduction because the proposed loading space does not meet the minimum clearance requirement of 14.5' per Section 8-200 (B)(3). And for increase in the number of units per acre and for more parking than the maximum permitted.

☒ **THE UNDERSIGNED** hereby applies for Development Site Plan with Special Use Permit approval in accordance with the provisions of Section 11-400 of the Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED** also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his/her knowledge and belief.

Mary Catherine Gibbs, Wire Gill, LLP

Print Name of Applicant or Agent

700 N. Fairfax St., Suite 600

Mailing/Street Address

Alexandria, VA 22314

City and State

Zip Code

Mary Catherine Gibbs  
Signature

703-836-5757

Telephone #

703-548-5443

Fax #

mcgibbs@wiregill.com

Email address

February 28, 2020 /amended 6/11/20  
Date

**DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY**

Application Received: \_\_\_\_\_

Received Plans for Completeness: \_\_\_\_\_

Fee Paid and Date: \_\_\_\_\_


Received Plans for Preliminary: \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 116 S. Henry Street, I hereby  
(Property Address)  
grant the applicant authorization to apply for the Restaurant use as  
(use)  
described in this application.

Name: Mark B. Jinks Phone: 703.746.4300  
Please Print  
Address: City Hall - 301 King Street, Suite 3500 Email: mark.jinks@alexandriava.gov  
Signature:  Date: 7-1-20

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☐ Required floor plan and plot/site plan attached.

☒ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner

☒ Contract Purchaser

☐ Lessee or

☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Omar Abdul-Baki, 1010 Pendleton St., Alexandria, VA 22314 - 25%

Ahmed Abdul-Baki, 1010 Pendleton St., Alexandria, VA 22314 - 75%

**ALL APPLICANTS MUST COMPLETE THIS FORM.**

Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

**1. The applicant is: (check one)**

- ☐ The Owner    ☒ Contract Purchaser    ☐ Lessee or    ☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than three percent.

Omar Abdul-Baki, 1010 Pendleton St., Alexandria, VA 22314 - 25%  
Ahmed Abdul-Baki, 1010 Pendleton St., Alexandria, VA 22314 - 75%

If property owner or applicant is being represented by an authorized agent, such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- ☒ **Yes.** Provide proof of current City business license.  
☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Omar Abdul-Baki	1010 Pendleton St. Alexandria, VA 22314	25%
2. Ahmed Abdul-Baki	1010 Pendleton St. Alexandria, VA 22314	75%
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 116 S. Henry St. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. City of Alexandria	301 King St. Alexandria, VA 22314	100%
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose any business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Omar Abdul-Baki	None	NA
2. Ahmed Abdul-Baki	None	NA
3. Galena Capital Partners	None	NA

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

2/28/2020  
Date

Mary Catherine Gibbs  
Printed Name

  
Signature

- 2. Narrative description.** The applicant shall describe below the nature of the request **in detail** so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. If not appropriate to the request, delete pages 6-9. (Attach additional sheets if necessary.)

See Attached Narrative Description.

## Narrative Description of GCP S. Henry Street Project:

The Applicant is seeking approval of a Development Special Use Permit with Site Plan for a unique mixed-use project. The project includes ground floor retail on S. Henry Street and flexible live/work space as well as three levels of multi-family residential units above in a four story building that fronts on S. Henry Street between King and Prince Streets. This project also includes an automated parking facility that is located in the middle of the block and is masked by both the four story residential building on S. Henry but also a proposed three unit townhouse condominium building that fronts on S. Patrick Street. This exciting project is a culmination of many years of planning for the use of surface level parking lots owned by the City of Alexandria but declared surplus by the City back in 2008. This project is part of a multi-phased project that is submitted in conjunction with the project at 912-920 King Street. This automated parking facility will not only replace the existing surface parking spaces lost with both projects, but it will also satisfy all the parking requirements for both projects. Please see the attached DSUP submission for full details on the project.

The Applicant submitted a proposal to the City to replace the two surface parking lots at issue back in 2016, and in 2019, the City and the Applicant entered into the agreement that culminated in these submissions. The Applicant agreed to provide at least 85 parking spaces to the public in the new facility even though only 67 surface parking spaces existed on these two lots. The Applicant also agreed that the phasing of these projects would be such that the automated parking facility must come on-line and be available for the public and private parking users before any construction can be commenced on the King Street project. As such, this phase will be the first to be built.

The Applicant is proposing an addition of about 1500 square feet of retail on S. Henry Street and adds multi-family uses to this block that will help enhance this block of S. Henry Street. The project also includes an additional @1000 square feet of space that also fronts on S. Henry Street that could be added as retail if more tenants or a larger tenant want more space for their use. The Applicant is proposing that the @1000 square feet of space on the first floor be given flexibility in that, if more retail users are not found for this additional space (as retail on this block of S. Henry is not the same as retail on King Street), then the additional spaces be permitted to be used as work/live units. The Applicant believes that in the ever changing world of retail in America, such flexibility is paramount to the success of the retail/commercial space.

The Applicant is also proposing a total of 19 residential units in the three stories above the retail on S. Henry and in the townhouse condominium on S. Patrick. Both structures are proposed in high-quality designed buildings that complete the street front along this block of S. Henry Street and enhance the streetscape along S. Patrick. The buildings are being reviewed in concept by the Board of Architectural Review (first meeting was January 22, 2020). The proposal was well received at that meeting and will be reviewed again with minor changes as requested. See attached elevations/perspectives.

**3. How many patrons, clients, pupils and other such users do you expect?**

Specify time period (i.e., day, hour, or shift).

24 hours a day, 7 days a week for the multi-family residential. Number will vary based on occupancy of the 19 units. Retail customers and employees will depend on the retail tenants and users of 142 parking spaces in automated facility.

**4. How many employees, staff and other personnel do you expect?**

Specify time period (i.e. day, hour, or shift).

TBD based on ultimate retail tenants. The parking facility will be automated so no employees are anticipated except for maintenance and emergencies.

**5. Describe the proposed hours and days of operation of the proposed use:**

Day	Hours	Day	Hours
24/7			

**6. Describe any potential noise emanating from the proposed use:**

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Typical noise from a multi-family residential buildings of these modest sizes and retail of this size. The automated facility will be enclosed behind mechanical doors on the first floor only.

B. How will the noise from patrons be controlled?

The doors will be secured and kept closed to keep noise inside the building except for modest outdoor activity from these retail/residential buildings.

**7. Describe any potential odors emanating from the proposed use and plans to control them:**

NA

**8. Provide information regarding trash and litter generated by the use:**

A. What type of trash and garbage will be generated by the use?

Typical type for these residential uses, retail trash to be determined based on ultimate retail tenant.

B. How much trash and garbage will be generated by the use?

Likely at least one dumpster per week.

C. How often will trash be collected?

At least once a week, more if necessary.

D. How will you prevent littering on the property, streets and nearby properties?

The applicant will ultimately have a property management company who will be required to maintain the property.

**9. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?**

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

**10. Will any organic compounds (for example: paint, ink, lacquer thinner, or cleaning or degreasing solvent) be handled, stored, or generated on the property?**

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

**11. What methods are proposed to ensure the safety of residents, employees and patrons?**

Security measures will be provided by at a minimum key code/pad access with the residential building locked at all times. Necessary security facilities associated with the retail/auto storage uses will also be provided.

**ALCOHOL SALES****12. Will the proposed use include the sale of beer, wine or mixed drinks?**

☐ Yes. ☒ No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

Individual retail tenants will have to obtain their own ABC licenses, as needed, but no information is available at this time related to ultimate retail users.

**PARKING AND ACCESS REQUIREMENTS****13. Provide information regarding the availability of off-street parking:**

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?  
17-33 spaces for residential use of 19 units.

B. How many parking spaces of each type are provided for the proposed use:  
0 Standard spaces  
0 Compact spaces  
0 Handicapped accessible spaces  
142 Other

- C. Where is required parking located? (check one) ☒ on-site ☐ off-site

If the required parking will be located off-site, where will it be located?  
Automated parking facility on site.

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the **Parking Reduction Supplemental Application**.

**14. Provide information regarding loading and unloading facilities for the use:**

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? 0
- B. How many loading spaces are available for the use? 1
- C. Where are off-street loading facilities located? Off the alley to the north of the property.
- D. During what hours of the day do you expect loading/unloading operations to occur?  
Typical loading/unloading hours for residential use of this size and retail of this size.
- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

Daily.

**15. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?**

Street access is adequate from both S. Henry and St. Patrick Streets.



## APPLICATION - SUPPLEMENTAL

(APPLICANT'S MOBILE OR AUTOMOBILE ORIENTED BUSINESS)

**Supplemental information to be completed by applicants requesting special use permit approval of an automobile-oriented use (e.g., automobile repair garage, car wash, auto or trailer sales).**

1. What type of automobile oriented use do you propose?

☒ automobile or motor vehicle parking or storage lot.

☐ automobile or trailer rental or sales.

☐ automobile service station.

☐ automobile repair, including car wash.

☐ other: \_\_\_\_\_

2. What types of repairs do you propose to perform?

None

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3. How many of each of the following will be provided?

0 \_\_\_\_\_ hydraulic lifts or racks

0 \_\_\_\_\_ service pits

0 \_\_\_\_\_ service bays

4. How many vehicles will be parked on-site at any one time. Please provide information on the type (i.e., for sale, customers, employees, or repairs)?

142 spaces will be provided in an automated parking facility accessed at the first floor off the alley to the north of the facility (Downham Way).

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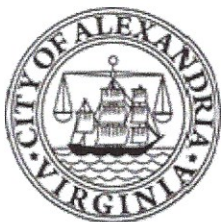
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5. Will a loudspeaker or intercom system be used outside of the building? \_\_\_\_\_ Yes ☒ No

**Please note: All repair work must occur within an enclosed building.**



## APPLICATION

# SPECIAL USE PERMIT

**SPECIAL USE PERMIT #** \_\_\_\_\_

**PROPERTY LOCATION:** 116 S. Henry Street

**TAX MAP REFERENCE:** 074.01-05-12 **ZONE:** CD

**APPLICANT:**

Name: Galena Capital Partners

Address: 1010 Pendleton Street, Alexandria, VA 22314

**PROPOSED USE:** Umbrella SUP for a Restaurant Use in the First Floor Retail space.

- ☒ THE UNDERSIGNED, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.
- ☒ THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
- ☒ THE UNDERSIGNED, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Mary Catherine Gibbs, Wire Gill, LLP

Print Name of Applicant or Agent

700 N. Fairfax St., Suite 600

Mailing/Street Address

Alexandria, VA 22314

City and State

Zip Code



Signature

4/24/20

Date

703-836-5757

Telephone #

703-548-5443

Fax #

mcgibbs@wiregill.com

Email address

### PROPERTY OWNER'S AUTHORIZATION

As the property owner of 116 S. Henry Street, I hereby  
(Property Address)  
grant the applicant authorization to apply for the Restaurant use as  
(use)  
described in this application.

Name: \_\_\_\_\_

Please Print

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

- 1.** Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☐ Required floor plan and plot/site plan attached.

☒ Requesting a waiver. See attached written request.

- 2.** The applicant is the (check one):

☐ Owner

☒ Contract Purchaser

☐ Lessee or

☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent.

Omar Abdul-Baki, 1010 Pendleton St., Alexandria, VA 22314 - 25%

Ahmed Abdul-Baki, 1010 Pendleton St., Alexandria, VA 22314 - 75%

## OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

**1. Applicant.** State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Omar Abdul-Baki	1010 Pendleton St. Alexandria, VA 22314	25%
2. Ahmed Abdul-Baki	1010 Pendleton St. Alexandria, VA 22314	75%
3.		

**2. Property.** State the name, address and percent of ownership of any person or entity owning an interest in the property located at 116 S. Henry St. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. City of Alexandria	301 King St. Alexandria, VA 22314	100%
2.		
3.		

**3. Business or Financial Relationships.** Each person or entity indicated above in sections 1 and 2, with an ownership interest in the applicant or in the subject property are required to disclose **any** business or financial relationship, as defined by [Section 11-350 of the Zoning Ordinance](#), existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review. **All fields must be filled out completely. Do not leave blank. (If there are no relationships please indicate each person or entity and "None" in the corresponding fields).**

For a list of current council, commission and board members, as well as the definition of business and financial relationship, [click here](#).

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. Omar Abdul-Baki	None	NA
2. Ahmed Abdul-Baki	None	NA
3. Galena Capital Partners	None	NA

**NOTE:** Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

4/24/20  
2/28/2020

Date

Mary Catherine Gibbs

Printed Name

  
Signature



### Narrative Description for Umbrella SUP for Restaurant at GCP Henry Street Project

The Applicant is seeking approval of an umbrella SUP for a restaurant as one of the permitted uses within the proposed development of a mixed-use project. The project includes ground floor retail and retail ready space on Henry Street as well as three levels of multi-family residential units above in a four-story building that fronts on S. Henry Street. This exciting project is a culmination of many years of planning for the use of surface level parking lots owned by the City of Alexandria but declared surplus by the City back in 2008. This project is affiliated with the project at 912-920 King Street. The automated parking facility affiliated with this application will not only replace the existing surface parking spaces lost with both projects, but it will also satisfy all the parking requirements for both projects.

The Applicant is seeking approval of an umbrella SUP for a restaurant use in the first floor retail space at this time so when a tenant is identified in the future for the space that seeks to utilize it as a restaurant, they don't have to come back for additional approvals at that time. This approach has been utilized in many developments around the City and most recently in the 1300 King Street project just a few blocks west of this property. The Applicant would ensure that the proposed layout/seating of the restaurant meets current Building Code and other applicable requirements and would request reasonable conditions, similar to other recent restaurant Special Use Permit approvals that permit maximum flexibility in the hours and other operational details of future proposed restaurants.

## USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):

- ☒ a new use requiring a special use permit,  
☐ an expansion or change to an existing use without a special use permit,  
☐ an expansion or change to an existing use with a special use permit,  
☐ other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift).

Will vary by tenant/space occupied in the future.

B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift).

Will vary by tenant/space occupied in the future.

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Will vary by tenant/space occupied in the future.

Hours:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Typical for Restaurant Uses.

B. How will the noise be controlled?

The tenant will comply with the Noise Ordinance.

8. Describe any potential odors emanating from the proposed use and plans to control them:

Those that would typically emanate from a restaurant of a particular type, to be determined by the tenant in the future.

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9. Please provide information regarding trash and litter generated by the use.

A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)  
That which would typically come from a restaurant of a particular type, to be determined by the tenant in the future.

---

B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)  
Typical amount for a restaurant use. the exact amount of which will be determined by the tenant in the future.

---

C. How often will trash be collected?

As needed.

---

D. How will you prevent littering on the property, streets and nearby properties?

Trash containers will be maintained inside the facilities.

---

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[ ] Yes. [✓] No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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- 11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes.      ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons? Consistent safety measures will be taken at the time of occupancy.

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## **ALCOHOL SALES**

**13.**

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes      ☐ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

It will depend on the tenant who will have to obtain their own ABC license.

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## PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

0 \_\_\_\_\_ Standard spaces  
0 \_\_\_\_\_ Compact spaces  
0 \_\_\_\_\_ Handicapped accessible spaces.  
0 \_\_\_\_\_ Other.

<p>Planning and Zoning Staff Only</p> <p>Required number of spaces for use per Zoning Ordinance Section 8-200 A _____</p> <p>Does the application meet the requirement?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- B. Where is required parking located? (*check one*)
- ☐ on-site
- ☐ off-site

If the required parking will be located off-site, where will it be located?

---

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ **Parking reduction requested; see attached supplemental form**

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? 1

<p>Planning and Zoning Staff Only</p> <p>Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____</p> <p>Does the application meet the requirement?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- B. Where are off-street loading facilities located? in the rear of the building on Downham Way.
- C. During what hours of the day do you expect loading/unloading operations to occur?  
Typical loading hours, will depend on the tenant.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?  
As needed by the individual tenant's needs.

16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Street access is adequate.

## SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☐ Yes ☒ No

Do you propose to construct an addition to the building? ☐ Yes ☒ No

How large will the addition be? \_\_\_\_\_ square feet.

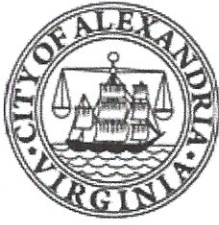
18. What will the total area occupied by the proposed use be?

\_\_\_\_\_ sq. ft. (existing) + \_\_\_\_\_ sq. ft. (addition if any) = TBD sq. ft. (total)

19. The proposed use is located in: *(check one)*

- ☐ a stand alone building  
☐ a house located in a residential zone  
☐ a warehouse  
☐ a shopping center. Please provide name of the center: \_\_\_\_\_  
☐ an office building. Please provide name of the building: \_\_\_\_\_  
☒ other. Please describe: A mixed use building with retail on the first floor.

End of Application



## Department of Planning & Zoning Special Use Permit Application Checklist

### Supplemental application for the following uses:

- ☐ Automobile Oriented
- ☐ Parking Reduction
- ☒ Restaurant
- ☐ Child Care
- ☐ Signs
- ☐ Substandard Lot
- ☐ Lot modifications requested with SUP use

### Interior Floor Plan

- ☐ Include labels to indicate the use of the space (doors, windows, seats, tables, counters, equipment)

### If Applicable

- ☐ Plan for outdoor uses

### Contextual site image

- ☐ Show subject site, on-site parking area, surrounding buildings, cross streets

SUP # \_\_\_\_\_  
Admin Use Permit # \_\_\_\_\_



## SUPPLEMENTAL APPLICATION

### RESTAURANT

**All applicants requesting a Special Use Permit or an Administrative Use Permit for a restaurant shall complete the following section.**

1. How many seats are proposed?  
Indoors: \_\_\_\_\_ Outdoors: \_\_\_\_\_ Total number proposed: \_\_\_\_\_ Maximum Allowed by Code
2. Will the restaurant offer any of the following?  
Alcoholic beverages (**SUP only**) ☒ Yes \_\_\_\_\_ No  
Beer and wine — on-premises ☒ Yes \_\_\_\_\_ No  
Beer and wine — off-premises ☒ Yes \_\_\_\_\_ No
3. Please describe the type of food that will be served:  
TBD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. The restaurant will offer the following service (check items that apply):  
☒ table service ☒ bar ☒ carry-out ☒ delivery
5. If delivery service is proposed, how many vehicles do you anticipate? TBD  
Will delivery drivers use their own vehicles? \_\_\_\_\_ Yes \_\_\_\_\_ No  
Where will delivery vehicles be parked when not in use?  
\_\_\_\_\_  
\_\_\_\_\_
6. Will the restaurant offer any entertainment (i.e. live entertainment, large screen television, video games)?  
☒ Yes \_\_\_\_\_ No  
If yes, please describe:  
TBD, but would request maximum flexibility to permit entertainment of different types.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Parking impacts.** Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
  - ☒ 100%
  - ☐ 75-99%
  - ☐ 50-74%
  - ☐ 1-49%
  - ☐ No parking can be accommodated off-street
  
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
  - ☒ All
  - ☐ 75-99%
  - ☐ 50-74%
  - ☐ 1-49%
  - ☐ None
  
3. What is the estimated peak evening impact upon neighborhoods? (check one)
  - ☒ No parking impact predicted
  - ☐ Less than 20 additional cars in neighborhood
  - ☐ 20-40 additional cars
  - ☐ More than 40 additional cars

**Litter plan.** The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

**Alcohol Consumption and Late Night Hours.** Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:
 

TBD	Maximum number of patron dining seats
+ TBD	Maximum number of patron bar seats
+ TBC	Maximum number of standing patrons
= TBD	Maximum number of patrons
  
2. TBD Maximum number of employees by hour at any one time
  
3. Hours of operation. Closing time means when the restaurant is empty of patrons. (check one)
  - ☐ Closing by 8:00 PM
  - ☐ Closing after 8:00 PM but by 10:00 PM
  - ☐ Closing after 10:00 PM but by Midnight
  - ☒ Closing after Midnight
  
4. Alcohol Consumption (check one)
  - ☐ High ratio of alcohol to food
  - ☒ Balance between alcohol and food
  - ☐ Low ratio of alcohol to food



Alexandria Planning & Zoning  
301 King St #2100, Alexandria, VA 22314  
July 22, 2020

Monica Malreoh  
111 South Patrick Street  
Alexandria, VA 22314

**RE: DSUP2019-00033 - 116 South Henry Street Project**

This project that is currently in preliminary design stages is not taking into account the already dense levels of traffic, the endangerments to public safety, and also suffers from no public use features. These concerns are explained as follows:

**Traffic Impact**

- Auxiliary parking lot roadways at 116 South Henry Street that provide relief and additional access to Downham Way will be removed.
- The current 912, 916 and 920 King Street parking lot will also be removed, adding all corresponding volume, both pedestrian and vehicular, to the new 116 South Henry Street parking structure and block. They are building more than 50 new commercial and residential units, adding additional traffic volume to this alley.
- This new automated parking system receives cars differently than a normal garage. Instead of cars being able to spread out and park at the same time without delay, this automated two-door entrance creates a queue time of five minutes for each car while all others have to wait in one area until this process is complete. This will end up causing congestion throughout the day, especially during prime shopping and dining hours.
- Without their own driving lane, this already busy and small alley will serve as a waiting area where traffic already exists, and there will be bottlenecking with extra spill out to the Patrick and Henry St. Highway 1 corridor.

## Public Safety

- Patrick Street is host to many different activations. Anchored by Jeni's Ice Cream, Kyo Gallery, and other various salons, offices and commercial services, there are a robust set of large-scale events along with everyday business operations which create large public pedestrian and vehicle traffic impacts to the area.
- Adding to this density will be all the redirected pedestrian and vehicle volume from when they remove the adjacent King Street parking lot, along with all additional residents, commercial renters, and service personnel upon this project's completion.
- The current sidewalk situation has many obstructions, our estimated usable width on average was around 7', but this block has a tall parking sign with a large base which restricts sidewalk width down to 4.83', an attached stairwell which restricts sidewalk width to 3.81', and a large tree which restricts sidewalk width all the way down to 2.51'. This all creates a narrow and dangerous walking space throughout the sidewalk.
- The majority of Patrick Street has wider spacing, and any future developments should adhere to these standards.



Crowd of people gathered on project area and sidewalk on South Patrick & King.



Crowd of people gathered at night on South Patrick & King.



Majority of block not aligned to sidewalk.

- Directly next to these sidewalks is the busy and flowing traffic from the Highway 1 thoroughway in Patrick Street, a busy corridor that sees endless traffic daily. Any clustering by foot traffic could prove to be a dangerous event on a consistent basis.
- With public safety in mind, there must be a well-designed public use space so pedestrians have proper room to allow standing-room and walking flow to occur without incident.

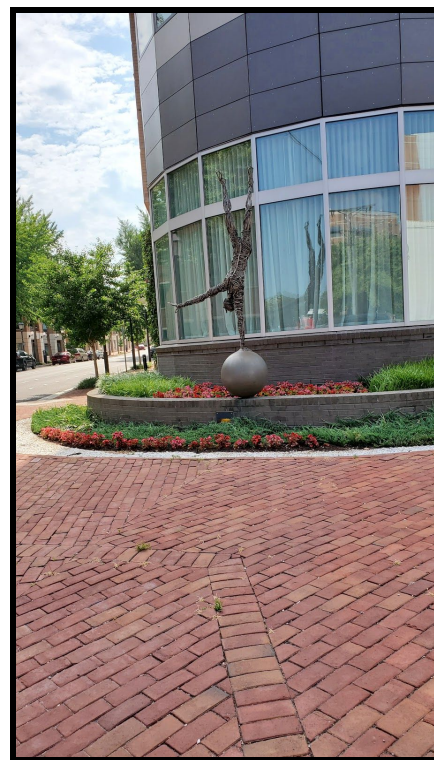


A new project lining up with these other older buildings on the left restricts an already narrow sidewalk even further.

Lining up with this next door structure on the right allows for a safe public use space with art features and overall relief from the weight of the structure.

## Public Use

- The City of Alexandria has shown long-standing support with the local arts, recognizing art as one of the main pillars of this community. However, for a project set to be built in what is the geographical center of Old Town, there are no public art features or art elements that represent our local heritage and culture in this design.
- Heavily intertwined with the aspect of public safety, the public interaction with this development is integral.
- Both the Waterfront and King Street Metro areas all have public features, including open spaces and art elements, that support this concept especially as the King Street Corridor initiative takes hold.



- Whether you live, work, or visit Old Town Alexandria, the physical imprint we leave will one day be considered historic. The developers and city should consider public art an integral part of its growth and progress, especially with so many options available. Sculptures, memorials, integrated architectural or landscape works can all provide an intersection between past, present, and future, and can help this local community thrive by celebrating our culture and history.



Public safety, interaction, and enhancement are the core values of any municipality. How a local government body and public implement these values is what can separate our city from the rest. We must continue, at every opportunity, to make this Old Town Alexandria the best city it can be, in all tangible aspects. We have a chance now to do that and this commission, the city, the developer, and the community should take it.



## Small Sample of Alexandria City's Previous Statements for Pubic Art Features

- Public art has been found to provide a positive impact on communities by supporting economic growth and sustainability, attachment and cultural identity, artists as contributors, social cohesion and cultural understanding, and public health and belonging. *"Why Public Art Matters (2018)" outlines talking points, examples, data and more on role public art can play in community.*
- "Public art provides many benefits, creates connections between the community and the built environment, and a sense of orientation and animation within the district. Public art may include sculpture, murals, fountains, and other similar features." - 4-1409.
- "Public art integrated into citywide infrastructure and environmental systems can create a visual language that connects across neighborhoods. Public art can stimulate a civic discussion about building a shared future that results in sustainable, healthy, and diverse city." - *An Implementation Plan for Alexandria's Public Art Policy. Page 13.*
- "...the Office of the Arts should monitor City capital projects and private development projects to determine if any of them could be linked to public art projects that could help achieve a goal or implement recommendations of the relevant Small Area Plan. The Office of the Arts should also work with the Department of Planning and Zoning to identify how public art contributions from private developers could be used to implement recommendations of the relevant Small Area Plan." - *An Implementation Plan for Alexandria's Public Art Policy. Page 16.*
- "The courtyard-plaza adjacent to the primary entrance for all buildings shall be designed to provide the level of detail and amenities depicted on the preliminary plan and shall also provide amenities to encourage their use to the satisfaction of the Director of P&Z and RP&CA including the following: a. Special paving surfaces and landscaping. b. A focal element such as a sculpture or fountain, that is an appropriate scale for the space shall be provided in front of Building #2 and #3 only. The focal element shall be permanently mounted within each space. c. Provide decorative benches and trash receptacles. D. Additional trees, shrub plantings shall provide seasonal color and be arranged to provide visual interest and harmony within the public space as well as be complimentary to the design of the public space and its proposed use." - *DSP #2004-0037. Victory Center development.*

- “To address the City’s concerns about the design, function and configuration of the area around the Metro, Staff is recommending that the final design of the Station Plaze be of the highest quality urban design and materials and that it include public art, for example, a sculpture and/or a fountain.” - *DSUP #2005-0031-0035. Eisenhower East development.*
- “Public engagement is incorporated into the public hearings and staff reviews that are related to the approval of the development project, though applicants for larger or significant projects should be encouraged to gather additional community input in the concept plan phases. Public engagement should focus on the early stages of the project, when the opportunities and goals for the project are being identified.” - *An Implementation Plan for Alexandria’s Public Art Policy. Page 22.*
- “Private developers should provide opportunities for community engagement during the early stages of the project, when the opportunities and goals for the project are being identified, and later, when the artist is developing a concept for the project.” - *An Implementation Plan for Alexandria’s Public Art Policy. Page 26.*
- “GOAL: Increase open space quantity and improve the environmental quality, management, and social benefits of open space. TARGET: Maintain the ratio of 7.3 acres of publicly accessible open space per 1,000 residents.” - *Environmental Action Plan 2040. Page 44.*
- “By FY2023, protect and add open space through acquisition, preservation, and conservation as prescribed in the Open Space Master Plan (updated 2017) and by FY2023, evaluate increasing the target to 7.5 acres per 1,000 residents. This includes, by FY2020, City Council will re-establish the open space steering committee to reassess the methodology, evaluate, and prioritize potential open space sites. Tools to be considered for open space preservation or restoration will include the purchase of easements or repurposing land as funds can be made available, development occurs, or partnerships can facilitate.” - *Environmental Action Plan 2040. Page 44.*
- “By FY2020, evaluate and update, using a public process, the requirements of open space on residential, commercial and mixed-use private development. Issues to be addressed include how to achieve meaningful and publicly accessible open space, particularly at the ground level; how to value developer contributions to off-site open space; how to minimize impervious surfaces; how to align vegetation requirements with

canopy and native species goals in the Landscape Guidelines; and; how to ensure consistency of open space requirements across similar zones.” - *Environmental Action Plan 2040. Page 44.*

- “Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.” - 5-107.
- “A minimum of 25 percent ground level open and usable space shall be provided. Such space shall be visually and physically accessible from a public street. A portion of such space shall be subject to a public access and use easement. Public art and/or sculpture shall be provided within such space.” - 4-606 (2)(g).

City of Alexandria  
Planning Commission  
301 King St., Room 2400  
Alexandria, VA 22314

August 27, 2020

**RE: 116 South Henry Street, GCP Henry Street Development, Special Use Permit #2019-00033, Special Use Permit #2020-00036**

Throughout this administrative process, I have communicated several major public concerns that involve public safety, traffic density, and the lack of any art features for this project. You can find this information in the letter sent to this commission. Beyond that fact-based assessment, I would like to highlight additional issues currently along with what has already been established.

First, Downham Way along with both Patrick and Henry already have dire issues before you add multiplier effects from this development creating a traffic pattern where the only way to access their new parking structure is to egregiously drive into an opposite lane of traffic, this being true of both lanes.

Second, as you can see in the materials provided, the sidewalks that service this entire block have numerous pathing obstructions and slender pathways. A project with this massive imprint will only add further danger, but they have chosen a design that maximizes square footage over safety, proven by there being an open space ground element (an area for large capacity dumpsters and electrical generators) behind the

structure fronting Patrick Street, instead of a reversal where an open space element on the sidewalk at the front would create safe pathing, and would lead to a perfect area for the art enhancements that this project is sorely missing.

There are also other major concerns with this project involving easement violations, neighboring trespass and damage concerns, and even conflicts of interest. While this commission may or may not have jurisdiction over such matters, these auxiliary but important issues will continue to be stated for the record and will also be submitted to the City Council.

I ask this commission to examine all of the facts established and delay this development until a design is submitted that fits more with the local community and the entirety of Alexandria City.

Thank you for your time and consideration.

Monica Malreoh  
111 South Patrick Street  
Alexandria, VA 22314

## **RE: Implementation of Public Art Elements to Current Development Projects**

There are a slate of major development projects currently in various preliminary stages which have no public art elements implemented in their designs. Specific projects located near or in the King Street corridor area are of vital importance to the city and community as a whole.

The current projects scheduled for public hearings and debate before your commission are as follows:

- **912-920 King Street DSUP2019-00032:** *Redevelopment of City parking lot into development with 30 dwelling units and ground-floor commercial.*
- **116 S. Henry Street DSUP2019-00033:** *Redevelopment of City parking lot into development with 19 dwelling units, ground-floor commercial and 142-space automated parking garage.*

Public art instills meaning, a greater sense of identity and context of where we live, work, and visit, humanizing the built environment. The city of Alexandria has always recognized the value of these concepts and the arts as a whole. By ensuring all future developments truly represent the city and community they are built in, all of these designs in Old Town should support the creation and incorporation of public art elements. Promoting our cultural history and bolstering our artistic imprint is integral for this city to thrive, and so with each new development, we are all provided an unique opportunity to meet this meaningful goal.

As time moves forward and new developments are submitted for your review, we have a chance, piece-by-piece, section-by-section to create something unique, long-standing, and impactful to the city's future while retaining our unique history. At every single one of these opportunities, we must always try to add the "Old Town" imprint, or we risk losing our identity to a point where it's too late and can never be recovered.

The Alexandria Arts Alliance looks forward to working with the city, developers and designers in supporting the local arts, and stands ready to offer any support and guidance with this matter alongside the Office of the Arts and the Alexandria Commission for the Arts.

Best Regards,  
Alexandria Art Alliance

**Docket Items 15 & 16, DSUP #2019-00032 and #2019-00033**  
**116 S. Henry St. & 912-920 King Street**  
**Planning Commission Public Hearing, September 1, 2020**



**Galena Capital Partners**  
**Mary Catherine Gibbs, Wire Gill, LLP**

# TEAM INTRODUCTION



- **Core Project Team/Alexandria Based:**
  - Galena Capital Partners, Developer
  - Winstanley Architects and Planners, Architect
  - RC Fields, Site Engineer
  - Wire Gill, Land Use Counsel
  - Artemel & Associates, Community Outreach

# SOLVING THE PARKING PUZZLE



# VIDEO DEMONSTRATION (if needed)

<https://www.youtube.com/watch?v=H6BQuggpWWg>

# PERSPECTIVES



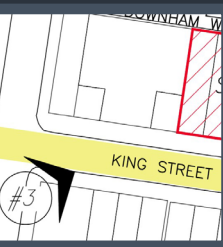
# 116 S HENRY STREET



# 116 S HENRY STREET (Patrick St. View)

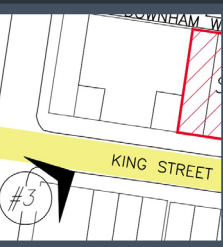


# 912-920 KING STREET



# POTENTIAL SIDEWALK PERSPECTIVE

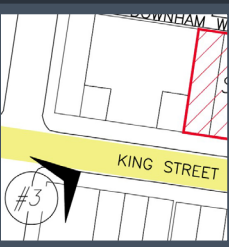
KING ST.  
CONCEPT PERSPECTIVE



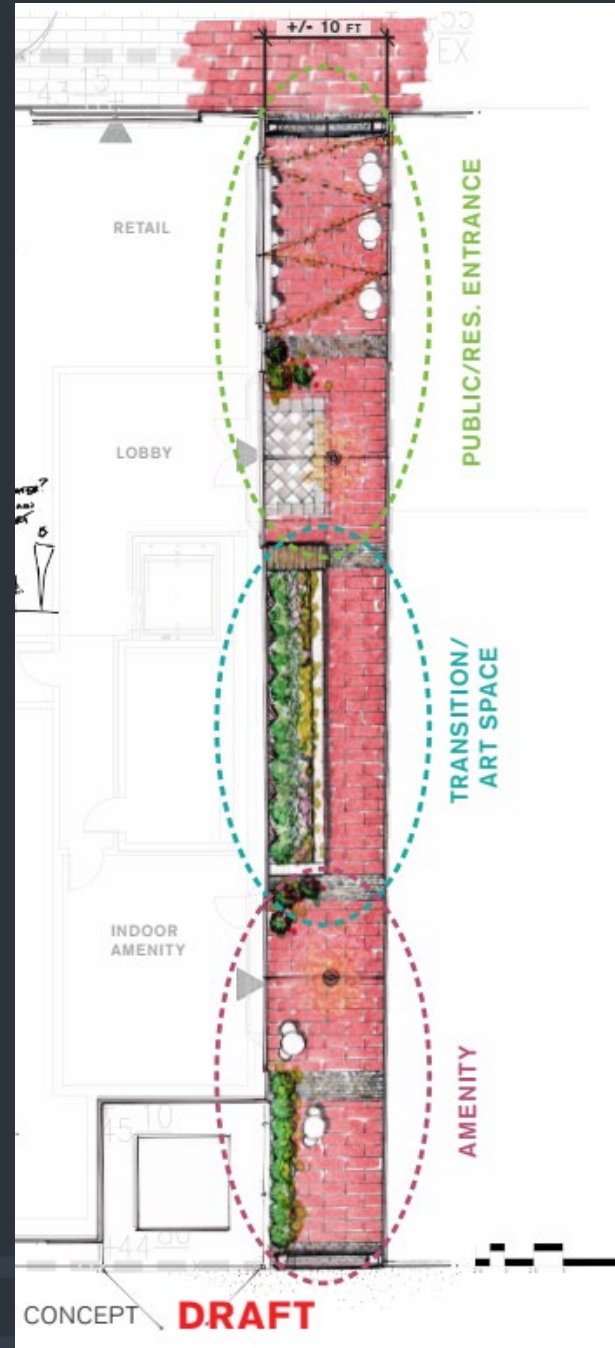
# PUBLIC BENEFITS



- Increased public parking to 85 public spaces.
- Construction is phased to deliver the automated system on Henry before King Street commences.
- Provides additional retail/residential to complete the neighborhood.
- Provides ground-level, public outdoor space on King Street.
- Affordable housing in accord with City policies
- Complies with Green Building Policy + seeks two Green Globes.
- High quality design and materials/BAR endorsement at concept and will need Certificate of Appropriateness.



# 912-920 King Street

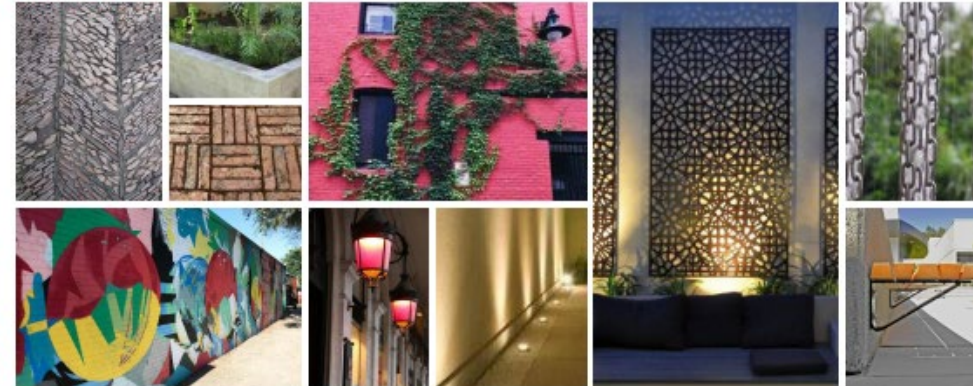


## CHARACTER IMAGERY

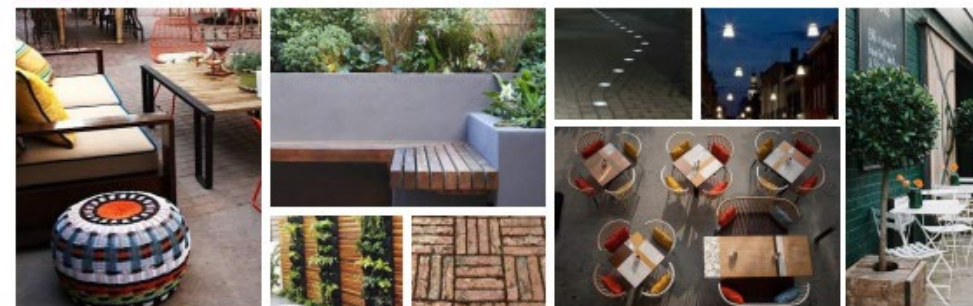
### PUBLIC



### TRANSITION



### AMENITY



- The lobby entrance is off the front 1/3 of the courtyard, and that is where patrons can access the retail ready spaces.
- The cobblestone portion of Downham way is to the east of this site.
- Nothing to access off of Downham Way that can't be accessed from a better location.
- Don't want to encourage anyone to use the alley to access Downham way in order to cross the four lanes of S. Patrick Street to get to the automated parking structure.

LandDesign.



# 116 S Henry Street & 912-920 King Street

- In Agreement with Staff's Recommendations.
- Asking for One Addition to the Conditions as detailed in Memo dated 8/24/20; and
- Condition 6(a) be amended as follows: "Provide public access easements to the following areas: . . . .(a) The majority of the pedestrian alley from the King Street right-of-way to the southern property line."

# **116 S Henry Street & 912-920 King Street**

- **Request Your Recommendation of Approval for both projects.**
- **Questions?**

# 116 S Henry Street & 912-920 King Street



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9-12-20

Alexandria City Council  
301 King Street  
Alexandria, VA 22314  
September 11th, 2020

**RE: 13.21-0250 DSUP #2019-00033, #2020-00036, 116 South Henry Street - GCP Henry Street**

First, I'd like to establish that I have always advocated for the continued growth of this city, including new developments and projects that help enhance and support the community. And having been involved in this administrative process throughout, I had hoped that as a business owner, a community member, and as a fact-based witness to the project area to affect real and positive change in terms of public safety and enhancement.

As a resident, I also carried the hope that the many separate issues dealing with my inherent rights under the United States Constitution, the Virginia State Constitution, and the Alexandria City Charter would be addressed administratively as well.

This project and its developers Omar Abdul-Baki and Ahmad Abdul-Baki from Galena Capital Partners, have presented a project for submission that still has many critical issues yet to be resolved. While we have highlighted these issues thoroughly in official communications and in administrative processes, we would now like to again highlight the following points for your benefit and the public's.

My first and highest concern has been for the public safety and enhancement issues that this project still currently has not addressed. The lack of any traffic impact reports and ignoring effects to the already stifling density on Downham Way, by placing artistic features behind a private access point, and the continued growing list of special permits enlarging the mass and impact after administrative processes have completed are of dire concern to this community.

Secondly and of equal concern, this development is also set to block and sever my right-of-way access, creating troubling and reverberating effects to every adjacent property to this project where the developers are set to do the same.

When deliberating on these issues, I hope this council takes into account the many concerning obstacles the city and developer have placed on themselves by rejecting a good faith effort to find equitable solutions for all those affected. Though we have constantly communicated these concerns to the city and developer, the lack of direct response has forced this issue to be addressed here. And since there has been enough land capacity and administrative flexibility throughout this process for the developers to continually change, edit, and remake their project as they see fit, there should be little resistance in continuing to improve this undertaking and addressing the community issues set forth now.

I ask that this council address all issues of concern before moving forward. A full record of these issues can be found through the Board of Architecture Review and Planning Commission docket archives, the City Attorney's Office, General Services Office, along with relevant and supplemental materials attached to the Staff Report for this project.

Once these concerns are addressed, not only will you have a development that is free to move forward, you'll have the added pleasure of approving a project that isn't just for Galena Capital Partners and their bottom line, but one that's for your city and your community as well.

Thank you for your consideration.

Monica Malreoh  
111 South Patrick Street  
Alexandria, VA 22314

Gloria Sitton

13  
9-12-20

**From:** Mal Oh <yokomo.art@gmail.com>  
**Sent:** Monday, September 14, 2020 2:40 PM  
**To:** Stephanie Sample  
**Cc:** Mark McHugh; mcgibbs@wiregill.com; Gloria Sitton; Catherine Miliaras  
**Subject:** [EXTERNAL]116 South Henry Street Project

Ms. Sample,

I had a busy schedule the last several weeks, but am newly aware of the passage of your project at 116 South Henry Street. I heard that during the public hearing that my prescriptive easement claim I told you about became an issue that was discussed. Whoever analyzed that seemed to have a correct take on the matter of how prescriptive claims cannot run against a municipality, save for one important distinction; based on established case law including several state supreme court cases, "time against the king" does not sever established claims. So in actuality, a prescriptive easement claim established before the city owned this lot is valid, since the statute of limitations ran while the subject land was privately owned, and no claim can be extinguished by conveying or transferring any record title to the city government.

As I have just started to research all context of this situation, along with historical research of the area, I have found other and more direct tools in my bundle of rights. As Galena Capital Partners begins to finalize their ownership of the 116 South Henry parcel, I'll begin to express these inherent rights. The other issues I was advocating for in terms of public safety and public art resonated, so I can now fully invest my time into the remaining core issue of this project, the blocking and severing of my access to the public right of way.

I'd like to state that while I'm not too familiar with Virginia, even though I spent some time here during my formative years and travelled back and forth throughout my life, being born in France I certainly have a unique attitude and outlook with such matters. So when a representative such as yourself officially asks my concerns, I had thought that was a very kind gesture. But after mentioning my valid issues, there was no response to me directly. However you did share this information with your entire circle, leading to the prescriptive easement being discussed at an open hearing. I'm happy now to provide this added context to that same circle by CC'ing the related parties.

It's no secret that I'm the most audacious out of all the neighbors to this development, that much is certain. It's because unlike them, this art studio business also serves as my home, so as a local business owner and as a resident, the access to this property is of the most core importance to both of those aspects. The entirety of my resources goes to supporting all of my many artists who are all suffering mightily from this pandemic, and time is always a resource on short supply, but it looks like I'll have to focus on this issue now to make sure my rights and property are protected.

Thank you for all your assistance in this matter, I wish you well.

Best,  
Monica Malreoh  
111 South Patrick Street

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