

City of Alexandria

*301 King St., Room 2300
Alexandria, VA 22314*



Docket - Final

Saturday, January 25, 2014

9:30 AM

Council Chambers

City Council Public Hearing

All Persons, Including Applicants, Wishing to Speak Before City Council Must Fill Out A Speaker's Form (Which May Be Found in The Rear of the Council Chamber) and Present It to the City Clerk. If You Have a Prepared Statement, Please Present It To the City Clerk. We Encourage Speakers to Submit Their Written Comments to the City Clerk.

<http://survey.alexandriava.gov/s3/City-Council-Speakers-Form>

OPENING

- 1 **Calling the Roll.**
- 2 **Public Discussion Period.**

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-4)

Planning Commission

- 3 [SUP13-083](#) Special Use Permit #2013-0083
2002 Eisenhower Avenue (Parcel Address: 2000 Eisenhower Ave.) - 7-Eleven
Public Hearing and Consideration of a request to operate a convenience store;
zoned CDD-11/Coordinated Development District. Applicant: 7-Eleven, Inc.
by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0
Attachments: [SUP13-083 Staff Report to CC](#)
 [SUP13-083 Presentation](#)
 [SUP13-083 Staff Report](#)
- 4 [SUP13-082](#) Special Use Permit #2013-0082
3128 & 3235 Colvin Street - Alexandria Car Clinic
Public Hearing and Consideration of a request to relocate a portion of an
existing general automobile repair and automobile sales business; zoned
I/Industrial. Applicant: Ahmad Mirza
Planning Commission Action: Recommend Approval 7-0
Attachments: [SUP13-082 Staff Report to Council](#)
 [SUP13-082 Presentation](#)

END OF ACTION CONSENT CALENDAR

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**Planning Commission (continued)**

- 5 [DSUP12-019](#) Development Special Use Permit #2012-0019
 [9](#) Special Use Permit #2013-0080
 Encroachment #2013-0004
 Transportation Management Plan SUP #2013-0071
 220 South Union Street - Cummings Hotel
 Public Hearing and Consideration of requests for: A) a development special use permit and site plan, with modifications, to construct a hotel including special use permits for an increase in height, a reduction of the required number of loading spaces, a reduction of the required number of parking spaces, an increase in FAR, and valet parking; B) a special use permit for a restaurant, C) encroachments into the public right-of-way; D) approval of a transportation management plan; zoned W-1/Waterfront mixed use. Applicant: Carr City Centers, LLC by Kenneth Wire, attorney
 Planning Commission Action: Recommend Approval 6-0-1
 Attachments: [DSUP12-019 Staff Report to Council](#)
 [DSUP12-019 Presentation](#)
- 6 **14-1857** Public Hearing and Adoption of a Resolution to establish the Civic Engagement Principles and Handbook as City policy.
- 7 [TA13-13A](#) Text Amendment #2013-0013A
 Bonus Density
 Public Hearing and Consideration of a request for amendments to Section 7-700 of the Zoning Ordinance regarding bonus density in exchange for affordable housing.
 Staff: Office of Housing
 Planning Commission Action: Recommend Approval 7-0
 Attachments: [TA13-13A Staff Report to CC](#)
 [TA13-13A Presentation](#)
 [TA13-13A Staff Report](#)

ORDINANCES AND RESOLUTIONS

- 8 [14-2253](#) Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 11-808 (Protest of zoning map amendment by landowners) of Section 11-800 (Zoning amendment) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0003. (Implementing Ordinance for Text Amendment to update Section 11-808 approved by City Council on December 14, 2013)
 [ROLL-CALL VOTE]

Attachments: [14-2253 Information Sheet](#)
[14-2253 Ordinance](#)

- 9 [14-2125](#) Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Northeast Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing Ordinance for the master plan amendment for the Slaters Lane project approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]

Attachments: [14-2125 Information Sheet](#)
[14-2125 Ordinance](#)
[14-2125 Attachment](#)

- 10 [14-2127](#) Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain Sheet No. 044.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 800 and 820 Slaters Lane to amend the proffer in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2013-0004. (Implementing Ordinance for the rezoning to amend the proffer for the Slaters Lane project approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]

Attachments: [14-2127 information sheet](#)
[14-2127 Ordinance](#)
[14-2127 Attachment](#)

- 11 [14-2255](#) Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Subsection F (Prior Existing Buildings and Structures) of Section 8-200 (General Parking Regulations) of Article VIII (Off-Street Parking Regulations) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0013. (Implementing Ordinance for the parking related Text Amendment approved by City Council with the Housing Master Plan on December 14, 2013) [ROLL-CALL VOTE]

Attachments: [14-2255 Information Sheet](#)
[14-2255 Ordinance](#)

- 12 [14-2257](#) Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0007 and no other amendments, and to repeal all

provisions of the said master plan as may be inconsistent with such amendment. (Implementing Ordinance for the Eisenhower East Small Area Plan amendment to incorporate the change to the sidewalk material approved by City Council on December 14, 2013) [ROLL-CALL VOTE]

Attachments: [14-2257 Information Sheet](#)
[14-2257 Ordinance](#)
[14-2257 Attachment](#)

- 13** [14-2259](#) Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2013-0005 to incorporate the Housing Master Plan Chapter into the Master Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing ordinance for the Housing Master Plan chapter of the master plan approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]

Attachments: [14-2259 Information Sheet](#)
[14-2259 Ordinance](#)

- 14** [14-2282](#) Public Hearing, Second Reading, and Final Passage of an Ordinance to Authorize Participation in the Virginia Investment Pool. [ROLL-CALL VOTE]

Attachments: [14-2282 Virginia Investment Pool Trust Fund Ordinance Cover Sheet](#)
[14-2282 Virginia Investment Pool Trust Fund Ordinance](#)
[14-2282 Trust Agreement](#)
[14-2282 Joinder Agreement](#)
[14-2282 AG Opinion](#)

- 15** [14-2336](#) Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain section 5-2-64 of Article C (Street Names) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) and Repeal Section 13-1-23 of Chapter 1 (General Offenses) of Title 13 (Miscellaneous Offenses) and repeal Section 5-2-25 of Article A (General Provisions) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) and Repeal Article B (Alexandria Transportation Safety Commission) of Chapter 8 (Parking and Traffic Regulations) of Title 5 (Transportation and Environmental Services) and repeal Chapter 9 (Rebound Tumbling Centers) of Title 9 (Licensing and Regulation) of the Code of the City of Alexandria. [ROLL-CALL VOTE]

Attachments: [14-2336 cover sheet](#)
[14-2336 Draft ordinance December 27 2013](#)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

- 16** [14-2345](#) Special Use Permit #2013-0084
1318 King Street - Automobile Sales
Public hearing and consideration of a request for continued operation of a non-conforming automobile sales business; zoned KR/King Street Retail.
Applicant: A & B Auto Finance Co. by Behrooz Raiszadeh
Planning Commission Action: Deferred 7-0
- 17** [14-2346](#) Special Use Permit #2013-0085
1310 King Street - Automobile Sales
Public hearing and consideration of a request for continued operation of a non-conforming automobile sales business; zoned KR/King Street Retail.
Applicant: Vafa Zarineh by Reza Sasani, agent
Planning Commission Action: Deferred 7-0



Legislation Details (With Text)

File #: SUP13-083 **Name:** 7-Eleven
Type: Land Use and Development (Planning Commission Items) **Status:** Agenda Ready
File created: 11/5/2013 **In control:** City Council Public Hearing
On agenda: 1/25/2014 **Final action:**
Title: Special Use Permit #2013-0083
2002 Eisenhower Avenue (Parcel Address: 2000 Eisenhower Ave.) - 7-Eleven
Public Hearing and Consideration of a request to operate a convenience store; zoned CDD-11/Coordinated Development District. Applicant: 7-Eleven, Inc. by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0
Sponsors:
Indexes: Special Use Permit
Code sections:
Attachments: [SUP13-083 Staff Report to CC](#)
[SUP13-083 Presentation](#)
[SUP13-083 Staff Report](#)

Date	Ver.	Action By	Action	Result
1/7/2014	1	Planning Commission	recommended approval with amendments	Pass

Special Use Permit #2013-0083
2002 Eisenhower Avenue (Parcel Address: 2000 Eisenhower Ave.) - 7-Eleven
Public Hearing and Consideration of a request to operate a convenience store; zoned CDD-11/Coordinated Development District. Applicant: 7-Eleven, Inc. by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0



Docket Item #4

Special Use Permit #2013-0083
2002 Eisenhower Avenue – 7-Eleven

Application	General Data	
Consideration of a Special Use Permit request to operate a convenience store.	Planning Commission Hearing:	January 7, 2013
	City Council Hearing:	January 25, 2013
Address: 2002 Eisenhower Avenue (Parcel Address: 2000 Eisenhower Avenue)	Zone:	CDD #11 / Coordinated Development District #11
Applicant: 7-Eleven Inc. by M. Catharine Puskar, attorney	Small Area Plan:	Eisenhower East

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

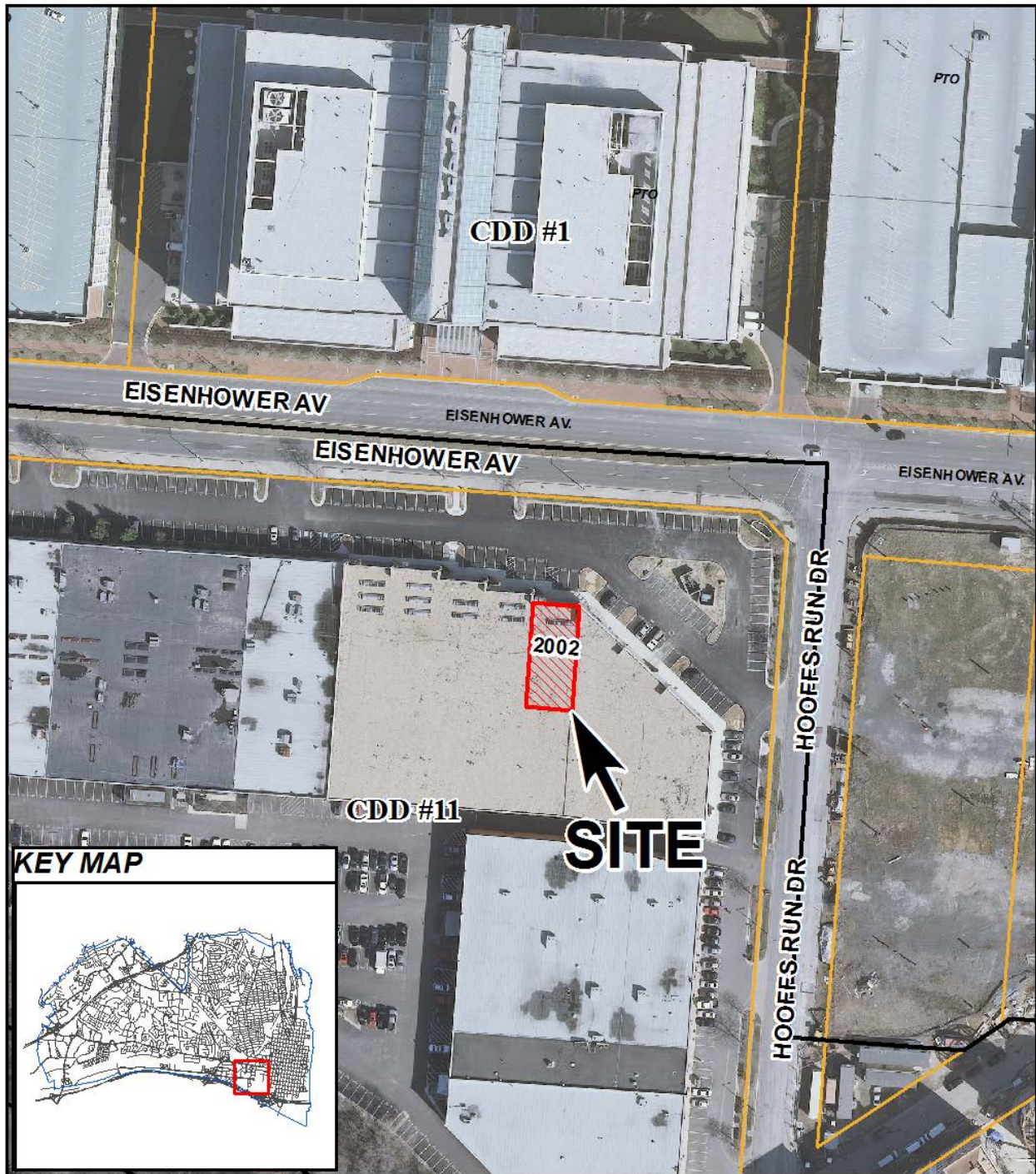
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, JANUARY 7, 2014: On a motion by Commissioner Wagner, seconded by Vice Chairman Dunn, the Planning Commission recommended approval of the request and subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

M. Catharine Puskar, representing the applicant, spoke in support of the request.



SUP #2013-0083
2002 Eisenhower Ave



I. DISCUSSION

The applicant, 7-Eleven, Inc. by M. Catharine Puskar, attorney, requests Special Use Permit approval to operate a convenience store at 2002 Eisenhower Avenue.

SITE DESCRIPTION

The subject site is one lot of record with 1,200 feet of frontage on Eisenhower Avenue, 825 feet of frontage on Hooff's Run Drive and a total lot area of 578,987 square feet (13.3 acres). Two buildings occupy the site, one of which is a one-story industrial building housing a health/athletic club, a printing business and a government warehouse. The second building, in which the convenience store is proposed, is a one- to two-story mixed-use office and retail building housing four restaurants and office space formerly occupied by the Alexandria Police Department. The retail portion of this building is known as "The Shops at Eisenhower East."



The surrounding area is occupied by a mix of office, residential, and civic uses. The United States Patent and Trademark Office is located to the north across Eisenhower Avenue. Vacant land in front of the former American Trucking Association office building, which is slated for parkland as Block 22 of the Eisenhower East development, is located to the west. City-owned parkland is located directly to the south, with the Alexandria Public Safety Center and multi-family residences located further to the south. Multi-family residences are also located to the southeast across Hooff's Run Drive in Block 27 of Eisenhower East. Block P of Carlyle, which is slated for office development, is located directly to the east.

BACKGROUND

General redevelopment of the site has been approved as part of the Hoffman Stage I DSUP for Blocks 24 and 25A in Eisenhower East. In 1998, City Council approved Special Use Permit #97-0163 for a coordinated sign program for all businesses at the site and that SUP remains in effect. In May 2007, City staff approved Plot Plan #2007-0004 for renovations to a portion of the building including the proposed restaurant space, which had formerly been used as a warehouse. The tenant space at 2002 Eisenhower Avenue has been vacant since renovations to the building were completed about five years ago.

City Council approved SUP#2009-0033 in October 2009 for the operation of a 7-Eleven convenience store approximately two blocks away at 504 John Carlyle Street. The applicant reports that this location in the Carlyle Square Condominium (Carlyle Block L) will remain in operation.

PROPOSAL

The applicant proposes to operate a new 7-Eleven convenience store in 2,785 square feet of space at 2002 Eisenhower Avenue. Typical retail convenience items as well as coffee and ready-to-eat food products will be sold. The applicant proposes to be open 24 hours/day and sell alcoholic beverages for off-premises consumption in accordance with Virginia ABC regulations. Additional elements of the applicant's request are as follows:

<u>Hours:</u>	24 Hours/Day, 365 days/year
<u>Customers:</u>	Approximately 800 per day
<u>Employees:</u>	Three employees each shift are expected
<u>Alcohol:</u>	Off-premises alcohol sales between 6am and midnight daily pursuant to Virginia ABC regulations
<u>Noise:</u>	No significant noise is expected beyond that generated by typical retail businesses.
<u>Odors:</u>	No significant odors are expected from the business.
<u>Trash:</u>	Typical solid waste from small retail establishment expected – largely consisting of cardboard. Trash will be collected daily.
<u>Litter:</u>	Applicant will regularly monitor the property to ensure that it is kept clean.

ZONING/MASTER PLAN DESIGNATION

The proposed use is located in the CDD#11/Coordinated Development District. Sections 5-602 and 4-1003(G) of the Zoning Ordinance allow a convenience store in this location only with a Special Use Permit.

Although the Eisenhower East Small Area Plan chapter of the Master Plan envisions redevelopment of this site, the proposed use is consistent with the Small Area Plan, which designates the property for residential, office and retail mixed use.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a convenience store in this location requires 1.2 off-street parking spaces for every 210 square feet. A 2,785 square-foot convenience store in this location is required to provide a total of 16 off-street parking spaces and one loading space. The applicant satisfies this requirement given that at least 894 parking spaces, exceeding the minimum parking requirements for all uses at the site, are located on the property. The majority of the parking spaces intended for the convenience store, including a loading space, are located in the surface parking lot in front of the building near the corner of Eisenhower Avenue and Hooff's Run Drive. Additional parking is located to the rear of the property.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a convenience store in this location. The proposed 7-Eleven represents a reasonable use for this property until such time that it eventually redevelops as envisioned in the Eisenhower East Small Area Plan. The store is proposed for a shopping center with sufficient parking and no immediately adjacent residential neighbors. It will offer an additional retail option for area residents and office workers, especially those located at the U.S. Patent and Trademark Office located immediately across Eisenhower Avenue. It will also fill tenant space that has been vacant for five years.

Generally speaking, convenience stores may present some potential for security-related impacts on the surrounding area. Potential impacts such as loitering and other nuisance crimes could be heightened at stores with off-premises alcohol sales and 24-hour operation. At the same time, staff believes that the perception of safety-related issues at convenience stores may overshadow the actual experience at such stores. It has reviewed crime statistics for the 7-Eleven that opened just a couple of blocks away at 504 John Carlyle Street in 2010 and found that only five calls for service have been recorded at the convenience store in the period of nearly four years from January 2010 to November 2013. Police has verified that this number is very low. Furthermore, none of the calls could be attributed to either the 24-hour operation of the use or to the presence of off-premises alcoholic beverage sales. Two of these calls pertained to larceny, which can occur at any retail store, and another call related to a vehicle accident that occurred nearby. The lack of any demonstrated safety-related problems at this store indicates to staff that the present request is unlikely to create such negative impacts.

Nonetheless, staff has recommended several security-related conditions in this report, in consultation with Police, to avoid negative neighborhood impacts. Many of these security-related conditions were also required as part of SUP approval for the 504 John Carlyle Street 7-Eleven. As a general recommendation, Condition #20 requires the applicant to install closed-circuit security cameras. Standard Condition #23 prohibits "single-sales" of beer and wine coolers and prohibits the sale of fortified wine.

To prevent loitering, Condition #22 requires the applicant to execute an agreement with the Police Department which enhances the ability to enforce no loitering and no trespassing laws on the property. Condition #4 prohibits any indoor or outdoor seating in connection with the use,

which is particularly useful given the wide arcade in front of the tenant space. To enhance safety by offering direct views into the store, Condition #5 requires the windows to be entirely free of signage or other obstructions except for low-height displays such as newspaper stands. To monitor activity in the store, staff also recommends that the cash registers be located in an area near the front of the store (Condition #6) and that the exterior of the bathrooms be monitored by security cameras or the bathrooms be placed in a location where they can be clearly viewed from the cash registers (Condition #7).

Staff has included two review conditions in this report. Condition #26 includes standard language requiring a one-year review at which time both the use generally and specifically its 24-hour operation can be assessed. Condition #25, which was also included in the 504 John Carlyle SUP, allows for a special review before Planning Commission and City Council if a pattern of security-related problems occurs that cannot be solved through more routine enforcement measures at the staff level. This special review, which is admittedly stricter than Condition #26 given that it could occur at any time the threshold criteria are met, is intended to function as a last resort if intractable security-related problems persist at this site.

Several additional conditions of approval have been included in this report regarding routine matters such as noise, odors, and litter pick-up. Condition #9 reiterates that signage shall be consistent with the approved coordinated sign plan. Staff also believes that the applicant's stated desire to use enhanced interior finishes similar to those installed at 504 John Carlyle should be formally required in this SUP approval. Although that nearby 7-Eleven store is more centrally located within Carlyle, a fact that initially influenced staff's recommendation for enhanced finishes in that case, the inclusion of elements such as pendant lighting and ceramic tile proved successful at that location and represent an important improvement compared to its more typical, formulaic outlets. Condition #8 requires the applicant to submit an interior design plan to the Director for review and approval.

Staff has informed several groups within the Carlyle area of the Special Use Permit request, including the Carlyle Community Council, the Carlyle Square Condominium Association (Block L), and representatives from Carlyle Towers, the 800 Apartments, and the US Patent and Trademark Office. To date, no objections have been shared with staff.

Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The convenience store may operate 24 hours per day. (P&Z)
3. The applicant shall establish a store employee to work as a liaison with members of the community to resolve concerns that may arise from the operation of the convenience store. The name of the liaison shall be posted inside the store in a conspicuous location and contact information for this individual shall be available upon request. (P&Z)
4. No tables or seats shall be provided for customers either inside or outside of the convenience store. (P&Z)
5. Windows shall provide open views into the tenant space and not be opaque or otherwise obstructed except with minor, low-height, well-maintained and regularly updated window displays. (P&Z) (Police)
6. The cash registers shall be located near the front of the store and positioned such that staff can monitor activity both inside and out in front of the store. (P&Z) (Police)
7. If there is a public restroom, it shall be placed either in clear view of the cash registers or the bathroom's exterior shall be monitored by closed-circuit security cameras. (P&Z)(Police)
8. The applicant shall submit an interior design plan to the Director of Planning & Zoning for review and approval. The plan shall include ceramic tile floor coverings, ceramic tile wall coverings generally to the height of wall displays, and pendant accent lighting fixtures at the store front window area and the cashier area. The applicant shall keep these enhanced design elements in good repair to the satisfaction of the Director. (P&Z)
9. All signage at the site shall be consistent with the approved coordinated sign program (SUP#97-0163). (P&Z)
10. No food, beverages, or other material or products shall be stored outside. (P&Z)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)

12. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent crime, loitering, noise and the underage sales of alcohol. (P&Z)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
14. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
15. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES)
17. 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)
18. The applicant shall require its employees who drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
19. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
20. The applicant shall install closed-circuit television cameras for the security of patrons, employees, and community residents. The installation of such equipment shall be subject to the review and approval of the Director of Planning & Zoning and the Chief of Police. (P&Z)(Police)
21. The applicant shall post signage prohibiting trespassing and loitering and informing the public of the presence of any closed-circuit security cameras used at the site. Such signage shall be subject to the review and approval of the Director of Planning & Zoning. (P&Z)
22. The applicant shall execute and maintain an up-to-date agreement with the Alexandria Police Department (APD) that allows APD to enforce no trespassing and no loitering laws and policies on the property. (Police)

23. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police) (P&Z)
24. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees. (Police)
25. If a pattern of security-related problems develops, the applicant will meet with City staff to resolve such problems. If said problems persist, the Director may docket this Special Use Permit for review by the Planning Commission and City Council, regardless of whether it is a part of an annual review. (P&Z)
26. The Director of Planning and Zoning shall review the Special Use Permit one year after the convenience store has been operational, 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) (Police)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F – finding

Transportation & Environmental Services

- F-1 Building/site is out of the floodplain. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-6 Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES)
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 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-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at

commercialrecycling@alexandriava.gov, for information about completing this form.
(T&ES)

Code Enforcement

- F-1 The following comments are for SUP review only. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Building and trades permits are required for the request to operate a convenience store. Six sets of *construction documents* sealed by a *Registered Design Professional* that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s). The building official shall be notified in writing by the owner if the registered design professional in the responsible charge is changed or is unable to continue to perform the duties.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

Health

Food Facilities

1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on-duty during all operating hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation

F-1 No comments received

Police Department

R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.

R-2 The applicant is seeking an "ABC Off" license only. The Police Department has no objections to the sale of alcohol off premise subject to the following conditions:

1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.

2. That the SUP is reviewed after one year.

R-4 The Police Department requests that the SUP is reviewed after one year to ensure applicant is compliant with Planning and Zoning recommendations and that the 24 hour operation has not caused an increase in nuisance crime.

R-5 Signs applied to retail storefront windows shall cover no more than 20% of the glass.

- Any exterior decorative banners/flags shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.
- Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located in a location to block the view through the retail windows.

R-6 The cash registers should be placed near the front of the store in view of the entry.

R-7 If there is a public restroom, it shall be placed either in clear view of the cash registers or shall be monitored by closed-circuit security cameras.

R-8 The Police Department recommends that the establishment schedule two employees for each overnight shift.

- R-9 The applicant shall install closed-circuit television cameras for the security of patrons, employees, and community residents. The installation of such equipment shall be subject to the review and approval of the Director of Planning & Zoning and the Chief of Police.
- R-10 The applicant shall execute and maintain an up-to-date agreement with the Alexandria Police Department (APD) that allows APD to enforce no trespassing and no loitering laws and policies on the property.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-0083

PROPERTY LOCATION: 2002 Eisenhower Avenue (Parcel Add: 2000 Eisenhower Ave)

TAX MAP REFERENCE: 079.01-01-01 **ZONE:** CDD #11

APPLICANT:

Name: 7-Eleven, Inc. by M. Catharine Puskar, Attorney/Agent

Address: Walsh, Colucci, Lubeley, Emrich & Walsh, P.C., 2200 Clarendon Blvd., #1300, Arlington, VA 22201

PROPOSED USE: Convenience store

☒ **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.

M. Catharine Puskar, Attorney/Agent

Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.

2200 Clarendon Blvd, #1300
Mailing/Street Address

Arlington, VA 22201
City and State Zip Code

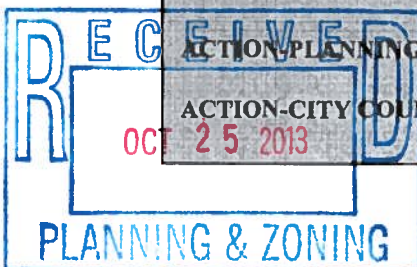
MC Puskar
Signature

10/25/13
Date

703-528-4700
Telephone #

703-525-3197
Fax #

cpuskar@arl.thelandlawyers.com
Email address



ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

PROPERTY OWNER'S AUTHORIZATION SEE ATTACHED AUTHORIZATION LETTER

As the property owner of 2002 Eisenhower Avenue, I hereby
 (Property Address)
 grant the applicant authorization to apply for the convenience store use as
 (use)
 described in this application.

Name: _____

Phone: _____

Please Print

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 ten percent.

Perpetual Realty East, LLC (Owner) - See Attached Letter

7-Eleven, Inc. (Lessee) - See Attached Letter

SUP2013-0083

HOFFMAN COMPANY, LLC

2034 EISENHOWER AVE., SUITE 290
ALEXANDRIA, VIRGINIA 22314

(703) 960-4700 • FAX: (703) 960-1754

October 17, 2013

Farrol Hamer
301 King Street
Room 2100, City Hall
Alexandria, Virginia 22314

Re: Owner's Consent for Special Use Permit
2002 Eisenhower Avenue; Tax Map: 079.01-01-01 (part) (the "Property")

Dear Ms. Hamer:

As owner of the Property, we hereby consent to the filing of a special use permit and any related requests for the Property by Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. on behalf of 7-Eleven, Inc.

If you have any questions regarding any of this information, please contact M. Catharine Puskar or Sara V. Mariska at Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.; 2200 Clarendon Boulevard, Thirteenth Floor, Arlington, Virginia 22201.

Very truly yours,

Perpetual Realty East, LLC

By: 

Its: President

HOFFMAN COMPANY, LLC

2034 EISENHOWER AVE., SUITE 290
ALEXANDRIA, VIRGINIA 22314

(703) 960-4700 • FAX: (703) 960-1754

October 17, 2013

Sup2013-0083

Mr. Jonathan M Jolley, PLA
Maser Consulting P.A.
22375 Broderick Drive | Suite 110
Sterling, VA 20166

Re: Owner Disclosure Perpetual Realty East, LLC
2002 Eisenhower Avenue; Tax Map: 079.01-01-01 (part) (the "Property")

Dear Mr. Jolley:

As owner of the Property, we hereby provide the following information on Perpetual Realty East, LLC, owner of 2002 Eisenhower Avenue, Alexandria, Virginia.

Perpetual Realty East, LLC is owned 100% by Hoffman Family, LLC. Owners in Hoffman Family, LLC owning more than 10% of Hoffman Family, LLC are the Hubert N. Hoffman, Jr. Family Trust, Hubert N. Hoffman, III, Holly Nolting, Thomas Hoffman and Nancy Conner.

Aside from conducting business in the ordinary course of our real estate development company, the businesses and individuals mentioned do not have a financial or business relationship with anyone on the Planning Commission, City Council, Board of Zoning Appeals, or either Board of Architectural Review.

Very truly yours,

Perpetual Realty East, LLC

By: 

Its: President



7-Eleven Inc.

SUP2013-0083

October 23, 2013

Ms. Farrol Hamer
301 King Street
Room 2100, City Hall
Alexandria, VA 22314

7-Eleven Project #37029
2002 Eisenhower Avenue
Alexandria, VA 22314

Re: Owner's Disclosure 7-Eleven, Inc.
7-Eleven Project #37029
2002 Eisenhower Avenue; Tax Map: 079.01-01-01

Dear Ms. Hamer:

As the tenant of the Property, we hereby provide the following information on 7-Eleven, Inc., tenant of 2002 Eisenhower Avenue, Alexandria VA

7-Eleven, Inc. is 100% owned by SEI Japan.

Aside from conducting business in the ordinary course of our retail operations, 7-Eleven, Inc. / SEI Japan have mentioned to no have a financial or business relationship with anyone on the Planning Commission, City Council, Board of Zoning Appeals, or either Board of Architectural Review.

Sincerely,

A handwritten signature in cursive script that reads "Brianne M. Wilson".

Brianne Wilson
Development Project Manager
7-Eleven Inc.

N/A

- ## NARRATIVE DESCRIPTION

See Attached Narrative Description

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

3. Narrative Statement

7-Eleven, Inc. (the "Applicant") requests approval of a special use permit for a portion of property identified as Tax Map Reference 079.01-01-01 (the "Subject Property"). The parcel is addressed as 2000 Eisenhower Avenue and the Applicant proposes to lease approximately 2,785 square feet of space within the tenant space identified as 2002 Eisenhower Avenue within the Shops at Eisenhower for a convenience store.

The Subject Property is improved with two (2) buildings. The convenience store is proposed within the eastern portion of a 2-story office and retail complex. The site is surrounded by a mix of office, residential, and civic uses that would benefit from a convenience store in this location. A 2,785 square foot convenience store use requires 1 parking space per 210 square feet for a total of 14 spaces. All parking is shared among tenants. The overall site includes a total of 763 spaces. The 454 parking spaces in the surface parking lot near the corner of Eisenhower Avenue and Hooff's Run Drive will primarily serve the use with 309 additional spaces being located in a parking garage on the Subject Property. Given that the parking exceeds the minimum required for the Subject Property, parking is adequate for the proposed use.

The proposed convenience store will fill a currently vacant space and will complement the other uses within the retail center. The Applicant has been focused on expanding in urban markets, such as Alexandria. The proposal will allow a community serving use in a location convenient for area residents, employees, and visitors. Several recent development projects have been approved in the Eisenhower Avenue area. This site will serve the existing developments in the area and is also poised to serve the recently approved developments. Additionally, this store is well-positioned to cater to both vehicular and pedestrian customers in the area thereby allowing customers to limit trips outside the Eisenhower Avenue area during their lunch hour or after work. The store will be similar to the Carlyle 7-Eleven and will have enhanced finishes and lighting. The Applicant looks forward to adding to the retail options in the Eisenhower Avenue area.

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).

Approximately 800 patrons per day

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

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

Approximately 3 employees per shift

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

Day:

7 days a week

Hours:

24 hours a day

_____**7.** Please describe any potential noise emanating from the proposed use.**A.** Describe the noise levels anticipated from all mechanical equipment and patrons.No significant noise anticipated beyond that generated by typical retail business activities.

_____**B.** How will the noise be controlled?No significant noise anticipated.

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

No significant odors generated by the use.

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)

Typical solid waste from small retail establishment consisting largely of cardboard.

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Approximately 32 yards of trash and 16 cubic yards of recyclables per week.

- C. How often will trash be collected?

Once a day.

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

Staff will monitor the property to ensure that property is kept clean and outdoor trash receptacles are emptied.

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

[] Yes. [X] No.

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

- 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:

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

Store will have closed circuit TV and monitored alarm system.

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.

Beer and wine sales from 6:00 a.m. to 12:00 a.m. ABC license for off premises sales.

PARKING AND ACCESS REQUIREMENTS

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

751 Standard spaces All parking is shared among all tenants.
 _____ Compact spaces
12 Handicapped accessible spaces.
 _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- 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

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

B. Where are off-street loading facilities located? Loading will occur through the front door.

The truck will park in the parking area in front of the store.

C. During what hours of the day do you expect loading/unloading operations to occur?

Between 9:00 p.m. and 5:00 a.m.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

A small truck will make deliveries daily and grocery deliveries will occur twice a week.

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? 0 square feet.

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

2,785 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2,785 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

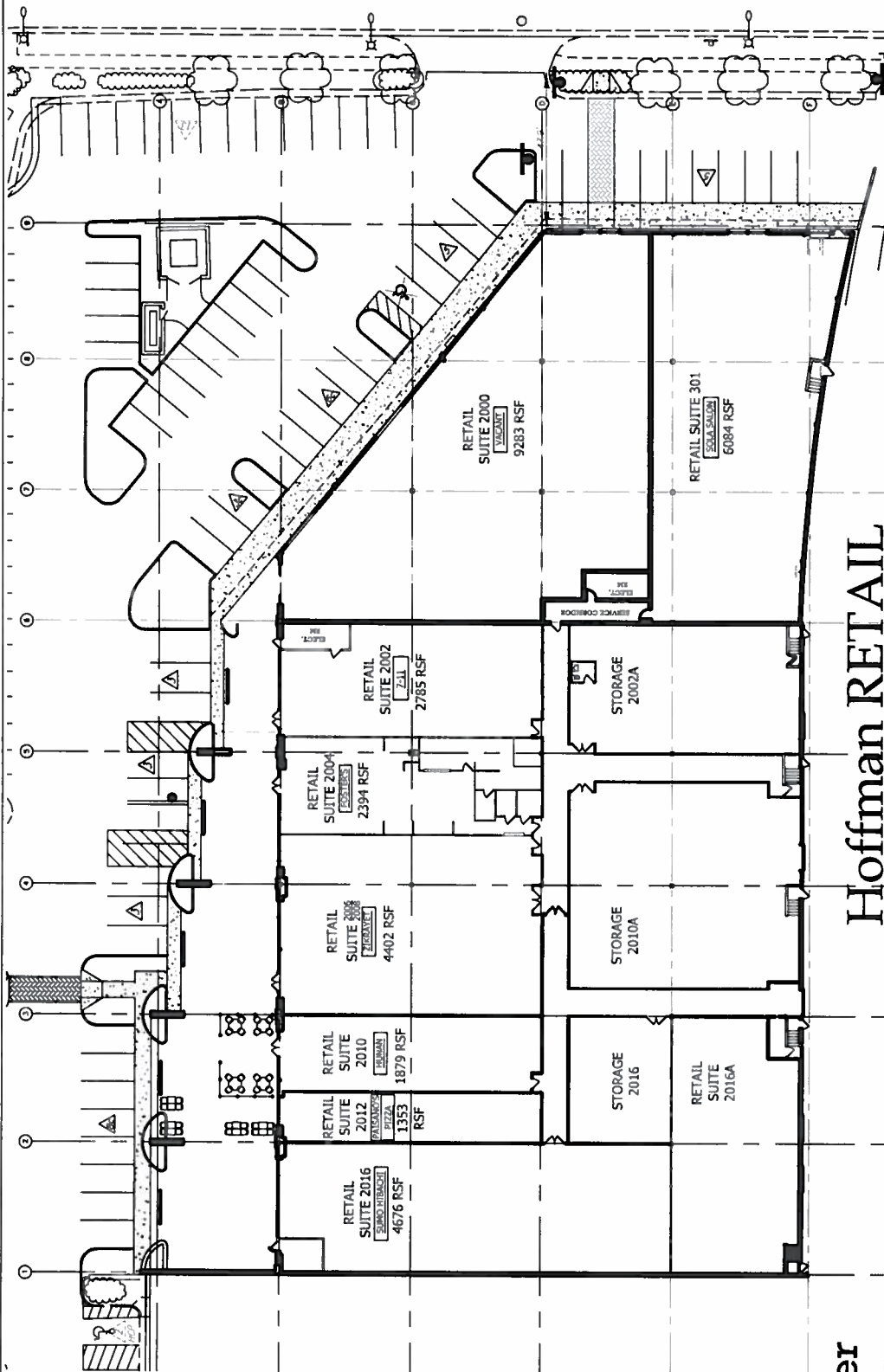
☒ a shopping center. Please provide name of the center: Shops at Eisenhower East

☐ an office building. Please provide name of the building: _____

☐ other. Please describe: _____

End of Application

SUP2013-0083



A1.6

SCALE = N.T.S.

Hoffman RETAIL

Alexandria, Virginia



OCTOBER 21, 2013

Highlander
Architects

13849 CONSTITUTION COURT
CHANTILLY, VIRGINIA
20151-3619

703.222.9654

SUP#2013-0083

2002 Eisenhower Avenue

- SUP request to operate 2,800 square-foot convenience store
- Shopping center location
- 24-hour operation
- Off-premises alcohol
- Security-related conditions
- Staff recommends
APPROVAL





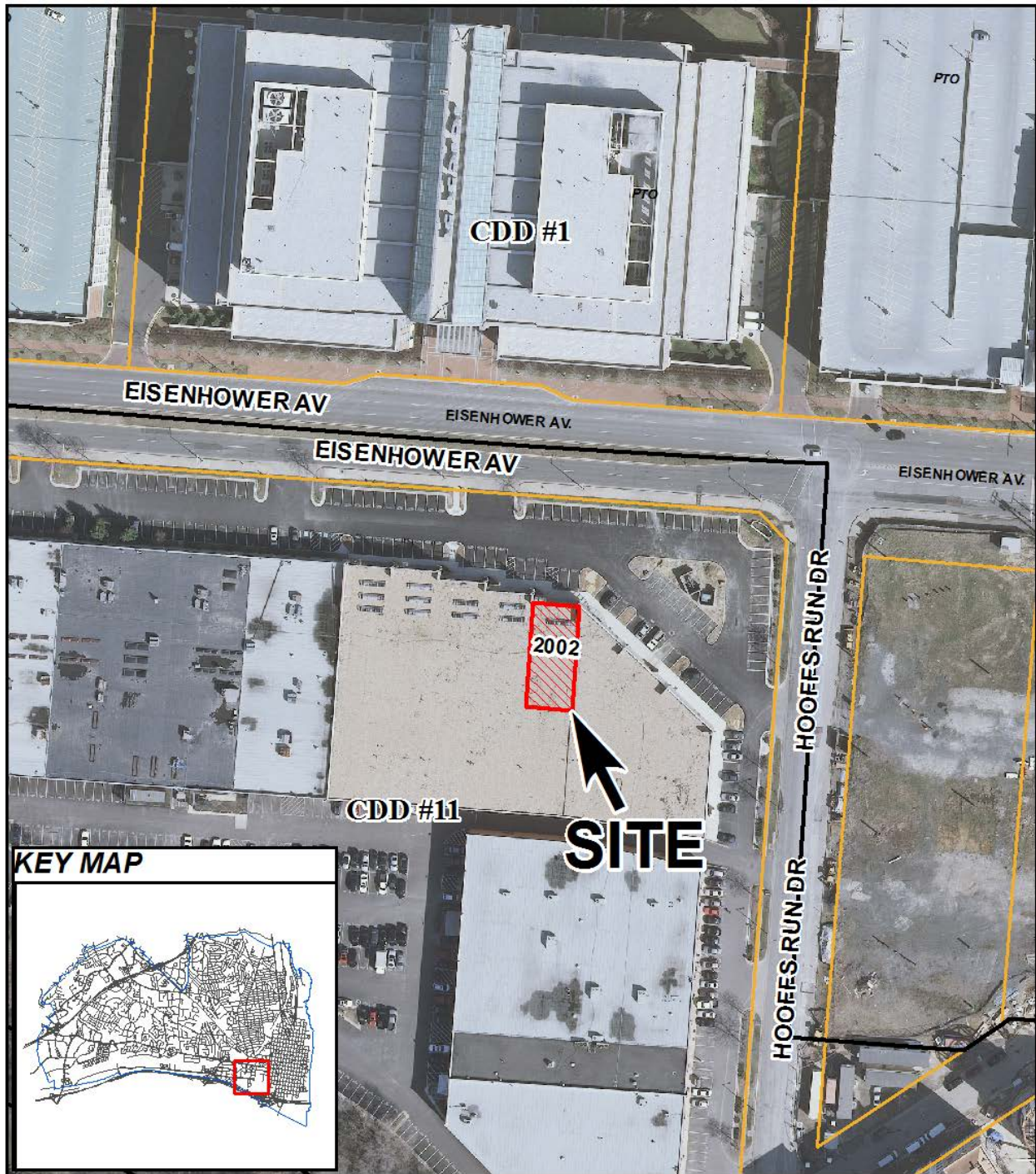


Docket Item #4
Special Use Permit #2013-0083
2002 Eisenhower Avenue – 7-Eleven

Application	General Data	
Consideration of a Special Use Permit request to operate a convenience store.	Planning Commission Hearing:	January 7, 2013
	City Council Hearing:	January 25, 2013
Address: 2002 Eisenhower Avenue (Parcel Address: 2000 Eisenhower Avenue)	Zone:	CDD #11 / Coordinated Development District #11
Applicant: 7-Eleven Inc. by M. Catharine Puskar, attorney	Small Area Plan:	Eisenhower East

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov



SUP #2013-0083
2002 Eisenhower Ave



I. DISCUSSION

The applicant, 7-Eleven, Inc. by M. Catharine Puskar, attorney, requests Special Use Permit approval to operate a convenience store at 2002 Eisenhower Avenue.

SITE DESCRIPTION

The subject site is one lot of record with 1,200 feet of frontage on Eisenhower Avenue, 825 feet of frontage on Hooff's Run Drive and a total lot area of 578,987 square feet (13.3 acres). Two buildings occupy the site, one of which is a one-story industrial building housing a health/athletic club, a printing business and a government warehouse. The second building, in which the convenience store is proposed, is a one- to two-story mixed-use office and retail building housing four restaurants and office space formerly occupied by the Alexandria Police Department. The retail portion of this building is known as "The Shops at Eisenhower East."



The surrounding area is occupied by a mix of office, residential, and civic uses. The United States Patent and Trademark Office is located to the north across Eisenhower Avenue. Vacant land in front of the former American Trucking Association office building, which is slated for parkland as Block 22 of the Eisenhower East development, is located to the west. City-owned parkland is located directly to the south, with the Alexandria Public Safety Center and multi-family residences located further to the south. Multi-family residences are also located to the southeast across Hooff's Run Drive in Block 27 of Eisenhower East. Block P of Carlyle, which is slated for office development, is located directly to the east.

BACKGROUND

General redevelopment of the site has been approved as part of the Hoffman Stage I DSUP for Blocks 24 and 25A in Eisenhower East. In 1998, City Council approved Special Use Permit #97-0163 for a coordinated sign program for all businesses at the site and that SUP remains in effect. In May 2007, City staff approved Plot Plan #2007-0004 for renovations to a portion of the building including the proposed restaurant space, which had formerly been used as a warehouse. The tenant space at 2002 Eisenhower Avenue has been vacant since renovations to the building were completed about five years ago.

City Council approved SUP#2009-0033 in October 2009 for the operation of a 7-Eleven convenience store approximately two blocks away at 504 John Carlyle Street. The applicant reports that this location in the Carlyle Square Condominium (Carlyle Block L) will remain in operation.

PROPOSAL

The applicant proposes to operate a new 7-Eleven convenience store in 2,785 square feet of space at 2002 Eisenhower Avenue. Typical retail convenience items as well as coffee and ready-to-eat food products will be sold. The applicant proposes to be open 24 hours/day and sell alcoholic beverages for off-premises consumption in accordance with Virginia ABC regulations. Additional elements of the applicant's request are as follows:

<u>Hours:</u>	24 Hours/Day, 365 days/year
<u>Customers:</u>	Approximately 800 per day
<u>Employees:</u>	Three employees each shift are expected
<u>Alcohol:</u>	Off-premises alcohol sales between 6am and midnight daily pursuant to Virginia ABC regulations
<u>Noise:</u>	No significant noise is expected beyond that generated by typical retail businesses.
<u>Odors:</u>	No significant odors are expected from the business.
<u>Trash:</u>	Typical solid waste from small retail establishment expected – largely consisting of cardboard. Trash will be collected daily.
<u>Litter:</u>	Applicant will regularly monitor the property to ensure that it is kept clean.

ZONING/MASTER PLAN DESIGNATION

The proposed use is located in the CDD#11/Coordinated Development District. Sections 5-602 and 4-1003(G) of the Zoning Ordinance allow a convenience store in this location only with a Special Use Permit.

Although the Eisenhower East Small Area Plan chapter of the Master Plan envisions redevelopment of this site, the proposed use is consistent with the Small Area Plan, which designates the property for residential, office and retail mixed use.

PARKING

According to Section 8-200 (A)(8) of the Zoning Ordinance, a convenience store in this location requires 1.2 off-street parking spaces for every 210 square feet. A 2,785 square-foot convenience store in this location is required to provide a total of 16 off-street parking spaces and one loading space. The applicant satisfies this requirement given that at least 894 parking spaces, exceeding the minimum parking requirements for all uses at the site, are located on the property. The majority of the parking spaces intended for the convenience store, including a loading space, are located in the surface parking lot in front of the building near the corner of Eisenhower Avenue and Hooff's Run Drive. Additional parking is located to the rear of the property.

II. STAFF ANALYSIS

Staff supports the applicant's request to operate a convenience store in this location. The proposed 7-Eleven represents a reasonable use for this property until such time that it eventually redevelops as envisioned in the Eisenhower East Small Area Plan. The store is proposed for a shopping center with sufficient parking and no immediately adjacent residential neighbors. It will offer an additional retail option for area residents and office workers, especially those located at the U.S. Patent and Trademark Office located immediately across Eisenhower Avenue. It will also fill tenant space that has been vacant for five years.

Generally speaking, convenience stores may present some potential for security-related impacts on the surrounding area. Potential impacts such as loitering and other nuisance crimes could be heightened at stores with off-premises alcohol sales and 24-hour operation. At the same time, staff believes that the perception of safety-related issues at convenience stores may overshadow the actual experience at such stores. It has reviewed crime statistics for the 7-Eleven that opened just a couple of blocks away at 504 John Carlyle Street in 2010 and found that only five calls for service have been recorded at the convenience store in the period of nearly four years from January 2010 to November 2013. Police has verified that this number is very low. Furthermore, none of the calls could be attributed to either the 24-hour operation of the use or to the presence of off-premises alcoholic beverage sales. Two of these calls pertained to larceny, which can occur at any retail store, and another call related to a vehicle accident that occurred nearby. The lack of any demonstrated safety-related problems at this store indicates to staff that the present request is unlikely to create such negative impacts.

Nonetheless, staff has recommended several security-related conditions in this report, in consultation with Police, to avoid negative neighborhood impacts. Many of these security-related conditions were also required as part of SUP approval for the 504 John Carlyle Street 7-Eleven. As a general recommendation, Condition #20 requires the applicant to install closed-circuit security cameras. Standard Condition #23 prohibits "single-sales" of beer and wine coolers and prohibits the sale of fortified wine.

To prevent loitering, Condition #22 requires the applicant to execute an agreement with the Police Department which enhances the ability to enforce no loitering and no trespassing laws on the property. Condition #4 prohibits any indoor or outdoor seating in connection with the use,

which is particularly useful given the wide arcade in front of the tenant space. To enhance safety by offering direct views into the store, Condition #5 requires the windows to be entirely free of signage or other obstructions except for low-height displays such as newspaper stands. To monitor activity in the store, staff also recommends that the cash registers be located in an area near the front of the store (Condition #6) and that the exterior of the bathrooms be monitored by security cameras or the bathrooms be placed in a location where they can be clearly viewed from the cash registers (Condition #7).

Staff has included two review conditions in this report. Condition #26 includes standard language requiring a one-year review at which time both the use generally and specifically its 24-hour operation can be assessed. Condition #25, which was also included in the 504 John Carlyle SUP, allows for a special review before Planning Commission and City Council if a pattern of security-related problems occurs that cannot be solved through more routine enforcement measures at the staff level. This special review, which is admittedly stricter than Condition #26 given that it could occur at any time the threshold criteria are met, is intended to function as a last resort if intractable security-related problems persist at this site.

Several additional conditions of approval have been included in this report regarding routine matters such as noise, odors, and litter pick-up. Condition #9 reiterates that signage shall be consistent with the approved coordinated sign plan. Staff also believes that the applicant's stated desire to use enhanced interior finishes similar to those installed at 504 John Carlyle should be formally required in this SUP approval. Although that nearby 7-Eleven store is more centrally located within Carlyle, a fact that initially influenced staff's recommendation for enhanced finishes in that case, the inclusion of elements such as pendant lighting and ceramic tile proved successful at that location and represent an important improvement compared to its more typical, formulaic outlets. Condition #8 requires the applicant to submit an interior design plan to the Director for review and approval.

Staff has informed several groups within the Carlyle area of the Special Use Permit request, including the Carlyle Community Council, the Carlyle Square Condominium Association (Block L), and representatives from Carlyle Towers, the 800 Apartments, and the US Patent and Trademark Office. To date, no objections have been shared with staff.

Subject to the conditions stated in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z)
2. The convenience store may operate 24 hours per day. (P&Z)
3. The applicant shall establish a store employee to work as a liaison with members of the community to resolve concerns that may arise from the operation of the convenience store. The name of the liaison shall be posted inside the store in a conspicuous location and contact information for this individual shall be available upon request. (P&Z)
4. No tables or seats shall be provided for customers either inside or outside of the convenience store. (P&Z)
5. Windows shall provide open views into the tenant space and not be opaque or otherwise obstructed except with minor, low-height, well-maintained and regularly updated window displays. (P&Z) (Police)
6. The cash registers shall be located near the front of the store and positioned such that staff can monitor activity both inside and out in front of the store. (P&Z) (Police)
7. If there is a public restroom, it shall be placed either in clear view of the cash registers or the bathroom's exterior shall be monitored by closed-circuit security cameras. (P&Z)(Police)
8. The applicant shall submit an interior design plan to the Director of Planning & Zoning for review and approval. The plan shall include ceramic tile floor coverings, ceramic tile wall coverings generally to the height of wall displays, and pendant accent lighting fixtures at the store front window area and the cashier area. The applicant shall keep these enhanced design elements in good repair to the satisfaction of the Director. (P&Z)
9. All signage at the site shall be consistent with the approved coordinated sign program (SUP#97-0163). (P&Z)
10. No food, beverages, or other material or products shall be stored outside. (P&Z)
11. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)

12. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent crime, loitering, noise and the underage sales of alcohol. (P&Z)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
14. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
15. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line.(T&ES)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m. (T&ES)
17. 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)
18. The applicant shall require its employees who drive to use off-street parking and provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
19. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
20. The applicant shall install closed-circuit television cameras for the security of patrons, employees, and community residents. The installation of such equipment shall be subject to the review and approval of the Director of Planning & Zoning and the Chief of Police. (P&Z)(Police)
21. The applicant shall post signage prohibiting trespassing and loitering and informing the public of the presence of any closed-circuit security cameras used at the site. Such signage shall be subject to the review and approval of the Director of Planning & Zoning. (P&Z)
22. The applicant shall execute and maintain an up-to-date agreement with the Alexandria Police Department (APD) that allows APD to enforce no trespassing and no loitering laws and policies on the property. (Police)

23. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police) (P&Z)
24. The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees. (Police)
25. If a pattern of security-related problems develops, the applicant will meet with City staff to resolve such problems. If said problems persist, the Director may docket this Special Use Permit for review by the Planning Commission and City Council, regardless of whether it is a part of an annual review. (P&Z)
26. The Director of Planning and Zoning shall review the Special Use Permit one year after the convenience store has been operational, 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) (Police)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F – finding

Transportation & Environmental Services

- F-1 Building/site is out of the floodplain. (T&ES)
- R-1 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
- R-2 The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES)
- R-3 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-4 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-5 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- R-6 Litter on the site and on public right-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up by the applicant at least twice a day, and more often if necessary, to prevent an unsightly and unsanitary accumulation on such day that the business is open to the public. (T&ES)
- R-7 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- C-1 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-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at

commercialrecycling@alexandriava.gov, for information about completing this form.
(T&ES)

Code Enforcement

- F-1 The following comments are for SUP review only. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 Building and trades permits are required for the request to operate a convenience store. Six sets of *construction documents* sealed by a *Registered Design Professional* that fully detail the construction as well as layout and schematics of the mechanical, electrical, and plumbing systems shall accompany the permit application(s). The building official shall be notified in writing by the owner if the registered design professional in the responsible charge is changed or is unable to continue to perform the duties.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

Health

Food Facilities

1. An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual or location to another.
2. Plans shall be submitted to the Health Department through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
3. Plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food and Food Handling Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
4. Facilities engaging in the following processes may be required to submit a HACCP plan: Smoking as a form of food preservation; curing food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; and sprouting seeds or beans.
5. A Certified Food Manager shall be on-duty during all operating hours.
6. The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

7. Wood flooring in eating areas shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent. In many cases, original wooden flooring in historical structures may not be suitable for food service facilities.

Parks and Recreation

F-1 No comments received

Police Department

R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.

R-2 The applicant is seeking an "ABC Off" license only. The Police Department has no objections to the sale of alcohol off premise subject to the following conditions:

1. Beer or wine coolers may be sold only in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold.

2. That the SUP is reviewed after one year.

R-4 The Police Department requests that the SUP is reviewed after one year to ensure applicant is compliant with Planning and Zoning recommendations and that the 24 hour operation has not caused an increase in nuisance crime.

R-5 Signs applied to retail storefront windows shall cover no more than 20% of the glass.

- o Any exterior decorative banners/flags shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.
- o Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located in a location to block the view through the retail windows.

R-6 The cash registers should be placed near the front of the store in view of the entry.

R-7 If there is a public restroom, it shall be placed either in clear view of the cash registers or shall be monitored by closed-circuit security cameras.

R-8 The Police Department recommends that the establishment schedule two employees for each overnight shift.

- R-9 The applicant shall install closed-circuit television cameras for the security of patrons, employees, and community residents. The installation of such equipment shall be subject to the review and approval of the Director of Planning & Zoning and the Chief of Police.
- R-10 The applicant shall execute and maintain an up-to-date agreement with the Alexandria Police Department (APD) that allows APD to enforce no trespassing and no loitering laws and policies on the property.



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-0083

PROPERTY LOCATION: 2002 Eisenhower Avenue (Parcel Add: 2000 Eisenhower Ave)

TAX MAP REFERENCE: 079.01-01-01 **ZONE:** CDD #11

APPLICANT:

Name: 7-Eleven, Inc. by M. Catharine Puskar, Attorney/Agent

Address: Walsh, Colucci, Lubeley, Emrich & Walsh, P.C., 2200 Clarendon Blvd., #1300, Arlington, VA 22201

PROPOSED USE: Convenience store

☒ **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.

M. Catharine Puskar, Attorney/Agent

Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.

2200 Clarendon Blvd, #1300
Mailing/Street Address

Arlington, VA 22201
City and State Zip Code

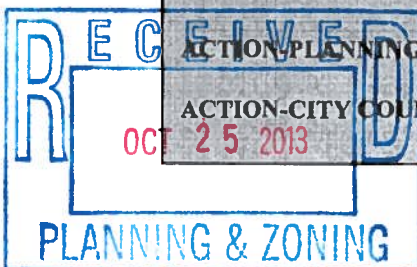
MC Puskar
Signature

10/25/13
Date

703-528-4700
Telephone #

703-525-3197
Fax #

cpuskar@arl.thelandlawyers.com
Email address



ACTION-PLANNING COMMISSION: _____ **DATE:** _____

ACTION-CITY COUNCIL: _____ **DATE:** _____

PROPERTY OWNER'S AUTHORIZATION SEE ATTACHED AUTHORIZATION LETTER

As the property owner of 2002 Eisenhower Avenue, I hereby
 (Property Address)
 grant the applicant authorization to apply for the convenience store use as
 (use)
 described in this application.

Name: _____

Phone: _____

Please Print

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 ten percent.

Perpetual Realty East, LLC (Owner) - See Attached Letter

7-Eleven, Inc. (Lessee) - See Attached Letter

SUP2013-0083

HOFFMAN COMPANY, LLC

2034 EISENHOWER AVE., SUITE 290
ALEXANDRIA, VIRGINIA 22314

(703) 960-4700 • FAX: (703) 960-1754

October 17, 2013

Farrol Hamer
301 King Street
Room 2100, City Hall
Alexandria, Virginia 22314

Re: Owner's Consent for Special Use Permit
2002 Eisenhower Avenue; Tax Map: 079.01-01-01 (part) (the "Property")

Dear Ms. Hamer:

As owner of the Property, we hereby consent to the filing of a special use permit and any related requests for the Property by Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. on behalf of 7-Eleven, Inc.

If you have any questions regarding any of this information, please contact M. Catharine Puskar or Sara V. Mariska at Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.; 2200 Clarendon Boulevard, Thirteenth Floor, Arlington, Virginia 22201.

Very truly yours,

Perpetual Realty East, LLC

By: 

Its: Resident

HOFFMAN COMPANY, LLC

2034 EISENHOWER AVE., SUITE 290
ALEXANDRIA, VIRGINIA 22314

(703) 960-4700 • FAX: (703) 960-1754

October 17, 2013

Sup2013-0083

Mr. Jonathan M Jolley, PLA
Maser Consulting P.A.
22375 Broderick Drive | Suite 110
Sterling, VA 20166

Re: Owner Disclosure Perpetual Realty East, LLC
2002 Eisenhower Avenue; Tax Map: 079.01-01-01 (part) (the "Property")

Dear Mr. Jolley:

As owner of the Property, we hereby provide the following information on Perpetual Realty East, LLC, owner of 2002 Eisenhower Avenue, Alexandria, Virginia.

Perpetual Realty East, LLC is owned 100% by Hoffman Family, LLC. Owners in Hoffman Family, LLC owning more than 10% of Hoffman Family, LLC are the Hubert N. Hoffman, Jr. Family Trust, Hubert N. Hoffman, III, Holly Nolting, Thomas Hoffman and Nancy Conner.

Aside from conducting business in the ordinary course of our real estate development company, the businesses and individuals mentioned do not have a financial or business relationship with anyone on the Planning Commission, City Council, Board of Zoning Appeals, or either Board of Architectural Review.

Very truly yours,

Perpetual Realty East, LLC

By: 

Its: President



7-Eleven Inc.

SUP2013-0083

October 23, 2013

Ms. Farrol Hamer
301 King Street
Room 2100, City Hall
Alexandria, VA 22314

7-Eleven Project #37029
2002 Eisenhower Avenue
Alexandria, VA 22314

Re: Owner's Disclosure 7-Eleven, Inc.
7-Eleven Project #37029
2002 Eisenhower Avenue; Tax Map: 079.01-01-01

Dear Ms. Hamer:

As the tenant of the Property, we hereby provide the following information on 7-Eleven, Inc., tenant of 2002 Eisenhower Avenue, Alexandria VA

7-Eleven, Inc. is 100% owned by SEI Japan.

Aside from conducting business in the ordinary course of our retail operations, 7-Eleven, Inc. / SEI Japan have mentioned to no have a financial or business relationship with anyone on the Planning Commission, City Council, Board of Zoning Appeals, or either Board of Architectural Review.

Sincerely,

A handwritten signature in cursive script that reads "Brianne M. Wilson".

Brianne Wilson
Development Project Manager
7-Eleven Inc.

N/A

- ## NARRATIVE DESCRIPTION

See Attached Narrative Description

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery designed for writing. The edges of the paper are slightly irregular, suggesting it might be a scan of a physical document. There is no handwriting or other markings on the page.

3. Narrative Statement

7-Eleven, Inc. (the "Applicant") requests approval of a special use permit for a portion of property identified as Tax Map Reference 079.01-01-01 (the "Subject Property"). The parcel is addressed as 2000 Eisenhower Avenue and the Applicant proposes to lease approximately 2,785 square feet of space within the tenant space identified as 2002 Eisenhower Avenue within the Shops at Eisenhower for a convenience store.

The Subject Property is improved with two (2) buildings. The convenience store is proposed within the eastern portion of a 2-story office and retail complex. The site is surrounded by a mix of office, residential, and civic uses that would benefit from a convenience store in this location. A 2,785 square foot convenience store use requires 1 parking space per 210 square feet for a total of 14 spaces. All parking is shared among tenants. The overall site includes a total of 763 spaces. The 454 parking spaces in the surface parking lot near the corner of Eisenhower Avenue and Hooff's Run Drive will primarily serve the use with 309 additional spaces being located in a parking garage on the Subject Property. Given that the parking exceeds the minimum required for the Subject Property, parking is adequate for the proposed use.

The proposed convenience store will fill a currently vacant space and will complement the other uses within the retail center. The Applicant has been focused on expanding in urban markets, such as Alexandria. The proposal will allow a community serving use in a location convenient for area residents, employees, and visitors. Several recent development projects have been approved in the Eisenhower Avenue area. This site will serve the existing developments in the area and is also poised to serve the recently approved developments. Additionally, this store is well-positioned to cater to both vehicular and pedestrian customers in the area thereby allowing customers to limit trips outside the Eisenhower Avenue area during their lunch hour or after work. The store will be similar to the Carlyle 7-Eleven and will have enhanced finishes and lighting. The Applicant looks forward to adding to the retail options in the Eisenhower Avenue area.

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).

Approximately 800 patrons per day

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

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

Approximately 3 employees per shift

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

Day:

7 days a week

Hours:

24 hours a day

_____**7.** Please describe any potential noise emanating from the proposed use.**A.** Describe the noise levels anticipated from all mechanical equipment and patrons.No significant noise anticipated beyond that generated by typical retail business activities.

_____**B.** How will the noise be controlled?No significant noise anticipated.

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

No significant odors generated by the use.

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)

Typical solid waste from small retail establishment consisting largely of cardboard.

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Approximately 32 yards of trash and 16 cubic yards of recyclables per week.

- C. How often will trash be collected?

Once a day.

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

Staff will monitor the property to ensure that property is kept clean and outdoor trash receptacles are emptied.

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

[] Yes. [X] No.

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

- 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:

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

Store will have closed circuit TV and monitored alarm system.

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.

Beer and wine sales from 6:00 a.m. to 12:00 a.m. ABC license for off premises sales.

PARKING AND ACCESS REQUIREMENTS

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

751 Standard spaces All parking is shared among all tenants.
 _____ Compact spaces
12 Handicapped accessible spaces.
 _____ Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- 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

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

B. Where are off-street loading facilities located? Loading will occur through the front door.

The truck will park in the parking area in front of the store.

C. During what hours of the day do you expect loading/unloading operations to occur?

Between 9:00 p.m. and 5:00 a.m.

D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

A small truck will make deliveries daily and grocery deliveries will occur twice a week.

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? 0 square feet.

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

2,785 sq. ft. (existing) + 0 sq. ft. (addition if any) = 2,785 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

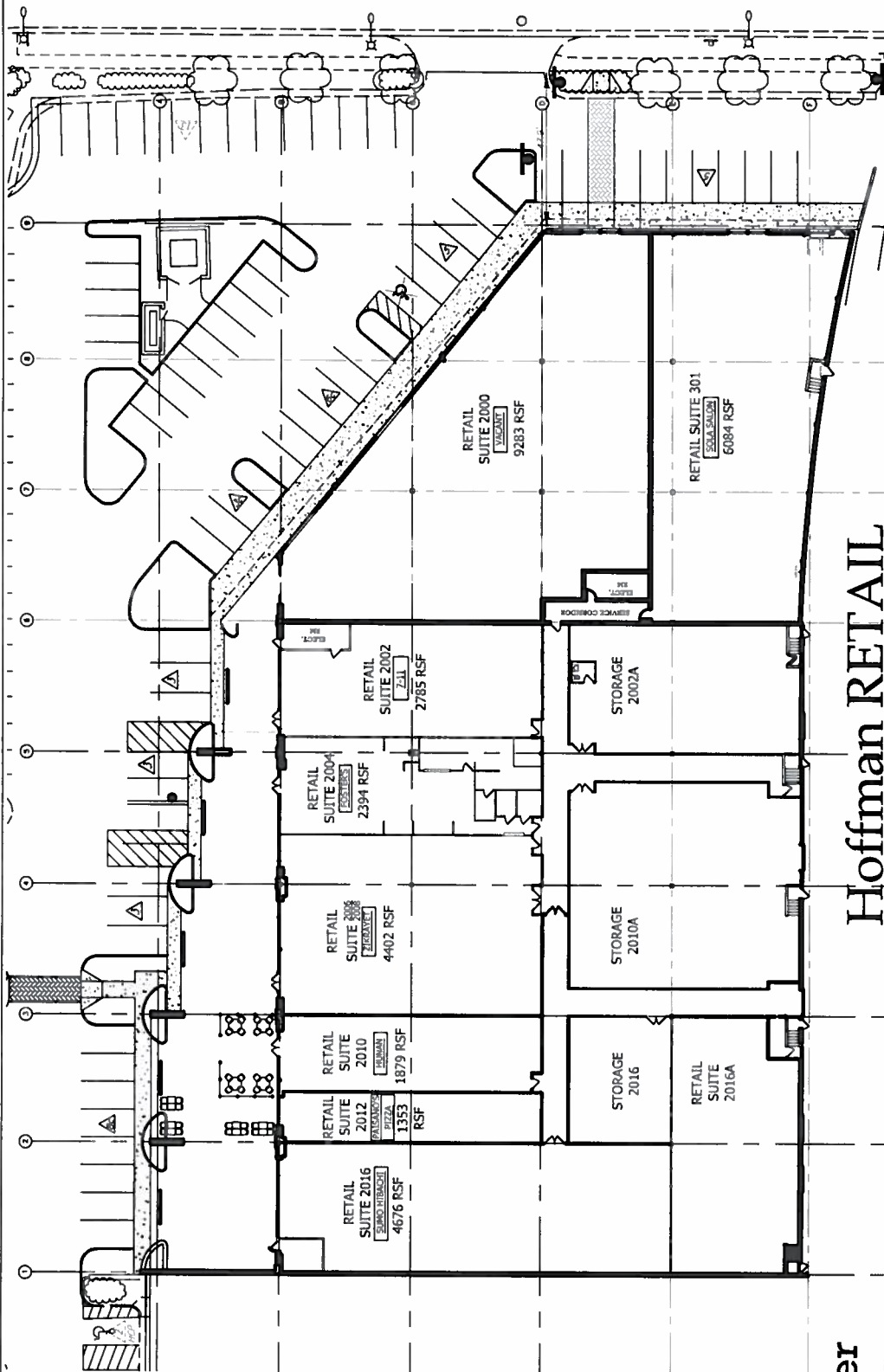
☒ a shopping center. Please provide name of the center: Shops at Eisenhower East

☐ an office building. Please provide name of the building: _____

☐ other. Please describe: _____

End of Application

SUP2013-0083



A1.6

SCALE = N.T.S.

Hoffman RETAIL

Alexandria, Virginia

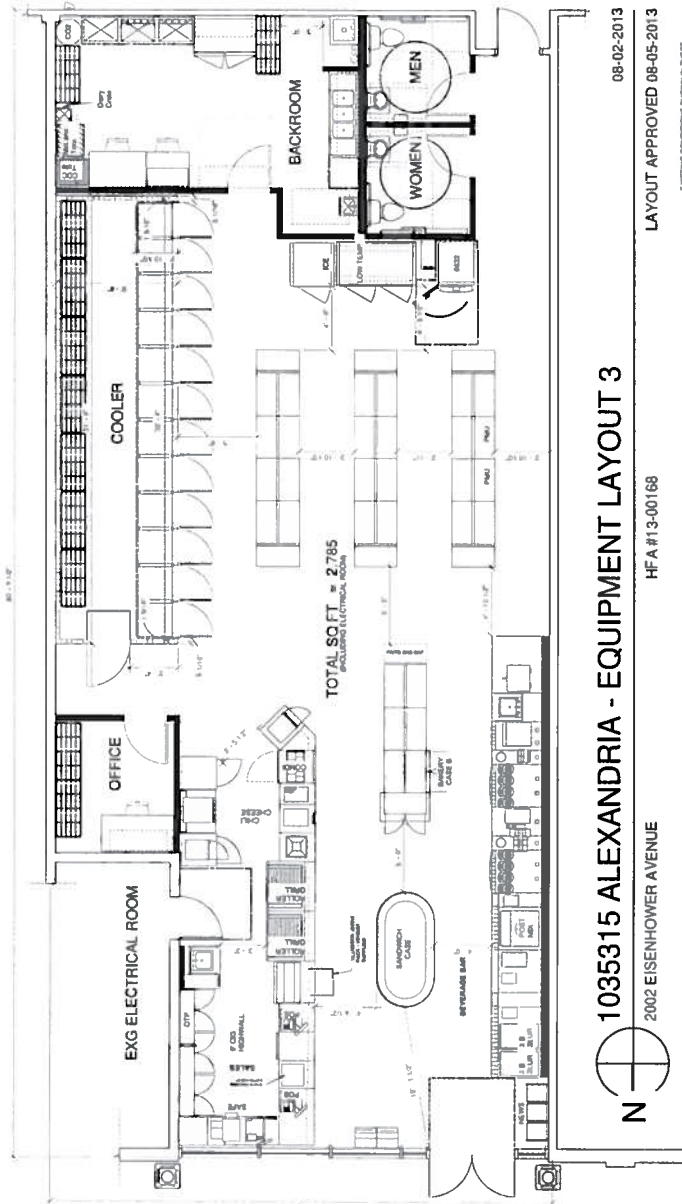


OCTOBER 21, 2013

Highlander
Architects

13849 CONSTITUTION COURT
CHANTILLY, VIRGINIA
20151-3619

703.222.9654



1035315 ALEXANDRIA - EQUIPMENT LAYOUT 3

2002 EISENHOWER AVENUE

HFA #13-00168

08-02-2013

LAYOUT APPROVED 08-05-2013

EXISTING CONDITIONS SHOWN IN THESE DRAWINGS ARE FOR INFORMATION PURPOSES ONLY. THE DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND ARE NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONDITIONS OF THE EXISTING STRUCTURE OR FOR ANY INFORMATION NOT SHOWN ON THESE DRAWINGS.

LOCATION MAP

DRAWING LEGEND

SYMBOL	DESCRIPTION
[Symbol]	Existing Structure
[Symbol]	Proposed Structure
[Symbol]	Proposed Equipment
[Symbol]	Proposed Access
[Symbol]	Proposed Parking
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Fencing
[Symbol]	Proposed Signage
[Symbol]	Proposed Lighting
[Symbol]	Proposed Security
[Symbol]	Proposed Fire Protection
[Symbol]	Proposed Environmental
[Symbol]	Proposed Historical
[Symbol]	Proposed Cultural
[Symbol]	Proposed Archaeological
[Symbol]	Proposed Paleontological
[Symbol]	Proposed Anthropological
[Symbol]	Proposed Linguistic
[Symbol]	Proposed Ethnographic
[Symbol]	Proposed Archaeological
[Symbol]	Proposed Paleontological
[Symbol]	Proposed Anthropological
[Symbol]	Proposed Linguistic
[Symbol]	Proposed Ethnographic

SCALE (IN FEET)

1" = 10'-0"

MAKER

MAKER ENGINEERING, INC.

2002 EISENHOWER AVENUE

ALEXANDRIA, VA

703-461-1111

www.maker-engineering.com

PROPOSED FL. PLAN

1035315 ALEXANDRIA

2002 EISENHOWER AVENUE

ALEXANDRIA, VA

703-461-1111

www.maker-engineering.com

DATE

08-02-2013

BY

J. M. M.

CHECKED BY

J. M. M.

APPROVED BY

J. M. M.

PROJECT NUMBER

1035315

PROJECT NAME

1035315 ALEXANDRIA

PROJECT ADDRESS

2002 EISENHOWER AVENUE

PROJECT CITY

ALEXANDRIA, VA

PROJECT STATE

VA

PROJECT ZIP

22304

PROJECT TYPE

RECONSTRUCTION

PROJECT PHASE

FL. PLAN

PROJECT STATUS

APPROVED

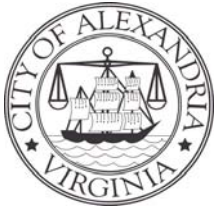


Legislation Details (With Text)

File #: SUP13-082 **Name:** Alexandria Car Clinic
Type: Land Use and Development (Planning Commission Items) **Status:** Agenda Ready
File created: 11/5/2013 **In control:** City Council Public Hearing
On agenda: 1/25/2014 **Final action:**
Title: Special Use Permit #2013-0082
3128 & 3235 Colvin Street - Alexandria Car Clinic
Public Hearing and Consideration of a request to relocate a portion of an existing general automobile repair and automobile sales business; zoned I/Industrial. Applicant: Ahmad Mirza
Planning Commission Action: Recommend Approval 7-0
Sponsors:
Indexes: Special Use Permit
Code sections:
Attachments: [SUP13-082 Staff Report to Council](#)
[SUP13-082 Presentation](#)

Date	Ver.	Action By	Action	Result
1/7/2014	1	Planning Commission	recommended approval	Pass

Special Use Permit #2013-0082
3128 & 3235 Colvin Street - Alexandria Car Clinic
Public Hearing and Consideration of a request to relocate a portion of an existing general automobile repair and automobile sales business; zoned I/Industrial. Applicant: Ahmad Mirza
Planning Commission Action: Recommend Approval 7-0



Docket Item #3

Special Use Permit #2013-0082

3128 and 3235 Colvin Street – Alexandria Car Clinic

Application	General Data	
Consideration of a Special Use Permit amendment to relocate a portion of an existing general automobile repair and automobile sales business.	Planning Commission Hearing:	January 7, 2014
	City Council Hearing:	January 25, 2014
Address: 3128 and 3235 Colvin Street	Zone:	I / Industrial
Applicant: Ahmad Mirza	Small Area Plan:	Taylor Run

Staff Recommendation: APPROVAL subject to compliance with all applicable codes and ordinances and the recommended permit conditions found in Section III of this report.

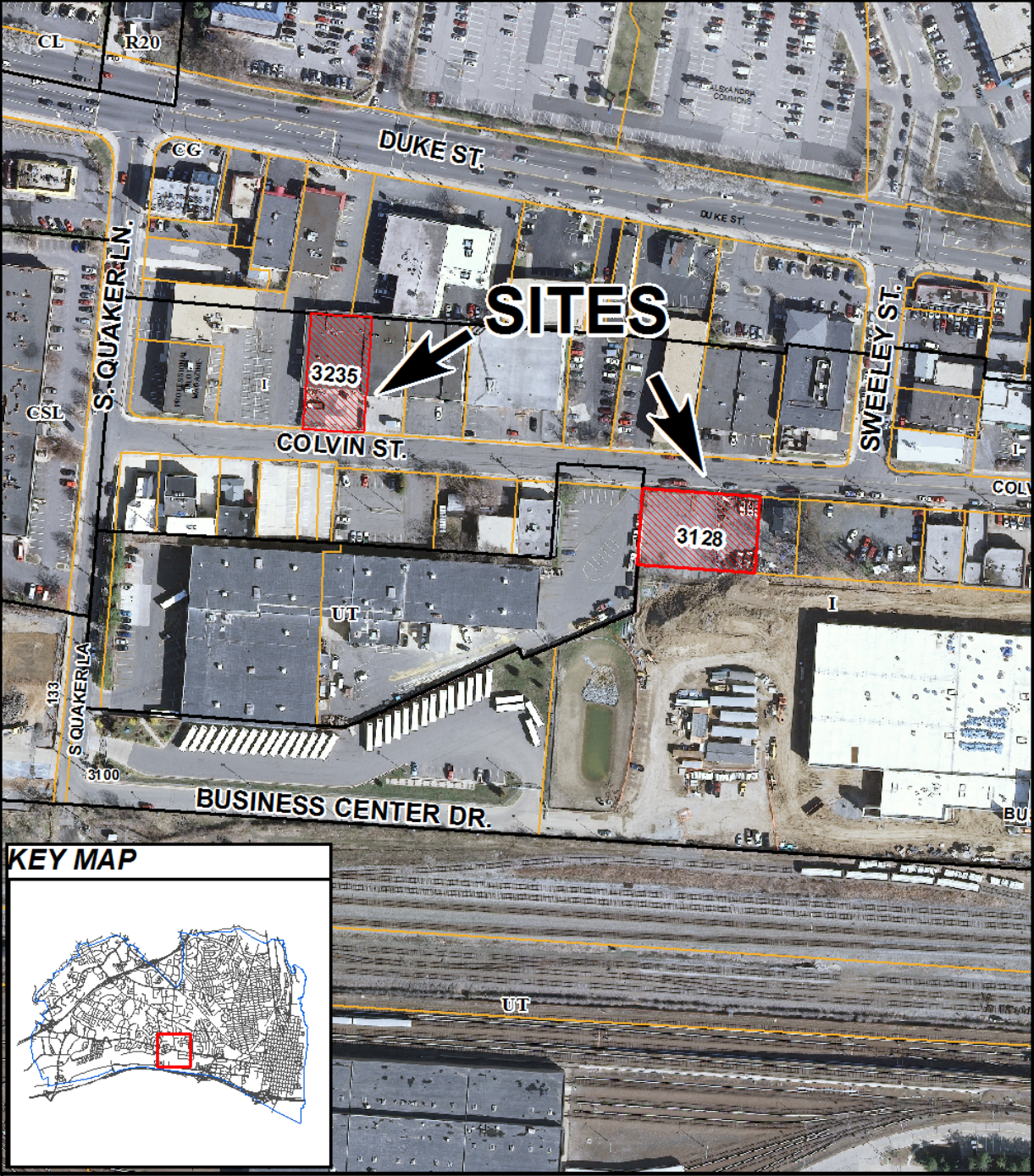
Staff Reviewers: Nathan Randall nathan.randall@alexandriava.gov

PLANNING COMMISSION ACTION, JANUARY 7, 2014: On a motion by Vice Chairman Dunn, seconded by Commissioner Wagner, the Planning Commission recommended approval of the request and subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

No speakers were present for this docket item.



SUP #2013-0082
3128 & 3235 Colvin Street



I. DISCUSSION

The applicant, Ahmad Mirza, requests approval of a Special Use Permit amendment to relocate a portion of his existing general automobile repair and automobile sales business from 3127 Colvin Street to 3235 Colvin Street while retaining a portion of his business at 3128 Colvin Street.

SITE DESCRIPTION

The combined general automobile repair and automobile sales business is proposed for two sites on Colvin Street that are located approximately 375 feet apart. The applicant will continue to use the surface parking lot at 3128 Colvin Street, as approved under the prior SUP, for both the display of vehicles for sale and to park vehicles associated with his repair business. The repair business and offices will be relocated to new space at 3235 Colvin Street.



3128 Colvin Street

The parking lot at **3128 Colvin Street** is located on one lot of record approximately 14,000 square feet in size. This property is split by a fence, with a small portion of the lot being used for parking by the neighboring roofing contractor. The applicant will occupy the remainder of the site (approximately 11,000 square feet) for his business. The tenant space at **3235 Colvin Street** is an 8,200 square-foot one-to two-story industrial building. It is located on one lot of record measuring approximately 11,000 square feet in size.



3235 Colvin Street

The surrounding area features a mix of industrial, institutional, and commercial uses. Several retail businesses, including a mattress store and the Wild Bird Center are located to the north along Duke Street. Nearby uses along Colvin Street include: a three-story office building, another automobile repair business, warehouses, and the Colvin Business Center, which contains several commercial and industrial tenants. The DASH Bus garage and the City's traffic control facility are located to the south.

BACKGROUND

City Council granted SUP#2008-0017 to the applicant in May 2008 to expand his existing light automobile repair business at 3127 Colvin Street to include general automobile repair services. Staff administratively approved a minor amendment request (SUP#2009-0007) in April 2009 to allow the applicant to paint vehicles. Most recently, in June 2011, City Council approved SUP#2011-0019 to add automobile sales and to include use of 3218 Colvin Street.

From approximately 2007 until 2011, staff received five complaints against the business regarding such matters as repair work being done outside, paint fumes being detected at adjacent businesses, and the blocking of the shared curb cut. Although the applicant had to obtain after-the-fact building permit approval for the paint spray booth in 2009, City staff did not observe any of the alleged complaints in this four-year period.

Staff has not received any complaints about the business since its most recent SUP approval in 2011. It also visited the subject property in December 2013 and found two minor violations, regarding litter and the posting of transit information, which were promptly corrected.

PROPOSAL

The applicant proposes to relocate a portion of his existing general automobile and automobile sales business from 3127 Colvin Street to 3235 Colvin Street. The 3127 Colvin Street location, which currently houses the automobile repair and office functions, would be abandoned and those functions moved to 3235 Colvin Street, a few hundred feet to the west. The parking lot portion of the applicant's business at 3128 Colvin Street will remain a part of this Special Use Permit without any changes. Aside from an increase in the number of repair areas inside the building and a slight increase in the number of repair customers expected each week, no other changes to the existing operation are proposed.

Hours of Operation: 8 a.m. – 7 p.m. Monday – Saturday

Service Lifts/Areas: Five service lifts
Four non-lift service areas
Nine total service areas

Customers: 15 customers each week for repair services
10 customers or less each week for automobile sales
Up to 25 total customers each week

Employees: Six employees at any one time

Noise: Repair equipment such as air compressor may emit low noises but will be controlled by bringing the garage door down as necessary.

Odors: Paint booth and exhaust fans control potential odors from vehicle painting, gas, oil, and vehicle exhaust.

Trash/Litter: Standard trash will be stored on-site in a dumpster and collected twice each week. Vehicle parts and fluids, such as used motor oil, oil filters and paint, will be collected by a contractor on a regular basis.

ZONING / MASTER PLAN DESIGNATION

The subject property is located in the I/Industrial zone. Sections 4-1203(B) and 4-1203(G) of the Zoning Ordinance allow a general automobile repair business and automobile sales area in the I / Industrial zone only with a Special Use Permit.

The proposed use is consistent with the Taylor Run Small Area Plan chapter of the Master Plan which designates the property for industrial use.

PARKING

Pursuant to Section 8-200 (A)(17) of the Zoning Ordinance, a general automobile repair business requires one off-street parking space for every 400 square feet of floor area. In addition, the business is required to provide one off-street loading space and staff routinely recommends one off-street parking space for every vehicle offered for sale at automobile sales businesses. The combined 8,200 square-foot automobile repair and sales business, with up to 22 vehicles offered for sale at any one time, is required to provide a total of 43 off-street parking spaces plus the required loading space.

The applicant satisfies the parking needs for the use with at least 43 off-street parking spaces, plus the one loading space. Parking is distributed among four locations. Seven parking spaces plus one loading space are available directly in front of the 3235 Colvin Street building. Nine spaces are located within the building and an additional three spaces, included in the applicant's lease, are located immediately to the west of the building on neighboring property at 20-30 South Quaker Lane. The remaining 24 off-street spaces are located in the parking lot that the applicant leases at 3128 Colvin Street, which is less than 500 feet from 3235 Colvin Street.

As a practical matter, the applicant reports that he can actually fit at least 31 vehicles, and likely even more, at 3128 Colvin Street because vehicles can be parked in tandem. The applicant also reports that he has the use of an additional five spaces behind 3235 Colvin Street, although staff cannot officially count these spaces toward required off-street parking because the spaces are generally used by another business.

II. STAFF ANALYSIS

Staff supports the applicant's request. The proposal to relocate the repair business and associated offices from 3127 to 3235 Colvin Street, just a few hundred feet down the block, represents the expansion and retention of an existing small business within Alexandria. The new and existing sites are well-suited for the use given that both properties are surrounded by other industrial and commercial uses with no nearby residential neighbors. The applicant meets its technical parking requirement and has capacity for additional vehicles as a practical matter.

Existing SUP conditions have been carried forward in this report with minor changes. Condition #17 currently includes language prohibiting the blocking of the shared curb cut at 3127 Colvin Street, which the owner of the neighboring business at 3121 Colvin Street has raised as a concern in the past. Given that the applicant will be entirely abandoning the 3127 Colvin Street site, however, the prohibition will no longer be needed and has been removed. Condition #22 has also been revised to clarify that the minimum number of spaces in the required parking agreement is 24 rather than 28. The 24-space figure matches the remainder of the minimum parking requirement not satisfied at, or immediately around, 3235 Colvin Street.

Subject to the conditions contained in Section III of this report, staff recommends approval of the Special Use Permit request.

III. RECOMMENDED CONDITIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP2008-0017)
2. The hours of operation of the business shall be limited to between 8:00am and 8:00pm Monday through Saturday. (P&Z) (SUP#2011-0019)
3. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP2008-0017)
4. All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES) (SUP2008-0017)
5. **CONDITION AMENDED BY STAFF:** The applicant shall comply with the City of Alexandria Best Management practices manual for automotive related industries. A copy can be obtained by contacting the Division of Environmental Quality at 703-519-3400 ext.166 703-746-4065 or at <http://alexandriava.gov/Environment> under Forms and Publications. (T&ES) (~~SUP2008-0017~~)

6. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2008-0017)
7. **CONDITION AMENDED BY STAFF:** No repair work shall be done outside on the subject property. All repairs of motor vehicles shall be conducted inside a building or structure. (P&Z) (T&ES) (~~SUP#2011-0019~~)
8. All loudspeakers shall be prohibited from the exterior of the building and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2009-0007)
9. Condition deleted.
10. 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) (SUP2008-0017)
11. CONDITION SATISFIED (SUP#2009-0007)
12. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES) (SUP2008-00017)
13. CONDITION SATISFIED (SUP#2009-0007)
14. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z) (SUP2008-00017)
15. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit one year after approval 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) (~~SUP#2011-0019~~)
16. The applicant shall maintain the waste management plan approved by the Planning and Zoning Department. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.

(City Council) (P&Z) (SUP#2009-0007)

17. **CONDITION AMENDED BY STAFF:** All vehicles in front of ~~3427~~ 3235 Colvin Street and in the parking lot at 3128 Colvin Street shall be stored in a neat and orderly manner. ~~At no time shall vehicles block access to the business located at 3121 Colvin Street.~~ (P&Z) (SUP#2011-0019)
18. No vehicles shall be displayed, parked, or stored on a public right-of-way. No junked, abandoned, or stripped vehicles shall be displayed, parked or stored outside. (P&Z) (SUP#2009-0007)
19. **CONDITION REQUIRED BY CODE AND DELETED BY STAFF:** ~~No banners, streamers, flags, or similar advertising devices shall be displayed on the premises, but signs advertising the general business conducted on the premises may be displayed in accordance with Article IX, Section 9-100 of the Zoning Ordinance of the City of Alexandria.~~ (P&Z) (SUP#2009-0007)
20. **CONDITION AMENDED BY STAFF:** ~~Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation.~~ Supply deliveries, and loading, and unloading activities of items other than vehicles shall not occur between the hours of 11:00pm and 7:00am. Loading and unloading of vehicles, if any, shall take place on-site and during hours of operation. (T&ES) (SUP#2009-0007)
21. The application of paints or coatings shall be prohibited at the site, unless a paint spray booth is designed and built to the satisfaction of the Director of Code Enforcement. If automotive refinishing is permitted, no materials shall be disposed of by venting to the atmosphere and no paints or coating shall be applied outside of the approved paint spray booth. (T&ES) (SUP#2009-0007)
22. **CONDITION AMENDED BY STAFF:** The applicant shall maintain an up-to-date parking agreement that allows the applicant the use of the parking lot at 3128 Colvin Street for the storage of at least 28 vehicles for a minimum of 24 off-street parking spaces to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services. ~~The applicant shall provide an up-to-date copy of said agreement to the Director of Planning & Zoning upon request.~~ (P&Z) (T&ES) (SUP#2011-0019)
23. **CONDITION AMENDED BY STAFF:** The applicant shall contact the Community Relations Unit of the Alexandria Police Department at ~~703-838-4520~~ 703-746-6838 regarding ~~a security assessment for 3127 and 3128 Colvin Street and robbery readiness training for all employees.~~ (Police) (SUP#2011-0019)
24. **CONDITION ADDED BY STAFF:** Car wash discharges resulting from a commercial operation must drain to the sanitary sewer system with prior approval from ASA, or be covered by a VPDES permit for discharge into the storm sewer. Without coverage under a VPDES permit, car wash discharges shall not be discharged into a storm sewer. This

condition, if incorporated, will require a change in the operation from what is presented in the application. It is recommended that the car washes be done at a commercial car wash facility. (T&ES)

STAFF: Alex Dambach, Division Chief, Department of Planning and Zoning;
Nathan Randall, Urban Planner.

Staff Note: In accordance with Section 11-506(c) of the Zoning Ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a Special Use Permit by City Council or the Special Use Permit shall become void.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F – finding

Transportation & Environmental Services

- R-1 The applicant shall maintain an up-to-date parking agreement for a minimum of twenty four (24) off-street parking spaces to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (T&ES) (P&Z)
- R-2 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)
- R-3 The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (T&ES)
- R-4 All waste products including, but not limited to, organic compounds (solvents), motor oil, refrigerant, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
- R-5 The applicant shall comply with the City of Alexandria Best Management Practices Manual for Automotive Related Industries. A copy can be obtained by contacting the Office of Environmental Quality at 703-746-4065 or at <http://alexandriava.gov/Environment> under Forms and Publications. (T&ES)
- R-6 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES)
- R-7 No repair work shall be done outside on the subject property. All repairs of motor vehicles at the site shall be conducted inside a building or structure. (P&Z) (T&ES)
- R-8 Car wash discharges resulting from a commercial operation must drain to the sanitary sewer system with prior approval from ASA, or be covered by a VPDES permit for discharge into the storm sewer. Without coverage under a VPDES permit, car wash discharges shall not be discharged into a storm sewer. This condition, if incorporated, will require a change in the operation from what is presented in the application. It is recommended that the car washes be done at a commercial car wash facility. (T&ES)
- R-9 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

- R-10 All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES)
- C-1 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-2 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99).

In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of City Council approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Code Enforcement

- F-1 The following comments are for SUP review only. Once the applicant has filed for a building permit and additional information has been provided, code requirements will be based upon that information and the building permit plans. If there are any questions, the applicant may contact Ken Granata, Plan Review Division Chief at ken.granata@alexandriava.gov or 703-746-4193.
- C-1 New lifts and proposed exhaust fan installed will require building and trade permits
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).

Health

- F-1 No comments

Parks and Recreation

- F-1 No comments received

Police Department

- R-1 The applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-746-6838 regarding a robbery readiness program for all employees.



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-0082

PROPERTY LOCATION: 3235 Colvin St Alexandria VA 22314
3128

TAX MAP REFERENCE: 061-03-01-14 ZONE: I

APPLICANT: 061-04-02-05
Name: Ahmadz Mirza

Address: 16105 Raptor Ct Woodbridge VA 22191

PROPOSED USE: General Auto Repair Shop + Auto Sales

☒ **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.

Ahmadz Mirza
Print Name of Applicant or Agent

[Signature]
Signature

10-24-13
Date

16105 Raptor Ct
Mailing/Street Address

571-247-6874 703-370 8870
Telephone # Fax #

Woodbridge VA 22191
City and State Zip Code

Zekrign7@hotmail.com
Email address

ACTION-PLANNING COMMISSION: _____ DATE: _____

ACTION-CITY COUNCIL: _____ DATE: _____

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 3235 Colvin St Alex VA 22314, I hereby
 (Property Address)
 grant the applicant authorization to apply for the General Auto Repair shop + use as Auto sales
 (use)
 described in this application.

Name: Mehrdad Yavria Phone: 703-499-4910
 Please Print
 Address: 3235 B 6353 Rolling Rd Email: Carpetland@verizon.net
Springfield VA 22152
 Signature: [Signature] Date: 10/25/13

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 ten percent.

N/A

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 ten 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 Alexandris Cerelnic	3235 Colvin st	100 %
² Alexandris Autosches	3128 Colvin st	
³ Mirza Ahmadz		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 3235/3128 Colvin st Alexandria VA 22314 (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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 Mehrdad Yavris	6353 Rollins Rd	100 %
² Marpech Investment Group LLC	Springfield VA 22152	100 %
³	3128 Colvin st	

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 require 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 indicated 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 Ahmad Z. Mirza	N/A	Planning Commission Council
² Mehrdad Yavris	N/A	
³ Marpech Investment Group LLC	N/A	

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.

10-27-13
Date

Zelkria
Printed Name

Zelkria
Signature

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.

NARRATIVE DESCRIPTION

3. 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. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

I would like move my business of General Automotive + Auto Dealership to New Location which is Address 3235 Colvin St Alexandria VA 22314
And we going to operate the same Business like Repair Automotive, body work, Paint job and Sell Cars and we still going to use the lot which is located At 3128 Colvin St For storing our cars

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: New Location

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).

10 a week or less For Automotive Dealership
15 a week For Automotive Service

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

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

4 Employees For Automotive Service
2 Sale person For Automotive Dealer Ship

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

Day:

Monday-saturday
Sunday

Hours:

8:00 am to 7:00 Pm
closed

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

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

~~NOISE~~ ~~From Level to it is only~~
~~General noise~~ The noise which will come From
 Air compressor and Air gun is Low.

B. How will the noise be controlled?

if the noise get ^{Low} ~~High~~ The noise will be
 Controlled By Brining the Garage door down.

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

have Paint Booth, filters + Exhaust fans
to control them (Paint + Gas out)

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)

Office paper, Boxes,

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

6 per week

- C. How often will trash be collected?

twice a week

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

Placing trash cans, and cleaning up daily
around/nearby street

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:

Paint materials, Oil, Brake Cleaners,

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:

Car Paint, thinner, degreasers and they will
store inside Provided Box By the paint Company
inside the property

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

Training For Employee to Customer Safety

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.

PARKING AND ACCESS REQUIREMENTS

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

23 Standard spaces
 _____ Compact spaces
 _____ Handicapped accessible spaces.
28 Other.
In the lot

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A _____

Does the application meet the requirement?

☐ Yes ☐ No

- 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?

3128 Colvin St

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? 2

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 _____

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? 3128 Colvin
- C. During what hours of the day do you expect loading/unloading operations to occur?
Any time During hours
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
8 Per day
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?

Yes,

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?
8200 sq. ft. (existing) + _____ sq. ft. (addition if any) = 8200 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: _____

End of Application



APPLICATION - SUPPLEMENTAL

AUTOMOBILE-ORIENTED USES

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: Automobile General Auto Repair + Auto Sales

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

Operating General Auto Repair (including Body shop + Paint shop and Auto Sales

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

5 hydraulic lifts or racks at 3235 Colvin St

N/A service pits

 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)?

Twenty Cars at 3235 Colvin St

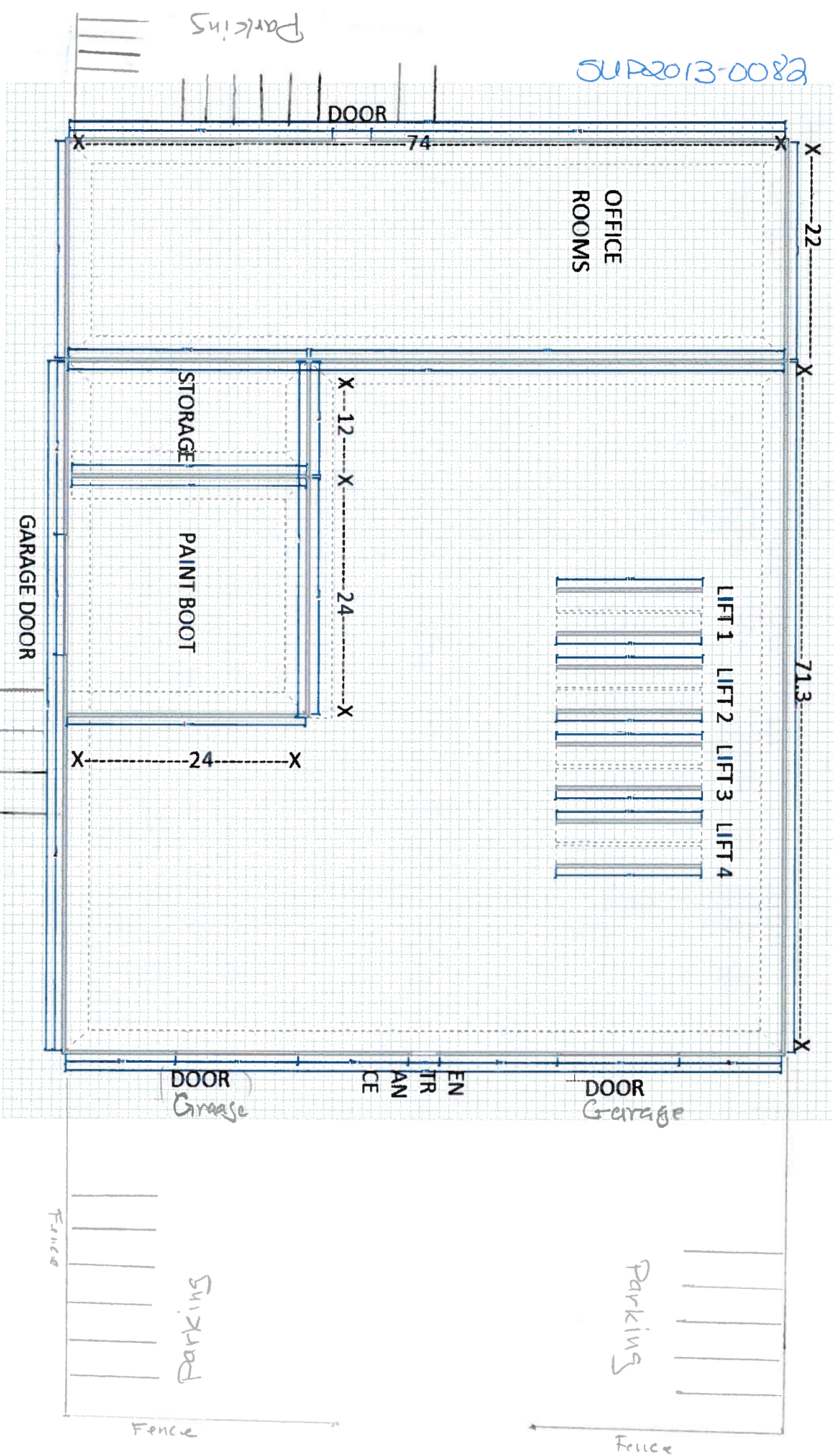
up to 28 Additional Cars for sale will stored at 3128 Colvin St

5. Will a loudspeaker or intercom system be used outside of the building? Yes N/A No

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



SUP2013-0082





3235 Calvin St.

3128 Calvin

SUP#2013-0082

3128 and 3235 Colvin Street

- SUP request to relocate portion of automobile sales and repair business
- Sales lot will remain at 3128 Colvin Street
- Ample parking
- Staff recommends APPROVAL







Legislation Details (With Text)

File #:	DSUP12-019	Name:	Cummings Hotel
Type:	Land Use and Development (Planning Commission Items)	Status:	Agenda Ready
File created:	9/23/2013	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Development Special Use Permit #2012-0019 Special Use Permit #2013-0080 Encroachment #2013-0004 Transportation Management Plan SUP #2013-0071 220 South Union Street - Cummings Hotel Public Hearing and Consideration of requests for: A) a development special use permit and site plan, with modifications, to construct a hotel including special use permits for an increase in height, a reduction of the required number of loading spaces, a reduction of the required number of parking spaces, an increase in FAR, and valet parking; B) a special use permit for a restaurant, C) encroachments into the public right-of-way; D) approval of a transportation management plan; zoned W-1/Waterfront mixed use. Applicant: Carr City Centers, LLC by Kenneth Wire, attorney Planning Commission Action: Recommend Approval 6-0-1		

Sponsors:

Indexes: Development SUP, Encroachment, Special Use Permit, Transportation Management Plan

Code sections:

Attachments: [DSUP12-019 Staff Report to Council](#)
[DSUP12-019 Presentation](#)

Date	Ver.	Action By	Action	Result
1/7/2014	1	Planning Commission	recommended approval with amendments	Pass

Development Special Use Permit #2012-0019

Special Use Permit #2013-0080

Encroachment #2013-0004

Transportation Management Plan SUP #2013-0071

220 South Union Street - Cummings Hotel

Public Hearing and Consideration of requests for: A) a development special use permit and site plan, with modifications, to construct a hotel including special use permits for an increase in height, a reduction of the required number of loading spaces, a reduction of the required number of parking spaces, an increase in FAR, and valet parking; B) a special use permit for a restaurant, C) encroachments into the public right-of-way; D) approval of a transportation management plan; zoned W-1/Waterfront mixed use. Applicant: Carr City Centers, LLC by Kenneth Wire, attorney

Planning Commission Action: Recommend Approval 6-0-1



Docket Item #7A-D

Development Special Use Permit #2012-0019

Special Use Permit #2013-0080

TMP Special Use Permit #2013-0071

Encroachment #2013-0004

Application	General Data	
Project Name: Cummings Hotel Location: 220 South Union Street Applicant: Carr City Centers, LLC represented by Kenneth Wire, McGuire Woods	PC Hearing:	January 7, 2014
	CC Hearing:	January 25, 2014
	If approved, DSUP Expiration:	January 25, 2017
	Plan Acreage:	21,299 sf (0.49 acres)
	Zone:	W-1/Waterfront Mixed Use
	Proposed Use:	Hotel with restaurant and meeting room
	Number of Rooms:	120 rooms
	Net Floor Area:	61,182 sf
	Small Area Plan:	Waterfront
	Historic District:	Old and Historic
	Green Building:	LEED Silver or Equivalent
Purpose of Application		
Approval of a hotel with a restaurant and meeting room.		
Special Use Permits and Modifications Requested:		
<ul style="list-style-type: none"> • Special Use Permit: <ul style="list-style-type: none"> • Hotel pursuant the Waterfront Small Area Plan • Increased floor area pursuant the Waterfront Small Area Plan • Additional height pursuant to the Potomac River Vicinity Height District • Parking reduction • Loading space reduction • Valet parking • Restaurant • Transportation Management Plan (TMP) • Modifications: (1) Vision Clearance, (2) Height to Centerline, (3) Crown Coverage • Encroachment for Canopy along Union Street 		
Staff Recommendation: APPROVAL WITH CONDITIONS		
Staff Reviewers: Karl Moritz, P&Z (karl.moritz@alexandriava.gov); Robert Kerns, P&Z (robert.kerns@alexandriava.gov); Gary Wagner, P&Z (gary.wagner@alexandriava.gov); Katye North, P&Z (katye.north@alexandriava.gov); Nancy Williams, P&Z (nancy.williams@alexandriava.gov), Daphne Kott, T&ES (daphne.kott@alexandriava.gov); Matt Melkerson, T&ES (matt.melkerson@alexandriava.gov)		

PLANNING COMMISSION ACTION, JANUARY 7, 2014: On a motion by Commissioner Macek, seconded by Commissioner Wagner, the Planning Commission voted to **recommend approval** of DSUP #2012-0019, SUP #2013-0080, TMP SUP #2013-0071, and ENC #2013-0004 subject to compliance with all applicable codes, ordinances and conditions, with amendments to DSUP conditions 5, 6, 11, 15, 35, 106, and C-9, and SUP condition 3, and new DSUP conditions 11A and 40A, and SUP condition 16A. The motion passed on a vote of 6 to 0, with Commissioner Dunn abstaining.

Reason: The Planning Commission agreed with the staff analysis and recommendation that the proposal complied with the Waterfront Plan, but expressed concern about the proposed architecture. The Commissioners discussed how to improve the building, which included studying whether a reduction of the number of rooms could successfully reduce the mass of the building while still allowing for a financially feasible project. Condition 11 was revised as a result of this discussion. Mr. Dunn abstained from voting because he felt the applicant should take more time to study how to reduce the mass of the building.

Speakers:

Kenneth Wire, representing the applicant, spoke in support of the request and responded to questions and comments from the Commissioners and public.

Kathryn Papp, 504 Cameron Street, spoke in opposition to the project. She felt the proposal was too massive and did not fit into the neighborhood. She expressed concern about the loading dock and the usability of the courtyard.

Bert Ely, co-chair of the Friends of the Alexandria Waterfront although speaking only for himself, spoke in opposition to the project. He recommended the project be deferred due to (1) the pending lawsuit about the W-1 zone, (2) potential contaminated soil issues that may impact construction of the underground garage, and (3) questions about whether the Alexandria Marine building is a historic building that will have to remain.

Michael Jennings, 10 Potomac Court, spoke in opposition to the project. He expressed concern about the traffic and the use of Union Street for valet spaces. He also believes the project will dwarf the homes next to the site.

Van Van Fleet, 26 Wolfe Street, spoke in opposition to the project. He felt that the applicant was requesting too many exceptions and the project should be smaller. He also believed the project should be coordinated with Robinson Terminal South and the Turner property, and that the underground garage will have flooding problems.

Katy Cannady, 20 East Oak Street, spoke in opposition to the project. She stated that the development is a big box and no significant changes were made as a result of public feedback. She also expressed disappointment about the lack of views and access to the river as called for by the Waterfront Plan.

Yvonne Weight Callahan, 735 South Lee Street and President of Old Town Civic Association, spoke in opposition to the project. She questioned whether the alley and courtyard would truly be open to the public. She also questioned whether the bathrooms were included in the FAR calculations and how coordination of the loading dock would work.

Carl Smith, 200 Duke Street, spoke in opposition to the project. He questioned whether the alley would truly be public and whether the loading dock was sufficient for the building.

Margaret Wood, 711 Potomac Street, spoke in opposition to the project. She stated that she did not think the proposal complied with the Waterfront Plan with respect to height, mass, and parking, and the building should be smaller.

Poul Hertel, spoke in opposition to the project. He felt the proposal could be better and does not reflect the model. He also expressed concern about the public nature of the courtyard.

Boyd Walker, 1307 King Street, spoke in opposition to the project. He thought a 3-story building would be better received and there should be a better solution than the proposed mansard roof. He suggested deferring the case to allow time to coordinate with Robinson Terminal South and to determine whether the Alexandria Marine building is historic.

Mark Mueller, co-chair of the Friends of the Alexandria Waterfront although speaking only for himself, spoke in opposition to the project. He expressed disappointment with the proposal and the lack of compromise from the applicant. He believes the building should be smaller and the footprint should be flipped so the open space is along Duke Street instead of in the courtyard.



I. SUMMARY

A. Recommendation & Summary of Issues

Staff recommends **approval** of Carr City Centers' request for a hotel at 220 South Union Street. As the first of the three redevelopment sites identified in the Waterfront Small Area Plan to be reviewed, approval of this project will play a significant role in implementing the Plan's goals for the Waterfront. Successful implementation of this project will help activate this section of the Waterfront through removal of an older, defunct warehouse building and replacement with active uses, such as the proposed hotel and restaurant overlooking The Strand and Point Lumley Park.

Given the extensive public involvement and interest related to the Waterfront Small Area Plan, it is important that this proposal be carefully reviewed to ensure consideration of all potential impacts and confirm compliance with City policies. A number of issues were analyzed, including the following:

- The proposal's consistency with the Waterfront Small Area Plan and other City Policies;
- The evolution of the building design and direction from the Board of Architectural Review;
- The requested special use permits and justifications for approval;
- The proposed off-site contributions to be provided by the developer to help further the goals of the overall Plan;
- The proposal's impact to parking and traffic in the area;
- The fiscal impact of the proposed hotel; and
- The community outreach that has occurred.

There are a number of important aspects about this development that should be emphasized:

- The proposal for a hotel on the Cummings/Turner Block is consistent with the Waterfront Small Area Plan. This is the first hotel to be reviewed under the Plan, and at 120 rooms, it is below the 150 room per hotel cap established by the Plan.
- Although the Board of Architectural Review is evenly divided on the issue of whether the overall mass, scale, and height of the building is appropriate, they are comfortable with the general architectural character of the building as discussed at their December 18, 2013 meeting.
- The development provides a number of public benefits including: undergrounding of above grade utilities, public art, public open space through a pedestrian alley and a 5,000 sf courtyard, a \$111,552 contribution to affordable housing, a \$20,000 contribution to the bikeshare program, and enhanced streetscape.
- In addition, the developer will provide a monetary contribution to go towards improvements in the park along the Waterfront or perform a comparable amount of off-site improvements, including demolition the two existing buildings across The Strand from the site and additional undergrounding of overhead utilities.
- The amount of parking provided for this hotel is consistent with actual parking ratios observed at other hotels in the area.
- The development will generate approximately \$420,000 annually in additional taxes.

B. General Project Description

The applicant's proposal for 220 South Union Street consists of a five-story, 120 room hotel with a restaurant and meeting room. One level of underground parking is provided that is intended to be solely used for valet parking. The building is designed to provide frontage on South Union Street, Duke Street, and The Strand. Pursuant to the Waterfront Small Area Plan, half of the required 20-foot wide mid-block alley will be installed with this development along the north property line, providing open views to the Potomac River and a pedestrian link between South Union Street and The Strand. The proposal also includes a 5,000 sf, publicly accessible courtyard that will provide open space for the development with outdoor seating for the restaurant and public art. The streetscape along South Union Street and Duke Street will be improved with the undergrounding of utilities, new brick sidewalks, street trees and street lights. The applicant will also provide a monetary contribution as anticipated by the Plan for future improvements to the Waterfront and may also demolish the two buildings on the east side of The Strand to make way for the future expansion to Point Lumley Park.

With this proposal the applicant has requested approval of the following applications:

- DSUP for a hotel pursuant to the Waterfront Small Area Plan and Special Use Permits for:
 - Increased floor area pursuant to the Plan
 - Increased height pursuant to the Potomac River Vicinity Height District
 - Parking reduction
 - Loading space reduction
 - Valet parking
- Special Use Permit for a restaurant
- Special Use Permit for a Transportation Management Plan
- Encroachment for a canopy along South Union Street

II. BACKGROUND

A. Site Context

The property is located on part of the redevelopment site identified in the Waterfront Small Area Plan as the Cummings/Turner Block, which extends from the east side of South Union Street to the west side of The Strand, between Duke and Prince Streets. The half-acre parcel occupies the southern portion of the Cummings/Turner Block along the north side of Duke Street. Immediately north of the site is a one-story retail building and surface parking lot. Other uses in this block include Chadwicks Restaurant, Big Wheel Bikes, Old Towne Gemstones, and the newly restored Brandt mid-19th century warehouse buildings that have been converted to offices. On the east side of The Strand, between Duke and Prince Streets and abutting the Potomac River are The Beachcombers Restaurant building, The Strand parking lot, the Alexandria Yacht building, the Alexandria Marine building, and Point Lumley Park. The Waterfront Small Area Plan anticipates converting The Strand parking lot, the Alexandria Yacht building and the Alexandria Marine building into an expansion of Point Lumley Park by demolishing the parking

lot and the two buildings. The Robinson Terminal South property is immediately south of the hotel site, between South Union Street and the river, and is also anticipated for redevelopment under the Waterfront Small Area Plan. On the block to the west of the project site is the Solo parking garage, and commercial and residential uses.

The project site is relatively flat, gradually sloping eastward in the direction of the Potomac River. The majority of the site is within the 100 year floodplain. A one-story warehouse building (that formerly housed the Art League) currently occupies the project site. A number of above grade utility poles and lines surround the site on all three streets.

B. Procedural Background

Alexandria's Waterfront is a significant asset to the City and has long been the subject of various planning efforts, as early as the 1960s. The most recent planning process began in 2009 with a series of community forums, tours, and a charrette. A concept plan was released in May 2010 and a number of meetings were held to solicit comments and feedback. A more detailed plan was released in December 2010 and again reviewed at a series of meetings. The Plan included a companion Text Amendment to the W-1/Waterfront Mixed Use Zone to allow for hotels and to include other changes, primarily an increase in density for the three redevelopment sites identified in the Plan. The higher density in the Text Amendment was linked to development goals and guidelines outlined in the Plan for each site. The three redevelopment sites in the Plan are the Robinson Terminal North and South properties, and the Cummings/Turner Block. As previously mentioned, the hotel development under this application is on the southern half of the Cummings/Turner Block.

The City Council reviewed the draft Plan at a public hearing in May 2011, but deferred the vote to allow for a Mayor-appointed Work Group to review the Plan and propose options for addressing some of the main points of contention. The City Council later approved the Waterfront Small Area Plan and the W-1 Text Amendment at a public hearing in January 2012. There was subsequent litigation on a procedural matter involving the Text Amendment and in order to resolve the procedural concern, City Council approved the Text Amendment again in spring 2013.

The Waterfront Small Area Plan originally called for up to three hotels with a maximum of 150 rooms each. At the City Council public hearing in January 2012, the Council reduced the number of hotels permitted under the Plan to two. Since this project is the first of the redevelopment sites to be reviewed, a hotel is an acceptable use for the site.

C. Detailed Project Description

Site Plan and Building

The proposal for the site consists of a 5-story, 120 room, hotel with one level of underground parking. The building is designed as a "C" shape with frontage along all three public streets, with a pedestrian alley and 5,000 sf courtyard on the north side of the building. The main entrance and lobby to the hotel is on South Union Street. The garage entrance and the loading dock are located mid-block on Duke Street. The restaurant and meeting space are located on the

first level along the eastern end of Duke Street and The Strand. Pursuant to the Waterfront Small Area Plan, a ten-foot-wide alley is provided along the north property line from South Union Street to The Strand, which will ultimately be increased to 20 feet in width once the adjacent property to the north redevelops. Along South Union Street, the alley is flush with the sidewalk grade and gently slopes up to the central courtyard. The alley connects to The Strand approximately 5 feet above the elevation of the street, so stairs are provided at this end. The courtyard will also be publicly accessible, with outdoor dining provided for the restaurant and public art.

Applications

There are several applications that have been submitted as part of the overall hotel development. First, a Development Special Use Permit (DSUP) with site plan has been submitted as required by the Waterfront Small Area Plan for development on this site. Included in the DSUP are special use permit requests for: (1) an increase in height above 30 feet per the Potomac River Vicinity Height District, (2) an increase in the maximum floor area ratio per the Waterfront Small Area Plan, (3) a parking reduction from 87 spaces to 69 spaces, (4) a loading space reduction from 4 spaces to 1 space, and (5) valet parking. A separate special use permit has been requested for the proposed restaurant. The size of this hotel triggers a Transportation Management Plan, which has also been requested through a separate special use permit. Finally, an encroachment has been requested for the canopy along the South Union Street façade that extends into the right of way.

D. Project Evolution

After the Plan was approved in 2012, the applicant submitted a development concept plan for the City to review, which was discussed by the Old and Historic District Board of Architectural Review that year. However, since the Text Amendment to the W-1 zone to allow hotels was on hold pending the litigation, no further submissions were made after the 2012 BAR meeting. In March 2013, the City Council approved the text amendment to the W-1 zone and the applicant resubmitted plans to the City later that year. The plans were reviewed again by the BAR in September and December of 2013.

As discussed in further detail in the Staff Analysis, the building design and architecture was the subject of many meetings and generated significant feedback. While the overall height and massing has remained fairly consistent, the architecture has been revised several times in response to comments from the BAR, the public, and staff. At the December BAR meeting, the BAR supported the general architecture character that had been presented to them.

III. ZONING

Property Address:	220 South Union Street	
Total Site Area:	21,299 sf (0.49 acres)	
Zone:	W-1/Waterfront mixed use zone	
Current Use:	Warehouse	
Proposed Use:	Hotel	
	Permitted/Required	Proposed
FAR	3.0 (63,897 sf) with SUP per Waterfront Small Area Plan	2.87 (61,182 sf)
Height	30 feet (50 feet with SUP)	50 feet
Open Space	n/a	5,077 sf
Parking	0.7 spaces per room = 84 spaces 1 space per 8 meeting room seats = 3 Total = 87 spaces	69 spaces *
Loading spaces	1 space per 20,000 sf = 4	1 space *
* No parking required for restaurant since it is located in the Central Business District (CBD); Parking and loading space reduction requested.		

IV. STAFF ANALYSIS

A. Consistency with the City's Approved Plans and Policies

Waterfront Small Area Plan

In addition to creating an overall vision for the Waterfront, the Waterfront Small Area Plan adopted in 2012 also established Development Goals and Guidelines for the three specific redevelopment sites in the Plan area. The following is a summary of how this proposal complies with each of the Development Goals for the Cummings/Turner Block. A detailed analysis of compliance with the Development Guidelines is included in Attachment #1.

Goal 1: Employ a land use mix and design which invites the public and encourages activity within the proposed development, and in the adjacent public spaces.

The proposed hotel, including a new restaurant with outdoor dining, a pedestrian alley connecting The Strand and South Union Street, and a 5,000 sf courtyard with public art and seating will attract additional public activity through guests of the hotel and restaurant, and pedestrians walking through the site to and from an expanded Point Lumley Park. The hotel entrances located on South Union Street and Duke Street will provide pedestrian activity on the street as hotel guests arrive and depart.

Goal 2: Provide extensive public amenities, with particular attention to the restoration of the historic buildings on the block.

This development reflects a design that recalls Alexandria's historic maritime warehouses, consistent with the architectural guidelines of the Plan. Additionally, in terms of amenities, this development will include a variety of new public amenities such as a new restaurant with outdoor dining, a 5,000 sf courtyard with public art, an enhanced streetscape with new street lights and street trees, and undergrounding of utility lines along South Union Street and Duke Street. Additionally, a monetary contribution will be provided to go towards future improvements in the park.

The goal's reference to restoration of historic buildings refers to the mid-19th century warehouse buildings located on the northern end of the Cummings/Turner Block (204-206 South Union Street) which are not part of this project. Two of these were acquired by another owner in 2012 and have already been restored in accordance with the guidelines of the Board of Architectural Review and the vision and guidelines of the Plan. The buildings' heavy timber interior framing and massive solid masonry walls were accentuated under the rehabilitation and preservation processes. To celebrate the historic nature of the buildings and area, the owner has installed a gallery in the lobby with photographs and wallpaper reflecting Alexandria's maritime past. The buildings are adaptively reused as office space. The same owner has also purchased two other buildings at this end of the Cummings/Turner Block. One of those buildings is also a historic warehouse and is currently undergoing restoration.

Goal 3: Improve access and views to the Potomac River by creating new east-west alleys.

Per the requirements of the Waterfront Small Area Plan, this proposal includes half of a required 20-foot wide east-west alley along the north property line. The alley will be constructed from South Union Street to The Strand, which will provide physical and visual access through the block to the Potomac River and expanded Point Lumley Park. When the Turner site to the north redevelops, the second half of the alley will be required to complete the entire 20-foot width anticipated by the Plan.

Goal 4: Pay homage to Alexandria's waterfront history through public space design and interpretive features.

This area of the Waterfront is titled *The Working Seaport* under the Plan, as its location contains the last observable vestiges of Alexandria's golden maritime era from the last half of the 18th century to early 20th century. As such, it features a concentration of some of the last remaining historic buildings on the Waterfront and it encompasses Point Lumley, part of the City's original shoreline and a former center of shipbuilding. To help celebrate the past, this goal is to be met through incorporation of architectural features and the overall design including the open space, art, and cultural and historical programming. The applicant has identified a location within the publicly accessible courtyard for public art. While the specific piece has not been selected, the art should be a prominent feature according to the Plan and should be related to Alexandria's Waterfront history. The conditions of approval require the applicant to develop a plan for selecting the art and the public art will be reviewed by the Waterfront Commission and the

Commission for the Arts. There are also some opportunities to incorporate aspects of the Waterfront history, such as photographs or paintings, in the hotel lobby, restaurant, hallways and guest rooms.

Goal 5: Maintain a building scale compatible with existing fabric across South Union Street and Wolfe Street.

The majority of the buildings in this block and the blocks across South Union Street range in height from two to four stories. While the proposed building is a total of five stories, the South Union Street façade, which is the elevation that most directly impacts the existing neighborhood buildings, has a three story element along the street with a five story piece set back approximately 5 to 13 feet. This creates a three story presence along South Union Street to relate to the existing buildings and maintains a compatible scale. The elevation along Duke Street uses a two story mansard roof to create a plane change between the third and fourth stories. This elevation currently faces the Robinson Terminal South warehouse buildings, which the Plan anticipates being replaced with 4-5 story buildings, except for the 2-story 19th century building (2 Duke St.).

Goal 6: Maximize water views from buildings, streets, and rooftop open spaces.

Since the development is located one block from the Potomac River, many of the hotel rooms will enjoy views of the river. As part of this project, the developer will be required to demolish the two existing buildings along The Strand (the Alexandria Yacht building and the Alexandria Marine building) or provide a contribution to pay for it. With these structures removed and temporary park improvements installed, views and connections to the water will be improved. The restaurant has also been located at the eastern end of the building closest to The Strand to allow for restaurant patrons to overlook the future park and the Potomac River. Additionally, the courtyard and alley provide views through the site to the river and provide a place for the public to enjoy the park and water views.

City Council Strategic Plan

The updated City Strategic Plan was adopted in 2010 and set seven goals for the City. This proposal is consistent with the goals and objectives in the Strategic Plan, specifically, the following goals:

- Goal 1: Alexandria has quality development and redevelopment, support for local businesses and a strong, diverse and growing local economy.
 - Objective: Increase the vitality and economic success of the City Waterfront and King Street Corridor while maintaining and strengthening the City's commitment to historic preservation and neighborhood quality of life.
- Goal 5: Alexandria is financially sustainable, efficient, community-oriented and values its employees.
- Goal 7: Alexandria is a caring and inclusive community that values its rich diversity, history and culture, and promotes affordability.
 - Objective: Promote equitable access to lifelong learning opportunities through arts, library, historical, archaeological, and cultural resources, programs and services.

This proposal supports a diverse economy by providing a hotel that will bring visitors to the City and generate additional tax revenue. The location along the Waterfront directly supports the objective to increase the vitality and economic success of the Waterfront and King Street, including providing new jobs and new customers for Union Street and King Street businesses. The applicant will be required to provide public art in the publicly accessible courtyard. Furthermore, the location of the hotel near the future expanded Point Lumley Park will create more opportunities for the public to enjoy the Waterfront and the amenities that will be part of it.

Green Building Policy

The City adopted a Green Building Policy in 2009 that established a desired level of green building certification for future development. Per the Policy, commercial developments such as the proposed hotel are expected to achieve a certification level of LEED Silver or an equivalent certification from another third party rating system. The developer has indicated that they will comply with the Policy and commit to achieving LEED Silver certification for the development. The building's location close to several transit options and neighborhood services will provide several credits for the project. Water saving fixtures, water efficient landscaping, and building materials with recycled content will be used for additional credits.

B. Building Design

The design of the building has been one of the most debated and discussed aspects of this proposal. The public, staff, Old and Historic Alexandria District Board of Architectural Review, Waterfront Commission, and the applicant all agree that the design for this building must be appropriate and successful. As one of the first structures to be constructed following approval of the Waterfront Small Area Plan, it will set the tone for future development. The BAR has held three informal Concept Review hearings over the last year and a half to provide feedback on the appropriateness of the scale, mass and general architectural character of the project. As a result, the architecture has continued to evolve in an attempt to respond to the various, and sometimes conflicting, community comments. The design details will continue to be refined through the final site plan and Certificate of Appropriateness reviews.

Mass, Scale, and Height

Throughout the review of the project, the building has been presented as five stories, with setbacks and plane changes above a basic 30 foot height to comply with the requirements of the Potomac River Vicinity Height District. The overall mass, scale, and height of the proposed building has been a constant concern expressed by the public, some of whom believe the structure is too big and does not appropriately relate to the surrounding neighborhood. As discussed further in the Special Use Permit Requests section, the size and height of the building is allowed through the SUP process. If the SUPs are approved for the additional floor area pursuant to the Plan and the additional height above 30 feet pursuant to the Potomac River Vicinity Height District, the building complies with the zoning requirements for this property.

Staff is sensitive to the concern about the size of the proposal. At five stories, it will be taller than the immediately adjacent buildings that currently exist, though comparable in height to the townhouses at Harborside and the commercial building at 110 South Union Street. An Existing

Building Analysis of buildings along the waterfront show that Union Street features a range of new and historic building heights from two stories to five stories. As discussed in more detail below, staff believes architectural details can be incorporated into the design to reduce the perceived bulk and mass of the building at the street level. The footprint of the hotel is not atypical to the footprints of warehouse buildings historically found along the waterfront which often occupied the entire lot with no setbacks with through-block alleys providing the only permeability. The site will be more open than it is currently with the addition of the pedestrian alley and the courtyard opening to the future waterfront park.

The scale model prepared for the Waterfront Small Area Plan illustrated how the then-proposed (and now adopted) scale and mass should be accommodated on the site. The scale model is referenced in the Plan document as a guide to the scale, mass and architectural character for this site and other redevelopment sites. The current design is consistent with the scale model.

Architectural Character

There are several different regulations and guidelines that have influenced the design for this building. The initial design concept in July 2012 reflected a cluster of smaller warehouse buildings, similar to those at the north end of this block, with five to six building components intended to break up the visual mass and scale into smaller building units. At the September 2013 BAR meeting, the comments from the public and Board members strongly favored a more simplified design that recalled the Waterfront Small Area Plan model and the historic masonry warehouse buildings shown in mid-19th century photographs of The Strand. The current proposal recalls those larger historic warehouse buildings for the Duke Street elevation, with a pronounced gable end facing The Strand. A smaller three-story building form anchors the corner of South Union and Duke streets, providing a change in the façade and a building setback at the north end to mark the hotel's main entrance.

The applicant's current proposal (Attachment #2) generally reflects staff's recent suggestions and the BAR's comments at the December 18, 2013 concept review hearing. Specifically, the current elevations reflect:

- Simplification of the overall mid-19th century warehouse architectural character
- Rebalanced proportions of the building base, wall and roof on Duke Street
- Introduction of lighter colored brick on the largest building elements
- Recollection of the iconic warehouse gable form and proportions with the introduction of contemporary glass shoulders on The Strand elevation

The BAR was evenly divided on the issue of whether the overall mass, scale, and height were appropriate for this context. However, all four Board members at the work session strongly supported the proposed design direction, which incorporates a modern interpretation of Alexandria's historic waterfront warehouse vocabulary, and unanimously endorsed the general architectural character proposed for each of the street elevations. Final selection of the color, materials, window arrangement, and other design details will be reviewed and approved by the BAR as part of the Certificate of Appropriateness following approval of the DSUP.

C. Special Use Permit Requests

Section 11-500 of the Zoning Ordinance gives authority to the City Council to approve special use permits. This application includes several requests that require approval of special use permits. The following outlines those requests and the rationale for approving each one.

Hotel

Section 5-503 allows hotels that are “consistent with the Development Goals and Guidelines for Development Sites in the Waterfront Small Area Plan” to be permitted through a special use permit. As discussed in the section above (*Consistency with the City’s Approved Plans and Policies*), the proposed hotel use is consistent with the development goals and guidelines specified for the Cummings site.

The Waterfront Small Area Plan also includes additional review criteria for hotels in the *Policy for Restaurant/Hotel/Commercial Uses* (Pages 84-85). According to this Policy, the City Council shall (1) “not approve an SUP for a use on the waterfront unless it finds that the use does not create significant negative impacts on the vitality and character of King Street or the character and enjoyment of nearby residential neighborhoods”, and (2) “consider the cumulative effect of the proposal and the number of already established uses in the nearby area”. Specific factors for hotels are included to guide the Council in making these determinations. Attachment #1 provides a summary of those factors and how this hotel complies with the Policy. Staff supports the special use permit for a hotel since it is consistent with the requirements of the Waterfront Small Area Plan.

Floor Area

Section 5-504(D) states “For property that is part of a development site identified in the waterfront small area plan, with a special use permit, the maximum floor area ratio may be increased provided the development meets and is consistent with the Development Goals and Guidelines listed in the Waterfront plan for the property”. The Cummings site is one of the development sites listed in the Plan and Table 2 (page 103) allows a FAR of 3.0. The development proposes an FAR of 2.87. Staff supports the special use permit since the proposed development project is consistent with the Development Goals and Guidelines the Waterfront Small Area Plan.

Increase in height from 30 to 50 feet

Section 6-404 establishes the height limit for the Potomac River Vicinity Height District, which this site falls within. The maximum height in this district is 30 feet except that the height may be increased to 50 feet through a special use permit. This section outlines the standards and guidelines for considering a request for a special use permit for additional height. A summary of how this development complies is provided in Attachment #1. Staff supports the special use permit since it complies with the guidelines of this section.

Loading space reduction

Section 8-200(B) requires one loading space to be provided for every 20,000 sf of hotel floor area. For a 74,368 sf hotel, a total of four loading spaces would be required. The applicant has

proposed one loading space. Section 8-100(A)(4) allows for a reduction of the requirement through a special use permit.

Staff supports this reduction of the loading space requirement as unnecessary and detrimental to the goals of the Waterfront Small Area Plan. Requiring the full complement of loading spaces would mean a significant portion of the ground floor would be occupied by loading spaces. This would be counter to the Waterfront Small Area Plan's requirement of creating an active ground floor. Additionally, requiring four spaces would mean most of Duke Street would be a curb cut into the loading area, which would limit proposed streetscape improvements such as street trees and new on-street parking spaces. The applicant has indicated that one loading space will be sufficient to meet the needs of both the hotel and restaurant and staff agrees.

Parking reduction

Section 8-200(A)(21) and 8-300(B) establish the parking requirements for a hotel development with a restaurant in the Central Business District. For hotels within Parking District 1, a minimum of 0.7 spaces per room, or 84 spaces is required. For the 24 seat meeting room, one space per every eight seats, or 3 spaces is required. Restaurants within the Central Business District are not required to provide parking. Therefore, the total parking required for this development is 87 spaces. The applicant has proposed a total of 69 spaces in the garage, which is a reduction of 18 spaces.

Staff supports the requested parking reduction for several reasons. First, the Waterfront Small Area Plan anticipated and recommended low parking ratios for hotels as long as they were consistent with industry norms for similar hotels. The proposed ratio is approximately one space for every two rooms. Second, the transportation study included a parking analysis of similar hotels in the area and found that on average, the parking ratio ranged from one space for every three or four rooms. The maximum parking ratio observed was 0.45 spaces per room, which is still less than the ratio proposed for the hotel. Finally, the applicant has identified additional parking off-site in the rare event the hotel garage is full. Additional details about the parking for the development are provided in the Parking section below.

Valet Parking

As part of this development, the applicant has proposed a valet parking operation to facilitate all guest parking at the hotel. Section 8-300(C) of the Zoning Ordinance requires a special use permit for such valet parking operations. Two spaces for the valet service will be provided on South Union Street in front of the hotel lobby entrance. Valet parking attendants will park the cars off-street in the underground garage. Should all of the spaces in the garage be used, the hotel will be required to park the cars in an off-site and off-street location. Specific conditions have been included in the Staff Recommendations to control the valet parking operation and it will be reviewed within six months of the start of operation to ensure compliance.

Restaurant

Approval for a restaurant with 80 indoor seats and 40 outdoor seats has been requested as part of the hotel development. Per the Waterfront Small Area Plan (page 85, Section 4.b.vi), a separate special use permit is required and the restaurant shall be subject to the same requirements as other restaurants. As with the hotel use, staff has reviewed the proposed restaurant for

compliance with the *Policy for Restaurant/Hotel/Commercial Uses* (Pages 84-85). According to this Policy, the City Council shall (1) “not approve an SUP for a use on the waterfront unless it finds that the use does not create significant negative impacts on the vitality and character of King Street or the character and enjoyment of nearby residential neighborhoods”, and (2) “consider the cumulative effect of the proposal and the number of already established uses in the nearby area”. Specific factors for restaurants are included to guide the Council in making these determinations. Attachment #1 provides a summary of those factors and how this restaurant complies with the Policy. Staff supports the special use permit for a restaurant since it is consistent with the requirements of the Waterfront Small Area Plan.

D. Contributions

The Implementation chapter of the Waterfront Small Area Plan discusses the expectation for developer contributions for offsite public improvements along the Waterfront. The Plan’s Development Guidelines for the Cummings/Turner Block indicate that development in this location should “Contribute significantly to the public amenities in the new park, between the redevelopment block and the Potomac River, including environmental amenities, above and beyond the minimum required.” A *minimum* of \$9 per square foot of development was cited as the basis for determining the minimum contribution.

The staff has proposed a set of public improvements which, if provided by the developer, could be credited toward the contribution requirement. The first of these potential improvements involves demolition of one or both of the two existing buildings east of The Strand (Alexandria Yacht and Alexandria Marine), which the Plan recommends removing to expand Point Lumley Park and connect to the larger Waterfront park. Demolition of these two buildings will immediately improve views and access to the river. The City owns the Alexandria Yacht building and the Washington Post (owner of the Robinson Terminal properties) owns the Alexandria Marine building. Demolition of the Alexandria Marine building will require an agreement with the Washington Post. If there is no agreement, then only the Yacht building can be demolished at this time. The costs to demolish the Alexandria Marine building would be contributed by the developer to be completed by the City at a later date. As part of the demolition of these buildings, the developer will be required to clean up the miscellaneous debris on the site and stabilize the property by adding grass seed or other approved methods and maintain the site for up to three years.

The second potential off-site improvement the developer may undertake is implementing a portion of re-grading The Strand and Duke Street for flood mitigation, if re-grading The Strand is included in the Waterfront landscape architecture/flood mitigation design now being developed. The idea underlying the re-grading would be to elevate the streets and the Robinson Terminal property above the 100-year floodplain. Although this site will remain in the floodplain, elevating the surrounding area cannot be accomplished without also re-grading portions of The Strand and Duke Street on the south and east sides of the hotel. If a plan that includes re-grading is approved, it would be desirable for both the City and the hotel that it be accomplished while the hotel is under construction, instead of later when it is open for business.

The third potential off-site improvement is utility undergrounding above and beyond what is required for this site. Along South Union Street, an additional pole in front of the newly renovated Brandt warehouse buildings will be removed which will provide an entire block free of overhead utilities. Additionally, work along The Strand will facilitate future undergrounding efforts on this block once buildings are removed and utilities can be relocated.

Lastly, the developer will provide a monetary contribution for open space improvements in the waterfront park to be implemented as part of the larger plan for the expansion of Point Lumley Park. The planning process for that park is currently underway and the timing for those improvements will likely be after the hotel is approved and constructed. A monetary contribution will allow the developer to participate in the implementation of the final design for the area across from this site.

The total value of these physical improvements does exceed the minimum monetary contribution, but the amount is consistent with the intent of the requirement and the additional density and expanded uses provided by the Plan.

E. Site Plan Modifications

Section 11-416 allows the Planning Commission to approve modifications to the minimum requirements for the zone if they determine that such modifications are necessary or desirable for good site development, that specific and identified features of the site design make up for those impacts otherwise protected by the regulations for which the modification is sought, and that the modification will not be detrimental to the neighboring property or the public. The applicant has requested approval of three modifications for this development as discussed below.

Vision Clearance

Section 7-800 establishes the requirements for maintaining an area clear of structure, shrubbery or other obstructions at intersections for the purpose of safety of travel on streets. In this case, as is the case for many lots in the historic district, maintaining this vision clearance would require significant building setbacks, which is contrary to historic development and the Plan's guidelines for active street frontage. Given the low speeds on these streets and all-way stop signs at Duke Street and South Union Street, and the potential all-way stop signs at The Strand and Duke Street, staff believes the encroachment into the vision clearance will not create an unsafe condition. Furthermore, strict application of the vision clearance requirement would substantially reduce the amount of development for the site and could force a site layout that is inconsistent with the Plan and the historic character.

Height to centerline ratio

Section 6-403(A) restricts the height of a building to twice the distance of the building to the centerline of the street. At 50 feet tall, the building complies with this requirement for Duke Street and South Union Street since those streets are more typical street widths (33 feet and 25 feet respectively from the building face to the centerline). However, the width of The Strand is atypical for a public street since the total right of way is only 32 feet in width. Since the distance between the building face and the centerline is 16 feet, the height of the building would be limited to 32 feet on this façade. The Strand façade will be a prominent elevation facing the park

and Waterfront, and is important that the design is carefully implemented to comply with the goals of the Plan, the model, and the historic district. Had the width of The Strand been consistent with typical street widths (such as Duke Street or South Union Street), this elevation would comply with this requirement. Given the unique condition of the narrow street width and the recognition that the overall architecture for the building has been reviewed as an entire composition, staff believes a modification to this requirement is appropriate.

Crown coverage

Section 11-410(CC) requires 25% crown coverage for development sites. For a 21,299 sf parcel, a total of 5,325 sf of crown coverage is required. Although new street trees in the public right of way will be provided, no new trees will be added to the site. The proposed building occupies the majority of the parcel which restricts opportunities for trees on the site. The courtyard that provides ground level open space is located above the parking structure which is not ideal for significant tree planting. In addition, staff believes the design of the courtyard and alley should be kept as open as possible to provide views through the site to the river and into the site from the park and public streets. Staff has required the applicant to provide a contribution to the Living Landscape Fund in lieu of the crown coverage requirement and recommends the modification to this requirement be approved.

F. Open Space

This proposal includes a 5,000 sf public courtyard between the building and the north property line that can be accessed from the new pedestrian alley that connects South Union Street to The Strand. Outdoor dining offered by the hotel restaurant will be located off the courtyard and will be available to hotel guests and the public. The courtyard will also have public art which not only will be an attraction but could serve as a backdrop for potential cultural events and programming for public enjoyment. The space would also be a place for public relaxation and enjoyment, offering clear views of and access to the water and to the expanded Point Lumley Park, directly east of the site. These elements are generally consistent with the recommendations of the Waterfront Small Area Plan (Figure 34 and Development Goals and Guidelines on pages 100-102).

Conditions have been added requiring the design of the courtyard to be further developed through the final site plan process in a manner that will ensure the above elements create a space that is inviting and publicly accessible for the user. Toward that end, staff recommends additional enhancements to emphasize the public nature of the space to encourage use by the general public, not just the hotel guests. As currently designed, the eastern half of the courtyard will be used for outdoor dining associated with the restaurant, and the western half is the area slated for public art. The entire courtyard should be designed with the public art as a key focal point that helps create a cohesive space for everyone's mutual enjoyment and pleasure.

G. Transportation

The applicant prepared a multimodal transportation study that explored the existing vehicle, pedestrian, and bicycle infrastructure that would serve the proposed hotel, and the impacts of the

hotel on the existing transportation infrastructure. The following information summarizes the findings of that study.

Vehicular Traffic

The hotel is projected to generate 80 AM peak hour trips and 84 PM peak hour vehicle trips. Due to the grid network of streets in Old Town, there are multiple travel routes available to access the site. Duke Street, Prince Street, and King Street are all viable east/west routes that are likely to be used to access the site, with Duke Street expected to carry the highest proportion of vehicle trips. During the peak hours when there are numerous southbound left turn restrictions in place on Washington Street, additional east/west routes, such as Queen Street and Wolfe Street, will likely be used by vehicles coming from the north to access the site.

The transportation study analyzed the impacts of the hotel on unsignalized intersections immediately adjacent to the site, as well as signalized intersections farther away from the site that would be most impacted by the proposed hotel. Since Duke Street is projected to carry the highest proportion of trips, the intersection of Duke Street and Washington Street is the key signalized intersection along the Washington Street corridor with the most potential for changes in delay. The following table summarizes the proposed changes to intersection delay for several key intersections:

Table 1: Intersection Delay for Key Intersections (delay in seconds per vehicle)

Intersection	2016 without development	2016 with Hotel development	Change in Delay
Washington Street & Duke Street (Signalized)	AM Peak – 60.6 PM Peak – 45.8	AM Peak – 66.3 PM Peak – 48.5	AM Peak - +5.7 PM Peak - +2.7
South Union Street & Duke Street (All-Way Stop)	AM Peak – 8.0 PM Peak – 8.5	AM Peak – 8.3 PM Peak – 8.9	AM Peak - +0.3 PM Peak - +0.4
South Union Street & Prince Street (All-Way Stop)	AM Peak – 8.1 PM Peak – 8.2	AM Peak – 8.2 PM Peak – 8.2	AM Peak - +0.1 PM Peak - 0.0

Due to the high volume of traffic at the Washington Street and Duke Street intersection during the peak hours, the change in delay at this intersection is the most pronounced of the intersections analyzed, with an increase in delay of approximately 6 seconds per vehicle in the AM peak hour and an increase in delay of approximately 3 seconds per vehicle in the PM peak hour. The intersections immediately adjacent to the site, which are all-way stop controlled, have ample excess vehicle capacity during the peak hours, and the increase in delay at these intersections as a result of the proposed hotel is negligible.

Pedestrian & Bicycle Accommodations

The existing streetscape along the hotel site frontage will be improved with the proposed development. Currently, the sidewalk on South Union Street is seven to nine feet in width, with power poles located in the sidewalk creating sidewalk pinch points at the north and south ends of the site. The sidewalk along Duke Street also contains power poles within the sidewalk and has an unacceptably large slope towards the road since a substantial portion of the sidewalk served as part of a loading area for the warehouse building. There is no formal sidewalk along The Strand.

The pedestrian accommodations along the site frontage will be significantly improved when compared to existing conditions. The proposed site will underground the power poles on both South Union Street and Duke Street, and will widen the sidewalk along South Union Street to nine to ten feet in width. The sidewalk along Duke Street will be rebuilt to provide a level sidewalk and standard width. Street trees will be installed along South Union Street and Duke Street. A six and a half foot sidewalk will be constructed along The Strand frontage, although this may be adjusted when the final design for The Strand and the park is developed. The existing South Union Street sidewalks to the north of the site have marked crosswalks at all intersections, providing hotel guests an easy walking route to nearby shops, restaurants, and transit stops to the north.

Union Street through Old Town is part of the Mount Vernon Trail, which provides a continuous pedestrian and bicycle connection from its southern terminus at Mount Vernon north to Washington, D.C. The applicant will be required to provide 12 bicycle parking spaces to encourage the use of bicycle activity to and from the hotel site. In addition, there is a Capital Bikeshare station located a block away from the hotel at the corner of South Union and Prince Streets. This Capital Bikeshare station can provide both employees and guests easy bicycle connections to bike share stations at the King Street Metro, Braddock Metro, the Crystal City area, and Washington, D.C.

Transit

The hotel site is well served by transit, with the King Street trolley stop located two blocks away at the intersection of King Street and South Union Street. For employees travelling to work, the WMATA 10 route and the DASH AT8 route both travel the Washington Street corridor and provide access to the Braddock Road and King Street Metro stations, respectively. The DASH AT2, AT3, AT4, AT5, and AT7 all have stops within reasonable walking distance of the hotel site and each route provides access to one or more Metro stations.

Transportation Summary

Overall, the proposed hotel will have minor impacts to existing vehicular traffic. The intersection with the most impact, Duke and Washington Streets, will see increased delay of approximately 6 seconds per vehicle in the AM peak hour and 3 seconds per vehicle in the PM peak hour, predominantly because of the existing high levels of traffic on the Washington Street corridor. During off-peak hours when overall traffic volumes are lighter, the increase in delay at the intersection of Duke and Washington Streets as a result of the hotel will be negligible. The increase in delay at the intersections closest to the proposed development, South Union Street & Duke Street and South Union Street & Prince Street, is minimal.

The site is well suited for pedestrian, bicycle, and transit uses. For hotel patrons who do arrive to the hotel via car, it is highly likely that many will walk or use the King Street Trolley to travel around Old Town to shop and dine, with many cars remaining in the parking garage from check-in until check-out from the hotel. There are also numerous bus routes in the vicinity of the hotel to facilitate employees traveling to work without a personal vehicle. The excellent number of transportation alternatives available to both guests and employees will help to reduce the overall number of vehicle trips to and from the hotel.

H. Parking

Parking Reduction

The applicant is proposing to provide 69 valet parking spaces within the parking garage to accommodate hotel and restaurant patrons. The parking garage is proposed to be 100% valet parking within the on-site garage, with self-parking not allowed for hotel or restaurant patrons. The proposed valet operation is consistent with several other hotel projects in the City, including the Lorien Hotel and the recently approved hotel at 1620 Prince Street, which offer exclusively valet parking. The 69 proposed parking spaces equate to a parking ratio of 0.58 spaces per hotel room. Per City code, 0.70 spaces per hotel room is required, plus 1 space per 8 meeting room seats. With 120 rooms and 24 meeting room seats, City code requires 87 parking spaces. The applicant is requesting a parking reduction of 18 parking spaces with this application.

To support the requested parking reduction, the applicant submitted a parking study containing a detailed comparison of similar hotel sites within the City, including the Embassy Suites at 1900 Diagonal Road, the Holiday Inn at 625 1st Street, and the Crowne Plaza at 901 N. Fairfax Street. Each of these hotels contains an on-site restaurant in addition to the hotel use. Data was provided for a one-week period for each of the three comparison hotel sites to capture any variations between weekday and weekend parking. The maximum parking occupancy rate observed during the study period was 0.45 spaces per room at the Crowne Plaza, with the next highest occupancy rate observed at the Holiday Inn with a parking ratio of 0.40 spaces per room. The average parking occupancy rates range from a low of 0.26 spaces per room at the Embassy Suites to a high of 0.36 spaces per room at the Crowne Plaza.

In the event that the on-site garage is full, the applicant has identified an off-site parking garage at 102 North Union Street that will be used for overflow parking. The applicant provided occupancy counts for the overflow garage that indicated a minimum of 135 parking spaces were available during a typical weekend evening and 185 parking spaces were available during a typical weekday evening. Staff has included a condition requiring the applicant to maintain agreement(s) with nearby off-site garages to accommodate any over flow vehicles.

Based on the data supplied in the parking study, the proposed parking ratio of 0.58 parking spaces per room is sufficient to accommodate the hotel and restaurant uses under typical day-to-day hotel operations. The condition requiring provision of an off-site parking garage agreement for any overflow parking needs provides additional reassurance that the hotel will be able to provide adequate parking for patrons, even during periods of atypical parking demand.

On-Street Parking

On the unit block of Duke Street, the applicant is proposing to provide four new on-street parking spaces on the north side of the street. One of these spaces is proposed to be used as a taxi stand. The remaining three parking spaces will be additional public on-street parking.

The 200 block of South Union Street is approximately 30 feet in width, with two 12-foot travel lanes and an 8-foot wide parking lane on the west side of the street. The applicant is proposing to shift the five existing parking spaces on the west side of South Union Street directly across from the hotel site (near the Solo Parking garage) to the east side of the street to accommodate

valet loading directly in front of the hotel. The shift in spaces to the east side of South Union Street will result in two valet spaces for the hotel and two publicly available parking spaces on the east side of the street. No changes to the on-street parking spaces north of the hotel site are proposed as part of this development. Since the parking is proposed on the east side of South Union Street for the southern portion of the block and will remain on the west side of South Union Street for the northern portion of the block, the travel lanes will shift mid-block. Attachment #3 within the staff report details the proposed parking layout for the 200 block of South Union Street.

I. Encroachment

As part of this proposal, the applicant has requested approval of an encroachment into the South Union Street right of way for the entrance canopy. The canopy projects 4.66 feet over the property line for the entire width of the building along South Union Street (approximately 110 feet) and is located between the first and second stories. The canopy is an important element for the hotel operation since it is located at the lobby entrance and will provide cover for guests arriving and departing from the hotel. From a design standpoint, extending the canopy across the entire façade provides an interesting building feature that helps identify the main entrance to the hotel. Since the canopy will not negatively impact the pedestrian experience at the ground level, staff is supportive of the requested encroachment.

J. Public Art

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. This requirement applies to projects that were submitted as Concept Plans to the City after the Policy was adopted. The hotel development was submitted for the first Concept Plan review prior to the Policy's adoption and is therefore exempt from the specific requirements of the Policy.

However, the Waterfront Small Area Plan calls for "weaving public art into every aspect of the Waterfront" (page vii), which is a theme that is throughout the Plan (see Attachment #4). It is essential that this development comply with the goals of the Plan and provide high quality public art. This is also emphasized within the Development Goals and Guidelines for the Cummings/Turner Block. The applicant has committed to providing public art on the hotel site and has identified a location within the publicly accessible courtyard. The guidelines require the art to be a prominent feature, which will help create a cohesive, inviting and engaging public space. The Staff Recommendations include a condition requiring the applicant to provide a plan to staff outlining how the art will be selected, installed, and maintained. The final piece will be reviewed by the Waterfront Commission and the Commission for the Arts at a joint public meeting.

K. Affordable Housing

The applicant has agreed to comply with the voluntary affordable housing policy. For commercial developments, a monetary contribution of \$1.50 per gross square foot of

development is typically requested. Thus, the applicant will provide a contribution of \$111,552 to be used for affordable housing purposes in the City.

L. Fiscal Impact

As discussed during the planning process for the Waterfront Small Area Plan, the additional tax revenues generated by the proposed hotel will be significant. The current taxes collected on the property are approximately \$42,000. Staff estimates the net tax revenues for the new development are approximately \$420,000 as detailed in the table below. This includes the additional property tax generated by the building improvements, sales tax from the restaurant and hotel, and transient lodging taxes. Of these, the transient lodging taxes is anticipated to generate over \$300,000 of additional revenue each year.

Table 2: Estimated Tax Revenues for Proposed Hotel Development

Net increase in real property tax revenues	\$63,097
Meals tax revenues	\$63,000
Total of sales and BPOL tax revenues from restaurants	\$18,900
Total transient lodging tax revenues	\$307,903
Sales tax revenues from transient lodging	\$42,990
Grand Total	\$495,889
Assume 15% for general city services	-\$74,383
Net Tax Revenues	\$421,506

V. COMMUNITY

There has been extensive community outreach for this development that has helped shape the proposal into the current design (see Attachment #5 for a full list of meetings). The project was discussed at three public meetings of the Old and Historic District Board of Architectural Review (July 2012, September 2013, and December 2013). All three of these meetings generated significant public comment and feedback from the boardmembers. As discussed in the Building Design section, at the most recent meeting in December 2013, the BAR was comfortable with the general architectural character of the building if the overall mass, scale, and height was approved through the DSUP.

The proposal has also been presented to the Waterfront Commission and a subgroup of the Commission at several meetings between 2012 and 2013. At their November 2013 meeting, the Commission determined that the proposal is consistent with the Development Goals and Guidelines for this block as identified by the Waterfront Small Area Plan, and they voted to recommend approval of the development. A letter of support is included as Attachment #6.

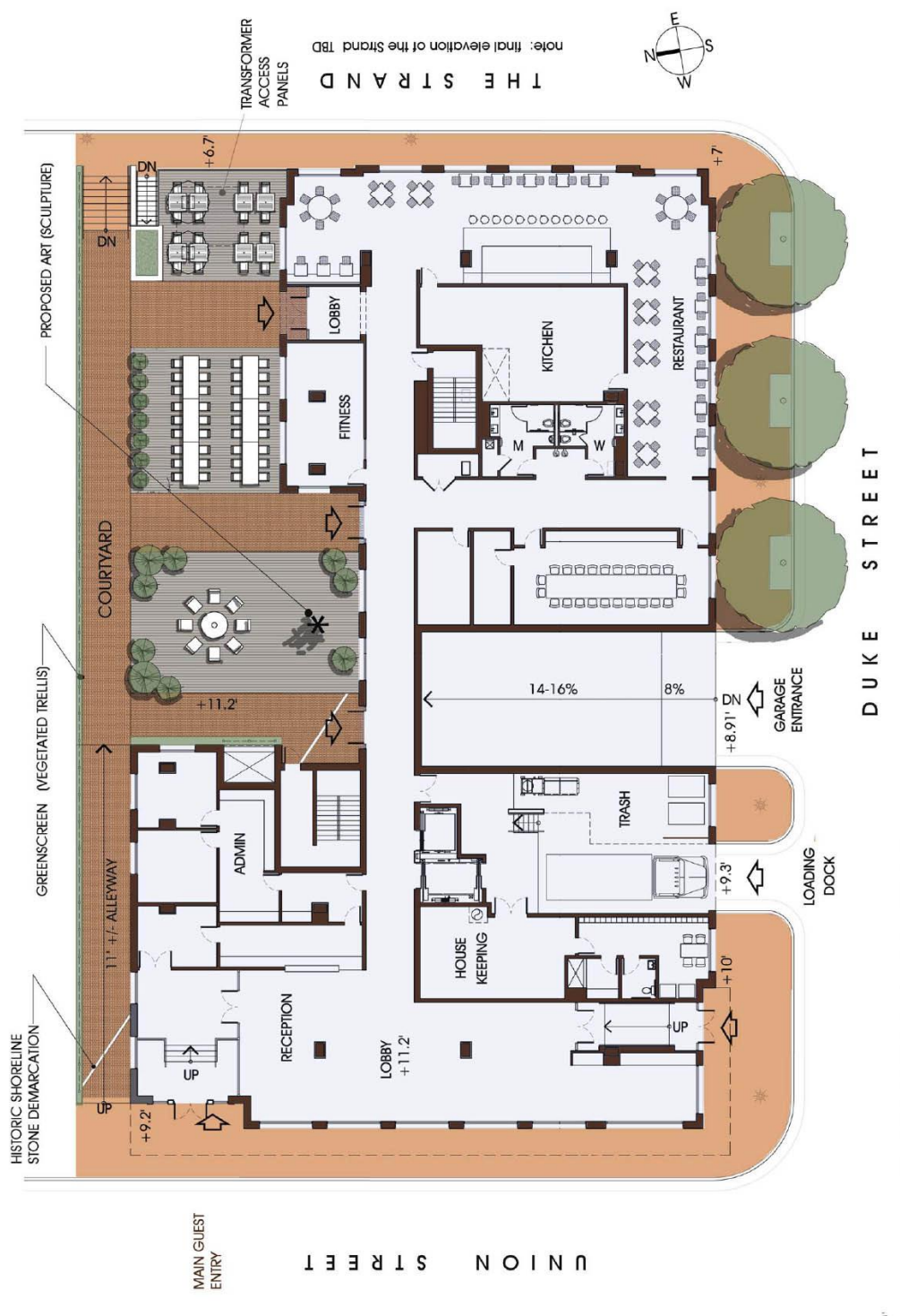
In addition to the BAR and Waterfront Commission meetings, the applicant met with many of the surrounding property owners and presented the proposal at the Old Town Civic Association

in October 2013 membership meeting, with an audience of over 100. Questions were addressed by the applicant and pertained to parking and the garage; hotel and restaurant operations, such as deliveries, taxi drop off, number of rooms; flood mitigation measures; open space, environmental and historic amenities; and overall design of the building. An open house was also held at the architect's office in December 2012.

VI. CONCLUSION

Staff recommends **approval** of the development special use permit with site plan and all other applications subject to compliance with all applicable codes and the following staff recommendations.

VII. GRAPHICS



VIII. STAFF RECOMMENDATIONS

DSUP 2012-0019 STAFF RECOMMENDATIONS:

1. The Final Site shall be in substantial conformance with the preliminary plan dated October 28, 2013 and comply with the following conditions of approval.

A. PEDESTRIAN/STREETSCAPE:

2. 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. Install ADA accessible pedestrian crossings serving the site, including off-site improvements as needed at the northwest and southeast corners of the intersection of Duke and South Union Streets, and the east side of The Strand.
 - c. Construct all sidewalks to City standards. The minimum unobstructed width of newly constructed sidewalks shall be 6 feet.
 - d. All brick sidewalks shall comply with the City's Memos to Industry 05-08 and 01-13.
 - e. Sidewalks shall be flush across all driveway crossings.
 - f. All newly constructed curb ramps in Alexandria shall be concrete with detectable warning and shall conform to current VDOT standards.
 - g. Provide thermoplastic pedestrian crosswalks at the intersection of Union Street and Duke Street, which must be designed to the satisfaction of the Director of T&ES.
 - h. All crosswalks shall be standard, 6 inches wide, white thermoplastic parallel lines with reflective material, with 10 feet in width between interior lines. High-visibility crosswalks (white, thermoplastic ladder crosswalks as shown in the Manual on Uniform Traffic Control Devices (MUTCD)) may be required as directed by staff at Final Site Plan. All other crosswalk treatments must be approved by the Director of T&ES.
 - i. All below grade utility structures placed within a City sidewalk shall be designed to integrate the overall structure with the adjacent paving materials to minimize any potential visible impacts. *** (P&Z)(T&ES)

B. PUBLIC ART:

3. In order to achieve the goals of the Waterfront Plan, significant public art shall be provided on-site that is integrated into the design of the site and building, relates to the design of the waterfront park, and is publicly accessible. The public art requirement shall include the following, to the satisfaction of the Directors of P&Z and RP&CA:
 - a. The design of the public art shall follow the guidance of the Waterfront Plan (see Attachment #4).

- b. The applicant is encouraged to use an art agent to assist with the identification and selection of an artist.
- c. Provide a plan outlining the selection, installation, and maintenance of the on-site art with the first final site plan.
- d. The Waterfront Commission and the Arts Commission shall review the public art at a joint public meeting and shall provide a recommendation to the Directors of P&Z and RP&CA.
- e. Final details of the public art shall be provided prior to release of the final site plan.
- f. The on-site art shall be installed prior to the issuance of the first Certificate of Occupancy. (P&Z) (RP&CA)

C. OPEN SPACE/LANDSCAPING:

- 4. 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. At a minimum the Landscape Plan shall:
 - a. Provide an enhanced level of detail for plantings throughout the site (in addition to street trees). Plantings shall include a simple mixture of seasonally variable, evergreen and deciduous shrubs, ornamental and shade trees, groundcovers and perennials that are horticulturally acclimatized to the Mid-Atlantic and Washington, DC National Capital Region.
 - b. Ensure positive drainage in all planted areas.
 - c. Provide detail, section and plan drawings of tree wells showing proposed plantings and associated materials, irrigation, adjacent curb/pavement construction, including edge restraint system, dimensions, drainage, and coordination with site utilities.
 - d. Provide detail sections showing above and below grade conditions for plantings above a structure.
 - e. Provide planting details for all proposed conditions including street trees, multi-trunk trees, shrubs, perennials, and groundcovers.
 - f. All sidewalks and driveways constructed above tree wells/trenches shall be structurally supported. Areas of uncompacted growing medium shall not be used to support sidewalks and driveways without additional structural support. Provide section details both parallel and perpendicular to the street that verify this requirement.
 - g. Identify the extents of any areas of tree wells/trenches within the sidewalk on the landscape and site plans.
 - h. Provide a plan exhibit that verifies the growing medium in street tree wells/trenches, and all planting above structure meets the requirements of the City's Landscape Guidelines for soil volume and depth. The plan shall identify all areas that are considered to qualify towards the soil requirements, with numerical values illustrating the volumes.
 - i. Provide a monetary contribution in the amount of \$1,200 in lieu of deficit of required crown coverage. Funds shall be provided to the City of Alexandria's

Living Landscape Fund prior to release of final site plan. Reference DSUP number and project name in correspondence. (P&Z)

5. **[CONDITION AMENDED BY PLANNING COMMISSION]** Provide the following modifications to the landscape plan and supporting drawings to the satisfaction of the Director of P&Z:
 - a. **To the extent practical given existing underground utilities,** Add three (3) fastigate street trees spaced approximately 20 feet on center in 3 ft. by 10 ft. tree wells with groundcover and interconnected tree trenches along South Union Street **or other appropriate landscaping.** No street trees are required in front of the lobby.
 - b. Add one (1) additional Greenspire Littleleaf Linden in a tree well on Duke Street west of the loading entrance.
 - c. **If the street trees cannot be provided along South Union Street, the applicant shall make an in kind off-site contribution to the City to the satisfaction of the Director of Planning and Zoning.** (P&Z) **(PC)**
6. **[CONDITION AMENDED BY PLANNING COMMISSION]** A plan at 1"=10' shall be provided at final site plan for the central courtyard open space area depicting the level of detail and amenities on the preliminary plan, and shall also provide amenities such as special paving surfaces, materials, benches, trash receptacles, landscaping, etc. to encourage its use. In addition, the central courtyard shall be revised to provide the following to the satisfaction of the Director of P&Z:
 - a. Provide low scale pathway or bollard lighting between the alleyway and the courtyard area.
 - b. Separate the main alleyway from the courtyard with planters and varying paving materials, and maintain clear views to the Potomac River.
 - c. Include a combination of fixed and moveable planters, which shall have adequate soil volume for the proposed plants. Fixed planters shall have a minimum 2 ft. of soil depth below the courtyard level, and shall be no more than 18 inches (seatwall height) above grade.
 - d. Planters shall include a variety of shrubs, grasses and perennials.
 - e. Approximately 4 ornamental trees shall be provided in the courtyard area.
 - f. Where walls or planters are provided, they shall be brick or stone.
 - ~~g. The entire central courtyard open space areas shall be irrigated.~~
 - h. All landscaping shall be maintained in good condition and replaced as needed.
 - i. The central courtyard shall be open to the public while accommodating hotel events, to the satisfaction of the Directors of P&Z and RP&CA.
 - j. Provide and record a public access easement for the courtyard and alleyway.
 - k. Any public art within the courtyard shall be designed as a focal element that is an appropriate scale for the open space. (P&Z)(RP&CA)**(PC)**
7. Provide a site irrigation and/or water management plan developed installed and maintained to the satisfaction of the Directors of P&Z and Code Administration.
 - a. Provide an exhibit that demonstrates that all parts of the site can be accessed by a combination of building mounted hose bibs and ground set hose connections.

- b. Provide external water hose bibs continuous at perimeter of building. Provide at least one accessible, external water hose bib on all building sides at a maximum spacing of 90 feet apart.
 - c. Hose bibs, ground set water connections and FDCs must be fully accessible and not blocked by plantings, site utilities or other obstructions.
 - d. Install all lines beneath paved surfaces as sleeved connections.
Locate water sources and hose bibs in coordination with City Staff. (Code Administration) (P&Z)
8. Develop a palette of site furnishings in consultation with staff.
- a. Provide location, and specifications, and details for site furnishings that depict the installation, scale, massing and character of site furnishings to the satisfaction of the Directors of P&Z and T&ES.
 - b. Site furnishings shall include benches, bicycle racks, trash and recycling receptacles, and other associated features. (P&Z)(T&ES)
9. 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)
10. Hire a professional consultant and/or work with staff to integrate aspects of the historic character of the property into the design of open space/landscape for this project and shall provide and erect interpretive signage that highlights the history and archaeology of the site, according to recommendations in the Waterfront Plan. The work shall be informed by the history of the property and the surrounding area. The site plan shall indicate themes and locations of interpretive elements. Prior to release of the final site plan, the professional consultant shall provide text and graphics for the signage subject to approval by the Office of Historic Alexandria/Alexandria Archaeology and the Directors of P&Z and/or RP&CA.* (Arch)(P&Z)(RP&CA)

D. BUILDING:

11. **[CONDITION AMENDED BY PLANNING COMMISSION]** The building design shall **exhibit a high-quality architectural finish, to the satisfaction of the Director of P&Z** ~~be generally consistent with the revised elevations shown in Attachment #2,~~ based on the concept review comments regarding the project's scale, mass and general architectural character received from the OHAD Board of Architectural Review on December 18, 2013 **and the comments received from the Planning Commission on January 7, 2014.** **In addition, the applicant shall work with the staff and the Board of Architectural Review to minimize the visual impact of the Mansard roof on the Duke Street elevation and to address the extent to which architecture and site design reflect the important design principles illustrated by the scale model prepared by the City during the Waterfront planning process, while still maintaining a financially viable project to the satisfaction of the City Manager.** Final building

design, including fenestration, materials and color selection, is subject to Board of Architectural Review approval of a Certificate of Appropriateness. (P&Z)(PC)

- 11A. **[CONDITION ADDED BY PLANNING COMMISSION] Windows in the structure will be operable to the extent feasible, given the requirement for meeting LEED Silver or equivalent. Priority locations for operable windows are the ground floor, particularly the restaurant, and the Union Street, The Strand, and courtyard elevations. A minimum of 20 percent of building windows shall be operable. (PC)**
12. The proposed chimneys and pediment above 50 feet shall incorporate and screen mechanical equipment per Section 6-403 (B) of the Zoning Ordinance. Provide details showing these areas with the final site plan (P&Z)
13. Revise the first floor plan to allow for handicap access at the main lobby entrance along S. Union Street. An additional entrance along Duke Street can be provided, but should be done in such a way as to clearly read as a secondary entrance, and in a way that also maximizes the open space of the corner lobby. (P&Z)
14. Provide detailed drawings (enlarged plan, section and elevation studies) in color to evaluate the building base, entrance canopy, 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 at a scale of 1/4" = 1'. (P&Z)
15. **[CONDITION AMENDED BY PLANNING COMMISSION]** Building materials, finishes, and relationships shall be subject to review and approval by the Department of Planning and Zoning to the satisfaction of the Director 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 shall be constructed and approved prior to release of building permits **for above grade construction.** **
 - e. The mock-up panel shall be located such that it may remain on-site or on an alternate off-site location approved by P&Z, through the duration of construction and may be removed upon formal request by the applicant, subject to the approval of the Planning Director. *** (P&Z)(PC)
16. Building materials, finishes and architectural details shall be subject to review and approval by the Old and Historic Alexandria District Board of Architectural Review. A

materials board shall be submitted as part of the Certificate of Appropriateness approval. (P&Z)

17. Per the City's Green Building Policy adopted April 18, 2009, achieve a green building certification level of LEED Silver or Equivalent to the satisfaction of the Directors of P&Z and T&ES. Diligent pursuance and achievement of this certification 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 LEED Silver certification from USGBC (or equivalent) within two years of obtaining a final certificate of occupancy.
 - e. Failure to achieve LEED Silver certification (or equivalent) 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. (P&Z)(T&ES)
18. 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)
19. Energy Star labeled appliances shall be installed in all units. (T&ES)
20. 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 [Http://www.epa.gov/WaterSense/pp/index.htm](http://www.epa.gov/WaterSense/pp/index.htm). (T&ES)
21. The stairwells within structured parking garages shall be visible, as permitted by the Building Code without solid walls. The balusters shall be open to allow for a clear line of vision. Provide guards that are 42" in height along open sides of the stairways and landings which are located 30" above the floor or grade below. The width between the balusters shall be no wider than 4" and the handrails are to be a minimum of 34" and a maximum of 38". (Police)

22. Elevator lobbies and vestibules shall be visible from the parking garage. The design of the elevator lobbies and vestibules in the parking garage shall be as open as code permits. (Police)

E. SIGNAGE:

23. Design and develop a coordinated sign plan, which includes a color palette, for all proposed signage, including, but not limited to site-related signs, way-finding graphics, business signs, and interpretive signage that highlights the history and archaeology of the site. The plan shall be included as part of the Certificate of Appropriateness and shall coordinate the location, scale, massing and character of all proposed signage to the satisfaction of the Directors of Archaeology, P&Z, and T&ES and approved by the Board of Architectural Review.*
 - a. Business signs shall employ variety and creativity of design. Tenant designers shall bring a sculptural and dimensional quality to their signs.
 - b. Pedestrian-oriented signs (e.g. projecting signs, window signs, etc.) are encouraged.
 - c. Decorative pedestrian scale signage shall be integrated into the overall design of the central courtyard near the entrances to identify the open space as public open space. (Arch)(P&Z)(T&ES)
24. Internally illuminated box signs are prohibited. Explore the use of exterior illumination. (P&Z)
25. A freestanding monument or identification sign shall be prohibited. (P&Z)
26. Install a temporary informational sign on the site prior to the approval of the final site plan for the project. The sign shall be displayed until construction is complete or replaced with a contractor or real estate sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project.* (P&Z)(T&ES)

F. HOUSING:

27. The developer has offered to make a voluntary contribution of \$1.50 per gross square foot on the 74,368 gross square feet of development for a total voluntary contribution of \$111,552, consistent with the conclusions of the “Developer Housing Contribution Work Group Report” dated May 2005 and accepted by the Alexandria City Council on June 14, 2005.***

G. PARKING:

28. Valet parking services for hotel guests shall be available 24 hours a day, 7 days a week. Valet parking shall be available to restaurant and meeting room guests, as well as overnight guests. (T&ES)

29. The applicant shall maintain agreement(s) with nearby off-site parking garages to accommodate overflow vehicles if the on-site parking garage is full, to the satisfaction of the Director of Transportation and Environmental Services. No surcharge or additional fee beyond the customary valet parking fee shall be charged to hotel guests if guests' vehicles must be parked at an off-site valet location. (T&ES)
30. The valet parking zone within the public right-of-way is solely for the use of loading and unloading vehicular passengers and the temporary staging of passenger vehicles prior to locating them within the underground parking garage or off-site valet parking spaces. A vehicle is not permitted to be within the valet zone for more than 10 minutes on average. No other parking and/or loading/unloading is permitted within the valet zone. The valet operator shall store all valet parked vehicles in the on-site parking garage or other approved off-street location for uses contained on-site. (T&ES)
31. The valet operator shall provide sufficient staff and resources to operate the valet service safely and effectively within the boundaries of the designated valet parking zone. Double parking, staging outside the valet parking area, vehicles stored in the valet loading zone over 10 minutes and vehicles stored in locations other than designated off-street facilities shall be considered indicators of inadequate staffing to meet vehicle volumes. If vehicles are found to be within the valet parking zone for more than 10 minutes the Directors of P&Z and T&ES shall require additional staffing and/or resources necessary to comply with this condition. (T&ES) (P&Z)
32. The applicant shall be responsible for all appropriate signage including "Valet Loading Zone" signage and other applicable signage as required by the Director of T&ES. Provide details of valet signage on the final site plan.(T&ES)
33. The valet parking operator shall record the number of vehicles using valet service, keep an ongoing written log, and make the log available to the City upon request to provide data for City parking studies. (P&Z)(T&ES)
34. The valet parking shall be reviewed within six months of operation by the Directors of T&ES and P&Z to determine its compliance with the conditions herein and all applicable codes and ordinances. Subsequent to the initial six month review, if no changes are required to the program, further reviews will be scheduled annually or as-needed by the Directors of P&Z and T&ES to determine that the valet parking program is operating in compliance with its permit. The applicant shall seek administrative approval for additional overflow parking spaces should the need arise to the satisfaction of the Directors of P&Z and T&ES. As part of the initial or subsequent reviews under this paragraph, the Directors may require the operator to adjust the features of the program. (P&Z)(T&ES)
35. **[CONDITION AMENDED BY PLANNING COMMISSION]** The on-site parking garage shall meet the following requirements to the satisfaction of the Directors of P&Z and T&ES:

- a. The garage shall be reserved exclusively for valet parking for hotel **and restaurant** guests, hotel **and restaurant** employee parking, and hotel shuttle vehicle(s). Self-parking for hotel guests within the on-site parking garage shall not be permitted.
 - b. Temporary staging and/or re-stacking of vehicles to gain access to the tandem parking spaces shall occur within the parking garage and shall not negatively impact the public right-of-way.
 - c. The maximum number of vehicles at any time within the garage shall not exceed 66, excluding vehicles in the handicap spaces.
 - d. The garage shall be designed to accommodate future access to the property north of the site via the Duke Street garage entrance, including the provision of knock-out panel(s) or approved alternative access design, and the provision of an access easement. The applicant shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access with the adjacent property owner at such time as the adjacent property is redeveloped. The accommodation for the future access shall be depicted and labeled on the final site plan and building permit(s). (P&Z)(T&ES)(**PC**)
36. Relocate the on street taxi area to be adjacent to the proposed development as depicted in Attachment #3, and include the revised location on the first submission of the final site plan. Any future changes to the taxi waiting area shall be approved through the Traffic & Parking Board public hearing process. (T&ES)
37. The valet parking zone shall be limited to a total length of 44 feet (2 full size parallel parking spaces) as depicted in Attachment #3, and include the change on the first submission of the final site plan. Any future changes to the length or location of the valet parking zone shall be approved through the Traffic & Parking Board public hearing process. (T&ES)
38. The applicant shall be responsible for the following to support relocation of a portion of the on-street parking on the 200 block of South Union St as depicted in Attachment #3:
- a. Removal of existing signage and installation of new signs and appurtenances necessary to shift parking on South Union Street to the east along the site frontage.
 - b. Pavement marking modifications (eradication of existing and addition of new markings). (T&ES)
39. Provide 12 bicycle parking space(s) (6 racks) 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. (T&ES)
40. Provide and install one multi-space parking meter on the 200 block of South Union Street and one multi-space parking meter on Duke Street adjacent to the site. Show locations of

the parking meters on the final site plan. Multi-space meters shall meet current City specifications and be installed prior to the first certificate of occupancy. (T&ES)***

- 40A. **[CONDITION ADDED BY PLANNING COMMISSION] All loading shall occur off-street, utilizing the building's loading dock. Loading schedules shall be coordinated to facilitate off-street loading and minimize idling by waiting vehicles. The loading dock door shall be closed except during loading and unloading. (PC)**

H. TRANSPORTATION MANAGEMENT PLAN:

41. According to Section 11-700 of the City's Zoning Ordinance, a Transportation Management Plan is required to implement strategies to encourage residents and employees to take public transportation, walk, bike or share a ride, as opposed to being a sole occupant of a vehicle. The details of the Plan are included in the TMP Attachment #7 to the general staff conditions. Below are the basic conditions from which other details originate. (T&ES)
42. Any special use permit granted by City Council under this section 11-700, unless revoked or expired, shall run with the use and shall be mandatory and binding upon the applicant, all owners of the land and all occupants and upon all of their heirs, successors and assigns. Any use authorized by a special use permit granted under this section 11-700 shall be operated in conformity with such permit, and failure to so operate shall be deemed grounds for revocation of such permit, after notice and hearing, by the City Council. (T&ES)
43. Prior to any lease/purchase agreements, the applicant shall prepare appropriate language to inform tenants/owners of the transportation management plan special use permit and conditions therein, as part of its leasing/purchasing agreements; such language to be reviewed and approved by the City Attorney's office. (T&ES)
44. The applicant shall participate in the revised Transportation Management Program if established. The revised program will include the elements outlined in the December 8, 2010 docket memo to City Council and approved by the Council. The revised TMP program will go before the City Council for approval. The revision to the program includes a periodic review of the TMP to determine if goals are being met. (T&ES)
45. The applicant shall integrate into a District Transportation Management Program when it is organized. All TMP holders in the established district will be part of this District TMP. The objective of this district is to make optimum use of transportation resources for the benefit of residents and employees through economies of scale. No increase in TMP contributions will be required as a result of participation in the District TMP. (T&ES)
46. An on-site TMP Coordinator shall be designated for the entire project prior to release of the first certificate of occupancy. The name, location, email and telephone number of the coordinator will be provided to the City at the time, as well as any changes occurring

subsequently. This person will be responsible for implementing and managing all aspects of the TMP and the parking management program for the project. *** (T&ES)

47. An annual TMP fund shall be created based on the TMP reduction goal of 30% of employees not using single occupant vehicles during the peak hour, based on the projects' size and the benefits to be offered to participating residents and employees. The annual fund rate for this development shall be \$40.56 per room. The rate shall increase on July 1 of each year by an amount equal to the rate of inflation (Consumer Price Index – CPI of the United States) for the previous year. The TMP fund shall be used exclusively for the approved transportation activities detailed in the attachment.
48. The Director of T&ES may require that the funds be paid to the City upon determination that the TMP Coordinator has not made a reasonable effort to use the funds for TMP activities. As so determined, any unencumbered funds remaining in the TMP account at the end of each reporting year may be either reprogrammed for TMP activities during the ensuing year or paid to the City for use in transportation support activities which benefit the site. (T&ES)
49. The TMP Coordinator will submit annual reports, fund reports and modes of transportation surveys to the Transportation Planning Division as detailed in the Attachment. (T&ES)
50. An administrative fee shall be assessed to the governing entity for lack of timely compliance with the submission of the TMP mandatory reports required in the attachment (fund reports with supporting documentation, annual reports, survey results with a minimum response rate of 35%, and submission of raw data). The fee shall be in the amount of five hundred seven (\$507.00) for the first 30 (thirty) days late and two hundred and fifty-three dollars (\$253.00) for every subsequent month late. The amount of these administrative fees is for the base year in which the TMP is approved and shall increase on July 1 of each year according to the Consumer Price Index (CPI) going forward. (T&ES)

I. SITE PLAN:

51. 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 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. (P&Z)
52. Submit the plat of all applicable easements prior to the final site plan submission. The plat(s) shall be approved and recorded prior to the release of the final site plan.* (P&Z)(T&ES)
53. A copy of the recorded plat and deeds shall be submitted with the first request for a building permit.** (P&Z)

54. 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)
55. 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 P&Z, in consultation with the Chief of Police and shall include the following:
 - a. Clearly show location of all existing and proposed street lights and site lights, shading back less relevant information.
 - b. A lighting schedule that identifies each type and number of all fixtures, mounting height, and strength of fixture in Lumens or Watts.
 - c. Manufacturer's specifications and details for all proposed fixtures including site, landscape, pedestrian, sign(s) and security lighting.
 - d. A photometric plan with lighting calculations that include all existing and proposed light fixtures, including any existing street lights 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 street lights and site lights.
 - e. Photometric site lighting plan shall be coordinated with architectural/building mounted lights, site lighting, street trees and street lights to minimize light spill into adjacent residential areas.
 - f. Provide location of conduit routing between site lighting fixtures so as to avoid conflicts with street trees.
 - g. Detail information indicating proposed light pole and footing in relationship to adjacent grade or pavement. All light pole foundations shall be concealed from view.
 - h. The lighting for the areas not covered by the City of Alexandria' standards shall be designed to the satisfaction of Directors of T&ES and P&Z.
 - i. Provide numeric summary for various areas (i.e., roadway, walkway/ sidewalk, alley, and parking lot, etc.) in the proposed development.
 - j. The walls and ceilings in the garage must be painted white or dyed concrete (white) to increase reflectivity and improve lighting levels at night.
 - k. The lighting for the underground parking garage shall be a minimum of 5.0 foot candle maintained, when occupied. When unoccupied the lighting levels will be reduced to no less than 1.5 foot candles.
 - l. Light fixtures for the underground parking garage shall be recessed into the ceiling for any areas that can be seen from the public ROW.

- m. Light fixtures for open canopies shall be recessed into the ceiling for any areas that can be seen from the public ROW.
 - n. Upon installation of all exterior light fixtures for the site/building, the applicant shall provide photographs of the site demonstrating compliance with this condition.
 - o. Full cut-off lighting shall be used at the development site to prevent light spill onto adjacent properties. (P&Z)(T&ES)(Police)
56. Provide a room numbering plan for each floor of the hotel with the first final site plan submission. The room 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)

J. ENCROACHMENT:

57. The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his /her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (T&ES)
58. Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)
59. The Encroachment Ordinance shall be approved prior to the release of the Final Site Plan. (T&ES)
60. The owner or any successor in interest shall remove the encroachment if the City determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the City shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found, or fails to remove the encroachment within the time specified, the City shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal. (T&ES)

K. CONSTRUCTION MANAGEMENT:

61. Submit a construction phasing plan to the satisfaction of the Director of T&ES, for review, approval and partial release of Erosion and Sediment Control for the final site plan. In addition, building and construction permits required for site preconstruction

shall be permitted prior to release of the final site plan to the satisfaction of the Director of T&ES. * (T&ES)

62. Submit a construction management plan for review and approval by the Directors of P&Z, T&ES and Code Administration prior to final site plan release. The plan shall:
 - a. Include a plan for temporary pedestrian and vehicular circulation;
 - b. Include analysis as to whether temporary street lighting is needed on the site and how it is to be installed.
 - c. Include the overall schedule for construction and the hauling route;
 - d. Copies of the plan shall be posted in the construction trailer and given to each subcontractor before they commence work;
 - e. If the plan is found to be violated during the course of construction, citations will be issued for each infraction and a correction notice will be forwarded to the applicant. If the violation is not corrected within five (5) calendar days, a "stop work order" will be issued, with construction halted until the violation has been corrected. * (P&Z)(T&ES)(Code)
63. Provide off-street parking for all construction workers without charge to the construction workers. 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 plan is found to be violated during the course of 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)
64. The sidewalks shall remain open during construction or pedestrian access shall be maintained to the satisfaction of the Director of T&ES throughout the construction of the project. (T&ES)
65. No major construction staging shall be allowed within the public right-of-way on South Union Street. The applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities. ** (T&ES)
66. 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)

67. A “Certified Land Disturber” (CLD) shall be named in a letter to the Division Chief of Construction Management & Inspection 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)
68. 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 of the date of the meeting before the permit is issued. (P&Z)(T&ES)
69. Prior to commencement of landscape installation/planting operations, a pre-installation/construction meeting will be scheduled with the project planner in the Department of Planning & Zoning to review the scope of installation procedures and processes. This is in addition to the pre-construction meeting required above. (P&Z)
70. 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)
71. 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. (T&ES)
72. 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)
73. 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 approved 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 shall be approved by the P&Z prior to commencement of framing. (P&Z)
74. 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)

75. Contractors shall not cause or permit vehicles to idle for more than 10 minutes when parked. (T&ES)
76. 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 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)

L. STORMWATER:

77. Demonstrate compliance with the flood plain ordinance Section 6-300 to Section 6-311 of Article VI Special and Overlay Zones. No final plan shall be released until full compliance with flood plain ordinance has been demonstrated. This includes the requirement that all flood control measures be designed to meet the without human intervention technique.* (T&ES)
78. Furnish specific engineering data and information, in addition to Zoning Ordinance Requirements, as to the effect of the proposed construction on future flood heights. No final site plan shall be released until the applicant has demonstrated that no increase in water surface elevation for the 100-year flood will result due to implementation of this project. Computations are to include backwater calculations starting at a downstream cross section to an upstream cross section. Computations shall be made by modifying the existing HEC-RAS model, as prepared by the U.S. Army Corps of Engineers, Baltimore District. * (T&ES)

M. SOLID WASTE:

79. Provide \$1,150 per receptacle to the Director of T&ES for purchase and installation of two (2) Victor Stanley Ironsites Series model SD-42 receptacles with Dome Lid dedicated to trash collection. The receptacles 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)
80. Provide \$1,240 per receptacle to the Director of T&ES for the purchase and installation of two (2) Victor Stanley Ironsites Series Model SD-42 blue receptacles with Dome Lid dedicated to recycling collection. The receptacles 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)

N. STREETS / TRAFFIC:

81. 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)
82. A pre-construction walk/survey of the site shall occur with Transportation and Environmental Services Construction Management & Inspection staff to document existing conditions prior to any land disturbing activities. (T&ES)
83. Submit a Traffic Control Plan as part of the final site plan, for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging shall be provided for informational purposes. In addition, the Traffic Control Plan shall be amended as necessary and submitted to the Director of T&ES along with the Building and other Permit Applications as required. The Final Site Plan shall include a statement "FOR INFORMATION ONLY" on the Traffic Control Plan Sheets. (T&ES)
84. All Traffic Control Device design plans, Work Zone Traffic Control plans, and Traffic Studies shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)
85. Show turning movements of standard vehicles in the parking structure. Show turning movements of the largest delivery vehicle projected to use the loading dock. Turning movements shall meet AASHTO vehicular guidelines and shall be to the satisfaction of the Director of T&ES. (T&ES)
86. The slope on parking ramp to garage entrance shall not exceed 16 percent. For slopes 10% and greater, provide trench drain connected to a storm sewer to eliminate or diminish the possibility of ice forming. (T&ES)

O. UTILITIES:

87. Locate all private utilities without a franchise agreement outside of the public right-of-way and public utility easements. (T&ES)
88. The applicant shall underground the existing overhead facilities along the project's Duke Street and South Union Street frontages. In order to facilitate the required undergrounding additional off-site poles along South Union Street will need to be removed along with the associated overhead wires as part of this project. The

undergrounding shall generally follow the plan provided by Dominion Virginia Power. See Attachment #8. (T&ES)

P. WATERSHED, WETLANDS, & RPAs:

89. The storm water collection system is located within the Potomac River watershed. All on-site storm water curb inlets and public curb inlets within 50 feet of the property line shall be duly marked using standard City markers, or to the satisfaction of the Director of T&ES. (T&ES)

Q. BMP FACILITIES:

90. The City of Alexandria's storm water management regulations regarding water quality are two-fold: first, phosphorus removal requirement and second, water quality volume default. Compliance with the phosphorus requirement does not relieve the applicant from the water quality default requirement. The water quality volume determined by the site's proposed impervious area shall be treated in a Best Management Practice (BMP) facility. (T&ES)
91. 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 Worksheet A or B and Worksheet C, as applicable. (T&ES)
92. The storm water 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 approved 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)
93. Submit two originals of the storm water quality BMP Maintenance Agreement 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)
94. The Applicant/Owner shall be responsible for installing and maintaining storm water Best Management Practices (BMPs). The Applicant/Owner shall execute a maintenance service contract with a qualified private contractor for a minimum of three years and develop an Owner's Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. 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 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. 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)

95. Submit a copy of the Operation and Maintenance Manual to the Office of Environmental Quality on digital media prior to release of the performance bond. ****(T&ES)
96. 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 storm water 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)

R. CONTAMINATED LAND:

97. 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.(T&ES)
98. The final site 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.
 - 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.
 - e. The applicant shall screen for PCBs as part of the site characterization to comply with the City's Department of Conservation and Recreation Municipal Separate Storm Sewer (MS4) permit.
 - 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)

S. NOISE:

99. All exterior building-mounted loudspeakers shall be prohibited and no amplified sound shall be audible at the property line. (T&ES)
100. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)

T. AIR POLLUTION:

101. 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)
102. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into any street, alley, or storm sewer. (T&ES)
103. No material may be disposed of by venting into the atmosphere. (T&ES)
104. 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)

U. CONTRIBUTIONS:

105. The applicant shall contribute \$20,000 to the City prior to Final Site Plan release towards expansion and/or operation of a bike share station in the vicinity of the project as part of a coordinated bike share program. * (T&ES)
106. **[CONDITION AMENDED BY PLANNING COMMISSION]** Pursuant to the Waterfront Small Area Plan, provide a monetary or in kind contribution of \$675,000 to be used for off-site improvements to the existing and planned public spaces, including Point Lumley Park, between Union Street and the Potomac River. ~~Fifty percent of this contribution shall be due prior to the release of the final site plan, and the remaining 50%~~ **These contributions** shall be due prior to the issuance of the final certificate of occupancy for the building.

The applicant shall make the following contributions which shall be credited towards the total monetary contribution:

- a. Expanded undergrounding of overhead utilities facilities above the minimum required for the development and construction of this project site **as set forth in Attachment #8.**

~~Alternatively~~ **In addition**, working with Staff, the applicant can choose to implement any of the following improvements, the cost of which shall be credited towards the total monetary contribution required.

- b. A portion of the re-grading plan for The Strand, if design and engineering are finalized by the City in time for construction to be completed concurrent with this project.
- c. Demolition of the two buildings east of the site known as the Alexandria Yacht building (210 The Strand) and the Alexandria Marine building (226 The Strand), removal all trash and debris on the site, and providing an interim condition to stabilize the properties. Prior to demolition, the Applicant would be required to complete a Phase I Environmental Site Analysis (ESA) and, if indicated, a Phase II site analysis, of the Alexandria Marine building site and provide associated documentation to the City. The applicant will provide routine maintenance of the site (mowing, trash removal, etc.) for a period of no more than 3 years or until the commencement of construction of the Strand flood mitigation/park project by the City.
- d. Expanded undergrounding of overhead utilities facilities above the minimum required for the development and construction of this project site.
- e. **If any combination of the above in kind contributions are mutually agreed to by the City and the applicant, the applicant shall submit an agreed upon scope of work and cost estimate to the City prior to the release of the final site plan. Prior to the issuance of the certificate of occupancy for the project, the applicant shall complete the agreed upon work and make a monetary contribution to the City if the cost of the in kind work is less than the \$675,000 contribution. In no case, shall the applicant be obligated to perform off-site work in excess of \$675,000.** (P&Z)(RP&CA)(T&ES)(PC)

V. ARCHAEOLOGY:

- 107. Consider integrating the names of historic figures and/or historic activities that have taken place on the property into elements of the hotel such as room names, suite names, floor designations, lobbies, restaurants, and other amenities. Furthermore, if the historical and archaeological findings warrant, the applicant shall install an exhibit in a public space on the property that highlights the archaeology and history of the property. (Archaeology)
- 108. To insure that significant information is not lost as a result of the proposed development project, the applicant shall hire an archaeological consultant to complete a Documentary Study. The applicant shall contact Alexandria Archaeology to obtain a scope of work for this investigation. In addition to a background history of the property, the Documentary Study should focus on the archaeological potential of the property, including the possibility of deeply buried resources pertaining to early Alexandria history.
- 109. If the Documentary Study indicates that the property has the potential to yield significant buried resources, the applicant shall hire an archaeological consultant to complete 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.

110. 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)
111. Call Alexandria Archaeology (703/746-4399) two weeks before the starting date of any ground disturbance so that an inspection or monitoring schedule for city archaeologists can be arranged. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
112. The statements in archaeology conditions below shall appear in the General Notes of all site plans and on all site plan sheets that involve demolition or ground disturbance (including Demolition, Basement/Foundation plans, Erosion and Sediment Control, Grading, Landscaping, Utilities, and Sheeting and Shoring) so that on-site contractors are aware of the requirements:
 - a. All required archaeological preservation measures shall be completed prior to 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) or a Resource Management Plan must be in place to recover significant resources in concert with construction activities. To confirm, call Alexandria Archaeology at (703) 746-4399.
 - b. The applicant/developer shall 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.
 - c. The applicant/developer shall not allow any metal detection to be conducted on the property, unless authorized by Alexandria Archaeology.
113. 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)

CITY DEPARTMENT CODE COMMENTS

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

Planning and Zoning

- 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 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 years after completion. **** (P&Z) (T&ES)
- C-3 No permits shall be issued prior to the release of the Certificate of Appropriateness from the Board of Architectural Review. (BAR)

Transportation and Environmental Services

- F - 1. WQV default shall be treated or inquire about options under Section 13-110 of the Environmental Management Ordinance. (T&ES- OEQ)
- F - 2. Sheet C9.20: Miscellaneous block should say No under Total WQV treated row. (T&ES- OEQ)
- F - 3. DASH requests that access to The Strand remains accessible to Trolleys entering service. One of the following routes shall be available during construction:
 - a. Eastbound Duke Street, L - The Strand, L- King Street (current route)
 - b. Eastbound Duke Street, L - South Union Street, R - Prince Street, L - The Strand, L - King Street.
- F - 4. 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 - 5. 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 following web address:

<http://alexandriava.gov/uploadedFiles/tes/info/Memo%20to%20Industry%20No.%2002-09%20December%203,%202009.pdf>

- F - 6. 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 - 7. The Plan shall include a dimension plan with all proposed features fully dimensioned and the property line clearly shown. (T&ES)
- F - 8. Include all symbols, abbreviations, and line types in the legend. (T&ES)
- F - 9. Asphalt patches larger than 20% of the total asphalt surface, measured along the length of the road adjacent to the property frontage and extending to the centerline of the street, will require full curb to curb restoration (T&ES)
- F - 10. 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 - 11. All sanitary sewers shall be constructed to the City of Alexandria standards and specifications. Minimum diameter of sanitary sewers shall be 10" in the public Right of Way and sanitary lateral 6" for all commercial and institutional developments; however, a 4" 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" 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 - 12. Lateral Separation of Sewers and Water Mains: A horizontal separation of 10' (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" 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 - 13. 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" for sanitary sewer and 12" 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" clearance shall be encased in concrete. (T&ES)
- F - 14. 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 - 15. Crossing Existing or Proposed Utilities: Underground telephone, cable T.V., gas, and electrical duct banks shall be crossed maintaining a minimum of 12" 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 - 16. 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 - 17. 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 - 18. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)
- F - 19. 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 - 20. The Traffic Control Plan shall replicate the existing vehicular and pedestrian routes as nearly as practical and the pedestrian pathway shall not be severed or moved for non-construction activities such as parking for vehicles or the storage of materials or equipment. Proposed traffic control plans shall provide continual, safe and accessible pedestrian pathways for the duration of the project. (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 storm water 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, the applicant shall comply with the peak flow requirements and prepare a Stormwater Management Plan so that from the site, the post-development peak runoff rate from a two-year storm and a ten-year storm, considered individually, shall not exceed their respective predevelopment rates. 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 then the applicant shall provide an additional 10% storage of the pre-development flows in this watershed to meet detention requirements. (T&ES)
- C - 3 Per the requirements of Article 13-113 (d) 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 storm water 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 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 - 6 (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 - 7 Flow from downspouts, foundation drains, and sump pumps shall be discharged to the storm sewer per the requirements of Memorandum to the industry on Downspouts, Foundation Drains, and Sump Pumps, Dated June 18, 2004 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 - 8 In compliance with the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a sanitary sewer adequate outfall analysis as per the requirements of Memorandum to Industry No. 02-07 New Sanitary Sewer Connection and Adequate Outfall Analysis dated June 1, 2007. The memorandum is available at the following web address of the City of Alexandria (T&ES)
- [http://alexandriava.gov/uploadedFiles/tes/info/New%20Sanitary%20Sewer%20Connection%20and%20Adequate%20Outfall%20Analysis%20\(02-07\).pdf](http://alexandriava.gov/uploadedFiles/tes/info/New%20Sanitary%20Sewer%20Connection%20and%20Adequate%20Outfall%20Analysis%20(02-07).pdf)
- C - 9 **[CODE REQUIREMENT AMENDED BY PLANNING COMMISSION]**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 and required Recycling Implementation Plan forms are available at: www.alexandriava.gov/solidwaste or contact the City's Solid Waste Division at 703-746-4410, or via email at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

- C - 10 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 - 11 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 or by calling the Solid Waste Division at 703.746.4410 or by e-mailing CommercialRecycling@alexandriava.gov. (T&ES)
- C - 12 Bond for the public improvements must be posted prior to release of the site plan.* (T&ES)
- C - 13 The sewer tap fee must be paid prior to release of the site plan.* (T&ES)
- C - 14 All easements and/or dedications must be recorded prior to release of the site plan.* (T&ES)
- C - 15 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 - 16 Provide a phased erosion and sediment control plan consistent with grading and construction plan. (T&ES)
- C - 17 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 insure 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 - 18 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 - 19 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 - 20 All driveway entrances, curbing, etc. in the public ROW or abutting public ROW shall meet City design standards. (T&ES)
- C - 21 All sanitary laterals and/or sewers not shown in the easements shall be owned and maintained privately. (T&ES)
- C - 22 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 - 23 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 water quality volume default and stormwater quantity management. (T&ES)
- C - 24 The applicant shall comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. (T&ES)
- C - 25 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources shall be in place for all project construction and mitigation work prior to release of the final site plan. This includes the state requirement for a VSMP permit for land disturbing activities greater than 2500 SF. * (T&ES)

AlexRenew Comments:

ARenew has no comments.

Virginia American Water Company Comments:

VAWC has no comments.

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. 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 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 - 7 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 - 8 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.

Police

Parking Garage

- R - 1. It is recommended that the doors in the garage (garage level only) leading into the stairwell have controlled electronic access.
- R - 2. The controlled electronic access should not interfere with the emergency push-bar release located on the inside of the stairwell door that allows for emergency exit of the building.

Landscape

- R - 3. The proposed shrubbery should have a natural growth height of no more than 2 ½ to 3 feet with a maximum height of 36 inches when it matures and should not hinder the unobstructed view of patrolling law enforcement vehicles.

Parks

- R - 4. It is recommended that the applicant choose a style bench that has an armrest in the middle of the bench to deter unwanted sleeping and skateboarding on the benches.

Miscellaneous

- R - 5. 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 - 6. It is recommended that all of 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 - 7. 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.

Archaeology

- F - 1. Based on preliminary research for this property, deeply buried wharves may be present that were part of Point Lumley in the eighteenth century. In particular, portions of a public warehouse may have been located on the subject property that was built by John Carlyle in 1752. During the Civil War two large storehouses stood on the lot, used by the Union Army as a commissary. By 1877 a structure of unknown use was located on the corner of South Union and Duke Streets. The lot may have functioned as a lumberyard throughout the last two decades of the nineteenth century. By 1896 the A. Bryant Fertilizer Company occupied the lot. By the 1970s the current structure was built on the lot and used storing and packing by a guns and ammunition company. The site has the potential to provide information about the industrial development of Alexandria from the eighteenth century to the present.
- C - 1 All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.

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

SUP 2013-00080 STAFF RECOMMENDATIONS:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The maximum number of total seats at the restaurant shall be 120 seats. The total number of indoor seats shall be 80 seats. Forty (40) outdoor seats in the courtyard may be provided subject to approval by the Director of P&Z. (P&Z)
2. The applicant shall post the hours of operation at the entrance of the business. (P&Z)
3. **[CONDITION AMENDED BY PLANNING COMMISSION]** For indoor seats, meals ordered before 11:00 pm Sunday – Thursday and before 12:00 am Friday – Saturday, may be sold, but no new alcohol may be served and no new patrons may be admitted after 11:00 pm Sunday – Thursday and after 12:00 am Friday – Saturday. All patrons must leave by 12:00 am Sunday – Thursday and by 2~~1~~:00 am on Friday – Saturday. (P&Z)
4. The hours of operation for outdoor seats shall be limited to between 7am and 11:00 pm, 7 days a week. The outdoor dining area shall be closed and cleared of all customers by 11:00 pm. The outdoor seating area shall not include advertising signage, including on umbrellas.(P&Z)
5. No live entertainment shall be permitted in the outdoor dining area. (P&Z) (T&ES)
6. No customer delivery service shall be available from the restaurant. (P&Z)
7. On-premises alcohol sales may be offered at the restaurant. (P&Z)
8. Trash and garbage shall be placed in sealed containers maintained in the loading area. The trash shall be sealed appropriately and stored in the contained dumpster which do not allow odors to escape and shall be stored inside or in closed containers which do not allow invasion by animals. No trash or debris shall be allowed to accumulate on site outside of those containers. (P&Z)
9. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (P&Z)(T&ES)
10. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z)
11. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z)(T&ES)

12. The applicant shall direct patrons to the on-site valet parking and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy. (T&ES)
13. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES)
14. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
15. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from becoming a nuisance to neighboring properties, as determined by the Department of T&ES. (T&ES)
16. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (P&Z)(T&ES)
- 16A. **[CONDITION ADDED BY PLANNING COMMISSION] All loading shall occur off-street, utilizing the building's loading dock. Loading schedules shall be coordinated to facilitate off-street loading and minimize idling by waiting vehicles. The loading dock door shall be closed except during loading and unloading. (PC)**
17. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
18. The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health)
19. No food, beverages, or other material shall be stored outside. (P&Z)
20. The Director of Planning and Zoning shall review the special use permit after it has been operational for one 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. ATTACHMENTS

- 1) Compliance with City Policies and Regulations
- 2) Applicant's Revised Elevations
- 3) On-Street Parking, Taxi Stand and Valet Loading Zone Plan
- 4) References to Public Art in the Waterfront Small Area Plan
- 5) Community Meetings
- 6) Letter from the Waterfront Commission
- 7) Transportation Management Plan
- 8) Undergrounding Plan

Attachment # 1: Compliance with City Policies and Regulations

Compliance with the Development Guidelines for the Cummings/Turner Block:

Development Guideline (pages 101 and 102 of the Waterfront Small Area Plan)	How the proposal complies
1. Active uses which welcome the public should be part of any development, and constitute the predominant ground floor uses. Active ground floor uses shall be located as generally depicted in the Public Space and Active Frontages Diagram (Figure 34) and shall consist of uses that are open and welcoming to the public during normal business hours, such as lobbies, restaurants, retail, civic or cultural uses.	As a hotel, the ground floor will include a lobby along South Union Street and a restaurant along The Strand. The proposal includes a publicly accessible courtyard that can be accessed from South Union Street, The Strand, or inside the building, which will be open and welcoming to the public during normal hours for the hotel.
2. The preferred use on the site is mixed use, emphasizing arts, history and culture (including a museum) and including vibrant commercial uses such as a hotel.	The proposal is for a hotel, which includes a restaurant.
3. For the cluster of buildings that includes the historic warehouses, residential (including owner occupied units) is permitted above the first floor along Union Street and around the northwest corner on Prince Street.	Not applicable to this proposal.
4. Residential use should not be the primary use of the site. The location, design and specific type of residential use proposed must coexist well with the other planned uses on the site and planned public activity in the public spaces adjacent to the residential development. Ground floor residential units are not permitted.	The proposal does not include a residential use.

Development Guideline (pages 101 and 102 of the Waterfront Small Area Plan)	How the proposal complies
<p>5. The streetscape and pedestrian experience along South Union Street, The Strand, Duke Street and Wolfe Street should be enhanced; in addition to special pavement, undergrounding utilities, street trees and appropriate light fixtures, and to enhance the views of the water, pedestrian access and porosity and reflect the historic orientation of buildings and alleyways:</p> <ul style="list-style-type: none"> • At least two midblock breaks between new buildings, with public space, including alleys and courtyards shall be provided extending from South Union Street to the The Strand; • A third alleyway between 10 Prince Street and 204 South Union Street shall be opened, with new infill construction permitted, provided that it creates an open, transparent space reflecting the historic alley in that location. • Access to uses within the alleys and courtyards is essential to the pedestrian experience. 	<p>The proposal includes new sidewalks, street trees, and street lights. The developer will also be required to underground all utilities associated with this site. Half of the midblock break anticipated by the Plan for this site will be constructed with this development and once the northern property redevelops, the remaining ten feet will be added to provide the full twenty foot width. The midblock break connects to the publicly accessible courtyard and the restaurant.</p>
<p>6. Historic interpretation, consistent with the recommendations of History Plan, should inform every aspect of the design of the redevelopment and adjacent public spaces.</p> <ul style="list-style-type: none"> • Buildings and open space should reflect Alexandria's maritime history. • The Plan encourages modern design inspired by historic precedent (such as 18th Century Alexandria warehouse architecture) while maintaining compatibility with nearby residential neighborhoods and ensuring compliance with the Potomac River Vicinity Height District regulations. • Architecture should reflect historic east-west orientation of buildings, alleys and wharves. 	<p>The building architecture incorporates elements of Alexandria's historic warehouse buildings while complying with the height requirements of the Potomac River Vicinity Height District. The building has been designed with an east-west orientation and an east-west pedestrian alley will be provided along the northern portion of the site.</p>

Development Guideline (pages 101 and 102 of the Waterfront Small Area Plan)	How the proposal complies
7. Redevelopment of any portion of the block should be coordinated with restoration and adaptive reuse plans for the historic warehouse buildings in the block. As part of any SUP for any development of Cummings property, the applicant shall provide a plan for the restoration and adaptive reuse of the historic buildings at 10 Prince Street, 204 South Union Street and 206 South Union Street. Adaptive reuse should emphasize uses that are open to public access and shall include a civic or cultural use.	Restoration of these buildings is currently underway, but not associated with this development.
8. Public art should be a prominent feature of the public realm, both on public and private property. The recommendations of the Art Plan should be incorporated, to the extent possible, in the design for the redeveloped warehouses, pier, and public spaces.	A location for public art has been identified in the courtyard, but the final piece has not been selected. The applicant will be required to develop a plan for selecting and installing the art, and the art will be reviewed by the Waterfront Commission and Commission for the Arts.
9. Contribute significantly to the public amenities in the new park between the redevelopment block and the Potomac River, including environmental amenities, above and beyond the minimum required.	The applicant will provide a cash contribution toward public amenities in the new park; to the extent that the applicant makes desired improvements, the value of those improvements will be credited toward the cash contribution. Desired improvements include demolition of the two existing structures in the future park, debris removal, and stabilization; undergrounding utilities beyond those required for his site; and re-grading (elevating) The Strand and Duke Street in the vicinity of his site.
10. Open space with public access easements and/or dedications shall be provided as generally reflected in the Proposed Public Space and Active Frontages (Figure 34).	The east-west alley and the courtyard are consistent with the area identified in Figure 34 and will have public access easements.
11. Curb cuts should not be located on any building and/or block frontage facing open space.	Curb cuts for the parking garage and loading dock are proposed on Duke Street, which face Robinson Terminal South. No curb cuts are proposed along The Strand, which fronts the future park along the river, or on South Union Street.

Development Guideline (pages 101 and 102 of the Waterfront Small Area Plan)	How the proposal complies
12. Parking for new buildings should be accommodated on site and below grade. Although the Plan anticipates low parking ratios, the applied ratio must be consistent with industry norms for similar hotels.	The parking is provided in one level below grade and will be valet parking only. The parking ratio is approximately 1 space for every 2 rooms, which is comparable to other similar hotels.
13. Both the Cummings and the Turner properties are encouraged to develop jointly under a single scheme and in such a way as to share amenities such as an on-site restaurant or other common space. However, if that does not occur, each site can develop on its own. At ultimate buildout, the underground parking will share a single entrance on Duke Street, with a knock out panel provided between the underground garages.	The Cummings site is redeveloping separate from the Turner site, but has included a knock out panel in the garage for future connection to an underground garage on Turner property to the north.
14. The maximum FAR and floor area allowed is included on the chart at page 103.	The Plan allows a maximum FAR of 3.0 for this site. This proposal has a FAR of 2.87.

Compliance with the Policy for Restaurant/Hotel/Commercial Uses for the proposed hotel:

Factors to consider for a hotel use	How the proposal complies
i. The potential for undue congestion of pedestrians or vehicles.	The hotel is a small “boutique” hotel with a total of 120 rooms (see section below for further discussion)
ii. The type and size of hotel, and whether it is designed to attract large conventions, banquets, or other functions (such as trade shows). Hotels shall be “boutique” hotels: that is hotels with 150 rooms or less, no ballroom, and meeting rooms for on-site use by guests. The Waterfront Small Area Plan allows the addition of up to two hotels in the W-1 zone, with a total limit of 300 rooms.	The hotel will have 120 rooms, no ballroom, and the meeting room will be for use of the guests only. It is not designed to attract large conventions or banquets. This is the first of the three development site to redevelop under the Plan, so no other hotels have been approved at this time.
iii. The ability of the hotel to accommodate, and screen all of its service needs on site, including loading and delivery operations.	The loading dock on Duke Street has been designed to accommodate all the loading and delivery requirements for the hotel. A door will be provided to screen the space except when vehicles are entering or leaving. All trash will also be kept interior to the loading dock area at all times.
iv. Parking for visitors, customers and employees must be provided on site. Additional parking may be provided by contract with a nearby garage for patrons and/or employees. Although the Plan anticipates low parking ratios, the applied ratio must be consistent with industry norms for similar hotels.	The parking for all hotel and restaurant guests will be provided on-site in the underground garage, which will be operated through a valet-only service.
v. The extent to which garage spaces will be available to the public. Parking garages must be operated so that they are open to the public at least at peak times.	The garage will be available to the hotel guests and restaurant patrons. Given usage rates at other, comparable properties, there may well be additional capacity at many times which could be served through the same valet operation.
vi. A restaurant within a hotel that is open to the public shall be the subject of a separate SUP and the same requirements as other restaurants.	A separate SUP has been requested for the restaurant and standard conditions are provided in the Recommendation Section for the restaurant operation.

Factors to consider for a hotel use	How the proposal complies
vii. The location of the hotel and whether its layout is designed to produce the least impact on nearby residential areas and on the lower King Street area.	A hotel is one of the preferred uses for this site. The building is designed to step back from South Union Street in order to provide a lower scale building along the street. An alleyway is provided along the north side of the property that creates open space, allows views, and invites circulation to the river from South Union Street. In addition, the loading and garage entrance are located on Duke Street to minimize traffic impacts along South Union Street, which is closest to nearby residential areas and lower King Street, and are also across Duke Street from property which is expected to redevelop in the near future (Robinson Terminal South.)
viii. The extent to which the hotel provides incentives for employees who are able to use transit.	The Transportation Management Plan will require incentives to be provided for employees who use transit.
ix. The extent to which new parking is available to support overflow parking needs of Old Town residents.	Additional on-street spaces will be created on Duke Street which will be available to the public. In addition, to the extent that there is additional capacity in the all-valet garage, it can serve these needs as well, although priority is given to ensuring that there is sufficient garage capacity for hotel guests and restaurant patrons.
x. The extent to which adequate and reasonable buffers are provided between new active uses and existing residential development.	The closest residential development is southwest of the intersection of Duke Street and South Union Street. The hotel lobby has been located as far north of the intersection as possible to minimize impacts on nearby residential development. The restaurant is located on the eastern portion of the site away from the residential development. The publicly accessible courtyard is buffered by the building which will minimize noise impacts from this space.

Factors to consider for a hotel use	How the proposal complies
<p>xi. The extent to which architecture and site design reflect the important design principles illustrated by the scale model prepared by the City during the Waterfront planning process, including alleys as view corridors; design elements that minimize the impacts of height, such as setbacks above the third story along Union Street and incorporation of the top story within a roof form; and small footprint buildings instead of large “superblock” development.</p>	<p>The architecture and site design are generally consistent with the principles illustrated by the model, including the provision of an alley along the north property line, incorporation of design elements that minimize the perception of overall height, and a small building footprint that occupies approximately one third of an acre, holds the street wall, and also creates a significant amount of publicly accessible, high-quality open space on the interior of the site. In addition, building massing relates to the simple, small-footprint historic buildings to the north on South Union Street, as shown in the model. The larger warehouse-inspired form, as in the model, relates to the larger context of Duke Street and the river frontage.</p>

Compliance with the Potomac River Vicinity Height District criteria for additional height:

Standard and Guidelines (Section 6-404(B)(3))	How the proposal complies
(a) The degree to which imaginative and creative architectural solutions advance recreational access to and enjoyment of the historic waterfront from public streets and other public areas. Building should be in harmony with existing buildings of genuine architectural merit, to be found in the historic district.	The proposal removes a mid-20 th century warehouse that occupies the entire site and precludes views or access to the water from South Union Street. The proposed hotel includes a 10 foot wide alley from South Union Street to The Strand which will allow the public to access the Waterfront and future park through the site.
(b) The degree to which the basic 30 feet height is maintained at the street faces and the waterfront face of the proposed building or buildings. To provide a transition, building heights over this basic height level should be set back from the street faces and waterfront faces.	South Union Street: A 13 foot setback is provided above the third story to maintain a 30 foot height along the street frontage. Duke Street: A two story mansard roof is proposed above the third story to provide a setback above 30 feet. The Strand: the provision of three-story “shoulder” elements flanking the central “warehouse” form reinforces the 30 foot height datum.
(c) The degree to which the height, mass and bulk of the proposed construction are compatible with and reflect the traditional height, mass, and bulk of buildings and structures displayed within the streetscapes of the historic district.	As discussed in the Waterfront Small Area Plan, the intent for new buildings fronting this section of The Strand is to reflect the scale and general form of significant 19 th -Century warehouses that were found in this location. These buildings were of a larger scale than many of the surviving warehouse buildings on lower King Street, many of which are 18 th -Century.
(d) The degree to which imaginative and creative architectural solutions enhance views and vistas from public streets and other public-access areas along the historic waterfront. The waterfront faces of the buildings, in particular, should be designed and integrated so as to enhance pedestrian enjoyment of the waterfront, and the quality and character of the historic waterfront, as a totality, when viewed from passing vessels.	The design of The Strand façade recalls the architecture of historic Alexandria warehouses found along The Strand in the 19 th Century. With the removal of the structures on the east side of The Strand, this façade will be very visible from the water, and clearly recall some of the significant mercantile structures of the past.

Standard and Guidelines (Section 6-404(B)(3))	How the proposal complies
(e) The degree to which the use or uses of the proposed building or buildings are compatible with historical waterfront-related uses in the City of Alexandria.	The hotel and restaurant uses, by their nature, will help attract both residents and visitors to this historic block of Alexandria's waterfront, and by recalling the character and scale of the historic warehouses, the building itself will help people to better understand the character of this working seaport. Visitors and diners alike will be invited to explore the new parks, cultural and dining opportunities which will be visible from the restaurant and most of the hotel rooms.

Compliance with the Policy for Restaurant/Hotel/Commercial Uses for the proposed restaurant:

Factors to consider for a hotel use	How the proposal complies
i. The potential for undue congestion of pedestrians or vehicles.	The applicant anticipates that the majority of the restaurant patrons will be hotel guests and would not create undue congestion of pedestrians or vehicles.
ii. The extent to which the use is open in the late night hours and situated so as to potentially disturb residential areas.	The restaurant is located away from residential areas.
iii. The extent to which alcohol consumption will predominate over food consumption and situated so as to potentially disturb residential areas and negatively impact waterfront public spaces.	Alcohol consumption will not predominate over food consumption.
iv. The availability of off-street parking for the restaurant's patrons and employees, including whether the restaurant has contracted with nearby garages for additional off-street parking for patrons and/or employees.	Restaurant patrons will be encouraged to use the valet service provided for the hotel to park their vehicles.
v. The predicted extent of litter generated.	All litter generated from the site will be required to be monitored and maintained to prevent an accumulation. Trash will be stored in the loading area until removal.
vi. The potential for loud or otherwise inappropriate noise	Live entertainment is not approved for the restaurant.
vii. The extent to which other restaurants already exist in the same area. Restaurant uses should not be located in such proximity as to detract from the character and authenticity of the Waterfront by creating a monoculture similar to a Food Court or "restaurant row" environment.	Only one other restaurant (Chadwicks) currently exists in the block. The restaurant is primarily an amenity for the hotel guests and will not lead to creating a monoculture of restaurants on the block.
viii. The extent to which the restaurant provides incentives for employees who are able to use transit.	The Transportation Management Plan requires incentives to be provided for employees who use transit.
ix. The extent to which new parking is available to support overflow parking needs of Old Town residents.	Additional on-street spaces will be created on Duke Street which will be available to the public.

Factors to consider for a hotel use	How the proposal complies
x. The extent to which adequate and reasonable buffers are provided between new active uses and existing residential development.	The closest residential development is southwest of the intersection of Duke Street and South Union Street. The restaurant is located on the eastern portion of the site away from the residential development. The publicly accessible courtyard which will include outdoor dining is buffered by the buildings to both the north and south, which will minimize any noise impacts from this space.
xi. The extent to which architecture and site design reflect the important design principles illustrated by the scale model prepared by the City during the Waterfront planning process, including alleys as view corridors; design elements that minimize the impacts of height, such as setbacks above the third story along Union Street and incorporation of the top story within a roof form; and small footprint buildings instead of large “superblock” development.	The architecture and site design are generally consistent with the principles illustrated by the model, including the provision of an alley along the north property line, incorporation of design elements that minimize the overall height, and a small footprint that occupies approximately one third of an acre, in support of a significant public open space amenity in the block interior, including a garden area, public art, and outdoor dining for both hotel guests and the public.



HISTORIC PRECEDENT FOR FENESTRATION

DUKE STREET AND STRAND ELEVATIONS CUMMINGS SITE HOTEL

220 South Union Street
Alexandria, VA 22314

11.012



12.20.13



UNION STREET AND COURTYARD ELEVATIONS

CUMMINGS SITE HOTEL

220 South Union Street
Alexandria, VA 22314

11.012



Parking Legend

- P - Public
- LZ - Loading Zone
- T - Taxi
- V - Valet



ATTACHMENT 3

Attachment #4: References to Public Art in the Waterfront Small Area Plan

- *Executive Summary*, Page vii: “Alexandria’s waterfront is special because of its unique and significant role in the nation’s history and because it is a world renowned example of the revitalizing role of art in the community.”
- *Executive Summary*, “Page vii: “Based on recommendations in the History Plan and Art Plan, six Art and Culture Theme Areas are utilized as guiding elements for each of the character areas of the Plan. . . . As one moves from Art and Culture Theme Area to another, one will be introduced to the rich history of that given area through interpretation, art, architecture, activities and more.”
- *Chapter 3, “Character and Theme Areas,”* Page 71: “The theme for The Strand is *The Working Seaport* and the 100 and 200 blocks of The Strand and South Union Street contain the last vestiges of Alexandria’s golden maritime era from the last half of the 18th century to the early 20th century. This area should evoke the character of the heyday of the waterfront . . .” and should be used as the Southern Cultural Anchor.”
- *Chapter 3, Character and Theme Areas,”* Page 73, Recommendation 3.89: “Draw inspiration from The Strand’s role in Alexandria’s history as a working waterfront in public improvements, private development, and programming, including park design and the scale and positioning of new development in this area.”
- *Chapter 3, Character and Theme Areas”* Page 73, Recommendation 3.90: “Establish The Strand area, south of Prince Street, as a cultural anchor of the waterfront with reference to history and art.”
- *Chapter 3, Character and Theme Areas,”* Page 73, Recommendation 3.91: “. . . Open alleyways and other east-west links between Union Street and the River.”
- *Chapter 3, Character and Theme Areas, Pages 101 and 102 Cummings/Turner Block Development Guidelines*
- Development Guideline #6, page 101 – “Buildings and open space should reflect Alexandria’s maritime history.”
- Development Guideline #8, page 102 – “Public art should be a prominent feature of the public realm, both on public and private property. The recommendations of the Art Plan should be incorporated, to the extent possible, in the design for the redeveloped warehouses, pier, and public spaces.”
- *Chapter 5, Implementation, Page 126* “In addition, this Plan defines expectations for developer contributions to the public realm on their property and in the immediate vicinity of their projects. . . .”For the Cummings/Turner properties, developer contributions could go toward desired civic uses and/or the new park. In all cases, there will be high expectations for urban design and for implementing the recommendations of the waterfront Art and History Plans.”

Attachment #5: Community Meetings

	Date	Organization
1	7/25/12	OHAD BAR
2	8/14/12	Waterfront Commission
3	12/13/12	Community Open House held at Rust Orling Architects
4	1/29/13	Old Town Civic Association Board
5	2/14/13	Historic Alexandria Commission
6	8/27/13	Master Plan Group
7	9/10/13	Government Relations Committee, Alexandria Chamber
8	9/13/13	Waterfront for All
9	9/25/13	OHAD BAR
10	10/9/13	Old Town Civic Association
11	10/15/13	Waterfront Commission
12	10/16/13	Alexandria Archeology Commission
13	10/23/13	Waterfront Commission Subcommittee
14	11/12/13	Rivergate Board
15	11/19/13	Waterfront Commission
16	12/18/13	Harborside
17	12/18/13	OHAD BAR
18	1/7/14	Planning Commission
19	1/25/14	City Council



Alexandria Waterfront Commission

Department of Recreation, Parks and Cultural Activities

*1108 Jefferson Street
Alexandria, Virginia 22314*

Attachment #6

November 19, 2013

Dear Mayor Euille and Members of City Council:

At the Alexandria Waterfront Commission's meeting on October 15, 2013, the Commission established a small committee to review issues related to the Carr hotel development concept for the 220 South Union Street site and to draft a committee position to be forwarded to the full Commission for action at its next regular meeting (November 19, 2013). Following is the report submitted to the Waterfront Commission on November 19, 2013:

1. The committee reviewed the six Development Goals within the Alexandria Waterfront Small Area Plan and believed that the plan presented for the Cummings/Turner block was in line with the Goals, and satisfactory.
2. The next step involved reviewing the Development Guidelines. The committee reviewed each of the 14 Guidelines at length, in conjunction with the proposed plan and found that the plan conformed in every way.

Special Notes

- A. Guideline #5 – Detail to the confirmation of Public alleys
- B. Guideline #6 – The wording of 18th Century Alexandria warehouse architecture should be changed to 19th Century architecture.
- C. Guideline #7 – Redevelopment of any portion of the block should fit in with the “Olin concept”.
- D. Guideline #9 – Contribute significantly to the public amenities in the new park – attention needs to be focused on the redevelopment and care of properties across Strand.

In total, this sub-committee believes that the proposed plan is following the Guidelines as proposed in the Alexandria Waterfront Small Area Plan.

The Alexandria Waterfront Commission voted to accept the report above and forward it to City Council, effective November 19, 2013.

Respectfully submitted,

Charlotte A. Hall
Chairman

Attachment #7: Transportation Management Plan

220 South Union Street Hotel TMP SUP#2013-00071

The Transportation Management Plan (TMP) program was enacted by the Alexandria City Council on May 16, 1987 and is now part of the Alexandria Zoning Code (Article XI, Division B, Section 11-700). The ordinance requires that office, retail, residential, hotel and industrial projects which achieve certain square footage thresholds submit a special use permit application which must include a traffic impact analysis and a Transportation Management Plan (TMP). The Planning Commission and the City Council consider all special use permit applications, and the City Council makes the final decision on the approval of the applications. Any project requiring a TMP must receive the TMP special use permit before the project can proceed. The TMP Program is a comprehensive effort to increase the use of transit and reduce the number of single occupant vehicles (SOVs) in the City.

The Transportation Management Program for 220 South Union Street Hotel consists of six parts:

- 1) Goal and Evaluation of the TMP
- 2) Organization, Funding and Reporting
- 3) Transportation Management Plan Directives
- 4) Evaluation of the Effectiveness of the TMP
- 5) District Transit Management Program
- 6) Permanence of the TMP Ordinance

1. Goal and Evaluation of the TMP

- a. The 220 South Union Street Hotel site is located approximately one mile east of the King Street Metro Station. Several DASH and Metro bus lines run near the site through the Old Town neighborhood. The hotel development has a goal of 30% non-SOV trips during peak hour.
- b. The achievement of this goal will be demonstrated by the activities conducted and financed by the TMP fund and the annual survey that are requirements of this special use permit. The fund report should demonstrate that enough activities are being conducted to persuade employees and residents to switch to transit or carpool as opposed to driving alone. The survey should progressively show that the strategies financed through the TMP fund are decreasing the number of peak hour single occupant vehicles to the site to achieve or exceed the goal. The annual report, fund report and survey are covered under Section 2.

2. TMP Organization, Funding and Reporting

- a. The developer shall designate a Transportation Management Plan Coordinator (the TMP Coordinator) to manage and implement the TMP on behalf of the owners of the project. The Transportation Planning Division may assist the TMP Coordinator.
- b. An Annual Report shall be submitted by the TMP Coordinator and approved by the Transportation Planning Division. This report will be due on July 15 of every year. The Annual Report shall include an assessment of the effects of TMP activities on carpooling, vanpooling, transit ridership and peak hour traffic, and a work program for the following

year. The initial report shall be submitted one year from the issuance of the Certificate of Occupancy.

- c. The TMP Coordinator shall provide Semi-annual TMP Fund Reports to the Transportation Planning Division. These reports will provide a summary of the contributions to the fund and all expenses and should be accompanied by supporting documentation. The first report will be due six months following the issuance of the first certificate of occupancy, with the following due on January 15 and July 15 of every year.
- d. The TMP Coordinator shall distribute an annual survey to all employees and residents. The survey will be supplied by the Transportation Planning Division. Survey results will be due on July 15 of every year. A 35% response rate for employees is required as approved by the Transportation Planning Division.

3. Transportation Management Plan Directives

- a. The Special Use Permit application has been made for the following uses:

	Land Use*
	Rooms
220 South Union Street	120

**As of November 25, 2013. Subject to change.*

- b. According to the guidelines of Zoning Ordinance Chapter 11-700, the above level of development requires a Transportation Management Program (TMP). Such plan shall include the following elements:
 - i. A TMP Coordinator shall be designated for the project upon application for the initial building permit. The name, address, email and telephone number of the coordinator will be provided to the City at that time, as well as of any changes occurring subsequently. This person will be responsible for implementing and managing all aspects of the TMP and the parking management program for the project.
 - ii. Transit, ridesharing, staggered work hours/compressed workweeks, parking restrictions and the other program elements shall be promoted to employees.
 - iii. Information about transit, ridesharing, and other TMP elements shall be distributed and displayed— including transit schedules, rideshare applications and information, incentive information, parking information, etc. This information shall be kept current. Displays of these brochures and applications shall be placed in a prominent location in the building and a website with this information and appropriate links to transit providers will be provided and maintained.
 - iv. A ridesharing program shall be established that includes not only participation in the regional Metropolitan Washington Council of Governments Commuter Connections Program, but also site-specific matching efforts.

- v. Promote a Guaranteed Ride Home Program as part of the ridesharing and transit marketing efforts.
 - vi. Discounted bus and rail fare media or electronic media shall be sold and distributed on-site to employees of the project. The fare media to be sold and distributed will include, at a minimum, fare media for Metrorail, Metrobus, DASH and any other public transportation system fare media requested by employees, residents, and/or the Transportation Planning Division. The availability of this fare media will be prominently advertised. At a minimum, the initial discount will be 20%.
- c. **TMP Fund** — The applicant shall create a TMP fund to achieve the reduction goal of 30% of single occupant vehicles for employees, based on the project's size and the benefits to be offered to employees and tenants. The annual contribution rate for this fund shall be \$40.56 per hotel room, and \$.203 per occupied square foot of restaurant space. This reduction goal may be revised in the future based on City-wide TMP policies or legislation. The annual TMP rate shall increase by an amount equal to the rate of inflation (Consumer Price Index – CPI of the United States) for the previous year. Payments shall be the responsibility of the developer until this responsibility is transferred by lease or other legal arrangement. The TMP fund shall be used exclusively for these approved activities:
- i. Discounting the cost of bus and transit fare media for on-site employees.
 - ii. Ridesharing and carsharing incentive programs which may include activities to encourage and assist the formation of car, van and bus pools, such as subsidies or preferential parking charges and parking space location and other analogous incentive programs.
 - iii. Marketing activities, including advertising, promotional events, etc.
 - iv. Bicycle and pedestrian incentive measures which may include the provision of bicycle parking, bike sharing station and/or storage facilities, the construction and extension of bicycle paths and pedestrian walkways, the provision of shower and locker facilities and similar incentive features
 - v. Operating costs for adjacent bikeshare station.
 - vi. Membership and application fees for carshare vehicles.
 - vii. Providing shuttle services or partnering with neighboring organizations for shuttle services.
 - viii. Any other TMP activities as may be proposed by the TMP Coordinator and approved by the Director of T&ES as meeting goals similar to those targeted by the required TMP measures.

Unencumbered Funds: As determined by the Director of T&ES, any unencumbered funds remaining in the TMP account at the end of each reporting year may be either reprogrammed for TMP activities during the ensuing year or paid to the City for use in walk, bike, transit and/or ridesharing programs and activities.

4. Evaluation of the Effectiveness of the TMP

- a. The goals for transit mode share and auto occupancy established in paragraph 1.a of this document, will be used in evaluating the performance and effectiveness of the TMP. The annual survey will be used to continually determine whether the development is meeting these targets.
- b. The City of Alexandria, in conjunction with the TMP Coordinator, will identify performance standards and objectives to measure the cost effectiveness and develop methodologies to monitor the performance of each element of the TMP. The performance of the development in meeting these objectives will be evaluated in the annual report prepared by the TMP Coordinator, and will be used in developing the work plan for the association.
- c. This TMP has been designed to be flexible and responsive to the inputs of these annual evaluations in prescribing Transportation Demand Management (TDM) and Transportation Supply Management (TSM) strategies and tactics to be implemented in the Annual Work Program. By linking evaluation to work planning, the TMP standards of performance could change throughout the development cycle as the “right” solutions are adjusted in response and anticipation of changes in transportation conditions.

5. District Transit Management Program

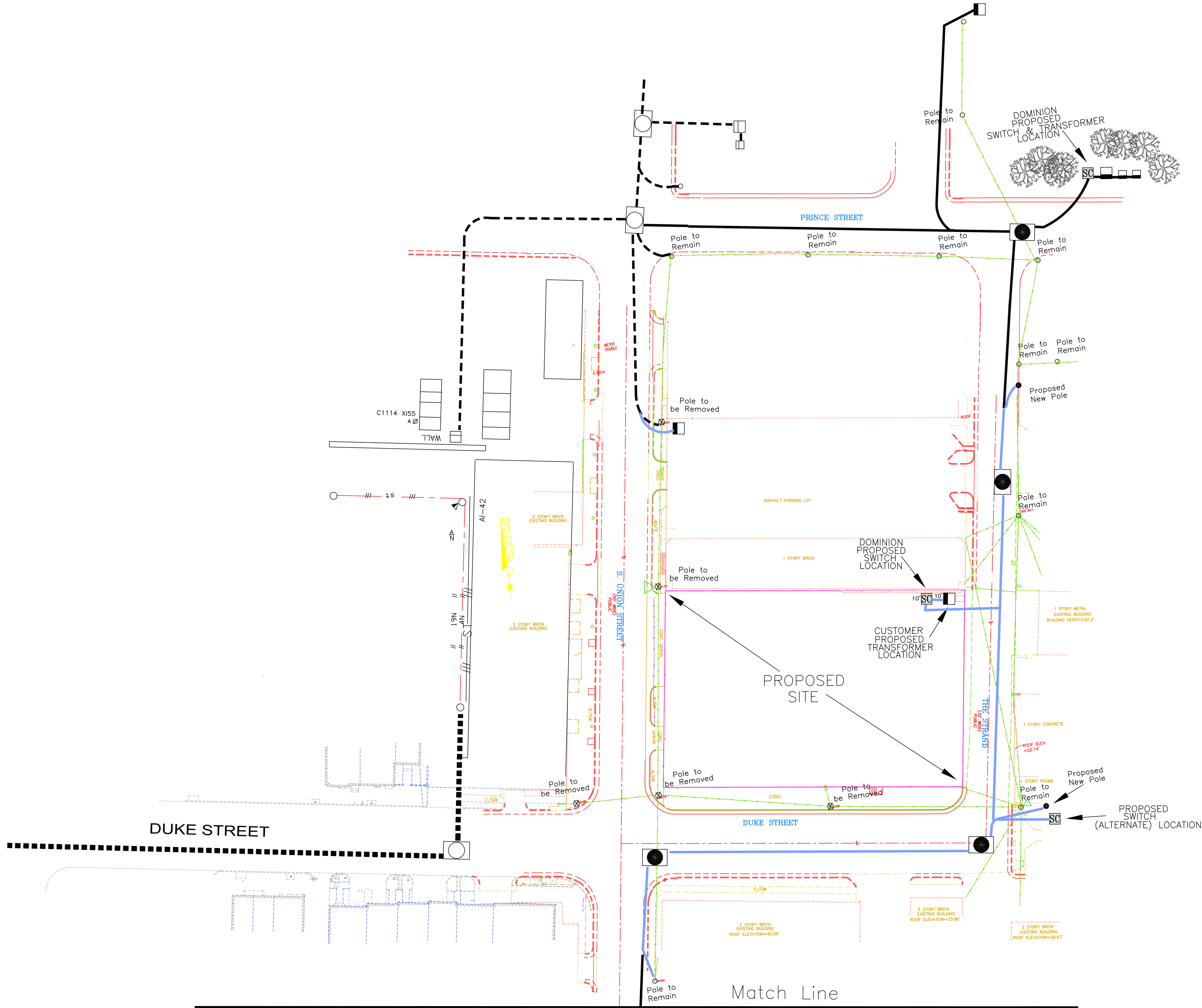
The 220 South Union Street Hotel should integrate with the larger district level TMP program when it is organized. All TMP holders in the established area will be part of this District. No increase in TMP contributions will be required as a result of participation in the District TMP. The objective of this district is to make optimum use of transportation resources for the benefit of residents and employees through economies of scale.

C - 2 6. Permanence of the TMP Ordinance

- a. As required by Section 11-700 under Article XI of the City of Alexandria Zoning Ordinance, the special use permit and conditions attached thereto as granted by City Council, unless revoked or amended, shall run with the use and shall be mandatory and binding upon the applicant, all owners of the land and all occupants and upon all heirs, successors and assigns with whom sale or lease agreements are executed subsequent to the date of this approval.
- b. Prior to any lease/purchase agreements, the applicant shall prepare appropriate language to inform tenants/owners of the transportation management plan special use permit and conditions therein, as part of its leasing/purchasing agreements; such language to be reviewed and approved by the City Attorney’s office.
- c. The applicant shall participate in the revised Transportation Management Program if established. The revised program will include the elements outlined in the December 8, 2010 docket memo to City Council and approved by the Council. The revision to the program includes a periodic review of the TMP to determine if goals are being met and will provide an opportunity to adjust the rates up or down up to a percentage cap. The revised TMP program will go before the City Council for approval. Participation in the program will not initially increase the base contribution established in this SUP, however, the base contribution would be subject to adjustment up or down, up to a percentage cap,

based on the final revised TMP program language to be approved by City Council at a future date.

- d. The Director of T&ES may approve modifications to agreed TMP activities, provided that any changes are consistent with the goals of the TMP.
- e. An administrative fee shall be assessed to the governing entity for lack of timely compliance with the submission of the TMP mandatory reports required in the attachment (fund reports with supporting documentation, annual reports, survey results with a minimum response rate of 35%, and submission of raw data). The fee shall be in the amount of five hundred seven (\$507.00) for the first 30 (thirty) days late and two hundred and fifty-three dollars (\$253.00) for every subsequent month late. The amount of these administrative fees is for the base year in which the TMP is approved and shall increase according to the Consumer Price Index (CPI) going forward.



Vicinity Map

Construction Notes

Field Changes

General Notes

DRAWING NOT TO SCALE.
FOR PLANNING PURPOSES ONLY.

Legend

Project Data

Sub. Sta.	Cir No.	Map No.
Tax District	10500	Miss "U"
Easement No.		
Customer Billing	Device No.	Scale
		NOT TO SCALE

Sheet 1 of 1

Project 220 S. Union St.		
Line Conversion		
Location 220 S. Union St.		
Work Request # 7548484	Drawn By Chris Hare	Date 09/13



APPLICATION

DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN

DSP # 2012-0019

Project Name: Cummings Warehouse Hotel

PROPERTY LOCATION: 220 South Union Street

TAX MAP REFERENCE: 075.03-03-08

ZONE: W-1

APPLICANT:

Name: Carr City Centers, LLC

Address: 1455 Pennsylvania Avenue, NW Suite 800 Washington, DC 20004

PROPERTY OWNER:

Name: Cummings Investment Associates Inc

Address: PO Box 231, Alexandria, Virginia 22313

SUMMARY OF PROPOSAL 5 story hotel with below grade parking and first floor restaurant

MODIFICATIONS REQUESTED vision clearance, height to center line ratio, crown coverage, access

SUPs REQUESTED 3.0 FAR, 50 foot building height, hotel with restaurant, parking and loading space reduction, and valet

☒ **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.

Kenneth W. Wire

Print Name of Applicant or Agent

McGuireWoods LLP, 1750 Tysons Blvd., Suite 1800

Mailing/Street Address

Tysons, VA 22102

City and State

Zip Code

[Signature]
Signature

703-712-5362

Telephone #

703-712-5222

Fax #

kwire@mcguirewoods.com

Email address

10/25/13
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: _____

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: Contract purchaser 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 ten percent.

See attached.

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 ten 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. See attached.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 220 South Union Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. See attached.		
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 require 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 indicated 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](#).

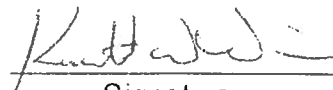
Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1. None		
2.		
3.		

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.

10/24/13
Date

Kenneth W. Wire
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.*)

The applicant proposes to construct a 5 story 120 room hotel with below grade parking and a first floor restaurant. The proposed project is consistent with existing zoning and the recommendations of the Waterfront Small Area Plan.

The applicant has not yet chosen an operator for the hotel, all estimates for staffing and use items in this application are based upon the applicant's experience operating other hotels in Alexandria.

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

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

The applicant expects that the 120 room hotel will achieve on average a 75% occupancy rate.

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

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

Typical for hotel use approximately 5-10 employees at peak times during business hours.
Hotel will be staffed 24 hours a day, 7 days a week.

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

Day	Hours	Day	Hours
Hotel Staffed 24 hours			

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

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

Noise will be generated by pedestrians accessing the building and using outdoor courtyard. Noise will also be generated by daily deliveries and trash removal.

B. How will the noise from patrons be controlled?

Property management will be on-site 24 hours a day, 7 days a week to monitor the area.

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

Hotel trash will be located entirely within the loading dock in closed containers. The loading dock contains commercial grade air handling equipment.

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 for hotel waste including office waste, food waste and recycling.
- B. How much trash and garbage will be generated by the use?
Daily service for the two trash receptacles shown on the DSUP plans will accommodate all waste.
- C. How often will trash be collected?
Daily Monday through Saturday.
- D. How will you prevent littering on the property, streets and nearby properties?
Property management will be on-site 24 hours a day, 7 days a week to monitor the area.

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:

Hotel cleaning supplies.

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

Property management will be on-site 24 hours a day, 7 days a week to monitor the area.

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.

Applicant will seek all necessary ABC licenses.

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?

87

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

35 Standard spaces

31 Compact spaces

3 Handicapped accessible spaces

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?

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? 4
- B. How many loading spaces are available for the use? 1
- C. Where are off-street loading facilities located?
See DSUP Application
- D. During what hours of the day do you expect loading/unloading operations to occur?
As permitted by the City Ordinance
- 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?

Existing streets are maintained, locations for additional on street parking spaces are included in the DSUP application.

ATTACHMENT

Applicant Ownership Disclosure

Carr City Centers, LLC

1455 Pennsylvania Avenue, Suite 800

Washington DC 20004

100% owned by

Carr Holdings II, LLC

1455 Pennsylvania Avenue, Suite 800

Washington, DC 20004

100% owned by

Oliver T. Carr, Jr.

SUP # 2012-0089

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 220 S. Union Street, Alexandria, VA, I hereby

(Property Address)

grant the applicant authorization to apply for the Hotel use as
(use)

described in this application.

Cummings Investment Associates, Inc.
Name Diana Cummings, President

Phone (703) 283-3899

Please Print
Address: PO Box 231, Alexandria, VA 22313

Email: _____

Signature: [Signature]

Date: 9-23-13

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 ten percent.

2

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 ten 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.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 220 S. Union Street, Alexandria, Virginia (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. Diana Cummings	3163 LeBaron Lane Jeffersonton, VA 22724	50 percent
2. Susan Cummings	3162 LeBaron Lane Jeffersonton, VA 22724	50 percent
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.	None	PC, CC & BAR
2.		
3.		

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.

9/25/13
Date

Duncan W. Blair

Printed Name

Signature



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2013-00080

PROPERTY LOCATION: 220 South Union Street

TAX MAP REFERENCE: 075.03-03-08

ZONE: W-1

APPLICANT:

Name Carr City Centers, LLC

Address: 1455 Pennsylvania Avenue, NW, Suite 800, Washington, DC 20004

PROPOSED USE: 80 seat hotel restaurant

☒ **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.

Kenneth W. Wire

Print Name of Applicant or Agent

1750 Tysons Blvd, Suite 1800

Mailing/Street Address

Tysons, VA

City and State

22102

Zip Code

Kenneth W. Wire

Signature

703-712-5362

Telephone #

kwire@mcguirewoods.com

Email address

10/28/2013

Date

703-712-5222

Fax #

ACTION- PLANNING COMMISSION:

DATE:

ACTION- CITY COUNCIL:

DATE:

PROPERTY OWNER'S AUTHORIZATION

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

Name: _____

Phone _____

Please Print

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: Contract Purchaser 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 ten percent.

See attached.

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 ten 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. See attached.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 220 South Union Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. See attached.		
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. None		
2.		
3.		

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.

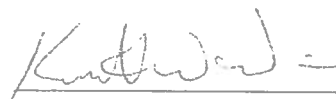
As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

10/28/2013

Date

Kenneth W. Wire

Printed Name



Signature

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.

NARRATIVE DESCRIPTION

3. 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. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

The applicant requests this SUP to operate a 80 seat hotel restaurant on the first floor of the proposed hotel at 220 South Union Street. It is anticipated that the majority of restaurant patrons will be hotel guests and nearby residents.

While no parking is required for the restaurant or its employees pursuant to Section 8-300 of the zoning ordinance, the applicant's experience operating other hotels in the City demonstrates that an average of 30 valet spaces will be available in the proposed parking garage for certain employees and restaurant patrons.

USE CHARACTERISTICS

4. The proposed special use permit request is for (check one):
[x] 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).
maximum attendance of 80 patrons
- B. How many employees, staff and other personnel do you expect?
Specify time period (i.e., day, hour, or shift).
peak of 10 employees for weekend dinner service
6. Please describe the proposed hours and days of operation of the proposed use:
- | | |
|------------------------------|-----------------------------------|
| Day:
<u>7 Days a week</u> | Hours:
<u>6 am to midnight</u> |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
7. Please describe any potential noise emanating from the proposed use.
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
Exhaust from cooking ventilation equipment and seasonal outdoor dining in courtyard.
- B. How will the noise be controlled?
Property management will be on-site 24 hours a day, 7 days a week to monitor the restaurant.

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

Odors from food preparation will be handled by commercial grade air handlers.

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)

Primarily food storage and food preparation waste

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Daily service for the two trash receptacles shown on the DSUP plans will accommodate all waste

- C. How often will trash be collected?

Daily - Monday - Saturday.

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

Property management will be on-site 24 hours a day, 7 days a week to monitor the restaurant.

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

[] Yes. [x] No.

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

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:

Cleaning and degreasing solvent will be stored in the food preparation area in
gallon containers and disposed of in accordance with product labeling.

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?
Property management will be on-site 24 hours a day, 7 days a week to monitor
the restaurant.

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.

Beer, wine and mixed drinks will be sold for on-premises consumption
only. The applicant will apply for the necessary ABC license.

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.

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

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

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

- B. Where are off-street loading facilities located? Hotel loading dock
- C. During what hours of the day do you expect loading/unloading operations to occur?
Monday - Saturday during normal business hours
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Daily.
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?
No improvements are required

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) = 2,100 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: First floor of proposed hotel

End of Application

ATTACHMENT

Applicant Ownership Disclosure

Carr City Centers, LLC

1455 Pennsylvania Avenue, Suite 800

Washington DC 20004

100% owned by

Carr Holdings II, LLC

1455 Pennsylvania Avenue, Suite 800

Washington, DC 20004

100% owned by

Oliver T. Carr, Jr.

SUP # 2013-00080

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 220 S. Union Street, Alexandria, VA, I hereby

(Property Address)

grant the applicant authorization to apply for the Hotel use as
(use)

described in this application.

Cummings Investment Associates, Inc.
Name Diana Cummings, President

Phone (703) 283-3899

Please Print
Address PO Box 231, Alexandria, VA 22313

Email: _____

Signature: [Signature]

Date: 9-23-13

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 ten percent.

2

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 ten 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.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 220 S. Union Street, Alexandria, Virginia (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. Diana Cummings	3163 LeBaron Lane Jeffersonton, VA 22724	50 percent
2. Susan Cummings	3162 LeBaron Lane Jeffersonton, VA 22724	50 percent
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.	None	PC, CC & BAR
2.		
3.		

NOTE: Businesses 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.

9/25/13

Date

Duncan W. Blair

Printed Name

Signature



APPLICATION - SUPPLEMENTAL

Supplemental information to be completed by applicants requesting special use permit approval of a reduction in the required parking pursuant to section 8-100(A)(4) or (5).

1. Describe the requested parking reduction. (e.g. number of spaces, stacked parking, size, off-site location)

The applicant requests a parking reduction from 87 to 68 spaces for the proposed hotel at 220 South Union Street.

2. Provide a statement of justification for the proposed parking reduction.

The applicant's parking study shows that 3 other hotels in Alexandria have a parking utilization rate of approximately .31 spaces per room which for a 120 room hotel equals 38 spaces. Therefore, the applicants proposal for 68 parking spaces will leave approximate 30 spaces to be used for employee parking and restaurant guests. The applicant anticipates that nearly all restaurant patrons will be hotel guests or nearby residents. The applicant also expects that 2-3 employees will park on-site with the remaining using public transportation.

3. Why is it not feasible to provide the required parking?

A second level of below grade parking is not feasible due to the water table and the relatively small size of the hotel.

4. Will the proposed reduction reduce the number of available parking spaces below the number of existing parking spaces?

☐ Yes ☒ No.

5. If the requested reduction is for more than five parking spaces, the applicant must submit a **Parking Management Plan** which identifies the location and number of parking spaces both on-site and off-site, the availability of on-street parking, any proposed methods of mitigating negative affects of the parking reduction.

6. The applicant must also demonstrate that the reduction in parking will not have a negative impact on the surrounding neighborhood.



APPLICATION

ENCROACHMENT

ENC#

2013-0004

PROPERTY LOCATION: 220 South Union Street

TAX MAP REFERENCE: 075.03-03-08

ZONE: W-1

APPLICANT

Name: Carr City Centers, LLC

Address: 1455 Pennsylvania Avenue, NW Suite 800, Washington DC 20004

PROPERTY OWNER

Name: Cummings Investments Associates, Inc

Address: PO Box 231, Alexandria, VA 22313

PROPOSED USE: Encroachment along Union Street for Hotel canopy per DSUP submission

INSURANCE CARRIER (copy attached) TBD upon approval

POLICY #

A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

☒ **THE UNDERSIGNED** hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED** hereby applies for an Administrative Use Permit in accordance with the provisions of Article VI, Section 6-600 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 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** I so 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 their knowledge and belief.

Kenneth W. Wire

Print Name of Applicant or Agent

1750 Tysons Blvd, Suite 1800

Mailing/Street Address

Tysons, VA 22102

City and State

Zip Code

Signature

703-712-5362

Telephone #

703-712-5222

Fax #

kwire@mcguirewoods.com

Email address

10/28/2013

Date

Application Received: _____

Date and Fee Paid: \$ _____

ACTION - PLANNING COMMISSION: _____ ACTION - CITY COUNCIL: _____

application encroachment ROW.pdf

8/1/06 Pnz\Applications, Forms, Checklists\Planning Commission

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 ten 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. See attached		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at _____ (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. See attached.		
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. None		
2.		
3.		

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.

10/28/2013

Date

Kenneth W. Wire

Printed Name



Signature

ATTACHMENT

Applicant Ownership Disclosure

Carr City Centers, LLC

1455 Pennsylvania Avenue, Suite 800

Washington DC 20004

100% owned by

Carr Holdings II, LLC

1455 Pennsylvania Avenue, Suite 800

Washington, DC 20004

100% owned by

Oliver T. Carr, Jr.

ENC # 2013-004

PROPERTY OWNER'S AUTHORIZATION

As the property owner of 220 S. Union Street, Alexandria, VA, I hereby
(Property Address)
grant the applicant authorization to apply for the Hotel use as
(use)
described in this application.

Name: Cummings Investment Associates, Inc.
Diana Cummings, President

Phone (703) 283-3899

Please Print
Address: PO Box 231, Alexandria, VA 22313

Email: _____

Signature: [Signature]

Date: 9-23-13

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 ten percent.

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 ten 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.		
2.		
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 220 S. Union Street, Alexandria, Virginia (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten 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. Diana Cummings	3163 LeBaron Lane Jeffersonton, VA 22724	50 percent
2. Susan Cummings	3162 LeBaron Lane Jeffersonton, VA 22724	50 percent
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 require 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 indicated 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.	None	PC, CC & BAR
2.		
3.		

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.

9/25/13

Date

Duncan W. Bow

Printed Name

Signature

January 7, 2014

VIA EMAIL TO faroll.hamer@alexandriava.gov

Chairman Komoroske and Members of the Planning Commission
301 King Street, Suite 2100
Alexandria, Virginia 22314

RE: January 7, 2014 Planning Commission
Docket Item 7A-D

Dear Chairman Komoroske and Members of the Planning Commission:

On behalf of my client, Carr City Centers, I am requesting the following amendments to the staff recommended conditions of approval for Development Special Use Permit 2012-0019. It is our understanding that City staff agrees with the following amendments with the exception of: 1) including the bike share contribution in Condition 105 as part of the total off-site contribution under Condition 106; and 2) the change in Condition 106 to reflect a \$575,000 monetary contribution.

Condition 5

Provide the following modifications to the landscape plan and supporting drawings to the satisfaction of the Director of P&Z:

- a. **To the extent practical given existing underground utilities,** Add three (3) fastigate street trees spaced approximately 20 feet on center in 3 ft. by 10 ft. tree wells with groundcover and interconnected tree trenches along South Union Street **or other appropriate landscaping.** No street trees are required in front of the lobby.
- b. Add one (1) additional Greenspire Littleleaf Linden in a tree well on Duke Street west of the loading entrance. (P&Z)
- c. **If the street trees cannot be provided along South Union Street, the applicant shall make an in kind off-site contribution to the City to the satisfaction of the Director of Planning and Zoning.**

Condition 6(g)

~~The entire central courtyard open space areas shall be irrigated.~~

Condition 15(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 shall be constructed and approved prior to release of building permits **for above grade construction.**

Condition 35

The on-site parking garage shall meet the following requirements to the satisfaction of the Directors of P&Z and T&ES:

- a. The garage shall be reserved exclusively for valet parking for hotel **and restaurant** guests, hotel **and restaurant** employee parking, and hotel shuttle vehicle(s). Self-parking for hotel guests within the on-site parking garage shall not be permitted.

Code Comment C-9

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 and required Recycling Implementation Plan forms are available at: www.alexandriava.gov/solidwaste or contact the City's Solid Waste Division at 703-746-4410, or via email at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

Condition 105

~~The applicant shall contribute \$20,000 to the City prior to Final Site Plan release towards expansion and/or operation of a bike share station in the vicinity of the project as part of a coordinated bike share program. * (T&ES)~~

Condition 106

Pursuant to the Waterfront Small Area Plan, provide a monetary **or in kind** contribution of ~~\$675,000~~ **\$575,000** to be used for off-site improvements to the existing and planned public spaces, including Point Lumley Park, between Union Street and the Potomac River. ~~Fifty percent of this contribution shall be due prior to the release of the final site plan, and the remaining 50%~~ **These contributions** shall be due prior to the issuance of the final certificate of occupancy for the building.

The applicant shall make the following contributions which shall be credited towards the total monetary contribution:

- a. **A \$20,000 contribution towards** expansion and/or operation of a bike share station in the vicinity of the project as part of a coordinated bike share program.
- b. Expanded undergrounding of overhead utilities facilities above the minimum required for the development and construction of this project site **as set forth in attachment 8.**

Alternatively, **In addition**, working with Staff, the applicant can choose to implement any of the following improvements, the cost of which shall be credited towards the total monetary contribution required.

- e. ~~Expanded undergrounding of overhead utilities facilities above the minimum required for the development and construction of this project site.~~
- c. A portion of the re-grading plan for The Strand, if design and engineering are finalized by the City in time for construction to be completed concurrent with this project.
- d. Demolition of the two buildings east of the site known as the Alexandria Yacht building (210 The Strand) and the Alexandria Marine building (226 The Strand), removal all trash and debris on the site, and providing an interim condition to stabilize the properties. Prior to demolition, the Applicant would be required to complete a Phase I Environmental Site Analysis (ESA) and, if indicated, a Phase II site analysis, of the Alexandria Marine building site and provide associated documentation to the City. The applicant will provide routine maintenance of the site (mowing, trash removal, etc.) for a period of no more than 3 years or until the commencement of construction of the Strand flood mitigation/park project by the City.
- e. **If any combination of the above in kind contributions are mutually agreed to by the City and the applicant, the applicant shall submit an agreed upon scope of work and cost estimate to the City prior to the release of the final site plan. Prior to the issuance of the certificate of occupancy for the project, the applicant shall complete the agreed upon work and make a monetary contribution to the City if the cost of the in kind work is less than the \$575,000 contribution. In no case, shall the applicant be obligated to perform off-site work in excess of \$575,000. P&Z)(RP&CA)(T&ES)**

Please let me know if you have any question regarding these amendments. I look forward to discussing them with you at tonight's hearing.

Sincerely,



Kenneth W. Wire

Submitted by Nate
Macek - 1-2-13

**Proposed Additional Conditions
DSUP#2012-0019**

Draft conditions

Loading: a new DSUP condition in the Parking section (after condition 40) stating “All loading shall occur off-street, utilizing the building’s loading dock. Loading schedules shall be coordinated to facilitate off-street loading and minimize idling by waiting vehicles. The loading dock door shall be closed except during loading and unloading.” The same language will also be a SUP condition, as a separate condition following condition 16.

Expectation for high-quality architecture: edit DSUP condition 11 to read “The building design shall exhibit a high-quality architectural finish, to the satisfaction of the director of P&Z, and shall generally be consistent with the revised elevations shown in Attachment #2.... In addition, the applicant shall work with the staff and the Board of Architectural Review to minimize the visual impact of the Mansard roof on the Duke Street elevation. Final building design, including fenestration...”

Operable windows: New condition 12 under Buildings, page 27: “Windows in the structure will be operable to the extent feasible, given the requirement for meeting LEED Silver or equivalent. Priority locations for operable windows are the ground floor, particularly the restaurant, and the Union Street, The Strand, and courtyard elevations. A minimum of 20 percent of building windows shall be operable.”

PlanComm

7A-D
Cummings Hotel

From: Roy R. Shannon <rrshannon@rrbmdk.com>
Sent: Tuesday, January 07, 2014 5:49 PM
To: PlanComm
Cc: rrshannon@rrbmdk.com
Subject: Docket Item # 7A-D - Planning Commission Public Hearing - Jan. 7, 2014

Honorable Members of the Planning Commission,

The purpose of this email and comment for Docket Item # 7A-D is to put the Planning Commission on notice of pending litigation and/or appellate proceedings that would significantly impact the Cummings Hotel Project (Docket Item # 7A-D). Please make this email part of the record for the public comment.

I represent three (3) landowners that own property within close proximity to the proposed Cummings Hotel at 220 South Union Street. My clients are the plaintiffs in a pending lawsuit in the Alexandria Circuit Court styled: *April Burke, et al. v. City Council for the City of Alexandria, et al.* (Civil Action No. CL 13002261). Upon the entry of a final order in that matter, my clients intend to file an appeal with the Virginia Supreme Court. The lawsuit seeks to have the Court declare the passage of the Text Amendment to the W-1 zone void. As many of you may know, the Text Amendment to the W-1 zone that is being challenged allows "hotels" as a use and increases the allowable height and density for the W-1 zone. If the plaintiffs are successful, the proposed hotel would not be allowed under the current zoning, thus this Cummings Hotel would not be permitted at this location, 220 South Union Street. If an applicant wanted to proceed with building a hotel at this site, then it would need to also apply for a map amendment asking the Planning Commission to amend the map, changing the zone from a W-1 to a zone that allows hotels, as well as increases the allowable density and height restrictions to accommodate a hotel.

Thank you and have a good evening.

Sincerely,
Roy Shannon



RICH
ROSENTHAL
BRINCEFIELD
MANITTA
DZUBIN &
KROEGER, LLC

Roy R. Shannon, Jr.
201 N. Union Street, Suite 230
Alexandria, VA 22314
Phone: (703) 299-3440, Ext. 217
Fax: (703) 299-3441
Email: RRShannon@RRBMDK.com
Website: www.rrbmdk.com

NOTICE: Unless otherwise specified, the contents of this transmission are strictly confidential. They may involve privileged attorney-client communications or work product and are intended to be received by the recipient(s) specified above, and no one else. The receipt, appropriations, or use of the information transmitted above by anyone other than the designated recipient(s) is unintended and strictly forbidden. If this message reaches anyone other than the intended recipient(s), we request that you notify us of the error immediately at (703) 299-3440 and ask for instructions concerning its proper disposition.

703.837.9070

ROBERT J. TEST
ATTORNEY AT LAW

FAX: 703.836.7459

PC Docket Item #: 7A-D
Project: Cummings Hotel

January 7, 2014

John Komoroske, Chairman
Alexandria Planning Commission
City Hall
Alexandria, VA 22314

BY HAND

RE: CARR Hotel Proposal

Dear Mr Komoroske and Members of the City Planning Commission:

Please accept the comments below regarding the above referenced application.

Two core issues are consistently brought to the fore in the consideration of the CARR proposal. The first concerns the size and mass of the new building and its relationship with the existing structures in Old Town. The second, and the one we will focus on here, is the impact such a use will have on traffic and parking on lower King Street and Union Street.

Relying, in part, on the Old Town Parking Study (Kimley-Horn, February, 2010) the Staff report for the recent Cameron Street/Food Court SUP application suggests that there are 721 parking spaces available on Friday evenings between 6:00 and 8:00 pm in the area affected by the applicant's use, that is Union Street, a block south of King Street.¹ The hotel will likely be busiest on the weekends, adding to the current substantial demand for parking on Friday and Saturday evenings. It might help to review the findings of Kimley-Horn. Their report notes as follows:

The following is a summary of individual areas in (reasonable proximity to the waterfront)² that are effectively full during the periods indicated:

ON-STREET PARKING

King Street on Friday and Saturday Evenings.....effectively full
Lee Street on typical...Friday afternoons, Saturday afternoons and
Saturday evenings.....effectively full
Union Street on typical...Friday evenings, Saturday afternoons, and
Saturday evenings..... effectively full
Vicinity of the Potomac River waterfront during all six time periods..... effectively full

¹ This finding seems at odds with user experience and is based upon a one time, one day count that fails to consider numerous variables.

² Seneviratne, P (1985) *Acceptable Walking Distances in Central Areas* Journal Transportation Engineering III (4)
Walker, J (2011) humantransi.org/2011/04/basics-walking-distance-to-transit
Iacono, M, et al, (2008) *Access to Destinations: Estimating Accurate Distance Decay Functions for Multiple Modes and Different Purposes* IRRB.org

PUBLICLY ACCESSIBLE PARKING LOTS

The Strand Lot...on Friday afternoons and evenings, and on Saturday evenings..... effectively full

PUBLICLY ACCESSIBLE PARKING GARAGES

Solo Garage during typical weekday afternoons and evenings, Friday afternoons, and Saturday evenings..... effectively full

115 S Union St Garage during typical weekday afternoons..... effectively full

Torpedo Factory Garage on Friday afternoons and Saturday evenings..... effectively full

Thompson's Alley Garage during typical weekday (Friday) evenings..... effectively full

Market Square Garage during typical weekday afternoons and Saturday afternoons and evenings..... effectively full

The findings of the Kimley-Horn study show a lack of available waterfront area parking during the prime hours of use. When the waterfront small area plan is fully implemented the amount of available parking will *decrease* significantly.

The parking lots on the Strand are actually three lots, conjoined for operation, owned one third by the City, and two thirds by private individuals. The land area is approximately 33,000 square feet in total. The lots handle about 150 cars. As the lots are to become a City park, Staff needs to deduct 150 spaces from the currently available total.

The proposed boutique hotel comes with a 69 space garage for its use, while taking away about the same number of spaces that are currently available through Solo Parking for public use. Staff should deduct 69 spaces from the currently publicly available total as the hotel spaces will be dedicated to hotel use.

The upper level of the Solo Garage at 221 South Union Street has been leased, in its entirety, by the tenants of the recently renovated Cummings Turner warehouses. With renovation and development comes increased demand for parking. There is no better example of the exercise of supply and demand than this. Staff needs to deduct those spaces from the available number as they are no longer open to the general public.

The 120 room hotel will bring added pressure for parking. Using predicted occupancy rates and relying on industry staffing standards, the hotel will have approximately 40 employees over a typical day, with the majority working from 7:00am to 11:00pm. This number does not include the restaurant staff, which will vary seasonally, but will require a minimum of 14 employees per shift. Add the guest parking requirement and it is obvious that the 69 spaces added to the available inventory for hotel use is far short of meeting hotel generated demand.

Mr Komoroske
January 7, 2014
Page 3

In summary, while you will likely approve the CARR proposal, do not do so on the speciously supported notion that there is sufficient parking for hotel and visitor use. The waterfront plan adds numerous venues that will require innovative means and methods to satisfy the transit and parking demands for lower Old Town.

Each new approval adds demand and brings a corresponding decrease in parking supply. Citing statistics from a hotel next to a metro stop is less reliable than actually considering the implications of the applicants' proposal. The hotel adds demand that it cannot support on site. The applicant has agreed to find "off-site, off street" parking to supplement any shortfall. Without identifying a source.

Unless the City has a transit plan that will mitigate the parking demand in the King Street - Union Street commercial area and the lower Old Town residential area, any added pressure for parking or reduction in the supply will have negative effects on all involved; residents, visitors, businesses, restaurants, retailers and hotels.

Respectfully submitted,



Robert J Test



Junyang Yuan
Doctoral Candidate
George Mason University
School of Public Policy

RJT/eg

PlanComm

PC Docket Item #: 7 A-D
Project: Cummings Hotel

From: David Olinger <dsolinger100@gmail.com>
Sent: Sunday, January 05, 2014 8:59 PM
To: PlanComm
Subject: Carr Hotel Site

Dear Commissioners;

I won't go into a long diatribe about everything that's wrong with the proposal since I know you've heard it all again and again.

I'm not opposed to a hotel per se, however, I am to this one -- the major objection and most damning factor is that the proposed structure is just too big for this relatively small site! Scale it down or put it elsewhere, but don't inflict this on the Waterfront and the surrounding neighborhood.

The Planning Commission and its staff had the major role in getting us to where we are. Please act responsibly and correct the mistakes before it's too late!

David S. Olinger
100 Prince Street*
Member - 2011 Waterfront Plan Work Group

(* one half block from the site.)

PlanComm

PC Docket Item #: 7 A-DProject: Cummings Hotel

From: alanandgailmccurry@verizon.net
Sent: Monday, January 06, 2014 1:47 PM
To: PlanComm
Subject: Carr Hotel Site

Dear Commissioners;

I live at 706 S. Union St. and have watched the development of the plan for the waterfront along with the plan for the Carr Hotel. While I understand the momentum behind the planning I do not understand why the unique qualities inherent in the historic district of Alexandria have not been respected. The current hotel plan is too large and does not blend with the surrounding residences and buildings. If you proceed with the current Carr Hotel plan you will compromise our community and add to already existing traffic and parking problems.

Gail McCurry
706 S. Union St.
Alexandria, VA 22314

PlanComm

PC Docket Item #: 7 A-D

Project: Cummings Hotel

From: R Marquis <memeremociute@gmail.com>
Sent: Tuesday, January 07, 2014 5:03 PM
To: Allison Silberberg; Justin Wilson; Paul Smedberg; PlanComm
Subject: Carr Property Hotel special use permits

I would like to make some comments on the proposed special permits requested by the Carr Hotel group. Although I am not opposed to all the requests, as a resident of the downtown Alexandria community who utilizes the waterfront on a regular basis, I have some concerns with the rationale and the recommendations for some of the permits.

The Architectural Review Board's staff recommendation to allow the decrease in the number of the parking spaces seems to be off kilter. This hotel would be a new source of automobiles that does not already exist in the city. Therefore, using the ratio for parking of the current hotels in the area to allow the decrease in parking spaces for this new 120 room hotel does not make sense. What needs to be considered is the impact on the parking situation in the city. Although this may appear to be unfair to the new hotel on the surface, the other hotels are already here and the impact already built into the parking issues we have in the city. I live in the downtown area and there are times when I cannot find a parking space near my own home even though I have a parking permit. Simply stating that the "the applicant has identified additional parking off-site in the rare event the hotel garage is full. " does not address the fact that using those additional parking spaces offsite reduces parking for those folks who currently use those spots. Where are those folks that use those spaces suppose to park? And what about the impact on the residents themselves? People do come to Alexandria just for the day especially during the seasons and events which would coincide with an increase business at the hotel. Additionally, the restaurant would increase the number of folks looking for a parking space in that general area. Thus it is not just the hotel, but the restaurant traffic that will decrease the available parking spaces. Decreasing the number of spaces is not logical even if four new on street spaces are created. The overflow is certain to impact the residents in old town.

I strongly recommend that this special use permit is not passed. The hotel should be required to provide all the spaces required by the current zoning. Even in doing that, the ratio will still not be one to one but rather 84 spaces for 120 rooms which does not even account for day use of meeting rooms. Keep in mind that residents are tax payers and should at least have a chance to find a parking space.

With regard to the restaurant and open space, I am a bit concerned that additional outdoor seating would reduce the waterfront area that can be enjoyed by the residents. I walk the waterfront multiple times a day and it can get crowded. Now that we have two restaurants on the main boardwalk area that will have outdoor seating, the city has already given up outdoor spaces to businesses. The city needs to be more mindful of the residents when addressing this with the new hotels. I have to agree with the Architectural Review Board Staff's statement that "additional enhancements to emphasize the public nature of the space to encourage use by the general public, not just the hotel guests. As currently designed, the eastern half of the courtyard will be used for outdoor dining associated with the restaurant, and the western half is the area slated for public art. The entire courtyard should be designed with the public art as a key focal point that helps create a cohesive space for everyone's mutual enjoyment and pleasure. "

Let's not just take space away from the folks in town who pay taxes to enjoy living in this beautiful city on the river. Let those folks who are here year round enjoy their city. It is aggravating enough to walk up King Street and maneuver around the outdoor seating allowed there not to mention the folks who have to maneuver strollers as well. If you do decide to allow a restaurant then at least make sure it does not take away more public

space. There are numerous restaurants in Alexandria and thus there is no real need for another connected to the hotel. I agree that it makes the hotel more attractive to guest that way, please do not forget that the city needs to remain attractive for residents as well in order for people to want to live in this city. Please do not allow this hotel and any related restaurant to usurp more public outdoor space then absolutely necessary.

With regard to the size of the hotel, although I would like to see a smaller boutique hotel to fit the style of current Alexandria, I doubt that will happen. Therefore, I would strongly encourage the board to make sure the parking issue and the outdoor issues do not negatively impact the residents of the city.

One other comment, in noting what the increase in revenue to the city would be for this project, the report gives general let's assume 15%. I am not sure that covers all that is needed. There is trash that folks will drop that needs to be cleaned up. There are police and fire personnel that may need to be increased. There is parking management. meter folks that may need to be hired. There is the potential for other expenses such as personnel to handle other items such as appealing parking tickets. There is additional wear and tear on the city streets and sidewalks that will need to be maintained. Assuming \$74,383 a year will handle all the additional costs seems to be a little be low. Before making a decision on nay special use permits, it would be nice to have a real angle on what this type of project costs the city. I hate to have the city over estimate the revenue that will come from this project only to come back and take it out of the pockets of the residents at a later date. Maybe before approving the project, something better than an assumption should be used.

Thanks for your time. Robin Marquis

**Statement by Bert Ely to the
Alexandria Planning Commission
January 7, 2014**

Please defer action on the Carr hotel proposal

Mr. Chairman and members of the Planning Commission, I am Bert Ely, a long-time Old Town resident, a Co-Chair of Friends of the Alexandria Waterfront, and a director of the Old Town Civic Association. However, I am speaking this evening only for myself.

In brief, I strongly urge the Commission to defer acting on Carr City Centers' proposal to build a hotel at 220 South Union, for three reasons.

First, the W-1 zoning that would permit the construction of the proposed hotel is subject to a legal challenge. In particular, a December 16 decision in the Alexandria Circuit Court challenging the manner in which the zoning was enacted by Council will be appealed to the Virginia Supreme Court. That appeal puts a cloud over any planning permission granted anywhere in the W-1 zone.

Second, environmental issues may impede the construction of the hotel, and specifically the single level of underground parking that is intended to meet the hotel's parking needs. Attached to my statement is a copy of page 73 from a September 25, 2013, staff report to the Board of Architectural Review regarding the Carr proposal. I would like to draw your attention to a statement in the discussion of 226 Strand, which is the Alexandria Marine building now owned by Robinson Terminal. The attached map shows the location of 226 Strand relative to the proposed hotel site and other nearby properties.

Please note the reference to a Bryant Fertilizer Plant across Strand from 226 Strand. As you will see, that plant was located on the site of the proposed hotel, which raises these questions: To what extent did fertilizer manufacturing contaminate the soil under the present building on that site, the old Art League building? How much will it cost Carr to remove any contaminated soil so that underground parking can be constructed? Most importantly, would that cost be so great that Carr will ask the City to excuse it from constructing an underground parking garage, forcing the Planning Commission to reconsider parking requirements and other design considerations for the proposed hotel? As recently as last night, I could find no evidence of recent core borings in the floor of the old Art League building, which suggests to me that Carr does not know what it will find once it starts excavating the site.

Third, as the attached discussion of 226 Strand clearly indicates, it is an historic structure and therefore should be preserved. However, preservation of that building would block a view of the river from the restaurant Carr envisions on the east side of its proposed hotel. Once Carr realizes that 226 Strand cannot be demolished, will it seek a new SUP to accommodate a relocation of its restaurant to a more attractive location within the hotel?

These unanswered questions, in addition to the legal cloud hanging over the W-1 zoning, argue strongly for the Planning Commission to defer action on the Carr application until these crucial questions have been addressed, and answered satisfactorily.

Thank you for your time this evening. I welcome your questions.

also shows that at that time 203 had recently had an elevator installed. Following the post-fire reconstruction, the building remains largely unchanged throughout the 20th century. In keeping with the City's growing appreciation for its historic structures, 203 S. Union St. now houses an architectural ceramics store.

226 South Strand

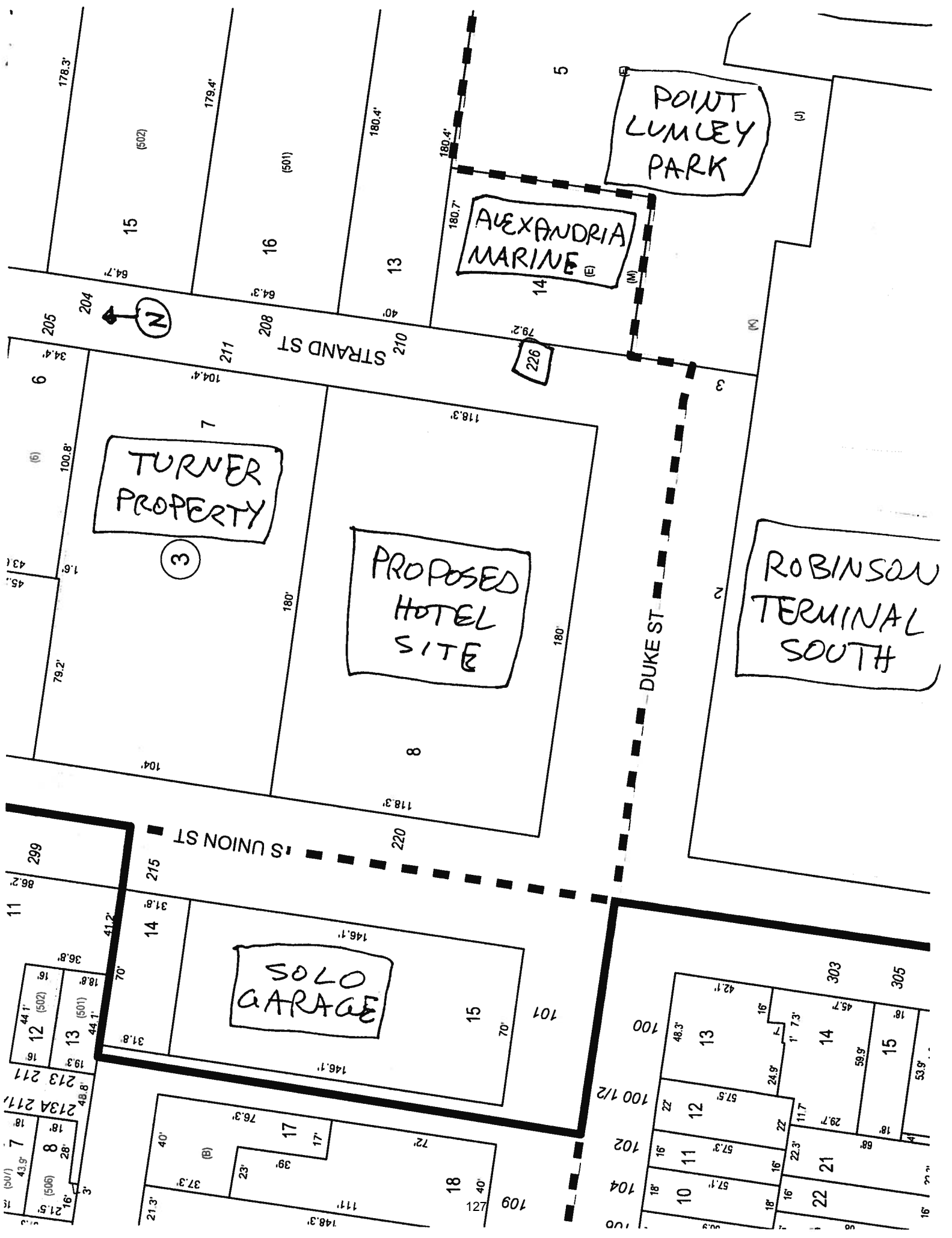
Date Built: Pre-1920, with some parts possibly pre-1877.

Building History: The site of 226 S. Strand shares the history of 205 and 206 S. Strand with respect to how the land was built up and to the past uses of neighboring properties, and like 205 and 206, 226 S. Strand has some interesting characteristics that make coming up with a precise date of construction a challenge. At the very least, 226 S. Strand was built before 1920, when the present one-story building shows up on the Sanborn maps as being vacant. In 1902, however, the site is occupied by a building with the same footprint, but one additional story, identified as an acid house connected to the Bryant Fertilizer Plant across the Strand. Before that, in 1902, things become murkier still. A building existed on the same location before the 1897 fire, and the building occupied the same position relative to many street and wharf features, but the old structure was wider, was identified as having 2 to 3 stories, and included interior walls or partitions. The old structure was once a sumac mill, constructed in the mid-19th century. So the building that stands on 226 S. Strand today may be a case where parts of an old building, such as a foundation or a wall, were incorporated into a new building built on the same site, or it may be entirely new construction from 1920.

200 South Union Street

Year Built: **Between 1897 and 1902**

Building History: Someday, when the yellow aluminum siding that covers 200 S. Union Street (or 10 Prince St.) comes down, the people of Alexandria will have an opportunity to answer some questions about a building that sits in one of the Waterfront District's most prominent locations. In 1877, the length of Prince Street from Union to the Strand was occupied by what was essentially one building, a series of five conjoined warehouses that shared a common roof. As time passed, fire insurance maps show the block-long series of three-story warehouses becoming old and/or vacant, 200 S. Union St. included. The first map after the 1897 Pioneer Mill Fire, published in 1902, shows that the building at the 200 S. Union address is only two stories in height, and it now occupies both its own address and that of 8 Prince St. Without being able to examine the brickwork of the building for telltale signs such as scorch marks on the brick, early patterns of brickwork, or other signs of age typical of 19th-century buildings in Alexandria, it remains anybody's guess as to whether this structure contains any remnants of the original block-long warehouse. For now, though, it is safest to assume that the building at this address was newly built following the 1897 fire, but before the 1902 Sanborn map. This building has served in the past as a grocer's warehouse, and today it is used by Interarms.



Carr Hotel

220 S. Union Street

DSUP #2012-0019

City Council
January 25, 2014

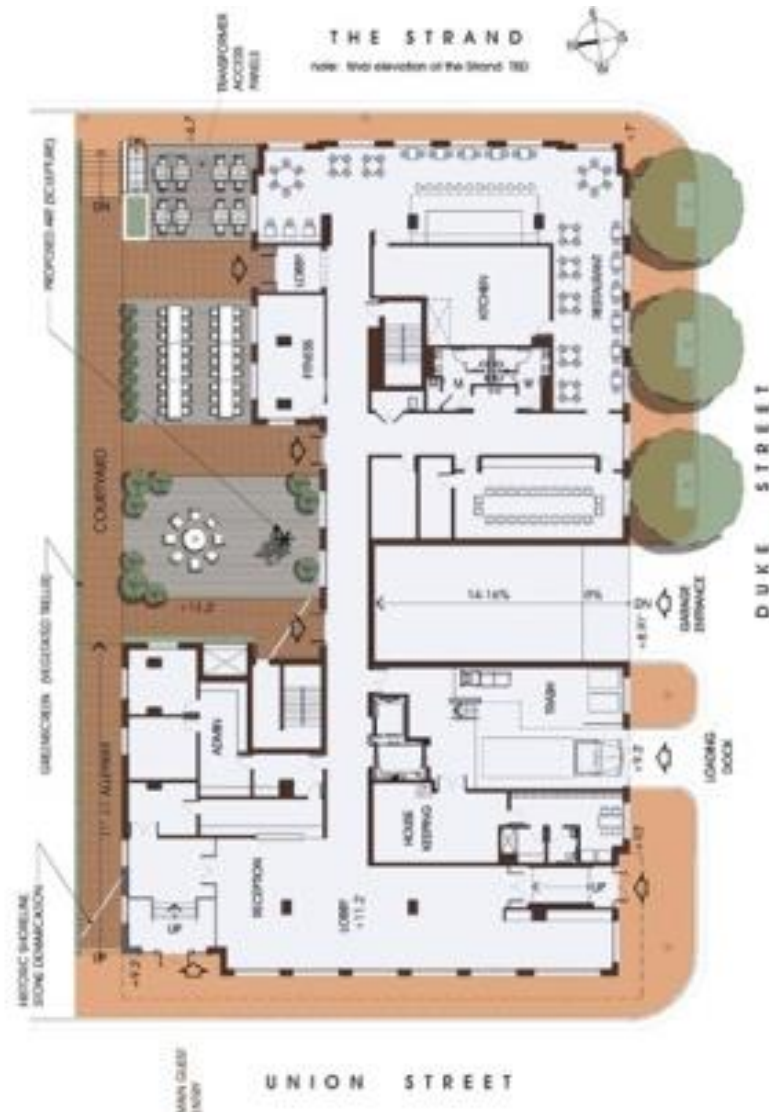


Location



PLANNING & ZONING

- 120 room hotel with restaurant and meeting room
- 50 foot height
- One level of underground parking
- 10 foot wide pedestrian alley
- 5,000 sf courtyard

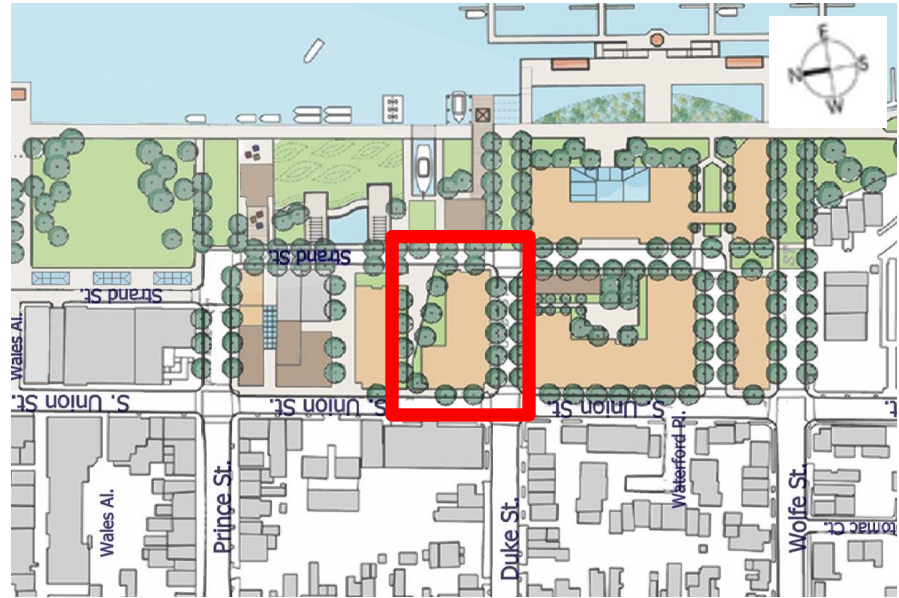


Process & Timeline

Date	Organization
7/25/12	OHAD BAR
8/14/12	Waterfront Commission
12/13/12	Community Open House held at Rust Orling Architects
1/29/13	Old Town Civic Association Board
2/14/13	Historic Alexandria Commission
8/27/13	Master Plan Group
9/10/13	Government Relations Committee, Alexandria Chamber
9/13/13	Waterfront for All
9/25/13	OHAD BAR
10/9/13	Old Town Civic Association
10/15/13	Waterfront Commission
10/16/13	Alexandria Archeology Commission
10/23/13	Waterfront Commission Subcommittee
11/12/13	Rivergate Board
11/19/13	Waterfront Commission
12/18/13	Harborside
12/18/13	OHAD BAR
1/7/14	Planning Commission
1/25/14	City Council



Compliance with Waterfront Plan



Waterfront Plan Design Guidelines

- Active uses which welcome the public
- The preferred use on the site is mixed use
- Residential use should not be the primary use
- The streetscape and pedestrian experience... should be enhanced;
 - A midblock break between new buildings, with public space, including alleys and courtyards shall be provided
- Historic interpretation
- Public art
- Contribute significantly to the public amenities in the new park
- Open space with public access easements
- No curb cuts facing open space
- Parking should be accommodated on site and below grade.
- Provide a knock out panel between the underground garages of the Cummings and Turner sites
- A maximum FAR of 3.0



Compliance with Waterfront Plan

Policy for Restaurant/Hotel
Commercial Uses (page 85):

The extent to which architecture and site design reflect the important design principles illustrated by the scale model prepared by the City during the Waterfront planning process, including:

- *alleys as view corridors;*
- *design elements that minimize the impacts of height, such as setbacks above the third story along Union Street and incorporation of the top story within a roof form; and*
- *small footprint buildings instead of large "superblock" development.*



Union Street



12.20.13

The Strand



Duke Street



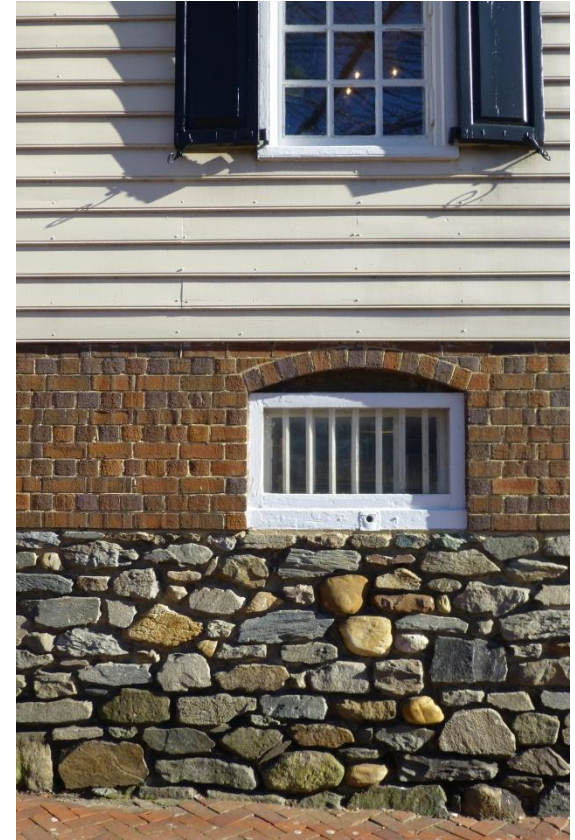
Staff Suggestion – Duke Street



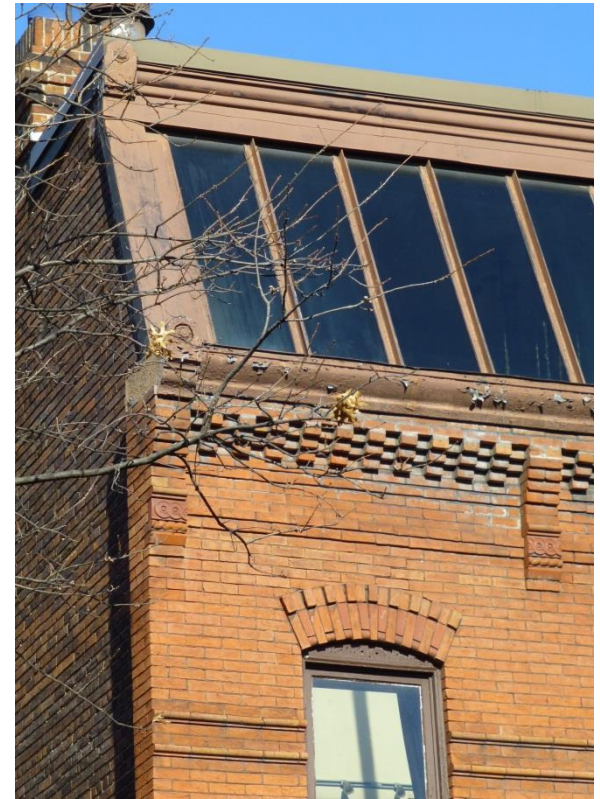
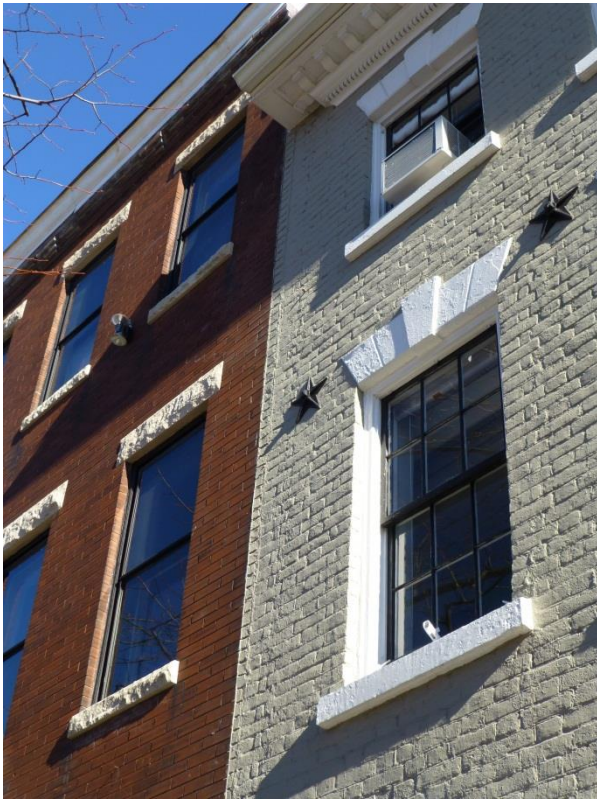
Roof Window Treatment



High Quality Architecture



High Quality Architecture



Parking & Loading

- 69 On-Site valet parking spaces proposed
 - Garage will be 100% valet parking
 - Parking ratio of 0.58 spaces per room proposed
- Parking Study submitted to support proposed parking ratio
 - Study used data from 3 Old Town hotels with restaurants
 - Maximum occupancy rates were from 0.40 to 0.45 spaces per room
 - Average occupancy rates from 0.30 to 0.36 spaces per room
- Applicant has identified an off-street parking garage that can accommodate overflow parking.
- One loading space on Duke Street.



Typical Development Contributions

- Affordable Housing - \$111,552
- Bike Share - \$20,000
- Transportation Management Plan - \$40 per hotel room or \$4,800 annually
- Green Building – LEED Silver or equivalent
- Utility undergrounding for the site
- Public art (per Waterfront Plan)



Waterfront Plan Contributions

- Waterfront Plan recommends a minimum contribution of \$9 per sf for off-site public improvements.
 - $\$9 * 63,897\text{sf} = \$575,073$
- For the Cummings/Turner Site, the Development Guidelines recommend a contribution “to public amenities in the new park...above and beyond the minimum required”.
- Staff recommends a contribution of \$675,000 or \$10.50 per sf.
- Credit towards this contribution for:
 - Additional utility undergrounding
 - Demolition of Alexandria Yacht and Alexandria Marine buildings and interim improvements to the park
 - A portion of the re-grading plan for The Strand



Benefits

- Undergrounding of above grade utilities
- Public art per the Waterfront Small Area Plan
- Public open space through a pedestrian alley and a 5,000 sf courtyard
- Restaurant with outdoor dining
- \$111,552 contribution to affordable housing
- \$20,000 contribution to the bikeshare program
- Enhanced pedestrian streetscape
- Monetary contribution towards improvements to the park along the Waterfront;
 - or a comparable amount of off-site improvements, including demolition of the two existing buildings across The Strand and additional undergrounding of overhead utilities
- The development will generate approximately \$750,000 annually in additional local taxes, which will be used to implement the Plan.



Recommendation

Staff recommends APPROVAL with conditions





Staff suggestions, December 2013



Applicant's design, October 2013



Staff suggestions, December 2013



Applicant's design, October 2013



Staff suggestions, December 2013



Applicant's design, October 2013

Staff Suggestion – Duke Street





Robinson Terminal South



Cummings/Turner



Duke St. elevation with dormers



Dormer example



Waterfront Area Off-Street Parking Availability

	Weekday Afternoon	Weekday Evenings	Friday Afternoon	Friday Evening	Saturday Afternoon	Saturday Evening
Solo Garage				Available	Available	
115 S. Union		Available	Available	Available	Available	Available
Torpedo Factory	Available	Available		Available	Available	Available
Thompson's Alley	Available		Available	Available	Available	Available
Market Square		Available	Available	Available		
220 N. Union	Available	Available	Available	Available	Available	Available
Strand Surface Lot		Available			Available	
Total Garages with Parking Availability	3 of 7	5 of 7	4 of 7	6 of 7	6 of 7	4 of 7



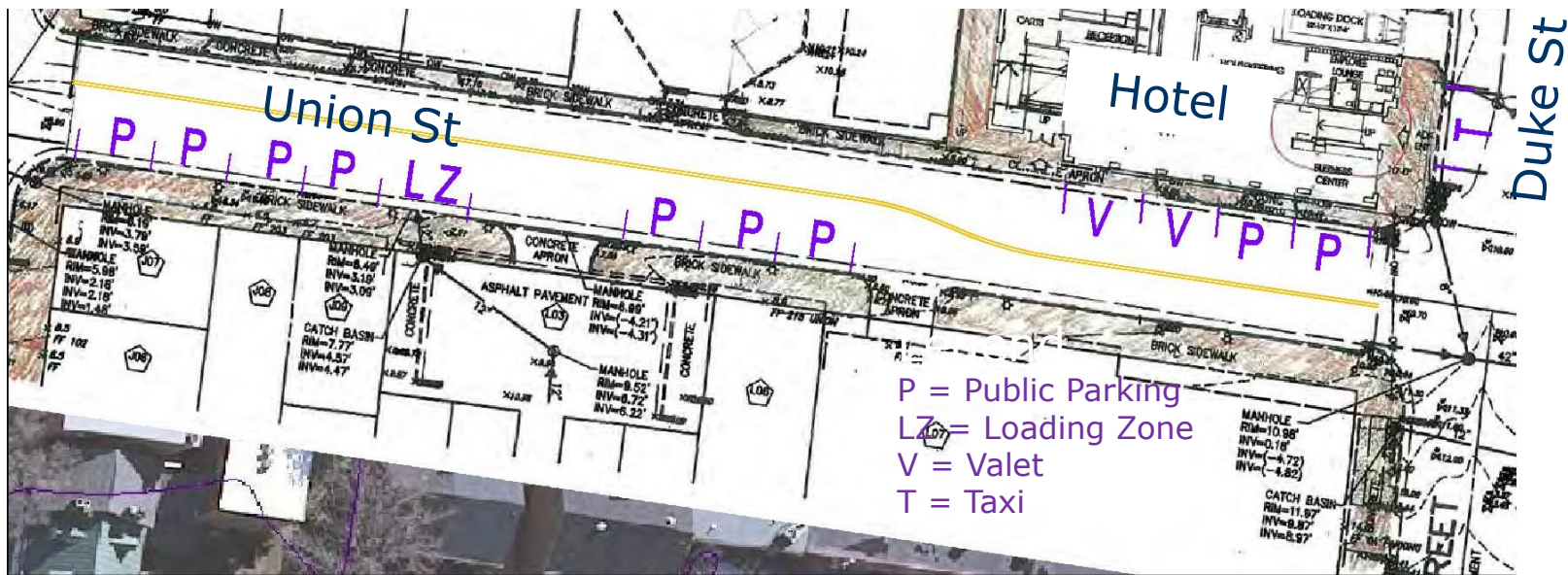
Traffic

- Hotel projected to generate 80 AM peak hour trips and 84 PM peak hour trips
 - Multiple potential vehicular access routes to the hotel
- Negligible changes to intersection delay for immediately adjacent intersections
- Small increases in delay at the intersection of Duke & Washington Street
 - 6 seconds per vehicle in AM Peak; 3 seconds per vehicle in PM peak
- Site well served by alternate means of transportation
 - King Street Trolley Stop at King & Union
 - Capital Bikeshare Station at Union & Prince
 - Site located on Mt. Vernon Trail



Parking

- Proposed On Street parking changes
 - 4 new parking spaces on Duke Street (1 Taxi, 3 Public Parking)
 - Applicant is proposing to shift 5 existing parking spaces on S. Union Street to the east side of the street to provide a valet area in front of the hotel entrance





Legislation Details (With Text)

File #: TA13-13A **Name:** Zoning Text Amendment to Section 7-700
Type: Land Use and Development (Planning Commission Items) **Status:** Agenda Ready
File created: 12/11/2013 **In control:** City Council Public Hearing
On agenda: 1/25/2014 **Final action:**
Title: Text Amendment #2013-0013A
Bonus Density
Public Hearing and Consideration of a request for amendments to Section 7-700 of the Zoning Ordinance regarding bonus density in exchange for affordable housing.
Staff: Office of Housing
Planning Commission Action: Recommend Approval 7-0
Sponsors:
Indexes: Text Amendment
Code sections:
Attachments: [TA13-13A Staff Report to CC](#)
[TA13-13A Presentation](#)
[TA13-13A Staff Report](#)

Date	Ver.	Action By	Action	Result
1/7/2014	1	Planning Commission	recommended approval with amendments	Pass

Text Amendment #2013-0013A

Bonus Density

Public Hearing and Consideration of a request for amendments to Section 7-700 of the Zoning Ordinance regarding bonus density in exchange for affordable housing.

Staff: Office of Housing

Planning Commission Action: Recommend Approval 7-0

***Text Amendment 2013-0013A***

Issue: Initiate and Consider a text amendment to amend Section 7-700 and the City's Zoning Ordinance	Planning Commission Hearing:	January 7, 2014
	City Council Hearing:	January 25, 2014
Staff: Mark Jinks, Deputy City Manager; Mildrilyn Davis, Director, Office of Housing; Faroll Hamer, Director, Planning and Zoning; Helen McIlvaine, Deputy Director, Office of Housing, Eric Keeler, Division Chief, Office of Housing; Karl Moritz, Deputy Director, Planning and Zoning, Joanna Anderson, Assistant City Attorney; Jon Frederick, Housing Analyst, Office of Housing;		

PLANNING COMMISSION ACTION, JANUARY 7, 2014: On a motion by Commissioner Macek and seconded by Commissioner Lyman, the Planning Commission voted to recommend approval of the text amendments to Sec. 7-700 included as part of Text Amendment #2013-0013A with one technical amendment to Section 7-702 (A)2.i3 to be consistent with the other language in the section and use the phrase “provided on site” as compared to “dedicated on site”. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission agreed with the staff analysis.

Speakers:

Dino Drudi, spoke in opposition to the amendment and stated that the required amount of affordable housing required in exchange for bonus density should be 50% instead of 33%. Mr. Drudi also stated that an increased percentage of housing should be required if the affordable housing was to be located off-site. He further recommended that the developer should pay a premium to move the units away from the area.

ISSUE

Revise Section 7-700 of the City's Zoning Ordinance pertaining to bonus density for affordable housing.

BACKGROUND

Section 7-700 of the City's zoning allows a density increase of up to 20 percent or a height increase of 25 feet in exchange for onsite affordable housing units. The Developer Housing Contribution Work Group made several recommendations to amend this policy to further the City's affordable housing goals. Specifically, the DHCWG recommended that the percentage of the bonus that is provided in exchange for additional density/height be standardized at one-third. In addition, a recommendation was made to allow the affordable housing requirement to be satisfied by off-site affordable units or a cash payment to the Housing Trust Fund if agreed upon by both the City and the developer/applicant. The HMP has recommended that these changes be incorporated into Section 7-700 of the zoning ordinance to standardize a formula for the use of bonus density and allow for additional flexibility with regard to the manner in which the contribution will be captured when mutually agreed upon.

DISCUSSION

During the December 3, 2013 meeting, the planning commission expressed two concerns with the proposed text changes to Section 7-700 and asked staff to revisit these changes and bring the text amendment back to the commission for review. The first concern was that units that are located off site be of at least equal value as the units would be in the area in which the bonus is being provided. The second concern was that the language to standardize the percentage of the bonus that is required to be affordable housing was too limiting and would preclude the City from achieving additional affordable housing if it was appropriate and the applicant was amenable.

Staff has made two changes to the proposed text amendments to Section 7-700 in order to address the concerns of the planning commission. The first change was to clearly state that affordable units achieved through Section 7-700 that will be located off-site are required to have a total contribution value equivalent to what would have been achieved if the units were located on site. The second change adds the words "at least" to the 1/3 of the density provided through Section 7-700 that shall be provided as dedicated affordable housing (or equivalent as described elsewhere).

RECOMMENDATION

The proposed text changes are consistent with the recommendations provided by Planning Commission at the December 3, 2013 meeting.

ATTACHMENT

Proposed Text Changes

ATTACHMENT #1

Proposed Text Changes

Sec. 7-700 Allowance for increases in floor area ratio, density and height and reductions in required off-street parking as incentive for provision of low- and moderate-income housing.

7-701 Definitions.

For the purposes of this section 7-700, low- and moderate-income housing units shall be determined in accordance with regulations which are issued by the city manager and approved by the city council and which reflect the following guidelines.

- (A) Low- and moderate-income rental units are rental units for which the combined cost of rent and utilities does not exceed 30 percent of the maximum income limits used by the United States Department of Housing and Urban Development for its section 8 and Housing Voucher programs, as adjusted for family size and corresponding number of bedrooms, and which are occupied by persons or households whose gross income does not exceed the limits applicable to the section 8 program.
- (B) Low- and moderate-income sales units are units with sales prices for which a person or household whose gross annual income is at or below the median income for the Washington, D.C., Metropolitan Statistical Area, adjusted for family size, could qualify using the lending criteria applied by the Virginia Housing Development Authority in its single-family mortgage assistance program and which are occupied by persons or households whose gross annual income is at or below such median income level.

7-702 When increases and reductions may be allowed.

Increases in allowable floor area ratio, density and height and reductions in required off-street parking may be allowed for a building which contains one or more dwelling units or a project which includes one or more such buildings through a special use permit when:

- (A) The applicant for the special use permit commits to providing low and moderate income sales or rental housing units in conjunction with the building

or project which is the subject of the permit application **in compliance with the following:**

1. **Number of units required: The number of units required shall be equivalent to at least one third (1/3) of the increase achieved by the bonus approved under this section 7-700. Equivalency can be established with a different number of units if the size (square footage or number of bedrooms) of the units provided achieves an equivalent contribution as determined by the Director of Housing and approved with this SUP.**
2. **Location of Units: The units may be provided within the building or project which is the subject of the permit application, or with the consent of the applicant and the Director of Housing and the Director of Planning and Zoning and approval of this Special Use Permit, the units may be provided:**
 - i. **at an off-site location provided that:**
 1. **a specific plan for the off-site location is approved with this SUP;**
 2. **the off-site location meets all zoning requirements to include the units; and**
 3. **the total contribution value of the off-site units is equivalent to the total contribution value of what would have been provided on site ~~dedicated on-site;~~**
or
 - ii. **by a cash contribution to the City of Alexandria Housing Trust Fund in an amount equivalent to the value of the units that would have been provided on-site, or,**
 - iii. **A combination of i and ii above if the total contribution is equal to the value of the units that would have been provided on site.**

(B) The applicant for the special use permit agrees and provides sufficient assurance, by way of contract, deed or other recorded instrument acceptable to the city attorney, that the low-and/or moderate-income housing units to be provided will remain in these categories for the period of time specified in the special use permit.

(C) City council determines that the building or project which is subject to the special use permit, with the increase in allowable floor area ratio, density and height and the reduction in required off-street parking, meets the standards for the issuance of a special use permit set forth in section 11-500

7-703 Limits on increases which may be allowed.

- (A) Floor area ratio and density may not be increased pursuant to this section 7-700 by more than 20 percent of the floor area ratio and density otherwise permitted by this ordinance, **unless a greater percentage increase is specifically designated in a Small Area Plan chapter of the Master Plan.** The increase permitted under this section 7-700 is exclusive of any other floor area ratio and density increases allowable under any other section of this ordinance.
- (B) Height may not be increased pursuant to this section by more than 25 feet beyond the height otherwise permitted by this ordinance; provided, however, that no building located in any zone or height district where the maximum allowable height is 50 feet or less may be allowed to exceed such height limits.

Proposed Section 7-700 Update

- Affordable Units Off-Site
- Cash in-lieu of on site units
- Require 1/3 of Bonus Units be dedicated Affordable
 - 1/3 of bonus units (or equivalent) equivalency can be established with a different number of units if the size (square footage or number of bedrooms) of the units provided achieves an equivalent contribution
- Allow bonus density in excess of 20% where allowed by the Small Area Plan



Section 7-700 Amendment

Required Units

"The number of units required shall be equivalent to **at least** one third (1/3) of the increase achieved by the bonus approved under this section 7-700."

Off-Site Equivalency

"The total contribution value of the off-site units is equivalent to the total contribution value of what would have been provided on site."



**DOCKET ITEM #2*****Text Amendment 2013-0013A***

Issue: Initiate and Consider a text amendment to amend Section 7-700 and the City's Zoning Ordinance	Planning Commission Hearing:	January 7, 2014
	City Council Hearing:	January 25, 2014
Staff: Mark Jinks, Deputy City Manager; Mildrilyn Davis, Director, Office of Housing; Faroll Hamer, Director, Planning and Zoning; Helen McIlvaine, Deputy Director, Office of Housing, Eric Keeler, Division Chief, Office of Housing; Karl Moritz, Deputy Director, Planning and Zoning, Joanna Anderson, Assistant City Attorney; Jon Frederick, Housing Analyst, Office of Housing;		

ISSUE

Revise Section 7-700 of the City's Zoning Ordinance pertaining to bonus density for affordable housing.

BACKGROUND

Section 7-700 of the City's zoning allows a density increase of up to 20 percent or a height increase of 25 feet in exchange for onsite affordable housing units. The Developer Housing Contribution Work Group made several recommendations to amend this policy to further the City's affordable housing goals. Specifically, the DHCWG recommended that the percentage of the bonus that is provided in exchange for additional density/height be standardized at one-third. In addition, a recommendation was made to allow the affordable housing requirement to be satisfied by off-site affordable units or a cash payment to the Housing Trust Fund if agreed upon by both the City and the developer/applicant. The HMP has recommended that these changes be incorporated into Section 7-700 of the zoning ordinance to standardize a formula for the use of bonus density and allow for additional flexibility with regard to the manner in which the contribution will be captured when mutually agreed upon.

DISCUSSION

During the December 3, 2013 meeting, the planning commission expressed two concerns with the proposed text changes to Section 7-700 and asked staff to revisit these changes and bring the text amendment back to the commission for review. The first concern was that units that are located off site be of at least equal value as the units would be in the area in which the bonus is being provided. The second concern was that the language to standardize the percentage of the bonus that is required to be affordable housing was too limiting and would preclude the City from achieving additional affordable housing if it was appropriate and the applicant was amenable.

Staff has made two changes to the proposed text amendments to Section 7-700 in order to address the concerns of the planning commission. The first change was to clearly state that affordable units achieved through Section 7-700 that will be located off-site are required to have a total contribution value equivalent to what would have been achieved if the units were located on site. The second change adds the words "at least" to the 1/3 of the density provided through Section 7-700 that shall be provided as dedicated affordable housing (or equivalent as described elsewhere).

RECOMMENDATION

The proposed text changes are consistent with the recommendations provided by Planning Commission at the December 3, 2013 meeting.

ATTACHMENT

Proposed Text Changes

ATTACHMENT #1

Proposed Text Changes

Sec. 7-700 Allowance for increases in floor area ratio, density and height and reductions in required off-street parking as incentive for provision of low- and moderate-income housing.

7-701 Definitions.

For the purposes of this section 7-700, low- and moderate-income housing units shall be determined in accordance with regulations which are issued by the city manager and approved by the city council and which reflect the following guidelines.

- (A) Low- and moderate-income rental units are rental units for which the combined cost of rent and utilities does not exceed 30 percent of the maximum income limits used by the United States Department of Housing and Urban Development for its section 8 and Housing Voucher programs, as adjusted for family size and corresponding number of bedrooms, and which are occupied by persons or households whose gross income does not exceed the limits applicable to the section 8 program.
- (B) Low- and moderate-income sales units are units with sales prices for which a person or household whose gross annual income is at or below the median income for the Washington, D.C., Metropolitan Statistical Area, adjusted for family size, could qualify using the lending criteria applied by the Virginia Housing Development Authority in its single-family mortgage assistance program and which are occupied by persons or households whose gross annual income is at or below such median income level.

7-702 When increases and reductions may be allowed.

Increases in allowable floor area ratio, density and height and reductions in required off-street parking may be allowed for a building which contains one or more dwelling units or a project which includes one or more such buildings through a special use permit when:

- (A) The applicant for the special use permit commits to providing low and moderate income sales or rental housing units in conjunction with the building

or project which is the subject of the permit application **in compliance with the following:**

1. **Number of units required: The number of units required shall be equivalent to at least one third (1/3) of the increase achieved by the bonus approved under this section 7-700. Equivalency can be established with a different number of units if the size (square footage or number of bedrooms) of the units provided achieves an equivalent contribution as determined by the Director of Housing and approved with this SUP.**
2. **Location of Units: The units may be provided within the building or project which is the subject of the permit application, or with the consent of the applicant and the Director of Housing and the Director of Planning and Zoning and approval of this Special Use Permit, the units may be provided:**
 - i. **at an off-site location provided that:**
 1. **a specific plan for the off-site location is approved with this SUP;**
 2. **the off-site location meets all zoning requirements to include the units; and**
 3. **the total contribution value of the off-site units is equivalent to the total contribution value of what would have been dedicated on site; or**
 - ii. **by a cash contribution to the City of Alexandria Housing Trust Fund in an amount equivalent to the value of the units that would have been provided on-site, or,**
 - iii. **A combination of i and ii above if the total contribution is equal to the value of the units that would have been provided on site.**

(B) The applicant for the special use permit agrees and provides sufficient assurance, by way of contract, deed or other recorded instrument acceptable to the city attorney, that the low-and/or moderate-income housing units to be provided will remain in these categories for the period of time specified in the special use permit.

(C) City council determines that the building or project which is subject to the special use permit, with the increase in allowable floor area ratio, density and height and the reduction in required off-street parking, meets the standards for the issuance of a special use permit set forth in section 11-500

7-703 Limits on increases which may be allowed.

- (A) Floor area ratio and density may not be increased pursuant to this section 7-700 by more than 20 percent of the floor area ratio and density otherwise permitted by this ordinance, **unless a greater percentage increase is specifically designated in a Small Area Plan chapter of the Master Plan.** The increase permitted under this section 7-700 is exclusive of any other floor area ratio and density increases allowable under any other section of this ordinance.
- (B) Height may not be increased pursuant to this section by more than 25 feet beyond the height otherwise permitted by this ordinance; provided, however, that no building located in any zone or height district where the maximum allowable height is 50 feet or less may be allowed to exceed such height limits.



Legislation Details (With Text)

File #:	14-2253	Name:	
Type:	Ordinance	Status:	Agenda Ready
File created:	12/17/2013	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 11-808 (Protest of zoning map amendment by landowners) of Section 11-800 (Zoning amendment) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0003. (Implementing Ordinance for Text Amendment to update Section 11-808 approved by City Council on December 14, 2013) [ROLL-CALL VOTE]		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	14-2253 Information Sheet 14-2253 Ordinance		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 11-808 (Protest of zoning map amendment by landowners) of Section 11-800 (Zoning amendment) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0003. (Implementing Ordinance for Text Amendment to update Section 11-808 approved by City Council on December 14, 2013) [ROLL-CALL VOTE]

1 Introduction and first reading: January 14, 2013

2 Public hearing: January 25, 2013

3 Second reading and enactment: January 25, 2013

4
5 INFORMATION ON PROPOSED ORDINANCE

6
7 Title

8
9 AN ORDINANCE to amend and reordain Section 11-808 (Protest of zoning map amendment by
10 landowners) of Section 11-800 (Zoning amendment) of Article XI (Development Approvals
11 and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text
12 amendment heretofore approved by city council as Text Amendment No. 2013-0003.
13 (Implementing Ordinance for Text Amendment to update Section 11-808 approved by City
14 Council on December 14, 2013)

15
16 Summary

17
18 The proposed ordinance accomplishes the final adoption of Text Amendment No. 2013-0003 to
19 update the protest petition provision to address new technology and condominium unit
20 ownership of land.

21
22 Sponsor

23
24 Department of Planning and Zoning

25
26 Staff

27
28 Faroll Hamer, Director of Planning and Zoning
29 James L. Banks, Jr., City Attorney
30 Joanna C. Anderson, Assistant City Attorney

31
32 Authority

33
34 §§ 2.04(w), 9.12, Alexandria City Charter
35 § 11-800, City of Alexandria Zoning Ordinance

36
37 Estimated Costs of Implementation

38
39 None

40
41 Attachments in Addition to Proposed Ordinance and its Attachments (if any)

42
43 None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 11-808 (Protest of zoning map amendment by landowners) of Section 11-800 (Zoning amendment) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0003. (Implementing Ordinance for Text Amendment to update Section 11-808 approved by City Council on December 14, 2013)

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2013-0003, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on December 3, 2013 of a text amendment to the Zoning Ordinance to update the protest petition provision to address new technology and condominium unit ownership of land, which recommendation was approved by the City Council at public hearing on December 14, 2013

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 11-808 of the Zoning Ordinance be, and the same hereby is, amended by deleting the text shown in strikethrough and inserting new language shown as underlined as follows:

11-800 Zoning Amendments

11-808 - Protest of zoning map amendment by landowners.

(A) Who may protest. A protest shall be signed by the owners of at least 20 percent of:

- (1) The land proposed to be rezoned by the map amendment; or
- (2) All land within 300 feet of the boundaries of the land proposed to be changed by the map amendment.

(B) Deadline for protest. A protest must be filed with the city clerk no later than noon on the last working day before the day on which city council conducts its first public hearing on the proposed amendment.

1 (C) Calculation of ownership. The director shall verify that those filing are legal property
2 owners **and that there are sufficient legal property owners signing to constitute the**
3 **required 20 percent, subject to the following:** ~~Through mathematical calculation~~
4 ~~and the use of a planimeter, the department of transportation and environmental~~
5 ~~services shall verify said 20 percent area.~~

6 (1) Streets, alleys and land dedicated to public use or owned by the city, state or
7 federal government shall not be included in computing the areas of ownership
8 required.

9 **(2) If land included in the computation is owned by a Condominium Unit**
10 **Owners Association then the square footage of the land shall be divided**
11 **evenly by the number of units in the Condominium Unit Owners Association**
12 **and each owner of a unit shall be entitled to sign for his or her allocated**
13 **portion of the land.**

14
15 (D) Effect of protest. If a protest to a proposed map amendment is filed, the city council may
16 not approve the proposed amendment except by an affirmative vote of three-fourths of its
17 members.

18
19 (E) Limitations.

20 (1) Once a protest has been filed, no changes by way of addition, substitution, amendment or
21 withdrawal may be made to the protest after the deadline provided for the filing of a
22 protest in section 11-808(B).

23 (2) A protest against a less restrictive change is not effective against a more restrictive
24 change but a new protest may be filed against the more restrictive change and this
25 paragraph does not prevent the filing of a protest against both a less and more restrictive
26 change.

27 (3) The provisions of this section 11-808 shall not apply to city owned property or be
28 effective in the case of a map amendment which is part of a comprehensive
29 implementation of a new or substantially revised zoning ordinance.

30
31 Section 2. That the director of planning and zoning be, and hereby is, directed to
32 record the foregoing text amendment.

33
34 Section 3. That Section 11-808 as amended pursuant to Section 1 of this ordinance,
35 be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.
36

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

WILLIAM D. EUILLE
Mayor

Introduction:	January 14, 2013
First Reading:	January 14, 2013
Publication:	
Public Hearing:	January 25, 2013
Second Reading:	January 25, 2013
Final Passage:	January 25, 2013



Legislation Details (With Text)

File #:	14-2125	Name:	
Type:	Ordinance	Status:	Agenda Ready
File created:	11/8/2013	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Northeast Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing Ordinance for the master plan amendment for the Slaters Lane project approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	14-2125 Information Sheet 14-2125 Ordinance 14-2125 Attachment		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Northeast Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing Ordinance for the master plan amendment for the Slaters Lane project approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Northeast Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2013-0003, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 7, 2013 of an amendment to the Northeast Small Area Plan chapter of the Master Plan of the City of Alexandria to revise the height map to from a maximum 50 feet to a maximum of 65 feet for the property known as 800 and 820 Slaters Lane, which recommendation was approved by the City Council at public hearing on December 14, 2013;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Northeast Small Area Plan chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending the height map as shown in the attachment titled Proposed Height Map and labeled as Attachment #1 , attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Northeast Small Area Plan Chapter of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

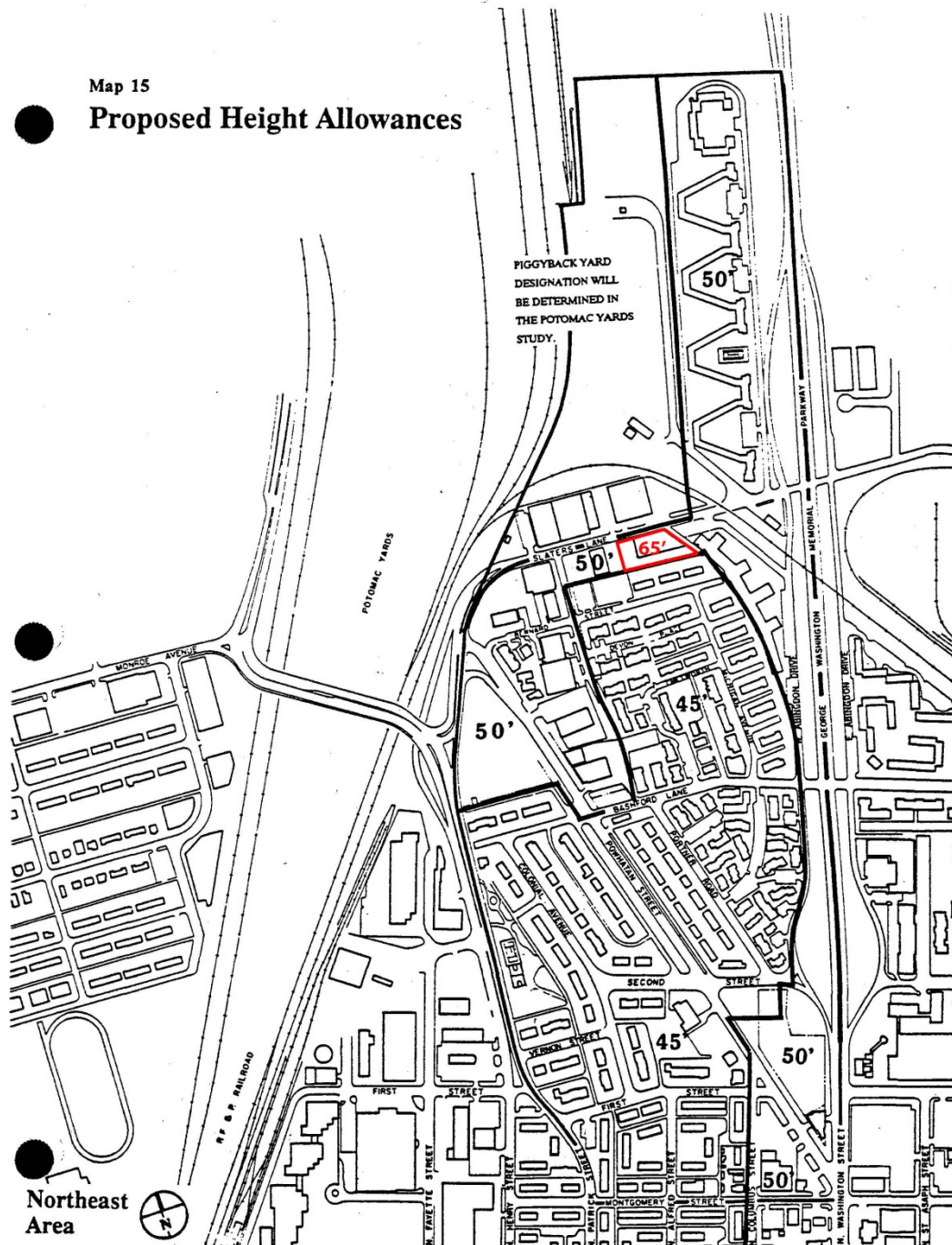
Introduction: January 14, 2014
First Reading: January 14, 2014
Publication:
Public Hearing: January 25, 2014
Second Reading: January 25, 2014
Final Passage: January 25, 2014

ATTACHMENT #1

Proposed Height Map

Map 15

Proposed Height Allowances





Legislation Details (With Text)

File #:	14-2127	Name:	
Type:	Ordinance	Status:	Agenda Ready
File created:	11/8/2013	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain Sheet No. 044.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 800 and 820 Slaters Lane to amend the proffer in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2013-0004. (Implementing Ordinance for the rezoning to amend the proffer for the Slaters Lane project approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	14-2127 information sheet 14-2127 Ordinance 14-2127 Attachment		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain Sheet No. 044.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 800 and 820 Slaters Lane to amend the proffer in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2013-0004. (Implementing Ordinance for the rezoning to amend the proffer for the Slaters Lane project approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]

1 Introduction and first reading: January 14, 2014
2 Public hearing: January 25, 2014
3 Second reading and enactment: January 25, 2014
4
5

6 INFORMATION ON PROPOSED ORDINANCE
7

8 Title
9

10 AN ORDINANCE to amend and reordain Sheet No. 044.02 of the "Official Zoning Map,
11 Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District
12 Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 800 and
13 820 Slaters Lane to amend the proffer in accordance with the said zoning map amendment
14 heretofore approved by city council as Rezoning No. 2013-0004.
15

16 Summary
17

18 The proposed ordinance accomplishes the final adoption of Rezoning No. 2013-0004 to rezone
19 the property at 800 and 820 Slaters Lane to amend the proffer on the property to allow the new
20 development approved with DSUP 2012-0031.
21

22 Sponsor
23

24 Department of Planning and Zoning
25

26 Staff
27

28 Faroll Hamer, Director of Planning and Zoning
29 James L. Banks, Jr., City Attorney
30 Joanna C. Anderson, Assistant City Attorney
31

32 Authority
33

34 §§ 2.04(w), 9.12, Alexandria City Charter
35 § 11-800, City of Alexandria Zoning Ordinance
36
37

38 Estimated Costs of Implementation
39

40 None
41

42 Attachments in Addition to Proposed Ordinance and its Attachments (if any)
43

44 None
45
46

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Sheet No. 044.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, by rezoning the property at 800 and 820 Slaters Lane to amend the proffer in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2013-0004.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2013-0004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 7, 2013 of a rezoning of the property at 800 and 820 Slaters Lane to amend the proffer on the property, which recommendation was approved by the City Council at public hearing on December 14, 2013;

2. The said rezoning is in conformity with the Master Plan of the City of Alexandria, Virginia, as amended;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 044.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 800 Slaters Lane (Tax Map #044.02-02-06)

820 Slaters Lane (Tax Map #044.02-02-05)

From: RC with a proffer

To: RC with a proffer as stated in the attached proffer statement dated October 24, 2013 and labeled as Attachment #1

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 044.02 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Introduction: January 14, 2014
First Reading: January 14, 2014
Publication:
Public Hearing: January 25, 2014
Second Reading: January 25, 2014
Final Passage: January 25, 2014

ATTACHMENT #1

**PROFFER STATEMENT
PROPOSED DEVELOPMENT CONDITION
RZ 2013-0004**

Pursuant to the provision of §11-804 of the Alexandria Zoning Ordinance, 1992, as amended (the "**Ordinance**"), CIAM-Slaters, LLC, a Virginia limited liability company ("**CIAM-S**"), the owner of the property known as 800-820 Slater's Lane, Alexandria, Virginia, also known as City of Alexandria Tax Parcel Map 44.02 Block 02 Lot 06 (the "**Property**") and the applicant requesting a map amendment rezoning of the Property to remove and existing proffered condition and to proffer a new condition does hereby proffer in writing the provision of reasonable conditions to be applied to and be part of the rezoning.

CIAM-S voluntarily and in writing prior to the scheduled public hearing proffers:

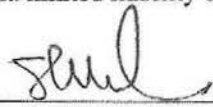
2. The redevelopment of the Property shall be in substantial conformance with the improvements depicted in DSUP 2012-0031 as approved by the Alexandria City Council, and as shown on the final site plan approved by the City of Alexandria.

3. These proffers are submitted in accord with §11-804 of the Ordinance and shall be governed and construed in accordance with §11-804 of the Ordinance.

4. Stephen A. Bannister, its Member Manager, represents that he is authorized to execute and deliver this Proffer and this Proffer is voluntarily entered into by CIAM-S.

These proffers are the only proffers on this Zoning Map Amendment. In the event the rezoning is not approved and associated approvals MPA # 2013-0003 and DSUP 2012-0031, these proffers shall be of no binding effect.

CIAM-Slaters, LLC
a Virginia limited liability company

By: 
Stephen A. Bannister, its Member Manager
October 24, 2013



Legislation Details (With Text)

File #:	14-2255	Name:	
Type:	Ordinance	Status:	Agenda Ready
File created:	12/17/2013	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Subsection F (Prior Existing Buildings and Structures) of Section 8-200 (General Parking Regulations) of Article VIII (Off-Street Parking Regulations) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0013. (Implementing Ordinance for the parking related Text Amendment approved by City Council with the Housing Master Plan on December 14, 2013) [ROLL-CALL VOTE]		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	14-2255 Information Sheet 14-2255 Ordinance		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Subsection F (Prior Existing Buildings and Structures) of Section 8-200 (General Parking Regulations) of Article VIII (Off-Street Parking Regulations) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0013. (Implementing Ordinance for the parking related Text Amendment approved by City Council with the Housing Master Plan on December 14, 2013) [ROLL-CALL VOTE]

1 Introduction and first reading: January 14, 2013

2 Public hearing: January 25, 2013

3 Second reading and enactment: January 25, 2013

4
5 INFORMATION ON PROPOSED ORDINANCE

6
7 Title

8
9 AN ORDINANCE to amend and reordain Subsection F (Prior Existing Buildings and Structures) of
10 Section 8-200 (General Parking Regulations) of Article VIII (Off-Street Parking Regulations)
11 of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore
12 approved by city council as Text Amendment No. 2013-0013. (Implementing Ordinance for the
13 parking related Text Amendment approved by City Council with the Housing Master Plan on
14 December 14, 2013)

15
16 Summary

17
18 The proposed ordinance accomplishes the final adoption of Text Amendment No. 2013-0013 to
19 revise the parking triggers for prior and existing buildings to exempt projects rehabilitating
20 affordable housing.

21
22 Sponsor

23
24 Department of Planning and Zoning

25
26 Staff

27
28 Faroll Hamer, Director of Planning and Zoning
29 James L. Banks, Jr., City Attorney
30 Joanna C. Anderson, Assistant City Attorney

31
32 Authority

33
34 §§ 2.04(w), 9.12, Alexandria City Charter
35 § 11-800, City of Alexandria Zoning Ordinance

36
37 Estimated Costs of Implementation

38
39 None

40
41 Attachments in Addition to Proposed Ordinance and its Attachments (if any)

42
43 None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Subsection F (Prior Existing Buildings and Structures) of Section 8-200 (General Parking Regulations) of Article VIII (Off-Street Parking Regulations) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0013. (Implementing Ordinance for the parking related Text Amendment approved by City Council with the Housing Master Plan on December 14, 2013)

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2013-0013, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on December 3, 2013 of a text amendment to the Zoning Ordinance to revise the parking triggers for prior and existing buildings to exempt projects rehabilitating affordable housing, which recommendation was approved by the City Council at public hearing on December 14, 2013

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 8-200(F) of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown as underlined as follows:

Sec. 8-200 General parking regulations.

(F)Prior existing buildings and structures.

(1) Notwithstanding the provisions of section 8-100 and except as provided in section 8-200(F)(3) below, no off-street parking need be provided for land actually in use on June 25, 1963, for structures or buildings partially or fully constructed as of that date, or for structures or buildings for which a final site plan had been approved or a building permit had been applied for on that date, except as follows:

(a) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged or significantly altered between June 23, 1963, and January 27, 1987, the parking requirements of this Article XIII shall apply only to such change in use, enlargement or alteration; and

1 (b) If any such land has been changed in use or any such structure or building has
2 been changed in use, enlarged, significantly enlarged or significantly altered after
3 January 27, 1987, the parking requirements of this Article XIII shall apply to all
4 the land and to the entire structure or building upon completion of the change in
5 use, significant enlargement or significant alteration, and such requirements shall
6 apply only to the enlargement of the structure or building upon its completion,
7 unless, as of January 27, 1987, a construction or alteration permit has been
8 applied for and reasonably soon thereafter construction activity has commenced
9 and continues to be diligently pursued, or unless a special use permit is obtained
10 under section 7-700 or section 11-500 which authorizes the change in use,
11 enlargement, significant enlargement or significant alteration with the provision
12 of less off-street parking than is required.

13 (2) Notwithstanding the provisions of section 8-100 above and except as provided in
14 section 8-200(F)(3) below, any change in use in land which had been placed in
15 use between June 23, 1963, and January 27, 1987, and any change in use,
16 enlargement, significant enlargement or significant alteration of a structure or
17 building which had been constructed between those dates shall be governed by the
18 provisions of sections 8-200(F)(1)(a) and (b).

19 (3) The provisions of this section 8-200(F) shall not apply to the enlargement,
20 significant enlargement or significant alteration of single-family, two-family or
21 row or townhouse dwellings.

22 (4) For purposes of this section 8-200(F), the following definitions shall apply:

23 (a) "Significantly altered" and "significant alteration" shall mean the reconstruction,
24 remodeling or rehabilitation of, or other physical changes to, a structure or
25 building, or a portion thereof, over any two-year period, whether or not involving
26 any supporting members of the structure or building and whether altering interior
27 or exterior components of the structure or building, which involves expenditures
28 amounting to 33 1/3 percent or more of the market value of the structure or
29 building, or portion thereof, at the time of the application for an alteration permit.
30 **The cost of the remodeling or rehabilitation of units that serve households at**
31 **or below sixty percent (60%) Area Median Income (AMI) for thirty (30)**
32 **years or more shall be exempt from the calculation of expenditures pursuant**
33 **to this section.**

34
35 Section 2. That the director of planning and zoning be, and hereby is, directed to
36 record the foregoing text amendment.

37
38 Section 3. That Section 8-200(F) as amended pursuant to Section 1 of this
39 ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning
40 Ordinance.
41

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

WILLIAM D. EUILLE
Mayor

Introduction:	January 14, 2013
First Reading:	January 14, 2013
Publication:	
Public Hearing:	January 25, 2013
Second Reading:	January 25, 2013
Final Passage:	January 25, 2013



Legislation Details (With Text)

File #:	14-2257	Name:	
Type:	Ordinance	Status:	Agenda Ready
File created:	12/18/2013	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing Ordinance for the Eisenhower East Small Area Plan amendment to incorporate the change to the sidewalk material approved by City Council on December 14, 2013) [ROLL-CALL VOTE]		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	14-2257 Information Sheet 14-2257 Ordinance 14-2257 Attachment		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing Ordinance for the Eisenhower East Small Area Plan amendment to incorporate the change to the sidewalk material approved by City Council on December 14, 2013) [ROLL-CALL VOTE]

1 Introduction and first reading: January 14, 2014
2 Public hearing: January 25, 2014
3 Second reading and enactment: January 25, 2014
4

5 INFORMATION ON PROPOSED ORDINANCE
6

7 Title
8

9 AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria,
10 Virginia, by adopting and incorporating therein the amendment heretofore approved by city
11 council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan
12 Amendment No. 2013-0007 and no other amendments, and to repeal all provisions of the
13 said master plan as may be inconsistent with such amendment.
14

15 Summary
16

17 The proposed ordinance accomplishes the final adoption of Master Plan Amendment No.
18 2013-0007 to revise the design guidelines to establish new requirements for brick and
19 concrete sidewalks, which recommendation was approved by the City Council at public
20 hearing on December 14, 2013;
21
22

23 Sponsor
24

25 Department of Planning and Zoning
26

27 Staff
28

29 Faroll Hamer, Director of Planning and Zoning
30 James L. Banks, Jr., City Attorney
31 Joanna C. Anderson, Assistant City Attorney
32

33 Authority
34

35 § 9.01, Alexandria City Charter
36 § 11-900, City of Alexandria Zoning Ordinance
37

38 Estimated Costs of Implementation
39

40 None
41

42 Attachments in Addition to Proposed Ordinance and its Attachment (if any)
43

44 None
45
46

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2013-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2013-0007, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on December 3, 2013 of an amendment to the Eisenhower East Small Area Plan chapter of the Master Plan of the City of Alexandria to revise the design guidelines to establish new requirements for brick and concrete sidewalks, which recommendation was approved by the City Council at public hearing on December 14, 2013;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Eisenhower East Small Area Plan chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by revising the design guidelines as follows:

1. Page 44 of the Eisenhower East Design Guidelines shall be revised as follows:
"All sidewalks on A ~~and B and C~~ streets shall be a combination of brick and concrete sidewalks 4" x 8" red brick, laid in accordance with City of Alexandria Standards. The Mill Road sidewalk for Block 23 and the sidewalks for Block 20 shall be City Standard brick sidewalks. "
2. The Eisenhower East Design Guidelines shall be amended including all applicable graphics, images to implement the brick and concrete sidewalks, required herein. The plan view as generally depicted in Figure 1, attached hereto and incorporated herein by this reference, shall be incorporated as part of the Eisenhower East Design Guidelines.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Eisenhower East Small Area Plan chapter of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Eisenhower East Small Area Plan chapter of the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Eisenhower East Small Area Plan chapter of the Master Plan of the City of Alexandria, Virginia.

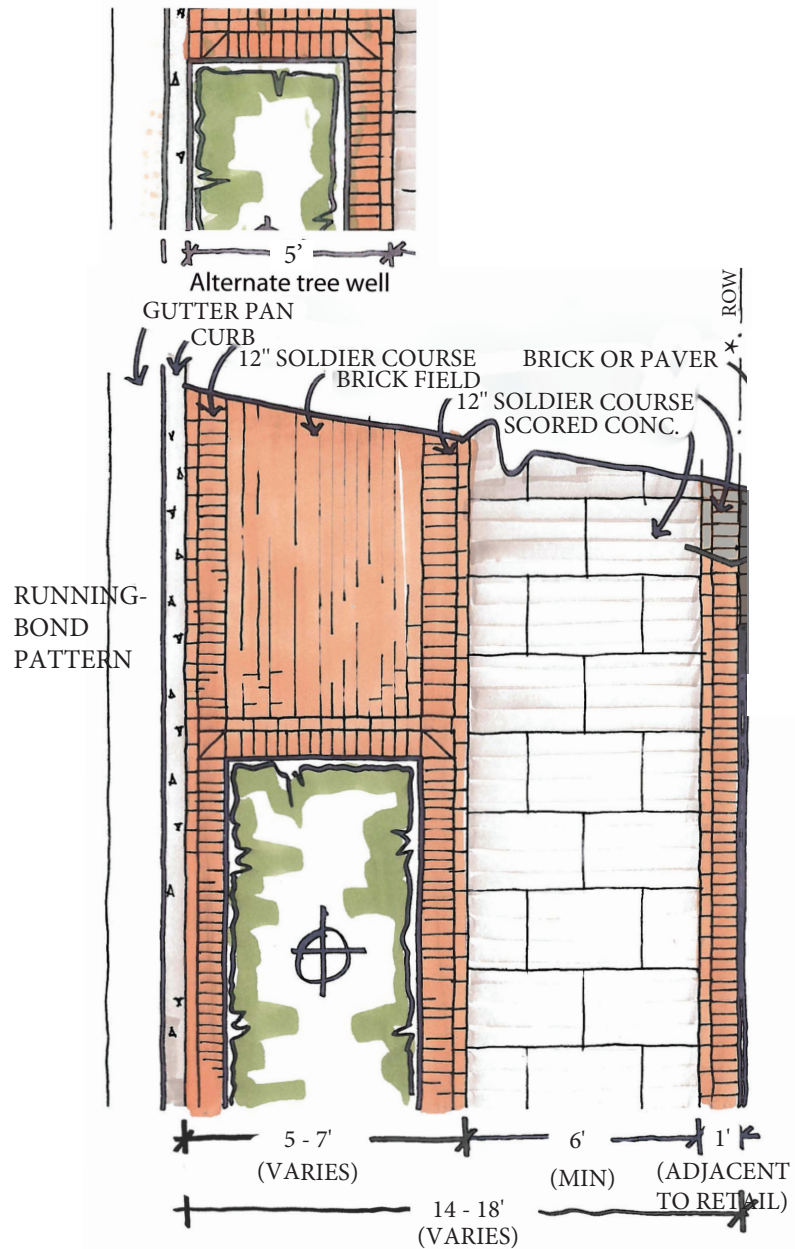
Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Introduction: January 14, 2014
First Reading: January 14, 2014
Publication:
Public Hearing: January 25, 2014
Second Reading: January 25, 2014
Final Passage: January 25, 2014

FIGURE 1
SIDEWALK MATERIALS - BRICK/CONCRETE





Legislation Details (With Text)

File #:	14-2259	Name:	
Type:	Ordinance	Status:	Agenda Ready
File created:	12/18/2013	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2013-0005 to incorporate the Housing Master Plan Chapter into the Master Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing ordinance for the Housing Master Plan chapter of the master plan approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	14-2259 Information Sheet 14-2259 Ordinance		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2013-0005 to incorporate the Housing Master Plan Chapter into the Master Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing ordinance for the Housing Master Plan chapter of the master plan approved by the City Council on December 14, 2013) [ROLL-CALL VOTE]

1 Introduction and first reading: January 14, 2104
2 Public hearing: January 25, 2014
3 Second reading and enactment: January 25, 2014
4

5 INFORMATION ON PROPOSED ORDINANCE
6

7 Title
8

9 AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria,
10 Virginia, by adopting and incorporating therein the amendment heretofore approved by city
11 council to such master plan as Master Plan Amendment No. 2013-0005 to incorporate the
12 Housing Master Plan Chapter into the Master Plan and no other amendments, and to repeal
13 all provisions of the said master plan as may be inconsistent with such amendment.
14

15 Summary
16

17 The proposed ordinance accomplishes the final adoption of Master Plan Amendment No.
18 2013-0005 to incorporate the Housing Master Plan into the Master Plan for the City of
19 Alexandria approved by the City Council on December 14, 2013.
20

21 Sponsor
22

23 Department of Planning and Zoning
24

25 Staff
26

27 Faroll Hamer, Director of Planning and Zoning
28 James L. Banks, Jr., City Attorney
29 Joanna C. Anderson, Assistant City Attorney
30

31 Authority
32

33 § 9.01, Alexandria City Charter
34 § 11-900, City of Alexandria Zoning Ordinance
35

36 Estimated Costs of Implementation
37

38 None
39

40 Attachments in Addition to Proposed Ordinance and its Attachment (if any)
41

42 None
43
44
45
46

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2013-0005 to incorporate the Housing Master Plan Chapter into the Master Plan and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2013-0005, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on December 3, 2013 of an amendment to the Master Plan of the City of Alexandria to incorporate a new chapter titled Housing Master Plan, which recommendation was approved by the City Council at public hearing on December 14, 2013;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Master Plan of the City of Alexandria, be, and the same hereby is, amended by incorporating a new chapter of the master plan consisting of the document entitled "Revised Draft Housing Master Plan" dated November 2013, with the following amendments:

1. The following sentence will be added to the end of the first paragraph of the Introduction (page 2):

To this end, the City has established a target of providing, preserving, or assisting 2,000 units from FY 2014 through FY 2025 through the implementation of the goals, strategies, and tools contained in this Housing Master Plan.

2. Goal 7 (page 94) will be amended to add the following language at the end of the goal description paragraph:

Decreasing energy use in a property may also result in reduced cost/increased affordability for that property's residents.

3. Table 6-4 Implementation Matrix located on page 115 of the Housing Master Plan will be amended in the following manner:

- a. The Maximum Public Land for Affordable Housing tool will be edited to read as Public Land for Affordable Housing and the implementation schedule for this tool will be amended from 4-6 years to 1-3 years.
- b. The required action for Accessory Dwelling Unit Policy Phase I (New CDD Zones) will be amended to include Further Study.

4. Add a new page to the beginning of Appendix 7 which states:

This Appendix provides a number of tools that can be used to increase affordable housing within the City of Alexandria. Table A7-1 one provides the details on the timeframes in which these tools will be implemented and/or studied further. The last column of Table A7-1 shows the required action needed to implement the tool. Any tool that has an action indicating that a local policy, local ordinance, or further study is needed will need to go through a public process that further defines whether the tool is appropriate for the City and if it is, the manner in which it would be implemented. Staff would then propose a policy which Council may or may not choose to adopt.

The General Fund financial tools are intended to provide options for Council's consideration during the annual budget preparation process. No further staff action is anticipated other than through the budget process or as may otherwise be directed by the City Manager or City Council.

5. Appendix 7 will be amended to add a copy of Table 6-4 (as amended).

6. The following language will be added to the Accessory Dwelling Unit Policy Tool Sheet on page 182, replacing the first step under Action Steps for Phase I with:

Further study regarding a policy that would allow accessory dwelling units for townhomes in new CDDs, to include standards to ensure that they are integrated into the neighborhood in an attractive way.

7. The following text will be added to page 212 to clarify what funding sources make up the current resources identified in Table A9-2

The \$5.5 million listed in Table A9-2 is an annual average of projected funds from federal, state, and local sources that are expected (but not guaranteed) to be available during the 12 year period. This includes increased Housing Trust Fund revenue from increasing development activity, a specific large loan repayment, and projected tax revenues from Beauregard area development that have been designated for affordable housing in that area. The actual revenues achieved from these sources, as well as from federal grants and City budget allocations, may vary from the projected amounts.

8. Appendix 9 will be removed.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Introduction: January 14, 2014
First Reading: January 14, 2014
Publication:
Public Hearing: January 25, 2014
Second Reading: January 25, 2014
Final Passage: January 25, 2014



Legislation Details (With Text)

File #: 14-2282 **Name:** Public Hearing, Second Reading, and Final Passage of an Ordinance to Authorize Participation in the Virginia Investment Pool.

Type: Ordinance **Status:** Agenda Ready

File created: 1/2/2014 **In control:** City Council Legislative Meeting

On agenda: 1/25/2014 **Final action:**

Title: Public Hearing, Second Reading, and Final Passage of an Ordinance to Authorize Participation in the Virginia Investment Pool. [ROLL-CALL VOTE]

Sponsors:

Indexes:

Code sections:

Attachments: [14-2282 Virginia Investment Pool Trust Fund Ordinance Cover Sheet](#)
[14-2282 Virginia Investment Pool Trust Fund Ordinance](#)
[14-2282 Trust Agreement](#)
[14-2282 Joinder Agreement](#)
[14-2282 AG Opinion](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 21, 2014

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: RASHAD M. YOUNG, CITY MANAGER /s/

DOCKET TITLE:

Public Hearing, Second Reading, and Final Passage of an Ordinance to Authorize Participation in the Virginia Investment Pool. [ROLL-CALL VOTE]

ISSUE: Consideration of an Ordinance to Authorize Participation in the Virginia Investment Pool.

RECOMMENDATION: That City Council pass this proposed ordinance (Attachment II) set for public hearing, second reading, and final passage on January 25, 2014.

BACKGROUND: The Virginia Association of Counties (“VACo”) and the Virginia Municipal League

(“VML”) have joined together to establish a new investment program for local governments and authorities named the Virginia Investment Pool (“VIP”). While new to Virginia, similar locally-controlled joint investment pools have operated successfully in other states for years. VIP is a Section 115 governmental trust fund created under the Joint Exercise of Powers statute of the Commonwealth of Virginia. The program will allow political subdivisions to invest jointly in relatively short-term, conservative fixed income investments that are authorized under state law. The Trust was established by the City of Chesapeake and the City of Roanoke and operates under the Trust Agreement dated September 13, 2013. By letter to the Honorable Laura M. Rudy, Treasurer of Stafford County, dated February 8, 2013, the Virginia Attorney General has opined that two or more political subdivisions may exercise their investment powers by investing in a jointly administered investment pool, which may be organized in the form of a trust fund (Attachment V).

This is the same approach used to create the VACo/VML Virginia Pooled OPEB Trust, which was established by founding members Fairfax County and Henrico County in 2008. This is the only pooled OPEB trust fund offered in Virginia, and with invested assets of approximately \$500 million, the VACo/VML Pooled OPEB Trust is now the largest pooled trust fund in the nation dedicated for the purpose of funding health insurance and other post-employment benefits (OPEB).

Participation in the Trust Fund is limited to political subdivisions of the Commonwealth of Virginia. The Trust Fund is governed by a Board of Trustees, comprised of elected Treasurers or Chief Investment Officers from the counties of Arlington, Prince William, Chesterfield, Stafford and Washington, the cities of Chesapeake, Roanoke, Richmond and Suffolk, the towns of Christiansburg and Smithfield, and Executive Directors from the Virginia Municipal League and the Virginia Association of Counties.

VML/VACo Finance, the administrator for the VACo/VML Pooled OPEB Trust, will also administer VIP. Public Trust Advisors, LLC will serve as Investment Manager. Public Trust Advisors, LLC is an SEC registered, independent investment advisor, with significant local government investment pool experience and a senior team with experience managing more than \$25 billion in public funds nationwide. Regions Bank, which is the City’s custodian bank, will provide independent custodian bank services to VIP.

DISCUSSION: VIP is a pooled investment program that local governments and other political subdivisions can use to invest assets in high-quality corporate and government securities with average duration between 1 to 2 years. VIP has a higher expected rate of return compared to traditional money market funds by investing in slightly longer-term securities. VIP allows local governments to take advantage of the broad range of investments authorized by the Virginia Investment of Public Funds Act (Code of Virginia, §2.2-4500 through 2.2-4519), through a professionally managed diversified portfolio. Under the Act, investments are limited to:

- Commercial paper rated at least A or equivalent (A-1, P-1, F-1);
- Bankers acceptances (A-1, P-1, F-1);
- U.S. Treasury and agency securities;
- Repurchase agreements (collateralized);
- Registered mutual funds of otherwise permitted investments;
- Negotiable certificates of deposit rated at least AA or equivalent (A-1, P-1, F-1);
- Corporate notes and bonds (AA-rated or above); and
- Municipal bonds and notes of Virginia state or local public bodies and other U.S. states and municipalities, subject to certain limitations.

The portfolio’s benchmark will be the Bank of America Merrill Lynch 1 - 3 Year Corporate/Government Index. Over the last 10 years, the 1 - 3 Year Corporate/Government Index has returned an additional 1.19% over a

money market equivalent index and has been less volatile than similar 1 - 3 Year Treasury and Treasury/Agency Indices. In addition, the 1 - 3 year area of the yield curve has lower interest rate risk than longer indices and volatility is historically less pronounced in the short end of the yield curve.

The pooled investment approach will provide the following key benefits that the City could not achieve on its own, namely:

1. Diversification of investments - The portfolio will consist of a broader mix of investment types with the goal of reducing overall investment risk.
2. Large number of holdings - The portfolio will include a large number of individual securities to limit the City's exposure to any single investment.
3. Semi-monthly liquidity - The fund will be structured with sufficient liquidity so the City can withdraw funds on a semi-monthly basis.
4. Active oversight - VIP offers six layers of active oversight: 1) a professional fund manager; 2) a Board of Trustees comprised of Treasurers and Chief Investment Officers from participating jurisdictions; 3) a full-time program administrator; 4) regular reporting to participants; 5) an annual independent audit; and 6) a globally-recognized rating agency.
5. Cost sharing - Participants can share costs and take advantage of fee breakpoints only available to larger scale investment portfolios.

A fourteen member voting Board of Trustees selected from participating jurisdictions plus two non-voting, *ex officio* members shall govern the program. The Executive Directors of the Virginia Municipal League and the Virginia Association of Counties will serve in an *ex officio* capacity. The 3-year terms of the voting trustees shall be staggered, with a class consisting of four trustees standing for election each year. Additionally, the Treasurers/Chief Investment Officers from the founding jurisdictions (Chesapeake and Roanoke) shall continue to serve for two 3-year terms until successor trustees are elected in Fiscal Year 2021. Membership on the Board shall be diverse in representing localities both small and large. Voting for the selection of trustees shall be reflective of the size of the investment by each locality.

To participate in VIP, City Council must adopt an ordinance authorizing the City to participate in the Trust Fund and provide the Chief Financial Officer with the authority to execute a Joinder Agreement. Once adopted, the Chief Financial Officer must submit a completed Participant Application Form, Joinder Agreement and certified copy of the adopted ordinance.

FISCAL IMPACT: Based upon the estimated Virginia Investment Pool's Net Weighted Portfolio Yield, the City may earn an additional \$43,000 annually for every \$10 million of City funds invested. Staff proposes an initial investment of \$10 million, with subsequent deposits when deemed appropriate.

ATTACHMENTS:

Attachment I - Ordinance Cover

Attachment II - Ordinance

Attachment III - Virginia Investment Pool Trust Fund Agreement, as approved by the Board of Trustees, September 13, 2013

Attachment IV - Trust Joinder Agreement for Participating Political Subdivisions in the VACo/VML Virginia Investment Pool

Attachment V - Attorney General's February 8, 2013 Opinion regarding jointly administered investment pool

STAFF:

Laura B. Triggs, Chief Financial Officer/Director of Finance

David Clark, Assistant Director of Finance/Treasury
Steven Bland, Retirement Administrator

Introduction and first reading: 01/14/14
Public hearing: 01/25/14
Second reading and enactment:

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE TO ADOPT THE VACO/VML VIRGINIA INVESTMENT POOL TRUST FUND FOR THE PURPOSE OF INVESTING MONEYS BELONGING TO OR WITHIN THE CITY'S CONTROL, OTHER THAN SINKING FUNDS, IN CERTAIN AUTHORIZED INVESTMENTS IN ACCORDANCE WITH SECTION 2.2-4501 OF THE VIRGINIA CODE.

Summary

This is an ordinance to adopt the VACO/VML Virginia Investment Pool Trust Fund for the purpose of investing moneys belonging to or within the City's control in certain authorized investments.

Sponsor

None

Staff

Laura B. Triggs, Chief Financial Officer
Christina Zechman Brown, Assistant City Attorney

Authority

§ 15.2-1500, Code of Virginia

§ 2.2-4501, Code of Virginia

§ 15.2-1300, Code of Virginia

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE VACO/VML VIRGINIA INVESTMENT POOL TRUST FUND FOR THE PURPOSE OF INVESTING MONEYS BELONGING TO OR WITHIN THE CITY'S CONTROL, OTHER THAN SINKING FUNDS, IN CERTAIN AUTHORIZED INVESTMENTS IN ACCORDANCE WITH SECTION 2.2-4501 OF THE VIRGINIA CODE.

WHEREAS, Section 15.2-1500 of the Virginia Code provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of government; and

WHEREAS, Section 2.2-4501 of the Virginia Code provides that all municipal corporations and other political subdivisions may invest any and all moneys belonging to them or within their control, other than sinking funds, in certain authorized investments; and

WHEREAS, Section 15.2-1300 of the Virginia Code provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, any two or more political subdivisions may enter into agreements with one another for joint action pursuant to the provisions of Section 15.2-1300 of the Virginia Code provided that the participating political subdivisions shall approve such agreement before the agreement may enter into force; and

WHEREAS, the City of Chesapeake, Virginia and the City of Roanoke, Virginia have determined to jointly establish and participate in the VACo/VML Virginia Investment Pool (the "Trust Fund") for each such city; and

WHEREAS, it appearing to the City Council that it is otherwise in the best interests of the City of Alexandria to become a participating locality in the Trust Fund; and

WHEREAS, Laura Triggs, the duly appointed Chief Financial Officer/Director of Finance of the City of Alexandria, has the authority and responsibility under Virginia law to determine the manner in which City funds under her control will be invested;

NOW, THEREFORE THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria does hereby establish a trust pursuant to Section 2.2-4501 of the Virginia Code for the purpose of investing moneys determined to derive the most benefit from this investment strategy, belonging to it or within its control, other than sinking funds, in certain authorized investments, in the form set forth in the

1 VACo/VML Virginia Investment Pool Trust Fund Agreement (the “Agreement”), a copy of
2 which is attached here as Exhibit A.
3

4 Section 2. That the Council of the City of Alexandria does hereby agree to become a
5 “Participating Political Subdivision” in the “VACo/VML Virginia Investment Pool” (hereinafter,
6 the “Trust Fund”), as further defined in the Agreement.
7

8 Section 3. That the Council of the City of Alexandria does hereby designate the Chief
9 Financial Officer/Director of Finance of the City of Alexandria to serve as the trustee of the City
10 of Alexandria with respect to the Trust Fund and to determine what funds under the Chief
11 Financial Officer/Director of Finance’s control shall be invested in the Trust Fund.
12

13 Section 4. That the Council of the City of Alexandria does hereby authorize the Chief
14 Financial Officer/Director of Finance to execute and deliver the Trust Joinder Agreement for
15 Participating Political Subdivisions under VACo/VML Virginia Investment Pool (“Trust Joinder
16 Agreement”), a copy of which is attached hereto as Exhibit B.
17

18 Section 5. This ordinance shall become effective upon the date and at the time of its final
19 passage.
20

21 Exhibits: VACo/VML Virginia Investment Pool Trust Fund Agreement (“Exhibit A”)
22 Trust Joinder Agreement (“Exhibit B”)
23

24 WILLIAM D. EUILLE
25 Mayor
26

27 Introduction: 01/14/14
28 First Reading: 01/14/14
29 Publication: 01/25/14
30 Public Hearing: 01/25/14
31 Second Reading:
32 Final Passage:
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

**VIRGINIA INVESTMENT POOL
TRUST FUND AGREEMENT**

THIS AGREEMENT (the “Agreement”), is made by and among the Participating Political Subdivisions that execute Trust Joinder Agreements to participate in the Virginia Investment Pool Trust Fund, their duly elected Treasurers or other Chief Investment Officers empowered by law to invest the public funds of such Participating Political Subdivisions, and the individuals named as Trustees pursuant to Section 106 hereof and their successors (the “Board of Trustees”). The Participating Political Subdivisions and their Treasurers or Chief Investment Officers hereby establish with the Board of Trustees, and the Board of Trustees hereby accepts, under the terms of this Agreement, a trust for the purpose of investing moneys belonging to or within the control of the respective Participating Political Subdivisions as allowed by law.

WITNESSETH:

WHEREAS, Section 15.2-1500 of the Virginia Code provides, in part, that every locality shall provide for all the governmental functions of the locality, including, without limitation, the organization of all departments, offices, boards, commissions and agencies of government, and the organizational structure thereof, which are necessary to carry out the functions of government; and

WHEREAS, Section 2.2-4501 of the Virginia Code provides that all municipal corporations and other political subdivisions may invest any and all moneys belonging to them or within their control, other than sinking funds, in certain authorized investments; and

WHEREAS, Section 15.2-1300 of the Virginia Code provides that any power, privilege or authority exercised or capable of exercise by any political subdivision of the Commonwealth of Virginia may be exercised and enjoyed jointly with any other political subdivision of the Commonwealth having a similar power, privilege or authority pursuant to agreements with one another for joint action pursuant to the provisions of that section; and

WHEREAS, the City of Chesapeake and the City of Roanoke have adopted ordinances approving participation in the Virginia Investment Pool for each such locality; and

WHEREAS, the Participating Political Subdivisions and their Treasurers or Chief Investment Officers and the Board of Trustees of the Virginia Investment Pool Trust Fund (herein referred to as the “Trust Fund”) hereby establish a trust for the purpose of investing monies belonging to or within the control of the Participating Political Subdivisions, respectively, other than sinking funds, in investments authorized under Section 2.2-4501 of the Virginia Code; and

WHEREAS, the parties intend that the Trust Fund hereby established shall constitute a tax-exempt governmental trust under Section 115 of the Internal Revenue Code of 1986, as amended;

NOW, THEREFORE, the parties hereto mutually agree as follows:

PART 1- GENERAL PROVISIONS

Section 100. APPLICATION.

The provisions of Part 1 are general administrative provisions applicable to each Part of this Agreement and provisions applicable to the Board of Trustees.

Section 101. DEFINITIONS.

The following definitions shall apply to this Agreement, unless the context of the term indicates otherwise, and shall govern the interpretation of this Agreement:

- A. Administrator. The term “Administrator” means the Virginia Local Government Finance Corporation (d/b/a “VML/VACo Finance”) or any successor designated by the Board of Trustees to administer the Trust Fund.
- B. Beneficial Interest. The right of a party to some distribution or benefit from the Trust Fund; a vested interest in the Trust Fund’s assets.
- C. Code. The term “Code” means the Internal Revenue Code of 1986, as amended, and, as relevant in context, the Internal Revenue Code of 1954, as amended.
- D. Custodian. The term “Custodian” means the banks, mutual funds, insurance companies or other qualified entities selected by the Board of Trustees, under a separate written document with each, to accept contributions from Participating Political Subdivisions and to hold the assets of the Trust Fund.
- E. Effective Date. The term “Effective Date” means the date coinciding with the last to occur of each of the following events: (i) passage of an ordinance by each of the City of Chesapeake and the City of Roanoke approving such governmental entities as Participating Political Subdivisions in the Trust Fund; (ii) execution by the authorized officer of each such governmental entity of the Trust Joinder Agreement; (iii) execution of this Agreement by all members of the initial Board of Trustees and the Administrator; and (iv) any contribution of cash to the Trust by a Participating Political Subdivision.
- F. Participating Political Subdivision. The term “Participating Political Subdivision” means any county, city, town, or other political subdivision within the State whose governing body has passed an ordinance or resolution to participate in the Trust Fund, and whose Treasurer or Chief Investment Officer, serving as trustee for such Participating Political Subdivision, executes a Trust Joinder Agreement, as provided in Section 301 hereof.
- G. Treasurer. The term “Treasurer” means an officer described in Article VII, Section 4, of the Constitution of Virginia who shall serve as the trustee and representative of its Participating Political Subdivision for purposes of this Agreement. Treasurers shall vote the

beneficial interest of such Participating Political Subdivision in the Trust Fund, as prescribed in Part 3 of this Agreement. Nothing in this agreement shall be construed to limit the discretion of a duly elected Treasurer to invest the public funds of his or her political subdivision in any manner otherwise permitted by law, not shall the decision of any local governing body to become a Participating Political Subdivision under this agreement compel any duly elected Treasurer having responsibility for such investments of public funds to invest any the locality's funds in the Trust Fund created under this Agreement.

H. Chief Investment Officer. The term "Chief Investment Officer" means an officer designated by the governing body of a Participating Political Subdivision to invest public funds on behalf of the political subdivision and to serve as the trustee of such Participating Political Subdivision with respect to the Trust Fund, but only in a political subdivision that does not have an elected treasurer empowered by law to perform those functions. The term "Chief Investment Officer" may include certain individuals holding the title of "treasurer" for the political subdivision but who are not included in the definition in Subsection F. Each Treasurer or Chief Investment Officer, as the case may be, shall be the trustee and representative of his or her Participating Political Subdivision for purposes of this Agreement and shall vote the beneficial interest of such Participating Political Subdivision in the Trust Fund, as prescribed in Part 3 of this Agreement.

I. Fiscal Year. The first fiscal year of the Trust Fund shall be a short fiscal year beginning on the Effective Date of this Agreement and ending on June 30, 2014. Each subsequent fiscal year of the Trust Fund shall begin on the first day of July and end on the thirtieth day of June.

J. Investment Policy. The term "Investment Policy" means the Virginia Investment Pool Trust Fund Investment Policy, as established by the Board of Trustees, as amended from time to time.

K. Prudent Person. A person who conducts himself faithfully, with intelligence, and exercising sound discretion in the management of his affairs, not in regard to speculation, but in regard to the permanent disposition of his funds, considering the probable income, as well as the probable safety of capital to be invested.

L. State. The term "State" means the Commonwealth of Virginia.

M. Trust Fund. The term "Trust Fund" means the Virginia Investment Pool Trust Fund, comprised of all of the assets set aside hereunder.

N. Trust Joinder Agreement. The term "Trust Joinder Agreement" means the agreement, in the form attached hereto as Exhibit A, pursuant to which the Participating Political Subdivision joins in the Trust Fund, with the Treasurer or Chief Investment Officer, as the case may be, serving as the trustee of such Participating Political Subdivision, and agrees to be bound by the terms and conditions of the Virginia Investment Pool Trust Fund Agreement, as provided in Section 301 hereof.

O. Trustees. The term “Trustees” means the individuals who serve on the Board of Trustees of the Trust Fund pursuant to Section 106 hereof and their successors.

P. Virginia Code. The term “Virginia Code” means the laws embraced in the titles, chapters, articles and sections designated and cited as the “Code of Virginia,” under the laws of the State.

Section 102. GENERAL DUTIES AND MEETINGS OF THE BOARD OF TRUSTEES.

A. General Duties. The Board of Trustees and each Investment Manager appointed pursuant to this Agreement shall discharge their respective duties under this Agreement solely as follows: (i) except as otherwise provided by any applicable provision of any statute, regulation, ordinance, or resolution, for the exclusive purpose of fulfilling the investment objectives of the Participating Political Subdivisions and defraying the reasonable expenses of administering the Trust Fund; (ii) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims; and (iii) by diversifying the investments of the Trust Fund so as to minimize the risk of large losses unless under the circumstances, it is clearly prudent not to do so. However, the duties and obligations of the Board of Trustees and each Investment Manager, respectively, as such, shall be limited to those expressly imposed upon them, respectively, by this Agreement. The Board of Trustees shall administer the Trust Fund in compliance with Chapter 45 of the Virginia Code (2.2-4500 *et. seq.*)

1. Authority of the Trustees. The Trustees shall have the power and authority and shall be charged with the duty of general supervision and operation of the Trust Fund, and shall conduct the business and activities of the Trust Fund in accordance with this Agreement, the Trust Joinder Agreements, rules and regulations adopted by the Board of Trustees and applicable law.

2. Trustees’ Liabilities. No Trustee shall be liable for any action taken pursuant to this Agreement in good faith or for an omission except bad faith or gross negligence, or for any act of omission or commission by any other Trustee. The Trustees are hereby authorized and empowered to obtain, at the expense of the Trust Fund, liability insurance fully protecting the respective Trustees, the Administrator, and the Trust Fund from any loss or expense incurred, including reasonable attorney’s fees, for all acts of the Trustees except bad faith or gross negligence. The Trust Fund shall save, hold harmless and indemnify the Trustees and Administrator from any loss, damage or expense incurred by said persons or entities while acting in their official capacity excepting bad faith or gross negligence.

3. Standard of Review. In evaluating the performance of the Trustees, compliance by the Trustees with this Agreement must be determined in light of the facts and circumstances existing at the time of the Trustees’ decision or action and not by hindsight.

4. Limitations on Liabilities. The Trustees' responsibilities and liabilities shall be subject to the following limitations:

(a) The Trustees shall have no duties other than those expressly set forth in this Agreement and those imposed on the Trustees by applicable laws.

(b) The Trustees shall be responsible only for money actually received by the Trustees, and then to the extent described in this Agreement.

(c) The Trustees shall not be responsible for the correctness of any determination of payments or disbursements from the Trust Fund.

(d) The Trustees shall have no liability for the acts or omissions of any predecessor or successor in office.

(e) The Trustees shall have no liability for (i) the acts or omissions of any Investment Advisor or Advisors, or Investment Manager or Managers; (ii) the acts or omissions of any insurance company; (iii) the acts or omissions of any mutual fund; or (iv) following directions that are given to the Trustees by the Treasurer or Chief Investment Officer in accordance with this Agreement.

B. Reliance on Counsel. The Board of Trustees may employ, retain or consult with legal counsel, who may be counsel for the Administrator, concerning any questions which may arise with reference to the duties and powers or with reference to any other matter pertaining to this Agreement; and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by the Trustees in good faith in accordance with the opinion of such counsel, and the Trustees shall not be individually or collectively liable therefor.

C. Meetings. The Board of Trustees shall meet at least three times per year, and more frequently if called, at the principal office of the Trust Fund or at such other location as may be acceptable to a majority of the Trustees. One such meeting of the Board of Trustees shall be held as soon as practicable after the adjournment of the annual meeting of Treasurers or Chief Investment Officers of Participating Political Subdivisions at such time and place as the Board of Trustees may designate. Other meetings of the Board of Trustees shall be held at places within the Commonwealth of Virginia and at times fixed by resolution of the Board of Trustees, or upon call of the Chairperson of the Board or a majority of the Trustees, on not less than ten (10) days' advance notice. Such notice shall be directed to the Trustees by mail to the respective addresses of the Trustees as recorded in the office of the Trust Fund. The notice of any special meetings of the Board of Trustees shall state the purpose of the meeting.

A majority of the number of Trustees elected and serving at the time of any meeting shall constitute a quorum for the transaction of business. Each Trustee shall be entitled to cast a single vote of equal weight on each question coming before the Board. Proxy voting is not allowed. The act of a majority of Trustees present at a meeting at which a quorum is present,

shall be the act of the Board of Trustees unless otherwise specified in this agreement. Less than a quorum may adjourn any meeting.

Robert's Rules of Order Newly Revised (11th edition) shall be the parliamentary authority for the Board of Trustees.

D. Office of the Trust Fund. The Administrator shall establish, maintain and provide adequate funding for an office for the administration of the Trust Fund. The address of such office is to be made known to the parties interested in or participating in the Trust Fund and to the appropriate governmental agencies. The books and records pertaining to the Trust Fund and its administration shall be kept and maintained at the office of the Trust Fund.

E. Execution of Documents. A certificate signed by a person designated by the Board of Trustees to serve as Secretary shall be evidence of the action of the Trustees, and any such certificate or other instrument so signed shall be kept and maintained at the office of the Trust Fund and may be relied upon as an action of the Trustees.

F. Appointment and Removal of Administrator. The Virginia Local Government Finance Corporation is hereby initially designated the Administrator pursuant to an administrative services agreement between the parties. The Board of Trustees shall provide compensation for the Administrator to administer the affairs of the Trust Fund. Any three (3) Trustees may call for a vote of the Board of Trustees to remove the Administrator by providing no less than 30 days' notice to the other Trustees and to the Administrator. A vote will be scheduled at the next meeting of the Board of Trustees, for which sufficient notice can be given, at which meeting the Administrator may be removed on a majority vote of the Trustees then serving. Upon removal of the Administrator, the Board of Trustees shall designate a successor Administrator.

G. Duty to Furnish Information. The Treasurers or Chief Investment Officers and the Board of Trustees shall furnish to each other any document, report, return, statement or other information that the other reasonably deems necessary to perform duties imposed under this Agreement or otherwise imposed by law.

H. Reliance on Communications. The Board of Trustees may rely upon a certification of a Treasurer or Chief Investment Officer with respect to any instruction, direction, or approval of its Participating Political Subdivision and may continue to rely upon such certification until a subsequent certification is filed with the Trustees. The Trustees shall have no duty to make any investigation or inquiry as to any statement contained in any such writing but may accept the same as fully authorized by the Treasurer or Chief Investment Officer and its Participating Political Subdivision.

Section 103. ADMINISTRATIVE POWERS AND DUTIES.

A. Trustees. The Board of Trustees, in addition to all powers and authorities under common law or statutory authority, including Chapter 45 of Title 2.2 of the Virginia Code (§§ 2.2-4500 *et seq.*), and subject to the requirements and limitations imposed by the common

law or statutory authority, including Chapter 45 of Title 2.2 of the Virginia Code (§§ 2.2-4500 *et seq.*), shall have and in its sole and absolute discretion may exercise from time to time and at any time, either through its own actions, delegation to the Administrator, or through a Custodian selected by the Board of Trustees, the following administrative powers and authority with respect to the Trust Fund:

1. To receive for the purposes hereof all cash contributions paid to it by or at the direction of the Participating Political Subdivisions or their Treasurers or Chief Investment Officers.

2. To hold, invest, reinvest, manage, administer and distribute cash balances as shall be transferred to the Trustees from time to time by the Participating Political Subdivisions or their Treasurers or Chief Investment Officers and the increments, proceeds, earnings and income thereof for the exclusive benefit of Participating Political Subdivisions.

3. To continue to hold any property of the Trust Fund that becomes otherwise unsuitable for investment for as long as the Board of Trustees in its discretion deems desirable; to reserve from investment and keep unproductive of income, without liability for interest, cash temporarily awaiting investment and such cash as it deems advisable, or as the Administrator from time to time may specify, in order to meet the administrative expenses of the Trust Fund or anticipated distributions therefrom.

4. To hold property of the Trust Fund in the name of the Trust Fund, or in the name of a nominee or nominees (e.g., registered agents), without disclosure of the trust, or in bearer form so that it will pass by delivery, but no such holding shall relieve the Board of Trustees of its responsibility for the safe custody and disposition of the Trust Fund in accordance with the provisions of this Agreement; the books and records of the Board of Trustees shall show at all times that such property is part of the Trust Fund and the Board of Trustees shall be absolutely liable for any loss occasioned by the acts of its nominee or nominees with respect to securities registered in the name of the nominee or nominees.

4. To employ in the management of the Trust Fund suitable agents, without liability for any loss occasioned by any such agents, so long as they are selected with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

5. To make, execute and deliver, as trustee, any deeds, conveyances, leases, mortgages, contracts, waivers or other instruments in writing that it may deem necessary or desirable in the exercise of its powers under this Agreement.

6. To do all other acts that it may deem necessary or proper to carry out any of the powers set forth in this Section 103 or Section 202, to administer or carry out the purposes of the Trust Fund, or as otherwise is in the best interests of the Trust Fund;

provided, however, the Board of Trustees need not take any action unless in its opinion there are sufficient Trust Fund assets available for the expense thereof.

7. To adopt rules and regulations governing the Trustees' operations and procedures.

8. To contract with municipal corporations, political subdivisions and other public entities of State or of local government and private entities for the provision of Trust Fund services and for the use or furnishing of services and facilities necessary, useful, or incident to providing Trust Fund services.

9. To advise the Administrator on the establishment of expectations with regard to the provision of administrative services and the establishment of appropriate fee levels.

10. To establish and charge fees for participation in the Trust Fund and for additional administrative services provided to a Participating Political Subdivision in addition to any fees charged by other administrative service providers.

11. To collect and disburse all funds due or payable from the Trust Fund, under the terms of this Agreement.

12. To provide for and promulgate all rules, regulations, and forms deemed necessary or desirable in contracting with Treasurers and Chief Investment Officers and their Participating Political Subdivisions, in fulfilling the Trustees' purposes and in maintaining proper records and accounts.

13. To employ insurance companies, banks, trust companies, investment brokers, investment advisors, or others as agents for the receipt and disbursement of funds held in trust for Participating Political Subdivisions.

14. To determine, consistent with the applicable law and the procedures under the Trust Fund, all questions of law or fact that may arise as to investments and the rights of any Participating Political Subdivision to assets of the Trust Fund.

15. Subject to and consistent with the Code and the Virginia Code, to construe and interpret the Trust Agreement and to correct any defect, supply any omissions, or reconcile any inconsistency in the Agreement.

16. To contract for, purchase or otherwise procure insurance and investment products.

B. Administrator. Pursuant to an administrative services agreement between the Board of Trustees and the Administrator, the Administrator shall have the power and authority to implement policy and procedural matters as directed by the Board of Trustees as they relate to the ongoing operation and supervision of the Trust Fund and the provisions of this Agreement

and applicable law. The Administrator shall immediately make application for a fidelity bond, to any company designated by the Board of Trustees, in such amount as may be specified by the Board of Trustees. The premium on such bond shall be paid from the Trust Fund, which bond shall be continued in force in such amount as the Board of Trustees may from time to time require. If the Administrator's bond is refused, or is ever cancelled, the Administrator may be removed on a majority vote of the Trustees then serving.

Section 104. TAXES, EXPENSES AND COMPENSATION OF TRUSTEES.

A. Taxes. The Administrator, without direction from the Board of Trustees, shall pay out of the Trust Fund all taxes, if any, properly imposed or levied with respect to the Trust Fund, or any part thereof, under applicable law, and, in its discretion, may contest the validity or amount of any tax, assessment, claim or demand respecting the Trust Fund or any part thereof.

B. Expenses and Compensation. The Board of Trustees is authorized to set aside from Participating Political Subdivision contributions received and the investment income earned thereon a reasonable sum for the operating expenses and administrative expenses of the Trust Fund including but not limited to, the employment of such administrative, legal, accounting, and other expert and clerical assistance, and the purchase or lease of such materials, supplies and equipment as the Board of Trustees, in its discretion, may deem necessary or appropriate in the performance of its duties, or the duties of the agents or employees of the Trust Fund or the Trustees.

All remaining funds coming into the Trust shall be set aside, managed and used only for the benefit of Participating Political Subdivisions.

Section 105. COMMUNICATIONS.

Until notice is given to the contrary, communication to the Trustees or to the Administrator shall be sent to them at the Trust Fund's office in care of the Administrator. The Administrator's address is VML/VACo Finance at 919 E. Main Street, Suite 1100 Richmond, VA 23219.

Section 106. APPOINTMENT, RESIGNATION OR REMOVAL OF TRUSTEES.

A. Appointment of Trustees and Length of Appointment. The number of Trustees serving on the Board of Trustees shall be fourteen (14).

1. The initial group of Trustees to establish the Trust Fund will be comprised as follows: (a) the Treasurer of the City of Chesapeake, (b) the Treasurer of the City of Roanoke, (c) five (5) individuals designated by the Board of Directors of the Virginia Association of Counties ("VACo"), (d) five (5) individuals designated by the Board of Directors of the Virginia Municipal League ("VML"), (e) the Executive Director of VACo, who shall serve as a non-voting *ex officio* trustee, and (f) the Executive Director of VML, who shall serve as a non-voting *ex officio* trustee. VACo and VML shall give priority for appointment to Treasurers and Chief Investment Officers. The appointees of

VACo and VML shall serve until successor trustees are elected at the first annual meeting of the Treasurers and Chief Investment Officers.

2. With the first annual meeting of the Treasurers and Chief Investment Officers, the Board of Trustees shall be divided into three classes, A, B, and C. Class A will include the Treasurers of the two founding Participating Political Subdivisions, who shall continue to serve for two 3-year terms until successor trustees are elected at the annual meeting of the Treasurers and Chief Investment Officers to be held in Fiscal Year 2021 (the “Fiscal Year 2021 annual meeting”), and two trustees to be elected to serve until successor trustees are elected at the annual meeting to be held in Fiscal Year 2018. Class B, will serve for a transitional period until successor trustees are elected at the annual meeting to be held in Fiscal Year 2017. Class C will serve for a transitional period until successor trustees are elected at the annual meeting to be held in Fiscal Year 2016.

One of the Class B seats and one of the Class C seats will be designated to be filled by a Treasurer or Chief Investment Officer of a locality with a population of 75,000 or less, according to the latest decennial census. Individuals who do not meet this requirement may not be nominated for a seat so designated.

3. On or after July 1, 2014, the Trustees shall solicit nominations from the Treasurers and Chief Investment Officers of Participating Political Subdivisions for two Class A, four Class B, and four Class C Trusteeships, and such nominees, along with any nominations from the floor, shall constitute the candidates for the election of Trustees by vote at the Fiscal Year 2015 annual meeting of the Treasurers and Chief Investment Officers as provided in Section 307. In the event that there are not a sufficient number of eligible nominees from among Participating Political Subdivisions, nominations will be provided by the Executive Directors of the Virginia Association of Counties and the Virginia Municipal League. VACo and VML shall give priority for nomination, firstly, to Treasurers and Chief Investment Officers of Participating Political Subdivisions and, secondly, to treasurers and chief investment officers of non-participating political subdivisions.

4. On or after July 1, 2015, the Trustees shall solicit nominations from Treasurers and Chief Investment Officers of Participating Political Subdivisions for Class C Trusteeships, and such nominees, along with any nominations from the floor, shall constitute the candidates for the election of Trustee by vote at the Fiscal Year 2016 annual meeting of the Treasurers and Chief Operating Officers as provided in Section 307. In the event that there are not a sufficient number of eligible nominees from among Participating Political Subdivisions, nominations will be provided by the Executive Directors of the Virginia Association of Counties and the Virginia Municipal League. VACo and VML shall give priority for nomination, firstly, to Treasurers and Chief Investment Officers of Participating Political Subdivisions and, secondly, to treasurers and chief investment officers of non-participating political subdivisions.

5. At each annual meeting of Treasurers and Chief Investment Officers following the transitional period, the successors to the class of Trustees whose terms shall then expire shall be identified as being of the same class as the trustees they succeed and elected to hold office for a term expiring at the third succeeding annual meeting of Treasurers and Chief Investment Officers. Trustees shall hold their offices until the next annual meeting of Treasurers and Chief Investment Officers for such Trustee's respective Class and until their successors are elected and qualify.

6. At each annual meeting of the Treasurers and Chief Investment Officers, the incumbent Trustees will present all nominations received for each class of Trustees (A, B, and/or C) for which an election is to be held and entertain nominations from the floor. If a Treasurer or Chief Investment Officer does not designate a particular class for its nominee(s), such names will be included on the lists of eligible nominees for each class for which an election is to be held unless the individual named is elected to another seat.

7. No individual Trustee may be elected or continue to serve as a Trustee after becoming an owner, officer or employee of the Administrator, an Investment Advisor, an Investment Manager or a Custodian. Beginning with the FY 2017 annual meeting, no Trustee may be elected or continue to serve as a Trustee unless he or she is a Treasurer or Chief Investment Officer of a Participating Political Subdivision. In the event that there are not a sufficient number of eligible nominees as of the date of the annual meeting, the position will be declared vacant.

8. Each Trustee and each successor Trustee shall acknowledge and consent to his or her election as a Trustee at the annual meeting at which he/she is elected or, if subsequent to the annual meeting, by giving written notice of acceptance of such election to the Chairperson of the Trustees.

B. Resignation of a Trustee.

1. A Trustee may resign from all duties and responsibilities under this Agreement by giving written notice to the Chairperson of the Trustees. The Chairperson may resign from all duties and responsibilities under this Agreement by giving written notice to all of the other Trustees. Such notice shall state the date such resignation shall take effect and such resignation shall take effect on such date but not later than sixty (60) days after the date such written notice is given.

2. Any Trustee, upon leaving office, shall forthwith turn over and deliver to the Administrator at the principal office of the Trust Fund any and all records, books, documents or other property in his or her possession or under his or her control which belong to the Trust Fund.

C. Removal of a Trustee. Each Trustee, unless due to resignation, death, incapacity, removal, or conviction of a felony or any offense for which registration is required as defined in

Virginia Code § 9.1-902, shall serve and shall continue to serve as Trustee hereunder, subject to the provisions of this Agreement.

A Trustee shall relinquish his or her office or may be removed by a majority vote of the Trustees then serving or *ipso facto* when the Employer which he/she represents is no longer a Participating Political Subdivision in the Trust Fund. Notice of removal of a Trustee shall be furnished to the other Trustees by the Chairperson of the Trustees and shall set forth the effective date of such removal. Notice of removal of the Chairperson shall be furnished to the other Trustees by the Administrator and shall set forth the effective date of such removal.

D. Appointment of a Successor Trustee. Except as otherwise provided in part A.1 of this Section with respect to the initial term of Class A Trustees, in the event a Trustee shall die, resign, become incapacitated, be removed from office, or convicted of a felony or any offense for which registration is required as defined in Virginia Code § 9.1-902, a successor Trustee shall be elected forthwith by the affirmative vote of the majority of the remaining Trustees though less than a quorum of the Board of Trustees. The notice of the election of a successor Trustee shall be furnished to the other Trustees by the Chairperson. In case of the removal, death, resignation, etc. of the Chairperson, notice of the election of a successor Trustee, and the new Chairperson, shall be furnished to the other Trustees by the Administrator. Nominations for interim replacement of vacant positions may be made by any member of the Board of Trustees. The term of office of any Trustee so elected shall expire at the next Annual Meeting of Treasurers and Chief Investment Officers at which Trustees are elected. The successor Trustee shall be elected to complete the term for the Class to which such Trustee has been assigned. In the event that a vacancy occurs in the office of either the Treasurer of Chesapeake or the Treasurer of Roanoke prior to the FY 2021 annual meeting, the newly assigned Treasurer of the founding Participating Political Subdivision will automatically assume the vacant position.

E. Trustees' Rights. In case of the death, resignation or removal of any one or more of the Trustees, the remaining Trustees shall have the powers, rights, estates and interests of this Agreement as Trustees and shall be charged with the duties of this Agreement; provided in such cases, no action may be taken unless it is concurred in by a majority of the remaining Trustees. However, if such vacancies leave less than a quorum of Trustees, the remaining trustees may only act to appoint successors. Only after a quorum has been established may the trustees take the other actions established in this subsection.

Section 107. BONDING.

All Trustees shall immediately make application for a fidelity bond, to any company designated by the Board of Trustees, in such amount as may be specified by the Board of Trustees. Premiums on such bonds shall be paid from the Trust Fund, which bonds shall be continued in force in such amount as the Board of Trustees may from time to time require. If a Trustee's bond is refused, or is ever cancelled, except with the Board of Trustees' approval, such Trustee may be removed from office by majority vote of the Trustees then serving.

PART 2 – PROVISIONS APPLICABLE TO INVESTMENTS

Section 200. APPLICATION.

The provisions of Part 2 apply to the investments of the Trust Fund.

Section 201. ADMINISTRATION OF TRUST.

A. General. All such assets shall be held by the Trustees in the Trust Fund.

B. Contributions. The Board of Trustees hereby delegates to the Custodian the responsibility for accepting cash contributions to the Trust Fund, and the Custodian shall have the responsibility for accepting cash contributions by Participating Political Subdivisions. Assets held in the Trust Fund shall be dedicated to the benefit of each Participating Political Subdivision, respectively, or to defraying reasonable expenses of the Trust Fund. All contributions by a Participating Political Subdivision shall be transferred to the Trust Fund to be held, managed, invested and distributed as part of the Trust Fund by the Trustees in accordance with the provisions of this Agreement and applicable law.

C. Applicable Laws and Regulations. The Board of Trustees shall be authorized to take the steps it deems necessary or appropriate to comply with any laws or regulations applicable to the Trust Fund.

D. Accumulated Share. No Participating Political Subdivision shall have any right, title or interest in or to any specific assets of the Trust Fund, but shall have an undivided beneficial interest in the Trust Fund; however, there shall be a specific accounting of assets allocable to each Participating Political Subdivision.

Section 202. MANAGEMENT OF INVESTMENTS OF THE TRUST FUND.

A. Authority of Trustees. Except as set forth in subsections C, D, F, or G of this Section, and except as otherwise provided by law, the Board of Trustees shall have exclusive authority and discretion to manage and control the assets of the Trust Fund held by them pursuant to the guidelines established by the Board of Trustees in the Investment Policy.

B. Investment Policy. The Board of Trustees, as its primary responsibility under this Agreement, shall develop a written Investment Policy establishing guidelines applicable to the investment of the assets of the Trust Fund, and from time to time shall modify such Investment Policy, in light of the short and long-term financial interests of the Participating Political Subdivisions and the Trust Fund. The Investment Policy shall serve as the description of the funding policy and method for the Trust Fund.

C. Investment Advisor. From time to time, the Administrator may, pursuant to approval of the Board of Trustees, appoint one (1) or more independent Investment Advisors (“Investment Advisor”), pursuant to a written investment advisory agreement with each, describing the powers and duties of the Investment Advisor with regard to the management of all

or any portion of any investment or trading account of the Trust Fund. The Investment Advisor shall review, a minimum of every calendar quarter, the suitability of the Trust Fund's investments, the performance of the Investment Managers and their consistency with the objectives of the Investment Policy with assets in the portion of the Trust Fund for which the Investment Manager has responsibility for management, acquisition or disposition.

If the Administrator contracted with a lead Investment Advisor prior to the establishment of this Agreement, the Board of Trustees may ratify such contract. The lead Investment Advisor will serve at the pleasure of the Board of Trustees and will be compensated for its recurring, usual and customary services.

Subject to the approval of the Board of Trustees, the Investment Advisor shall recommend an asset allocation for the Trust Fund that is consistent with the objectives of the Investment Policy. If the Board of Trustees shall approve a separate Investment Policy with respect to assets in a segregated portion of the Trust Fund, the Investment Advisor shall recommend an asset allocation for such segregated portion of the Trust Fund that is consistent with the objectives of such Investment Policy. At least annually, the Investment Advisor shall review the Investment Policy and asset allocation with the Board of Trustees. The Investment Advisor shall also advise the Board of Trustees with regard to investing in a manner that is consistent with applicable law, based on majority vote of the Board of Trustees, and in consideration of the expected distribution requirements of the Plans.

D. Investment Managers. The Board of Trustees, from time to time, may appoint one (1) or more independent Investment Managers ("Investment Manager"), pursuant to a written investment management agreement with each, describing the powers and duties of the Investment Manager to invest and manage all or a portion of the Trust Fund. The Investment Manager shall have the power to direct the management, acquisition or disposition of that portion of the Trust Fund for which the Investment Manager is responsible.

The Board of Trustees shall be responsible for ascertaining that each Investment Manager, while acting in that capacity, satisfies the following requirements:

1. The Investment Manager is either (i) registered as an investment advisor under the Investment Advisors Act of 1940, as amended; (ii) a bank as defined in that Act; or (iii) an insurance company qualified to perform the services described herein under the laws of more than one state; and
2. The Investment Manager has acknowledged in writing to the Board of Trustees that it is a fiduciary with respect to the assets in the portion of the Trust Fund for which the Investment Manager has responsibility for management, acquisition or disposition.

If the Administrator contracted with a lead Investment Manager prior to the establishment of this Agreement, the Board of Trustees may ratify such contract. The lead Investment Manager will serve at the pleasure of the Board of Trustees and will be compensated for its recurring, usual and customary services.

E. Custodians. The Custodian(s) shall provide monthly statements to each participant and at the request of the Board of Trustees certify the value of any property of the Trust Fund managed by the Investment Manager(s). The Trustees shall be entitled to rely conclusively upon such valuation for all purposes under the Trust Fund.

F. Absence of Trustees' Responsibility for Investment Advisor and Manager. Except to the extent provided in paragraph A of Section 102 above, the Board of Trustees, collectively and individually, shall not be liable for any act or omission of any Investment Manager and shall not be under any obligation to invest or otherwise manage the assets of the Trust Fund that are subject to the management of any Investment Manager. Without limiting the generality of the foregoing, the Board of Trustees shall be under no duty at any time to make any recommendation with respect to disposing of or continuing to retain any such asset. Furthermore, the Board of Trustees, collectively and individually, shall not be liable by reason of its taking or refraining from taking the advice of the Investment Advisor any action pursuant to this Section, nor shall the Board of Trustees be liable by reason of its refraining from taking any action to remove or replace any Investment Manager on advice of the Investment Advisor; and the Trustees shall be under no duty to make any review of an asset acquired at the direction or order of an Investment Manager.

G.. Reporting. The Board of Trustees shall be responsible for and shall cause to be filed periodic audits, valuations, reports and disclosures of the Trust Fund as are required by law or agreements. Notwithstanding anything herein to the contrary, the Board of Trustees shall cause the Trust Fund to be audited by a certified public accounting firm retained for this purpose at least once each year. The Board of Trustees may employ professional advisors to prepare such audits, valuations, reports and disclosures and the cost of such professional advisors shall be borne by the Trust Fund.

H. Commingling Assets. Except to the extent prohibited by applicable law, the Board of Trustees may commingle the assets of all Participating Political Subdivisions held by the Board of Trustees under this Agreement for investment purposes in the Trust Fund and shall hold the Trust Fund in trust and manage and administer the same in accordance with the terms and provisions of this Agreement. However, the assets of each Participating Political Subdivision shall be accounted for separately.

Section 203. ACCOUNTS.

The Trustees shall keep or cause to be kept at the expense of the Trust Fund accurate and detailed accounts of all its receipts, investments and disbursements under this Agreement, with the Trustees causing the Investment Advisor to account separately for each Investment Manager's portion of the Trust Fund.

Section 204. DISBURSEMENTS FROM THE TRUST.

A. Trust Payments. The Board of Trustees hereby delegates to the Administrator the responsibility for making payments from the Trust Fund. In accordance with rules and regulations established by the Board of Trustees, the Administrator shall make payments from the Trust Fund as directed by the Treasurer or Chief Investment Officer of each Participating Political Subdivision. Payments shall be made in such manner, in such amounts and for such purposes as may be directed by the respective Treasurer or Chief Investment Officer. Payments from the Trust Fund shall be made by electronic transfer or check (or the check of an agent) for deposit to the order of the payee. Payments or other distributions hereunder may be mailed to the payee at the address last furnished to the Administrator. The Trustees shall not incur any liability on account of any payment or other distribution made by the Trust Fund in accordance with this Section. Such payment shall be in full satisfaction of claims hereunder against the Trustee, Administrator or Participating Political Subdivision.

B. Allocation of Expenses. The Trustees shall pay all expenses of the Trust Fund from the assets in the Trust Fund. All expenses of the Trust Fund, which are allocable to a particular investment option or account, may be allocated and charged to such investment option or account as determined by the Trustees. All expenses of the Trust Fund which are not allocable to a particular investment option or account shall be charged to each such investment option or account in the manner established by the Trustees.

Section 205. INVESTMENT OPTIONS.

The Trustees shall initially establish one (1) investment option within the Trust Fund pursuant to the Investment Policy, for communication to, and acceptance by, Treasurers and Chief Investment Officers. Following development of the initial “investment option” pursuant to the Investment Policy, the Board of Trustees may develop additional investment options, reflecting different risk/return objectives and corresponding asset mixes, for selection by Treasurers and Chief Investment Officers, as alternatives to the initial investment option. The determination to add alternative investment options to the Investment Policy, and the development of each such investment option, are within the sole and absolute discretion of the Board of Trustees. The Trustees shall transfer to any deemed investment option developed hereunder such portion of the assets of the Trust Fund as appropriate. The Trustees shall manage, acquire or dispose of the assets in an investment option in accordance with the directions given by each Treasurer or Chief Investment Officer. All income received with respect to, and all proceeds received from, the disposition of property held in an investment option shall be credited to, and reinvested in, such investment option.

If multiple investment options are developed, from time to time, the Board of Trustees may eliminate an investment option, and the proceeds thereof shall be reinvested in the remaining investment option having the shortest duration of investments unless another investment option is selected in accordance with directions given by the Treasurer or Chief Investment Officer.

Notwithstanding anything in this agreement to the contrary, the Board of Trustees, in its sole discretion, may establish a separate, short-term investment option or fund, to facilitate contributions, disbursements or other short-term liquidity needs of the Trust or of particular Participating Political Subdivisions. Separate investment funds within the Trust Fund and varying percentages of investment in any such separate investment fund by the Participating Political Subdivisions, to the extent so determined by the Board of Trustees, are expressly permitted.

PART 3 – PROVISIONS APPLICABLE TO PARTICIPATING POLITICAL SUBDIVISIONS

Section 300. APPLICATION.

The provisions of Part 3 set forth the rights of Participating Political Subdivisions.

Section 301. PARTICIPATING POLITICAL SUBDIVISIONS.

A. Approval. The Board of Trustees or its designee shall receive applications from Treasurers and Chief Investment Officers of Participating Political Subdivisions for membership in the Trust Fund and shall approve or disapprove such applications for membership in accordance with the terms of this Agreement, the Trust Joinder Agreement, and the rules and regulations established by the Board of Trustees for admission of new Participating Political Subdivisions. The Board of Trustees shall have total discretion in determining whether to accept a new member. The Board of Trustees may delegate the authority for membership approval to the Administrator.

B. Execution of Trust Joinder Agreement. Once the governing body of a political subdivision has approved an ordinance or resolution to participate in the Trust Fund, its Treasurer or Chief Investment Officer, serving as trustee for such political subdivision, may execute a Trust Joinder Agreement in such form and content as prescribed by the Board of Trustees. By the execution of the Trust Joinder Agreement, the Participating Political Subdivision agrees to be bound by all the terms and provisions of this Agreement, the Trust Joinder Agreement, and any rules and regulations adopted by the Trustees under this Agreement. The Treasurer or Chief Investment Officer of each Participating Political Subdivision, serving as such Participating Political Subdivision's trustee shall represent such Participating Political Subdivision's interest in all meetings, votes, and any other actions to be taken by a Participating Political Subdivision hereunder, provided that a Treasurer who elects not to invest public funds pursuant to the Joinder Agreement shall have no obligation to serve as a trustee for his or her locality.

C. Continuing as a Participating Political Subdivision. Application for participation in this Agreement, when approved in writing by the Board of Trustees or its designee, shall constitute a continuing contract for each succeeding fiscal year unless terminated by the Trustees or unless the Participating Political Subdivision resigns or withdraws from this Agreement by written notice sent by its duly authorized official. The Board of Trustees may terminate a Participating Political Subdivision's participation in this Agreement for any reason by vote of a

three-fourths (3/4) majority of the voting members of the Board of Trustees present at a duly called meeting. If the participation of a Participating Political Subdivision is terminated, the Board of Trustees and the Administrator shall effect the withdrawal of such Participating Political Subdivision's beneficial interest in the Trust in accordance with its usual withdrawal policies.

Section 302. MEETINGS OF PARTICIPATING POLITICAL SUBDIVISIONS.

A. Places of Meetings. All meetings of the Treasurers and Chief Investment Officers shall be held at such place, within the Commonwealth of Virginia, as from time to time may be fixed by the Trustees.

B. Annual Meetings. The annual meeting of the Treasurers and Chief Investment Officers of Participating Political Subdivisions, for the election of Trustees and for the transaction of such other business as may come before the annual meeting, shall be held at such time on such business day between September 1st and October 31st as shall be designated by resolution of the Board of Trustees.

C. Special Meetings. Special meetings of the Treasurers or Chief Investment Officers for any purpose or purposes may be called at any time by the Chairperson of the Board of Trustees, by the Board of Trustees, or if Treasurers and Chief Investment Officers together holding at least twenty percent (20%) of all votes entitled to be cast on any issue proposed to be considered at the special meeting sign, date and deliver to the Trust Fund's Secretary one or more written demands for the meeting describing the purpose or purposes for which it is to be held. At a special meeting no business shall be transacted and no action shall be taken other than that stated in the notice of the meeting.

D. Notice of Meetings. Written notice stating the place, day and hour of every meeting of the Treasurers and Chief Investment Officers and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be given not less than ten (10) nor more than sixty (60) days before the date of the meeting to each Participating Political Subdivision's Treasurer or Chief Investment Officer of record entitled to vote at such meeting, at the address which appears on the books of the Trust Fund. Such notice may include any rules established by the Board of Trustees governing the nomination and election of candidates, determination of vote allocations, and other such matters.

E. Quorum. Any number of Treasurers and Chief Investment Officers together holding at least a majority of the outstanding beneficial interests entitled to vote with respect to the business to be transacted, who shall be physically present in person at any meeting duly called, shall constitute a quorum of such group for the transaction of business. If less than a quorum shall be in attendance at the time for which a meeting shall have been called, the meeting may be adjourned from time to time by a majority of the Treasurers and Chief Investment Officers present. Once a beneficial interest is represented for any purpose at a meeting of Treasurers and Chief Investment Officers, it shall be deemed present for quorum purposes for the remainder of the meeting and for any adjournment of that meeting unless a new record date is, or shall be, set for that adjourned meeting.

F. Voting. At any meeting of the Treasurers and Chief Investment Officers, each Treasurer or Chief Investment Officer entitled to vote on any matter coming before the meeting shall, as to such matter, have one vote, in person, for each two hundred fifty thousand (\$250,000) dollars, or fraction thereof, invested in its name in the Trust Fund, based upon an annual weighted average during the previous fiscal year ending June 30. Notwithstanding the preceding sentence, at any meeting held after the date the *tenth (10th)* Participating Political Subdivision joins the Trust, no one Treasurer or Chief Investment Officer may vote more than *twenty percent (20%)* of the total votes cast. A Treasurer or Chief Investment Officer may, by written and signed proxy, designate another employee or elected official of his/her Participating Political Subdivision to cast his/her votes in person at the meeting.

If a quorum is present at a meeting of the Treasurers and Chief Investment Officers, action on a matter other than election of Trustees shall be approved if the votes cast favoring the action exceed the votes cast opposing the action, unless a vote of a greater number is required by this Agreement. If a quorum is present at a meeting of the Treasurers and Chief Investment Officers, nominees for Trustees for all open seats for each class of Trustees on the Board of Trustees shall be elected by a plurality of the votes cast by the beneficial interests entitled to vote in such election.

Treasurers and Chief Investment Officers at the annual meeting will vote at one time to fill all open positions within a single class of Trustees. Elections will be held by class, in the order of the length of the terms to be filled, beginning with the longest term. Each Treasurer or Chief Investment Officer will cast up to the full number of its votes for each open position within a class of Trustees but may not cast votes for more than the number of open positions in such class. Those nominees receiving the largest plurality of votes, up to the number of positions to be filled, will be declared elected. Subsequent votes may be held to break any ties, if necessary, in order to elect the correct number of Trustees.

PART 4 – PROVISIONS APPLICABLE TO OFFICERS

Section 401. ELECTION AND REMOVAL OF OFFICERS.

A. Election of Officers; Terms. The Board of Trustees shall appoint the officers of the Trust Fund. The officers of the Trust Fund shall consist of a Chairperson of the Board, a Vice-Chairperson, and a Secretary. The Secretary need not be a member of the Board of Trustees and may be the Administrator. Other officers, including assistant and subordinate officers, may from time to time be elected by the Board of Trustees, and they shall hold office for such terms as the Board of Trustees may prescribe. All officers shall hold office until the next annual meeting of the Board of Trustees and until their successors are elected.

B. Removal of Officers; Vacancies. Any officer of the Trust Fund may be removed summarily with or without cause, at any time, on a three-fourths ($\frac{3}{4}$) vote of the Board of Trustees present at a duly called meeting. Vacancies may be filled by the Board of Trustees.

Section 402. DUTIES.

A. Duties, generally. The officers of the Trust Fund shall have such duties as generally pertain to their offices, respectively, as well as such powers and duties as are prescribed by law or are hereinafter provided or as from time to time shall be conferred by the Board of Trustees. The Board of Trustees may require any officer to give such bond for the faithful performance of such officer's duties as the Board of Trustees may see fit.

B. Duties of the Chairperson. The Chairperson shall be selected from among the Trustees. Except as otherwise provided in this Agreement or in the resolutions establishing such committees, the Chairperson shall be *ex officio* a member of all Committees of the Board of Trustees. The Chairperson shall preside at all Board meetings. The Chairperson may sign and execute in the name of the Trust Fund stock certificates, deeds, mortgages, bonds, contracts or other instruments except in cases where the signing and the execution thereof shall be expressly delegated by the Board of Trustees or by this Agreement to some other officer or agent of the Trust Fund or as otherwise required by law. In addition, he/she shall perform all duties incident to the office of the Chairperson and such other duties as from time to time may be assigned to the Chairperson by the Board of Trustees. In the event of any vacancy in the office of the Chairperson, the Vice-Chairperson shall serve as Chairperson on an interim basis until such vacancy is filled by subsequent action of the Board of Trustees.

C. Duties of the Vice-Chairperson. The Vice-Chairperson, if any, shall be selected from among the Trustees and shall have such powers and duties as may from time to time be assigned to the Vice-Chairperson. The Vice-Chairperson will preside at meetings in the absence of the Chairperson.

D. Duties of the Secretary. The Secretary shall act as secretary of all meetings of the Board of Trustees and of the Treasurers and Chief Investment Officers. When requested, the Secretary shall also act as secretary of the meetings of the Committees of the Board of Trustees. The Secretary shall keep and preserve the minutes of all such meetings in permanent books. The Secretary shall see that all notices required to be given by the Trust Fund are duly given and served. The Secretary may, at the direction of the Board of Trustees, sign and execute in the name of the Trust Fund stock certificates, deeds, mortgages, bonds, contracts or other instruments, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Trustees or by this Agreement. The Secretary shall have custody of all deeds, leases, contracts and other important Trust Fund documents; shall have charge of the books, records and papers of the Trust Fund relating to its organization and management as a trust; and shall see that all reports, statements and other documents required by law are properly filed.

PART 5 – MISCELLANEOUS PROVISIONS

Section 501. TITLES.

The titles to Parts and Sections of this Agreement are placed herein for convenience of reference only, and the Agreement is not to be construed by reference thereto.

Section 502. SUCCESSORS.

This Agreement shall bind and inure to the benefit of the successors and assigns of the Trustees, the Treasurers and Chief Investment Officers, and the Participating Political Subdivisions.

Section 503. COUNTERPARTS.

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original but all of which together shall constitute but one instrument, which may be sufficiently evidenced by any counterpart. Any Participating Political Subdivision that formally applies for participation in this Agreement by its execution of a Trust Joinder Agreement which is accepted by the Trustees shall thereupon become a party to this Agreement and be bound by all of the terms and conditions thereof, and said Trust Joinder Agreement shall constitute a counterpart of this Agreement.

Section 504. AMENDMENT OR TERMINATION OF THIS AGREEMENT;
TERMINATION OF PLANS.

A. Duration. The Trust shall be perpetual, subject to the termination provisions contained in Section 504, Subsection C below.

B. Amendment. This Agreement may be amended in writing at any time by the vote of a two-thirds (2/3) majority of the Trustees. Notwithstanding the preceding sentence, this Agreement may not be amended so as to change its purpose as set forth herein or to permit the diversion or application of any funds of the Trust Fund for any purpose other than those specified herein.

The Board of Trustees, upon adoption of an amendment to this Agreement, shall provide notice by sending a copy of any such amendment to each Treasurer and Chief Investment Officer within 15 days of adoption of such amendment. If a Treasurer or Chief Investment Officer objects to such amendment, the Treasurer or Chief Investment Officer must provide written notice of its objection and intent to terminate its participation in the Trust Fund by registered mail delivered to the Administrator within ninety (90) days of such notice, and if such notice is given, the amendments shall not apply to such Participating Political Subdivision for a period of 180 days from the date of adoption of such amendments. The Participating Political Subdivision's interest shall be terminated in accordance with the provisions of paragraph B of this section.

C. Withdrawal and Termination. Any Participating Political Subdivision may at any time in its sole discretion withdraw and terminate its interest in this Agreement and any trust created hereby by giving written notice from the Participating Political Subdivision's Treasurer or Chief Investment Officer to the Trustees in the manner prescribed by this Section. The Trust Fund may be terminated in its entirety when all participation interests of all Participating Political Subdivisions have been terminated in their entirety. This Agreement and the Trust Fund will then be terminated in its entirety pursuant to Virginia law.

In case of a termination of this Agreement, either in whole or in part by a Participating Political Subdivision, the Trustees shall hold, apply, transfer or distribute the affected assets of the Trust Fund in accordance with the applicable provisions of this Agreement and as directed by the Treasurer or Chief Investment Officer of each Participating Political Subdivision. Upon any termination, in whole or in part, of this Agreement, the Trustees shall have a right to have their respective accounts settled as provided in this Section 504.

In the case of the complete or partial termination of this Agreement as to one or more Participating Political Subdivisions, the affected assets of the Trust Fund shall continue to be held pursuant to the direction of the Trustees, for the benefit of the Participating Political Subdivision, until the Trustees, upon recommendation of the Administrator, distribute such assets to a Participating Political Subdivision, or other suitable arrangements for the transfer of such assets have been made. This Agreement shall remain in full effect with respect to each Participating Political Subdivision that does not terminate or withdraw its participation in the Trust Fund, or whose participation is not terminated by the Trustees. However, if distributions must be made, the Treasurer or Chief Investment Officer of each Participating Political Subdivision shall be responsible for directing the Administrator on how to distribute the beneficial interest of such Participating Political Subdivision. In the absence of such direction, the Administrator may take such steps as it determines are reasonable to distribute such Participating Political Subdivision's interest.

A Participating Political Subdivision must provide written notice of its intent to terminate its participation in the Trust Fund by registered mail signed by the appropriate official of the subdivision and delivered to the Administrator.

Notwithstanding the foregoing, the Trustees shall be required to pay out any assets of the Trust Fund to Participating Political Subdivisions upon termination of this Agreement or the Trust Fund, in whole or in part, upon receipt by the Trustees of written certification from the Administrator that all provisions of law with respect to such termination have been complied with. The Administrator shall provide the required written certification to the Trustees within three (3) working days of receiving a written notice of intent to terminate as described above. The Trustees shall rely conclusively on such written certification and shall be under no obligation to investigate or otherwise determine its propriety.

When all of the assets of the Trust Fund affected by a termination have been applied, transferred or distributed and the accounts of the Trustees have been settled, then the Trustees and Administrator shall be released and discharged from all further accountability or liability respecting the Trust Fund, or portions thereof, affected by the termination and shall not be responsible in any way for the further disposition of the assets of the Trust Fund, or portions thereof, affected by the termination or any part thereof so applied, transferred or distributed; provided, however, that the Trustees shall provide full and complete accounting for all assets up through the date of final disposition of all assets held in the Trust.

Section 505. SPENDTHRIFT PROVISIONS; PROHIBITION OF ASSIGNMENT OF INTEREST.

The Trust Fund shall be exempt from taxation and execution, attachment, garnishment, or any other process. No Participating Political Subdivision or other person with a beneficial interest in any part of the Trust Fund may commute, anticipate, encumber, alienate or assign the beneficial interests or any interest of a Participating Political Subdivision in the Trust Fund, and no payments of interest or principal shall be in any way subject to any person's debts, contracts or engagements, nor to any judicial process to levy upon or attach the interest or principal for payment of those debts, contracts, or engagements.

Section 506. VIRGINIA FREEDOM OF INFORMATION ACT.

The Administrator shall give the public notice of the date, time, and location of any meeting of the Board of Trustees' or of the Treasurers and Chief Investment Officers in the manner and as necessary to comply with the Virginia Freedom of Information Act (Va. Code §§ 2.2-3700 *et seq.*). The Secretary or its designee shall keep all minutes of all meetings, proceedings and acts of the Trustees and of Treasurers and Chief Investment Officers, but such minutes need not be verbatim. Copies of all minutes of the Trustees and of Treasurers and Chief Investment Officers shall be sent by the Secretary or its designee to the Trustees.

All meetings of the Board of Trustees and of Treasurers or Chief Investment Officers shall be open to the public, except as provided in § 2.2-3711 of the Virginia Code. No meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business, except as provided in §§ 2.2-3708 or 2.2-3708.1 of the Virginia Code.

Section 507. JURISDICTION.

This Agreement shall be interpreted, construed and enforced, and the trust or trusts created hereby shall be administered, in accordance with the laws of the United States and of the Commonwealth of Virginia, excluding Virginia's law governing the conflict of laws.

Section 508. SITUS OF THE TRUST.

The situs of the trust or trusts created hereby is the Commonwealth of Virginia. All questions pertaining to its validity, construction, and administration shall be determined in accordance with the laws of the Commonwealth of Virginia. Venue for any action regarding this Agreement is the City of Richmond, Virginia.

Section 509. CONSTRUCTION.

Whenever any words are used in this Agreement in the masculine gender, they shall be construed as though they were also used in the feminine or neuter gender in all situations where they would so apply and whenever any words are used in this Agreement in the singular form, they shall be construed as though they were also used in the plural form in all situations where

they would so apply, and whenever any words are used in this Agreement in the plural form, they shall be construed as though they were also in the singular form in all situations where they would so apply.

Section 510. CONFLICT.

In resolving any conflict among provisions of this Agreement and in resolving any other uncertainty as to the meaning or intention of any provision of the Agreement, the interpretation that (i) causes the Trust Fund to be exempt from tax under Code Sections 115 and 501(a), and (ii) causes the participating Plan and the Trust Fund to comply with all applicable requirements of law shall prevail over any different interpretation.

Section 511. NO GUARANTEES.

Neither the Administrator nor the Trustees guarantee the Trust Fund from loss or depreciation or for the payment of any amount which may become due to any person under any participating Plan or this Agreement.

Section 512. PARTIES BOUND; NO THIRD PARTY RIGHTS.

This Agreement and the Trust Joinder Agreements, when properly executed and accepted as provided hereunder, shall be binding only upon the parties hereto, *i.e.*, the Board of Trustees, the Administrator and the Participating Political Subdivisions. Neither the establishment of the Trust nor any modification thereof, nor the creation of any fund or account shall be construed as giving to any person any legal or equitable right against the Trustees, or any officer or employee thereof, except as may otherwise be provided in this Agreement. Under no circumstances shall the term of employment of any Employee be modified or in any way affected by this Agreement.

Section 513. NECESSARY PARTIES TO DISPUTES.

Necessary parties to any accounting, litigation or other proceedings relating to this Agreement shall include only the Trustees and the Administrator. The settlement or judgment in any such case in which the Trustees are duly served or cited shall be binding upon all Participating Political Subdivisions and upon all persons claiming by, through or under them.

Section 514. SEVERABILITY.

If any provision of this Agreement shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of the Agreement shall continue to be fully effective. If any provision of the Agreement is held to violate the Code or to be illegal or invalid for any other reason, that provision shall be deemed to be null and void, but the invalidation of that provision shall not otherwise affect the trust created by this Agreement.

[SIGNATURE PAGE FOLLOWS]

**TRUST JOINDER AGREEMENT
FOR PARTICIPATING POLITICAL SUBDIVISIONS IN THE
VACo/VML VIRGINIA INVESTMENT POOL**

THIS TRUST JOINDER AGREEMENT is made by and between the Chief Financial Officer/Director of Finance of the City of Alexandria, Virginia (herein referred to as the “Chief Financial Officer/Director of Finance”), the City of Alexandria, Virginia (herein referred to as the “Participating Political Subdivision”), and the Board of Trustees (herein collectively referred to as the “Trustees”) of the VACo/VML Virginia Investment Pool (herein referred to as the “Trust Fund”).

WITNESSETH:

WHEREAS, the governing body of the Participating Political Subdivision desires to establish a trust for the purpose of investing monies belonging to or within its control, other than sinking funds, in investments authorized under Section 2.2-4501 of the Virginia Code; and

WHEREAS, the governing body of the Participating Political Subdivision has adopted an ordinance and/or resolution (a certified copy of which is attached hereto as Exhibit A) to authorize participation in the Trust Fund and has designated the Chief Financial Officer/Director of Finance to serve as the trustee of the Participating Political Subdivision with respect to the Trust Fund and to determine what funds under the Chief Financial Officer/Director of Finance’s control shall be invested in the Trust Fund, and has authorized the Chief Financial Officer/Director of Finance to enter into this Trust Joinder Agreement; and

WHEREAS, the Trust Fund, in accordance with the terms of the VACo/VML Virginia Investment Pool Trust Fund Agreement (the “Agreement”), provides administrative, custodial and investment services to the Participating Political Subdivisions in the Trust Fund; and

WHEREAS, the Chief Financial Officer/Director of Finance, upon the authorization of the governing body of the City of Alexandria, Virginia, desires to submit this Trust Joinder Agreement to the Trustees to enable the City of Alexandria, Virginia, to become a Participating Political Subdivision in the Trust Fund and a party to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements flowing to each of the parties hereto, it is agreed as follows:

1. Pursuant to the Board of Trustees’ acceptance of this Trust Joinder Agreement, the City of Alexandria, Virginia, is a Participating Political Subdivision in the Trust Fund, as provided in the Agreement, and the Chief Financial Officer/Director of Finance is authorized to enter into this Trust Joinder Agreement, and to represent and vote the beneficial interest of the City of Alexandria, Virginia, in the Trust Fund in accordance with the Agreement.

2. Capitalized terms not otherwise defined in this Trust Joinder Agreement have the meaning given to them under the Agreement.

3. The Chief Financial Officer/Director of Finance shall cause appropriations designated by the Participating Political Subdivision for deposit in the Trust Fund to be deposited into a depository designated by the Trustees.

4. The Chief Financial Officer/Director of Finance shall timely remit, or timely approve the remittance of, administrative fees as may be due and payable by the Participating Employer under the Agreement into a depository designated by the Trustees.

5. The Participating Political Subdivision shall have no right, title or interest in or to any specific assets of the Trust Fund, but shall have an undivided beneficial interest in the Trust Fund; however, there shall be a specific accounting of assets allocable to the Participating Political Subdivision.

6. The Chief Financial Officer/Director of Finance shall provide to the Administrator designated by the Trustees all relevant information reasonably requested by the Administrator for the administration of the Participating Political Subdivision's investment, and shall promptly update all such information. The Chief Financial Officer/Director of Finance shall certify said information to be correct to the best of his/her knowledge, and the Trustees and the Administrator shall have the right to rely on the accuracy of said information in performing their contractual responsibilities.

7. The Trust Fund provides administrative, custodial and investment services to the Participating Political Subdivision in accordance with the Agreement.

8. The Trustees and the Administrator, in accordance with the Agreement and the policies and procedures established by the Trustees, shall periodically report Trust activities to the Participating Political Subdivision on a timely basis.

9. The Chief Financial Officer/Director of Finance and the Participating Political Subdivision agree to abide by and be bound by the terms, duties, rights and obligations as set forth in the Agreement, as may be amended by the Trustees, which is attached hereto and is made a part of this Trust Joinder Agreement.

10. The Chief Financial Officer/Director of Finance, in fulfillment of his/her duties as the trustee of the Participating Political Subdivision, retains the services of the Investment Manager or Managers selected by the Trustees pursuant to the Agreement.

11. The term of this Trust Joinder Agreement shall be indefinite. The Chief Financial Officer/Director of Finance may terminate this Trust Joinder Agreement on behalf of the Participating Political Subdivision by giving notice in writing to the Trustees. Termination shall be governed by the provisions of the Agreement.

IN WITNESS WHEREOF, the Chief Financial Officer/Director of Finance has caused this Trust Joinder Agreement to be executed this _____ day of _____, 20____.

**CHIEF FINANCIAL OFFICER/DIRECTOR
OF FINANCE OF**

CITY OF ALEXANDRIA, VIRGINIA

ATTEST:

* * * *

ACCEPTANCE:

**VACo/VML VIRGINIA INVESTMENT POOL
Virginia Local Government Finance Corporation**

By: _____
Administrator



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General

February 8, 2013

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

The Honorable Laura M. Rudy
Treasurer, Stafford County
Post Office Box 68
Stafford, Virginia 22555

Dear Ms. Rudy:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issues Presented

You ask two questions regarding the development of a pooled investment program for the use of local governments and other political subdivisions.¹ Specifically, you ask whether two or more political subdivisions may invest in a jointly administered investment pool, and if so, whether any such pooled investment program can be established in the form of a trust fund.

Response

It is my opinion that two or more political subdivisions may exercise their investment powers by investing in a jointly administered investment pool and that such pooled investment program may be organized in the form of a trust fund.

Background

You relate that a number of political subdivisions in the Commonwealth are interested in establishing a pooled investment program for the exclusive use of political subdivisions, to be named the "Virginia Investment Pool." You project that this pool will provide greater liquidity and diversity in investment portfolios for individual participants, as well as allowing participating political subdivisions to share investment management and administrative expenses.

You indicate that the Virginia Investment Pool will be focused on investing assets that are available for investment for periods of six months or longer. The program will select investments with an estimated average duration of 1.5 years. Investments made with the pooled funds will be only in securities or instruments listed as authorized investments in the Investment of Public Funds Act of the *Code of Virginia*. Counties, cities, and towns wanting to join will be required to approve an ordinance

¹ For purposes of this opinion, I will refer to both municipal corporations (cities, towns, and service authorities) and counties as "political subdivisions."

authorizing execution of an agreement for participation in the Virginia Investment Pool. Other political subdivisions would be required to adopt a resolution for that purpose.

Applicable Law and Discussion

In determining whether localities possess a particular power, Virginia follows the Dillon Rule, which provides that “[m]unicipal corporations possess and can exercise only those powers expressly granted by the General Assembly, those necessarily or fairly implied therefrom, and those that are essential and indispensable.”²

The Constitution of Virginia states that,

The General Assembly may provide by general law or special act that any county, city, town or other unit of government may exercise any of its powers or perform any of its functions and may participate in the financing thereof jointly or in cooperation with the Commonwealth or any other unit of government within or without the Commonwealth.^[3]

Pursuant to that enabling authority, the Joint Powers Act⁴ provides that,

Any power, privilege or authority exercised or capable of exercise by any political subdivision of this Commonwealth may be exercised and enjoyed jointly with any other political subdivision of this Commonwealth having a similar power, privilege or authority except where an express statutory procedure is otherwise provided for the joint exercise.^[5]

The Investment of Public Funds Act expressly authorizes political subdivisions to invest funds belonging to them or within their control and enumerates the types of securities in which such funds may be invested.⁶ It is thus clear that political subdivisions are authorized to make and manage independently the investments you describe. Moreover, I am not aware of any statutory procedures specifically governing the potential joint exercise of the investment powers afforded localities separately.

² *Richmond v. Confrere Club of Richmond, Inc.*, 239 Va. 77, 79, 387 S.E.2d 471, 473 (1990) (citations omitted). A corollary of this rule applies to counties. *See Bd. of Supvrs. v. Countryside Inv. Co.*, 258 Va. 497, 503, 522, S.E.2d 610, 613 (1999) (“In Virginia, the powers of boards of supervisors are fixed by statute and are limited to those conferred expressly or by necessary implication. This rule is a corollary to Dillon’s Rule that municipal corporations have only those powers expressly granted, those necessarily or fairly implied therefrom, and those that are essential and indispensable.”)

³ VA. CONST. art. VII, §3.

⁴ VA. CODE ANN. §§ 15.2-1300 through 1310 (2012).

⁵ Section 15.2-1300(A). Previous opinions of the Attorney General have interpreted this provision, for example, to allow two or more counties to establish a joint department of real estate assessment. 2000 Op. Va. Att’y Gen. 68, and to authorize multiple localities and school boards to create a single voluntary, self-funded trust to insure health benefits for their employees and the families of their employees, 2012 Op. Va. Att’y Gen. No. 12-059, *available at* <http://www.ag.virginia.gov/Opinions%20and%20Legal%20Resources/Opinions/2012opns/Oct12opndx.html>.

⁶ The Investment of Public Funds Act, VA. CODE ANN. §§ 2.2-4500 through 2.2-4519 (2011). You indicate that any investments made by the Virginia Investment Pool will be made in accordance to and in compliance with this list of authorized securities or instruments. I therefore do not address what investments are authorized by this Act, and will assume for purposes of this opinion that all investments are to be made pursuant to this statutory authority and that no investment will be made in any category not specifically authorized therein.

The Joint Powers Act also prescribes how agreements to exercise powers jointly are to be entered into and particular elements that must be contained in the agreement.⁷ You indicate that the Virginia Investment Pool will adhere to these statutory requirements. I therefore conclude that the *Code of Virginia* authorizes two or more political subdivisions to exercise their investment powers by investing in a jointly administered investment pool.

Having answered your first question in the affirmative, I turn to your next question regarding whether such a pooled investment program can be organized as a trust fund. In authorizing local governments to enter into agreements to execute their authorized powers jointly, the Joint Powers Act provides that the agreement, in addition to the items enumerated as required, may contain "the manner of acquiring, holding (including how title to such property shall be held) and disposing of real and personal property used in the undertaking."⁸ Political subdivisions are thus given substantial discretion in determining how to title and manage funds pooled in the joint execution of their powers. Nowhere does the Code prohibit a trust fund arrangement. I therefore conclude that political subdivisions lawfully may establish a trust fund as the form of organization for the pooled investment program.

Conclusion

Accordingly, it is my opinion that two or more political subdivisions may exercise their investment powers by investing in a jointly administered investment pool and that such pooled investment program may be organized in the form of a trust fund.

With kindest regards, I am

Very truly yours,



Kenneth T. Cuccinelli, II
Attorney General

⁷ Section 15.2-1300(B), (C).

⁸ Section 15.2-1300(D)(2). In addition, subsection (D)(1) enables the participating political subdivisions to provide by agreement for "an administrator or a joint board responsible for administering the undertaking. The precise organization, composition, term, powers and duties of any administrator or joint board shall be specified."



Legislation Details (With Text)

File #:	14-2336	Name:	
Type:	Ordinance	Status:	Agenda Ready
File created:	1/14/2014	In control:	City Council Legislative Meeting
On agenda:	1/25/2014	Final action:	
Title:	Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain section 5-2-64 of Article C (Street Names) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) and Repeal Section 13-1-23 of Chapter 1 (General Offenses) of Title 13 (Miscellaneous Offenses) and repeal Section 5-2-25 of Article A (General Provisions) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) and Repeal Article B (Alexandria Transportation Safety Commission) of Chapter 8 (Parking and Traffic Regulations) of Title 5 (Transportation and Environmental Services) and repeal Chapter 9 (Rebound Tumbling Centers) of Title 9 (Licensing and Regulation) of the Code of the City of Alexandria. [ROLL-CALL VOTE]		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	14-2336 cover sheet 14-2336 Draft ordinance December 27 2013		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain section 5-2-64 of Article C (Street Names) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) and Repeal Section 13-1-23 of Chapter 1 (General Offenses) of Title 13 (Miscellaneous Offenses) and repeal Section 5-2-25 of Article A (General Provisions) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) and Repeal Article B (Alexandria Transportation Safety Commission) of Chapter 8 (Parking and Traffic Regulations) of Title 5 (Transportation and Environmental Services) and repeal Chapter 9 (Rebound Tumbling Centers) of Title 9 (Licensing and Regulation) of the Code of the City of Alexandria. [ROLL-CALL VOTE]

Introduction and first reading: 1/14/14
Public hearing: 1/25/14
Second reading and enactment: 1/25/14

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE, to amend and reordain Section 5-2-64 of Article C (STREET NAMES) of Chapter 2 (STREETS AND SIDEWALKS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) and repeal Section 13-1-23 of Chapter 1 (GENERAL OFFENSES) of Title 13 (MISCELLANEOUS OFFENSES) and repeal Section 5-2-25 of Article A (GENERAL PROVISIONS) of Chapter 2 (STREETS AND SIDEWALKS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) and repeal Article B (ALEXANDRIA TRANSPORTATION SAFETY COMMISSION) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) and repeal Chapter 9 (REBOUND TUMBLING CENTERS) of Title 9 (LICENSING AND REGULATION) of the Code of the City of Alexandria, Virginia, 1981, as amended

Summary

The proposed ordinance would eliminate the requirement that new streets in the City be named after American history figures and places or confederate military leaders. The proposed ordinance would also repeal the prohibition on lewd and lascivious cohabitation, and on boot black stands on city streets. The proposed ordinance would also repeal those City ordinances governing the Alexandria Transportation Safety Commission, a body which is no longer active. Finally, the ordinance would repeal those City ordinances regulating rebound tumbling centers.

Sponsor

Justin Wilson, Councilman

Staff

James L. Banks Jr., City Attorney
Travis S. MacRae, Assistant City Attorney

Authority

§ 3.04(g), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE, to amend and reordain Section 5-2-64 of Article C (STREET NAMES) of Chapter 2 (STREETS AND SIDEWALKS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) and repeal Section 13-1-23 of Chapter 1 (GENERAL OFFENSES) of Title 13 (MISCELLANEOUS OFFENSES) and repeal Section 5-2-25 of Article A (GENERAL PROVISIONS) of Chapter 2 (STREETS AND SIDEWALKS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) and repeal Article B (ALEXANDRIA TRANSPORTATION SAFETY COMMISSION) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) and repeal Chapter 9 (REBOUND TUMBLING CENTERS) of Title 9 (LICENSING AND REGULATION) of the Code of the City of Alexandria, Virginia, 1981, as amended

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. Section 5-2-64 of Article C of Chapter 2 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is, amended and reordained to read as follows:

Sec. 5-2-64 Streets named in future.

- (a) Except as hereinafter provided, all streets hereafter named and running in a generally eastward direction shall be designated as avenues, and all streets hereafter named and running in a generally north-south direction shall be designated as streets. In the case of diagonal streets, the planning commission shall designate the direction to be applied. Streets may also be designated parkways or places when the planning commission is of the opinion that the use of such a name is more desirable than that of street or avenue.
- (1) In that portion of the city lying east of Quaker Lane, names shall be in harmony with the existing developments insofar as possible.
- (2) In the area west of Quaker Lane, an alphabetical progression of names shall be instituted, based upon a rectangular grid whose eastern base line shall run in a northerly direction passing through the intersection of Duke Street and Quaker Lane and the intersection of King Street and Quaker Lane, and northern base line of which shall be at right angles to the eastern base line and pass through the northernmost corner of the city limits west of Quaker Lane.
- (3) Each base line shall be subdivided into sections 600 feet in length. Beginning at the intersection of the base lines, each 600 feet shall be lettered alphabetically beginning with A and proceeding south and east through W at which point a new alphabet beginning with A shall be begun.
- ~~(4) Street names shall be assigned beginning with that letter in whose interval the street or its proposed extension begins. Streets running in a generally east-west direction shall bear names of persons or places prominent in American history; streets running in a generally north-south direction shall, insofar as possible, bear the names of confederate military leaders.~~

- 1 (b) The planning commission is hereby empowered to assign names to all newly
2 acquired or dedicated streets in accordance with the provisions of this section.
3

4 Section 2. Section 13-1-23 of Chapter 1 of Title 13 of The Code of the City of
5 Alexandria, Virginia, 1981, as amended, be and the same hereby is, repealed:
6

7 ~~Sec. 13-1-23 Lewd and lascivious cohabitation.~~

8 ~~If any persons, not married to each other, lewdly and lasciviously associate and cohabit~~
9 ~~together, or whether married or not, be guilty of open and gross lewdness and lasciviousness,~~
10 ~~each of them shall be guilty of a class 3 misdemeanor; and upon a repetition of the offense, and~~
11 ~~conviction thereof, each of them shall be guilty of a class 2 misdemeanor.~~
12

13 Section 3. Section 5-2-25 of Article A of Chapter 2 of Title 5 of The Code of the City of
14 Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed:
15

16 ~~Sec. 5-2-25 Bootblack stands.~~

17 ~~Bootblack stands on the streets or sidewalks of the city are prohibited.~~
18

19 Section 4. Article B of Chapter 8 of Title 5 of The Code of the City of Alexandria,
20 Virginia, 1981, as amended, be, and the same hereby is, repealed:
21

22 ~~Sec. 5-8-11 Establishment and organization.~~

23 ~~There is hereby created the Alexandria Transportation Safety Commission, herein~~
24 ~~sometimes referred to as the "commission," which shall consist of 10 members, seven members~~
25 ~~of which shall be the members of the traffic and parking board whose terms of office on the~~
26 ~~commission shall correspond with their terms on the board. One member shall be a member of~~
27 ~~the city council who shall be appointed by and serve at the pleasure of the city council. One~~
28 ~~member shall be the superintendent of public schools whose term of office shall correspond to~~
29 ~~his tenure as superintendent. One member shall be the chief of police. The commission shall~~
30 ~~elect its chairman from its membership. A quorum of six members present is required before the~~
31 ~~commission may take any official action. All decisions shall be determined by a majority vote of~~
32 ~~the members present, and no proxy vote shall be allowed. The commission shall meet at least~~
33 ~~four times each year. In matters concerning the procedure for meetings not covered by this~~
34 ~~article, the commission may establish its own rules; provided they are not contrary to the spirit of~~
35 ~~this article.~~
36

37 ~~Sec. 5-8-12. Powers and duties.~~

- 38 (a) ~~The commission is charged with the responsibility for recommending to the city~~
39 ~~council plans for the formulation of a transportation safety program for the city~~
40 ~~and thereafter with the responsibility for a periodic review of the operation and~~
41 ~~effect of this program. The commission shall advise and assist the city in the~~
42 ~~preparation of a program for transportation safety within the city which shall be~~
43 ~~subject to the approval of the governor for purposes of determining the eligibility~~
44 ~~of the city to participate in funds and grants available under the federal Highway~~
45 ~~Safety Act of 1966 or any federal or state funds as may be made available. The~~
46 ~~plans shall specifically include, in addition to any matters as the governor through~~

1 the state board of transportation safety may require, material on the status of need
2 for and means to provide within the city driver education and driver improvement
3 courses for adults and out of school youths and identification of accident prone
4 locations on roads within the city's jurisdiction and in cooperation with state
5 agencies.

6 (b) ~~The commission shall also perform any other functions relating to transportation~~
7 ~~safety as the city council may from time to time require.~~

8
9 ~~Sec. 5-8-13. Advisory officials.~~

10 ~~The city manager may designate appropriate public officials or employees to attend the~~
11 ~~meetings of the commission in an advisory and consulting capacity, but with no right to vote.~~

12
13 Section 5. Chapter 9 of Title 9 of The Code of the City of Alexandria, Virginia, 1981, as
14 amended, be, and the same hereby is, repealed:

15
16 ~~Sec. 9-9-1 Definitions.~~

17 ~~For the purposes of the chapter, the following words and phrases shall have the meaning~~
18 ~~ascribed to them in this section, unless otherwise expressly stated or the context clearly indicates~~
19 ~~a different intention:~~

20 (1) ~~Director of recreation.~~ The legally designated director of recreation of the city or his
21 authorized representative.

22 (2) ~~Operator.~~ The individual in control of the management and operation of a rebound tumbling
23 center or any person acting by and with the authority of the person so in control.

24 (3) ~~Permit.~~ A written permit issued by the director of recreation to maintain and operate a
25 rebound tumbling center, issued under the provisions of this chapter, which permit shall be
26 separate and distinct from any other business license or pertinent which may otherwise have
27 been issued for the conduct of any business other than that of a rebound tumbling center.

28 (4) ~~Rebound tumbling center.~~ Any facility open to the use of the general public, within or upon
29 which any rebound tumbling mat is installed, maintained or operated, irrespective of whether
30 or not a charge is made for its use.

31 (5) ~~Rebound tumbling mat.~~ Any rebound or recoil tumbling mat or net, or any similar rebound
32 or recoil device or apparatus of any type of construction or installation, designed or intended
33 to be used by any person for bouncing, tumbling, springing, acrobatic or gymnastic activity,
34 or any other amusement, recreational or athletic purpose.

35
36 ~~Sec. 9-9-2 Permit required.~~

37 (a) ~~It shall be unlawful for any person to establish, construct, operate, maintain or offer for use~~
38 ~~any rebound tumbling center unless he holds a valid permit issued by the director of~~
39 ~~recreation, in the name of such person for the specific rebound tumbling center and a special~~
40 ~~use permit has been granted by the city council pursuant to the provisions of title 7, chapter~~
41 ~~6, article J of this code. The requirement that such permits shall be obtained is in addition to~~
42 ~~any other permits or licenses required by the state, this code, the city council or any~~
43 ~~department, board, agency or commission of the city.~~

44 (b) ~~Any person violating the provisions of this section shall, upon conviction, be punished by a~~
45 ~~fine not to exceed \$100 or by imprisonment in the city jail for a period not to exceed 30~~
46 ~~days, or by both such fine and imprisonment.~~

1 ~~(c) Violations of this section may also be restrained, prohibited and enjoined in any proper court~~
2 ~~of equity jurisdiction.~~

3 ~~(d) The suspension or revocation of any permit shall not excuse any violation or permit it to~~
4 ~~continue.~~

5
6 ~~Sec. 9-9-3 Same—application; generally.~~

7 ~~Each application for a permit required by this chapter shall be filed with the director of~~
8 ~~recreation, in writing, signed by the applicant, and shall contain the following:~~

9 ~~(1) the name and address of the applicant,~~

10 ~~(2) the name and address of the operator of the rebound tumbling center;~~

11 ~~(3) the name and address of the owner of the real property upon which the rebound tumbling~~
12 ~~center will be located;~~

13 ~~(4) the area and dimensions of the tract of land to be used;~~

14 ~~(5) the zone in which the location is located and reference to the special use permit granted~~
15 ~~by the city council;~~

16 ~~(6) the nature of the installation, viz., open ground or enclosed within roofed building or~~
17 ~~other structure; and~~

18 ~~(7) the number of rebound tumbling mats to be installed and operated.~~

19
20 ~~Sec. 9-9-4 Same—same; plans showing location, space and general layout.~~

21 ~~(a) The applicant for a permit under this chapter shall attach to and file with the application~~
22 ~~detailed plans, drawn to scale of a ratio of not less than one (1) inch to 10 feet, which~~
23 ~~shall contain the following:~~

24 ~~(1) The size and location of all rebound tumbling mats. Size shall be indicated by the over-~~
25 ~~all dimension of the frame of the rebound tumbling in mat.~~

26 ~~(2) The size and thickness of all padding covering the framework of all rebound tumbling~~
27 ~~mats.~~

28 ~~(3) The location and height of all fences, walls or other barricades in or enclosing the~~
29 ~~rebound tumbling center.~~

30 ~~(4) The net overhead distance between the rebound tumbling mat and the ceiling or roof, if~~
31 ~~the center is located within the enclosure of any building or structure.~~

32 ~~(5) The location and height of all poles bearing illumination fixtures, number of lights carried~~
33 ~~per pole and wattage per individual light.~~

34 ~~(6) The course and maximum height of all overhead electric wiring, with an indication of all~~
35 ~~voltages carried thereby.~~

36 ~~(7) The size and location of any office or any other building or structure existing or proposed~~
37 ~~to be located on the tract of land to be used.~~

38 ~~(8) The layout of the public address system and specifications of decibel output.~~

39 ~~(9) The size and location of off street parking area showing each individual car space and~~
40 ~~aisle space and the dimensions thereof.~~

41 ~~(10) The size and location of all entrances and exits.~~

42 ~~(b) Such plans shall bear a certification of compliance with all affected city departments, as~~
43 ~~specified on the approved special use permit, as required by title 7, chapter 6 of this code,~~
44 ~~before a permit is issued by the director of recreation for the operation of such rebound~~
45 ~~tumbling center.~~

1 (c) ~~One (1) copy of the approved plans shall be kept as a permanent city record in the office~~
2 ~~of the director of building and mechanical inspection.~~

3
4 ~~Sec. 9 9 5 Same same; specifications.~~

5 ~~The applicant for a permit required by this chapter shall attach to and file with the~~
6 ~~application detailed specifications, which shall include the following:~~

- 7
8 (1) ~~the type of padding to be used on the rebound tumbling mats;~~
9 (2) ~~if other than pit type installation, a detail of the support of the rebound tumbling mats,~~
10 ~~the manner of securing the same to the ground or floor and the minimum distance~~
11 ~~from the rebound tumbling mat to the ground or floor.~~
12 (3) ~~any further specification or plan which the director of recreation may reasonably~~
13 ~~require in order to enable him to determine compliance with this chapter.~~

14
15 ~~Sec. 9 9 6 Same issuance; term; renewal; nontransferable.~~

16 ~~The director of recreation shall issue a permit for a rebound tumbling center to an~~
17 ~~applicant upon compliance with the provisions of this chapter. The permit shall be valid for a~~
18 ~~period of one (1) year from date of issuance unless sooner revoked or suspended. Permits may~~
19 ~~be renewed annually. No permit may be transferable, and any person holding a permit shall give~~
20 ~~notice in writing to the director of recreation within 24 hours after having sold, transferred, given~~
21 ~~away, or otherwise disposed of interest in or control of any rebound tumbling center. The notice~~
22 ~~shall include the name and address of the person succeeding to the ownership or control of the~~
23 ~~rebound tumbling center.~~

24
25 ~~Sec. 9 9 7 Same suspension and revocation.~~

26 (a) ~~Whenever the director of recreation determines that there are reasonable grounds to~~
27 ~~believe that there has been a violation of any provision of this chapter or of any~~
28 ~~regulations adopted pursuant to this chapter, he shall give notice of such alleged violation~~
29 ~~to the person responsible therefor. The notice shall:~~

- 30 (1) ~~be put in writing;~~
31 (2) ~~include a statement of the reasons for its issuance; and~~
32 (3) ~~contain an outline of remedial action, which if taken will effect compliance with~~
33 ~~provisions of this chapter and any regulations adopted pursuant thereto.~~

34 (b) ~~The notice shall be served upon the owner or his agent or the operator, as the case may~~
35 ~~require. Such notice or order shall be deemed to have been properly served upon the~~
36 ~~owner or agent or upon the operator when a copy thereof has been sent by certified or~~
37 ~~registered mail to his last known legal address.~~

38 (c) ~~If, after 15 calendar days, commencing from the day such legal notice is received by the~~
39 ~~owner or operator, as the case may require, the violation as exists is not corrected, the~~
40 ~~director of recreation shall send a notice of the violation to the city manager.~~

41 (d) ~~The city manager shall cause the alleged violations to be brought to the attention of the~~
42 ~~city council, and the city council may revoke or suspend the special use permit as~~
43 ~~provided in title 7, chapter 6, article J of this code. A suspension or revocation of the~~
44 ~~special use permit shall be deemed a suspension or revocation of any permit granted by~~
45 ~~the director of recreation pursuant to this chapter.~~

1 (e) ~~Whenever the director of recreation finds that a violation of this chapter exists which he~~
2 ~~deems requires immediate action to protect the public health or safety, he shall issue an~~
3 ~~order requiring that action be taken to immediately correct the violation. If the violation~~
4 ~~is not immediately corrected the director of recreation shall send a notice of the violation~~
5 ~~to the city manager.~~

6 (f) ~~The city manager shall forthwith cause the alleged violations to be brought to the~~
7 ~~attention of the city council, and the city council may revoke or suspend the special use~~
8 ~~permit, as provided in title 7, chapter 6, article J of this code. A suspension or revocation~~
9 ~~of the special use permit shall be deemed a suspension or revocation of any permit~~
10 ~~granted by the director of recreation pursuant to this chapter.~~

11
12 **Sec. 9-9-8 Construction and installation regulations.**

13 ~~No rebound tumbling center located within the city shall be installed, maintained or~~
14 ~~operated until the following regulations have been complied with:~~

15
16 (1) ~~Measured from the outside dimension of the frame, the minimum distance between~~
17 ~~rebound tumbling mats shall be: End to end (longitudinal), 10 feet; side to side (lateral),~~
18 ~~six (6) feet.~~

19 (2) ~~All rebound tumbling mat frames shall be securely covered with padding of an approved~~
20 ~~type, construction and dimension.~~

21 (3) ~~Any ceiling, roof or other covering shall be not less than 15 feet above the rebound~~
22 ~~tumbling mat.~~

23 (4) ~~For pit type rebound tumbling mats, the downward vertical distance from the rebound~~
24 ~~tumbling mat to the bottom of such pit shall not be less than 36 inches. The pit shall be~~
25 ~~constructed in such a manner so as to provide a shelf or ledge beneath all springs, elastic~~
26 ~~bands or other recoil or rebound mechanism attached to the rebound tumbling mat.~~

27 (5) ~~All rebound tumbling mats other than pit type shall be firmly secured to the floor or~~
28 ~~ground.~~

29 (6) ~~No rebound tumbling center shall be open between the hours of 10:00 p.m. and 8:00 a.m.~~

30 (7) ~~Any rebound tumbling center open for use after the hour of sunset shall be illuminated~~
31 ~~with a light intensity of not less than seven (7) foot candles at the level of the rebound~~
32 ~~tumbling mat. However, where such rebound tumbling center is located immediately~~
33 ~~adjacent to or across the street from any residential zone or property used for residential~~
34 ~~purposes, such illumination shall be controlled and regulated so as not to create~~
35 ~~objectionable glare visible from any residential zone or properties.~~

36 (8) ~~Upon every rebound tumbling center, a public address system of sufficient capacity,~~
37 ~~design and volume shall provide at all times a voice transmission clearly audible to all~~
38 ~~persons within and upon the rebound tumbling center. Such public address system shall~~
39 ~~be operated at all times for the sole purpose of directing and controlling the activities of~~
40 ~~all persons within and upon the center. The operating sound level of such public address~~
41 ~~system shall at no time exceed 20 decibels measured at 50 feet at any point beyond the~~
42 ~~perimeter of the rebound tumbling center.~~

43 (9) ~~The perimeter of the rebound tumbling center, excluding the off-street parking area, shall~~
44 ~~be enclosed with a sturdy fence no less than six (6) feet in height.~~

- 1 (10) ~~Off-street parking shall be provided, having adequate means of ingress and egress. Such~~
2 ~~off-street parking facility shall be constructed and surfaced in accordance with prevailing~~
3 ~~city standards.~~
4 (11) ~~No rebound tumbling center shall be maintained or operated unless there is in full force~~
5 ~~and effect and covering the operation of the same a policy of public liability and property~~
6 ~~damage issued by a duly authorized insurance carrier, and insuring such operation within~~
7 ~~minimum public liability limits of \$100,000/\$200,000 and property damage limit of~~
8 ~~\$5,000.~~
9 (12) ~~No rebound tumbling mat shall be any closer to another object than six (6) feet.~~
10 (13) ~~Sanitary facilities for both sexes shall be installed in accordance with the requirements of~~
11 ~~the health department of the city.~~
12

13 ~~Sec. 9-9-9 General operating regulations.~~

14 ~~The following operating regulations shall be enforced by the permittee at any rebound~~
15 ~~tumbling center used by the public:~~
16

- 17 (1) ~~No child under six (6) years of age shall use any rebound tumbling mat at any time.~~
18 (2) ~~No child between the ages of six (6) and nine (9) years shall use any rebound~~
19 ~~tumbling mat, except in the presence of a parent, legal guardian or other adult~~
20 ~~relative.~~
21 (3) ~~Any rebound tumbling mat in use shall at all times be under the immediate~~
22 ~~supervision, direction and control of an authorized supervisor. The required number~~
23 ~~of supervisors shall be as follows:~~
24 a. ~~six (6) rebound tumbling mats or less in use, one (1) supervisor;~~
25 b. ~~for each additional six (6) rebound tumbling mats or fraction thereof in use, one (1)~~
26 ~~additional supervisor for each such additional six (6) rebound tumbling mats or~~
27 ~~fraction thereof.~~
28 (4) ~~Each supervisor shall be an individual of good moral character and physical fitness,~~
29 ~~trained and experienced in the safe use of and performance upon a rebound tumbling~~
30 ~~mat, and shall at all times be a qualified holder of the standard first aid certificate of~~
31 ~~the American Red Cross.~~
32 (5) ~~An adequate first aid kit shall be kept on the premises, and shall be available at all~~
33 ~~times.~~
34 (6) ~~Persons using any rebound tumbling mat shall be directed to perform thereon in~~
35 ~~accordance with accepted good gymnastic practice.~~
36 (7) ~~Eating and drinking shall be prohibited on the premises.~~
37 (8) ~~All persons shall be required to wear socks or shoes and a shirt or blouse while using~~
38 ~~a rebound tumbling mat.~~
39 (9) ~~No rebound tumbling mat that is wet or damp shall be used at any time.~~
40 (10) ~~Only one (1) person shall be allowed to perform on any rebound tumbling mat at one~~
41 ~~(1) time.~~
42 (11) ~~A complete record of all injuries shall be kept and shall be open for inspection by the~~
43 ~~director of recreation at all times.~~
44 (12) ~~All persons shall be required to register with the supervisor, such registration to~~
45 ~~include the name, address, whom to contact in case of an accident and the person's~~
46 ~~previous gymnastic experience.~~

1
2 ~~Sec. 9-9-10 Inspection; right of entry.~~

3 ~~(a) — The director of recreation shall make inspections to determine the condition of~~
4 ~~rebound tumbling centers located within the city, in order that he may perform his~~
5 ~~duty of safeguarding the health and safety of persons using such rebound tumbling~~
6 ~~centers.~~

7 ~~(b) — The director of recreation shall have the power to enter any reasonable time upon any~~
8 ~~private or public property for the purpose of inspecting and investigating conditions~~
9 ~~relating to the enforcement of this chapter or of regulations adopted pursuant thereto.~~

10
11 This ordinance shall become effective immediately.

12
13 William D. Euille
14 Mayor
15

16
17 Introduction: 1/14/14
18 First Reading: 1/14/14
19 Publication:
20 Second Reading:
21 Final Passage:



Legislation Details (With Text)

File #:	14-2345	Name:	A & B Auto Finance Co.
Type:	Land Use and Development (Planning Commission Items)	Status:	Agenda Ready
File created:	1/17/2014	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Special Use Permit #2013-0084 1318 King Street - Automobile Sales Public hearing and consideration of a request for continued operation of a non-conforming automobile sales business; zoned KR/King Street Retail. Applicant: A & B Auto Finance Co. by Behrooz Raiszadeh		
Sponsors:			
Indexes:			
Code sections:			
Attachments:			

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Special Use Permit #2013-0084
1318 King Street - Automobile Sales
Public hearing and consideration of a request for continued operation of a non-conforming automobile sales business; zoned KR/King Street Retail.
Applicant: A & B Auto Finance Co. by Behrooz Raiszadeh

Planning Commission Action: Deferred 7-0



Legislation Details (With Text)

File #:	14-2346	Name:	Kings Auto Inc.
Type:	Land Use and Development (Planning Commission Items)	Status:	Agenda Ready
File created:	1/17/2014	In control:	City Council Public Hearing
On agenda:	1/25/2014	Final action:	
Title:	Special Use Permit #2013-0085 1310 King Street - Automobile Sales Public hearing and consideration of a request for continued operation of a non-conforming automobile sales business; zoned KR/King Street Retail. Applicant: Vafa Zarineh by Reza Sasani, agent		

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Special Use Permit #2013-0085
1310 King Street - Automobile Sales
Public hearing and consideration of a request for continued operation of a non-conforming automobile sales business; zoned KR/King Street Retail.
Applicant: Vafa Zarineh by Reza Sasani, agent

Planning Commission Action: Deferred 7-0