

Special Use Permit #2022-00028
1940 Duke Street
Carlyle Block C Rooftop Amendment

Application	General Data	
Project Name: Carlyle Block C Rooftop Amendment Location: 1940 Duke Street Applicant: I&G Direct Real Estate 25 LP	PC Hearing:	October 6, 2022
	CC Hearing:	October 15, 2022
	If approved, Expiration:	October 15, 2025
	Plan Acreage:	1.43 acres (62,198 SF)
	Zone:	CDD #1
	Proposed Use:	Office
	Gross Floor Area:	Existing Building: 219,986 GSF Proposed Rooftop: 2,900 GSF
	Small Area Plan:	Eisenhower East
	Green Building:	2019 Green Building Policy applies

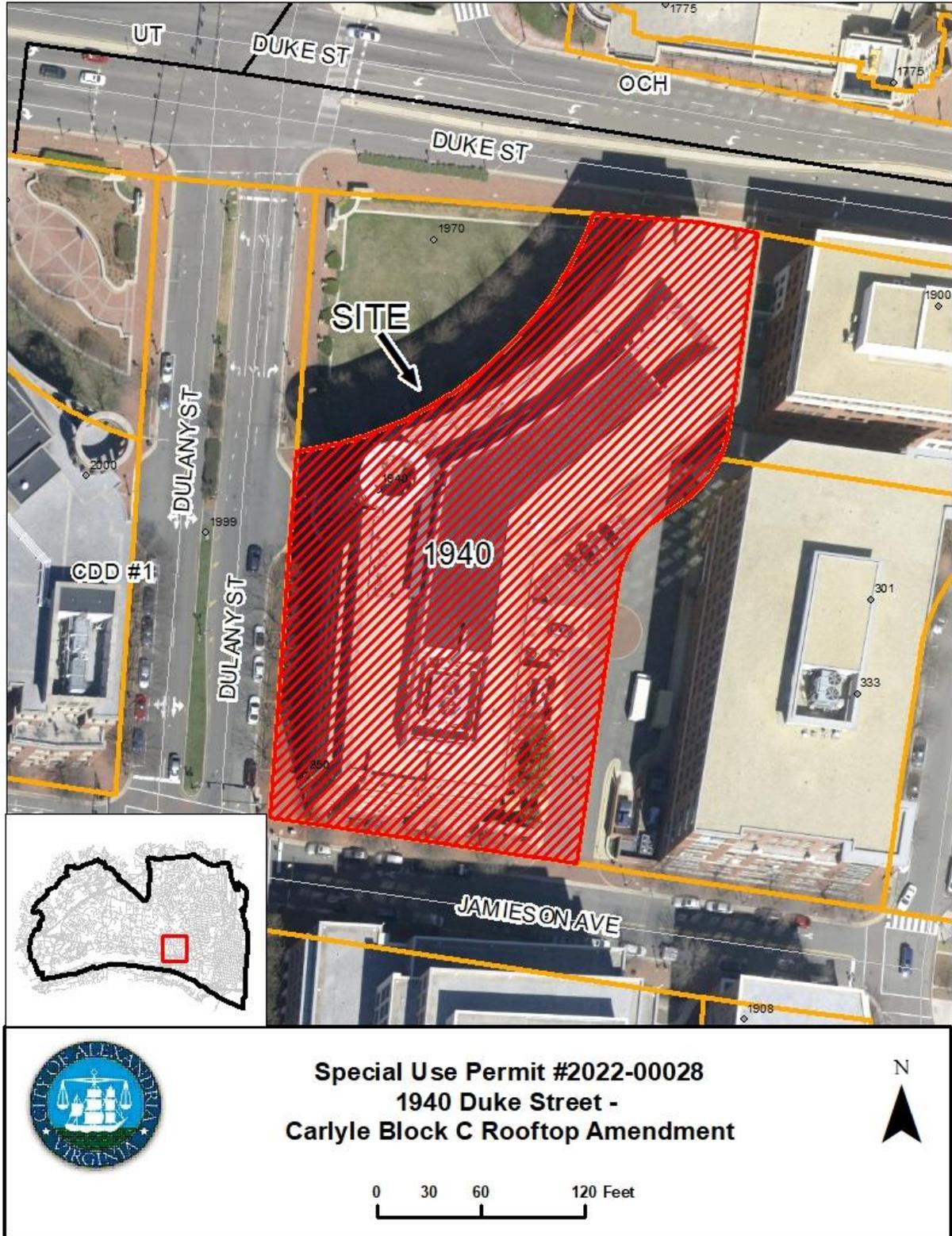
Purpose of Application
Consideration of a request for a Special Use Permit to increase the gross square footage allowable for Carlyle Block C within the allowed maximum for the Carlyle District and to amend the Design Guidelines for Block C, which includes an increase in height from the maximum of 82' currently allowed to 96'.
Staff Recommendation: APPROVAL <i>WITH CONDITIONS</i>
Staff Reviewers: Robert Kerns, AICP; Development Division Chief, P&Z robert.kerns@alexandriava.gov Anna Franco, Urban Planner III, P&Z anna.franco@alexandriava.gov
<u>PLANNING COMMISSION ACTION, OCTOBER 6, 2022:</u> On a motion by Commissioner Koenig, seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Special Use Permit #2022-00028, with the incorporation of the applicant proposed amendment to condition #70B as proposed in the applicant letter dated October 6, 2022. The motion carried on a vote of 6 to 0, with Commissioner Ramirez recused.
<u>Reason & Discussion:</u> The Planning Commission agreed with the staff analysis and conditions, with the exception of condition #70B. The Planning Commission agreed with the Applicant that retaining one additional column of the existing tower was not necessary for the architecture of the neighborhood and therefore made the following amendments to condition #70B in red.

Planning Commission Amended Condition 70B,a: To ensure the disengagement of the tower ~~along Duke Street~~ **from the proposed board room**, ~~make the changes to the enclosure connection and~~ deepen the notch between the existing tower and the proposed board room as shown on Attachment #7. (P&Z)

The Applicant, represented by attorney Robert Brant, also requested that green building condition #70C be removed. Planning Commission did not agree with the Applicant's request with Commission Koenig stating that the condition was a de minimis request simply asking for an exchange of information on how the addition will meet minimum LEED certified building standards. Chairman Macek agreed with Commission Koenig.

Speakers:

Robert Brant, attorney, spoke on behalf of the Applicant.



Special Use Permit #2022-00028
1940 Duke Street -
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0 30 60 120 Feet



I. SUMMARY

A. Recommendation

Planning Commission and Staff recommend **approval with conditions** of the proposed request for a 2,900 gross square foot rooftop addition and demolition of a portion of the existing building's tower structure at 1940 Duke Street (Carlyle Block C). The Applicant has stated that the rooftop conference space will provide a desirable amenity for existing tenants in the building and will benefit the City by attracting a corporate headquarters user to the Carlyle neighborhood. Staff's support of the proposed request includes the conditions outlined in Section VIII of this report, which are based on the Carlyle Eisenhower Design Board's (DRB) recommendation for the proposed architecture, which the Applicant has not agreed to complete.

B. Project Description

With this application, the Applicant and property owner, I&G Direct Real Estate 25 LP, is requesting a 2,900 GSF rooftop addition to the existing 219,986 square foot building located at 1940 Duke Street on Carlyle Block C, in the Carlyle neighborhood. The Applicant seeks to amend the Carlyle SUP to incorporate a portion of the remaining 3,114 GSF of approved yet unallocated floor area into the office building at 1940 Duke Street for the 2,900 GF addition. As illustrated in Attachment 2 "Proposed Carlyle Land Use Allocation Table", the proposal will increase the allowable office square footage on Block C from 460,700 to 463,600 GSF and increase the total allowable square footage on Block C from 480,300 to 483,200 GSF. With the additional square footage, the Applicant proposes to add a conference room and lobby area at the penthouse level on the west side of the building facing Dulaney Street. The conference and lobby area would be located just south of the existing tower feature of the building. The Applicant also proposes to demolish the back half of the existing tower and enclose the existing tower and integrate the tower into the proposed penthouse level addition.

The Applicant states that the rooftop conference space will provide an amenity for existing tenants in the building and will enhance the Applicant's ability to attract future office tenants to Carlyle. In addition to the enclosed space, the Applicant is also proposing improvements to the existing exterior penthouse terrace area.

II. BACKGROUND

A. Site Context

The building located at 1940 Duke Street, on Carlyle Block C, is an existing 6-story office building on one lot of record with a lot area of 62,198 square feet (1.42 acres); also known as the "Carlyle Crescent" building. This building was constructed in 2003 pursuant to SUP #97-0157 and DSP #2000-0040. The building's main frontage is the crescent shaped façade that faces Dulaney Street and Duke Street and measures approximately 338 feet facing west along Dulaney Street, 60 feet facing north along Duke Street, and 93 feet facing south along Jamieson Avenue. The rear of the building faces a private drive that provides parking access for all three buildings located on Carlyle

Block C. The total floor area of the building is 219,986 square feet and a fully underground parking garage with approximately 455 spaces is shared between the users of 1940 Duke Street, 1900 Duke Street and 333 John Carlyle Street.

The surrounding area is occupied primarily by mixed-use buildings with office, retail, and residential uses. To the east of 1940 Duke Street, within Carlyle Block C, is an office building (1900 Duke Street) and a mixed-use building (333 John Carlyle Street) and to the west is another crescent shaped office building on Carlyle Block B (2000 Duke Street) that is meant to mirror (but not replicate) the shape of the subject building at 1940 Duke Street.

The building's upper floors at 1940 Duke Street are currently occupied by office tenants. The ground floor of the building contains lobby, office, as well as a Panera Bread restaurant as the southwest corner of the building, at the intersection of Dulaney Street and Jamieson Avenue.

B. Procedural Background

The subject property is part of the Carlyle Master Plan development. The Carlyle development was originally approved in April 1990 through a Special Use Permit (SUP#2253) to allow a multi-phase mixed use development including a maximum of 6,907,000 gross square feet (GSF) of floor area. The SUP approval covered the entire 76-acre development and established the amount of floor area and types of uses permitted for each of the sixteen blocks within Carlyle (see Attachment #1). The Carlyle SUP has been amended numerous times to allow increases in the permitted GSF for various blocks, changes in permitted uses, and other revisions, which have been processed as an amendment to the overall SUP (see Attachment #3).

In December 1997, City Council approved SUP#97-0157 with a site plan (DSP #2000-040), which amended the Carlyle SUP to allow the current development at 1940 Duke Street, completed in 2003. Most recently, in November 2020 City Council approved SUP #2020-0006 to amend the Carlyle SUP to allow an increase in the allowable GSF for Block P. Following approval of the Block P amendment, 6,903,886 GSF of the maximum allowable 6,907,000 GSF in Carlyle has been accounted for across the various blocks.

III. ZONING

The property is currently zoned CDD#1, Duke Street Coordinated Development District #1, with OC, Office Commercial regulations applied which permits a mix of uses including office, commercial, and hotels. The subject property has been zoned CDD#1 since 2000.

Table 1: Zoning Information

Property Address:	1940 Duke Street
Total Site Area:	1.43 acres (62,198 square feet)
Gross Square Feet:	Existing Building: 219,986 gross square feet Proposed Rooftop Addition: 2,900 gross square feet Total: 222,886 square feet
Zone:	CDD #1

Current Use:	Office Building with ground floor retail	
Proposed Use:	Office Building with ground floor retail (no change)	
	Permitted/Required	Proposed
Maximum FAR	3.54	3.58*
Maximum Height:	82 feet	96 feet **
Parking:	395	No change
<p>*Applicant requests changes to Carlyle SUP condition #62 and the Carlyle Block C Design Guidelines to increase the maximum allowable FAR. **Applicant requests changes to Carlyle Block C Design Guidelines to increase the maximum allowable height to 96'.</p>		

IV. STAFF ANALYSIS

A. Conformance with the City’s Master Plan

The Eisenhower East Small Area Plan (EESAP), adopted in March 2020, includes the established Carlyle community within its boundary. The Plan does not recommend changes to existing guidance for Carlyle, which is governed by the Carlyle Master Plan, the approved Coordinated Development District, and the Carlyle Special Use Permit that provide detailed direction on land uses and design. However, Carlyle is considered in the context of the overall Eisenhower East neighborhood framework. The request to increase the total building area and height for Carlyle Block C is consistent with the general EESAP framework to allow increased flexibility for land use and density.

B. Zoning

The Carlyle SUP is unique in the City in that it is an SUP that governs a multi-block development, providing regulation for issues such as FAR, height, use, among many others, and often does so at a block-by-block level. The following subsections outline the changes requested by the Applicant to the Carlyle SUP and the Design Guidelines found therein.

Compliance with Zoning Ordinance Section 12-600

Any amendment to the Carlyle SUP must satisfy the unique requirements set out per Section 12-600 of Zoning Ordinance, which outlines the required criteria for amending a Special Use Permit for a CO planned residential/commercial development that has not been fully constructed. Staff finds that the proposal satisfies the criteria set forth in Section 12-600(B)(5)(b) of the Zoning Ordinance.

- (i) ***Does not cause the maximum floor area of the development to exceed the floor area authorized in the permit in effect on January 24, 1998;***

The proposed increase in GSF on Block C will not exceed the maximum allowable GSF permitted under the Carlyle SUP. The proposed 2,900 GSF represents the remaining floor area available under the SUP.

- (ii) *Does not cause the development to contain any uses that are (a) not approved by the permit in effect on January 24, 1998, or (b) not permitted uses or special uses under the regulations applicable to the zone in which the development is situated; and*

The proposed amendment will not cause the development to contain any unapproved uses in the Carlyle SUP. The proposed penthouse conference area will be utilized by office tenants in the building.

- (iii) *Otherwise does not cause the development to be noncompliant or inconsistent with the regulations applicable to the zone in which the development is situated, which regulations, in the case of a development located in a coordinated development district, shall be the CDD special use permit provisions in section 5-602(A) of this ordinance, except that the requirement for compliance with such zone regulations may be modified pursuant to clauses (i) and (ii) above.*

The proposed amendment will not cause the building to become noncompliant or inconsistent with any applicable regulations. The Applicant’s proposed use of the remaining GSF available under the Carlyle SUP will allow it to activate and amenitize the roof of this building, enabling the Applicant to retain existing and attract new office tenants to Carlyle.

Amendments to the Land Use Allocation Table

Any transfer of square feet of development to "office" use pursuant to condition #61 is subject to the limitations and conditions outlined in SUP2020-00065, condition #62. The Applicant is proposing to amend condition #62 to allow an increase from 3,785,257 to 3,788,371 GSF of office in Carlyle, which will not exceed the maximum 6,907,000 GSF allowed for the Carlyle blocks.

USE	GSF
office	3,785,257 <u>3,788,157</u>
courthouse	400,000
residential*	2,273,531
hotel	230,000
retail and health club	210,598
day care center	4,500
Total	6,903,886 <u>6,906,786</u>
<i>* Residential includes elderly housing</i>	

The proposed changes must also be reflected in the Carlyle Land Use Allocation Table. As such, the Applicant seeks amendments to said table, which is attached at the end of this report. The changes are consistent with Section 12-600 and the request as a whole and thus, are necessary for the new programmatic approach proposed for the block. For the foregoing reasons, the amendments are supported by staff.

Amendment to the Design Guidelines for Block C

When the Carlyle Special Use Permit was first approved in 1990, Design Guidelines were established for many of the blocks, including Carlyle Block C. The block-by-block design guidelines established the basic parameters for height, open space, sidewalks, and streets with the final design of the buildings within each block approved by the Carlyle/Eisenhower Design Review Board.

According to the Block C Design Guidelines, Block C is mixed-use in nature, with retail and office. It is an integrated block of three separate buildings, which form the critical edges for the Carlyle Square, Duke Street, and the Crescent. They also establish the predominant six-story height for the plan. Blocks B and C are intended to create a "gateway" into what is now known as Dulaney Park through a symmetrical and consistently treated formal gesture consisting of rooftop, streetwall and landscape design. Blocks C and E are designed to relate to the King Street Station across Duke Street and to frame the entrance to Carlyle Square. The Applicant's proposal complies with all Block C Design Guidelines with the exception of height and the total office and over square footage allotment for the building.

Changes to Height

Per the Block C Design Guidelines, the maximum height allowed on Block C is 82 feet. The existing building from grade to the roofline (not including the mechanical penthouse) is 82 feet high. The existing mechanical penthouse is allowed to go beyond the maximum 82 feet height **only** because of Carlyle SUP condition #97, which states that rooftop **mechanical** penthouses shall be permitted. The proposed rooftop structure is not a mechanical penthouse, therefore, the rooftop proposal requires a request to amend the Carlyle Block C Design Guidelines. A change in the maximum height may only be approved by the Planning Commission and City Council, and not the DRB per condition Carlyle SUP condition #68.

Staff supports an amendment to the Carlyle Block C Design Guidelines to increase the maximum building height to accommodate the proposed rooftop addition. Staff supports the DRB recommendation to lower the height of the proposed addition to preserve the visually detached quality of the iconic cylindrical form of the existing tower. From staff analysis and discussions with the DRB, staff believes that a lower solution can be found to the roof and requests that the Applicant consider alternatives to the roof structure and heating and ventilation depth. At this point in time the height that may be achieved through alteration of the proposed architecture is unknown, therefore a recommendation to approve the 96' height is being made to accommodate flexibility in roof solutions.

Changes to Permitted Land Use Allotment

In addition to the proposed changes to land use in Carlyle SUP condition #62 (outlined above), the Applicant is also requesting an amendment to the Carlyle Block C Design Guidelines to increase the total permitted office area and overall total building area allowed on Block C. The total permitted office will increase to 463,600 GSF and the total permitted building area will

increase to 483,200 GSF. Changes to the Carlyle Block C Design Guidelines are outlined in Attachment 2.

C. Consistency with City Policies

Public Art Policy

The Public Art Policy does not apply to Special Use Permit requests and therefore does not apply to this application.

Affordable Housing Policy

The affordable housing contribution for the Carlyle SUP (#2253), which includes Block C, has been met pursuant to Condition #55. Condition #55 conditioned the release of the first site plan for the entire Carlyle project area on a contribution of \$2.3 million (in 1990 dollars) to be followed by an additional \$2.3 million contribution paid in five equal annual installments on the anniversary date of the first \$2.3 million payment. These contributions helped to provide some of the first capital investments in the city's Housing Trust Fund.

Green Building Policy

The Applicant has not agreed, but staff has conditioned the Applicant (Condition #70C) to comply with the 2019 Green Building Policy. The policy requires that the Applicant achieve specific "performance points". Some projects, including institutions, churches, and small building additions, are allowed flexibility from the Policy. Due to the small size of the project, Staff is supportive of the Applicant utilizing alternative compliance methods, with the assurance that the addition will be as sustainable as feasible and that the Applicant provide information sufficient to demonstrate an appropriate level of sustainability. During the minor site plan amendment process, the Applicant will coordinate with the City on achieving compliance with the policy.

Staff believes the Policy's flexibility clause is applicable to this proposal due to the difficulty of applying the policy to a small building addition. Therefore, the Applicant may submit documents as outlined in condition #70C, which shall show why LEED Silver (or equivalent) and the City's performance points are unattainable. At the minimum, the Applicant shall demonstrate an equivalency to the certification level of LEED Certified (or equivalent).

The Green Building Policy is applicable to all projects requiring a Development Special Use Permit or Development Site Plan. While development within the Carlyle area is governed by an existing SUP, the use of this structure is atypical in the City due to the fact that the overarching Coordinated Development District (CDD) zoning that has not yet been triggered, which would otherwise eliminate the Carlyle SUP. The City has consistently applied the practices and policies of DSUP/DSPs to projects within the Carlyle SUP that would otherwise be categorized as such in other zoning districts. Based on the addition of FAR and height, this project would follow these practices accordingly.

D. Architecture & Carlyle/Eisenhower DRB Review

Architecture & Tower Demolition

The existing Block C building is unique in Alexandria in that it is a part of a pair of buildings that are designed as an architectural gateway for the Carlyle neighborhood and the Patent & Trademark Office (PTO) at the south end of Dulany Street. The corner towers of the two gateway buildings serve a critical role in this design. As shown in the photographs in Figure 1, the tower of Block C is currently disengaged from the main building mass, clearly separated visually from the main building at the roof level, which further highlights this feature.

The proposed addition to the rooftop of Block C will add a boardroom behind the tower along the Dulany Street side and enclose the existing tower as interior space, creating an additional enclosed space of approximately 2,900 square feet. As a part of this work, the Applicant is proposing to demolish a section of the tower on the east / southeast side. The addition is intended to follow the architecture of the floor below of the existing building in materials and continue the pattern of paired pilasters up into the proposed architecture. The current design of the addition creates a roofline that is approximately level with the top of the tower. On the Duke Street side, a glass partition wall will connect the corner of the existing penthouse to one of the existing columns of the tower in a manner that is approximately tangent to the circular shape of the tower.

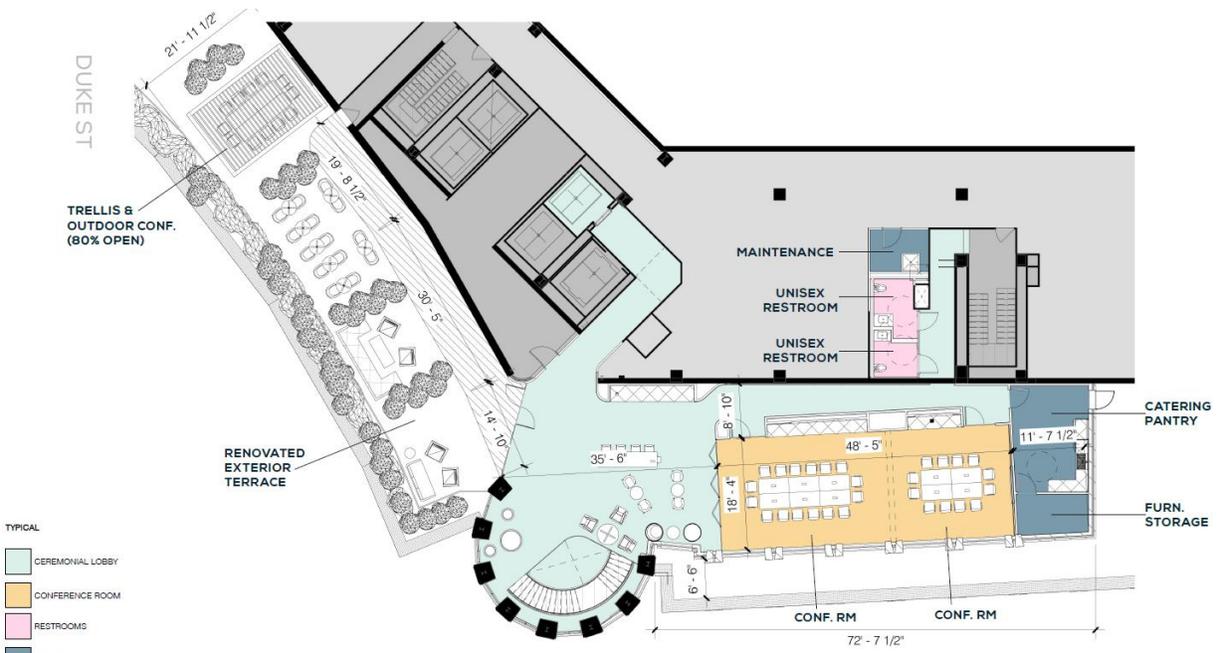
The Carlyle neighborhood is at geographic low point compared to the land to the north, making the proposed addition and tower demolition very visible from areas north of the Carlyle neighborhood, including but not limited to: the George Washing Masonic Memorial, the Alexandria train station, the King Street-Old Town Metro Station and other nearby locations.



Figure 1: Views of the Existing Tower Architecture

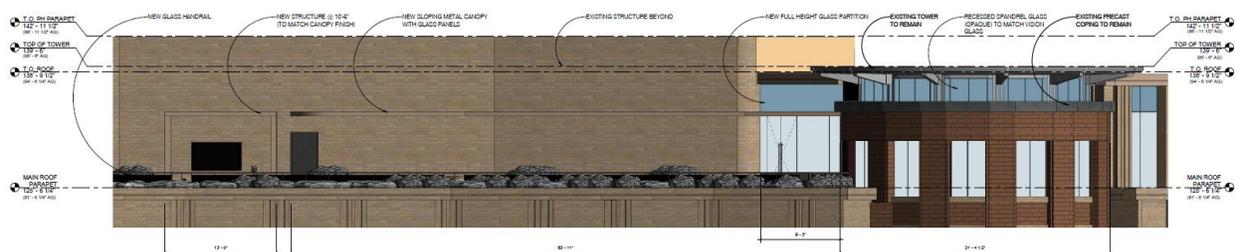
The proposed architecture, shown in Figure 2, has been reviewed by the Eisenhower East / Carlyle Design Review Board (DRB) whose responsibilities include providing a recommendation to Planning Commission and City Council. A brief summary of the DRB recommendation follows.

Carlyle Block C Rooftop Amendment
 SUP #2022-00028 | 1940 Duke Street

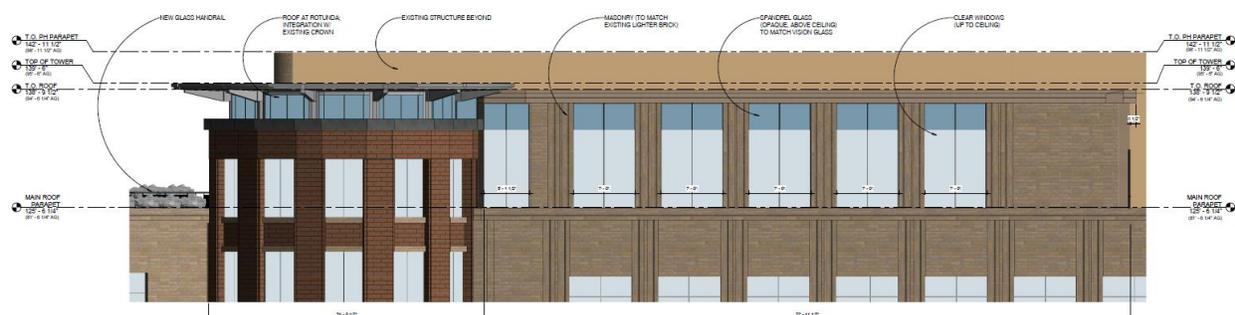


- TYPICAL
- CEREMONIAL LOBBY
 - CONFERENCE ROOM
 - RESTROOMS
 - STORAGE

DULANY ST
 VIEW SCALE: 1/16" = 1'-0"



BUILDING ELEVATION - DUKE



BUILDING ELEVATION - DULANY ST.



Figure 2: Proposed Architecture

DRB Review Process

On July 21, the DRB voted unanimously (5 – 0) to recommend that the Planning Commission and City Council approve the current SUP request and the change to the Guidelines for height, subject to the DRB recommendations and action items outlined in the DRB action. The action items included the following:

1. Action Item #1: Preservation of the remaining portions of the exterior architecture of the turret in its entirety.
2. Action Item #2: All turret voids should be infilled with glass. Use of spandrel glass should be avoided by adjusting ceiling heights.
3. Action Item #3: Preserve the northern most (currently shown as interior) turret brick pier and modify the tangent of the operable glass window-wall accordingly.
4. Action Item #4: Explore deepening the notch between the turret and the proposed addition so the addition remains visually subsidiary to and does not overcrowd the turret structure. Consider preserving at least the interior brick pier closest to the addition.
5. Action Item #5: Modify the roof height of the proposed addition so it is clearly secondary in visual importance to the turret/crown; explore structural solutions that would allow the turret crown element to remain as the dominant roof form in the composition.
6. Action Item #6: Continue the window expression on the Dulaney Street face of the addition to the southwest corner of the addition. Consider continuing the window expression around the south side of the addition using spandrel glass. Study carrying the glass around the corner vs. all the way back to the existing penthouse. As summarized

above, the Board did not have an issue with Applicant's using spandrel glass in this area, in light of the utility/storage functions within.

Due to the Applicant's stated urgency, the DRB offered to review a package that could be circulated as a PDF instead of requiring a review at a second DRB meeting, as a courtesy to the Applicant. If the Applicant's revisions were not deemed acceptable by the DRB, the Applicant would have the opportunity to return to the DRB at the next regularly scheduled meeting in September.

The DRB received a subsequent DRB submission of the proposed architecture via email on Friday, July 29, 2022. On Monday, August 8, 2022, staff scheduled additional, individual debriefings with DRB members Paul, Lewis, Quill and Canfield, to confirm their positions on each of the DRB Actions from the DRB meeting on July 21, 2022, as well as to evaluate the degree to which the revised material addressed the action items. The only Board member who was not available was Councilmember McPike. DRB members agreed that the Applicant team had successfully addressed the substance of Action Items #3 and #6, with only minor comments, but that Action Items #1, #2 and #4 were not adequately addressed. There was broad agreement among the four DRB members who completed the review on the following points:

1. **Maintain Disengagement of Tower:** Maintaining the existing turret form, materials and visual separation was the highest priority of the DRB. The turret is a landmark architectural form with views from many surrounding areas of the City. It was also noted that DRB members did not feel the City's and Applicant's goals are necessarily in conflict regarding the tower; it is more about making some strategic design adjustments. Based on the revised plan, Board members agreed that keeping one additional column adjacent to the north roof terrace would create a stronger sense of the cylindrical form and should be studied.
2. **Maintain Disengagement of Tower:** The DRB members felt that a solution where everyone could get what they want with either only a small portion of the rear of the turret being demolished or none of the columns being demolished, thus saving the crown completely with glass installed in the openings, and a modest adjustment to the roofline of the boardroom element should be feasible and explored further. This might also save significant money in time, demolition, and new structural costs for the Applicant.
3. **Vision glass in upper tower openings:** Depending on confirmation of additional details with the turret construction, the DRB's strong preference was for clear vision glass in the openings of the turret. Applicant's revised material shows this in some views, but spandrel glass in others, and continues not to show the significant, circumferential beam which connects the crown brackets. This in turn leaves the DRB with questions about the extent of demolition that is being proposed.
4. **Addition roof height secondary to tower:** Also dependent on confirming additional details with the turret construction, the DRB did not feel the Applicant had successfully made the roofline of the addition secondary in visual importance. The rooflines still appear merged. They need to be separated and differentiated. Further exploration of

lowering portions of the roofline (but perhaps not the boardroom itself) should be completed.

5. **Windows along Dulaney:** Regarding the issue of continuing the double pilasters and glazing along the Dulaney Street and south faces of the addition, DRB members agreed it is a desirable condition, but not as high a priority as resolving the above issues around the turret structure. Two members felt strongly that it should be continued along Dulaney and at least around the corner. One suggestion was continuing the glass for one more bay to complete the front portion of the addition, ending in a brick corner. Conditions similar to both of these can be found on the existing floor below. One member stated that the street level pedestrian views that were requested to judge the proposal were not provided in the update that was provided for the DRB to review.

Architecture Conditions

In reviewing this proposal, staff is very mindful that we are balancing several important City objectives, including architectural character and economic development, and that the context for this review is an exceedingly challenging office market, an opportunity to secure a highly desirable tenant with a relatively short time constraint, and a relatively incremental addition (in terms of square footage). That said, the location also happens to be a highly visible gateway location to one of the City's premier office districts with an almost "twin" architectural element across the street. Moreover, fundamental to Carlyle from its inception is a development process built around strong and thoughtful architectural design review.

Staff endeavored to identify modest and implementable changes that would achieve the DRB's objective to retain as much of the character of the tower "crown" as possible. The three that staff felt were most important was to:

- (1) Minimize the perceived height of the boardroom roof so that the top of the crown appears to be taller than the building behind it;
- (2) Maximize the perception of transparency in the crown's windows through the use of "vision glass" (that is, clear glass that a person can see through) rather than "spandrel glass" (which mimics a window but is actually opaque), and
- (3) Minimize the extent to which the crown appears to be absorbed by the addition and retains as much of its circular shape as possible.

In furtherance of objective 1, staff would like to see a reduction in the roof height of the boardroom, which staff believes to be accomplishable while retaining the same interior ceiling height. The Applicant has challenged staff's assertion and maintains that the height between the interior ceiling and the rooftop cannot be reduced.

In furtherance of objective 2, staff would like to see vision glass be used throughout the crown area; the Applicant has indicated this is not possible in the top "ring" because mechanical equipment will be located there, for reasons similar to objective 1.

In furtherance of objective 3, staff would like to see the connection between the building and the crown obscure less of the crown's circular volume by preserving one additional column on the exterior. The Applicant has expressed that the preservation of the single column is all that they are willing to entertain.

Further exploration of the practicality of these requirements is certainly possible and in an optimal situation we might be able to achieve an outcome that more fully addresses the DRB's design objectives. Given the Applicant's time sensitive needs to gain an approval to ensure leasing of the office, staff recommended approval of the project with the caveat that the Applicant maintain disengagement of the tower by retaining one additional exterior column on the Duke Street side of the Tower, per Condition 70B,a.

At the October 6, 2022 Planning Commission meeting, Planning Commission agreed with the applicant that retaining one additional column of the existing tower was not necessary for the architecture of the neighborhood and therefore made the following amendments to condition #70B,a in red.

Planning Commission Amended Condition 70B,a: To ensure the disengagement of the tower ~~along Duke Street from the proposed board room~~, ~~make the changes to the enclosure connection and~~ deepen the notch between the existing tower and the proposed board room as shown on Attachment #7. (P&Z)

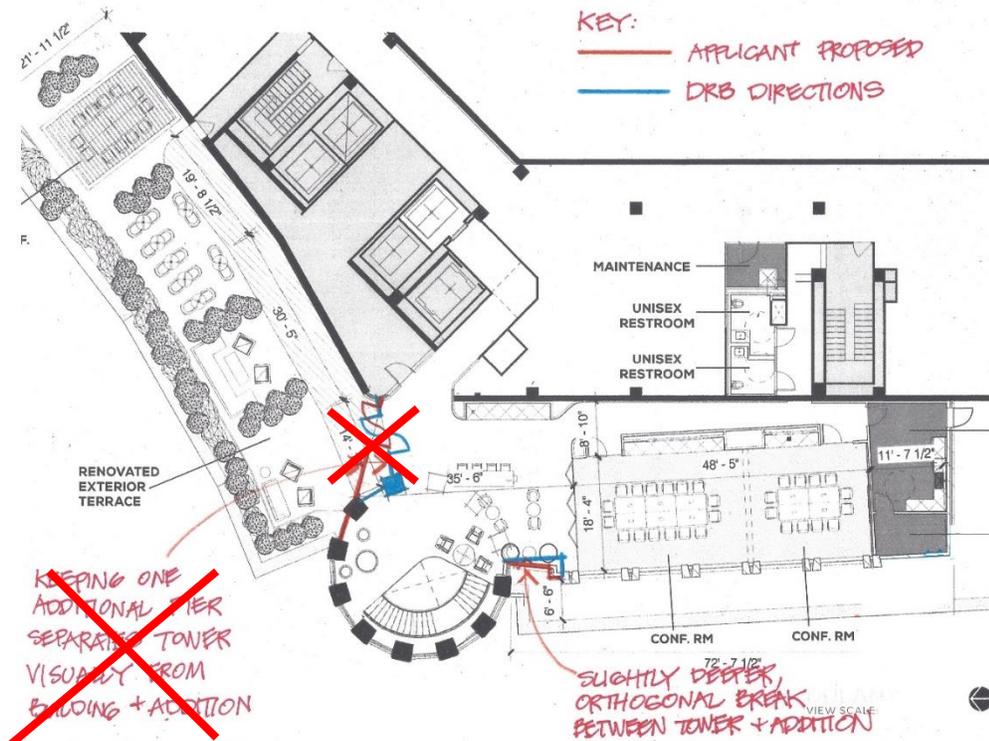


Figure 3/Attachment #7: Illustration of DRB Recommendation (with Planning Commission Recommended Amendment in red)

V. COMMUNITY

The Carlyle/Eisenhower East Design Review Board (DRB) meeting held in July was the primary opportunity for public input from the community, however no public feedback was received at the July DRB meeting. A letter of support has been provided by the Carlyle Community Council for the development and is provided as an attachment.

VI. CONCLUSION

Planning Commission and Staff recommend approval subject to compliance with all applicable codes, ordinances, and the following staff recommendations.

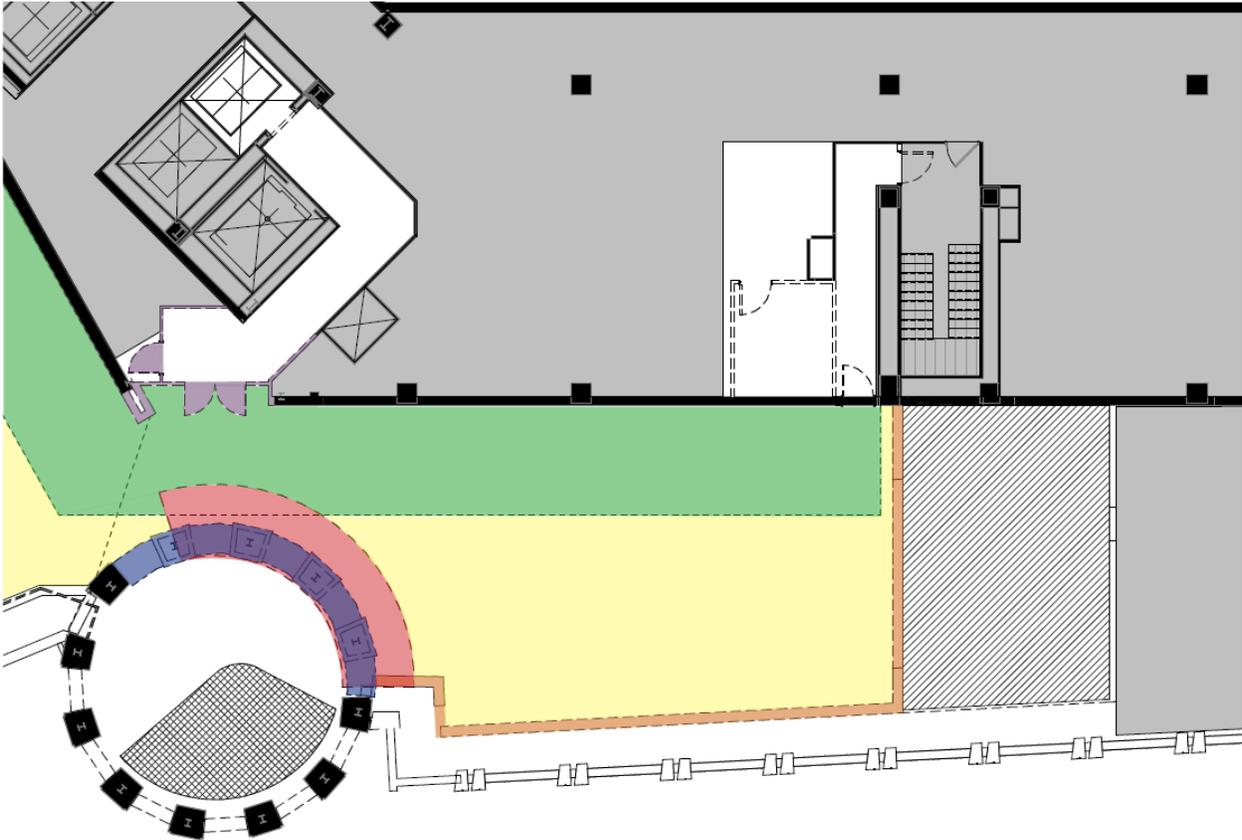
VII. GRAPHICS

Eisenhower East/Carlyle Block Map

Eisenhower East / Carlyle Blocks



Tower Demolition Plan and Diagrams





**AREAS OF DEMOLITION
LEGEND:**

-  EXISTING GUARDRAIL & HANDRAIL
-  EXISTING VINYL AWNING
-  EXISTING ROOF PAVERS

-  EXISTING ENTRANCE DOORS/WALLS & INTERIOR RAMP FROM ELEVATOR LOBBY
-  EXISTING TOWER ROOF
-  EXISTING COLUMNS AND BRICK MASONRY

VIII. STAFF RECOMMENDATIONS

Staff recommends **approval** subject to compliance with all applicable codes and ordinances.

Note: The following conditions are brought forward from SUP #2253, as originally amended.

Note: The following conditions have been amended or added with SUP #2022-00028: 62, 70B, 70C.

A. T&ES Conditions:

1. The construction or initial improvement of all public rights-of-way shown on the applicant's Plat of Subdivision, dated February 20, 1990, including the Black Heritage Park, shall be the responsibility of the applicant. Plans, profiles, and cross-sections, showing typical pavement and sidewalk sections, as well as full construction plans, for any street shown on the subdivision plat which is within or adjacent to the project area and which is to be constructed by applicant, shall be submitted with the final site plan for such construction or improvement and shall be approved prior to the release of the site plan. With the exception of landscaping (see ¶ III-15), the maintenance and repair of streets and sidewalks within public rights-of-way in the project area and of the Black Heritage Park shall be the responsibility of the city. With the exception of landscaping (see ¶ III-15), the maintenance and repair of all other public rights-of-way within the project area (primarily, medians running between the travel portions of streets) shall be the responsibility of applicant.
2. Preliminary plans and profiles for all storm and sanitary facilities for the entire project, together with all appropriate calculations, shall be submitted in conjunction with the first final site plan for the project and approved prior to the release of that site plan. These plans shall show any effects on upstream facilities which are or may be caused by the storm or sanitary lines or facilities serving the site.
3. The existing stone railroad bridge at Hooff's Run shall be retained as an historic 100 year old structure. Without disturbing the bridge, the Applicant shall design and construct, at its sole expense, a bypass structure and storm sewer to accommodate the stormwater flow from a 100 year storm; such design to be in accordance with a plan developed by the City Engineer or as mutually agreed upon by the City and the Applicant.

The Applicant shall stabilize and improve the bridge in accordance with its historic character. This stabilization and improvement shall include the replacement and securing of eroded and loose brickwork and stones, especially along the wing walls, and the clearance and removal of vegetation and trees growing within the walls in a manner which minimizes any disturbance to these walls; the repairing of the northern parapet of the bridge and the installation of handrails along the north and south parapets of the bridge.

The Applicant shall undertake and complete the work required by this condition in a manner which preserves the historical integrity and character of the bridge and its immediate environs, and the work shall be performed to the satisfaction of the Director of Transportation and Environmental Services. Applicant's final design and plans for the work required by this condition shall be submitted to the director for his review and approval.

The construction of the bypass structure/storm sewer and the stabilization and improvement of the bridge shall commence within 60 days after the City has completed the undergrounding of the 230 kv power lines identified in Condition #34 and after the City has made available to the applicant the requisite easement across the property of Virginia Power to the north of the bridge.

Applicant shall dedicate the bridge and adjacent right of way for the extension of Jamieson Street within six months following the completion of the bypass structure/storm sewer and the stabilization and improvement of the bridge as required in this condition.

4. Slope protection and channel improvements shall be provided along Hooff's Run, to the extent specified by the Director of T&ES, to accommodate stormwater flow from the project site. Construction of this protection and these improvements shall occur at the same time the construction referenced in ¶ III-3 takes place.
5. Prior to the removal or abandonment of any existing storm or sanitary sewer on, serving or passing through the project site and except in situations covered by BOCA, a new replacement sewer shall be in place and in service, and all necessary dedications and easements shall have been recorded.
6. A plan and design providing channel protection along the portion of Hooff's Run which is adjacent to the Black Heritage Park and the adjacent cemeteries shall be submitted with the first final site plan for the project and shall be approved by the Director of T&ES before the release of that site plan. Construction of this channel protection shall be the responsibility of the applicant and shall commence within six months of the release of the site plan and thereafter shall be diligently pursued.
7. Preliminary plans for undergrounding utilities throughout the project site, along with the engineering plans and profiles required under ¶ II-5, shall be submitted with the first final site plan for the project, and shall be approved prior to the release of that site plan. No utility facility or component (e.g., electric transformers, switches, inter-connections) shall be located on any sidewalk within the project area, including those (if any) not located within a public access easement, or below such an area in a manner which has any visible or physical effect on the sidewalk (e.g., grates, ventilation shafts), unless expressly approved by the Director of T&ES and, where applicable, adequately screened to the satisfaction of the director. Nor shall any such facility or component be placed on any vehicular right-of-way within the project area. Unless otherwise expressly approved by the Director of T&ES, all utility facilities and components

within the project area shall be located within project buildings and, where applicable, screened, to the satisfaction of the director, from the view of persons using a public right-of-way or pedestrian area within the project area.

8. Any traffic signalization proposed by the applicant and any signalization required by the Director of T&ES shall be shown on the final site plan for the portion of the project area in which the signalization is to be installed. The acquisition and installation costs of any traffic signal or signalization approved or required by the director shall be the responsibility of the applicant, and payment of such costs shall be made to the city prior to the release of the site plan. Any signalization approved or required by the Director as part of a final site plan shall be installed and properly operating prior to the issuance of a certificate of occupancy for any building which, in the director's view, is to be served by the signalization.
9. Specifications and associated calculations for the lighting of streets and other public rights-of-way and for the areas to be developed within the project area shall be submitted with final site plans. Prior to the release of any final site plan, the lighting for all streets and development areas covered by the plan shall be approved. In addition, light fixtures and poles proposed for streets and other public rights-of-way shall be identified in final site plans and shall be approved by the director of Planning and Community Development prior to the release of any plan. All fixtures located on or along streets and pedestrian access areas shall be uniform throughout the project area. The acquisition and installation costs of all lighting within the project area, including on public rights-of-way, and along the streets adjacent to the project area which the applicant is responsible for enlarging or otherwise improving (see ¶ II-5) shall be the responsibility of the applicant, and a bond in the amount of such costs shall be made to the city prior to the release of the site plan showing such lighting.
10. The names of all streets, within the project area shall be approved by the City's Planning Commission.
11. No demolition shall occur within the project area without a demolition permit issued by the City's Office of Code Enforcement.
12. All buildings constructed within the project area shall be protected against methane gas in a manner approved by the Director of T&ES or his designee. Applicant shall study the economic alternatives for using methane gas from the project area and shall furnish a report to City Council within four months of the date of approval of this permit.
13. Prior to the release of any final site plan for any area within the project area, an analysis of the soil within the project area as well as of the groundwater below the project shall be submitted to the Virginia Department of Waste Management and the city, and a remediation plan meeting all requirements of that department and the Virginia Water Control Board, and agreed to by the Directors of T&ES and the City's Department of Health ("DOH") and the applicant, shall be finalized. Unless otherwise required by a remediation plan, all remediation work in any portion of the

project area required either by the Department of Waste Management, on the basis of the analysis submitted by applicant or otherwise, or by any other governmental entity having regulatory jurisdiction over such soil, groundwater, surface water or sediments, shall be completed in a manner found acceptable by the department or such other governmental entity prior to the release of any grading, building or similar permit for that portion of the project area.

- 13A. Also prior to the release of any final site plan for any area within the project area, the applicant shall have initiated contact with the United States Army Corps of Engineers and the Virginia Marine Resource Commission regarding the potential jurisdiction of those agencies over any of the applicant's proposed activities with respect to the project area. All necessary authorizations of both agencies shall be obtained by the applicant before the release of any grading, building or similar permit that could allow activities subject to the jurisdiction of either agency.
14. No interim parking of vehicles shall be permitted on vacant land within the project area without a special use permit, except that construction and worker vehicles may be parked on such land with the approval of the Director of T&ES.
15. All landscaping within all public parks, and within all public street easements and public street medians shall be provided and maintained, including its replacement, by CDC and its successors with the following exceptions:
 - Landscaping within the Block A park shall be maintained and replaced by the City.
 - Any additional landscaping added by the City within the African American Heritage Park or the Block A Park after their dedication to the City shall be maintained by the City.
 - The replacement of any landscaping which is damaged or destroyed due to catastrophic weather events, or due to traffic or other such accidents shall be the responsibility of the City.
16. Maintenance of George's Lane shall be the responsibility of the City upon acceptance by the City of the street. (SUP97-0157)
17. A detailed soils report, together with recommendations for sheeting and shoring, excavation and foundation design, shall be submitted with each final site plan and shall address the construction proposed by the plan. No site plan shall be released until applicant's plans for sheeting and shoring, excavation and foundation work have been approved. See ¶ III-83.
18. All buildings within the project area and all individual residential units, retail establishments, offices and other uses within those buildings shall be designed to accommodate the separation of waste materials (e.g., office paper, glass, plastics, newspapers, metal) to facilitate their collection and recycling.

19. A permanent storage area, no smaller than 20 feet by 20 feet, shall be provided within the project area for the short-term placement by the city of sweeper debris. The area shall be made available to the city after certificates of occupancy have been issued, in the aggregate, for 1 million square feet of office space in the project area. The storage area shall be easily accessible by street sweeping and debris removal equipment, and may be incorporated in the waste disposal area of a building within the project area.
20. Trash receptacles, of a design approved by the Director of T&ES, shall be provided along streets within the project area at locations approved by the director. Applicant shall be responsible for the initial acquisition, the maintenance and, where required, the replacement of all such receptacles.
21. Each townhouse constructed within the project area shall be designed to accommodate the refuse can utilized at the time in the city's "Super Can" refuse collection program. Applicant shall be responsible for purchasing from the city at least one such can for each townhouse at the time a building permit for the townhouse is submitted.
22. Condition 22 is intentionally deleted.
23. Bus shelters, designed to the satisfaction of the Director of T&ES and the Alexandria Transit Company ("ATC"), shall be constructed throughout the project area at locations determined by the city, ATC and applicant. The costs of constructing all such shelters shall be the responsibility of the applicant. In addition, the maintenance of all such shelters shall be the responsibility of applicant.
24. The intersection at Duke Street and Diagonal Road shall be modified, to the satisfaction of the Director of T&ES, to restrict motor vehicle travel between the project area and the King Street Metro Station to busses only.
25. A pedestrian tunnel under Duke Street from the west side of Dulany Street to the west side of Diagonal Road and related items shall be designed and constructed, or in the case of some related items reconstructed, by the applicant at its sole expense to the satisfaction of the Directors of T&ES and P&Z. The related items shall consist of adjoining sidewalks, medians and the plaza at the Crescent Park, as well as lighting, gates, signage, security features and a kiosk or similar structure. No construction north of Duke Street shall be required except the minimum necessary to connect with the north side of the Duke Street right-of-way. Construction of the tunnel shall be completed by December 31, 2003 unless the U.S. Patent and Trademark Office relocation to Carlyle does not proceed, in which case the construction of the tunnel shall be completed by a date to be determined by City Council. Upon completion of construction of the tunnel and acceptance of the tunnel by the City, the City shall assume full responsibility for the tunnel, including all maintenance and liability, except that CDC and its successors or assigns acceptable to the City shall be responsible, at its or their sole expense, for providing cleaning/custodial services for the tunnel and for the costs to provide security for the tunnel. The City Manager shall determine the

type and extent of security to be provided in the tunnel. The City Manager shall also determine the hours of operation for the tunnel. Funds for tunnel security may come from the TMP account for Carlyle, to the extent such funds are not otherwise obligated under paragraph 2 of the TMP.

26. Prior to the release of the first final site plan for the project area, applicant shall pay to the city \$100,000 as a contribution towards construction of a pedestrian connection between the King Street Metro Station and the adjacent commuter rail train station.
27. Lot 514, as shown on applicant's Plat of Subdivision, dated February 20, 1990, shall be dedicated to the city within 6 months of the release of the first final site plan for the project. Within 6 months of the release of this site plan, all rails, ties and other track elements shall be removed from this land and from the land owned by the city and by the Norfolk Southern Railroad which lies to the south of Duke Street and the east of Holland Lane. Following the removal of all track elements from the land described in this paragraph, but no more than 6 months after the release of the first final site plan for the project, all such land shall be graded, to the satisfaction of the Director of T&ES, to provide adequate drainage.
28. All sidewalks within the project area, whether or not located within a public right-of-way, shall be constructed of brick and shall conform to all City of Alexandria construction standards.
29. All driveways entering a parking garage within the project area shall be aligned, to the satisfaction of the Director of T&ES, to minimize conflicting vehicle movements. The location and width of each driveway entrance shall be shown on a final site plan. Each such driveway shall provide one entrance and one exit lane for every 500 parking spaces, or portion thereof, within the garage it serves. Thus, for instance, the driveway serving a parking garage of 1,300 spaces shall have a minimum of 6 lanes--3 for ingress and 3 for egress. However, with the approval of the Director of T&ES, lanes may be made reversible, thereby reducing the number needed to be provided.
30. All on-street parking controls and restrictions within the project area shall be determined by the city. Any such controls and restrictions which applicant desires shall be shown on its final site plans. Any parking meters which are placed on public rights-of-way within the project area at applicant's request shall be acquired and installed, in accord with city specification, by applicant.
31. Any special paving materials which applicant decides to utilize within the project area for pedestrian crosswalks across public streets shall be approved by the Director of T&ES and shall be purchased, installed, maintained and, if needed, replaced by applicant. Following the release of the first site plan for the project area which includes office or residential buildings, applicant shall, at all times, store at least 1,000 such pavers within the project area.

32. Holland Lane between Duke Street and Eisenhower Avenue shall be widened by applicant at its sole expense to four undivided lanes with curbs and gutters, sidewalks along both sides of the right-of-way, street lights and landscaping. Engineering plans and profiles for this widening shall be submitted with, and shall be approved prior to the release of, the first final site plan for the project area. See ¶ II-5. Construction of this widening shall commence within 6 months of the release of such site plan and shall thereafter be diligently and continuously pursued until completion.
33. Eisenhower Avenue shall be extended by applicant at its sole expense from Hooff's Run Drive to Holland as a four lane divided roadway with curb and gutters, sidewalks along both sides of the right-of-way, street lights and landscaping. Design and engineering plans and profiles for this widening shall be submitted with, and shall be approved prior to the release of, the first final site plan for the project area. See ¶ II-5. Construction of this widening shall commence within 6 months of the acquisition of all necessary land rights and shall thereafter be diligently and continuously pursued until completion.
34. The City of Alexandria shall underground the 230 kv power transmission lines along Holland Lane from the future location of Jamieson Street to a point approximately 150 feet south of the Alexandria Sanitation Authority bridge. The Applicant shall prepare a level pad site (approximately 70' x 150') at the southern point of this undergrounding and shall make available to Virginia Power any required easements relating to the undergrounding along Holland Lane. This undergrounding work shall be carefully coordinated with Applicant to ensure that it causes a minimum of disruption to other work which Applicant may be undertaking in the vicinity. Commencement of the undergrounding of the 230kv power lines shall begin as soon as practicable. Applicant shall reimburse the City for all costs associated with such undergrounding work in accordance with a schedule of payments to be determined by the Director of T&ES.
35. Condition 35 is intentionally deleted.
36. Modifications to the intersection of North Street and Mill Road shall be made by applicant at its sole expense, as defined by and to the satisfaction of the Director of T&ES. Design and engineering plans and profiles for these modifications shall be submitted with, and shall be approved prior to the release of, the first final site plan for the project area. See ¶ II-5. Construction of the modifications shall commence within 6 months of the acquisition of all necessary land rights, and shall thereafter be diligently and continuously pursued until completion.
37. Modifications to the intersections of Eisenhower Avenue and streets providing access to the project area shall be designed and constructed by applicant at its sole expense, to the satisfaction of the Director of T&ES.
38. No traffic circle at the intersection of Eisenhower Avenue and Holland Lane shall be constructed unless it is designed to the satisfaction of the Director of T&ES.

39. All intersections of Duke Street and street providing access to the project area shall be designed and constructed by applicant at its sole expense, to the satisfaction of the Director of T&ES. Engineering design plans and profiles shall be submitted with, and shall be approved prior to the release of, the first final site plan for the project area. Construction of these intersections shall commence either within 6 months of the release of the site plan or by another date determined by the director, and shall thereafter be diligently and continuously pursued until completion.
40. (a) A collector/distributor roadway, generally as shown in a January 29, 1990, document entitled "Draft Justification and Study of Modifications of the Existing Interstate 95 Interchanges, U.S. Route 1 and Telegraph Road Interchanges, Alexandria, Virginia," shall be designed, engineered and constructed along the north side of the Capital Beltway which connects the U.S. Route 1 and Telegraph Road interchanges to the Beltway and provides access to and from Mill Road. If the alignment of this roadway disturbs in any manner the current access which the Alexandria Police Department and Sheriff have from Mill Road to the Alexandria Public Safety Center, any modifications to the alignment of, or other alterations or improvements to, Mill Road necessary to preserve such access, as determined by the Director of T&ES, shall be made. The costs of designing, engineering and constructing this connector/distributor roadway and any such modifications, alterations or improvements to Mill Road shall be the sole responsibility of applicant; provided, however, that applicant's responsibility shall be reduced by any federal or state funding received for the such design, engineering and construction work; and provided further, that any contributions toward this work received by the city from owners or developers of other property in the Eisenhower Valley shall be paid to applicant. The design and construction of the connector/distributor roadway shall comply with all applicable state and federal requirements and standards, and all design and engineering plans and profiles for the roadway shall be submitted to the Director of T&ES for his approval. In the event that the U.S. Patent and Trademark Office relocation to Carlyle does proceed in whole or in part, substantial construction of the collector/distributor roadway, pursuant to this condition, shall commence no later than July 1, 2003, and shall thereafter be diligently pursued to completion. As used herein, "construction" means the uniting together of construction materials on the site for the permanent, physical structure of the roadway. The applicant has agreed that, in the event it fails to comply with the requirements of the prior two sentences, it shall be subject to an action by the City, filed in the Circuit Court for the City of Alexandria, to enforce the requirements.
- (b) No certificates of occupancy shall be issued for any office space located on Block P unless and until construction of the collector/distributor roadway described in paragraph (a) has been completed and the roadway is in operation.
- (c) Notwithstanding any other provision in this condition, the requirement for the construction of the collector/distributor roadway described in paragraph (a), and the prohibition against the issuance of certificates of occupancy in paragraph (b), shall not apply in the event that, and for so long as, construction has commenced, and

continues to be diligently pursued, of all or part of the Woodrow Wilson Bridge replacement project, said project being described in the Record of Decision issued by the United States Department of Transportation on November 25, 1997 (regardless whether that Record of Decision is supplemented or replaced by a subsequent similar decision document), and including access ramps providing direct access from the inner loop of the Beltway to Mill Road and from Mill Road to the outer loop of the Beltway. This condition shall be of no further force or effect once these access ramps linking the Beltway with Mill Road are in operation.

41. Each building to be constructed within the project area shall be included in a final site plan, meeting all applicable requirements of the city's then existing site plan ordinance and filed with the Department of T&ES, and no construction of any building may commence until a final site plan encompassing the building has been approved and released by the department.
42. All parking garages shall have clearances, at least on their first parking level, which are adequate to accommodate full-size vans.
43. No structure within the project area shall be constructed at a height, in a location or otherwise in a manner which will obstruct, in any way, the nature or quality of micro-wave transmissions between the tower of the Masonic Temple, located at the intersection of King Street, Russell Road and Callahan Drive, and the city's Public Safety Center located on Mill Road. Nor shall any construction or other activity within or adjacent to the project area cause any obstruction to such microwave transmissions.
44. Pursuant to applicant's offer, in response to a request for proposals issued by the city in March 1989, to convey land within the project area to the city as the site for a new United States Courthouse and the city's March 18, 1989 acceptance of applicant's offer, applicant shall enter into a contract with the City within 30 days of the decision by City Council, under section 7-6-28(i) of the Alexandria City Code, to grant a special use permit approving a plan of development for the project area, for the conveyance of Block I to the city; provided, that applicant's obligation to convey Block I is contingent upon the city's subsequent conveyance of the block to the United States for construction of a new United States Courthouse.
45. Except as otherwise expressly stated in the code requirements and conditions set out above and in the conditions set out below, applicant shall develop the project area in full accord with, and shall be subject to all narrative statements and drawings made in, its Plan of Development, as defined in ¶ I-1.

B. Recreation Conditions:

46. Within six months of the issuance of this permit by city council, applicant shall contribute \$200,000 to the city for upgrading, maintaining, lighting or otherwise improving one or more athletic fields within the city.
47. Two tennis courts shall be provided within the project on Block A. In addition, a dog run area shall be constructed on the adjoining 2.12 acres of land. The surface for the dog run area shall be the existing mix of gravel and landscaping, with no fewer than ten shade trees planted at locations around and/or within the area to the satisfaction of the Director of RP&CA. Further, the dog-run shall be fully fenced, water shall be provided to the site, and no fewer than four benches shall be provided. The courts and the dog run shall be dedicated to the City for recreation purposes. Once the City accepts the dedication of the courts and dog area, the City shall be responsible for their maintenance.
48. Within 12 months of the approval of a special use permit for the project area, one or more athletic fields shall be constructed on Block P in the project area, in accordance with specifications provided by and to the satisfaction of the Director of Recreation and Cultural Affairs. Such construction shall include the clearing and grading of Block P in accordance with specifications provided by the Director of Recreation and Cultural Affairs. This athletic field or fields so constructed shall remain the sole use of Block P until the approval and release of a final site plan providing for the development of the block. Applicant shall not be responsible for lighting or maintaining any athletic field on Block P.
49. In connection with all street trees within the project area, below-grade planting troughs, meeting the specifications of the Director of Recreation and Cultural Affairs, shall be provided to increase available growing space, and adequate under drainage and soil mixtures shall be furnished. Trees located above parking garages shall be placed in above-grade planting troughs meeting the specifications of the director.
50. A playground shall be constructed in connection with the day care center to be built within the project area. The playground shall meet all specifications of the Director of Recreation and Cultural Affairs.
51. (a) John Carlyle Square, Dulany Gardens, The Crescent, Courthouse Square, and the Eisenhower Avenue Rotary are major open spaces which shall be constructed and maintained by the Carlyle Community Association, but subject to a public access easement. The design of these spaces shall be to the satisfaction of the Directors of P&Z and RP&CA who may consult with the DRB. At a minimum, the spaces shall be developed with the level of landscaping shown on the approved development plan. In addition, the following requirements shall be met:
 - (i) John Carlyle Square shall be designed consistent with the proposed Block D guidelines, to include landscaping and hardscaping intended to accommodate informal and formal outdoor events, shows and other activities for workers, residents, retail patrons and visitors to Carlyle, as well as residents of the city

at- large. At a minimum, the Square shall include a small stage, fountain or similar design element, tables and benches for eating and playing chess or other games, space for lawn games, irrigation for landscaping and lights. Vendors shall be permitted to operate on the Square generally if approved specifically by separate SUP or, for specific events or activities, if authorized by the Director of RP&CA. The City shall have the right to program use of the Square for up to 10 events per year. Jamieson Street shall not go through the park.

(ii) Dulany Gardens shall be developed with lawn and landscaping, pathways, seating, and a fountain, in keeping with the design which has already been approved by the Design Review Board for portions of the park as depicted on the plan entitled 'The Parks at Carlyle, Alexandria, Virginia, Dulany Gardens' and dated 3/03/95.

(b) The African American Heritage Park and the Block A Park shall be dedicated to the city.

52. Consideration shall be given to the development of an ice skating rink in the Gardens area which would convert to a fountain/pool in the summer.

53. Assistance in the planning of an extension of the bike trail from Eisenhower Avenue underneath the Beltway at Payne Street/Hooff's Run to link up with the Mt. Vernon Trail at Hunting Creek shall be provided.

53A. A good-faith effort shall be made by applicant to locate and develop active recreational space at the south end of the Black Heritage Park near the Alexandria Sanitation Authority or elsewhere within the project area.

C. Housing Conditions:

54. At least 40% of the floor area dedicated to residential use, excluding that provided for elderly housing, shall consist of dwelling units with not less than two bedrooms.

54A. Condition 54A is intentionally deleted.

55. Prior to the release of the first site plan for the project area, applicant shall contribute \$2.3 million to the City's Housing Trust Fund. An additional \$2.3 million shall be paid in five equal annual installments on the anniversary date of the first payment of \$2.3 million, with each payment adjusted so that it is made in constant 1990 dollars. Constant 1990 dollars shall be defined according to the Index known as the "U.S. Bureau of Labor Statistics Consumer Price Index For All Urban Consumers: Selected Areas, By Expenditure Category And Commodity And Service Group," for the expenditure subcategory "shelter," for the Washington D.C.-Maryland-Virginia SMSA. In the event the subcategory "Shelter" shall cease to be maintained, the designated category shall be "All Items" of the aforesaid Index. The designated Index and category or subcategory published next before the initial payment of \$2.3 million

shall serve as the "base index," and like data published next before each subsequent installment shall serve as the "installment index." Each such annual installment shall be the sum of (i) \$460,000 and (ii) an amount computed by multiplying the sum of \$460,000 by the percent change in the designated CPI Index between the "base index" and the applicable "installment index."

All payments made pursuant to this paragraph shall be placed and retained in a special City fund until a report from staff is received and approved by City Council regarding the manner in which these monies are to be used to subsidize rents and/or home purchases at this project or elsewhere in the City.

- 55A. The Block O development is receiving additional residential density through the provisions of Section 7-700 of the Zoning Ordinance and shall be subject to the following:
- a. The developer shall provide six (6) affordable units for income eligible households. Three (3) will be one-bedroom units and three (3) will be two-bedroom units. A parking space shall be provided with each unit.
 - b. The set aside units shall be of comparable size, construction quality and exterior design to the market rate units in the development and shall be located throughout the buildings. Interior finishes and features must be durable, of good quality and consistent with contemporary standards for new housing, and must meet or exceed the minimum standards set forth by the Virginia Housing Development Authority (VHDA) for the Low Income Housing Tax Credit Program. Renters or owners in these set aside units shall have access to all community amenities.
 - c. If the project is developed as rental development, the set-aside units shall be maintained as affordable rentals for a period of thirty (30) years. Rents (including utility allowances) for the set aside units shall not exceed maximum rents allowed under the federal Low Income Housing Tax Credit (LIHTC) program for households at or below 60% of the Washington DC Metropolitan Area Family Median Income.
 - d. The developer shall re-certify the incomes of qualifying households annually. The developer shall provide the City with access to the necessary records and information to enable annual monitoring of compliance with the above conditions for the 30-year affordability period.
 - e. Once an income-eligible household moves into a set-aside unit, that unit will be considered an affordable unit until the household's income increases to more than 140% of the then-current income limit. At that time, the over income household shall be allowed to remain, but the next available unit of comparable size (i.e., with the same number of bedrooms) must be made available to a qualified household as a set-aside unit. Once the comparable unit is rented, the rent of the over-income unit may then be increased to market rate in accordance with any lease restrictions.
 - f. Applicants receiving Housing Choice Voucher/Section 8 assistance will not be denied admission on the basis of receiving Housing Choice Voucher/Section

- 8 assistance. Such assistance payments will be treated as income for the purpose of determining minimum income eligibility.
- g. If the market rents are less than anticipated, the set-aside unit rents (as adjusted for utility allowances) will continue to be used as the affordable rents; however, in the event the differential between the market rents and the set-aside unit rents falls below \$150, the affordable rents shall be reduced to maintain a differential of at least \$150 at all times.
 - h. If the set-aside units are marketed as condominiums to first time homebuyers, the sales price shall be in accordance with the current rate for purchasers qualifying for the City's Moderate Income Homeownership Program (MIHP). The sales price shall include one parking space for each unit. Deed restrictions governing re-sale shall be consistent with the City's policy at the time of sale.
 - i. In the event that a portion of the development is developed as rentals and a portion is developed as condominiums, the set aside units will be included in the rental portion.
 - j. If the developer proposes any amendments to the approved Affordable Housing Plan following occupancy, such amendments must be submitted to the Affordable Housing Advisory Committee for its consideration, and will require final approval from the City Manager. The number of total set-aside units shall remain the same. (SUP#2009-0081)
56. Applicant shall diligently pursue tax exempt financing, tax credits and other forms of housing subsidies which could be used together with the contributions provided under ¶ III-55 to maximize the number of non-elderly subsidized housing units constructed and occupied within the project area. In pursuing these matters, applicant shall work closely with the City's Office of Housing.
57. A plan for employer-assisted housing options to be presented to businesses leasing or purchasing space in the project area shall be submitted to the city's Office of Housing within 6 months of the issuance of the project's first certificate of occupancy. This plan shall be designed to assist employees working within the project area to reside there or elsewhere within the city.
58. First priority for the non-elderly subsidized housing provided within the project area shall be given to households with at least one member who works within the city, including within the project area, and second priority shall be given to households living but not working in the city.
59. Applicant shall work with the City's Department of Human Services Private Industry Council and the Urban League of Northern Virginia to develop and implement a job training and job placement program designed to provide training and employment opportunities to city residents with construction, retail, office and other employers working within the project area.

59A. The Oliver Carr Company will post notices of job openings (not filled internally) with Alexandria Office of Employment and Training, the Alexandria Urban League, the Virginia Employment Commission, and the Alexandria newspapers and use these entities as a first source for the hiring of engineers, porters, day matrons, security guards, receptionists and secretaries for the buildings managed by Carr within the CNS project. In addition, Carr will provide training for those employees at Carr's expense. It is anticipated that up to 150 to 200 employees will be hired for these positions.

In addition, CNS will educate the office and retail tenants and the hotel operator within the project regarding the services provided by the Alexandria Office of Employment and Training and will provide matching funds up to \$100,000 to any tenant(s) who hire the Alexandria OET to train employees within the project.

D. Vesting, Phasing and Related Conditions:

60. Upon issuance of this special use permit by city council under section 7-6-28(i) of the Alexandria City Code and so long as all conditions set out in this permit, including the conditions in ¶¶ III-62, -63, -64 and -65 below, and in the permit issued by council under section 7-6-325 of the City Code are satisfied, applicant shall be entitled to develop the project area in accordance with the following schedule of uses and "gross square footage," as that term is defined below:

<u>use</u>	<u>gsf</u>
office.....	1,797,500
office with no more than one parking space per 1,000 gsf...	1,000,000
courthouse.....	400,000
residential.....	3,147,500
hotel.....	300,000
retail and health club.....	258,000
day care center.....	<u>4,500</u>
total.....	6,907,000

"Gross square footage" shall mean the sum of all horizontal areas under a roof or roofs, measured from the exterior faces of walls or from the centerline of party walls, excluding (i) penthouses and other structures containing heating, cooling, ventilating and related equipment and not susceptible to storage or occupancy, (ii) areas uses exclusively for the parking of motor vehicles and ancillary areas (e.g., elevator lobbies and shafts, and stairwells, serving such parking areas), whether above or below grade, (iii) attic space less than 7 feet, 6 inches in height, and (iv) areas dedicated solely to pedestrian 'skywalks, arcades, tunnels and bridges' as identified on the preliminary plan for the PTO project, provided that all such connections across public streets shall be underground. In the event any of the conditions referenced above in this paragraph are not satisfied, this permit shall, unless otherwise provided by city council, become null and void as to all development within the project area on which construction has not commenced; provided, that it is understood and agreed that the

United States of America (USA) as the owner of Lot 506 within the project area is not subject by law to the conditions herein, and that the failure of the USA as the owner of Lot 506 to comply with this Special Use Permit shall not void, nullify or otherwise invalidate the rights of the Applicant, its successors or assigns to develop the project area, in accordance with this Special Use Permit as amended. At such time, if ever USA conveys Lot 506 to a non-governmental entity, that the owner of the lot and the lot itself shall be subject to the provisions of this Special Use Permit, and the lot shall become a part of the owner's association for the lands subject to this Special Use Permit.

The gross square footage numbers in this condition are all maximum development levels and may be reduced on a block-by-block basis by the applicant as development progresses, notwithstanding the provisions of R-65, and so long as development remains consistent with the overall concept plan for the development and the block-by-block design guidelines, as determined by the Director of Planning and Community Development.

61. Upon the occurrence of any event identified in subparagraphs (a) through (g) below, applicant may request permission from city council to "transfer" gross square feet of development, up to the number of feet specified below for each "event," from the category of "residential" or "office with one parking space per 1,000 gsf" use (the "transferor use") to "office" use (the "transferee use"), subject to the provisions in ¶ III- 62; provided, however, that no transfer may occur unless and until the "event" identified in subparagraph (a) occurs and Norfolk Southern has engaged in serious and constructive dialogue regarding the extension of the commuter rail line beyond Manassas as determined by the City Manager. Without council approval of a transfer request made under this paragraph, the transfer from "transferor" to "transferee" use shall not be undertaken. Council may deny a request made pursuant to this paragraph upon a finding that the increase in morning or afternoon peak hour traffic traveling to or from, respectively, the project area which will result from the requested transfer (i) exceeds the additional traffic-carrying capacity of the road system serving the project area which will result from the "event" and (ii) will have a significantly adverse effect upon the morning or afternoon peak hour traffic conditions on that road system. In addressing the standard in the preceding sentence, council shall consider, in addition to all other evidence, a study, prepared by a qualified consultant who has been selected jointly by applicant and the city and who is compensated by applicant and the city or, at the city's discretion, solely by applicant, which analyzes and compares the traffic impacts of existing development within the project area and the "transferor" use without the "event," and the traffic impacts of such existing development and the "transferee" use with the "event." Council shall decide a request made pursuant to this paragraph within 60 days of the filing with the city of the consultant study and, if a decision has not been made within that period, the request shall be deemed approved, unless applicant consents to an extension of the 60-day period. "Events" and the maximum number of gross square feet which they will support are as follows:

- a. commencement of construction of the collector/distributor roadway described in III-40: 500,000 gsf
- b. commencement of construction of the Clermont interchange: 500,000 gsf
- c. commencement of construction of the widening of the Wilson Bridge: 500,000 gsf
- d. commencement of construction of the extension of Metro to Springfield: 500,000 gsf
- e. commencement of construction of a flyover from westbound I-95 to Eisenhower Avenue at Stovall Street: 250,000 gsf
- f. initiation of commuter rail operations from Fredericksburg and Manassas to Alexandria: 250,000 gsf
- g. commencement of construction of Eastern Bypass to the Capital Beltway: 250,000 gsf

This paragraph does not limit or affect in any other manner applicant's right to transfer "office" or "office with no more than one parking space per 1,000 gsf" use to "residential" use.

Notwithstanding the foregoing, the applicant may transfer gross square feet of development, up to the number of feet specified for each event, from the category of residential or office with one parking space per 1,000 gsf use to office use, subject to the provisions in condition 62, provided that the General Services Administration selects Carlyle as the new location of the U.S. Patent and Trademark Office. Such transfers may occur regardless of whether the event identified in subparagraph a. above has occurred and shall not require further Council approval. (Amended SUP96-0092)

62. **CONDITION 62 AMENDED BY STAFF (SUP#2022-00028):** Any transfer of square feet of development to "office" use pursuant to ¶ III-61 is subject to the following limitations and conditions:

- a. At the conclusion of all transfers authorized pursuant to R-61, the project shall not exceed the following schedule of uses and gross square footage:

USE	GSF
office.....	3,785,257 <u>3,788,157</u>
courthouse	400,000
residential*	2,273,531
hotel	230,000
retail and health club	210,598
<u>day care center.....</u>	<u>4,500</u>
Total.....	6,903,886 <u>6,906,786</u>

* Residential includes elderly housing (Lipnick or other entity approved by the City)

- b. no transfer after January 1, 1995, may result in development within the project area being inconsistent with the zoning regulations then applicable to the area; provided, that the regulations with which the development is inconsistent (i) become effective after January 1, 1995, (ii) are enacted pursuant to a rezoning of at least the area of the city addressed in the city's 1990 small area plan for the King Street Metro area and the Eisenhower Valley, which rezoning applicant, stipulates and agrees shall be a comprehensive rezoning for purposes of judicial review, and (iii) are, in the event of a judicial challenge, sustained by a court of law
 - c. no transfer may result in a combination of uses within the project area which is inconsistent with the percentages set out in ¶ III-63 below
 - d. no transfer may occur following the failure of applicant to satisfy the conditions set out in ¶ III-64 below
 - e. no transfer may result in conditions which are inconsistent with the Plan of Development unless expressly authorized by council. (Amended SUP96-0089) (Amended by SUP 2009-0066)
63. Condition 63 is intentionally deleted.
64. **CONDITION AMENDED (SUP#2018-0039):** Construction of development, which for purposes of this paragraph includes infrastructure improvements, shall commence within the project area prior to April 18, 1995, and thereafter Applicant shall diligently and continuously pursue completion of all development within the project area. In the event there is no substantial construction activity proceeding on a continuous basis within the project area for more than 24 months, applicant shall be deemed not to have satisfied the requirement that it "diligently and continuously pursue" completion of development within the project area. Block P shall expire and become null and void, unless substantial construction of the project is commenced within 36 months of City Council approval (December 15, 2018) and such construction is thereafter pursued with due diligence. The applicant shall provide a written status report to staff 18 months after approval to update the City Council on the project status if substantial construction has not commenced at such time. If substantial construction has not commenced within 36 months of City Council approval, the applicant will be required to submit a new Special Use Permit application for review by the Planning Commission and City Council. (P&Z)
65. Minor revisions to the project area's Plan of Development, as authorized by this special use permit, may be approved by the Directors of T&ES and Planning and Community Development. Major revisions to the Plan of Development may only be approved by city council. The determination whether a proposed plan revision is a "major" or "minor" revision shall be made by the Directors of T&ES and Planning and Community Development; provided, that neither a transfer, request made under ¶ III-61, nor the changes to applicant's original Plan of Development which are necessary to bring it into conformity with the schedule in ¶ III-60 shall be deemed a major revision

under this paragraph. In making this "major or minor" determination, the Directors shall be guided by the following criteria:

- a. any significant change in the use of a building shall be a "major" revision
- b. any significant change to a building footprint, including one which reduces the footprint, shall be a "major" revision
- c. any significant increase to a building envelope shall be a "major" revision
- d. any significant increase to the square footage of a building shall be a "major" revision

Notwithstanding any other provision in this permit to the contrary, in approving a "major" revision to the Plan of Development which is requested by applicant, city council may, in its sole discretion, adopt other revisions to the development plan, including to the terms and conditions in this permit; provided, that, prior to any council approval of a "major" revision, applicant shall have the opportunity to withdraw its request for the revision.

66. Applicant acknowledges and agrees that any "vested rights" it may have to the use or development of the land which makes up the project area shall arise solely, if at all, under paragraphs ¶ III-60 through ¶ III-65 of this permit, and that no provisions of the Code of Virginia, including provisions which are enacted after the issuance of this permit, shall have any effect upon or applicability to its right or ability to develop such land. Under paragraphs ¶ III-60 through ¶ III-65, upon the issuance of this permit, applicant is vested in the uses and square footages set out in ¶ III-60 so long as applicant complies with all conditions set out in this permit and in the permit issued by council under section 7-6-325; provided that applicant's rights under this sentence shall always be subject to council's authority to modify such uses and square footages pursuant to ¶ III-65.

E. Design Review Conditions

67. A Design Review Board shall be established to review the architectural proposals for buildings within the project area. The Board shall include five members selected as follows: (1) one member of city council selected by council for a three year term beginning the September following the Council election; (2) the city manager or her designee; (3) one citizen member selected annually by City Council; provided, that once certificates of occupancy have been issued for more than 1.5 million gross square feet of development within the project area, this member shall be selected by council from a list of three persons nominated by the association or organization representing residents of the project area; and (4) two members from one or more design professions who shall be selected annually by the above three members and who shall be compensated by the city (which, in turn, shall be reimbursed for such costs by applicant). The Department of Planning and Zoning shall serve as staff to the Board.
68. For all blocks within Carlyle, the Design Review Board:

- a. shall approve the final design of each building to be constructed on the blocks or portions thereof, including but not limited to materials, color and architectural elements, and, in so doing, shall ensure that the design meets all applicable design guidelines in Plan of Development and the urban design policies stated below in this paragraph; and
- b. may approve minor changes sought by applicant to the design guidelines applicable to the blocks or portions thereof, but may not approve any increase in the height or gross square footage of any building or buildings to be constructed on the blocks or portions thereof or any change in the use or the square footage of any use approved for the blocks or portion thereof.

The urban design policies applicable under this paragraph are as follows:

- buildings should be oriented toward the street and designed to have a human scale at street level;
- building design should encourage street vitality by maximizing activity along the street and by creating many openings onto the street;
- buildings should be articulated vertically, as well as horizontally, in order to break up their mass;
- building entrances and lobbies should be given architectural prominence; and
- each building shall be compatible with and enhance the design of adjacent buildings and all other development within the project area.

69. Condition 69 is intentionally deleted.

70. With respect to Block O, applicant's design guidelines are not approved, and the Board:

- a. shall approve new design guidelines which shall provide for the residential development of the blocks and portions thereof at a gross square footage equal to or less than that provided in applicant's design guidelines in the Plan of Development and, in so doing, shall consider the urban design factors stated below in this paragraph;
- b. shall review and comment on the final design of each building to be constructed on the blocks or portions thereof and, in so doing, shall ensure that the design meets all applicable new design guidelines;
- c. shall approve the materials, color and minor architectural elements of each building to be constructed on the blocks or portions thereof; and
- d. may approve minor changes sought by applicant to the new design guidelines applicable to the blocks or portions thereof, but may not approve any increase in the height or gross square footage of any building or buildings to be constructed on the blocks or portions thereof or any change in the use or the square footage of any use approved for the blocks or portion thereof.

The urban design factors applicable under this paragraph are as follows:

- the solar orientation of the units;
- the relationship of the units to open space; and
- the relationship between residential units and very tall buildings.

- 70A. CONDITION 70A AMENDED BY STAFF (SUP#2020-0065): The development of Block P shall be consistent with the Design Guidelines dated 11/19/2009, the special use permit conditions contained herein, the approved transportation management plan, all applicable approvals and the following:
- a. The extension of John Carlyle Street, the construction of the approximately 30 ft. wide portion of the street to the south of the east block and the improvements to Hooffs Run shall be constructed and the street(s) and sidewalks(s) shall be operational prior to a certificate of occupancy permit for any of the building(s) for Block P.
 - b. The applicant shall be responsible for a "temporary" emergency vehicle easement (EVE) along the southern portions of the property. The EVE shall be temporary until the street(s) on the adjoining block to the south (Block 27) are constructed. The temporary emergency vehicle easement on the west block shall be removed and replaced with open space when the streets to the south of the block are constructed to the satisfaction of the Directors of Code Enforcement and Planning and Zoning. The applicant shall be responsible for ensuring that the design, treatment and materials of the open space on the southern portion of the site shall be integrated with the design of the public park to the south of the site to the satisfaction of the Directors of P&Z and RP&CA.
 - c. The applicant shall dedicate the right-of-way for Eisenhower Avenue prior to the release of the final site plan. Alternatively, if requested earlier by the City upon a written formal request by the City, the applicant shall provide the necessary plats,
and accompanying applicable documentation necessary for the City to accept dedication of the property by the City within 60 days.
 - d. A perpetual public access easement shall be provided for all streets and sidewalks. The street(s) shall contain public access easements or be dedicated to the City as determined by the Director of T&ES.
 - e. The amount of retail square footage shall continue to be 12,025gsf and the retail space shall comply with the following:
 - i. A minimum of 15 ft. clear interior heights.
 - ii. A minimum depth of 40 ft. on John Carlyle Street and 60 ft. on Eisenhower Avenue.
 - iii. A portion of the retail space shall incorporate venting systems required for food preparation, exhaust vent shafts and grease traps, service corridors/areas to not preclude the provision for retail and/or restaurant uses.
 - f. The above grade parking on Eisenhower Avenue shall be setback a minimum of 30 ft and John Carlyle Street shall be setback a minimum of 22 ft. from the exterior building walls of the first and second floor of the street frontage.
 - g. The above grade parking on Hooff's Run Drive shall be architecturally treated to be in harmony with the overall building design and to screen interior lights, ceiling pipes, exposed row concrete etc.
 - h. The screening of the parking garages on John Carlyle and Eisenhower Avenue shall be revised pursuant to Condition #102 contained herein.

- i. The applicant shall be responsible for improving all open space with amenities such as benches, trash receptacles, special paving, lighting, and landscaping within Block P to encourage its use to the satisfaction of the Director of P&Z and RP&CA.. A public access easement shall be granted over all ground level open space. The open space easement(s) shall be approved by the City prior to the release of the final site plan.
- j. Condition deleted.
- k. A freestanding subdivision or development sign shall be prohibited.
- l. The height of retail pavilion shall be 30 ft. tall to comply with condition # 76 as contained herein.
- m. Per the City's 2019 Green Building Policy achieve a green building certification level of LEED Silver/Equivalent, to the satisfaction of the Directors of P&Z, and/or RP&CA and T&ES. Diligent pursuance and achievement of this certification shall be monitored through the following:
 - i. The project shall comply with the requirements defined by the City of Alexandria 2019 Green Building Policy.
 - ii. The project shall meet the Energy Use Reduction requirements including Optimize Energy Performance, Renewable Energy Production, Advanced Energy Metering and Enhanced Commissioning (or equivalents) defined by the City of Alexandria Green Building Policy.
 - iii. The project shall comply the Water Efficiency requirements including Indoor Water Use Reduction and Outdoor Water Use Reduction (or equivalents) defined by the City of Alexandria Green Building Policy.
 - iv. The project shall comply the Indoor Environmental Quality requirements including Low Emitting Materials, Construction Indoor Air Quality Management Plan, Thermal Comfort, Daylight and Indoor Air Quality Assessment (or equivalents) defined by the City of Alexandria Green Building Policy.
 - v. The application shall provide a draft scorecard identifying the project's path to LEED, Green Globes or Earthcraft Certification (or equivalent) with the submission of the Preliminary Review documents.
 - vi. Provide evidence of the project's registration with LEED, Green Globes or Earthcraft (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 and clearly indicate that requirements for Energy Use Reduction, Water Efficiency and Indoor Environmental Quality are being met as defined by the City of Alexandria 2019 Green Building Policy. *
 - vii. Provide an updated copy of the certification scorecard prior to the release of building permits for above-grade construction. **
 - viii. Provide updated energy reports prior to the release of building permits for above-grade construction. **
 - ix. Provide a draft commissioning plan that includes items "i" through "v" below, prior to the release of building permits for above-grade construction. **

- i. A narrative description of the activities that will be accomplished during each phase of commissioning, including the personnel intended to accomplish each of the activities.
 - ii. A listing of the specific equipment, appliances or systems to be tested and a description of the tests to be performed.
 - iii. Functions to be tested including, but not limited to, calibrations and economizer controls.
 - iv. Conditions under which the test will be performed. Testing shall affirm winter and summer design conditions and full outside air conditions.
 - v. Measurable criteria for performance.
 - x. Provide updated water efficiency documentation reflecting any changes from the Final Site Plan prior to the release of building permits for above-grade construction. **
 - xi. Provide updated daylight analysis documentation reflecting any changes from the Final Site Plan prior to the release of building permits for above-grade construction. Provide updated daylight analysis documentation reflecting any changes from the Final Site Plan prior to the release of building permits for above-grade construction. **
 - xii. Provide evidence that design phase credits have been submitted by the first certificate of occupancy. ***
 - xiii. Provide a commission report including issues log, completed pre-function checklists and any completed functional performance tests by the final certificate of occupancy. ***
 - xiv. Provide evidence of submission of materials clearly indicating that requirements for Energy Use Reduction, Water Efficiency and Indoor Environmental Quality are being met as defined by the City of Alexandria Green Building Policy for Design Phase credits to the U.S. Green Building Council (USGBC), Green Globes or Earthcraft (or equivalent) prior to issuance of a certificate of occupancy.***
 - xv. Provide documentation certification at the release of the maintenance bond clearly indicating that requirements for Energy Use Reduction, Water Efficiency and Indoor Environmental Quality have been achieved as defined by the City of Alexandria Green Building Policy. ****
 - xvi. Failure to achieve the certification level, as required by the City of Alexandria 2019 Green Building Policy, will be evaluated by City staff, and if staff determines that a good faith, reasonable, and documented effort was not made to achieve the certification level, then any City-wide Green Building policies existing at the time of staffs' release of Final Site Plan will apply. (P&Z)(RP&CA)(T&ES)
- n. The applicant shall submit a wall check to the Department of Planning & Zoning prior to prior to the commencement of framing for the building(s) or parking structure(s). The building and garage footprint(s) depicted on the wall check shall comply with the approved final site plan. The wall check shall also provide the top-of-slab and first floor elevation as part of the wall check. The wall check shall be

- prepared and sealed by a registered engineer or surveyor. The wall check shall be approved by the City prior to commencement of framing.
- o. As part of the request for a certificate of occupancy permit, the applicant shall submit a building and site location survey to the Department of P&Z for all site improvements, including the structured parking. The applicant shall also submit a certification of height for the building as part of the certificate of occupancy for each building(s). The certification shall be prepared and sealed by a registered architect and shall state that the height of the building complies with the height permitted pursuant to the approved special use permit and that the height was calculated based on all applicable provisions of the Zoning Ordinance.
 - p. Within twelve (12) months of the date of the approval of SUP#2007-0094, the applicant or its successors shall be responsible for submitting a report to the Planning Commission and City Council on the status of any transfers and/or redevelopment plans and/or proposals for the proposal for the portion of the eastern portion of the site. The information within the report shall include all necessary and applicable information as determined necessary for review by the Director of P&Z. As part of the twelve (12) month review, the Planning Commission and/or City Council may require additional reports and/or information on an as needed basis.
 - q. The applicant shall be responsible for all appropriate signage directing customers and office workers to the garage. The parking signage shall be coordinated with the on-going signage–wayfinding efforts within Carlyle and Eisenhower East to the satisfaction of the Director of P&Z. (PC) (Amended by SUP 2009-0066)
- 70B. **CONDITION 70B ADDED BY STAFF AND AMENDED BY THE PLANNING COMMISSION (SUP#2022-00028): Make the following changes to the Carlyle Block C, 1940 Duke Street rooftop architecture prior to release of the Final Site Plan minor amendment:**
- a. **To ensure the disengagement of the tower ~~along Duke Street from the proposed board room, make the changes to the enclosure connection and~~ deepen the notch between the existing tower and the proposed board room as shown on Attachment #7. (P&Z)**
- 70C. **CONDITION 70C ADDED BY STAFF (SUP#2022-00028): The rooftop building addition to the building at 1940 Duke Street (Carlyle Block C) shall demonstrate an equivalency with LEED Certified (or equivalent) and shall build the addition as near to “LEED Silver” as feasible. The Applicant shall provide the following documentation with the Final Site Plan minor site plan amendment for the building addition:**
- a. **Provide a draft checklist showing how the project plans to achieve the certification equivalency.**
 - b. **Provide a memorandum with the minor site plan amendment stating why the project cannot achieve the LEED Silver (or equivalent) level of certification and why the project cannot meet the City’s performance**

points. The memorandum shall include a draft scorecard illustrating that the necessary LEED Silver (or equivalent) certification points cannot be achieved and outline how each performance point cannot be achieved.

- c. **Provide an updated copy of the draft certification scorecard/checklist prior to building permit release for above-grade construction to show equivalency with the level of certification approved with the minor site plan amendment.**
- d. **Failure to achieve the certification level, as required by this condition, will be evaluated by City Staff to determine whether a good faith, reasonable, and documented effort was made to achieve the certification level to the satisfaction of the Director of P&Z. (P&Z)**

- 71. The Board shall approve the new design guidelines, which applicant is required to submit under ¶ III-75, for the blocks within the project area which are affected by the changes applicant makes to its original Plan of Development in order to bring it into conformity with the schedule of uses and gross square footage in ¶ III-60.
- 72. The Board may recommend to city council changes to the design guidelines which it is without authority to approve under ¶ III-68, -69 and -70, but council may approve such changes only with the concurrence of applicant.
- 73. Decisions of the Board may be appealed to city council by the applicant. Such an appeal shall be filed in writing with the director of Planning and Community Development within 15 days of the Board decision, and shall be heard by council within 45 days of the filing.
- 73A. Buildings shall be predominantly masonry (brick, stone, cast stone, precast) and predominantly with punched windows.

F. Other Planning Conditions:

- 74. Within 6 weeks of the issuance of this permit by City Council, applicant shall submit a revised plan for the project area showing, to the satisfaction of the director of Planning and Community Development, the location within the project area of the uses identified in ¶ III-60.
- 75. Within a time period to be determined by the director of Planning and Community Development, applicant shall submit revised design guidelines for the blocks identified in ¶ III-70, for review and consideration by the Design Review Board, and a composite plan for the project area which shows, to the satisfaction of the director, the uses identified in ¶ III-60 and the design guidelines applicable to such uses.
- 76. At the build-to line, all buildings facing Duke Street, Holland Lane, Eisenhower Avenue, Second Street, Fountain Court and Retail Square shall be at least three

stories. At the build-to line, all other buildings in the project area shall be at least two stories. The requirements of this paragraph shall not apply where the design guidelines are revised by City Council to modify streetwall requirements. (Amended SUP94-374).

77. Within the project area, except along Eisenhower Avenue for the garages on the PTO property, the maximum uninterrupted streetwall length, without recesses or ground floor setbacks, shall be 150 feet, unless approved by the Director of Planning and Zoning.
78. Applicant shall consider moving the hotel from Block K to Block J.

G. Miscellaneous Conditions:

79. Applicant expressly agrees that all findings, code requirements and conditions set out in this permit shall run with the land which makes up the project area and shall be binding upon each and every person and legal entity who or which succeeds to any interest of applicant in any of such land. The term "applicant," as used in this permit, shall include all such successor persons and entities.
80. Condition deleted.
81. A soils report meeting the requirements of 1987 Uniform Statewide Building Code ("USBC") § 1202.1 shall be filed with the building permit application for every building to be constructed within the project area.
82. Separate demolition permits and asbestos certification reports shall be filed with the city's Office of Code Enforcement prior to the demolition of existing buildings within the project area.
83. Sheeting and shoring plans for each building to be constructed within the project area shall be approved, prior to the commencement of any construction activity, by the Department of T&ES and the Office of Code Enforcement.
84. All underground electrical vaults to be constructed within the project area shall be shown on a final site plan.
85. Permits for all outside fountains and pools shall be obtained from the Office of Code Enforcement prior to the commencement of construction of such items.
86. All "mixed use groups," within the meaning of USBC §313.0, shall be separated as required by that section of the code.
87. Any building over 50 feet in height shall contain fire suppression systems to the satisfaction of city's Office of Code Enforcement Fire Department.
88. Permits for any retaining walls shall be obtained from the Office of Code Enforcement prior to the commencement of construction of such walls.

89. Prior to the release of a building permit for any building within the project area, a code analysis shall be conducted by applicant and one or more code conferences with staff of the Office of Code Enforcement shall be held.
90. All construction within the project area shall comply with the provisions of the Virginia Uniform Statewide Building Code.
91. Emergency vehicle easements shall be provided the city over all private roads within the project area, and all such roads shall be no less than 22 feet in width. Such easements shall be given the city prior to the release of any final site plan containing private roads, and plats showing the easements shall be filed with the Fire Department prior to the release of the site plan.
92. Prior to the release of any final site plan, applicant shall discuss with the city's Chief of Police, or his designee, any security concerns of the Police Department and shall implement all reasonable security measure recommended by the chief or his designee.
93. No final site plan for the project area shall be released until the Chief of Police has reviewed the adequacy of the security measures to be undertaken in conjunction with the development proposed in the site plan.
94. Prior to the issuance of certificates of occupancy for 1 million gross square feet of development within the project area, applicant shall provide at least 800 net square feet of space within a building, which is located within the project area and is satisfactory to the Chief of Police, for use as a "store front facility" by the Police Department.
95. To the extent there are inconsistent provisions within the Plan of Development, the more restrictive provisions shall prevail and apply under this special use permit.
96. The areas above the parking decks on blocks H, L, and O will be landscaped to the satisfaction of the Director of Planning and Zoning.
97. Rooftop mechanical penthouses shall be permitted subject to the following limitations:
 - a. Only one penthouse is permitted for each building unless the number is increased by the Design Review Board, except that three separate penthouses shall be permitted for the main PTO building, one on the main tower and one on each wing of the tower.
 - b. The penthouse may exceed 15 feet in height with the approval of the Design Review Board but shall not exceed 22 feet in height without an amendment to this special use permit, except that penthouses on the PTO buildings may be up to 22' in height.
 - c. The penthouse must be limited in size to the minimum space required to house necessary mechanical equipment and to provide access for maintenance of such equipment; and

- d. No equipment may be placed above the roof of the penthouse to increase its height if such equipment could be located elsewhere on the building.
98. The 10,955 sq.ft. of land vacated by the City generally located on the north side of Block B (case #VAC94-004) is hereby incorporated into the Carlyle special use permit and all conditions of the Carlyle special use permit shall be applied to this added land area. (Added SUP94-374)
 99. Incorporate the brewery site into the park to be developed at the corner of Duke and Dulany Streets and mark the site with a proper marker or plaque indicating it is a valued 19th century beer lager. (Added SUP94-374)
 100. Call Alexandria Archeology immediately (703-838-4399) if any buried structural remains (foundation walls, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during construction activities. A City archaeologist will visit the site without delay to evaluate its significance and record the presence of the archaeological remains. The archeologist may also collect a sample of the artifacts from the site for further study in the laboratory. This will not result in construction delay or the expenditure of any funds beyond those additional funds already committed in the October 1993 agreement. (See attached January 20, 1994 letter from Wiley Mitchell). (Added SUP94-374)
 101. Parking built above grade shall be set back a minimum of 30 feet from the exterior building walls of the first and second floor of the street frontage where commercial or retail uses are required at grade, except along John Carlyle Street and Elizabeth Lane, where the setback shall be a minimum of 22'. Where residential uses are required, the setback shall be the reasonable depth of a residential unit, as determined by the Director of P&Z. Blocks M, and N shall be exempt from this requirement along the Eisenhower Avenue street frontage in conjunction with the PTO project, if the garages facing Eisenhower Avenue are designed of high quality materials consistent with the other buildings in Carlyle, and with openings and other architectural treatments approved by the Carlyle Design Review Board.
 - 102A. Ground Floor Retail: Ground floor uses of areas designated as “retail” shall be limited to the following uses as defined below.
 1. Permitted Uses:
 - a. Retail Shopping Establishments.
 - b. Personal Service Uses: Barbershops and beauty salons, dressmakers and tailors, dry-cleaning (limited to pick-up only), optical centers, professional photographer’s studios, and photocopying service
 - c. A bank or financial investment office, if it does not adjoin another bank or a financial investment office.
 - d. Realty offices.
 - e. Tax preparation services.

2. Uses Allowed by Administrative Approval:

- a. Full-Service Restaurants: Full-service restaurants may be approved administratively by the Director of Planning and Zoning, provided that any restaurant approved under this provision complies with the conditions listed below and is compatible with the character of the Carlyle Development District. Restaurants that do not meet these criteria may be approved subject to a special use permit.
 - i. Restaurants shall close no later than 12:00 a.m.
 - ii. All patrons shall be seated by a host or hostess, printed menus shall be provided at the tables, service shall be provided at the tables by a waiter or waitress, and tables shall be preset with non-disposable tableware and glassware.
 - iii. Deliveries to the business shall not take place between the hours of 7:00 a.m. and 9:30 a.m., or between 4:00 p.m. and 6:00 p.m., Monday through Friday. Deliveries to restaurants within residential buildings or whose service drive adjoins a residential building shall not take place before 7:00 a.m. or after 10:00 p.m.
 - iv. If any food delivery services are provided, they shall clearly be accessory to dine-in food sales, and all deliveries shall be nonvehicular (made on foot, via bicycle, etc.). Alcoholic beverages shall not be delivered off-site, and delivery of nonalcoholic beverages shall only be in association with food deliveries.
 - v. Alcoholic beverages may be sold for on-premises consumption only, and shall clearly be accessory to food sales.
 - vi. Grease traps shall be located within the building. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
 - vii. No food, beverages, or other material shall be stored outside.
 - viii. Trash and garbage shall be placed in sealed containers, which do not allow odors to escape and shall be stored inside or in a closed container, which does not allow invasions by animals. No trash or debris shall be allowed to accumulate on-site outside of those containers.
 - ix. 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.
 - x. Cooking odors, smoke and any other air pollution from operations at the site shall be properly ventilated and shall not be permitted to become a nuisance to neighboring properties, as determined by the Department of T&ES.
 - xi. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees.
 - xii. The design of the restaurant shall reflect the character and quality of materials consistent with the high standards established in Carlyle.

- b. Restaurants - Outdoor Dining: Outdoor dining is encouraged and may be permitted administratively by the Director of Planning and Zoning subject to the following minimum criteria and conditions:
- i. All outdoor dining areas shall be accessory to an approved indoor restaurant.
 - ii. An unobstructed pathway with a minimum width of 8 feet shall be provided at all times.
 - iii. Any permanent structures which are required for the outdoor seating area shall be subject to review and approval by the Carlyle DRB.
 - iv. No live entertainment shall be permitted in the outdoor seating area.
 - v. No sound amplification shall be permitted in the outdoor seating area. vi. Any outdoor seating areas shall not include advertising signage. The design of the outdoor seating shall be compatible with the design of the building.
 - vii. On site alcohol service shall be permitted; no off-premise alcohol sales are permitted.
 - viii. No food, beverages, or other material shall be stored outside.
 - ix. The applicant shall provide, at its expense, one city trash container Model SD-42- exclusively for each outdoor dining area. The trash container shall be emptied at the close of business each day.
 - x. Trash and garbage shall be placed in sealed containers, which do not allow odors to escape and shall be stored inside or in a closed container, which does not allow invasions by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers.
 - xi. 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.
 - xii. The outside dining area shall be cleaned at the close of each day of operation.
 - xiii. 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 T&ES.
 - xiv. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees.
- c. Other Uses: The Director of Planning and Zoning may approve other commercial activities that involve a high degree of pedestrian activity subject to the following:
- i. The use provides goods or services to the general public.
 - ii. The business is determined to be consistent with the high quality requirements, design and character of Carlyle.

- iii. The primary entrance for the business shall open onto a public sidewalk or a retail lobby or court.
 - iv. Exterior signage, oriented to the public sidewalk, shall be provided.
 - v. Windows shall not be opaque or otherwise obstructed. Either well-maintained and regularly updated window displays shall be provided, or windows shall provide open views into the tenant space.
 - vi. In no cases shall these uses include pawn shops, laundromats, locksmiths, musical instrument repair, or furniture upholstery shops.
- d. Private and public schools
- e. Health clubs
- f. Day care center, provided they comply with the criteria listed below. Day care centers that do not meet these criteria may apply for a separate special use permit.
- i. A plan that shows drop off and pick up areas must be provided and must be reviewed to ensure that the drop off and pick up areas will create minimal impact on pedestrian and vehicular traffic and will be safe for the day care users. The plan must be approved by the Directors of P&Z and T&ES.
 - ii. Day care uses must not occupy more than 1/3 retail square footage.
- g. The Director of Planning and Zoning shall promulgate procedures for the processing of applications and notifying the public that an application has been filed under this condition, such procedures to include at a minimum the posting of the site with a placard, a brief period for public comment to the Director, and the listing of the pending application on the City's web site. (PC)
3. Special Use Permit. The following uses may be allowed subject to a special use permit:
- a. Restaurants which do not meet all of the minimum criteria described in §102A.2.a above.
 - b. Banks which do not meet the separation limitations in §102A.1.b above.
 - c. Financial investment offices
 - d. Entertainment uses.

102B. Condition deleted.

102C. The ground floor office use in the southeast quarter of the building at 333 John Carlyle Street shall be permitted to have a five-year lease term with an option for a five-year renewal. The permitted office lease term shall commence upon tenant occupancy of the space, but in no case shall the term extend beyond December 31, 2021. If an office tenant for this space terminates the lease or does not renew upon expiration of the five-year lease, the office use shall be discontinued upon termination or expiration of the five-year lease. All other uses which have been established as of June 12, 2004, and

which do not meet the requirements of §102A and §102B above shall be considered to be noncomplying uses and subject to §12-300 of the Zoning Ordinance.
(P&Z)(PC)(CC) (SUP 2009-0047)

- 102D. The ground floor of the townhouses at 400-412 John Carlyle Street shall be subject to the following: If, after making a good faith effort as determined using guidelines issued by the director, the building owner is unable to lease or sell space required by the design guidelines and the special use permit to be in retail use, the director may authorize that space to be leased for non-retail use for a period not to exceed ten years, after which time subsequent leases may be authorized on the same conditions. For the purpose of this requirement, retail uses shall include retail shopping establishments, restaurants, banks, financial investment and consulting offices, professional offices, travel agencies, realty offices, personal service uses, educational uses and any other commercial activity that involves a high degree of pedestrian activity, as determined by the Director of Planning & Zoning. The professional office use may be permitted with subsequent approval of the property owners, Homeowners Association and City Attorney. (PC)
- 102E. A grocery store of no less than 25,000 square feet shall be provided within the retail space at Carlyle, unless the grocery store approved in DSUP #2002-0009 for the corner of Duke Street and Holland Lane is constructed and operational. If the requirement for a grocery store is nullified, the 25,000 square feet shall be provided on Block P as retail use that is concentrated along the street and located at ground level.
- 102F. Retail space located within the building at 1900 Jamieson Avenue (Block G) shall be subject to the following:
- a. Business and professional office uses are permitted in:
 - i. the area designated as second floor retail;
 - ii. the area designated as ground floor retail that only fronts Jamieson Avenue (as depicted by the graphic included with SUP 2012-0006); and
 - iii. the area designated as ground floor retail that only fronts Ballenger Avenue (as depicted by the graphic included with SUP 2012-0006). (PC)
- 102G. Retail space located within the buildings at 1920 Ballenger Avenue (Block K) and 2050 Ballenger Avenue (Block J) shall be subject to the following:
- a. Business and professional office uses are permitted in:
 - i. the area designated as second floor retail; and
 - ii. in the area designated as ground floor retail west of the office building entrance for 1920 Ballenger Avenue (as depicted by the graphic included with SUP 2012-0006). (PC) (SUP # 2009-0068)

- 102H. Retail space located at 1855 Emerson Avenue (Block L) shall be subject to the following: Business and professional office uses are permitted in the area designated as ground floor retail.
- 102I. Ground-floor retail space located at 333 John Carlyle Street (Block C) shall be subject to the following:
- a. A lobby/reception area which is accessory to an office use on the upper floor(s) of the building. The total area of this lobby/reception area is not to exceed 2,450 gross square feet. (P&Z)
103. The height for Carlyle Towers Building III shall be permitted to be increased to a maximum height of 193'. Prior to the release of any final site plan for a building which incorporates the increased height, the design guidelines sheet for Block A shall be updated to incorporate the height change and shall be provided to the City. (Added SUP99-0021.)
104. Maximum heights within the project shall be as shown on the approved design guidelines for each block. Two blocks have no approved guidelines: Blocks O and P. On Block O, heights shall not exceed 60', except along Holland Lane, where heights may increase up to 155', and along Eisenhower Avenue at its intersection with John Carlyle Street, where heights may increase up to 110'. Heights on Block P shall be determined by City Council as part of its special use permit review of the applicant's revised design guidelines for Block P.
105. The 313 parking spaces not required by the PTO SFO but located within the PTO parking garages shall be made available to the public in the evening and on weekends until at least 10 p.m. In addition, at least 500 additional spaces within the garages shall be made available to the public on evenings and weekends if the Directors of P&Z and T&ES determine that all or a specific portion of such parking spaces are needed to serve uses in the surrounding area; in the event of such a determination, security for and related to these parking spaces, satisfactory to PTO, shall be provided. A fee may be charged for any parking provided pursuant to this condition.
- 105A. Sufficient spaces for PTO visitors shall be made available from the parking spaces allocated to PTO; provided that no more than 352 (10% of the total PTO spaces) shall be required to be made available for this purpose.
106. The following improvements are required as mitigation of the proposed relocation of the U.S. Patent and Trademark Office to Carlyle and shall be deleted as requirements if the relocation of the U.S. Patent & Trademark Office to Carlyle does not proceed. However, the City reserves the right to require some or all of the following improvements in the context of requests for other amendments to the Carlyle special use permit or in the context of a request for transfer of density pursuant to condition #61 of this special use permit.

(a) The applicant shall construct, at its own expense, or pay for the construction of the following road improvements as generally shown and described in the PBSJ Traffic Impact and Analysis Report on Carlyle dated 1/25/00:

1. Duke Street/Dulany Street/Diagonal Road: dual left turn lanes from westbound Duke Street into Dulany Street and from northbound Dulany Street to Duke Street, and enhancements to the pedestrian crossings at that intersection to include additional and widened sidewalks, and modified medians and crosswalks
2. Duke Street/John Carlyle Street/entrance to King Street Station: improved pedestrian crossings on Duke Street
3. Eisenhower Avenue: widen to provide one additional westbound lane between John Carlyle Street and Elizabeth Lane.
4. Eisenhower Avenue/John Carlyle Street: left turn bay from eastbound Eisenhower Avenue to John Carlyle Street.
5. Eisenhower Avenue/Elizabeth Lane: left turn bay from southbound Elizabeth Lane to Eisenhower Avenue.
6. Jamieson Avenue: extend to West Street.

All of the above improvements shall be accommodated within existing city right-of-way or on property under CDC's control and CDC shall not be required to acquire any additional property to meet these obligations.

(b) The applicant shall reimburse the city for the installation and initial timing of new signals and for retiming of existing signals at the following intersections:

1. Eisenhower Avenue/John Carlyle Street
2. Eisenhower Avenue/Elizabeth Lane
3. Eisenhower Avenue/Mill Road
4. Duke Street/Holland Lane
5. Duke Street/John Carlyle Street
6. Duke Street/Dulany Street/Daingerfield Road

Design and engineering profiles of all improvements required by this condition shall be submitted to and approved by the City as an infrastructure plan prior to release of any final site plan related to the PTO buildings. Construction shall commence within 12 months of the approval of the first final site plan for the PTO and shall thereafter be diligently pursued.

(c) The applicant shall pay the city \$200,000 prior to July 1, 2001 to be utilized by the City for other traffic measures.

107. In the event the U.S. Patent and Trademark Office relocation to Carlyle does not proceed, approval of the design guidelines for the eastern portion of Block F, the western portion of Block G, and all of Blocks J, K, M and shall be suspended until such time as the applicant requests and City Council approves an amendment to the Carlyle special use permit to address the changes created by the loss of the PTO.

108. During the initial 20-year term of the lease of the five buildings within the Carlyle site to be leased to the United States of America for use by the United States Patent and Trademark Office, the real property subject to the lease is intended to remain in private ownership and to be subject to City of Alexandria real estate taxes. Prior to final site plan approval for any of the five buildings to be leased to the United States, the applicant or any successor in interest to the applicant shall cause to be recorded among the land records of the City of Alexandria, a covenant, approved by the city attorney, that provides that, before any voluntary sale of any of the real property that is being leased to the United States (the Property”) to a purchaser which is not obligated to pay City of Alexandria real estate taxes, the seller of the real property, shall, at the election of the seller either (i) provide to the City a payment equal to the present value of the estimated real estate tax payments (to be calculated pursuant to a mutually agreeable formula to be set forth in the recorded covenant) which would otherwise become due on the Property during the balance of the initial 20-year term of the lease to the United States, or (ii) enter into a binding and enforceable agreement with the City, approved by the city attorney and including such surety as deemed necessary by the city attorney, that requires the seller to make semi-annual payments to the City during the balance of the 20-year term which shall be equal to and made at the same time as the real estate tax payments that would otherwise have been due on the Property. Such covenant shall expressly provide that (i) its terms and obligations shall run with the land and be an encumbrance upon the Property, for the benefit of the City, and the applicant or the applicant’s successors in interest shall ensure that the covenant and the obligation thereof shall have priority over every mortgage, deed of trust, or other lien or encumbrance on the Property, whether created prior to, or subsequent to, the grant of such covenant, and (ii) it shall be released of record in the event of a sale of the Property to a real estate tax exempt purchaser at such time as the foregoing conditions have been satisfied or the expiration of the 20 year term of the lease to the United States. In no event shall this condition or such agreement be deemed to impose the obligation to pay any City of Alexandria real estate taxes upon a real estate tax-exempt purchaser of any Property.
109. In addition to the requirements of the Transportation Management Plan for Carlyle, the applicant or its successor in interest to the PTO Property shall, within six months of approval of the SUP, initiate contact with, and shall thereafter use its best, good faith efforts to work with city staff, WMATA, the Virginia and Maryland Secretaries of Transportation, the developer of National Harbor, other local governments and interested parties, to develop and implement a transportation plan for public transit service across the Woodrow Wilson Bridge, from the Branch Avenue Metro Station (opening in 2001) to the Eisenhower Avenue Metro Station, with service stops at National Harbor, PTO, and other appropriate locations. Such service should be operational using buses, at the time of occupancy of the first PTO building, if feasible, and service should eventually be provided by light or heavy rail. This condition does not require the applicant to fund such transit service. (City Council)
110. The applicant shall update the Design Guidelines and provide digital originals to the City within 30 days from the approval date of the special use permit approval that

reflect the current and all previous amendments to the Guidelines. The revised Guidelines shall be administratively approved by staff prior to an application for Blocks F, G, J and/or K. (P&Z)

111. The development of Blocks F, G, J and K shall be in accordance with the attached design guidelines dated May 23, 2003. (P&Z)
112. Condition deleted (PC)
113. The building setbacks for Block G shall be increased to a minimum of 10 feet along Ballenger and Jamieson Avenues at the 45-foot-height. A setback at the fifth level shall be provided if deemed necessary by the Director of P&Z.
114. The retail parking for Blocks F, G and P shall be limited to a maximum of 3.5 spaces/1,000 GSF. Blocks J and K shall provide a maximum of 277 parking spaces, of which no fewer than 2.214 spaces per 1,000 gsf of retail shall be provided for retail uses. The parking shall be allocated proportionally between the two blocks. (PC) (SUP # 2009-0068)
115. **CONDITION ADDED BY STAFF (SUP#2020-0065):** Per Memo to Industry No. 01-18, a minimum of 65% of the total phosphorus (TP) removal required by the Virginia Stormwater Management Program (VSMP) must be achieved using nonproprietary surface BMPs approved by the Virginia Stormwater BMP Clearinghouse. A maximum of 35% of the TP removal required by the VSMP may be achieved using manufactured treatment devices (MTDs) and/or sand filters approved by the Virginia Stormwater BMP Clearinghouse. Any approved BMP may be used to meet the balance of the Alexandria Water Quality Volume Default (WQVD). (T&ES)

CITY DEPARTMENT CODE COMMENTS

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

Transportation and Environmental Services (T&ES)

- F-1 Limited information was provided about parking for the proposed use. The applicant needs to confirm there is off-street garage parking available for use by workers and visitors of the proposed office space. (Transportation)
- F-2 The Application requests an extension for three years with no changes to the Project Parameters. Per the application, if there is no change in land use, increase in number of units, or increase in impervious area then the Infrastructure & Right of Way division will deem the project as grandfathered for sanitary and storm sewer adequate outfall analyses. (T&ES- I-ROW/Storm)(PC)

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

IX. ATTACHMENTS

1. Land Use Allocation Table with Proposed Changes
2. Carlyle Block C Design Guidelines (per SUP #97-0157) with Proposed Changes
3. Summary of Carlyle Applications and Amendments
4. July 21, 2022, DRB Meeting - Staff Report with Action
5. Staff DRB Response Letter Dated August 9, 2022
6. Carlyle Community Council Letter of Support Dated September 14, 2022
7. Diagram of Conditioned Architectural Changes
8. Applicant Letter Dated October 6, 2022

Attachment 1: Land Use Allocation Table with Proposed Changes

Note: All program numbers refer to gross square footage as per the Block C Design Guidelines.

Block	Office	Residential	Hotel	Retail	GSA	Daycare	Total
A		814,419		4,245			818,664
B	290,000			7,000			297,000
C	460,700 463,600			19,600			480,300 483,200
D							0
E	163,216			24,522			187,738
F	399,493	102,704	230,000	5,500			737,697
G	501,679			70,000			571,679
H		436,000		4,000			440,000
I					400,000		400,000
J	447,629			14,137			461,766
K	414,432			29,205		4,500	448,137
L		340,490		20,364			360,854
M	484,803						484,803
N	484,803						484,803
O		342,895					342,895
P	138,502	237,023		12,025*			387,550
Total	3,785,257 3,788,157	2,273,531	230,000	210,598	400,000	4,500	6,903,886 6,906,786
% of All Uses	54.8%	32.9%	3.3%	3.1% 3.0%	5.8%	0.1%	100%

*The ground floor of the North Tower shall remain predominantly retail exclusive.

Attachment 2: Carlyle Block C Design Guidelines (per SUP #97-0157) with Proposed Changes

**Carlyle Master Plan
Block C
Proposed S.U.P. Amendment**

October 21, 1997

Block C

Site Area: 148,871 SF

Permitted Program and Use:

Office	265,000 455,000 GSF <u>463,600 GSF</u>
Retail	137,500 25,000 GSF
Residential	73,500 GSF
Total Permitted	466,000 480,000 GSF <u>483,200 GSF</u>

Parking Provided 1,383 spaces
(including parking provided within
Blocks D and E. Below-grade only)

Open and Useable Space 40,500 SF min.

Note: All program numbers refer to Gross Square Feet

Block Disposition

This block is entirely mixed-use in nature, with retail, residential and office. It is an integrated block of 4 separate buildings, unified by a one-to-two-story, primarily retail base. The buildings which form the critical edges for the Retail Carlyle Square, Duke Street and the Crescent. They also establish the predominant four-to-six story height relationships for the plan.

Blocks B and C are intended to define a "gateway" into the Gardens through a symmetrical and consistently treated formal gesture consisting of rooftop, streetwall and landscape design. ~~Also, two three-story "Pavilion Buildings" (Blocks G, E) form the entrance to the Retail Square. Blocks C and E are designed to relate to the King Street Station across Duke Street and to frame the entrance to Carlyle Square.~~

UNDERLINE denotes added text
~~STRIKETHROUGH~~ denotes deleted text

CARLYLE MASTER PLAN
Block C
Proposed S.U.P. Amendment

November 24, 1997

CATEGORY	MANDATORY	DISCRETIONARY
OFFICE SPACE		
CRESCENT	<p>A LANDSCAPED CRESCENT SHALL BE LOCATED AT THE NORTHWEST CORNER OF THE BLOCK. THE CRESCENT SHALL BE DELINEATED BY AN ARC WITH A RADIUS OF 230' WITH A CENTERPOINT OF 452.87' NORTH OF THE INTERSECTION OF THE CENTERLINES OF NORTH STREET <u>JAMIESON AVENUE</u> AND CENTER <u>DULANEY STREET</u>. A 16' PEDESTRIAN WAY SHALL BE ACCOMMODATED IMMEDIATELY ALONG THE CURVED BUILDING FACE.</p>	
Pedestrian-Way Open Area	<p>A 30' WIDE PEDESTRIAN WAY <u>OPEN AREA</u> IS REQUIRED BETWEEN THE WEST PAVILION BUILDING AND THE DUKE STREET OFFICE BUILDING IMMEDIATELY TO THE WEST <u>DUKE STREET AND CRESCENT BUILDINGS AND THE DUKE STREET AND SOUTHERN BUILDINGS.</u> THIS CONDITION IS TO BE MATCHED ON BLOCK "E".</p>	<p>ALL OR A PORTION OF THIS PEDESTRIAN WAY MAY BE COVERED WITH A ROOF. IF A ROOF IS UTILIZED, THE PEDESTRIAN WAY MAY NOT BE ENCLOSED AT ITS ENDS.</p>
PORTICO	<p>THE GROUND FLOOR OF THE WEST PAVILION <u>DUKE STREET</u> BUILDING SHALL HAVE A PORTICO OR COLONNADE WHICH SHALL PROJECT 15' NORTH OF THE DUKE STREET <u>BL ALONG DUKE STREET AND EXTEND A MAXIMUM OF 72' AND WILL PROJECT 12' EAST ALONG THE EAST SIDE OF THE BUILDING</u> (SEE "BASEMENTS, SIDEWALK" BELOW)</p>	<p>THE UPPER FLOORS OF THE WEST PAVILION BUILDING MAY PROJECT 15' NORTH OF THE DUKE STREET <u>BL ABOVE THE PORTICO (SEE "BASEMENTS, SIDEWALK" BELOW).</u></p>
COURTYARD		<p>A COURTYARD FRONTING ON THE RETAIL SQUARE WEST IS ENCOURAGED. IF DEVELOPED, IT SHALL BE A MAXIMUM OF 80' X 80' AND A MINIMUM OF 40' X 40'. IT MUST BE CENTERED ON A LINE 170' (MIN.), 190' (MAX.) NORTH OF THE NORTH STREET PL. A COLONNADE WOULD BE REQUIRED ALONG THE RETAIL SQUARE WEST BL.</p>

UNDERLINE denotes added text.
STRIKEOUT denotes deleted text.

CARLYLE MASTER PLAN
Block C
Proposed S.U.P. Amendment

November 24, 1997

CATEGORY	MANDATORY	DISCRETIONARY
Location of Easements Sidewalk	NORTH STREET JAMIESON AVENUE BL: 1' SECOND DULANEY STREET BL: 16' DUKE STREET BL: ALL AREA 348' NORTH OF NORTH STREET JAMIESON AVENUE PL RETAIL CARLYLE SQUARE WEST BL: 14' WEST PAVILION DUKE STREET BUILDING: 6' FROM EAST PL.	
Ground Floor Summary Retail	<u>RETAIL IN BLOCK C MUST OCCUPY A MINIMUM DEPTH OF 30' ON THE GROUND FLOOR IN THE FOLLOWING LOCATIONS:</u> WEST PAVILION DUKE STREET BUILDING: ALL FRONTAGE <u>ALL FRONTAGE SOUTH OF THE DUKE STREET BL SHALL BE RETAIL.</u> RETAIL CARLYLE SQUARE WEST: ALL FRONTAGE, INCLUDING THE 26' PEDESTRIAN WAY AND THE COURTYARD (DEVELOPED) OF THE SOUTHERN BUILDING SHALL BE RETAIL. <u>DUKE STREET: 60' (MINIMUM) OF FRONTAGE WEST OF RETAIL CARLYLE SQUARE WEST BL SHALL BE RETAIL. NORTH STREET JAMIESON AVENUE: 60' (MINIMUM) EAST OF SECOND DULANEY STREET EAST BL AND 30' (MINIMUM) WEST OF RETAIL CARLYLE SQUARE WEST BL SHALL BE RETAIL. SECOND DULANEY STREET EAST: 60' (MINIMUM) NORTH OF NORTH STREET JAMIESON AVENUE BL SHALL BE RETAIL.</u>	<u>MULTIPLE SHOP FRONT ENTRANCES ARE ENCOURAGED ALONG STREET AND COURTYARD FRONTAGES.</u>

UNDERLINE denotes added text.
~~STRIKEOUT~~ denotes deleted text.

CARLYLE MASTER PLAN
Block C
Proposed S.U.P. Amendment

November 24, 1997

CATEGORY	MANDATORY	DISCRETIONARY
OFFICE	<p>CRESCENT BUILDING A PRIMARY OFFICE ENTRANCE SHALL BE CENTERED LOCATED ON THE SECOND DULANEY STREET FRONTAGE; IT MUST ALIGN REASONABLY WITH THE CORRESPONDING ENTRANCE IN BLOCK "B". A PRIMARY OFFICE ENTRANCE SHALL BE CENTERED ON THE DUKE STREET FRONTAGE. A PRIMARY OFFICE ENTRANCE SHALL BE CENTERED ON THE EAST FRONTAGE OF THE PAVILION BUILDING. AN ENTRANCE SHALL BE CENTERED ON THE NORTHEAST CORNER OF THE DUKE STREET OFFICE BUILDING AND CENTER ON THE DUKE STREET FACADE. A PRIMARY OFFICE ENTRANCE SHALL BE LOCATED ON THE EAST FACADE OF THE SOUTHERN BUILDING. A PRIMARY OFFICE ENTRANCE SHALL BE LOCATED ON EITHER THE SOUTH FACADE OR ON THE SOUTHWEST CORNER OF THE JAMIESON BUILDING.</p>	<p><u>AN OPTIONAL GROUND FLOOR RETAIL CONNECTOR, MINIMUM 30' WIDE, MAY BE PROVIDED ON DULANEY STREET BETWEEN THE CRESCENT BUILDING AND THE JAMIESON BUILDING. IF NOT USED FOR RETAIL, THIS SPACE WILL CONVERT TO AN OPEN AREA.</u></p>
RESIDENTIAL	<p>THE PRIMARY RESIDENTIAL ENTRANCE MUST BE LOCATED AT THE CORNER OF RETAIL SQUARE WEST AND NORTH STREET</p>	<p><u>MAY ALSO</u></p>
PARKING/SERVICE ACCESS ZONES	<p><u>PARKING AND SERVICE ACCESS SHALL BE COMBINED IN A CENTRAL SERVICE COURT BEHIND THE FOUR OFFICE BUILDINGS.</u></p> <p>NORTH STREET JAMIESON AVENUE: A ZONE 100' (MINIMUM) EAST OF THE SECOND DULANEY STREET EAST BL AND 90' (MINIMUM) WEST OF CARLYLE SQUARE WEST BL.</p>	

UNDERLINE denotes added text.
STRIKEOUT denotes deleted text.

CARLYLE MASTER PLAN
Block C
Proposed S.U.P. Amendment

November 24, 1997

CATEGORY	MANDATORY	DISCRETIONARY
<p>Bulk</p> <p>Service Access Zones</p> <p>Streetwalls</p>	<p>THIS PARKING/SERVICE ACCESS-ZONE MUST BE ALIGNED WITH OR TO THE WEST OF THE CORRESPONDING PARKING ACCESS-ZONE IN BLOCK "B" 82' MAXIMUM WIDE.</p> <p>MINIMUM 10' SEPARATION BETWEEN PARKING AND SERVICE ACCESS ZONES:</p> <p>NORTH STREET: A ZONE 00' (MINIMUM) WEST OF THE RETAIL SQUARE BL SEPARATED FROM THE PARKING ACCESS ZONE BY 10' (MINIMUM);</p> <p>CRESCENT: 50' TO 55' (OR AS OTHERWISE APPROVED BY DRB) FOR A MINIMUM OF 75% OF THE FRONTAGE EXCEPT THAT A 75'-82' STREETWALL IS REQUIRED FOR 30' AT THE DUKE STREET AND SECOND STREET ENDS OF THE CRESCENT.</p> <p>DUKE STREET (EXCEPT WEST PAVILION DUKE STREET BUILDING): 50'-55' EXCEPT THAT A 30' (MAX.) PORTION MAY RISE TO 82' AT THE EAST BL AND A 30' PORTION MUST RISE TO 75'-82' AT THE WEST BL OF THE CRESCENT. 75'-82' FOR 30' (MINIMUM) EAST OF THE CRESCENT.</p> <p>DUKE STREET BUILDING: 40' TO 45' FOR 80' LENGTH SOUTH OF DUKE STREET ALONG THE WEST SIDE OF CARLYLE SQUARE. 82' MAXIMUM FOR REMAINDER OF BLDG.</p> <p>NORTH STREET JAMIESON AVENUE: 50'-55' EXCEPT MAY INCREASE TO 82' FOR 30' (MAX.) FROM THE RETAIL CARLYLE SQUARE WEST BL, FOR 30' (MAX) A DISTANCE 80' (MIN.) FROM THE CARLYLE SQUARE BL, AND FOR 100'-150' (MAX.) FROM THE SECOND DULANEY STREET BL.</p>	

UNDERLINE denotes added text.
~~STRIKEOUT~~ denotes deleted text.

CARLYLE MASTER PLAN
Block C
Proposed S.U.P. Amendment

November 24, 1997

CATEGORY	MANDATORY	DISCRETIONARY
<p>Maximum Height</p> <p>Setbacks</p>	<p>SECOND DULANEY STREET: 50' (MIN.), 82' (MAX.) FOR A MINIMUM OF 80' OF FRONTAGE. A 30' (MIN.) PORTION AT THE CRESCENT PL MUST BE 82'.</p> <p>WEST PAVILION BUILDING: 40'-45'.</p> <p>WEST PAVILION BUILDING: 45'.</p> <p>MAXIMUM HEIGHT OF ALL OTHER BUILDINGS SHALL BE 82'. <u>However, the height along Dulaney for the building at 1940 Duke Street shall have a maximum height of 96', with a minimum setback of the proposed upper level of 6'-0" (six feet).</u></p> <p>IF LESS THAN 60% OF THE GROUND FLOOR OF ANY SPECIFIC BUILDING IS DEDICATED TO RETAIL USE, THE MAXIMUM HEIGHT FOR THAT BUILDING SHALL BE REDUCED TO 77' AND THE ASSOCIATED MAXIMUM STREETWALL HEIGHT SHALL ALSO BE REDUCED BY 5'.</p> <p>A MINIMUM 5' SETBACK ABOVE THE REQUIRED 50' TO 55' (OR AS OTHERWISE APPROVED BY DBR) STREETWALL IS REQUIRED ON THE CRESCENT. <u>A MINIMUM 5' SETBACK ABOVE THE REQUIRED 50'-55' STREETWALL IS REQUIRED ON DUKE STREET, RETAIL CARLYLE SQUARE WEST, NORTH STREET, AND JAMIESON AVENUE SECOND STREET FRONTAGES EXCEPT FOR THE DUKE STREET BUILDING AND THE JAMIESON BUILDING.</u></p> <p>THE DUKE ST. BUILDING SHALL HAVE A PORTICO.</p> <p>RETAIL SQUARE WEST: A 40' (MINIMUM) SETBACK ABOVE THE 20' ELEVATION IS REQUIRED. THE SETBACK WIDTH SHALL BE A MINIMUM OF 40' AND A MAXIMUM OF 80' AND SHALL BE CENTERED BETWEEN 170'-100' NORTH OF THE NORTH STREET PL.</p> <p>NORTH STREET: A 40' (MINIMUM) SETBACK ABOVE 20' FOR A FRONTAGE 50' (MINIMUM) NO CLOSER THAN 60' TO THE RETAIL SQUARE WEST PL.</p>	<p><u>level of 6'-0" (six feet).</u></p> <p>THIS SETBACK IS STRONGLY ENCOURAGED AS A GROUND LEVEL COURTYARD ENCLOSED BY A COLONNADE (SEE "OPEN SPACE, COURTYARD" ABOVE).</p>

UNDERLINE denotes added text.
~~STRIKEOUT~~ denotes deleted text.

CARLYLE MASTER PLAN
Block C
Proposed S.U.P. Amendment

November 24, 1997

CATEGORY	MANDATORY	DISCRETIONARY
<p>Architectural Expression</p> <p>Expression Zones</p>	<p>EXPRESSION LINES AND SINGLE-STORY EXPRESSION ZONES MUST REINFORCE THE FOUR-STORY (50'-55') STREETWALL SCALE OR OTHER SETBACKS AT ALL STREETWALL FACES.</p> <p>AN EXPRESSION LINE SHALL BE INCORPORATED INTO THE PARAPET DESIGN ALONG ALL FRONTAGES.</p> <p>BUILDING ENTRY ZONES MUST RECALL THE FOUR-STORY (50'-55') STREETWALL SCALE THROUGH RECESSES, SETBACKS, AND/OR EXPRESSION LINES.</p> <p>A ONE TO TWO-STORY BASE ZONE AND ACCOMPANYING EXPRESSION LINES AT 20' <u>10'-30'</u> ELEVATION MUST BE LOCATED ALONG ALL FRONTAGES, <u>EXCEPT AT THE</u> <u>DUKE STREET BUILDING AND THE</u> <u>SOUTHERN BUILDING.</u></p>	<p>A TWO-STORY EXPRESSION ZONE IS ENCOURAGED ABOVE THE INITIAL 50'- 55' SETBACK ON THE CRESCENT STREETWALL.</p> <p>THE PENTHOUSE/BULKHEAD SPACE ABOVE THE SECOND DULLANEY STREET ENTRY ZONE SHOULD, ALONG WITH BLOCK "B", REINFORCE A "GATEWAY" GESTURE TO THE GARDENS.</p> <p>A SPECIAL EXPRESSION ZONE IS ENCOURAGED AT THE CORNER ENTRANCE ON THE RESIDENTIAL SQUARE.</p> <p>A SPECIAL 10' (MAX.) RECESS ZONE ABOVE THE ONE OR TWO-STORY BASE IS ENCOURAGED ALONG DUKE STREET, RETAIL SQUARE WEST AND NORTH STREET FRONTAGES TO DEVELOP A MORE ARTICULATED STREET WALL.</p>

UNDERLINE denotes added text.
~~STRIKEOUT~~ denotes deleted text.

Attachment 3: Summary of Carlyle Applications and Amendments

Case Number	Date of CC Approval	Description
SUP 2253	4/18/90	Application for multi-phase mixed-use development project.
SUP 2254	4/18/90	Transportation Management Plan
Administrative Approval	5/30/90	Revision to the block-by-block table of gross square footage to increase the proportion of residential uses from the level proposed by the applicant to the level approved by City Council.
SUP 2253E	5/13/93	Increase by 5,000 gsf the residential component at Carlyle for the purpose of the Lipnick elderly housing.
Administrative Approval	12/30/93	Shift of additional residential space to Block A from other blocks and shift of retail space from Block A to other blocks.
SUP 2253H	6/18/94	Conversion of 7,500 gsf of retail space to residential space for the purpose of the Lipnick elderly housing and clarifying minor amendment procedures.
SUP 95-0168	12/16/95	Changes to Block E design guidelines and a reallocation of uses among blocks at Carlyle.
SUP 96-0089	6/15/96	Conversion of 120,000 gsf of retail density to office and residential density and changes to require design review for Block C.
SUP 96-0092	6/15/96	Change to conditions to allow transfer of residential use to office use without further Council approval for PTO, if Carlyle selected by
Administrative Approval	12/5/96	Revision to Block A to decrease the total residential density by 79,954 gsf and to increase the retail density by 242 gsf (density shifted to and from other blocks).
DSUP 98-0035	2/20/98	Amendment to transfer 15,000 residential square feet from the floating category to Block H.
DSUP 99-0055	3/21/00	Amendment to Conditions, including #60 and #62a, to delete Lipnick elderly housing as a separate line item and return the 112,000 gsf to the residential use category.
DSUP 99-0056	3/21/00	Amendment to allowed building heights, closure of Emerson Avenue and Dulaney Street, and exclusion of pedestrian arcades and skywalks from floor area calculation.
Administrative Approval	12/12/01	Revisions to PTO building.
SUP 2003-0016	6/14/03	Conversion of office and hotel floor area to residential use on Block F, transfer of office space from Blocks F and P to Block G, increase in building height on Block G, transfer of office space from Block F to Blocks J and K, and adoption of Supplemental Design Guidelines for Blocks F, G, J and K, dated May 23, 2003.
SUP 2004-0003	2/21/04	Increase in allowable building height for a portion of Block O.

Case Number	Date of CC Approval	Description
SUP 2003-0066	3/13/04	Transfer floor area from Block P to Blocks J and K, increase the permitted building height for a portion of Blocks J and K, and change the definition of retail within Carlyle
SUP 2004-0028	6/12/04	Revisions to retail definition.
Minor Amendment	2/15/05	Amendment to transfer 2,600 square feet of office use from Block G to Block E as 1,750 square feet of office use and 850 square feet of retail use.
SUP 2005-0091	10/15/05	Amendment to transfer 5,000 square feet of floor area from Block L to Block O.
SUP 2006-0042	6/17/06	Amendment to the Carlyle Master Plan to approve the Design Guidelines for Block P within the Carlyle development.
SUP 2007-0094	10/13/2007	Amendment to use approximately 95% of the permitted floor area on the western block of Block P.
SUP 2009-0047	11/21/2009	Amendment to extend the timeframe during which office uses may be permitted in the southeastern corner of 333 John Carlyle Street.
SUP2009-0066	12/12/2009	Amendment to remove a portion of Block P (lots 803 and 804) from the Carlyle SUP.
SUP 2009-0067	1/23/2010	Amendment to allow additional retail uses in the ground floor retail area and allow business and professional office uses in the designated second floor retail area for 1900 Jamieson Avenue (Block G).
SUP 2009-0068	1/23/2010	Amendment to allow additional retail uses in the ground floor retail areas and allow business and professional office uses in the designated second floor retail area, and amend the retail parking requirement for 1920 and 2050 Ballenger Avenue (Blocks K and J).
SUP 2009-0081	3/13/2010	Amendments for Block O to convert retail floor area into residential floor area, and to obtain a density bonus for increased residential floor area through on-site provision of affordable housing units under Section 7-700 of the Zoning Ordinance.
SUP 2012-0006	4/14/2012	Amendment to 1) allow second floor retail uses in ground floor retail areas throughout Carlyle, and 2) allow business and professional office uses in ground floor retail areas for specifically designated locations in the buildings on Blocks G and K.
SUP 2015-0024	5/16/2015	Amendment of the Carlyle SUP to allow the site plan for Block P to remain valid for an additional 3 years.
SUP2015-0074	9/12/15	Amendment of Carlyle SUP to allow flexibility in office or retail use for the specifically designated location at Block L.
SUP 2018-0015	4/14/2018	Amendment to the Carlyle SUP to permit a lobby/reception area as a ground-floor use accessory to upper-floor office located at 333 John Carlyle Street, Carlyle Block C.

Carlyle Block C Rooftop Amendment
 SUP #2022-00028 | 1940 Duke Street

Case Number	Date of CC Approval	Description
SUP 2018-0039	December 15, 2018	Amendment of the Carlyle SUP to allow the site plan for Block P to remain valid for an additional 3 years.
SUP#2020-0065	November 14, 2020	Amendment of the Carlyle SUP to increase the gross square footage allowable in Block P (within the allowed maximum for the Carlyle District); to convert approved office/retail gross square footage to residential (Senior Living); to amend the Design Guidelines for Block P – including but not limited to an increase in height from 200’ to 210’; and, to amend the Land Use Allocation Tables
SUP2022-00028*	-	Amendment of the Carlyle SUP to increase the gross square footage allowable for Block C; to amend the Design Guidelines for Block C to increase the maximum allowable height for 1940 Duke Street from 82’ to 96’; and, to amend the Land Use Allocation Table.

*Current SUP request

Attachment 4: Staff Report with Action - July 21, 2022, DRB Meeting



DESIGN REVIEW BOARD CONCEPT REVIEW

Design Review Board Case # 2022-0001

Carlyle Block C Rooftop Amendment – 1940 Duke Street

Application	General Data	
Project Name: Carlyle Block C Rooftop Amendment Location: 1940 Duke Street Applicant: I&G Direct Real Estate 25 LP	DRB Date:	July 21, 2022
	Site Area:	62,198 SF
	Zone:	CDD #1
	Proposed Use(s):	Office
	Gross Floor Area	Existing Building: 219,986 SF Proposed Rooftop: 3,114 SF
Purpose of Application: Concept review of the overall appropriateness of the project’s height, mass, scale, form, and general character for a 3,114 gross square foot rooftop addition at 1940 Duke Street, Carlyle Block C.		
Staff Reviewers: Robert M. Kerns, AICP robert.kerns@alexandriava.gov Thomas H. Canfield, AIA tom.canfield@alexandriava.gov Nathan Imm nathan.imm@alexandriava.gov Anna Franco anna.franco@alexandriava.gov		
<p><u>DRB HEARING FOR CONCEPT REVIEW, JULY 21, 2022:</u></p> <p>On a motion by Board Member Lewis, seconded by Board Member Paul, the Carlyle/Eisenhower Design Review Board voted to approve the DRB concept submission for the proposed Carlyle Block C rooftop amendment. The motion carried on a vote of 5 to 0.</p> <p>On a motion by Board Member Canfield, seconded by Board Member Lewis, the Carlyle/Eisenhower Design Review Board (DRB) voted to recommend approval of an amendment to the Carlyle Block C Design Guidelines to modify the maximum building height.</p> <p>Staff opened the meeting with a presentation of staff’s analysis of the Applicant’s revised building renderings, submitted to staff via email on July 19, 2022. The staff presentation focused largely on the Applicant’s modifications to the existing tower/turret structure and the architectural treatment of the proposed addition, which is located just south of the existing tower. Staff recommended that the Applicant:</p> <ol style="list-style-type: none"> 1. Wrap the revised architecture, which reflects the existing façade on the setback level below, around the southwest corner of the proposed addition and extend to the existing penthouse. The back of house area can be glazed with spandrel units. 		

2. Remove the out-of-scale projecting and curved cornice elements. Repeat existing detail from the floor below along Dulaney and return to the penthouse.
3. Show all elements of the existing turret correctly, including colors, details, projections, scale of bricks, detailed elements of crown, and existing brick piers which will lie inside of the proposed new space, which has to date not been done.
4. Respect the openwork language of the turret top by inserting recessed glazing into existing openings at the roof level and in clerestory openings above. This glazing must permit through views as currently seen and not be spandrel glazing. Adjust the new ceiling heights as necessary to achieve this goal.

The DRB agreed with many of staff's recommendations, including continuation of the windows along the Dulaney Street side of the addition, removal of the curved cornice elements, correction of the existing renderings for accuracy, and the preservation of the openwork language of the turret top. The DRB also emphasized that the architectural attributes worth preserving are the tower/turret's perceived geometric independence as a cylindrical form and that there should be clear disengagement between the existing turret/crown and any proposed additions such that the addition does not crowd or visually minimize the iconic turret structure. Discussion also focused on the preservation of the interior turret brick piers, which the Applicant is proposing to remove with their modifications. The DRB felt strongly that at least the northernmost interior column should not be demolished in order to preserve a clear reading of the circular shape of the existing turret feature of the building. Board members Lewis and Canfield argued for the preservation of all, or as many as possible, of these interior brick piers, reasoning that their preservation would not impede the function of the space for its intended reception/prefunction use, pointing out that there are countless examples of great interior public spaces that are defined by rows of columns. Further, the DRB agreed that the tan, curvilinear awning-like feature above the patio is crowding the existing turret and should be pulled back from the turret feature, and changed to a lower, simpler form that accomplishes its intended function but does not make a design statement.

Key takeaways and recommendations from the DRB including the following:

- Preservation of the remaining portions of the exterior architecture of the turret in its entirety.
- All turret voids should be infilled with glass. Use of spandrel glass should be avoided by adjusting ceiling heights.
- Preserve the northern most (currently shown as interior) turret brick pier and modify the tangent of the operable glass window-wall accordingly.
- Explore deepening the notch between the turret and the proposed addition so the addition remains visually subsidiary to and does not overcrowd the turret structure. Consider preserving at least the interior brick pier closest to the addition.

- Modify the roof height of the proposed addition so it is clearly secondary in visual importance to the turret/crown; explore structural solutions that would allow the turret crown element to remain as the dominant roof form in the composition.
- Continue the window expression on the Dulaney Street face of the addition to the southwest corner of the addition. Consider continuing the window expression around the south side of the addition using spandrel glass. Study carrying the glass around the corner vs. all the way back to the existing penthouse. As summarized above, the Board did not have an issue with Applicant's using spandrel glass in this area, in light of the utility/storage functions within.

The DRB concluded by suggesting that the Applicant modify their proposal to incorporate all of the DRB's recommendations and offered to review a package that could be circulated as a PDF as a courtesy to the Applicant in view of the Applicant's stated urgency. If the Applicant's revisions are not deemed acceptable by the DRB, the Applicant would be required to return to the DRB at the next regularly scheduled meeting. See the DRB meeting schedule and deadlines here on the City's website: <https://www.alexandriava.gov/boards-and-commissions/carlyle-design-review-board>

I. OVERVIEW

The Applicant and property owner, I&G Direct Real Estate 25 LP, is requesting Carlyle/Eisenhower Design Review Board (DRB) **concept approval** for a 3,114 GSF rooftop addition to the existing 219,986 square foot building located at 1940 Duke Street, in the Carlyle neighborhood. The proposed addition will include a conference room and lobby area at the penthouse level on the west side of the building facing Dulaney Street. The applicant is also proposing improvements to the existing exterior penthouse terrace area.

The purpose of this DRB Concept Review is to determine if the DRB finds any fundamental flaws with the scale, height, massing, overall architectural concept, and relationship to the right-of-way with this submission. Further, part of the DRB consideration and recommendation should include feedback about the requested amendment to the Block C Design Guidelines to increase the height of the building. Please see section “Compliance with the Carlyle Block C Design Guidelines” below for more information.

At a subsequent meeting, the DRB will review the completed façade architecture as part of an Architectural Review submission and may provide a recommendation for City Council in the SUP amendment for the overall development. Concept Review approval by the DRB is required in order to proceed to an Architectural Review. *

** Please note that the DRB can provide a recommendation to the Planning Commission and City Council but “may not approve any increase in the height or gross square footage of any building or buildings to be constructed on the blocks or portions thereof or any change in the use or the square footage of any use approved for the blocks or portion thereof”, per SUP #2020-00065, condition #68.*

II. BACKGROUND

A. Site Context

The building located at 1940 Duke Street, on Carlyle Block C, is an existing 6-story office building on one lot of record with a lot area of 62,198 square feet (1.42 acres); also known as the “Carlyle Crescent” building. This building was constructed in 2003 pursuant to SUP #97-0157 and DSP #2000-0040. The building’s main frontage is the crescent shaped façade that faces Dulaney Street and Duke Street and measures approximately 338 feet facing west along Dulaney Street, 60 feet facing north along Duke Street, and 93 feet facing south along Jamieson Avenue. The rear of the building faces a private drive that provides parking access for all three buildings located on Carlyle Block C. The total floor area of the building is 219,986 square feet and a fully underground parking garage with approximately 455 spaces is shared between the users of 1940 Duke Street, 1900 Duke Street and 333 John Carlyle Street.

The surrounding area is occupied primarily by mixed-use buildings with office, retail, and residential uses. To the east of 1940 Duke Street, within Carlyle Block C, is an office building (1900 Duke Street) and a mixed-use building (333 John Carlyle Street) and to the west is another crescent shaped office building on Carlyle Block B (2000 Duke Street) that is meant to mirror (but not replicate) the shape of the subject building at 1940 Duke Street.

The building's upper floors at 1940 Duke Street are currently occupied by office tenants. The ground floor of the building contains lobby, office, as well as a Panera Bread restaurant at the southwest corner of the building, at the intersection of Dulaney Street and Jamieson Avenue.

B. Procedural Background

The subject property is part of the Carlyle Master Plan development. The Carlyle development was originally approved in April 1990 through a Special Use Permit (SUP#2253) to allow a multi-phase mixed use development including a maximum of 6,907,000 gross square feet (GSF) of floor area. The SUP approval covered the entire 76-acre development and established the amount of floor area and types of uses permitted for each of the sixteen blocks within Carlyle (see Attachment #1). The Carlyle SUP has been amended numerous times to allow increases in the permitted GSF for various blocks, changes in permitted uses, and other revisions, which have been processed as an amendment to the overall SUP.

In December 1997, City Council approved SUP#97-0157 with a site plan (DSP #2000-040), which amended the Carlyle SUP to allow the current development at 1940 Duke Street, completed in 2003. Most recently, in November 2020 City Council approved SUP #2020-0006 to amend the Carlyle SUP to allow an increase in the allowable GSF for Block P. Following approval of the Block P amendment, 6,903,886 GSF of the maximum allowable 6,907,000 GSF in Carlyle has been accounted for across the various blocks.

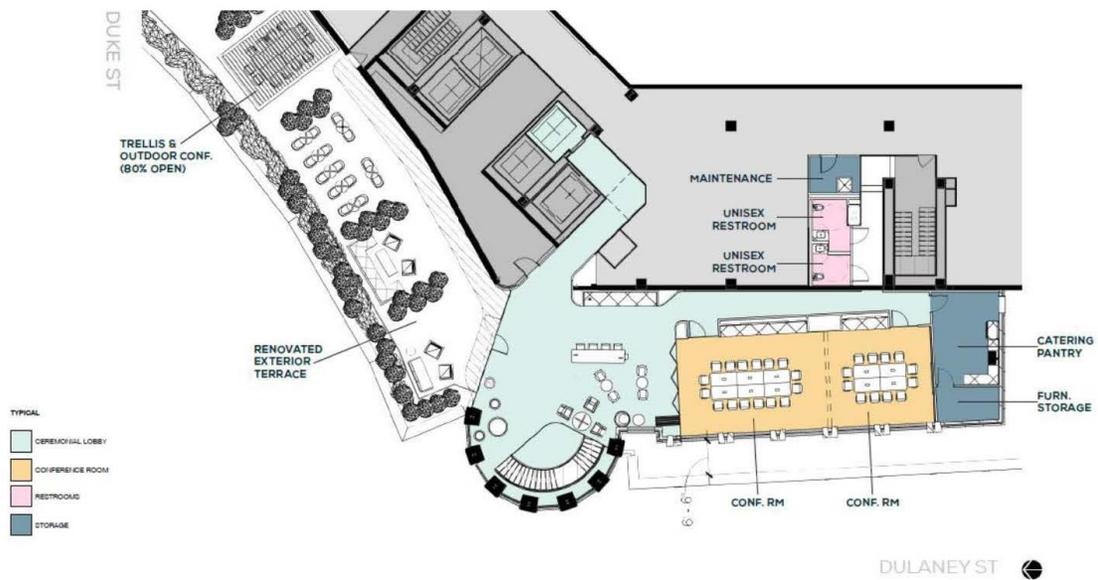
C. Project Description

With this application, the Applicant seeks to amend the Carlyle SUP to incorporate the remaining 3,114 GSF of approved yet unallocated floor area into the office building at 1940 Duke Street. As illustrated in Attachment 2 "Proposed Carlyle Land Use Allocation Table", the proposal will increase the allowable office square footage on Block C from 460,700 to 463,814 GSF and increase the total allowable square footage on Block C from 480,300 to 483,414 GSF. With the additional square footage, the Applicant proposes to add a conference room and lobby area at the penthouse level on the west side of the building facing Dulaney Street. The conference and lobby area would be located just south of the existing tower feature of the building. The Applicant proposes to enclose the existing tower and integrate the tower into the proposed penthouse level addition.

Figure 1. Bird's Eye View of Penthouse Addition

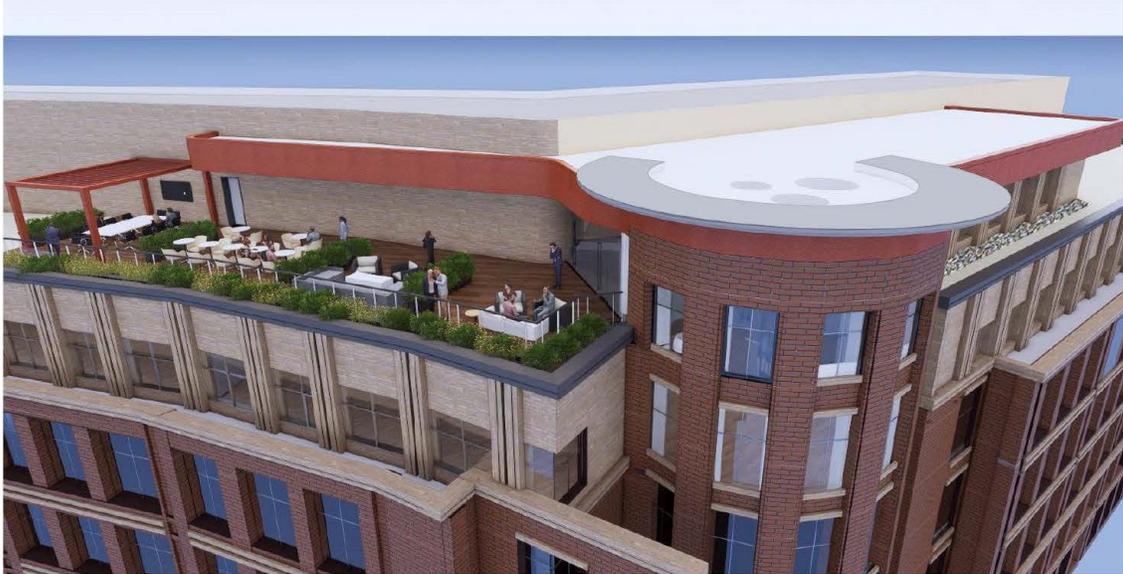


Figure 2. Penthouse Level Floor Plan



The Applicant states that the rooftop conference space will provide an amenity for existing tenants in the building and will enhance the Applicant's ability to attract future office tenants to Carlyle. In addition to the enclosed space, the Applicant is also proposing improvements to the existing exterior penthouse terrace area.

Figure 3. Bird's Eye View of Penthouse Terrace Proposal



III. STAFF ANALYSIS

A. Form, Massing, Façade

Form & Massing

The form and massing of the existing building is intended to mirror the crescent shaped Time Life building across Dulaney Street, which together create a grand gateway entry into the Carlyle neighborhood. The Applicant's proposed rooftop addition detracts from that in a number of ways: first by introducing a much simplified and new architectural vocabulary to the façade, second by adding a very heavy and strongly-colored cornice element that appears out of place in the context of both buildings, and most seriously by blocking off the intricate open-work that give the tops of both towers their distinctive character.

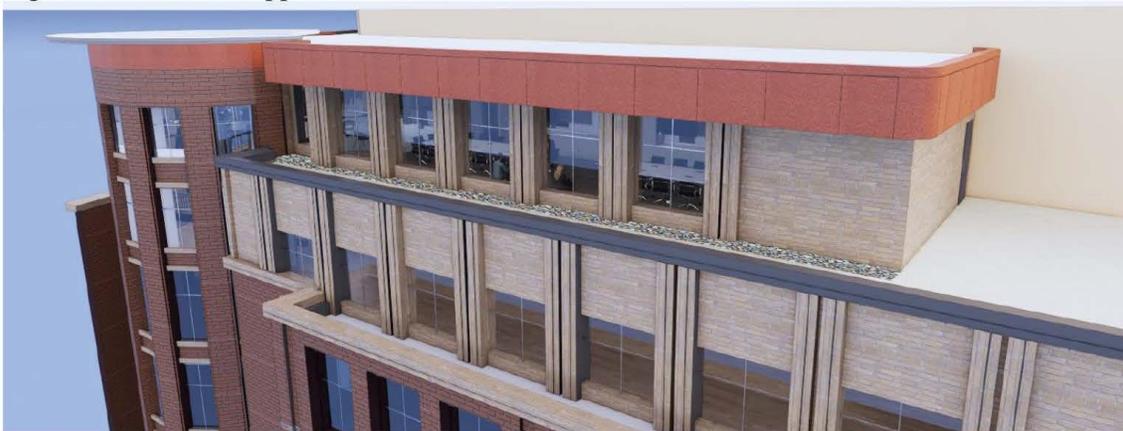
Visibility

The rooftop addition will not be very visible from the pedestrian realm on Dulaney Street but will however be very visible from nearby areas. The Carlyle neighborhood is at geographic low point compared to the land to the north, which is especially elevated around the George Washington Masonic Memorial. From the memorial and other nearby areas, the Applicant's proposal rooftop addition will be clearly in viewable. Therefore, it is especially important the addition tie into the existing building. The visual importance of the architectural expression of this (admittedly small) proposed addition is nowhere clearer than in the view one sees when descending from the Duke Street overpass eastbound (see below). From that vantage point, the addition as currently clad introduces a massing and expression that clash with the existing stepped massing and language.

Figure 4. View from Duke Street Overpass Heading East



Figure 5. Additional Applicant Views



Façade Treatment





B. Compliance with the Carlyle Block C Design Guidelines

When the Carlyle Special Use Permit was first approved in 1990, Design Guidelines were established for many of the blocks, including Carlyle Block C. The block-by-block design guidelines established the basic parameters for height, open space, sidewalks, and streets with the final design of the buildings within each block approved by the Carlyle/Eisenhower Design Review Board.

According to the Block C Design Guidelines, Block C is mixed-use in nature, with retail and office. It is an integrated block of three separate buildings, which form the critical edges for the Carlyle Square, Duke Street, and the Crescent. They also establish the predominant six-story height for the plan. Blocks B and C are intended to create a "gateway" into what is now known as Dulaney Park through a symmetrical and consistently treated formal gesture consisting of rooftop, streetwall and landscape design. Blocks C and E are designed to relate to the King Street Station across Duke Street and to frame the entrance to Carlyle Square.

The Applicant’s proposal is compliance with all Block C Design Guidelines with the exception of height. Per the Block C Design Guidelines, the maximum height allowed on Block C is 82 feet. The existing building from grade to the roofline (not including the mechanical penthouse) is 82 feet high. The existing mechanical penthouse is allowed to go beyond the maximum 82 feet height **only** because of Carlyle SUP condition #97, which states that rooftop **mechanical** penthouses shall be permitted. The proposed rooftop structure is not a mechanical penthouse, therefore, the rooftop proposal will need to include a request to amend the Carlyle Block C design guidelines. A change in the maximum height may only be approved by the Planning Commission and City Council, and not the DRB per condition Carlyle SUP condition #68.

Table 1. Carlyle Block C Design Guidelines (per SUP97-0157) *

The table below provides a summary of how the proposal for this project complies with the intent of the Carlyle Block C Design Guidelines:

CATEGORY	MANDATORY	DISCRETIONARY	COMPLIES W/INTENT?
Office Space			

Carlyle Block C Rooftop Amendment
 SUP #2022-00028 | 1940 Duke Street

DRB #2022-00001

Carlyle Block C Rooftop Amendment | 1940 Duke Street

Crescent	A landscaped crescent shall be located at the northwest corner of the block. The crescent shall be lineated by an arc with a radius of 2,30' with a centerpoint of 452.87' north of the intersection of the centerlines of Jamieson Avenue and Dulaney Street. A 15' pedestrian way shall be accommodated immediately along the curved building face.		N/A
Open Area	A 30' wide open area is required between the Duke Street and Crescent buildings and the Duke Street and Southern buildings.		N/A
Portico	The ground floor of the Duke Street building shall have a portico or colonnade which shall project 15' north of the Duke Street BL along Duke Street and extend a maximum of 72' and will project 12' east along the east side of the building.		N/A
Location of Easements			
Sidewalk	Jamieson Avenue BL: 1' Dulaney Street BL: 16' Duke Street BL: All area 348' north of Jamieson Avenue Pl Carlyle Square West BL: 14' Duke Street Building: 6' from East Pl		N/A
Ground Floor Summary			
Retail	Retail in Block C must occupy a minimum depth of 30' on the ground floor in the following locations: Duke Street Building: Frontage south of the Duke Street BL shall be retail. Carlyle Square West: All frontage, including the courtyard of the southern building shall be retail.	An optional ground floor retail connector, minimum 30' wide may be provided on Dulaney Street between the Crescent Building and the Jamieson Building. If not used for retail, this space will convert to an open area.	N/A

Carlyle Block C Rooftop Amendment
 SUP #2022-00028 | 1940 Duke Street

DRB #2022-00001
 Carlyle Block C Rooftop Amendment | 1940 Duke Street

	<p>Duke Street: 60' (minimum) of frontage west of Carlyle Square West BL shall be retail.</p> <p>Jamieson Avenue: 60' (minimum) east of Dulaney Street east BL and 30' (minimum) west of Carlyle Square West BL shall be retail.</p> <p>Dulaney Street East: 60' (minimum) north of Jamieson Avenue BL shall be retail.</p>		
Office	<p>Crescent Building: A primary office entrance shall be located on the Dulaney Street frontage; it must align reasonably with the corresponding entrance in Block "B". An entrance shall be centered on the northeast corner of the Duke Street office building and may also center on the Duke Street facade. A primary office entrance shall be located on the east facade of the Southern Building. A primary office entrance shall be located on either the south facade or on the southwest corner of the Jamieson Building.</p>		N/A
Parking/Service Access Zones	<p>Parking and service access shall be combined in a central service court behind the four office buildings.</p> <p>Jamieson Avenue: A zone 100' (minimum) east of the Dulaney Street East BL and 90' (minimum) west of Carlyle Square West BL.</p> <p>This parking/service access-zone must be 62' maximum wide.</p>		N/A
Bulk			

Streetwalls	<p>Crescent: 50' to 55' (or as otherwise approved by DRB) for a minimum of 75% of the frontage.</p> <p>Duke Street (except Duke Street Building): 75'-82' for 30' (minimum) east of the Crescent.</p> <p>Duke Street Building: 40' to 45' for 60' length south of Duke Street along the west side of Carlyle Square. 82' maximum for remainder of bldg.</p> <p>Jamieson Avenue: 50-55' except may increase to 82' for 30' (max.) from the Carlyle Square West BL, for 30' (max) a distance 60' (min) from the Carlyle Square BL, and for 100' (max) from the Dulaney Street BL.</p> <p>Dulaney Street: 50' (min.) 82' (max.) for a minimum of 80' of frontage.</p>		N/A
Maximum Height	Maximum height of all buildings shall be 82'.		No. The proposed penthouse structure is approximately 98' in height and does not qualify for the height exceptions outlined in condition #97 of the Carlyle SUP.
Setbacks	A minimum 5' setback above the required 50' to 55' (or as otherwise approved by DRB) streetwall is required on the Crescent. A minimum 5' setback		Yes. The proposed penthouse structure meets

	above the required 50-55' streetwall is required on Duke Street, Carlyle Square West, and Jamieson Avenue frontage except for the Duke Street Building and the Jamieson Building. The Duke Street Building shall have a portico.		the required setbacks.
Architectural Expression			
Expression Zones	<p>Expression lines and expression zones must reinforce the (50'-55') streetwall scale or other setbacks at all streetwall faces.</p> <p>An expression line shall be incorporated into the parapet design along all frontages.</p> <p>Building entry zones must recall the (50-55') streetwall scale through recesses, setbacks, and/or expression lines.</p> <p>A one to two-story base zone and accompanying expression lines at 19'-30' elevation must be located along all frontages, except at the Duke Street Building and the Southern Building.</p>	<p>A two-story expression zone is encouraged above the initial 50'-55' setback on the Crescent streetwall.</p> <p>Dulaney Street entry zone should, along with Block "B", reinforce a "gateway" gesture to the Gardens.</p>	Yes

**The information in this table has been transcribed from the table contained in a scan of the Carlyle Block C Design Guidelines included as an attachment to SUP97-0157.*

IV. RECOMMENDATIONS

As noted above, Staff considers the design execution of this proposal to be inconsistent with the character of the existing building. The focus of the proposed design appears to be catering to a specific tenant's branding rather than integrated with the design of the existing building and adhering to the Block C design guidelines. Staff believes that the proposed façade treatments require further study and recommends the following revisions for the DRB to explore with the Applicant:

- Staff does not support the projecting bulkhead (with the red band) currently shown running along the Dulaney side of the boardroom and wrapping around the south end of it. The

proposed red roof form of the board room and the red architectural feature on the left (east) side of the tower have no relationship to the existing building and are completely out of place visually. Staff recommends removing these items from the design and provide a design for the top of the new boardroom wall similar to the existing roof parapet/cornice form of the floor below. With the removal of red roof form, staff also recommends extending the height of the board room windows.

- Staff recommends adding another double pier and windows on the Dulaney side of the board room and three more double piers and windows symmetrically around the corner on the south side of the board room, to wrap the west facing language around to the intersection of the south wall with the existing pentouse, with glass infill between the piers to match the current proposal facing Dulaney. As the interior of the south end of the structure is used for storage, the use of spandrel glass in these openings would be acceptable.
- The change to the existing tower eradicates the original open-work tower top design, which is the most iconic part of the building and the Carlyle gateway, and the architectural relation to the main office building canopy on the first floor. Staff strongly recommends limiting any proposed enclosure of the existing tower openings to deeply recessed glass and leaving the detailed soffit, cast stone sills and all other existing trim exposed. Staff does not take exception to the solid enclosure of the circular tower roof top.
- The Applicant should confirm whether the existing windows have crossbars. Staff is unsure if the existing windows include crossbars, or the horizontal line shown is simply the interior window blinds. If the existing building does not include window crossbars, staff recommends not using crossbars in the proposed windows of the boardroom.
- The Applicant shall provide an exhibit showing the height of the existing building, the existing mechanical penthouse, the existing tower, and the proposed rooftop addition in context with its neighbor to the west. This will provide further clarity to Staff and DRB for consideration of a recommendation to the Planning Commission and City Council.

V. CONCLUSION

Staff recommends that the DRB vote to endorse the concept submission, subject to the suggested alterations above, and provide general direction to the applicant regarding the key issues to address in a future meeting, including the proposed height amendment. The applicant will return to the DRB to discuss refinements made to the plans to address these issues with an Architectural Review submission.

Attachment 5: Staff DRB Response Letter Dated August 9, 2022



DEPARTMENT OF PLANNING AND ZONING

301 King Street
Room 2100
Alexandria, VA 22314

Phone (703) 746-4666
Fax (703) 838-6393

www.alexandriava.gov

Sent via E-mail

August 9, 2022

Robert Brant
Walsh Collucci Lubeley & Walsh PC
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 2220
rbrant@thelandlawyers.com

Re: Carlyle/Eisenhower Design Review Board (DRB) Case #2022-00001 Submission

Dear Mr. Brant:

Thank you for your revised submission, which was received by staff via email on Friday, July 29, 2022. On Monday, August 8, 2022, staff scheduled additional, individual debriefings with DRB members Paul, Lewis, Quill and Canfield, to confirm their positions on each of the DRB Actions from the DRB meeting on July 21, 2022 (summarized at the end of this letter) as well as to evaluate the degree to which your revised material addressed these Actions. The only Board member who was not available was Councilmember McPike.

DRB members agreed that your team has successfully addressed the substance of Action Items #3 and #6, with only minor comments about looking at sloping the glass canopy, providing for drainage, and resolving the geometry where the canopy intersects the turret; and again, minor comments about straightening the geometry of the notch between the boardroom and the turret.

It has been a challenge for the DRB to review how effectively the Applicant addressed Action Items #1, #2 and #4 in the DRB actions because the details in the graphics/plans are inconsistent and not dimensioned. For example, reaching a conclusion about the feasibility of putting vision glass in the openings between the turret and the crown, or the height at which a lowered roof could intersect the masonry turret, are not possible based on the material provided. This is why staff previously requested an on-site rooftop meeting to document the existing tower heights and conditions and fully understand the proposal.

In summary, there was broad agreement among the four DRB members who completed the review on the following points:

- Maintaining the existing turret form, materials and visual separation was the highest priority of the DRB. The turret is a landmark architectural form with views from

many surrounding areas of the City. It was also noted that DRB members did not feel the City's and Applicant's goals are necessarily in conflict regarding the tower; it is more about making some strategic design adjustments. Based on the revised plan, Board members agreed that keeping one additional column adjacent to the north roof terrace would create a stronger sense of the cylindrical form and should be studied.

- The DRB members felt that a solution where everyone could get what they want with either none, or only a small portion of the rear of the turret demolished, saving the crown completely with glass installed in the openings, and a modest adjustment to the roofline of the boardroom element should be feasible and explored further. This might also save significant money in time, demolition and new structural costs for the Applicant.
- Depending on confirmation of additional details with the turret construction - the DRB's strong preference was for clear vision glass in the openings of the turret. Applicant's revised material shows this in some views, but spandrel glass in others, and continues not to show the significant, circumferential beam which connects the crown brackets. This in turn leaves the DRB with questions about the extent of demolition that is being proposed.
- Also dependent on confirming additional details with the turret construction - the DRB did not feel the Applicant had successfully made the roofline of the addition secondary in visual importance. The rooflines still appear merged. They need to be separated and differentiated. Further exploration of lowering portions of the roofline (but perhaps not the boardroom itself) should be completed.
- Regarding the issue of continuing the double pilasters and glazing along the Dulaney Street and south faces of the addition, DRB members agreed it is a desirable condition, but not as high a priority as resolving the above issues around the turret structure. Two members felt strongly that it should be continued along Dulaney and at least around the corner. One suggestion was continuing the glass for one more bay to complete the front portion of the addition, ending in a brick corner. Conditions similar to both of these can be found on the existing floor below. One member stated that the street level pedestrian views that were requested to judge the proposal were not provided.

Staff would be happy to meet with the Applicant's team to resolve these issues expeditiously and continues to feel that mutually positive solution(s) exist and can be found. If complete existing drawings are not available, an on-site meeting might still be the quickest route to a solution.

Sincerely,

Anna Franco
Urban Planner, Development, P&Z

cc: Catherine Puskar, Esq., Walsh Collucci Lubeley & Walsh PC

Karl Moritz, Director, P&Z
Robert Kerns, AICP, Development Division Chief, P&Z
Tom Canfield, City Architect, P&Z
Nathan Imm, Development Principal Planner, P&Z

Summary of DRB Action from July 21, 2022:

1. There should be “preservation of the remaining portions of the exterior architecture of the turret in its entirety.” The City’s and the client’s goals are not in conflict. It is design refinement.
2. All turret voids should be infilled with recessed vision glass. Use of spandrel glass should be avoided by adjusting ceiling heights.
3. Explore deepening the notch between the turret and the proposed addition so the addition remains visually subsidiary to and does not overcrowd the turret structure.
4. Modify the roof height of the proposed addition so it is clearly secondary in visual importance to the turret/crown; explore structural solutions that would allow the turret crown element to remain as the dominant roof form in the completed composition.
5. Continue the window expressions on the Dulaney Street face of the addition to the southwest corner of the addition. Consider continuing the window expressions around the south side of the addition using spandrel glass. Study carrying the glass around the corner vs. all the way back to the existing penthouse.” As summarized above, the Board did not have an issue with Applicant’s using spandrel glass in this area, considering the utility/storage functions within.
6. The DRB agreed that the tan, curvilinear awning like feature above the patio is crowding the existing turret and should be pulled back from the turret feature, and changed to a lower, simpler form that accomplishes its intended function but does not make a design statement. Applicant has replaced the previous form with a lighter, glass canopy.
7. The DRB agreed with many of staff’s recommendations, including [...] correction of the existing renderings for accuracy.

Attachment 6: Carlyle Community Council Letter of Support Dated September 14, 2022



Karl Moritz, Director
City of Alexandria Department of Planning & Zoning
301 King Street
Alexandria City Hall, Room 2100
Alexandria, Virginia 22314

September 14, 2022

Re: Carlyle Community Council Consent for a Special Use Permit Amendment
1940 Duke Street – Tax Map ID: 073.01-02-16

Dear Mr. Moritz:

On behalf of the Carlyle Community Council (the “Carlyle Council”), please accept this letter as an acknowledgment of consent and statement of support of the application filed by Walsh, Colucci, Lubeley & Walsh, P.C. on behalf of the owner of 1940 Duke Street for an amendment to the Carlyle Special Use Permit. At a recent meeting of the Council, the Applicant presented its plans to construct an approximately 3,100 square foot conference center at the penthouse level of the existing office building that will serve as an amenity for current and future tenants of the office building. Following the Applicant’s presentation, the Council voted to support the application.

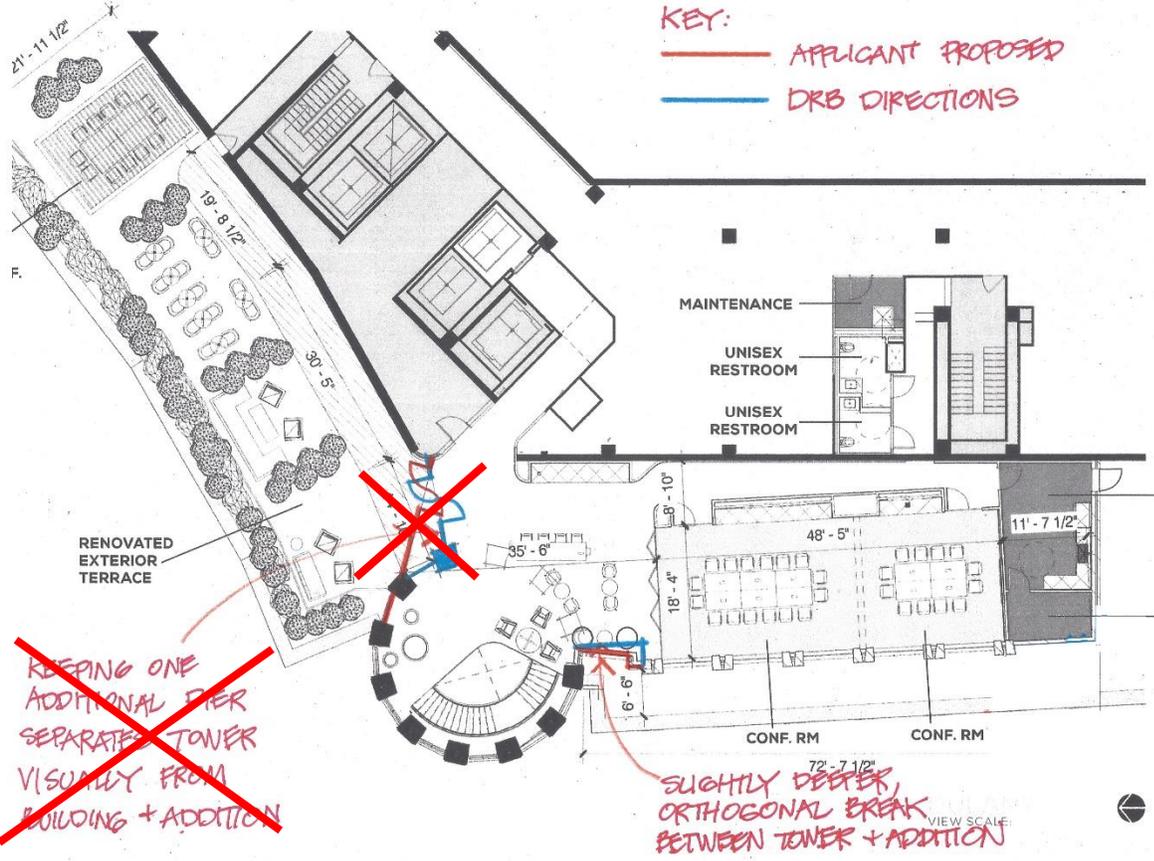
Very Truly Yours,

A handwritten signature in black ink that reads "Morgan Babcock".

Morgan Babcock
Council Manager
TMP Coordinator

Cc: Phil Weber, Board President, Carlyle Council
Greg Moore, Board Treasurer, Carlyle Council
Joel Miller, Director, Carlyle Council
Colleen Mont, Director, Carlyle Council
Robert J. Neuman Jr., Director, Carlyle Council
Keith Styles, Director, Carlyle Council

Attachment 7: Diagram of Conditioned Architectural Changes



Attachment 8: Applicant Letter Dated October 6, 2022



**WALSH COLUCCI
LUBELEY & WALSH PC**

Robert D. Brant
(703) 528-4700 Ext. 5424
rbrant@thelandlawyers.com

October 6, 2022

Planning Commission
City of Alexandria
301 King Street, Room 2100
Alexandria, VA 22314

**Re: Docket Item #9 – 1940 Duke Street, Carlyle Block C Rooftop Amendment
Special Use Permit #2022-00028**

Dear Members of the Planning Commission:

On behalf of I&G Direct Real Estate 25, LP, the Applicant and owner of the office building located at 1940 Duke Street, I am writing to request the following modifications to the proposed conditions associated with the referenced Special Use Permit application:

70B. CONDITION 70B ADDED BY STAFF (SUP#2022-00028): Make the following changes to the Carlyle Block C, 1940 Duke Street rooftop architecture prior to release of the Final Site Plan minor amendment:

- a. **To ensure the disengagement of the tower along ~~Duke Street~~ from the proposed board room, ~~make the changes to the enclosure connection and deepen the notch between the existing tower and the proposed board room as shown on Attachment #7. (P&Z)~~**

70C. Condition 70C should be deleted in its entirety.

The Applicant has worked diligently and in good faith throughout the Application process to address comments from staff and the Carlyle Design Review Board related to the architecture and design of the proposed 2,900 square foot rooftop addition. The current language of Condition 70B and the referenced Attachment #7 would require the Applicant to make two further revisions at the time of the minor site plan amendment. The Applicant agrees to enhance the depth of the notch between the tower and the proposed board room. However, the second revision illustrated on Attachment #7 would require the Applicant to eliminate the proposed full-height operable glass partition wall on the north side of the tower. The proposed glass partition wall will allow the Applicant and its tenants to open up the rooftop board room and lobby area during conferences or other events, allowing the integration of the indoor and outdoor amenity spaces. This partition wall is a key design feature of the proposed rooftop addition, and is strongly desired by both the Applicant and its prospective tenant. For this reason, the Applicant

ATTORNEYS AT LAW

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2200 CLARENDON BLVD. | SUITE 1300 | ARLINGTON, VA 22201-3359

LOUDOUN 703 737 3633 | PRINCE WILLIAM 703 680 4664 | WINCHESTER 540 667 4912

{A1081838.DOCX / 1 Letter to Planning Commission re: 1940 Duke St (Carlyle Block C) (10-6-2022) 005869 000097}

Page 2

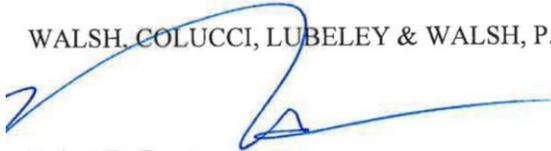
requests that Condition 70B be modified to allow the retention of this feature as currently designed.

Proposed Condition 70C would require the Applicant to demonstrate that the proposed rooftop addition is equivalent to the standards of LEED Certified (or equivalent) certification, and to build the addition as near to LEED Silver as feasible. It also would require the Applicant to prepare and submit additional materials as part of the minor site plan amendment process. These requirements are derived from the City of Alexandria's 2019 Green Building Policy (the "Policy"), which, by the express language of the Policy applies to "new private development . . . and major renovations that require a Development Site Plan (DSP) or a Development Special Use Permit (DSUP)." As a Special Use Permit Amendment that simply seeks to re-allocate 2,900 sf of available unused density under the Carlyle SUP to this building, this application is – by definition – not subject to the Green Building Policy. Moreover, the existing office building was originally certified LEED Gold in 2014, and recertified LEED Gold in 2020. As the existing building not only meets but exceeds the minimum LEED Silver certification required by the current Policy, and given that the small board room addition represents only 1.3% of the total building's square footage, the City's goals and policy objectives of advancing sustainability have already been met. For these reasons, the Applicant requests the removal of Condition 70C in its entirety.

If you have any questions, please do not hesitate to contact me. Thank you for your thoughtful consideration of this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



Robert D. Brant



APPLICATION SPECIAL USE PERMIT

SPECIAL USE PERMIT # SUP 2022-00028

PROPERTY LOCATION: 1940 Duke Street (Carlyle Block C)

TAX MAP REFERENCE: 073.01-02-16 **ZONE:** CDD#1

APPLICANT:

Name: I&G Direct Real Estate 25 LP

Address: 270 Park Avenue New York, NY 10017

PROPOSED USE: SUP Amendment to increase the allowable floor area and amend the Design Guidelines for Carlyle Block C.

- 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.

Robert D. Brant, Attorney/Agent
 Print Name of Applicant or Agent
2200 Clarendon Blvd, Suite 1300
 Mailing/Street Address
Arlington, VA 22201
 City and State Zip Code

4/18/22
 Signature Date
703-528-4700 703-525-3197
 Telephone # Fax #
rbrant@thelandlawyers.com
 Email address

Revised
7/29/22

PROPERTY OWNER'S AUTHORIZATION

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

Name: See attached 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 three percent.

Please 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 three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Please 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 1940 Duke Street (address), unless the entity is a corporation or partnership, in which case identify each owner of more than three percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Please 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. Please see attached	None	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.

4/18/22
Date

Robert D. Brant, Attorney/Agent
Printed Name


Signature

February 24, 2022

I&G Direct Real Estate 25 LP
270 Park Avenue
New York, NY 10017

Karl Moritz
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

Re: Consent to File Special Use Permit Amendment Application
1940 Duke Street, Tax Map ID 073.01-02-16 (the "Property")

Dear Mr. Moritz:

As owner of the above-referenced Property, I&G Direct Real Estate 25 LP hereby consents to the filing of a Special Use Permit amendment application and any related requests to increase the allowable gross floor area for the Property to allow for the construction of a rooftop conference room and associated amenities. I&G Direct Real Estate 25 LP also hereby authorizes Walsh, Colucci, Lubeley & Walsh, P.C. to act as agent on its behalf for the filing and representation of the Special Use Permit amendment application and any related requests.

Very Truly Yours,

I&G DIRECT REAL ESTATE 25 LP

By: Tara Andrews

Its: Authorized Signatory

Date: 3/14/2022

Statement of Justification
Carlyle SUP Amendment – Block C
1940 Duke Street
Tax Map Reference: 073.01-02-16

Revised July 29, 2022

I&G Direct Real Estate 25 LP (the “Applicant”) is the owner of property located at 1940 Duke Street (the “Property”) in the Carlyle neighborhood of the Alexandria. The Property, which is part of Carlyle Block C, is developed with a 219,986 square foot office building that was constructed in the early 2000s in accordance with DSP #2000-040.

The Property is subject to the Carlyle Special Use Permit (SUP), which was originally approved by City Council in April 1990 to allow a multi-phase mixed use development including a maximum of 6,907,000 gross square feet (GSF) of floor area. The Carlyle SUP has been amended numerous times to allow increases in the permitted GSF for various blocks, changes in permitted uses, and other revisions, and the ultimate build-out of Carlyle is nearing completion. Most recently, in November 2020 City Council approved SUP #2020-00065 to allow an increase in the allowable GSF for Block P. Following approval of the Block P amendment, 6,903,886 GSF of the maximum allowable 6,907,000 GSF in Carlyle has been accounted for across the various blocks.

With this application, the Applicant seeks to amend the Carlyle SUP to incorporate 2,900 GSF of approved yet unallocated floor area in Carlyle into the office building, to allow the construction of a conference space amenity area on the penthouse level of the building. In conjunction with this amendment, the Applicant is also proposing to amend the Block C Design Guidelines to increase the permitted building height to accommodate the proposed addition. As illustrated in the attached Proposed Carlyle Land Use Allocation Table, the proposal will increase the allowable office square footage on Block C from 460,700 to 463,600 GSF, and increase the total allowable square footage on Block C from 480,300 to 483,200 GSF. The proposed Design Guidelines amendment is to increase permitted building height from 82 feet to 96 feet, which represents the height of the proposed rooftop addition. The proposed conference room and associated lobby area are located on the west side of the building facing Dulaney Street. The rooftop conference space will provide a desirable amenity for existing tenants in the building, and will enhance the Applicant’s ability to attract future office tenants to Carlyle. In addition to the enclosed space, the Applicant is proposing improvements to the existing exterior penthouse terrace area.

The proposed amendment satisfies the criteria set forth in Section 12-600 of the Zoning Ordinance. First, the proposed increase in GSF on Block C will not exceed the maximum allowable GSF permitted under the Carlyle SUP. The proposed 2,900 GSF addition is within the remaining 3,114 GSF available under the SUP. Second, the proposed amendment will not cause the development to contain any unapproved uses in the Carlyle SUP, as the proposed penthouse conference area will be utilized by office tenants in the building. Additionally, the proposed amendment will not cause the building to become noncompliant or inconsistent with any applicable regulations. Finally, the proposed increase in building height is appropriate given the scale of the existing building, and those in the immediately surrounding area.

The Applicant's proposal will allow it to activate and amenitize the roof of this building, thereby enabling it to retain existing and attract new office tenants to Carlyle. For the reasons stated above, the proposal is satisfies the criteria set forth in Section 12-600 of the Zoning Ordinance, and approval of the requested SUP is appropriate.

Proposed Carlyle Land Use Allocation Table – 1940 Duke Street (Block C) Amendment

Block	Office	Residential	Hotel	Retail	GSA	DayCare	Total
A		814,419		4,245			818,664
B	290,000			7,000			297,000
C	460,700 463,600			19,600			480,300 483,200
D							0
E	163,216			24,522			187,738
F	399,493	102,704	230,000	5,500			737,697
G	501,679			70,000			571,679
H		436,000		4,000			440,000
I					400,000		400,000
J	447,629			14,137			461,766
K	414,432			29,205		4,500	448,137
L		340,490		20,364			360,854
M	484,803						484,803
N	484,803						484,803
O		342,895					342,895
P	138,502	237,023		12,025			387,550
Total	3,785,257 3,788,157	2,273,531	230,000	210,598	400,000	4,500	6,903,886 6,906,786

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: An amendment to the Carlyle SUP to increase floor area for Block C.

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).

Not applicable.

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

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

Not applicable.

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

Day:

Not applicable.

Hours:

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

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

Not applicable.

B. How will the noise be controlled?

Not applicable.

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

Not applicable.

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)

Not applicable.

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

Not applicable.

C. How often will trash be collected?

Not applicable.

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

Not applicable.

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:

Not applicable.

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:

Not applicable.

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

Not applicable.

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.

Not applicable.

PARKING AND ACCESS REQUIREMENTS

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

226 Standard spaces
160 Compact spaces
9 Handicapped accessible spaces.
 _____ Other.

Note: Parking tabulations taken from approved site plan DSP#2000-040.

Planning and Zoning Staff Only Required number of spaces for use per Zoning Ordinance Section 8-200A _____ Does the application meet the requirement? <input 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?

N/A

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? <input type="checkbox"/> Yes <input type="checkbox"/> No
--

- B. Where are off-street loading facilities located? In the designated off-street loading area
to the rear of the building.
- C. During what hours of the day do you expect loading/unloading operations to occur?
Between the hours of 7am and 11pm.
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Loading occurs as needed for the existing uses in the building.

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? 2,900 square feet.

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

219,986 sq. ft. (existing) + 2,900 sq. ft. (addition if any) = 222,886 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

1940 DUKE STREET ALEXANDRIA, VIRGINIA

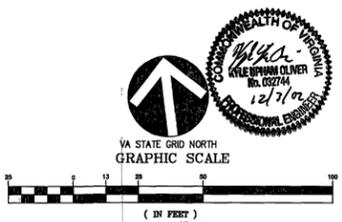
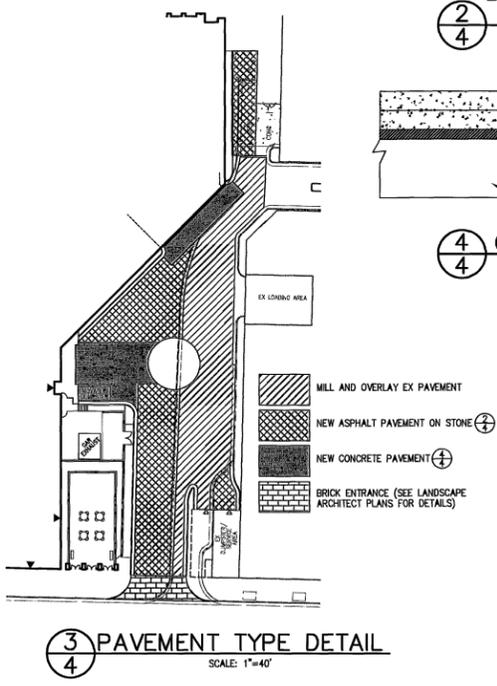
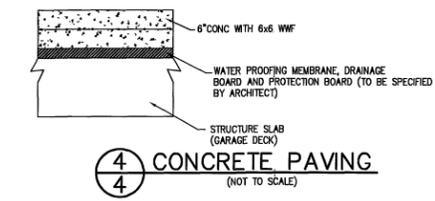
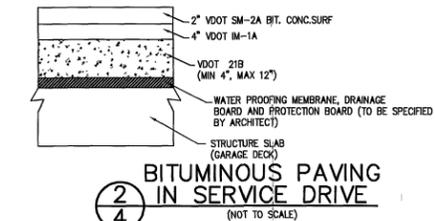
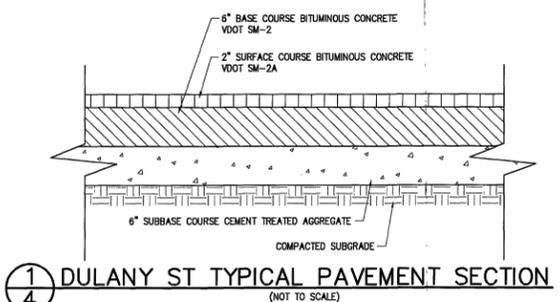
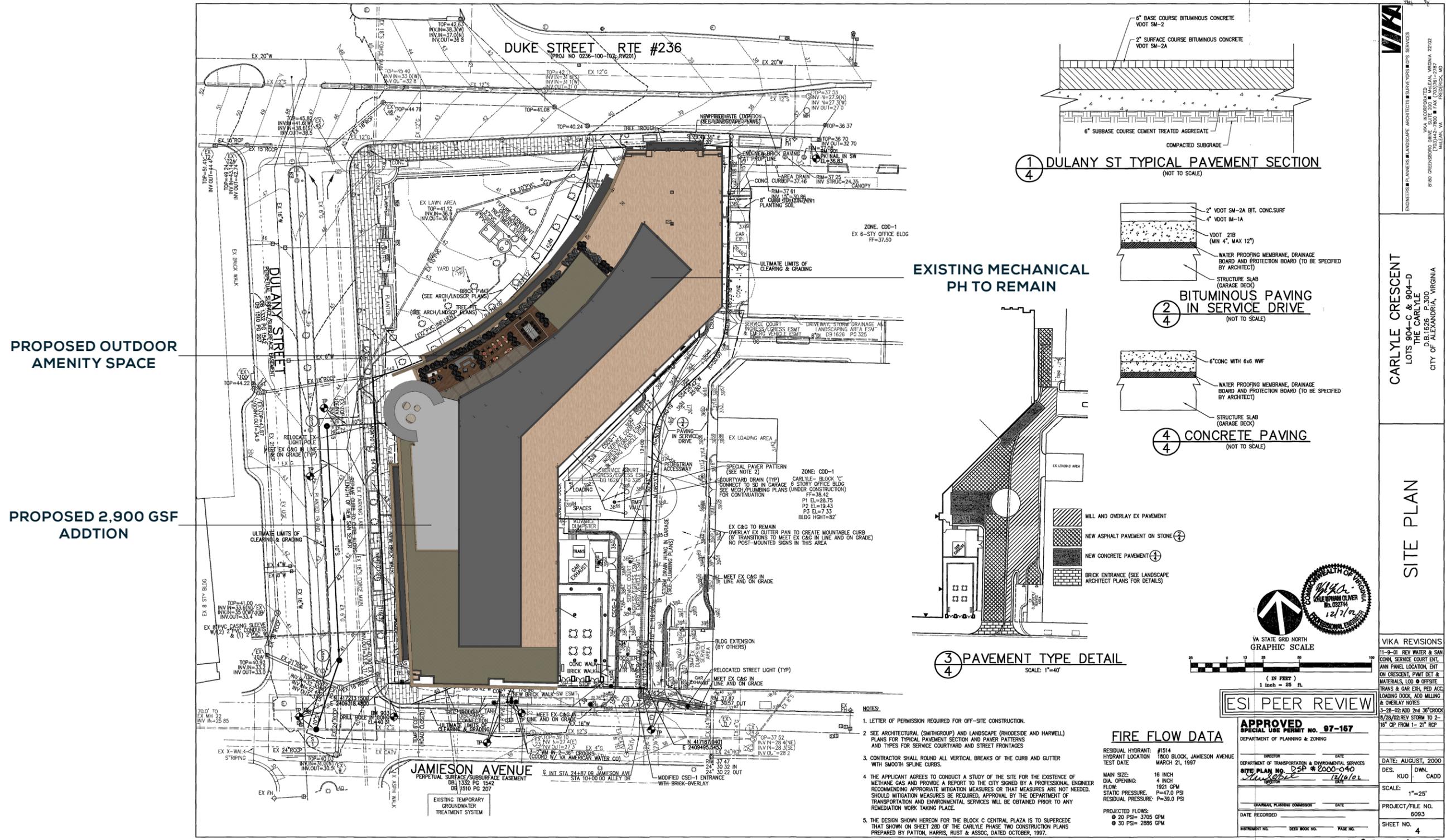
MRP REALTY

MRP REALTY
JULY 29, 2022

01 | ZONING INFORMATION

ZONING OF SITE	CDD (SUP#2253)	EXISTING BUILDING HEIGHTS	
EXISTING USE	6 STORY OFFICE BUILDING	BUILDING ROOF	125.52 FT ABV SEA LEVEL; 81.52 FT ABV GRADE
PROPOSED USE	NO CHANGE	PENTHOUSE ROOF	142.95 FT ABV SEA LEVEL; 98.95 FT ABV GRADE
LOT AREA	62,198 SF	TOWER ROOF	139.50 FT ABV SEA LEVEL; 95.5 FT ABV GRADE
# OF DWELLING UNITS	N/A		
UNITS PER ACRE		AVG FINISH GRADE	44 FT ABOVE SEA LEVEL
MAX ALLOW. GSF (BLOCK C)	480,300 SF		
TOTAL EXIST. GSF (BLOCK C)	479,909 SF	HT OF PROPOSED ROOF STRUCTURE	138.79 FT ABV SEA LEVEL
FOR RESIDENTIAL	N/A		94.52 FT TO OCCUPIED FLOOR ABV GRADE
		BUILDING SETBACK	EXISTING NO CHANGE
EXISTING GSF	219,986 SF	NEW ROOF STRUCTURE	6'-6" SET BACK FROM FACE OF EXISTING BUILDING
		FRONTAGE	NO CHANGE
PROPOSED GSF (ROOF ADDITION)	APPROX. 2,900 SF	PARKING SPACES	395 TOTAL EXISTING
PROPOSED GSF (TOTAL)	222,886 SF	COMPACT	160
		STANDARD	226
EXISTING FLOOR-AREA RATIO	3.54	ACCESSIBLE	9 EXISTING
PROPOSED FLOOR-AREA RATIO	3.58	LOADING SPACES	3 EXISTING

02 | SITE PLAN



ESI PEER REVIEW

APPROVED
SPECIAL USE PERMIT NO. 97-157
DEPARTMENT OF PLANNING & ZONING

DIRECTOR: _____ DATE: _____
DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL SERVICES
SITE PLAN NO. **DSP # 2000-040**
Amber
CHAMBERLAIN, VIRGINIA

DATE RECORDED: _____
ESTIMATE NO. _____ DEED BOOK NO. _____ PAGE NO. _____

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LOTS 904-C & 904-D
THE CARLYLE
D.B.1.626 P.300
CITY OF ALEXANDRIA, VIRGINIA

SITE PLAN

VA HEALTH OF VIRGINIA
KIM W. WOODRUM
12/7/02

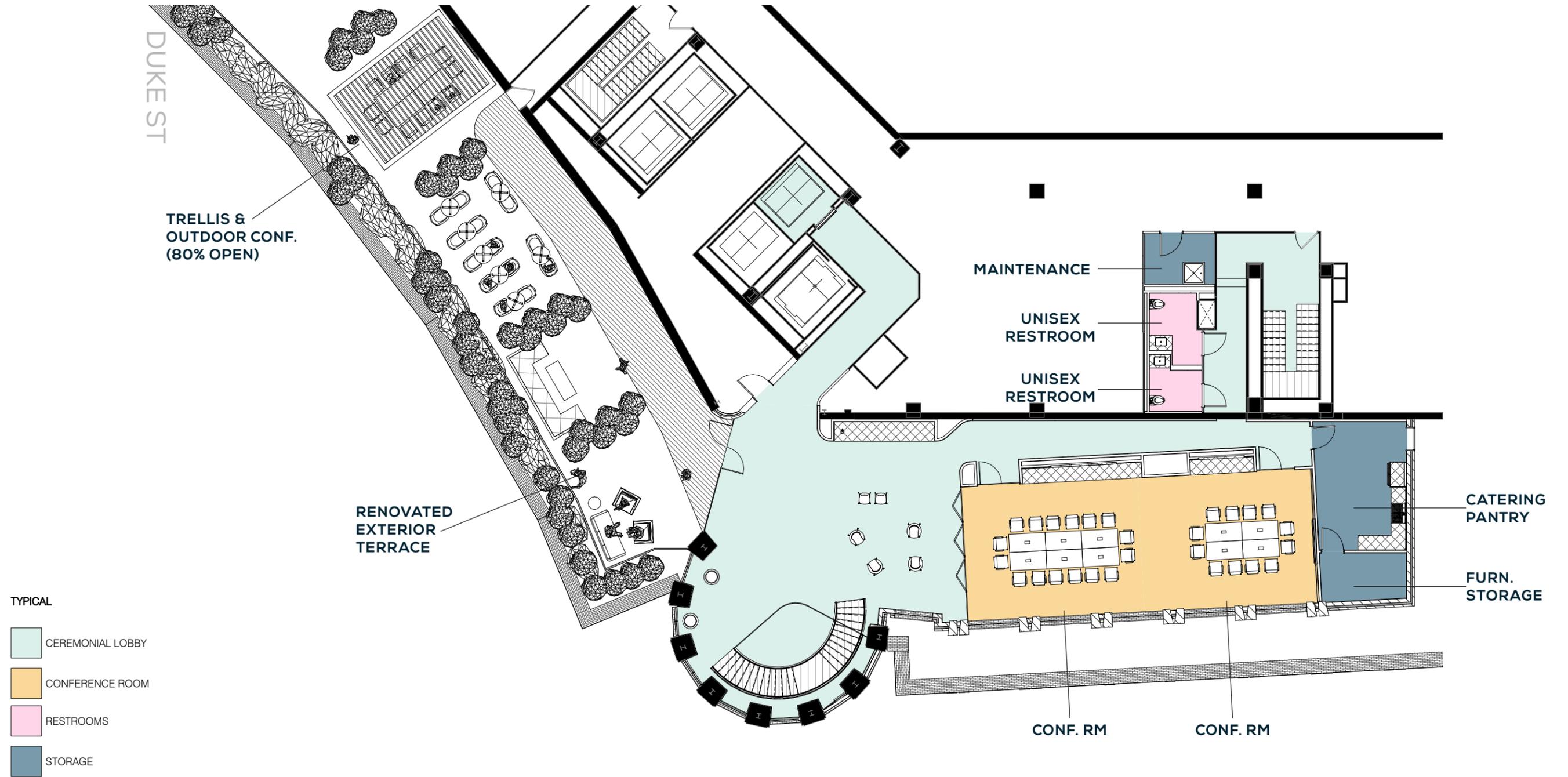
Vika REVISIONS

11-9-01	REV WATER & SAN CONN, SERVICE COURT EXT, ANN PANEL LOCATION, ENT ON CRESCENT, PWMT DET & MATERIALS, LOO @ OFFSITE
TRANS & GAR EXH, PED ACC, LOADING DOCK, ADD MILLING & OVERLAY NOTES	
3-28-02	ADD 2nd 36"OROC
8/28/02	REV STORM TO 2-16" CP FROM 1-21" RCP

DATE: AUGUST, 2000
DES. KUO DWN. CADD
SCALE: 1"=25'
PROJECT/FILE NO. 6093
SHEET NO. 4

#00-040 R

03 | ROOF PLAN (OVERALL)



- TYPICAL
- CEREMONIAL LOBBY
 - CONFERENCE ROOM
 - RESTROOMS
 - STORAGE

CONF. RM CONF. RM

DULANY ST

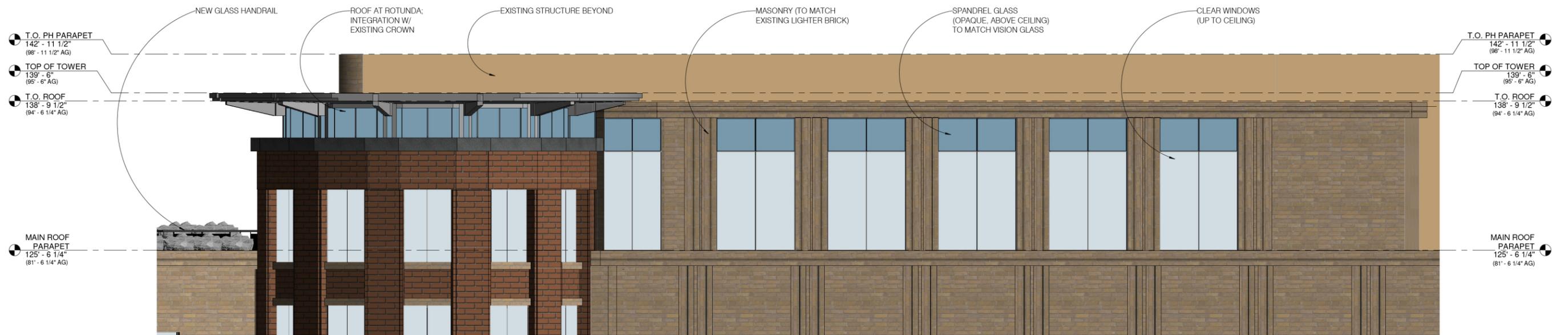
04 | BUILDING ELEVATION AT ROOF



BUILDING ELEVATION - DUKE ST.
REVISED - PER DRB COMMENTS 7/21

RENDERING IS FOR ILLUSTRATION PURPOSE ONLY AND DOES NOT REFLECT EXACT/FINAL REPRESENTATION OF MATERIALS

04 | BUILDING ELEVATION AT ROOF



BUILDING ELEVATION - DULANY ST.
 REVISED - PER DRB COMMENTS 7/21

RENDERING IS FOR ILLUSTRATION PURPOSE ONLY AND DOES NOT REFLECT EXACT/FINAL REPRESENTATION OF MATERIALS

05 | 3D RENDERINGS
REVISED - PER DRB COMMENTS 7/21



RENDERING IS FOR ILLUSTRATION PURPOSE ONLY AND DOES NOT
REFLECT EXACT/FINAL REPRESENTATION OF MATERIALS

05 | 3D RENDERINGS
REVISED - PER DRB COMMENTS 7/21



RENDERING IS FOR ILLUSTRATION PURPOSE ONLY AND DOES NOT
REFLECT EXACT/FINAL REPRESENTATION OF MATERIALS

05 | 3D RENDERINGS
REVISED - PER DRB COMMENTS 7/21



RENDERING IS FOR ILLUSTRATION PURPOSE ONLY AND DOES NOT
REFLECT EXACT/FINAL REPRESENTATION OF MATERIALS

THANK YOU

OTJ
ARCHITECTS

[EXTERNAL]1940 Duke Street - Carlyle Block C Rooftop Amendment SUP#2022-00028
(Docket Item #9)

Brant, Robert <rbrant@thelandlawyers.com>

Thu 10/6/2022 3:57 PM

To: PlanComm <PlanComm@alexandriava.gov>

Cc: Puskar, M. Catharine <cpuskar@thelandlawyers.com>;Karl Moritz <Karl.Moritz@alexandriava.gov>;Robert Kerns <robert.kerns@alexandriava.gov>;Kohlbrener, Anna <Anna.Kohlbrener@fairfaxva.gov>;Nathan Imm <nathan.imm@alexandriava.gov>;Tom Canfield <Tom.Canfield@alexandriava.gov>

📎 1 attachments (127 KB)

1940 Duke Street - Carlyle Block C Letter to Planning Commission (10-6-22) (A1081869).PDF;

All –

On behalf of the Applicant in the above-referenced special use permit application, please see the attached letter that outlines the Applicant's proposed modifications to the development conditions set forth in the staff report. Please let me know if there are any questions. Thank you for your consideration.

Best,

Bob



Robert D. Brant | Shareholder

Walsh, Colucci, Lubeley & Walsh, P.C.

2200 Clarendon Blvd | Suite 1300 | Arlington, VA 22201

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**WALSH COLUCCI
LUBELEY & WALSH PC**

Robert D. Brant
(703) 528-4700 Ext. 5424
rbrant@thelandlawyers.com

October 6, 2022

Planning Commission
City of Alexandria
301 King Street, Room 2100
Alexandria, VA 22314

**Re: Docket Item #9 – 1940 Duke Street, Carlyle Block C Rooftop Amendment
Special Use Permit #2022-00028**

Dear Members of the Planning Commission:

On behalf of I&G Direct Real Estate 25, LP, the Applicant and owner of the office building located at 1940 Duke Street, I am writing to request the following modifications to the proposed conditions associated with the referenced Special Use Permit application:

70B. CONDITION 70B ADDED BY STAFF (SUP#2022-00028): Make the following changes to the Carlyle Block C, 1940 Duke Street rooftop architecture prior to release of the Final Site Plan minor amendment:

- a. **To ensure the disengagement of the tower ~~along Duke Street~~ from the proposed board room, ~~make the changes to the enclosure connection and~~ deepen the notch between the existing tower and the proposed board room as shown on Attachment #7. (P&Z)**

70C. Condition 70C should be deleted in its entirety.

The Applicant has worked diligently and in good faith throughout the Application process to address comments from staff and the Carlyle Design Review Board related to the architecture and design of the proposed 2,900 square foot rooftop addition. The current language of Condition 70B and the referenced Attachment #7 would require the Applicant to make two further revisions at the time of the minor site plan amendment. The Applicant agrees to enhance the depth of the notch between the tower and the proposed board room. However, the second revision illustrated on Attachment #7 would require the Applicant to eliminate the proposed full-height operable glass partition wall on the north side of the tower. The proposed glass partition wall will allow the Applicant and its tenants to open up the rooftop board room and lobby area during conferences or other events, allowing the integration of the indoor and outdoor amenity spaces. This partition wall is a key design feature of the proposed rooftop addition, and is strongly desired by both the Applicant and its prospective tenant. For this reason, the Applicant

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LOUDOUN 703 737 3633 ■ PRINCE WILLIAM 703 680 4664 ■ WINCHESTER 540 667 4912

{A1081838.DOCX / 1 Letter to Planning Commission re: 1940 Duke St (Carlyle Block C) (10-6-2022) 005869 000097}

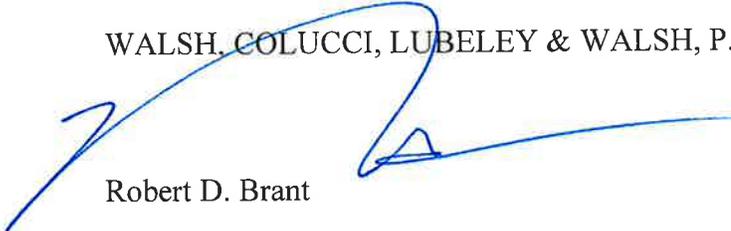
requests that Condition 70B be modified to allow the retention of this feature as currently designed.

Proposed Condition 70C would require the Applicant to demonstrate that the proposed rooftop addition is equivalent to the standards of LEED Certified (or equivalent) certification, and to build the addition as near to LEED Silver as feasible. It also would require the Applicant to prepare and submit additional materials as part of the minor site plan amendment process. These requirements are derived from the City of Alexandria’s 2019 Green Building Policy (the “Policy”), which, by the express language of the Policy applies to “new private development . . . and major renovations that require a Development Site Plan (DSP) or a Development Special Use Permit (DSUP).” As a Special Use Permit Amendment that simply seeks to re-allocate 2,900 sf of available unused density under the Carlyle SUP to this building, this application is – by definition – not subject to the Green Building Policy. Moreover, the existing office building was originally certified LEED Gold in 2014, and recertified LEED Gold in 2020. As the existing building not only meets but exceeds the minimum LEED Silver certification required by the current Policy, and given that the small board room addition represents only 1.3% of the total building’s square footage, the City’s goals and policy objectives of advancing sustainability have already been met. For these reasons, the Applicant requests the removal of Condition 70C in its entirety.

If you have any questions, please do not hesitate to contact me. Thank you for your thoughtful consideration of this matter.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.



Robert D. Brant