



DOCKET ITEM #5

## ***Text Amendment #2013-0005***

---

<b>Issue:</b> Initiate and consider a text amendment to Section 5-500 of the Zoning Ordinance for the W-1/Waterfront Mixed Use zone to add and remove certain uses, to reference the Height District Map, and to add a provision for increased Floor Area Ratio with a special use permit for certain sites.	Planning Commission Hearing:	March 5, 2013
	City Council Hearing:	March 16, 2013
<b>Staff:</b> Faroll Hamer, Director, Planning and Zoning <a href="mailto:Faroll.hamer@alexandriava.gov">Faroll.hamer@alexandriava.gov</a> ;  Karl Moritz, Deputy Director, Neighborhood and Community Planning, P&Z <a href="mailto:Karl.Mortiz@alexandriava.gov">Karl.Mortiz@alexandriava.gov</a> ;  Joanna Anderson, Acting Deputy Director, Land Use Services, P&Z <a href="mailto:Joanna.anderson@alexandriava.gov">Joanna.anderson@alexandriava.gov</a>		

### **PLANNING COMMISSION ACTION, MARCH 5, 2013:**

On a motion by Commissioner Dunn, seconded by Commissioner Macek, the Planning Commission voted to initiate Text Amendment #2013-0005. The motion carried on a vote of 7 to 0.

On a motion by Commissioner Dunn, seconded by Commissioner Macek, the Planning Commission voted to recommend approval of Text Amendment #2013-0005. The motion carried on a vote of 7 to 0.

#### **Reason:**

The Planning Commission agreed that the text amendment is necessary to implement the vision of the previously approved and adopted Waterfront Small Area Plan (Plan). The Commission reinforced that the Plan is representative of what the community-at-large wanted.

Speakers:

Bert Ely, resident of 200 S Pitt Street and co-chair of Friends of the Alexandria Waterfront, spoke against the text amendment, indicating that increased density and development should not occur in a flood zone, that the density proposed by the Plan would increase traffic and impact the character of the neighborhood, and that more open space is needed under the Plan. He also stated that no action should be taken while litigation is pending.

Andrew Macdonald, resident of 217 N Columbus Street, spoke against the text amendment, stating that the Plan is a leveraged Plan concerned about squeezing the most revenue out of the land and not a community centered Plan. Mr. Macdonald stated the Plan was not developed with the consensus of the community and does not address global warming, history, or traffic.

Yvonne Callahan, resident of 735 S Lee Street and President of Old Town Civic Association, spoke against the text amendment and requested that a vote be deferred. Ms. Callahan expressed concern that the City is circumventing the State and Supreme Courts with a re-vote.

Nina Randolph, 424 N Union Street, spoke against the text amendment stating that the Plan does not provide adequate open space to balance the increased density and construction in the area.

Nancy Jennings, 2115 Marlboro Drive and President of the Seminary Hill Association, read a resolution by her Executive Board, opposing the text amendment and urging the commissioners to reject the amendment and allow pending judicial activities to conclude before any action is taken.

Kathryn Papp, resident of 504 Cameron Street, spoke against the text amendment stating concerns on the procedural background of the proposed amendments referencing sections of the state code. Ms. Papp stated that the BZA decision should stay all proceedings and therefore no action should be taken by the Commissioners.

Lynn Hampton, 215 Park Road, founding member Waterfront for All, supports the text amendment and stated that it will supply support for the zoning needs of the approved Plan. Ms. Hampton stated that a vote in favor of the text amendment would end the expensive and divisive litigation and can enable of the goal of completing the Alexandria Waterfront. She said, the Plan provides more open space and less density than our historic Waterfront plan.

Dennis Auld, 215 Park Road, supports the text amendment, stating that the amendment provides needed clarification for the Plan to move forward and stated that the Plan

provides for development that is conducive to public parks, Waterfront activities and the character of the City and does not impinge on the rights of existing property owners.

Nancy Morgan, 500 S Pitt Street, spoke against the text amendment and stated the zoning should stay as is to preserve the environmental, residential, and historical integrity of the Waterfront. The increased density and height would be detrimental to the Waterfront and hotels would create issues along the Waterfront.

Frank Putzu, 1423 Juliana Place, spoke against the text amendment stating that a re-vote would not grant relief sought by the people and urged the Commission to defer from a vote. Mr. Putzu stated the Commission should wait until litigation has concluded. He said a negative legal decision for the City would not preclude the developers from moving forward on their own with a request for a rezoning.

Robert Pringle, 216 Wolfe Street, spoke against the text amendment stating that there is no rush for a rezoning and the process should be re-started, drawing on broader talent including fundraising to secure needed resources. Mr. Pringle stated the development as proposed in the Waterfront Plan would be detrimental to the Waterfront.

Katy Cannady, 20 E Oak Street, spoke against the text amendment stating that the Carr Hotel proposal is inconsistent with the Plan and guidelines and did not have views to the river, adequate public open space, and underground parking. She also indicated concern over development along the Waterfront in the wake of flood events such as Sandy.

Sharron Annear, 1118 N Howard Street and treasurer of Federation of Civic Associations, spoke against the text amendment and requested deferral of a vote. Ms. Annear stated that the judicial litigation should have its day in court before proceeding with next steps. Ms. Annear also stated that more time would be needed for new Commissioners to acclimate with the issues and intricacies of the Plan.

Dino Drudi, 315 N West Street, spoke against the amendment and stated that what is needed is a new process to get neighborhood buy in, similar to that used during the Jefferson Houston School proposal. He said the Plan is not a comprehensive Plan and does not include a vision for the GenOn plant as part of the Waterfront.

Elizabeth Gibney, 300 S Lee Street, spoke against the text amendment stating that the Plan is not representative of what the people in the area want and that hotels do not offer anything back to the City and its residents. Ms. Gibney urged the commissioners to defer the amendment and keep the W-1 zoning as is.

Randy Randall, 3 Franklin Street, indicated that this all started with flood mitigation expressing concern that the Plan is not protecting at a 100 year flood level which is a 10 ft flood elevation, but at a 6 ft flood elevation for nuisance flooding. He indicated that

more thought should be given to flood mitigation and the sewers.

Val Hawkins, 418 Duke Street and President of the Alexandria Economic Development Partnership, spoke in favor of the text amendment highlighting progress by the City within the last year implementing the Waterfront Plan in coordination with the Waterfront Commission, a 21-member advisory group. Mr. Hawkins urged the Commissioners to support the text amendment to move forward with further implementation of the Plan.

David Olinger, 100 Prince Street and member of Old Town Civic Association and the former Waterfront Plan Work Group, spoke against the text amendment and expressed concern about the floodplain and added density in the area. He indicated that such density may result in possible condominiums at the southeast corner of Union and Prince Streets and that, he says, may impact the quality of life in the area.

Dr. Ursula Weide, 1302 Bayliss Drive, spoke against the text amendment stating that the Waterfront should not be rezoned to include hotel uses and the history of the Waterfront should be preserved. Dr. Weide stated the process should be restarted to work further with the community to cooperate on a collaborative Plan.

Mark Mueller, 414 S Royal Street, spoke against the text amendment stating it should be deferred because nearly half the Commissioners are new, litigation is pending in courts, and it might be helpful for the City to consider getting a second legal opinion on the litigation; he advised staff to work with neighbors to find a compromise.

Poul Hertel, resident of 1217 Michigan Court, and Co-chair of Federation for Civic Associations, opposed the text amendment and stated the intent of the W-1 zone, under 1992 zoning, was to provide additional density with the provision of mixed uses, whereas he indicated the proposed amendment would increase density for a singular use.

This text amendment implements the City's adopted Waterfront Small Area Plan by revising the W-1/Waterfront Mixed Use Zone to adjust uses, heights, and densities to reflect the vision for the Waterfront contained in that small area plan.

## **I. Procedural Background**

The Waterfront Small Area Plan was approved by City Council on January 21, 2012. As part of the same hearing and vote a text amendment was presented, considered and approved by Council. The text amendment revised the W-1 Zone incorporating the proposed changes in uses and development anticipated by the Waterfront Plan. The ordinance officially adopting the Waterfront Small Area Plan was approved by City Council on February 25, 2012 (Ord. #4749). The text amendment was never officially adopted by ordinance because the status of the hearing and vote on the text amendment was challenged as a legal matter.

Citizens filed a protest petition under section 11-808 of the zoning ordinance prior to the January 21 hearing and hoped to invoke the rule that requires a supermajority vote of City Council. The Director of Planning and Zoning determined that the protest procedures of the zoning ordinance and the supermajority requirement apply only to map amendments, not zoning changes to the text of the ordinance. Because the changes to the W-1 zone were part of a text amendment, not a map amendment, the Director explained, they were not subject to the protest provisions and thus the filing of a citizen petition did not trigger a supermajority requirement.

Based on the technical language of the zoning ordinance on protest procedures, the Board of Zoning Appeals found that both text amendments and map amendments could be subject to the protest procedures and a supermajority vote. Staff presented what it believes to be clear legal basis for its position, but the BZA disagreed. The City has challenged the BZA decision in court, and litigation has continued since last spring.

If the citizen defendants who objected to the original text amendment approval are ultimately successful in the litigation, if they prevail on all of their arguments, then the zoning ordinance protest procedures and supermajority vote requirement will apply to the text amendment presented on January 21, 2012. Since the vote by Council approving the text amendment was 5-2, a majority but not a supermajority vote, that approval will be legally insufficient. The result will be that a new vote will then be required in order to amend the zoning and implement the Waterfront Plan.

What is before the Planning Commission and City Council now is the same text amendment that would be brought forward in the event the City loses all of its arguments in court. Consideration of the matter now avoids the necessity of continuing with protracted litigation and allows the City to pursue the implementation of the Waterfront Plan. This foreshortened process assumes – for the sake of this process only and without conceding any of the City's legal positions – that there is a valid protest petition filed pursuant to section 11-808 and that a supermajority vote of City Council is required.

As a separate and related matter, staff is also bringing forward a second text amendment, TA#2013-0006, to clarify the language of section 11-808 regarding the protest procedures, so as to avoid the confusion that led to the issues with the original W-1 text amendment and with other future text amendments.

## **II. The Waterfront Plan and Proposed Zoning Changes**

The Waterfront Plan considered a variety of elements to improve the City's waterfront area over the long term. Its vision achieves several complementary goals: enhancing public open spaces, improving public access to the water and the waterfront area, improving connectivity among places and pathways, incorporating Alexandria's history, art and culture, and ensuring high quality development that supports and contributes to the many public benefits in the Plan.

### *Complementary Development.*

As to development, the Plan focuses on three private Development Sites and recommends zoning changes in order to carry out the vision of the Plan. Each of the three sites -- Robinson Terminal North and South, and the Cummings-Turner block -- is zoned W-1, a zone adopted as part of the City's Zoning Ordinance in 1982. It has remained relatively the same since that time, with some few changes in 1992. The zone has provided the development rights for several of the private properties developed since that time along the Potomac River, including Fords Landing, Harborside and Rivergate. The Plan recommends amending that zone to provide additional opportunities for remaining sites on the waterfront for which future private development is anticipated.

The W-1 zone currently allows some development opportunities for these sites, and they are also subject to certain BAR and height district regulations. However, under the current W-1 Zone, the particular type and design of development that is most conducive to coexistence with public parks, activity and access ways along the waterfront is not clearly defined. If the W-1 Zone is not changed, those sites are likely to develop as private townhouses. It is significant to note that the proposed zoning changes to W-1 do not delete any rights that exist today. To the extent a developer prefers the existing zoning, with its permitted uses and densities, the ability to develop in accord with those rules continues. The additional use and density provisions act as incentives to achieve the particular development and design the Plan has outlined as most desirable.

### *Specific Proposed Zoning Changes.*

The following specific W-1 Zone changes are recommended, consistent with the information about uses, density and height in the Plan.

1. Hotel: This text amendment adds hotels as a use (Sec. 5-503), provided an SUP is approved and the development is consistent with the Design Goals and Guidelines in the Waterfront Plan for the development site as well as the Hotel/Restaurant Policy included in the Plan for these uses. Two points to recall regarding the Waterfront Plan are critical. First, a central part of the Plan is to encourage hotels as opposed to private residential

uses, especially townhouses because residential essentially makes the land closest to the river private. The design guidelines do provide some flexibility for residential uses, already allowed in the W-1 zone, but they are best on the blocks away from the river. However, residential development could still be allowed along the river if there is a showing that it can coexist with the planned public activity, provide a welcoming presence to visitors, and preferably not include permanent owner-occupied units. (See, e.g. for Robinson Terminal North, Guideline #4 at p. 92.)

Secondly, City Council considered significant testimony about hotels when it reviewed the Waterfront Plan at hearings on the matter. Its approval of the Plan changed the text to permit only two hotels, not the three originally proposed. Section 4(b)(ii) of the Hotel/Restaurant policy, p. 85, states clearly, “The Waterfront Small Area Plan allows the addition of up to two hotels in the W-1 zone, with a total limit of 300 rooms.”

2. FAR Increase: Section 5-504 is proposed to be revised to allow increased FAR for the three development sites cited in the Waterfront Plan. The increased FAR may only be achieved if (a) an SUP is approved and (b) the development complies with the long list of Development Goals and Guidelines set out in the Plan for the specific development under consideration. The maximum FAR for each development site is shown in the chart on p. 103 of the Plan.

The Guidelines are detailed and tailored to address the multitude of issues at each individual site while at the same time providing the City with an opportunity for enhanced development and quality design over what current zoning would produce. Development guidelines include requirements as to land uses; building scale, mass and design; access and connections to water views and public spaces; streetscape improvements, environmental treatment; incorporation of history, public art, open space, and other public amenities.

The physical model of the waterfront, which was on public display at City Hall during consideration of the Waterfront Plan, and now in the Planning and Zoning Department, shows development built to the requirements of the Development Guidelines as well as to the FAR levels in the Plan. The buildings are well designed and do not overwhelm the surrounding area, providing breaks through the blocks and significant open space, and they otherwise work compatibly with the adjacent residential neighborhood as well as with nearby active open space areas.

The current densities allowed in the W-1 zone are lower than the maximum permitted under the 1983 Robinson Terminal Settlement Agreement between the Federal Government and City, and lower than what will permit a quality development with underground parking to be built. Therefore, the proposed zoning allows an FAR up to the maximums provided in the 1983 Robinson Terminal Settlement Agreement, and consistent with the amounts shown in the chart on p. 103 of the Plan.

As an example, the chart shows that for Robinson Terminal North, current zoning allows an FAR of 2.0; the 1983 Settlement Agreement and proposed zoning actually allows an effective FAR of somewhat less than that, or 1.69. The lower number includes the entire land within the site in the calculation, although some of it may not be used for development. As to Robinson Terminal South, current zoning allows an FAR of 2.0; the 1983 Settlement Agreement and proposed zoning allow a bit more than that, or 2.32. For the Cummings-Turner block, the proposed zoning increases the FAR from 2.0 to 3.0, but the increase is necessary to achieve a cohesive development of the block's separate parcels, as well as retention of the historic buildings.

3. Height Correction for one block: Section 5-507 is being amended to state that maximum heights throughout the W-1 Zone will be those that are shown on the height district maps. The only land that is affected by this change is that portion of Robinson Terminal North that is west of North Union Street, which will change from 55 to 66 feet, consistent with the current height district map for that land and for the parcels nearby in Height District #4. (See Plan Figure 26, p. 87.) Thus the height map already anticipated the greater height.

The height limits on all of the remaining land within the W-1 zone will remain unchanged. Furthermore all of the remaining developable land is within Height District #3 and is already required to obtain SUP approval for any height over 30 feet, and the process relies on certain design criteria and standards in the zoning ordinance at section 6-404.

4. Elimination of unsuitable uses: Section 5-503 is being changed to delete two uses: rooming house and tourist home. These uses, historically part of the City's Zoning Ordinance, including the W-1 zone, are not compatible or suitable for the City's waterfront. There are no existing developed parcels that would be appropriate for either a rooming house or tourist home; there have been no applications to use waterfront property for those uses in the last 30 years; and those uses would not be suitable or compatible with the development concepts for the future development sites.

5. Addition of museums, schools and cultural institution: Finally, in addition to deleting unsuitable uses, the text amendment proposes to add the following use:

Uses that foster art, history and cultural awareness through increased understanding and training, such as museums, schools, and cultural institutions.

The Waterfront Plan's focus on history and art, the City's signature Torpedo Factory, and its historic desire to retain the Art League in the Waterfront area and its hopes for a future maritime museum all point to the need to identify these uses accurately and to allow them as zoning uses.



When City Council considered the text amendment on January 21, 2012, it discussed this addition and its motion to approve the text amendment included this language. Its discussion suggested that small uses, less than 5,000 square feet be listed as permitted uses, and that larger institutions be required to obtain SUP approval. That distinction is included in the proposed text amendment.

### **III. Staff Recommendation**

Staff recommends that the Planning Commission recommend approval of these zoning text changes because they allow reasonable development, compatible uses, and a design and scale of development particularly suitable on the City's waterfront.

Attachment: Proposed Zoning Text Changes  
Waterfront Small Area Plan dated February 25, 2012 can be found at:  
<http://alexandriava.gov/Waterfront>

**ATTACHMENT**

**PROPOSED ZONING TEXT CHANGES**

Sec. 5-500 W-1/Waterfront mixed use zone.

- 5-501 Purpose. The W-1 zone is intended to promote mixed use development with suitable public amenities along appropriate portions of the city's waterfront by permitting a mixture of residential, commercial, cultural and institutional uses and by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, the design and the location warrant.
- 5-502 Permitted uses. The following uses are permitted in the W-1 zone:
- (A) Single-family dwelling;
  - (A.1) Two-family dwelling;
  - (A.2) Townhouse dwelling;
  - (B) Multifamily dwelling;
  - (C) Business and professional office;
  - (D) Public building;
  - (E) Public park, athletic field or other outdoor recreation facility;
  - (F) Public utility service yard and/or electrical receiving or transforming station, provided the use and/or structure was in existence prior to 1982 and the use has been continued thereafter;
  - (G) Accessory uses, as permitted by section 7-100.
  - (H) Uses smaller than 5000 square feet that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.
- 5-503 Special uses. The following uses may be allowed in the W-1 zone pursuant to a special use permit:
- (A) Commercial outdoor recreation facility;
  - (B) Commercial shipping and freight terminal;
  - (C) Facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections;
  - (D) Health and athletic club;
  - (E) Home for the elderly;
  - (F) Nursery school;
  - (G) Outdoor food and crafts market;
  - (H) Personal service establishment;
  - (I) Privately owned public use building such as civic auditorium or performing arts center;
  - (J) Restaurant;
  - (K) Retail shopping establishment;

- ~~(L) Rooming house;~~
- ~~(M) Tourist home;~~
- (N) Utilities, as permitted by section 7-1200.
- (O) Hotel, consistent with the Development Goals and Guidelines for Development Sites and the in the Waterfront small area plan.
- (P) Uses 5000 square feet or larger that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.

5-503.1 Prohibited uses. Any use which is not a permitted, special or accessory use pursuant to this section 5-500 is prohibited.

5-504 Floor area ratio. The permitted floor area ratio of a development in the W-1 zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

(A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:

- (1) Commercial: .75, or
- (2) Residential: 1.0

In the case of either (1) or (2), an additional .25 of retail use is permitted.

(B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.0 plus an additional .25 of retail use.

(C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of .75, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.0.

(D) Development sites in waterfront plan/SUP. For property that is part of a development site identified in the waterfront small area plan, with a special use permit, the maximum floor area ratio may be increased provided the development meets and is consistent with the Development Goals and Guidelines listed in the Waterfront plan for the property.

5-505 *Density and lot requirements.*

(A) *Density.* Gross density shall not exceed 30 dwelling units per acre.

(B) *Lot size.*

- (1) Each structure containing multifamily dwellings shall be located on a lot with a minimum of 1,452 square feet of land area for each dwelling unit.
- (2) Each townhouse dwelling shall be located on a lot with a minimum of 1452 square feet of land area.
- (3) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations, such as yards, floor area ratio and parking.

(C) *Lot width and frontage.*

- (1) For multifamily dwellings, the minimum lot width at the front lot and building line shall be 50 feet.
- (2) For townhouses, the minimum lot width at the front lot and building line shall be 18 feet for all lots except interior lots for which the minimum lot width at the front lot and building line shall be 26 feet.
- (3) For all other principal uses, there shall be no minimum lot and building line requirements except those which occur as a result of other applicable regulations.

5-506 *Yard requirements.*

- (A) *Front yard.* No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.
- (B) *Side yards.* No side yards are required except in the following cases:
  - (1) Each interior end unit in a group of townhouses shall provide a side yard of at least 8 feet.
  - (2) Multifamily residential buildings shall provide two side yards based on a setback ratio of 1:2 and a minimum of 16 feet.
- (C) *Rear yard.* Each lot shall provide a rear yard of at least 8 feet, except that each multifamily residential building shall provide a rear yard based on a setback ratio of 1:2 and a minimum distance of 16 feet.

5-507 *Height.* The maximum permitted height of buildings is ~~55 feet.~~ the height shown in the applicable height district map.

5-508 *Open and usable space.* Residential uses shall provide a minimum of 300 square feet of open and usable space per dwelling unit, exclusive of any area required for off-street parking. The location and shape of such space shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space

may be located on landscaped roofs or other areas fully open to the sky which are not at ground level and which are accessible to all residents of the development if the director determines that such space functions as open space for residents to the same extent that ground level open space would. In addition, each use, development or project adjacent to the Potomac River shall provide an open space walkway and bike way adjacent to the high watermark of the Potomac River.

5-509

*Ground floor occupancy regulations.*

- (A) No room or space used for residential purposes or commercial purposes, other than restaurant or retail room or space, shall be permitted on the ground floor of any building.
- (B) The provisions of section 5-509(A) shall not apply if publicly accessible waterfront or waterfront-related amenities are provided in conjunction with a proposed building, subject to approval of a site plan for such amenities and building pursuant to section 11-400.
- (C) Publicly accessible waterfront or waterfront-related amenities may include, but are not limited to, pedestrians walkways and landscaped open space areas connected to the walkway/bikeway required along the waterfront by section 5-508, boat docking facilities, or similar improvements that enhance pedestrian access to and enjoyment of the waterfront area. The planning commission, or city council on appeal, shall approve the site plan submitted pursuant to section 5-509(B) if the commission or council in its reasonable discretion determines that the amenities to be provided enhance the publicly oriented vitality of the waterfront area.
- (D) As used in this section 5-509, "ground floor" means that floor of a building which is approximately or most nearly level with the ground surface in the general vicinity of the building and includes the headroom above such floor.
- (E) The residential building exclusions of section 11-404(A) shall not apply to any site plan submitted under the provisions of this section 5-500. Nothing in this section 5-509 shall excuse compliance with the use regulations of this section 5-500, including any requirement for a special use permit of section 5-503, or with the floodplain regulations of section 6-300.
- (F) Any ground floor room or space used for residential purposes or commercial purposes other than restaurant or retail room or space, in a building for which a preliminary site plan was approved on or before June 28, 1988, shall be deemed to meet the requirements of this section 5-509.

5-510 *Underground utilities.* All developments containing new or replacement utility facilities within the development shall provide for underground installation of said facilities.

5-511 *Use limitations.* Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual. 5-512 Additional regulations for single-family, two-family and townhouse dwellings.

(A) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(B) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(C) *Yards.* For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(D) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size, frontage and yard regulations shall be applicable to the residential component of the development.

5-513 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.

Note: Underlining indicates new text. ~~Strikeout~~ indicates deleted text.

**PlanComm**

PC Docket Item #5

**From:** Ken Shipp <kshipp414@gmail.com>  
**Sent:** Sunday, March 03, 2013 9:05 PM  
**To:** PlanComm  
**Subject:** Pass the plan

Mr. Chairman and others,

The opposition to the plan has yet to provide anything other than rejection of sound policies by the city. The city has done its job in assessing benefits and liabilities of development along the waterfront and its time to step up and pass their original plan. The current ugly warehouses, 18 wheeler RWT trucks, revenue loss, and lack of a continuous waterfront are a blight. The city has done due diligence to improve our lives here in Old Town but a vocal well funded minority continues to deny our move forward. Enough. I use the water front, or the accessible parts of it, every day so I'm well aware of the issues. I pay big property tax bills that could be mitigated by visitors who pay, eat, and leave. I've also read the city plan and support it fully----even before the city capitulated to diminishing its revenue potential by pandering to the anti progress folks. Pass the plan.

Ken Shipp  
715 South Royal  
Alexandria

Kendra Jacobs

PC Docket Item # 5+6

**Subject:** FW: Planning Commission Meeting March 5, 2013 - What Other Waterfront Cities Are Planning

**From:** Brooke Caldwell <[bcaldwell405@gmail.com](mailto:bcaldwell405@gmail.com)>  
**Subject:** Planning Commission Meeting March 5, 2013 - What Other Waterfront Cities Are Planning  
**Date:** March 4, 2013 6:01:27 PM EST  
**To:** [Mariawasowski@comcast.net](mailto:Mariawasowski@comcast.net)

Ms Wasowski,

I plan to attend the meeting and am hoping that you and your committee will be able to explain to me as a resident of the city of Alexandria, what are the benefits of agenda items 5 and 6 to residents such as myself? All I can infer are negatives.

Meanwhile, in the wake of the recent Hurricane Sandy, other coastal cities and towns are reexamining their waterfront development plans. Reference <http://www.tbha.org/preparing-rising-tide-report> which cites a study paid for by the Boston Harbor Association. This report states "...some cities such as Seattle, WA and Charleston, SC are developing "floodable zones" that preserve the city's access to its waterfront while minimizing damage when periodic flooding occurs." This concept of "living with water", rather than adding high density development at the water's edge, is a smart option to consider in Alexandria as well.

Thank you,

Brooke Caldwell



**PlanComm**

PC Docket Item #5  
TA 2013-0005

**From:** Carl Smith <carlsmith1@comcast.net>  
**Sent:** Monday, March 04, 2013 10:58 AM  
**To:** PlanComm  
**Subject:** Planning Commission meeting March 4,2013

To the Chairman and Members of the Planning Commission,

As a concerned resident of Alexandria and Old Town living one block from the areas most affected by proposed zoning changes to be considered at the Planning Commission meeting Tuesday 4 March 2013, I strongly urge you to reject the proposed changes to the W1 ZONE.

The change in density, x allowing hotels, interferes with flood mitigation which has yet to be resolved and increases already untenable traffic congestion which we experience vividly at the corner of Duke and Lee Streets. As residents who live adjacent to the planned development we legitimately protested the changes only to find the city using legal manipulation to over rule the stated will of the people and taxpayers using taxpayer money to sue their constituents, Proposed changes to Section 11 of the zoning ordinance effectively would do away with the right of property owners across the entire city to protest changes in zoning which adversely their property, potentially giving special interests and developers strong sway over citizens.

Please reject the city's attempts to strong-arm the will of the taxpayers and residents of the city.

Carl Smith, M.D.  
200 Duke Street  
Alexandria, Virginia, 22314

**Kendra Jacobs**

PC Docket Item #5  
TA 2013-0005

**From:** Nate Macek <natemacek@hotmail.com>  
**Sent:** Tuesday, March 05, 2013 10:58 AM  
**To:** Kendra Jacobs  
**Subject:** Fw: pass the plan

**From:** Ken Shipp  
**Sent:** Sunday, March 03, 2013 8:58 PM  
**To:** Natemacek@hotmail.com  
**Subject:** pass the plan

The city has a thoughtful plan that deserves to be passed without further ado. The opposition has yet to provide any adult alternatives that involve revenue projections or sustainability. Pass the city plan without further debate. Enough already.



PC Docket Items  
# 5 + 6

TA 2013-0005  
TA 2013-0006

**The Cameron Station Civic Association**

c/o 389 Livermore Lane, Alexandria, VA 22304

Donald N. Buch  
President

Mindy Lyle  
First Vice President

Dak Hardwick  
Second Vice President

March 4, 2013

The Planning Commission  
City of Alexandria, Virginia

Re: Proposed Text Amendments #2013-0005 and #2013-0006

Commissioners:

I write you on behalf of the Cameron Station Civic Association to express our strong feelings relating to the above matters which will come before you at your March 5, 2013 meeting.

1. The central issues relate to our waterfront; the City's waterfront; a waterfront "owned" by all the property owners and residents of Alexandria. The extent of control over the future of our waterfront should not be based upon one's proximity to it. It needs to be developed in a manner which recognizes the interests of all Alexandrians.
2. While understanding that clarification of the Zoning Ordinance's protest provisions is currently being litigated, we wish to record our support for the City's interpretation of the intent of Section 11-808(D).
3. Our recent City Council elections were very much a referendum on the current waterfront plan and the conclusions are abundantly clear. The voters have spoken – more than 65,000 of them. Their votes clearly indicate that there is an overwhelming desire to see the current plan move forward. We trust that you will see your way clear to facilitating the expeditious advancement and implementation of the widely supported plan.

Thank you for your time and consideration and for your dedication to the best interests of our City.

Yours truly,

*Donald N. Buch*

Donald N. Buch  
President

**Kendra Jacobs**

PC Docket Item #5  
TA 2013-0005

**From:** Nate Macek <natemacek@hotmail.com>  
**Sent:** Tuesday, March 05, 2013 1:35 PM  
**To:** Kendra Jacobs  
**Subject:** Fw: Vote NO on Docket #5

**From:** Randy Randol  
**Sent:** Tuesday, March 05, 2013 1:29 PM  
**To:** Nathan Macek(AixPlnCommn)  
**Subject:** Vote NO on Docket #5

Mr. Macek-

Please vote against the W-1 zoning change:

Everyone knows development in a flood plain should be LESS dense. The 100 year flood zone is up to 11 feet(roughly Lee Street)...not the six(6) foot zone discussed in the staff plan.

The Torpedo Factory Condo has parking on the first two levels which puts the residence first floor level at approximately sixteen feet...how can the Planning Commission approve MORE development that will be routinely under water?

The present waterfront plan does not provide for sufficient open space, space which needed to for mitigation in a flood plain. Everyone knows this.

The Robinson North Terminal is outside the flood plain, the South Terminal is not.

Traffic is already congested in the lower King area...adding more congestion makes no sense. Any construction should be required to provided parking for all, including customers AND STAFF. This parking must be in the footprint of any new construction...at least two levels of off-street parking.

Our waterfront is part of the heritage of Va and America that must be preserved for posterity. It cannot be replaced. Hotels are NOT destinations, our waterfront is.

No changes should be made to the Zoning Ordinance while waterfront-related litigation is pending in the Virginia Supreme Court and the Alexandria Circuit Court...we have wasted enough taxpayer money with frivolous actions by the City Council. It's time to STOP.

Thank you.

*Randy Randol*  
Wireline/Fax: 703.706.5757

3 Franklin St  
Alexandria, VA 22314-3870

+ 20

**Seminary Hill Association, Inc.**

2115 Marlboro Drive  
Alexandria, VA 22304

**RESOLUTION ON THE WATERFRONT TEXT AMENDMENT RE-TRY**

**Whereas**, an earlier vote by City Council on a Waterfront Text Amendment failed to achieve a supermajority; and

**Whereas**, a citizen petition under Section 11-808 of the Zoning Code to require a supermajority of Council was turned back apparently illicitly by the Alexandria Planning Director;

**Whereas**, citizens have sued the City of Alexandria, a suit now under consideration by the Supreme Court of Virginia; and

**Whereas**, the Alexandria Board of Zoning Appeals (BZA) also has disagreed with the actions and interpretations of the Planning Director; and

**Whereas**, the City has sued the BZA, a case now pending in the Circuit Court; and

**Whereas**, the City Manager has proposed a new attempt to pass the Waterfront Text Amendment, despite the pending litigation, and

**Whereas**, the said Amendment also would alter severely the text and import of Section 11-808 to the considerable detriment of the residents of Seminary Hill and, indeed, all citizens of Alexandria,

**Now therefore**, the Executive Board of the Seminary Hill Association, Inc., strongly opposes this action by the City Manager and urges the Planning Commission and the Alexandria City Council to reject the proposed amendment and allow current judicial activities to proceed to their conclusion before any further action is taken.

Approved on February 26, 2013.