



Development Special Use Permit #2014-0041
Special Use Permit SUP #2014-0041
1801 Russell Rd – Immanuel Lutheran Church & School

Application	General Data	
Project Name: Immanuel Lutheran Church and School	PC Hearing:	October 6, 2015
	CC Hearing:	October 17, 2015
	If approved, DSUP expiration:	October 17, 2018 (36 months from expiration date)
	Site Area:	61,934 square feet (1.42 acres)
Location: 1801 Russell Rd.	Zone:	R5 / Residential
	Proposed Use:	Church / School
	Gross Floor Area:	32,408 square feet
Applicant: Immanuel Lutheran Church, represented by Mary Catherine Gibbs, attorney	Small Area Plan:	Potomac West SAP
	Green Building:	LEED Silver (or equivalent)

Purpose of Application
Approval of a Development Special Use Permit and site plan with modifications to construct an addition to an existing private school, and an expansion to an existing church.

Special Use Permits, Modifications, and other Approvals Requested:
<ol style="list-style-type: none"> Development Special Use Permit with Site Plan and modifications for: <ol style="list-style-type: none"> Front yard setback modification for the existing school; Front yard setback modification for the church expansion; and Parking lot landscaping island requirements Special Use Permit for a parking reduction (for the church and school combined).
Staff Recommendation: APPROVAL WITH CONDITIONS
Staff Reviewers: Robert Kerns, Division Chief robert.kerns@alexandriava.gov Gary Wagner, Principal Planner gary.wagner@alexandriava.gov Emily Oaksford, Urban Planner emily.oaksford@alexandriava.gov

PLANNING COMMISSION ACTION, OCTOBER 6, 2015: On a motion by Commissioner Koenig, seconded by Vice Chairman Dunn, the Planning Commission voted to recommend approval of Development Special Use Permit #2014-0041 subject to compliance with all applicable codes, ordinances and staff recommendations with amendments to conditions 4d, 13, 17b and 17c and added conditions 77-83. The motion carried on a vote of 6 to 0, with Commissioner Macek absent.

Discussion:

The Commission agreed with staff recommendations to add conditions 4d, 17b, and 17c as presented at the hearing in response to a letter by adjacent property owner at 110 W. Bellefonte Avenue regarding concerns with the proposed parking and drainage issues north of the church.

The Commission also agreed with staff recommendations to add conditions 77-83 regarding the private school's special use permit.

The Commission asked staff to revise Condition 13 to reflect language provided by the applicant regarding flexibility in the Green Building Policy. The Commission also directed staff to add information in the staff report that explained why an alternate method of compliance was allowed for this case.

Speakers:

Mary Catherine Gibbs, of Hart, Calley, Gibbs & Karp, P.C., spoke on behalf of the applicant.



DSUP2014-0041
1801, 1809 Russell Road &
109, 111, 113 Belleaire Road



I. SUMMARY

A. Recommendation

Staff recommends approval of the proposed Immanuel Lutheran Church and School expansion and addition. The church and school are currently in operation on Russell Road and are proposing these improvements in order to better serve their existing congregation and students. The designs for the church and school are proposed to match materials and aesthetics of the existing buildings' architecture, blending into the existing character of the neighborhood.

B. General Project Description

The applicant proposes to construct an expansion to an existing church and school, with a minor expansion for the church building and a major addition to the school. The existing parking lot and driveways on the site will be modestly improved and will provide parking for a total of 36 vehicles

The applicant is requesting approval of the following as part of this project:

- Development Special Use Permit (DSUP) with the following associated requests:
 - Special Use Permit to allow for a parking reduction;
 - Modifications to the front yard setback; and
 - Modification to the Landscape Guidelines' parking lot island requirements.

II. BACKGROUND

A. Site Context

The subject site is located at the corner of Russell and Bellaire Road, in the largely residential area of Potomac West, west of the Del Ray neighborhood. Bellaire Road is situated just south of W Bellefonte Avenue and is one block in length and not a through road. All roads surrounding the church and school have unrestricted street parking, as the area is not within a residential permit parking district.

Currently, access to the church is via a private drive from Russell Road, north of the church. The drive runs behind the church and comes out onto Bellaire Road, between the school and church buildings. An un-striped parking lot is situated off Bellaire Road, east of the school building, and provides parking for up to 31 vehicles. The site is also served by public transportation. DASH bus AT3 and AT3/4 have routes along Russell Road, with an existing bus stop located on Russell Road along the property frontage.

B. Detailed Project Description

The applicant is proposing to construct a minor church addition and major school expansion to the existing site, along with some improvements to the existing parking lot. The church and school site is made up of five tax parcels, parcels 043.01-02-01, 043.01-02-02, 043.01-02-03,

043.01-02-04, and 043.01-02-05. The entire site consists of 1.42 acres in the R5 zone. The church is an allowed use on the property. The school was built in 1946, prior to the Special Use Permit requirement for private schools on residential land.

The church building's proposed addition of 2,546 gross square feet will consist of kitchen upgrades and installation of commercial grade equipment, new accessible bathrooms, and an elevator connecting the main floor with the upper floor. The church is sited on parcels 01, 02, and 03; the school and parking lot are sited on parcel 05; and parcel 04 is currently used as open space. Presently, the school has 120 enrolled students, and two classes are being held in the main church building because of space limitations. The main goal for the school expansion is to meet existing capacity needs and provide all students with dedicated classroom space. The school will expand west into parcel 04, and will also provide upgrades to the existing school building. A new three-story addition with five new classrooms and additional restrooms are proposed to meet the designed capacity of 180 students. Although the proposed school design has a capacity of 180 students, the school enrollment of 120 students will remain the same. The applicant plans to increase enrollment gradually, not all at once. Additionally, the school will not be increasing staff numbers after the expansion.

The applicant also proposes to make several site and landscape improvements. The private drive connecting Russell Road and Bellaire Road will be improved and a portion of the roadway will be expanded for three additional parking spaces behind the church. An enhanced landscape area with buffer vegetation will be created along the property line by the new parking spaces. This private road serves as the pick-up/drop-off for students in the mornings and evenings on school days; the existing function and circulation patterns will be maintained, as they prevent traffic and stacking issues on Russell Road.

The parking lot off Bellaire Road will hold the majority of vehicles during church services; the areas at the northwestern and northeastern corners will be improved with new landscape areas and two new trees. Additionally, the site design will incorporate several planting beds and rain gardens in front of the school along Bellaire Road. The rain gardens will help the applicant meet state and city stormwater requirements.

III. ZONING

Property Address: 1801 Russell Road
Total Site Area: 61,934 square feet (1.42 acres)
Zone: R5 (Residential)
Current Use: Church and Private School
Proposed Use: Church and Private School

	Permitted/Required	Proposed
FAR	0.45	0.36
Setbacks (Front Yard)	25'	Church: 31.5' (Russell Rd), 21.3' (Bellaire Rd)*, School: 24.6' (Bellaire Rd)*
Parking	42 (church); 8 (school)	36 (shared between church and school uses)**
Loading	N/A	N/A
Height	40' (church and/or school)	Existing: 35.4 (church), 15.3 (school); Addition: 29.3 (church), 29.4 (school)
Open Space	25% (15,484 sq ft.)	41.9% (26,000 sq. ft)

* A setback modification is requested with this DSUP.

** A parking reduction is requested.

IV. STAFF ANALYSIS

A. Conformance to the Small Area Plan

The Potomac West Small Area Plan (PWSAP) was approved in 1992, and last amended in 2003. Because the plan's goals and objectives focused around preservation and revitalization of existing uses, much of the plan is applicable today. This proposed project is consistent with the Small Area Plan.

Building Heights

One of the plan's objectives is to restrict overall heights to reflect the low scale character of the area; the proposed improvements and expansion at Immanuel Lutheran are in line with this objective. The proposed church expansion is not as tall as the existing church and will not affect the overall massing of the church building. The proposed two-story school addition (with one-story below) will be set adjacent to the existing school building, on its west side. Because the site slopes from the west to the east, with the high point near the intersection of Russell Road and Bellaire Road, the school's uppermost roof will be about 40 feet lower than the height of the existing sanctuary parapet. These considerations made in height and siting of structures help to maintain the existing "low scale residential character" addressed in the SAP.

Landscape Buffer

A second applicable plan objective is the goal to use effective buffer areas between residential sites and adjacent non-residential uses. Part of the proposed project's improvements will include the addition of landscaping and buffer vegetation at property lines where the site is directly adjacent to single-family residences.

B. Conformance to City Policies

The proposed development meets or is exempt from the following City policies:

Green Building Policy

The City adopted the Green Building Policy in 2009, which established an expected standard for green building certification for new development. For non-residential developments such as this one, the Policy requires the project to be LEED Silver or an equivalent certification from another third party program.

The applicant is requesting exemption from the Green Building Policy for the church addition and is requesting flexibility for the school expansion. The applicant expresses that they will design the school addition to LEED Silver certification standards, however they do not wish to obtain certification.

Since the start of Alexandria's Green Building Policy in 2009, the City of Alexandria has asked all public and private schools undergoing substantial or new construction to meet LEED Silver standards or equivalent and obtain the certification. The proposed addition at Immanuel Lutheran School is a substantial improvement – it will more than double the size of the existing school. Staff will grant exemption of the Green Building Policy for the church addition, because the proposed addition is so minor. However, staff is recommending the applicant to achieve LEED Silver Certification or equivalent for the Immanuel Lutheran School addition. This recommendation is currently stated in Condition D.13.

The City of Alexandria's Green Building Policy includes a provision that allows a more flexible approach to achievement of green building standards for certain building types, such as churches and renovations or small additions to existing buildings. This 'Flexibility' section (on the second page of the Green Building Policy) states that exemption or an alternative method of compliance may be considered on a case by case basis. Due to the church use and the small scale of both additions, the Planning Commission recommended the change to Condition 13. (Added information per PC)

Affordable Housing Policy

Per the City's 2015 Procedures Regarding Affordable Housing Contributions, no affordable housing contribution is anticipated from this applicant because both religious institutions and private schools are excluded from this policy.

Public Art Policy

In October 2012, the City Council adopted the Public Art Policy which established a monetary contribution standard from development projects to go towards public art. However, per the

City's Public Art Policy, places of worship and their accessory uses are exempt from the public art contribution.

C. Building and Site Design

The proposed church addition and school expansion will consist of mostly of brick and masonry to match the design of their respective structures. The small church addition will be red brick, while the school expansion will include red brick along the major faces of the building and whitewashed brick along the faces of the building that are setback from the predominant face of the building that fronts Bellaire Road. The school expansion will also use brick cornices to frame and pronounce the roofline.

The school expansion will occur along the western edge of the existing school building, where a grouping of tall poplar trees currently lies. Six trees will have to be removed from this area to accommodate the school addition; however this is the ideal location on site for the school expansion to occur, and no other tree removal will occur on site. The overall forested character of the site will be maintained through appropriate tree protection fencing for the remaining mature canopy trees on site.

Proposed new landscaping will consist of native groundcovers and ornamental grasses, and wet tolerant groundcovers and shrubs for the rain gardens. Staff believes the proposed landscaping will meet the intent and goals of the landscape guidelines; the proposed landscaping meets and exceeds the City's 25 percent crown coverage requirements with 30 percent site coverage.

D. Modifications

As part of this DSUP, the applicant is requesting two modifications to the Zoning Ordinance relating to front yard setbacks and landscape island requirements in a parking lot. Pursuant to Section 11-416, the Planning Commission may approve these modifications if they determine that such modifications are (1) necessary or desirable to good site development, (2) that specific and identified features of the site design make up for those impacts otherwise protected by the regulations for which the modification is sought and (3) that such modification will not be detrimental to neighboring property or to the public health, safety and welfare.

Front Yard Setback

As part of this project, the applicant is requesting a modification to the front yard setback requirement of 25 feet along Bellaire Road. The applicant is requesting front yard setback modifications for both buildings on the site.

The two requested modifications to the front yard setbacks along Bellaire Road are negligible and will not have a negative impact to the character of neighborhood. The proposed addition for the church encroaches into the required setback by 3.7 feet. Staff supports this modification because the proposed church addition is small, matches the existing style and materials of the original structure, and is a well-designed architectural feature. Furthermore, the addition extends beyond the setback only at a corner of the structure for an estimated 30-35 square feet, and it will not negatively affect neighboring properties. Staff also supports the school setback modification

because it pertains to the existing school building and not the proposed addition, as it was recently discovered that the existing building extends into the setback line by less than 5 inches.

Parking Lot Landscape Islands

The applicant is requesting a modification to the City's Landscape Guidelines relating to landscaping in parking areas; specifically the requirement for 1 landscape island per 10 parking spaces in a row (Landscape Guidelines Section II-A-1-a). The project includes a row of 11 parking spaces along the eastern side of the parking lot. As proposed, this row will not contain a parking island. Staff supports this modification, since the addition of a landscape island would eliminate at least one parking space, and the proposed plan currently does not meet the required number of parking spaces. Staff believes that the intentions of the Landscape Guidelines will not be lost, however, since two landscape areas are proposed on the north side of the parking lot. Trees and other vegetation proposed in these areas will help to soften the edges of the parking lot and buffer the property boundary.

E. Parking & Special Use Permit for a Parking Reduction/ Modification

Currently, the Immanuel Lutheran Church and School has 31 parking spaces on site. The proposed school expansion will increase the number of classroom seats from 120 to 180 and the church addition will not increase occupancy. The Zoning Ordinance requires that 1 parking space per 5 auditorium seats or 1 space per 10 classroom seats (whichever number is greater) is required for churches. For schools, the requirement is 1 space per 25 classroom seats. In total, 50 spaces are required for the church and school (42 required for the church, and 8 required for the school).

Shared Parking

The applicant has indicated that currently, parking between the church and school occurs in a shared parking arrangement. Parking for the church is not required on school days (Monday – Friday), and parking for the school is not required during church service times. Therefore, with the shared parking arrangement, the maximum number of spaces needed at any given time would be 42 parking spaces (the required number for the church use).

Parking Reduction Request

However, given the technical requirements of the zoning ordinance, the applicant is requesting a parking reduction of 14 spaces, from 50 to 36 parking spaces on the property, to serve both the church and school. Of these 36 spaces, 3 will be ADA accessible, 9 will be compact spaces, and 24 will be standard spaces.

To support their request for the reduction in parking, the applicant hired the firm Gorove/Slade Associates, Inc. to conduct a parking demand analysis for the site. As part of the analysis, parking occupancy counts were conducted during peak demand periods for a typical weekday and Sunday. A total of 232 parking spaces both in the parking lot and along the streets that border the church and school were analyzed. The parking demand analysis revealed that the parking lot reached its maximum use during the 10:00 and 11:00 hours on Sunday, February 22, 2015. During this time, only 61% of the parking lot was utilized, while streets such as Russell Road (between W Mason Avenue and W Bellefonte Avenue) and Bellaire Road experienced

similar occupancy levels of 50% and 61%, respectively. During the weekday, Bellaire Road was the primary choice for parking, but even at its maximum, during the 3:00pm hour on February 19, 2015, that street only experienced 58% occupancy.

Staff supports the parking reduction given the results of the parking demand study, and given the fact that the parking lot as it exists today successfully serves both the church and school needs in a shared parking arrangement.

F. Open Space

The property lies in a R5 residential zone which has an open space requirement of 25%. Although the proposed addition and school expansion will eliminate some open space on the property, the site will provide, in total, 26,000 square feet of open space, or 41.9%.

The proposed site improvements will result in a 30% crown coverage, exceeding the required 25% requirement. Although several trees will need to be removed on site, the applicant will preserve many of the existing large trees and will use appropriate tree protection measures and limit unnecessary grading near two trees close to the limit of disturbance. Additionally, several landscape beds will be created and improved across the site, at least five new trees will be planted, and a rain garden will be established along the front of the school entrance.

G. Stormwater Quality

The project site is within the Timber Branch watershed and discharges to Hoof's Run. The project proposes to meet the new state stormwater requirements for redevelopment by installing several bio-retention best management practices (BMPs), or rain gardens. A small portion of the site's impervious surfaces (0.10 acres) could not be treated without disturbing additional site area; therefore the applicant requests permission to contribute to the City's Water Quality Improvement Fund (WQIF) for the remaining area.

V. COMMUNITY

On September 1, the applicant met with adjacent landowners on Bellaire and Bellefonte Streets. Their presentation was well received, and two of the neighbors followed up by sending letters in support of the project to the Director of Planning & Zoning. Only one neighbor expressed concern about the need for additional screening between the school property and their backyard, and the church has agreed to add enhanced landscaping in that area.

The applicant also met with the Del Ray Land Use Committee on September 8, 2015. In general, the community was in support of the church and school expansion and in support of the setback modifications. The applicant explained that, after expansion is complete, there will be no change in staffing for either the school or the church and therefore no increase in the number of vehicles parked at the site. The committee discussed the current parking demand along side streets near the church and agreed that the surrounding area is largely residential and therefore does not experience high parking demand like other parts of Del Ray. Following the meeting, the Del Ray Land Use Committee submitted a letter to the Planning Commissioners and the Director of Planning & Zoning expressing their unanimous support of the project.

VI. CONCLUSION

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

VII. GRAPHICS

Figure 1 (Section IV.A. Conformance to Small Area Plan, Building Heights): This building elevation shows the profile of the church and school, as it would be viewed from Bellaire Road, looking north. Areas shaded in orange are the proposed buildings' addition/expansion.



VIII. STAFF RECOMMENDATIONS

1. The Final Site shall be in substantial conformance with the preliminary plan dated August 28, 2015 and comply with the following conditions of approval.

A. PEDESTRIAN/STREETSCAPE:

2. Provide the following pedestrian improvements to the satisfaction of the Directors of P&Z, RP&CA and T&ES:
 - a. Complete all pedestrian improvements prior to the issuance of a certificate of occupancy permit.
 - b. Install ADA accessible pedestrian crossings serving the site at the intersection of Russell Road & Bellaire Road.
 - c. Construct all concrete sidewalks to City standards. The minimum unobstructed width of newly constructed sidewalks shall be 6 feet in commercial, mixed-use or other high-density areas and 5 feet in single-family or other lower density areas.
 - d. All newly constructed curb ramps in Alexandria shall be concrete with detectable warning and shall conform to current VDOT standards.
 - e. Provide thermoplastic pedestrian crosswalks at all crossings at the proposed development, which must be designed to the satisfaction of the Director of T&ES.
 - f. All crosswalks shall be standard, 6 inches wide, white thermoplastic parallel lines with reflective material, with 10 feet in width between interior lines. High-visibility crosswalks (white, thermoplastic ladder crosswalks as shown in the Manual on Uniform Traffic Control Devices (MUTCD)) may be required as directed by staff at Final Site Plan. All other crosswalk treatments must be approved by the Director of T&ES.
 - g. All below grade utilities placed within a City sidewalk shall be designed in such a manner as to integrate the overall design of the structure with the adjacent paving materials so as to minimize any potential visible impacts.
*** (P&Z)(RP&CA)(T&ES)

B. OPEN SPACE/LANDSCAPING:

3. Develop, provide, install and maintain an integrated Landscape Plan for the entire site with the final site plan that is coordinated with other associated site conditions to the satisfaction of the Directors of P&Z and/or RP&CA. At a minimum the Landscape Plan shall:
 - a. Provide an enhanced level of detail for plantings throughout the site. Plantings shall include a simple mixture of seasonally variable, evergreen and deciduous shrubs, ornamental and shade trees, groundcovers and perennials that are horticulturally acclimatized to the Mid-Atlantic and Washington, DC National Capital Region.
 - b. Provide additional plant materials between the new building to buffer residential properties north of site.

- c. Ensure positive drainage in all planted areas.
 - d. Provide detail sections showing above and below grade conditions for plantings above a structure.
 - e. Provide planting details for all proposed conditions including street trees, multi-trunk trees, shrubs, perennials, and groundcovers.
 - f. All landscape documents, drawing submission, specifications and as-built documents shall be prepared, sealed and dated by a Landscape Architect certified to practice in the Commonwealth of Virginia.
4. **AMENDED BY PLANNING COMMISSION:** Provide the following modifications to the landscape plan and supporting drawings:
- a. Provide a landscape plan for the overall site, complete with a planting schedule.
 - b. Coordinate the location of the proposed rain garden between the civil and landscape plans.
 - c. Provide additional plant materials behind the church to screen the parking from adjacent properties.(P&Z)(RP&CA)
 - d. Coordinate with the owner of the adjacent lot at 110 W. Bellefonte to provide additional landscaping in the area adjacent to the property line, including where appropriate, the removal of current vegetation, in consultation with Planning and Zoning Staff. (PC)
5. Provide a site irrigation and/or water management plan developed installed and maintained to the satisfaction of the Directors of RP&CA, P&Z and Code Administration.
- a. Provide an exhibit that demonstrates that all parts of the site can be accessed by a combination of building mounted hose bibs and ground set hose connections.
 - b. Provide external water hose bibs continuous at perimeter of building additions. Provide at least one accessible, external water hose bib on all building sides at a maximum spacing of 90 feet apart.
 - c. Hose bibs, ground set water connections and FDCs must be fully accessible and not blocked by plantings, site utilities or other obstructions.
 - d. Install all lines beneath paved surfaces as sleeved connections.
 - e. Locate water sources and hose bibs in coordination with City Staff (P&Z)(RP&CA).
6. Provide material, finishes, and architectural details for all retaining walls, seat walls, decorative walls, and screen walls, including the trash enclosure. Indicate methods for grade transitions, handrails- if required by code, directional changes, above and below grade conditions. Coordinate with adjacent conditions. Design and construction of all walls shall be to the satisfaction of the Directors of RP&CA, and/or P&Z, and T&ES. (RP&CA)(P&Z)(T&ES)

C. TREE PROTECTION AND PRESERVATION:

7. Provide, implement and follow a tree conservation and protection program that is developed per the City of Alexandria Landscape Guidelines and to the satisfaction of the Directors of P&Z, and/or RP&CA and the City Arborist. (P&Z)
 - a. Limit the impact of root disturbance for Tree #107 by hand removing retaining wall elements and hand-grading the area.
 - b. Tree protection fencing should be used around Tree #106, to prevent root disturbance during construction of trash enclosure.
8. A fine shall be paid by the applicant in an amount not to exceed \$10,000 for each tree that is destroyed and/or the City may request that replacement trees of similar caliper and species be provided for damaged trees if the approved tree protection methods have not been followed. The replacement trees shall be installed and if applicable the fine shall be paid prior to the issuance of the last certificate of occupancy permit. *** (P&Z)
9. The area of the limits of disturbance and clearing for the site shall be limited to the areas as generally depicted on the preliminary site plan dated August 28, 2015 and reduced if possible to retain existing trees and grades. (P&Z)

D. BUILDING:

10. The building design, including the quality of materials and final detailing shall be consistent with the elevations dated August 28, 2015 and the following conditions. (P&Z)
11. Provide detailed drawings (enlarged plan, section and elevation studies) in color to evaluate the building base, entrance canopy, stoops, window and material details including the final detailing, finish and color of these elements during the final site plan review. Separate design drawings shall be submitted for each building typology at a scale of 1/4" = 1'. (P&Z)
12. Building materials, finishes, and relationships shall be subject to review and approval by the Department of Planning and Zoning for substantial conformance to the preliminary plan. The following submissions shall be provided to review the materials, finishes and architectural details, prior to selection of final building materials:
 - a. Provide a materials board that includes all proposed materials and finishes at first final site plan. *
 - b. The materials board shall remain with the Department of Planning and Zoning until the final certificate of occupancy, upon which all samples shall be returned to the applicant.***
 - c. Provide drawings of a mock-up panel that depict all proposed materials, finishes, and relationships as part of the first final site plan. *

- d. Construct an on-site, mock-up panel of proposed materials, finishes, and relationships for review and approval prior to final selection of building materials. The mock-up panel shall be constructed and approved prior to vertical (above-grade) construction and prior to ordering final building materials. **
 - e. The mock-up panel shall be located such that it shall remain on-site in the same location through the duration of construction until the first certificate of occupancy. *** (P&Z)
13. **AMENDED BY PLANNING COMMISSION:** Per the Flexibility provision for churches and renovations or small additions to existing buildings in the City's Green Building Policy adopted April 18, 2009, implement sustainable measures that would achieve a green building certification level of LEED Silver (or equivalent) to the satisfaction of the Directors of P&Z, and/or RP&CA and T&ES. Diligent pursuance of these measures ~~and achievement of this certification~~ shall be monitored through the following:
- a. Provide evidence of the project's implementation measures that would achieve LEED Silver ~~registration with LEED~~ (or equivalent) with the submission of the first final site plan and provide a draft checklist showing the measures ~~how the project plans to achieve the certification.~~* (PC)
 - b. ~~Provide evidence of submission of materials for Design Phase credits to the U.S. Green Building Council (USGBC) (or equivalent) prior to issuance of a certificate of occupancy. ***~~
 - c. ~~Provide evidence of submission of materials for Construction Phase credits to USGBC (or equivalent) within six months of obtaining a final certificate of occupancy.~~
 - d. ~~Provide documentation of LEED Silver Certification from USGBC (or equivalent) within two years of obtaining a final certificate of occupancy.~~
 - e. ~~Failure to achieve LEED Silver (or equivalent) for the project will be evaluated by City staff, and if staff determines that a good faith, reasonable, and documented effort was not made to achieve these certification levels, then any City wide Green Building policies existing at the time of staffs' release of Final Site Plan will apply.~~
14. The applicant shall work with the City for recycling and/or reuse of the existing building materials as part of the demolition process, including leftover, unused, and/or discarded building materials. (T&ES)(P&Z)
15. In order to provide a more sustainable use of natural resources, the applicant shall use EPA-labeled WaterSense or equivalent low flow fixtures. In addition, the applicant is encouraged to explore the possibilities of adopting water reduction strategies (i.e., use of gray water system on-site) and other measures that could reduce the consumption of potable water on this site. A list of applicable mechanisms can be found at <Http://www.epa.gov/WaterSense/pp/index.htm>. (T&ES)

E. SIGNAGE:

16. Install a temporary informational sign on the site prior to the approval of the final site plan for the project. The sign shall be displayed until construction is complete or replaced with a contractor or real estate sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project.* (P&Z)(T&ES)

F. PARKING:

17. **AMENDED BY PLANNING COMMISSION:** The design and allocation of parking shall be subject to the following to the satisfaction of the directors of P&Z, T&ES, and Code Administration:
 - a. All parked vehicles shall be prohibited from encroaching on the proposed streets, pedestrian walkways, or emergency vehicle easements.(P&Z)(T&ES)(Code Administration)
 - b. The grading for any new parking spaces or additional driveway near the lot at 110 W. Bellefonte Ave shall be graded in such a way as to provide positive drainage away from the property line and towards Bellaire Road. (PC)
 - c. The site plan shall be amended to relocate the three new parking spaces shown on the section of the property facing 110 W. Bellefonte to another area of the site, to the satisfaction of the Directors of P&Z and T&ES.
 - i. No new parking spaces may be added west of the two existing spaces to preserve the trees in that area and avoid negative drainage impact. One perpendicular parking space (whether handicap or regular) may be added eastwards of the two existing spaces (grading permitting).
 - ii. Additionally, two or three parallel parking spaces may be provided east of the current spaces to meet parking requirements. (PC)
18. Within the large parking lot (spaces 1-31, as indicated in Sheet L0.0), each parking space must be separately designated, meeting, at a minimum, the following requirements:
 - a. Delineate the full extents of parking spaces 29C, 30C, and 31C.
 - b. Delineate the full extents of the two accessible spaces (6H.C. and 7H.C.) and their adjacent access aisle. Follow all current ADA Design Standards.
 - c. For parking spaces 1-28, delineate the parking spaces with a two foot long stripe from the front of the space and a 1'x1' T-shaping marking at the back of the space. (See attached image for illustration of parking spaces 1-28 striping).

19. All on-street parking controls and restrictions within the project area shall be determined by the City. Any such controls and restrictions which the applicant desires shall be shown on the final site plan. (P&Z)(T&ES)
20. Provide a Parking Management Plan with the final site plan submission. The Parking Management Plan shall be approved by the Departments of P&Z and T&ES prior to the release of the final site plan and shall at a minimum include the following:
 - a. Total capacity and a breakdown of parking types by uses (standard, compact, tandem, accessible, etc.).
 - b. Information on proposed staffing needs for peak, non-peak and overnight hours.
 - c. Information on the procedures for drop-off and pick-up of children at the school.

G. BUS STOPS AND BUS SHELTERS:

21. Show existing bus stop at Russell Road on the final site plan. (T&ES)
22. Bus stops at Russell Road shall meet ADA requirements and City standards per the following:
 - a. Install an unobstructed ten (10) foot wide, parallel to the roadway, by eight (8) foot wide, perpendicular to the curb, bus stop passenger loading pad. The unobstructed loading area should be at the front of the boarding zone and accessible from adjacent sidewalk. The loading pad shall be at the same grade as the sidewalk, connect the curb to the sidewalk, and the pad's surface material shall match the sidewalk. The loading pad's cross slope shall be less than 2%. The exiting width of the sidewalk may be counted towards the 8 foot wide perpendicular to the curb area. Passenger loading pads shall never be placed on storm drain inlets, catch basins, and other obstacles that would make the bus stop and bus stop loading pad inaccessible..
 - b. Create a 90 foot "No Parking, Bus Stop Zone" for the existing bus stop at Russell Road as it is located along the curb on the far side of an intersection. On-street parking will continue to be permitted in the bus stop zone on Sundays only. (T&ES)
23. Street trees in close proximity to bus stop approaches or directly adjacent to travel lanes shall be:
 - a. Located to avoid conflict with vehicles, specifically:
 - i. Trees shall be excluded from a 40 ft. zone which represents the length of the bus as it is serving the stop.
 - ii. Trees within both the 10 ft. departure zone and the 20 ft. approach zone (on either side of the 40 ft. zone) shall be selectively located to minimize conflict with vehicles and to allow direct line of sight for approaching buses.

- b. Subject to the character of the adjacent area and relevant design guidelines for spacing, distance from the curb and species selection. In general, trees shall be of the same species along the entire block face.
- c. selected from upright branching species in areas where relevant design guidelines do not otherwise specify
- d. Installed with a minimum six feet of clear stem and gradually pruned to reduce conflict with vehicles, under consultation from a certified arborist. Pruning of street trees is part of the regular maintenance required of applicants under the City's bond for public improvements.
- e. Set back from the curb edge where the width of sidewalk and adjacent conditions allow. (T&ES)

H. SITE PLAN:

- 24. Per Section 11-418 of the Zoning Ordinance, the development special use permit shall expire and become null and void, unless substantial construction of the project is commenced within 36 months after initial approval and such construction is thereafter pursued with due diligence. The applicant shall provide a written status report to staff 18 months after initial approval to update the City Council on the project status if substantial construction has not commenced at such time. (P&Z)
- 25. Submit the easement plat prior to the final site plan submission. The plat(s) shall be approved prior to or concurrently with the release of the final site plan.* (P&Z)(T&ES)
- 26. The plat shall be recorded and a copy of the recorded plat and deeds shall be submitted with the first request for a building permit.** (P&Z)(T&ES)
- 27. Coordinate location of site utilities with other site conditions to the satisfaction of the Directors of P&Z and/or RP&CA, and T&ES. These items include:
 - a. Location of site utilities including above grade service openings and required clearances for items such as transformers, telephone, HVAC units and cable boxes.
 - b. Minimize conflicts with plantings, pedestrian areas and major view sheds.
 - c. Do not locate above grade utilities in dedicated open space areas and tree wells.
 - d. If applicable, all utilities shall be screened from the public ROW to the satisfaction of the Director of P&Z. (P&Z)(T&ES)(RP&CA)(BAR)
- 28. Provide a lighting plan with the final site plan to verify that lighting meets City standards. The plan shall be to the satisfaction of the Directors of T&ES, P&Z, and/or RP&CA in consultation with the Chief of Police and shall include the following:
 - a. Clearly show location of all existing and proposed street lights and site lights, shading back less relevant information.

- b. Determine if existing lighting meets minimum standards within the City right-of-way for all street frontages adjacent to the site. If lighting does not meet minimum standards, additional lighting shall be provided to achieve City standards or to the satisfaction of the Director of T&ES.
- c. A lighting schedule that identifies each type and number of all fixtures, mounting height, and strength of fixture in Lumens or Watts.
- d. Manufacturer's specifications and details for all proposed fixtures including site, landscape, pedestrian, sign(s) and security lighting.
- e. A photometric plan with lighting calculations that include all existing and proposed light fixtures, including any existing street lights located on the opposite side(s) of all adjacent streets. Photometric calculations must extend from proposed building face(s) to property line and from property line to the opposite side(s) of all adjacent streets and/or 20 feet beyond the property line on all adjacent properties and rights-of-way. Show existing and proposed street lights and site lights.
- f. Photometric site lighting plan shall be coordinated with architectural/building mounted lights, site lighting, street trees and street lights to minimize light spill into adjacent residential areas.
- g. Provide location of conduit routing between site lighting fixtures so as to avoid conflicts with street trees.
- h. Detail information indicating proposed light pole and footing in relationship to adjacent grade or pavement. All light pole foundations shall be concealed from view.
- i. The lighting for the areas not covered by the City of Alexandria' standards shall be designed to the satisfaction of Directors of T&ES and P&Z.
- j. Provide numeric summary for various areas (i.e., roadway, walkway/ sidewalk, alley, and parking lot, etc.) in the proposed development.
- k. Upon installation of all exterior light fixtures for the site/building, the applicant shall provide photographs of the site demonstrating compliance with this condition.
- l. Full cut-off lighting shall be used at the development site to prevent light spill onto adjacent properties. (P&Z)(T&ES)(RP&CA)(Police)(BAR)

I. CONSTRUCTION MANAGEMENT:

- 29. Submit a construction phasing plan to the satisfaction of the Director of T&ES, for review, approval and partial release of Erosion and Sediment Control for the final site plan.* (T&ES)
- 30. Submit a construction management plan to the Directors of P&Z, T&ES and Code Administration prior to final site plan release. The plan shall:
 - a. Include an analysis as to whether temporary street or site lighting is needed for safety during the construction on the site and how it is to be installed.
 - b. Include an overall proposed schedule for construction;
 - c. Include a plan for temporary pedestrian circulation;

- d. Include a preliminary Maintenance of Traffic Plan (MOT) as part of the construction management plan for informational purposes only, to include proposed controls for traffic movement, lane closures, construction entrances and storage of materials.
 - e. Copies of the plan shall be posted in the construction trailer and given to each subcontractor before they commence work. (P&Z)(T&ES)
31. Provide off-street parking for all construction workers without charge to the construction workers. Construction workers shall not be permitted to park on-street. For the construction workers who use Metro, DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be a component of the construction management plan, which shall be submitted to the Department of P&Z and T&ES prior to final site plan release. This plan shall:
- a. Establish the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit.
 - b. Provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes.
 - c. If the off-street construction workers parking plan is found to be violated during the course of construction, a correction notice will be issued to the developer. If the violation is not corrected within five (5) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. * (P&Z)(T&ES)
32. The sidewalks shall remain open during construction or pedestrian access shall be maintained to the satisfaction of the Director of T&ES throughout the construction of the project. (T&ES)
33. No major construction staging shall be allowed within the public right-of-way. The applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities. ** (T&ES)
34. Transit stops adjacent to the site shall remain open if feasible for the duration of construction. If construction forces an extended closure of the stop at Russell Road, a temporary ADA accessible transit stop shall be installed. The exact temporary location shall be coordinated with the T&ES Office of Transit Services at 703-746-4075 as well as with the transit agency which provides service to the bus stop. Signs noting the bus stop closure and location of the temporary bus stop must be installed at all bus stops taken out of service due to construction. (T&ES)
35. A "Certified Land Disturber" (CLD) shall be named in a letter to the Division Chief of Construction Management & Inspection prior to any land disturbing activities. If the CLD changes during the project, that change must be noted in a

letter to the Division Chief. A note to this effect shall be placed on the Phase I Erosion and Sediment Control sheets on the site plan. (T&ES)

36. Prior to commencing clearing and grading of the site, the applicant shall hold a meeting with notice to all adjoining property owners and civic associations to review the location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. (P&Z)(T&ES)
37. Prior to commencement of landscape installation/planting operations, a pre-installation/construction meeting will be scheduled with the project planner in the Department of Planning & Zoning to review the scope of installation procedures and processes. This is in addition to the pre-construction meeting required above. (P&Z)
38. Identify a person who will serve as a liaison to the community throughout the duration of construction. The name and telephone number, including an emergency contact number, of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site and shall be placed on the project sign, to the satisfaction of the Directors of P&Z, and/or and T&ES. (P&Z)(T&ES)
39. Implement a waste and refuse control program during the construction phase of this development. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them, and all sanitary waste at the construction site and prevent offsite migration that may cause adverse impacts to neighboring properties or to the environment to the satisfaction of Directors of T&ES and Code Administration. All wastes shall be properly disposed offsite in accordance with all applicable federal, state and local laws. (T&ES)
40. Temporary construction and/or on-site sales trailer(s) shall be permitted and be subject to the approval of the Director of P&Z. The trailer(s) shall be removed prior to the issuance of a final certificate of occupancy permit. *** (P&Z)
41. Submit a wall check prior to the commencement of construction of the first floor above grade framing for the building(s). The wall check shall include the building footprint, as depicted in the approved final site plan, the top-of-slab elevation and the first floor elevation. The wall check shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the P&Z prior to commencement of framing. (P&Z)
42. Submit an as-built development site plan survey, pursuant to the requirements outlined in the initial as-built submission for occupancy portion of the as-built

development site plan survey checklist to the Department of Transportation and Environmental Services Site Plan Coordinator prior to requesting a certificate of occupancy permit. The as-built development site plan survey shall be prepared and sealed by a registered architect, engineer, or surveyor. Include a note which states that the height was calculated based on all applicable provisions of the Zoning Ordinance. *** (P&Z) (T&ES)

43. Contractors shall not cause or permit vehicles to idle for more than 10 minutes when parked. (T&ES)
44. If there are outstanding performance, completion or other bonds for the benefit of the City in effect for the property at such time as it may be conveyed or sold to a party other than the applicant, a substitute bond must be provided by that party or, in the alternative, an assignment or other documentation from the bonding company indicating that the existing bond remains in effect despite the change in ownership may be provided. The bond(s) shall be maintained until such time that all requirements are met and the bond(s) released by the City. (T&ES)

J. WASTEWATER / SANITARY SEWERS:

45. The sewer connection fee must be paid prior to release of the site plan.* (T&ES)

K. Resource Recovery:

46. Provide \$896 per receptacle to the Director of T&ES for purchase and installation of one (1) Victor Stanley Ironsites Series model SD-42 receptacle with Dome Lid dedicated to trash collection. The receptacle(s) shall be placed in the public right of way. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan.* (T&ES)
47. Provide \$996 per receptacle to the Director of T&ES for the purchase and installation of one (1) Victor Stanley Ironsites Series Model SD-42 blue receptacle with Dome Lid dedicated to recycling collection. The receptacle(s) shall be placed in the public right of way. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan. (T&ES)

L. STREETS / TRAFFIC:

48. If the City's existing public infrastructure is damaged during construction, or patch work required for utility installation then the applicant shall be responsible for construction/ installation or repair of the same as per the City of Alexandria standards and specifications and to the satisfaction of Director, Transportation and Environmental Services. (T&ES)

49. A pre-construction walk/survey of the site shall occur with Transportation and Environmental Services Construction & Inspection staff to document existing conditions prior to any land disturbing activities. (T&ES)
50. Traffic Studies and Multi-modal Transportation studies shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)

M. UTILITIES:

51. Locate all private utilities without a franchise agreement outside of the public right-of-way and public utility easements. (T&ES)

N. SOILS:

52. Provide a geotechnical report, including recommendations from a geotechnical professional for proposed cut slopes and embankments. (T&ES)

O. WATERSHED, WETLANDS, & RPAs:

53. The project site lies within the Braddock Road West (Timber Branch) Watershed thus stormwater quantity controls shall be designed to demonstrate that post development stormwater runoff does not exceed 90 percent of the existing runoff quantities for both the 2-year and 10-year storm events. (T&ES)
54. The stormwater collection system is located within the Hoof's Run/Timber Branch watershed. All on-site stormwater curb inlets and public curb inlets within 50 feet of the property line shall be duly marked using standard City markers, or to the satisfaction of the Director of T&ES. (T&ES)
55. Project lies entirely within an area described on historical maps as containing marine clays. Construction methodology and erosion and sediment control measures must account for the presence of marine clay or highly erodible soils. (T&ES)
56. Provide Environmental Site Assessment notes that clearly delineate the individual components of the RPA as well as the total geographic extent of the RPA, to include the appropriate buffer, in a method approved by the Director of Transportation and Environmental Services. The Environmental Site Assessment shall also clearly describe, map or explain intermittent streams and associated buffer; highly erodible and highly permeable soils; steep slopes greater than 15% in grade; known areas of contamination; springs, seeps or related features; and a listing of all wetlands permits required by law. (T&ES)

P. STORMWATER MANAGEMENT:

57. The City of Alexandria's stormwater management regulations regarding water quality are two-fold: 1) state phosphorus removal requirement and 2) Alexandria Water Quality Volume Default. Compliance with the state phosphorus reduction requirement does not relieve the applicant from the Alexandria Water Quality Default requirement. The Alexandria Water Quality Volume Default, as determined by the site's post-development impervious area shall be treated in a Best Management Practice (BMP) facility. (T&ES)
58. Provide BMP narrative and complete pre and post development drainage maps that include areas outside that contribute surface runoff from beyond project boundaries to include adequate topographic information, locations of existing and proposed storm drainage systems affected by the development, all proposed BMPs and a completed Virginia Runoff Reduction Method (VRMM) worksheet showing project compliance. The project must use hydrologic soil group "D" in the spreadsheet unless a soils report from a soil scientist or geotechnical engineer delineates onsite soils otherwise. (T&ES)
59. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
 - a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
 - b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. ***** (T&ES)
60. Surface-installed stormwater Best Management Practice (BMP) measures, i.e. Bio-Retention Filters, Vegetated Swales, etc. that are employed for this site, require installation of descriptive signage to the satisfaction of the Director of T&ES. (T&ES)
61. Submit two originals of the stormwater quality BMP Maintenance Agreement, to include the BMP Schedule and Guidelines Addendum with the City to be reviewed as part of the Final #2 Plan. The agreement must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to approval of the final site plan.* (T&ES)
62. The Developer shall furnish the owners with an Owner's Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including mechanical or electrical equipment; manufacturer contact names and phone

numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. (T&ES)

63. The Applicant/Owner shall be responsible for installing and maintaining stormwater Best Management Practices (BMPs). The Applicant/Owner shall execute a maintenance service contract with a qualified private contractor for a minimum of three years and develop an Owner's Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the maintenance contract shall be submitted to the City. ****(T&ES)
64. Submit a copy of the Operation and Maintenance Manual to the Stormwater Management and Sewer Infrastructure Division on digital media prior to release of the performance bond. ****(T&ES)
65. Prior to release of the performance bond, the Applicant is required to submit a certification by a qualified professional to the satisfaction of the Director of T&ES that any existing stormwater management facilities adjacent to the project and associated conveyance systems were not adversely affected by construction operations. If maintenance of the facility or systems were required in order to make this certification, provide a description of the maintenance measures performed. ****(T&ES)

Q. CONTAMINATED LAND:

66. Indicate whether or not there is any known soil and groundwater contamination present on the plan. (T&ES)
67. If environmental site assessments or investigations discover the presence of contamination on site, the final site plan shall not be released, and no construction activity shall take place until the following has been submitted and approved by the Director of T&ES:
 - a. Submit a Site Characterization Report/Extent of Contamination Study detailing the location, applicable contaminants, and the estimated quantity of any contaminated soils and/or groundwater at or in the immediate vicinity of the site.
 - b. Submit a Risk Assessment indicating any risks associated with the contamination.
 - c. Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility

- corridors. Utility corridors in contaminated soil shall be over excavated by 2 feet and backfilled with “clean” soil. Include description of environmentally sound methods of off-site transport and disposal of contaminated soils and debris (including, but not limited to types of vehicles appropriate for handling specific materials and ensuring vehicle loads are covered).
- d. Submit a Health and Safety Plan indicating measures to be taken during remediation and/or construction activities to minimize the potential risks to workers, the neighborhood, and the environment. Initial Air Monitoring may be required during site activities to demonstrate acceptable levels of volatiles and/or airborne particles. The determination whether air monitoring is needed must be adequately addressed in the Health and Safety Plan submitted for review.
 - e. The applicant shall screen for PCBs as part of the site characterization if any of the past uses are within the identified high risk category sites for potential sources of residual PCBs, which includes the following SICs: 26&27 (Paper and Allied Products), 30 (Rubber and Misc. Plastics), 33 (Primary Metal Industries), 34 (Fabricated Metal Products), 37 (Transportation Equipment), 49 (Electrical, Gas, and Sanitary Services), 5093 (Scrap Metal Recycling), and 1221&1222 (Bituminous Coal).
 - f. Applicant shall submit three (3) electronic and two (2) hard copies of the above. The remediation plan must be included in the Final Site Plan. * (T&ES)
68. Should any unanticipated contamination, underground storage tanks, drums or containers be encountered at the site during construction, the Applicant must immediately notify the City of Alexandria Department of Transportation and Environmental Services, Office of Environmental Quality. Should unanticipated conditions warrant, construction within the impacted area shall be stopped until the appropriate environmental reports identified in a. through f. above are submitted and approved at the discretion of the Director of Transportation and Environmental Services. This shall be included as a note on the final site plan. (T&ES)
69. If warranted by a Site Characterization report, design and install a vapor barrier and ventilation system for buildings and parking areas in order to prevent the migration or accumulation of methane or other gases, or conduct a study and provide a report signed by a professional engineer showing that such measures are not required to the satisfaction of Directors of T&ES and Code Administration. [The installed vapor barrier and ventilation system must include a passive ventilation system that can be converted to an active ventilation system if warranted. (Include if applicable.)](T&ES)

R. NOISE:

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

S. AIR POLLUTION:

- 72. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into any street, alley, or storm sewer. (T&ES)
- 73. No material may be disposed of by venting into the atmosphere. (T&ES)
- 74. Control odors and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Director of Transportation and Environmental Services. (T&ES)

T. ARCHAEOLOGY:

- 75. Call Alexandria Archaeology immediately (703-746-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)
- 76. The applicant shall not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by Alexandria Archaeology. Failure to comply shall result in project delays. The language noted above shall be included on all final site plan sheets involving any ground disturbing activities. (Archaeology)

The applicant has placed the appropriate language on the plans

U. SPECIAL USE PERMIT:

CONDITIONS ADDED BY THE PLANNING COMMISSION:

- 77. The total number of students enrolled shall be limited to 180, in grades pre-kindergarten through eight, as requested by the applicant. (P&Z) (PC)
- 78. The school shall regularly operate between 8:00 A.M. to 3:00 P.M., Monday through Friday. (P&Z) (PC)

79. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. The applicant shall also inform parents on an ongoing basis, including as part of any parent orientation, of all applicable Special Use Permit provisions and requirements. (P&Z) (PC)
80. The applicant shall encourage its employees to use public transit or non-single occupancy vehicle trips to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-746-4686 for assistance and information to set up a program for employee transportation benefits. (T&ES) (PC)
81. On street parking for employees shall not be permitted on Russell Road. (T&ES) (PC)
82. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES) (PC)
83. The Director of Planning and Zoning shall review the Special Use Permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (PC)

CITY DEPARTMENT CODE COMMENTS

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

Planning and Zoning

- F - 1 Staff believes the FAR was miscalculated for the church and school, but cannot confirm compliance without the use of the city FAR sheet to show existing gross and deductions. Separate FAR calculations for the church and the school. Proposed gross floor area and deductions should be based on the new floor area being added only. The sheet can be found on the city website at: <http://www.alexandriava.gov/uploadedFiles/planning/info/forms/far.pdf>

CHURCH (EXISTING):

- a) Sheet A.1: After adding the deductions for the 1st floor and subtracting it from the gross 1st floor area, staff calculates 6,207 sqft and not 6,216 sqft. Please correct.

SCHOOL (EXISTING):

- a) Sheet A.1: After adding the deductions for the 1st floor and subtracting it from the gross 1st floor area, staff calculates 3,769 sqft and not 3,768 sqft. Please correct.

CHURCH (PROPOSED):

- a) Sheet A.2: Proposed gross floor area and deductions should be based on the new floor area being added only. Do not combine in the existing floor area.

SCHOOL (PROPOSED):

- a) Sheet A.2: Proposed gross floor area and deductions should be based on the new floor area being added only. Do not combine in the existing floor area.

F - 2 Update the Existing Tree Data on Sheet C2.1 to reflect all trees to be removed. Staff analysis has determined that Tree #s 108, 109, and 110 will also be removed for the addition of the school. (P&Z)

F - 3 There is a discrepancy between the location of the eastern rain garden facing Bellaire Road. The Preliminary Site Plan (C5.0) and the Landscape Plan (Sheet A0.2) show it in different locations. (P&Z)

If the rain garden is to be located where the Landscape Plan suggests, then Civil drawings should be updated with:

- a) the correct rain garden location (Sheet C5.0, C5.1)
- b) a modified Limit of Disturbance (Sheet C5.0, C5.1)
- c) the removal of Tree #118 (Sheets C2.1, C5.0, C5.1)
- d) a revised Open Space Plan reflecting removal of Tree #118 and addition of proposed tree (Sheet C9.0)

C - 1 As-built documents for all landscape and irrigation installations are required to be submitted with the Site as-built and request for Performance Bond release. Refer to City of Alexandria Landscape Guidelines, Section III A & B. **** (P&Z) (T&ES)

C - 2 The landscape elements of this development shall be subject to the Performance and Maintenance bonds, based on criteria established by the City and available through T&ES. Release of Performance and Maintenance Bonds are subject to inspections by City staff per City Code requirements. A final inspection for landscaping is also required three years after completion. **** (P&Z) (T&ES)

Transportation and Environmental Services

F - 1. Since the record drawings, maps, and other documents of the City of Alexandria, State, and Federal agencies show the true north pointing upwards, therefore, the Site Plan shall

show the true north arrow pointing upward as is customary; however, for the sake of putting the plan together and/or ease of understanding, the project north arrow pointing upward, preferably east, or west may be shown provided it is consistently shown in the same direction on all the sheets with no exception at all. The north arrow shall show the source of meridian. The project north arrow pointing downward will not be acceptable even if, it is shown consistently on all the sheets. (T&ES)

- F – 2. The Final Site Plan must be prepared per the requirements of Memorandum to Industry 02-09 dated December 3, 2009, Design Guidelines for Site Plan Preparation, which is available at the City's following web address:

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

- F – 3. The plan shall show sanitary and storm sewer, and water line in plan and profile in the first final submission and cross reference the sheets on which the plan and profile is shown, if plan and profile is not shown on the same sheet. Clearly label the sanitary and storm sewer, or water line plans and profiles. Provide existing and proposed grade elevations along with the rim and invert elevations of all the existing and proposed sanitary and storm sewer at manholes, and water line piping at gate wells on the respective profiles. Use distinctive stationing for various sanitary and storm sewers (if applicable or required by the plan), and water line in plan and use the corresponding stationing in respective profiles. (T&ES)
- F – 4. The Plan shall include a dimension plan with all proposed features fully dimensioned and the property line clearly shown. (T&ES)
- F – 5. Include all symbols, abbreviations, and line types in the legend. (T&ES)
- F – 6. Asphalt patches larger than 20% of the total asphalt surface, measured along the length of the road adjacent to the property frontage and/or extending to the centerline of the street, will require full curb to curb restoration (T&ES)
- F – 7. All storm sewers shall be constructed to the City of Alexandria standards and specifications. Minimum diameter for storm sewers shall be 18" in the public Right of Way (ROW) and the minimum size storm sewer catch basin lead is 15". The acceptable pipe materials will be Reinforced Concrete Pipe (RCP) ASTM C-76 Class IV. Alternatively, AWWA C-151 (ANSI A21.51) Class 52 may be used if approved by the Director of T&ES. For roof drainage system, Polyvinyl Chloride (PVC) ASTM D-3034-77 SDR 26 and ASTM 1785-76 Schedule 40 pipes will be acceptable. The acceptable minimum and maximum velocities will be 2.0 fps and 15 fps, respectively. The storm sewers immediately upstream of the first manhole in the public Right of Way shall be owned and maintained privately (i.e., all storm drains not shown within an easement or in a public Right of Way shall be owned and maintained privately). (T&ES)

- F – 8. All sanitary sewers shall be constructed to the City of Alexandria standards and specifications. Minimum diameter of sanitary sewers shall be 10” in the public Right of Way and sanitary lateral 6” for all commercial and institutional developments; however, a 4” sanitary lateral will be acceptable for single family residences. The acceptable pipe materials will be Polyvinyl Chloride (PVC) ASTM D-3034-77 SDR 26, ASTM 1785-76 Schedule 40, Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52, or reinforced concrete pipe ASTM C-76 Class IV (For 12” or larger diameters); Class III may be acceptable on private properties. The acceptable minimum and maximum velocities will be 2.5 fps and 10 fps, respectively. Laterals shall be connected to the sanitary sewer through a manufactured “Y” or “T” or approved sewer saddle. Where the laterals are being connected to existing Terracotta pipes, replace the section of main and provide manufactured “Y” or “T”, or else install a manhole. (T&ES)
- F – 9. Lateral Separation of Sewers and Water Mains: A horizontal separation of 10’ (edge to edge) shall be provided between a storm or sanitary sewer and a water line; however, if this horizontal separation cannot be achieved then the sewer and water main shall be installed in separate trenches and the bottom of the water main shall be at least 18” above of the top of the sewer. If both the horizontal and vertical separations cannot be achieved then the sewer pipe material shall be Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 and pressure tested in place without leakage prior to installation.(T&ES)
- F – 10. Crossing Water Main Over and Under a Sanitary or Storm Sewer: When a water main over crosses or under crosses a sanitary / storm sewer then the vertical separation between the bottom of one (i.e., sanitary / storm sewer or water main) to the top of the other (water main or sanitary / storm sewer) shall be at least 18” for sanitary sewer and 12” for storm sewer; however, if this cannot be achieved then both the water main and the sanitary / storm sewer shall be constructed of Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 with joints that are equivalent to water main standards for a distance of 10 feet on each side of the point of crossing. A section of water main pipe shall be centered at the point of crossing and the pipes shall be pressure tested in place without leakage prior to installation. Sewers crossing over the water main shall have adequate structural support (concrete pier support and/or concrete encasement) to prevent damage to the water main. Sanitary sewers under creeks and storm sewer pipe crossings with less than 6” clearance shall be encased in concrete. (T&ES)
- F – 11. No water main pipe shall pass through or come in contact with any part of sanitary / storm sewer manhole. Manholes shall be placed at least 10 feet horizontally from the water main whenever possible. When local conditions prohibit this horizontal separation, the manhole shall be of watertight construction and tested in place. (T&ES)
- F – 12. Crossing Existing or Proposed Utilities: Underground telephone, cable T.V., gas, and electrical duct banks shall be crossed maintaining a minimum of 12” of separation or clearance with water main, sanitary, or storm sewers. If this separation cannot be achieved then the sewer pipe material shall be Ductile Iron Pipe (DIP) AWWA C-151 (ANSI A21.51) Class 52 for a distance of 10 feet on each side of the point of crossing

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

- F – 13. Show the drainage divide areas on the grading plan or on a sheet showing reasonable information on topography along with the structures where each sub-area drains. (T&ES)
- F – 14. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)
- F – 15. All the existing and proposed public and private utilities and easements shall be shown on the plan and a descriptive narration of various utilities shall be provided. (T&ES)
- F – 16. A Maintenance of Traffic Plan shall be provided within the Construction Management Plan and replicate the existing vehicular and pedestrian routes as nearly as practical and the pedestrian pathway shall not be severed or moved for non-construction activities such as parking for vehicles or the storage of materials or equipment. Proposed traffic control plans shall provide continual, safe and accessible pedestrian pathways for the duration of the project. These sheets are to be provided as “Information Only.” (T&ES)
- F – 17. The following notes shall be included on all Maintenance of Traffic Plan Sheets:
- a. The prepared drawings shall include a statement “FOR INFORMATION ONLY” on all MOT Sheets.
 - g. Sidewalk closures will not be permitted for the duration of the project. Temporary sidewalk closures are subject to separate approval from Transportation and Environmental Services (T&ES) at the time of permit application.
 - h. Contractor shall apply for all necessary permits for uses of the City Right of Way and shall submit MOT Plans with the T&ES Application for final approval at that time. *
- F – 18. Add complete streets tabulation to the cover sheet with the Final 1 submission. (T&ES)
- C - 1 Per the requirements of the City of Alexandria Zoning Ordinance Article XI, the applicant shall complete a drainage study and adequate outfall analysis for the total drainage area to the receiving sewer that serves the site. If the existing storm system is determined to be inadequate then the applicant shall design and build on-site or off-site improvements to discharge to an adequate outfall; even if the post development stormwater flow from the site is reduced from the pre-development flow. The Plan shall demonstrate to the satisfaction of the Director of T&ES that a non-erosive stormwater outfall is present. (T&ES)
- C – 2 Per the requirements of the City of Alexandria Zoning Ordinance (AZO) Article XIII, the applicant shall comply with the peak flow requirements and prepare a Stormwater Management Plan so that from the site, the post-development peak runoff rate form a

two-year storm and a ten-year storm, considered individually, shall not exceed their respective predevelopment rates. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of the Zoning Ordinance shall be met. If the project site lies within the Braddock-West watershed then the applicant shall provide an additional 10% storage of the pre-development flows in this watershed to meet detention requirements. (T&ES)

- C – 3 Per the requirements of Article 13-113 (d) of the AZO, all stormwater designs that require analysis of pressure hydraulic systems, including but not limited to the design of flow control structures and stormwater flow conveyance systems shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. The design of storm sewer shall include the adequate outfall, inlet, and hydraulic grade line (HGL) analyses that shall be completed to the satisfaction of the Director of T&ES. Provide appropriate reference and/or source used to complete these analyses. (T&ES)
- C – 4 Location of customer utility services and installation of transmission, distribution and main lines in the public rights of way by any public service company shall be governed by franchise agreement with the City in accordance with Title 5, Chapter 3, Section 5-3-2 and Section 5-3-3, respectively. The transformers, switch gears, and boxes shall be located outside of the public right of way. (T&ES)
- C – 5 (a) Per the requirements of Section 5-3-2, Article A, Chapter 3 of the City of Alexandria Code, all new customer utility services, extensions of existing customer utility services and existing overhead customer utility services supplied by any existing overhead facilities which are relocated underground shall, after October 15, 1971 be installed below the surface of the ground except otherwise exempted by the City Code and to the satisfaction of the Director, Department of Transportation and Environmental Services. (b) Per the requirements of Section 5-3-3, Article A, Chapter 3 of the City of Alexandria Code, all new installation or relocation of poles, towers, wires, lines, cables, conduits, pipes, mains, and appurtenances used or intended to be used to transmit or distribute any service such as electric current, telephone, telegraph, cable television, traffic control, fire alarm, police communication, gas, water, steam or petroleum, whether or not on the streets, alleys, or other public places of the City shall, after October 15, 1971, be installed below the surface of the ground or below the surface in the case of bridges and elevated highways except otherwise exempted by the City Code and to the satisfaction of Director, Department of Transportation and Environmental Services. (T&ES)
- C – 6 Flow from downspouts, foundation drains, and sump pumps shall be discharged to the storm sewer per the requirements of Memorandum to Industry 05-14 that is available on the City of Alexandria's web site. The downspouts and sump pump discharges shall be piped to the storm sewer outfall, where applicable after treating for water quality as per the requirements of Article XIII of Alexandria Zoning Ordinance (AZO). (T&ES)
- C – 7 Per the requirements of Title 4, Chapter 2, Article B, Section 4-2-21, Appendix A, Section A 106(6), Figure A 106.1 Minimum Standards for Emergency Vehicle Access: provide a total turning radius of 25 feet to the satisfaction of Directors of T&ES and

Office of Building and Fire Code Administration and show turning movements of standard vehicles in the parking lot as per the latest AASHTO vehicular guidelines. (T&ES)

- C – 8 The applicant shall provide required storage space for both trash and recycling materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The plan shall show the turning movements of the collection trucks and the trucks shall not back up to collect trash or recycling. The City's storage space guidelines are available online at: www.alexandriava.gov/solidwaste or by contacting the City's Resource Recovery Division at 703-746-4410, or via email at commercialrecycling@alexandriava.gov. (T&ES)
- C – 9 The applicant shall be responsible to deliver all solid waste, as defined by the City Charter and Code of the City of Alexandria, to the Covanta Energy Waste Facility located at 5301 Eisenhower Avenue. A note to that effect shall be included on the plan. The developer further agrees to stipulate in any future lease or property sales agreement that all tenants and/or property owners shall also comply with this requirement. (T&ES)
- C – 10 The applicants shall submit a Recycling Implementation Plan (RIP) form to the Resource Recovery Division, as outlined in Article H of Title 5 (Ordinance Number 4438), which requires all commercial properties to recycle. Instructions for how to obtain a RIP form can be found at: www.alexandriava.gov/resourcerecovery or by calling the Resource Recovery Division at 703.746.4410 or by e-mailing CommercialRecycling@alexandriava.gov. (T&ES)
- C – 11 Bond for the public improvements must be posted prior to release of the site plan.* (T&ES)
- C – 12 Plans and profiles of utilities and roads in public easements and/or public Right of Way must be approved prior to release of the plan.* (T&ES)
- C – 13 Provide a phased erosion and sediment control plan consistent with grading and construction plan. (T&ES)
- C – 14 Per the Memorandum to Industry, dated July 20, 2005, the applicant is advised regarding a requirement that applicants provide as-built sewer data as part of the final as-built process. T&ES requires that initial site survey work and plans be prepared using Virginia State Plane (North Zone) coordinates based on NAD 83 and NAVD 88. Control points/Benchmarks which were used to establish these coordinates should be referenced on the plans. To insure that this requirement is achieved, the applicant is required to prepare plans in this format including initial site survey work. (T&ES)
- C – 15 The thickness of sub-base, base, and wearing course shall be designed using "California Method" as set forth on page 3-76 of the second edition of a book entitled, "Data Book for Civil Engineers, Volume One, Design" written by Elwyn E. Seelye. Values of

California Bearing Ratios used in the design shall be determined by field and/or laboratory tests. An alternate pavement section for Emergency Vehicle Easements (EVE) to support H-20 loading designed using California Bearing Ratio (CBR) determined through geotechnical investigation and using Virginia Department of Transportation (VDOT) method (Vaswani Method) and standard material specifications designed to the satisfaction of the Director of Transportation and Environmental Services (T&ES) will be acceptable. (T&ES)

- C – 16 All pedestrian, traffic, and way finding signage shall be provided in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition to the satisfaction of the Director of T&ES. (T&ES)
- C – 17 No overhangs (decks, bays, columns, post or other obstructions) shall protrude into public Right of Ways, public easements, and pedestrian or vehicular travelways unless otherwise permitted by the City Code. (T&ES)
- C – 18 All driveway entrances, curbing, etc. in the public ROW or abutting public ROW shall meet City design standards. (T&ES)
- C – 19 All sanitary laterals and/or sewers not shown in the easements shall be owned and maintained privately. (T&ES)
- C – 20 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C – 21 All construction activities must comply with the Alexandria Noise Control Code Title 11, Chapter 5, Section 11-5-4(b)(15), which permits construction activities to occur between the following hours:
 - a. Monday Through Friday from 7 AM To 6 PM and
 - b. Saturdays from 9 AM to 6 PM.
 - c. No construction activities are permitted on Sundays and holidays.

Section 11-5-4(b)(19) further restricts the Pile Driving to the following hours :

- a. Monday Through Friday from 9 AM To 6 PM and
 - b. Saturdays from 10 AM To 4 PM
 - c. No pile driving is permitted on Sundays and holidays. (T&ES)
- C – 22 The applicant shall comply with the Article XIII of the City of Alexandria Zoning Ordinance, which includes requirements for stormwater pollutant load reduction, treatment of the Alexandria Water Quality Volume Default and stormwater quantity management. (T&ES)

- C – 23 The applicant shall comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. (T&ES)
- C – 24 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, and/or Virginia Marine Resources shall be in place for all project construction and mitigation work prior to release of the final site plan. This includes the state requirement for a state General VPDES Permit for Discharges of Stormwater from Construction Activities (general permit) and associated Stormwater Pollution Prevention Plan (SWPPP)_for land disturbing activities equal to or greater than one acre. See memo to industry 08-14 which can be found on-line here: <http://alexandriava.gov/tes/info/default.aspx?id=3522>. *(T&ES)
- C – 25 The applicant must provide a Stormwater Pollution Prevention Plan (SWPPP) plan sheet(s) with the Final 1 submission.

VAWC Comments:

VAWC has no comments.

AlexRenew Comments:

No comments received from ARenew.

Fire Department

- F-1 The following comments are for completeness review only. Additional comments may be forthcoming once the applicant provides supplemental information for review. Please direct any questions to Maurice Jones at 703-746-4256 or maurice.jones@alexandriava.gov.

Acknowledged by applicant.

- F-2 Plans should show location of all existing fire hydrants in and around site and existing fire department connections so that a determination can be made regarding the impact of construction and the ability of the fire department to provide a water supply.

Acknowledged by applicant.

- F-3 All new fire hydrants on property shall be City owned and maintained with the appropriate easements granted to the City for access, inspection, testing, maintenance, and service. This will be evaluated on a case by case basis.

Acknowledged by applicant.

Recommendations

- R-1 To improve fire department operational capabilities, it is recommended that all stairways extend to the roof level for direct access to the roof.

Applicant correctly states this is not a code requirement. As this is only a recommendation and not a requirement, it is at the owners / design professional's discretion to provide roof access. There is no requirement to provide roof access in this building.

Code

- C-1 The applicant shall provide a separate Fire Service Plan which illustrates **where applicable**: a) emergency ingress/egress routes to the site; b) one fire department connection (FDC) for buildings under 5 stories or 55 feet or two sufficiently remote FDC's for buildings over 5 stories or 55 feet; c) all existing and proposed fire hydrants where fire hydrants are located between forty (40) and one hundred (100) feet of each required FDC; d) on site fire hydrants spaced with a maximum distance of three hundred (300) feet between hydrants and the most remote point of vehicular access on site; e) emergency vehicle easements (EVE) around the building with a minimum width of twenty-two (22) feet; f) the location and size of the separate fire line(s) for the building fire service connection and fire hydrants.

Acknowledged by applicant.

- C-2 The applicant shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) floor area per floor; e) fire protection plan. This information will determine if item C-3 requirements apply.

Applicant has provided requested information.

- C-3 The applicant shall provide two wet stamped copies of the fire flow analysis performed by a certified licensed fire protection engineer to assure adequate water supply for the structure being considered. The three copies shall be submitted to Alexandria Fire Department, Fire Prevention, C/O A. Maurice Jones, Jr. 900 Second Street, Alexandria, Va. 22314.

Acknowledged by applicant.

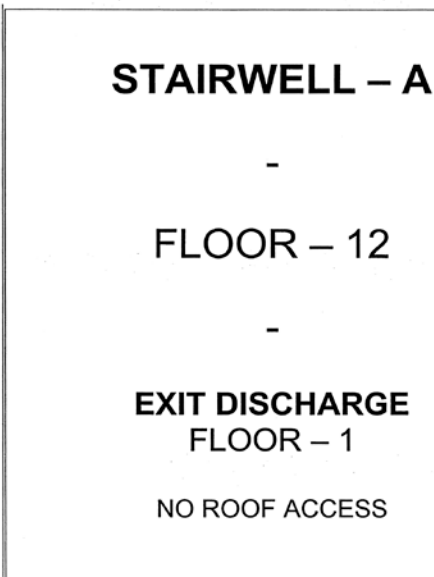
- C-4 A Knox Box Rapid Entry key access system shall be installed to facilitate building entry by fire department personnel during an emergency. The size and number of Knox Boxes, number of key sets, and required keys or access devices shall be determined by Alexandria Fire Department personnel.

Acknowledged by applicant.

- C-5 Provide Stairway Identification. Stairway identification signs shall be provided at each landing in all interior exit stairways connecting more than three stories. Stairways shall be identified by letter designation starting next to the main entrance with "A" and continuing in a clockwise or left to right pattern using consecutive letters of the alphabet for each additional stairway. Two copies of the stairway signs shall be submitted to the fire official for approval before occupancy.

Stairway signs shall designate the stairway letter, state the floor level, the level of exit discharge, and if there is access or no access to the roof regardless if the access door or roof hatch locks. The bottom of the sign shall be located five (5) feet above the floor landing in a position that is readily visible when the stairwell door is opened or closed. The signs must have lettering that is a minimum of 2 inches but no greater than 4 inches in height. This information may be stenciled directly onto the wall but all lettering must be of a color contrasting with the background stairway wall color.

In buildings greater than three stories where there is no graphic representation of the building footprint, a simplified building schematic must be display in the lobby. The simplified building footprint shall be an overhead view of the building exterior and the general layout of the lobby of the first floor. Stairways shall be denoted by letter as required.



Example Stairway Identification Sign

Acknowledged by applicant.

- C-6 Fire Hydrants shall remain in-service and unobstructed during construction.

Acknowledged by applicant.

- C-7 A fire prevention code permit is or may be required for the proposed use and occupancy condition. An egress plan showing fixture location, aisles and exit doors shall be submitted for review with the permit application.

Acknowledged by applicant.

Code Administration (Building Code):

- F - 1. The review by Code Administration is a preliminary review only. Once the applicant has filed for a building permit, code requirements will be based upon the building permit plans. If there are any questions, the applicant may contact the Code Administration Office, Plan Review Supervisor at 703-746-4200.
- C - 1 New construction or alterations to existing structures must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C - 2 The developer shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) total floor area per floor; e) height of structure f) non-separated or separated mixed use g) fire protection system requirements.
- C - 3 A soils report must be submitted with the building permit application for all new and existing building structures.
- C - 4 The most restrictive type of construction shall apply to the structure for height and area limitations for non-separated uses.
- C - 5 Where required per the current edition Virginia Uniform Statewide Building Code exits, parking, and facilities shall be accessible for persons with disabilities.
- C - 6 All proposed buildings where an occupied floor exceeds 75 feet above the lowest level of fire department vehicle access shall meet the Virginia Uniform Statewide Building Code for HIGH-RISE buildings.
- C - 7 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to the Department of Code Administration that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C - 8 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C - 9 A wall location plat prepared by a land surveyor is required to be submitted to the Department of Code Administration prior to any building framing inspection.

Landscape Recommendations

- R – 1 The proposed shrubbery should have a natural growth height of no more than 2 ½ to 3 feet with a maximum height of 36 inches when it matures and should not hinder the unobstructed view of patrolling law enforcement vehicles.

Parks

- R – 2 It is recommended that the applicant choose a style bench that has an armrest in the middle of the bench to deter unwanted sleeping and skateboarding on the benches.

Miscellaneous

- R – 3 It is recommended that the buildings have an address number which is contrasting in color to the background, at least 3 inches high, reflective, and visible from the street placed on the front and back of each home. It is strongly suggested that no brass or gold colored numbers are used. This aids in a timely response from emergency personnel should they be needed.

Health Department

Food Facilities

- C – 1 An Alexandria Health Department Permit is required for all regulated facilities. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another. Permit application and fee are required.
- C – 2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C – 3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C – 4 A Food Protection Manager shall be on-duty during all operating hours.
- C – 5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.
- C – 6 In many cases, original wooden floors, ceilings and wall structures in historical structures may not be suitable for food service facilities. Wood materials shall be finished in a manner that is smooth, durable, easily-cleanable, and non-absorbent.

- C – 7 Facilities engaging in the following processes may be required to submit a HACCP plan and/or obtain a variance: Smoking as a form of food preservation; curing/drying food; using food additives to render food not potentially-hazardous; vacuum packaging, cook-chill, or sous-vide; operating a molluscan shellfish life-support system; sprouting seeds or beans; and fermenting foods.

Child Care Facility

- C – 1 An Alexandria Health Department Permit is required for all regulated facilities that are serving and/or preparing food. A permit shall be obtained prior to operation, and is not transferable between one individual, corporation or location to another.
- C – 2 Construction plans shall be submitted to the Health Department located at 4480 King Street and through the Multi-Agency Permit Center. Construction plans shall be submitted and approved by the Health Department prior to construction. There is a \$200.00 plan review fee payable to the City of Alexandria.
- C – 3 Construction plans shall comply with Alexandria City Code, Title 11, Chapter 2, The Food Safety Code of the City of Alexandria. Plans shall include a menu of food items to be offered for service at the facility and specification sheets for all equipment used in the facility, including the hot water heater.
- C – 4 A Food Protection Manager shall be on-duty during all operating hours.
- C – 5 The facility shall comply with the Virginia Indoor Clean Air Act and the Code of Alexandria, Title 11, Chapter 10, Smoking Prohibitions.

Archaeology

- F-1 Historic maps indicate that a small farmstead stood nearby to the west in the mid-nineteenth century, and that during the Civil War the Union Army encamped in general vicinity to the north of the subject property. While the probability for the property to contain significant archaeological data is relatively low, vigilance is warranted here as summarized by the two archaeological conditions imposed on this project.
- C - 1 All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.

Asterisks denote the following:

- * Condition must be fulfilled prior to release of the final site plan
- ** Condition must be fulfilled prior to release of the building permit
- *** Condition must be fulfilled prior to release of the certificate of occupancy
- **** Condition must be fulfilled prior to release of the bond



APPLICATION

DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN

DSUP # 2014-0041

Project Name: Immanuel Lutheran Church and School

PROPERTY LOCATION: 1801 Russell Rd. and 109 Bellaire Rd.

TAX MAP REFERENCE: 043.01-02-01 - -05

ZONE: R5

APPLICANT:

Name: Trustees of the Immanuel Lutheran Church and School

Address: 1801 Russell Road, Alexandria, VA 22301

PROPERTY OWNER:

Name: Trustees of the Immanuel Lutheran Church and School

Address: 1801 Russell Road, Alexandria, VA 22301

SUMMARY OF PROPOSAL Request for expansion of an existing church and school, with a minor expansion for the church building itself and a major addition to the school.

MODIFICATIONS REQUESTED Front yard setback modification for the church expansion and a front yard setback modification for the existing school.

SUP's REQUESTED Parking Reduction/Modification to permit shared parking for the church and school, and to permit no striping of the existing lot off of Bellaire Rd.

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

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

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

Mary Catherine Gibbs, Hart, Calley, Gibbs & Karp

Print Name of Applicant or Agent

Signature

307 N. Washington St.

Mailing/Street Address

703-836-5757

Telephone #

703-548-5443

Fax #

Alexandria, VA

City and State

22314

Zip Code

mcb.hcgk@verizon.net

Email address

June 25, 2015

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____

Received Plans for Completeness: _____

Fee Paid and Date: _____

Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

ALL APPLICANTS MUST COMPLETE THIS FORM.

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

1. The applicant is: (check one)

☒ the Owner ☐ Contract Purchaser ☐ Lessee or ☐ Other: _____ of the subject property.

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

Trustees of the Immanuel Lutheran Church - 100%, no individual owners.

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

☒ **Yes.** Provide proof of current City business license.

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

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

Name	Address	Percent of Ownership
1. Trustees of the Immanuel Lutheran Church	1801 Russell Rd. Alexandria, VA 22301	100%
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 1801 Russell and 109 Bellaire Rds. (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1. Trustees of the Immanuel Lutheran Church	1801 Russell Rd. Alexandria, VA 22301	100%
2.		
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is 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.

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. Trustees of the Immanuel Lutheran Church	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.

6/25/15 Mary Catherine Gibbs
Date Printed Name


Signature

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

The Immanuel Lutheran Church and School have been located at 1801 Russell Road and 109

Bellaire Road since the 1940's. They are asking for a minor expansion to the church building and

a major expansion to the school itself. The Church is seeking to upgrade their kitchen to provide

commercial grade equipment, add accessible restroom facilities and add an elevator.

The school is looking to expand and modernize its facilities by adding a three story addition, with

only two stories above grade, to provide five additional classrooms and auxillary space, and bring

restrooms and other parts of the school up to today's code standards. The expansion will permit

the school to expand the number of students in the future from around 120 now to 180, but initially,

it will allow them to separate grades that now share classroom space into individual classrooms.

The Applicant is also requesting a parking reduction/modification for two reasons. First, the zoning

code requirement for both the church and the school together is 50 spaces, but the church provides

36 parking spaces, both along the drive aisle from Russell between the church and school and in the

lot at the end of Bellaire Road. However, the uses are not coexistent. The church doesn't operate when

the School is open and vice versa. In addition, the parking study completed by Gorove Slade indicates

that there is ample parking available for the church's and the school's use.

Second, the church and school request that they not be required to stripe their parking lot because

the lot hasn't been striped and having it open allows the school to utilize the entire lot for additional

recreational uses during the day and the church users simply know how to use it without it being striped.

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

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

There are 210 seats in the church, with services at 10 a.m. on Sunday and 7 p.m. Wednesdays.

The school will have room for 180 students, this year the school will be open 8/31/15-6/3/16, and it is open from 8 a.m. to 3 p.m.

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

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

The school has a total of 17 employees, who work during the regular school schedule.

The church has 7 staff members, including pastors, office staff and music staff.

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

Day	Hours	Day	Hours
Sunday	10 a.m. service	Wednesday	7 p.m. service
Monday-Friday	8 a.m. to 3 p.m.		

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

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

Typical for a church and school.

B. How will the noise from patrons be controlled?

The church services take place indoors, and the school children are outside during the school day only.

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

None

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

- A. What type of trash and garbage will be generated by the use?
Typical for a church and school use.
- B. How much trash and garbage will be generated by the use?
Typical for a church and school use of the proposed size.
- C. How often will trash be collected?
One a week or more often if needed. Both the church and school will use the new dumpsters that are located along the drive between the buildings.
- D. How will you prevent littering on the property, streets and nearby properties?
The trash dumpsters will be located in an enclosed space along the private drive between the buildings.

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

☐ Yes. ☒ No.

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

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

☐ Yes. ☒ No.

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

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

The church is locked after hours and the school building is locked during all hours with
controlled access.

ALCOHOL SALES

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

☐ Yes. ☒ No.

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

PARKING AND ACCESS REQUIREMENTS

13. Provide information regarding the availability of off-street parking:

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

50 spaces for both uses - 42 for the church and 8 for the school

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

24 Standard spaces

9 Compact spaces

3 Handicapped accessible spaces

 Other

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

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

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

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

14. Provide information regarding loading and unloading facilities for the use: N/A

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

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

Street access is more than adequate.



APPLICATION - SUPPLEMENTAL

PARKING REDUCTION

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

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

The applicant is requesting a parking reduction from 50 spaces to 36 spaces and to permit its existing lot to remain unstriped.

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

The uses of the church and the school are not co-existent, meaning the church doesn't operate at the same time as the school, so they should be able to share their parking.

In addition, the school uses the lot during the day for additional recreational space, and striping it would interfere with that use. The church goes there always used it when it hasn't been striped.

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

There is no more space to create more parking on the site, and the parking provided is more than adequate for the church and the school's use. See parking study by Gorove Slade.

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

____ Yes. ☒ No.

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

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

DEL RAY CITIZENS ASSOCIATION

www.delraycitizens.org

P.O. Box 2233, Alexandria, VA 22301

September 21, 2015

Planning Commission Members and Karl W. Moritz, Director,
Department of Planning and Zoning
City of Alexandria
City Hall, Room 2100
Alexandria, VA 22314

RE: Trustees of the Immanuel Lutheran Church and School, Developmental Special Use Permit (DSUP) Request #2014-0041

On September 8, 2015, the Del Ray Citizens' Association (DRCA) Land Use Committee (LUC) reviewed SUP Request #2014-0041 which proposes a major addition to the school and a minor expansion of the church building in order to upgrade of the kitchen and provide ADA compliant access. The addition/expansion of the school will provide five additional classrooms, auxiliary space and will bring restrooms and other areas up to current standards and codes. It will also allow school enrollment to increase from 120 to 185. Modifications needed for the expansion of the church include a four foot set back; for the school addition, a half-foot set back is requested. Both of these set-back modifications are the result of measurements made at the time of the original construction in 1945.

In addition the LUC reviewed a Supplemental Application for a parking reduction/modification. Zoning requires the church and school to have a combined 50 spaces. However, the church and school operations never overlap, and thus the existing 36 spaces are equally available to the school and the church. An independent parking study has also concluded that parking is adequate for the needs of both church and school.

The church has met with neighbors both on Bellaire and Bellefonte and have received generous support for their plans. Only one neighbor on Bellefonte was concerned about additional screening between the school building and their back yard and the church has agreed to additional landscaping.

The LUC unanimously approved support for the proposed SUP at its September 8th meeting. The LUC presented these recommendations to the DRCA Membership on September 9th. The Membership unanimously voted to support the LUC's recommendations.

Sincerely,



Danielle C. Fidler & Kristine A. Hesse, Co-Chairs
DRCA Land Use Committee

Cc: Gary Wagner and Emily Oaksford, Staff Reviewers
Mary Catherine Gibbs, Applicant's Representative

DSUP2014-0041
1801 Russell Road
Additional Materials 9/24

Jill and Jeff Erber
110 Belleaire Rd.
Alexandria, VA 22301

September 18, 2015

Mr. Karl Moritz, Director
c/o Gary Wagner, Principal Planner
Department of Planning & Zoning
City Hall, Room 2100
301 King Street
Alexandria, VA 22314

Dear Mr. Moritz and Members of the Planning Commission,

Our home is directly across the street from Immanuel Lutheran Church and School. Being so close to the proposed construction, we will perhaps be most impacted by it. **However, I cannot stress enough how much we absolutely support this project.**

During the 12+ years that we have lived here, the School and Church have proven again and again that they are responsible, conscientious, and approachable neighbors. We attended their recent information session and were impressed with the amount of thought and preparation that went into their plans. It is clear that they want to make sure the project is as non-invasive – and ultimately as beneficial to the neighborhood – as possible.

We have absolute faith that this project will proceed in the best possible way. We are prepared to live with the construction, knowing that this is the best path for the school and will be a beautiful addition to our neighborhood. We are also confident that if construction-associated issues arise, the School administration will be as friendly and responsive as they have always been. Additionally, we are not concerned from the student attendance or parking perspective and support their related requests.

Again, we 100% support this project as designed and look forward to seeing the final product!

Thank you,
Jill & Jeff Erber

Mr. Karl Moritz, Director
c/o Gary Wagner, Principal Planner
Department of Planning & Zoning
City Hall, Room 2100
301 King Street
Alexandria, VA 22314

Re: Letter of Support for Immanuel Lutheran Church and School

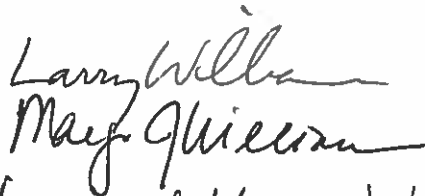
Dear Mr. Moritz,

I support the Immanuel Lutheran Church and School. I am writing to encourage you to support their Project for the expansion of the School and the small addition to the Church.

This church and school are good neighbors and we support their modest request for an addition to the School and the small addition to the Church building itself. We have had a change to review the drawings for the project as whole and believe it will be an asset to the neighborhood. Their request for a parking reduction should also be supported because this School currently does not cause a parking problem in our neighborhood, and the expanded school will not either.

I support the effort to enhance the Immanuel Lutheran Church and School. Please give this plan your full support.

Sincerely,



Name:

Larry and Margo Williams

Address:

102 W. Bellefonte Ave.

Alexandria VA 22301

Email Address:

williams1021@comcast.net

City of Alexandria, Virginia

MEMORANDUM

DATE: OCTOBER 6, 2015

TO: CHAIRWOMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR, PLANNING AND ZONING

SUBJECT: DOCKET ITEM # 10, IMMANUEL LUTHERAN CHURCH & SCHOOL,
DSUP #2014-0041,

The Immanuel Lutheran Church private school predates zoning regulations and has been operating as a private school since before the 1950's. Zoning regulations now require approval of a special use permit for private schools in the R-5 zone. Because of the sizable school addition, a development site plan was also required. Hence, the application for a development special use permit (DSUP). Many of the standard conditions contained within the DSUP cover conditions normally associated with a special use permit. However, based on recent conversations, staff felt it was best to add some conditions specific to special use permits to be consistent with special use permit applications. The applicant has agreed to the following special use permit conditions, which are added to the end of the Recommendation Section of the staff report:

U. SPECIAL USE PERMIT:

77. The total number of students enrolled shall be limited to 180, in grades pre-kindergarten through eight, as requested by the applicant. (P&Z)
78. The school shall regularly operate between 8:00 A.M. to 3:00 P.M., Monday through Friday. (P&Z)
79. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all Special Use Permit provisions and requirements. The applicant shall also inform parents on an ongoing basis, including as part of any parent orientation, of all applicable Special Use Permit provisions and requirements. (P&Z)
80. The applicant shall encourage its employees to use public transit or non-single occupancy vehicle trips to travel to and from work. Within 60 days of SUP approval, the business shall contact the Transportation Planning Division at 703-

746-4686 for assistance and information to set up a program for employee transportation benefits. (T&ES)

81. On street parking for employees shall not be permitted on Russell Road. (T&ES)
82. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
83. The Director of Planning and Zoning shall review the Special Use Permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443
hcgk.law@verizon.net

HARRY P. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP

OF COUNSEL
CONSTANCE H. PIERCE

RETIRED
CYRIL D. CALLEY, 2005

LURAY OFFICE:

170 KIBLER DRIVE
LURAY, VA 22835

TELEPHONE: 540-743-2922
FAX: 540-743-2422

October 2, 2015

Ms. Mary Lyman, Chair
and Members of the Alexandria Planning Commission
c/o Mr. Karl Moritz, Director
Department of Planning & Zoning
City Hall, Room 2100
Alexandria, VA 22314

Re: Docket Item 10: DSUP 2014-0041, SUP 2014-0041
Immanuel Lutheran Church and School Additions

Dear Madame Chair and Members of the Planning Commission:

We've worked hard with the City's Staff to reach your docket on October 6, 2015 with a positive Staff Recommendation for approval of the above referenced project at the Immanuel Lutheran Church and School. We are in agreement with all but one of the conditions. We are requesting one change to Condition No. 13 on the Green Building Policy. The Trustees of the Church and School are asking that they not be required to obtain Certification of LEED Silver. The Design Team has used the LEED Scorecard in establishing the sustainable measures that this project will take to achieve LEED Silver¹, but the Certification process alone is cost prohibitive for a project of this size. They have estimates from the Church's contractor that were obtained from subcontractors who would coordinate the certification that it will cost the Church around \$100,000 just for the Certification. This is a \$5 million project. That's a huge amount to add to a project of this size.

Further, the City's Green Building Policy, a copy of which is enclosed for your review, provides for flexibility for projects such as this and states that:

The above standards are applicable to all development subject to a site plan or DSUP. The types and scale of developments within each category vary greatly, however, and certain building types (for example, medical, hotel, industry, affordable housing, historic buildings, churches, redevelopment of small retail or restaurant establishments, and

¹ A copy of the list of sustainable measures the church is committed to implement is enclosed.

Ms. Mary Lyman, Chair
and Members of the Planning Commission
October 2, 2015
Page 2

renovations or small additions to existing buildings) may require a more flexible approach. (Emphasis added.)

We request that you allow the church and school that “more flexible approach”. This is a small project, especially in the scale of the other projects Staff has referred to for why they wouldn’t recommend a change to this condition. This is an addition to a school, a five classroom addition, adding approximately 7,450 gross square feet to a small school. There are a number of smaller school projects and other smaller projects that have received this level of flexibility including²:

1. The addition of modular classrooms and a cafeteria expansion at Charles Barrett Elementary School.
2. The addition of modular classrooms at Patrick Henry Elementary School.
3. The Virginia Theological Seminary’s addition to their maintenance building and other site improvements.
4. The addition to the Church of God at 630 S. Patrick Street.
5. The addition at 923 King St. for a two story restaurant and two residential units.
6. The addition to Marino’s restaurant on Route One.

This project simply isn’t comparable to the larger school projects to which Staff has indicated we should be compared.

Finally, the policy is supposed to be voluntary and provides flexibility for this very type of case. Again, the Church isn’t asking to be completely excluded from the policy. They will implement sustainability measures to the level that would achieve LEED Silver. They simply do not want to be required to achieve certification. We request that you change condition no. 13 to read:

13. Per the flexibility provision of the City’s Green Building Policy adopted April 18, 2009, implement sustainable measures that would achieve a green building certification level of LEED Silver (or equivalent) to the satisfaction of the Directors of P&Z, and/or RP&CA and T&ES. Diligent pursuance of these measures ~~and achievement of this certification~~ shall be monitored through the following:

- a. Provide evidence of the project’s implementation measures that would achieve LEED silver ~~registration with LEED~~ (or equivalent) with the submission of the first final site plan and provide a draft checklist showing the measures ~~how the project plans to achieve the certification.~~*
- b. ~~Provide evidence of submission of materials for Design Phase credits to the U.S. Green Building Council (USGBC) (or equivalent) prior to issuance of a certificate of occupancy. ***~~

² A copy of the City’s “List of Development Approvals Subject to the Green Building Policy”, last updated in 2011, is enclosed for your information.

10/5/2015

Ms. Mary Lyman, Chair
and Members of the Planning Commission
October 2, 2015
Page 3

- e. ~~Provide evidence of submission of materials for Construction Phase credits to USGBC (or equivalent) within six months of obtaining a final certificate of occupancy.~~
- d. ~~Provide documentation of LEED Silver Certification from USGBC (or equivalent) within two years of obtaining a final certificate of occupancy. Failure to achieve LEED Silver (or equivalent) for the project will be evaluated by City staff, and if staff determines that a good faith, reasonable, and documented effort was not made to achieve these certification levels, then any City wide Green Building policies existing at the time of staffs' release of Final Site Plan will apply.~~

Thank you in advance for your consideration and we look forward to moving forward with this project with your recommendation of approval at the October 6th meeting with the one change to Condition No. 13.

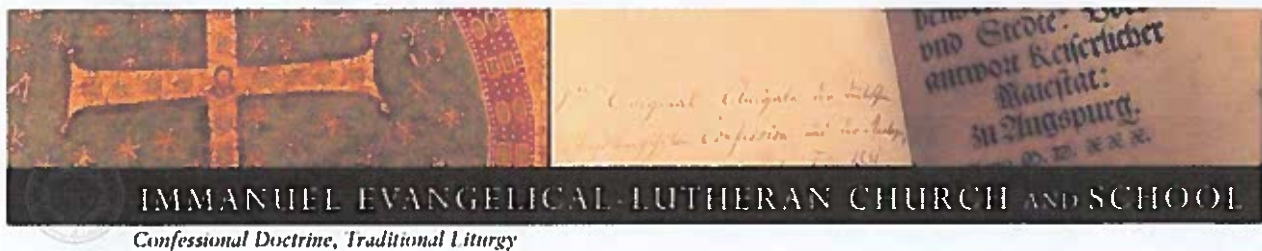
Very truly yours,

A handwritten signature in black ink, appearing to read "Mary Catherine Gibbs". The signature is fluid and cursive, with the first name "Mary" being the most prominent.

Mary Catherine Gibbs

Enclosures

cc: Mr. Kevin Wolf, Immanuel Lutheran Church and School



Green / Sustainable Measures

DSUP 2014-0041

The design team will use LEED 2009 for Schools New Construction and Major Renovation as a guideline to achieve the equivalent points required for LEED Silver certification. A LEED scorecard is attached. The design team will consider the following:

- providing secure bike racks/storage (SSc4.2)
- providing preferred parking for low-emitting & fuel-efficient vehicles (SSc4.3)
- providing maximized, vegetated open space (SSc5.1-5.2)
- reducing impervious cover and capturing and treating the stormwater runoff (SSc6.1-6.2)
- shading site hardscape or using materials with reduced solar reflectance index (SSc7.1)
- providing light colored, high-albedo roof material (SSc7.2)
- providing lighting controls (SSc8)
- developing a site master plan (SSc9)
- limiting or eliminating the use of potable water (or other natural surface or subsurface water resources available on or near the project site) for landscape irrigation (WEc1)
- providing water-conserving fixtures or using non-potable water for building sewage conveyance and/or treating wastewater on site (WEc2)
- reducing water use (WEc3)
- providing water-conserving appliances and equipment (WEc4)
- providing whole-building energy simulation to achieve increased energy performance (EAc1)
- designating a commissioning agent (CxA) to lead, review and oversee the completion of commissioning activities (EAc3)
- developing a measurement and verification plan (EAc5)
- purchasing electricity from renewable sources (EAc6)
- maintaining existing walls, floor, & roof structure and envelope skin and framing (MRc1.1-1.2)
- recycling or salvaging nonhazardous construction demolition waste (MRc2)
- providing materials with postconsumer recycled content (MRc4)
- providing materials that have been extracted, harvested or recovered, and manufactured within 500 miles of the project site (MRc5)
- providing wood-based materials and products that are FSC certified (MRc7)
- monitoring outdoor air delivery to ensure ventilation systems maintain design minimum requirements (IEQc1)
- increasing breathing zone outdoor air ventilation rates to all occupied mechanically ventilated spaces developing and implementing an IAQ management plan and doing flush-out or air testing for the construction and preoccupancy phases of the building (IEQc2-3.1-3.2)
- providing low VOC-emitting adhesives, sealants, paints, coatings, flooring systems, composite wood and agrifiber products, furniture, furnishings, ceiling and wall systems (IEQc4)
- minimizing and controlling the entry of pollutants into the building (IEQc5)
- providing a high level of control in the lighting system and thermal system (IEQc6.1-6.2)
- designing HVAC systems and building envelope to meet the requirements of the prescribed ASHRAE or ISO standards (IEQc7.1)
- conducting a thermal comfort survey after occupancy and developing a plan for corrective action if survey results indicate discomfort (IEQc7.2)
- providing daylighting and views to regularly occupied spaces (IEQc8.1-8.2)
- designing for enhanced acoustical performance (IEQc9)
- providing HVAC systems and controls designed to limit relative humidity to 60% or less (IEQc10)
- using automated shade control as an innovative design feature (IDPc1.1)
- working with a project participant who is a LEED accredited professional (IDPc2)
- integrating the sustainable features of the facility with the school's educational mission (IDPc3)

LEED 2009 for Schools New Construction and Major Renovations

Project Checklist

Immanuel Lutheran Church

3.2.15

15 3 6 Sustainable Sites		Possible Points: 24	
Y	N		
Y		Prereq 1	Construction Activity Pollution Prevention
Y		Prereq 2	Environmental Site Assessment
1		Credit 1	Site Selection
4		Credit 2	Development Density and Community Connectivity
1		Credit 3	Brownfield Redevelopment
4		Credit 4.1	Alternative Transportation—Public Transportation Access
1		Credit 4.2	Alternative Transportation—Bicycle Storage and Changing Rooms
2		Credit 4.3	Alternative Transportation—Low-Emitting and Fuel-Efficient Vehicles
2		Credit 4.4	Alternative Transportation—Parking Capacity
1		Credit 5.1	Site Development—Protect or Restore Habitat
1		Credit 5.2	Site Development—Maximize Open Space
1		Credit 6.1	Stormwater Design—Quantity Control
1		Credit 6.2	Stormwater Design—Quality Control
1		Credit 7.1	Heat Island Effect—Non-roof
1		Credit 7.2	Heat Island Effect—Roof
1		Credit 8	Light Pollution Reduction
1		Credit 9	Site Master Plan
1		Credit 10	Joint Use of Facilities
4	7		Water Efficiency
			Possible Points: 11
Y		Prereq 1	Water Use Reduction—20% Reduction
2	2	Credit 1	Water Efficient Landscaping
2	2	Credit 2	Innovative Wastewater Technologies
2	2	Credit 3	Water Use Reduction
1	1	Credit 3	Process Water Use Reduction
8	5	20	Energy and Atmosphere
			Possible Points: 33
Y		Prereq 1	Fundamental Commissioning of Building Energy Systems
Y		Prereq 2	Minimum Energy Performance
Y		Prereq 3	Optimize Refrigerant Management
7	12	Credit 1	Optimize Energy Performance
7	7	Credit 2	On-Site Renewable Energy
2	2	Credit 3	Enhanced Commissioning
1	1	Credit 4	Enhanced Refrigerant Management
1	1	Credit 5	Measurement and Verification
2	2	Credit 6	Green Power
8	2	3	Materials and Resources
			Possible Points: 13
Y		Prereq 1	Storage and Collection of Recyclables
2		Credit 1.1	Building Reuse—Maintain Existing Walls, Floors, and Roof
1	1	Credit 1.2	Building Reuse—Maintain 50% of Interior Non-Structural Elements
2	2	Credit 2	Construction Waste Management

Materials and Resources, Continued		Possible Points: 19	
Y	N		
2		Credit 3	Materials Reuse
2		Credit 4	Recycled Content
2		Credit 5	Regional Materials
1		Credit 6	Rapidly Renewable Materials
1		Credit 7	Certified Wood
9	10		Indoor Environmental Quality
			Possible Points: 19
Y		Prereq 1	Minimum Indoor Air Quality Performance
Y		Prereq 2	Environmental Tobacco Smoke (ETS) Control
Y		Prereq 3	Minimum Acoustical Performance
1		Credit 1	Outdoor Air Delivery Monitoring
1		Credit 2	Increased Ventilation
1		Credit 3.1	Construction IAQ Management Plan—During Construction
1		Credit 3.2	Construction IAQ Management Plan—Before Occupancy
2	2	Credit 4	Low-Emitting Materials
1		Credit 5	Indoor Chemical and Pollutant Source Control
1		Credit 6.1	Controllability of Systems—Lighting
1		Credit 6.2	Controllability of Systems—Thermal Comfort
1		Credit 7.1	Thermal Comfort—Design
1		Credit 7.2	Thermal Comfort—Verification
1	2	Credit 8.1	Daylight and Views—Daylight
1	1	Credit 8.2	Daylight and Views—Views
1	1	Credit 9	Enhanced Acoustical Performance
1	1	Credit 10	Mold Prevention
6			Innovation and Design Process
			Possible Points: 6
1		Credit 1.1	Innovation in Design: TBD
1		Credit 1.2	Innovation in Design: TBD
1		Credit 1.3	Innovation in Design: TBD
1		Credit 1.4	Innovation in Design: TBD
1		Credit 2	LEED Accredited Professional
1		Credit 3	The School as a Teaching Tool
3	1		Regional Priority Credits
			Possible Points: 4
1		Credit 1.1	Regional Priority: MRc1.1-Building reuse (walls, floor & roof)
1		Credit 1.2	Regional Priority: SSC5.1 - Site Development (protect/restore habitat)
1		Credit 1.3	Regional Priority: SSC6.1 - Stormwater Design (quality control)
1		Credit 1.4	Regional Priority: EAc1 - Optimize Energy Performance
53	28	29	Total
			Possible Points: 110

Certified 40 to 49 points Silver 50 to 59 points Gold 60 to 79 points Platinum 80 to 110

City of Alexandria

Green Building Policy



Green Building Benefits

Green buildings bring environmental and economic benefits to present and future generations of the citizens of this City and the region. Even in a developed city with significant historic character, "green" buildings are favored over buildings that are not green.

Policy Statement and Outreach

Approach

The City will continue to lead by example through its own public buildings, establish a policy for new private buildings and will make efforts to educate the public, especially the building and development community, about the benefits of green buildings. The City will also take a leadership role to mandate sustainable design for all public buildings. The City will not be adopting a new code to mandate its Green Building Policy. That approach is not legally authorized. Nor is it necessarily desirable.

Leadership in Energy and Environmental Design (LEED)

The LEED rating system will typically be the green building guide and rating system used as a standard for development in the City because it has become the industry preference, especially for commercial construction.

Development Standard

Public and private development that requires a Development Site Plan (DSP) or Development Special Use Permit (DSUP) should achieve the following green building standard:

- *Non-Residential*: LEED Silver.
- *Residential*: LEED Certified, LEED for Homes, or ANSUICC-700 2008 National Green
- *Mixed use*: Each component should follow the applicable rating standard
- *Coordinated Development Districts*: Approvals for CDD areas yet to be developed will incorporate these standards

In each case, applicable ENERGY STAR systems should be incorporated.

Equivalency Acceptable

The above standards provide a performance goal for development. However, to the extent that equivalent rating systems are available and their standards can be demonstrated to be equivalent to the satisfaction of the Director of Planning and Zoning, they are also acceptable.

Third Party Certification

Certification of compliance with green building standards will be provided by independent and accredited third party professionals retained by the applicant and approved in advance by the Director of Planning and Zoning. The City will require the applicant to achieve the green standard approved in its development application within two years of issuance of a certificate of occupancy.





Flexibility

The above standards are applicable to all development subject to a site plan or DSUP. The types and scale of developments within each category vary greatly, however, and certain building types (for example, medical, hotel, industry, affordable housing, historic buildings, churches, redevelopment of small retail or restaurant establishments, and renovations or small additions to existing buildings) may require a more flexible approach. The Director of Planning and Zoning will consider whether special circumstances in the size, scale, location or use of the building justify an exemption or alternative method of compliance with City policy on a case by case basis and will strive to establish consistent criteria and thresholds for such alternatives based on experience with this policy.

Phased Approach

While it is important to establish this policy and implement its critical elements immediately, there are also elements of the green building program that will take longer and will look to the evolving green building industry, and those elements should be implemented over time. Examples of future work include establishing best practices for retrofitting existing buildings including historic buildings, the development of incentives for applicants who reach the highest levels of environmental achievement; incorporation of a sustainable sites, or holistic, approach; and the calculation of financial benefits to the public from development of green buildings.

Innovation Encouraged

Building owners and developers are encouraged to innovate and achieve higher green building performance than the minimum set in this policy.

City Environmental Priorities

In assessing compliance with the above standards, including as a matter of equivalency and of flexibility, priority elements in the project's design and construction are those which:

- Enhance energy efficiency
- Increase water conservation and reduce stormwater runoff, and
- Reduce overall carbon footprint

Education and Outreach

This key element of the City's approach to green buildings requires a partnership with the community, especially the building and development industry, as it and the City continue their effort to educate themselves and others about the benefits of and best ways to achieve green buildings. Together, they should track successes in City projects, changes in national and regional approaches to green buildings, advances in technology, and economic savings on individual projects as well as for public infrastructure systems. They should also provide web based information, hold forums on green buildings, and generally communicate the added benefits of higher rated green buildings to the community. The City will work collaboratively with environmental organizations and the building industry to recognize, award and publicize green building efforts in the City.

Monitoring Progress

All building projects in the City should be monitored to report the effectiveness of this policy to the Planning Commission and City Council on an annual basis.

10/5/2015

Development Approvals Subject to the Green Building Policy (adopted April 2009)

As of June 20, 2011

Month	Development	Location	Project Summary	Green Building Requirement	Meets Policy	Status
June 2009	Lane Development	2200 and 2250 Mill Road	474,000 sf of residential and 585,000 sf of office	LEED Certified for residential portion and LEED Silver for office	Yes	No activity since Council approval
	Institute for Defense Analysis (IDA)	4880 Mark Center Drive	368,400 sf of office	LEED Silver	Yes	No activity since Council approval
September 2009	Restaurant Depot	4600 Eischenhower Avenue	72,000 sf warehouse	Requested Flexibility -- will achieve LEED Certification instead of LEED Silver	No	Final Site Plan approved -- starting construction soon
October 2009	Church of God	630 N. Patrick Street	2,725 sf addition to the existing church	Requested Flexibility -- will incorporate green building design elements into the project	No	No activity since Council approval
	Polk Elementary School	5000 Polk Avenue	6,875 sf addition to the existing school	Project will seek LEED Silver, but at a minimum will attain LEED Certification	Yes	Under construction
February 2010	Virginia Theological Seminary	3737 Seminary Road	1,660 sf addition to maintenance building and improvements to overall site infrastructure	Requested Flexibility -- will incorporate green building design elements into the project	No	Under construction
April 2010	Hoffman Blocks 11 & 12	2210 Eischenhower Avenue	1.3 million sf of residential and ground floor retail	Green Globes (LEED equivalent)	Yes	Final Site Plan under review -- starting construction soon

10/5/2015

Month	Development	Location	Project Summary	Green Building Requirement	Meets Policy	Status
May 2010	The King Building at 923	923 King	1,492 sf addition for a two story restaurant and two residential units	Requested Flexibility – will incorporate green building design elements into the project	No	Final Site Plan under review
September 2010	The Calvert	3110 Mt. Vernon Avenue	290,340 sf Residential (renovation and new construction)	LEED Certified	Yes	Final Site Plan under review
October 2010	Charles Barrett Elementary School	1115 Martha Custis Drive	Modular classrooms and Expansion to cafeteria	Requested Flexibility – will achieve 50 points on LEED scale but will not obtain certification	No	Final Site Plan Under Review
	Patrick Henry Elementary School	4643 Tanev Avenue	Modular classrooms	Requested Flexibility – will achieve 50 points on LEED scale but will not obtain certification	No	Final Site Plan Under Review
	James K. Polk Elementary School	5000 Polk Avenue	Modular classrooms	LEED Silver	Yes	Final Site Plan Under Review
February 2011	The Madison	800 North Henry Street	360 Unit Residential building with 9,672 sf of retail	LEED Certified	Yes	Final Site Plan Under Review
March 2011	Martino's addition	3100 Jefferson Davis Highway	2,547 sf addition to an existing restaurant	Requested Flexibility – will incorporate green building design elements into the project	No	Final Site Plan to be submitted soon.
June	Yates Corner	515 Mount Vernon Avenue	23,706 sf retail and office	LEED Silver	Yes	Approved by PC June 2011
	Old Town North Harris Teeter	717 N. St. Asaph	52,000 sf grocery store and 175 residential units	LEED Silver for retail and Earthcraft for residential	Yes	Recommended Approval by PC June 2011

110 W. Bellefonte Ave.
Alexandria, VA 22301

October 5, 2015

Mr. Karl Moritz, Director
c/o Gary Wagner, Principal Planner
Department of Planning and Zoning
City Hall, Room 2100
301 King Street
Alexandria, VA 22314

Dear Mr. Moritz and Members of the Planning Commission

To begin, I strongly agree that there is a vital place and a critical need for independent, Christian education in Alexandria, that the Immanuel Lutheran School should have an opportunity to refurbish and expand to serve its students, and that Immanuel Lutheran Church should have a similar opportunity for refurbishment. Immanuel and its officers have been good neighbors for the past 18 years, and I fully expect we will continue to be so. I very much appreciate the efforts that Immanuel has made to inform neighbors of the project and work to understand and minimize neighbors' concerns, including mine. However, as the neighboring property owner (110 W. Bellefonte Ave.) arguably most affected by the proposed expansion, unfortunately, I must request that the Planning Commission add certain conditions to the project to minimize the impact on my property and, equally important, to be able to formalize agreements that will offer protection for me and any successors in interest as the project moves forward.

There is little question in my mind that the project will reduce the value of my property, perhaps significantly. I have not taken the trouble to obtain a formal estimate of this reduction; however, it stands to reason that changes such as the expansion of a parking lot to within a few feet of my living room window and my inability to control landscaping easily visible from the house could easily discourage potential purchasers of the property when it is sold. Other houses on W. Bellefonte have large back yard and other natural barriers that separate their property from the project; mine does not but backs straight into the driveway and proposed parking lot. However, as I believe that Immanuel (hereinafter, Petitioners) has a right and a duty to use its property for its mission, and as noted above, I accept that the overall project should go forward, appropriately conditioned.

It is not my intention in any way to delay, discourage, or add large additional costs to this project; indeed, some of my proposed conditions would *reduce* Petitioners' overall costs both now and over the longer term – an important consideration for a non-profit organization and one to which I hope the City will be sensitive. However, as this appears to be the only point in the process at which interested property owners can raise issues

relating to the project, I feel constrained to offer this filing to protect my own interests and legal rights as well as those of any successors in interest to my property.

My concerns, then, relate to certain areas in which the development would directly or indirectly impinge on my property. An important part of my purpose in filing in this proceeding is to encourage the City to consider the interests of adjacent property owners as it works with Petitioners to develop the project – and those interests may not always align with a predetermined approach to the City's goals but may instead require more subtle analysis of those goals. As many of these issues are interrelated, some of the material here is repeated, but I have tried to organize this filing for the convenience of the Commission and its staff.

Taken together, I believe my proposed conditions represent a very reasonable package that will enable the project to move forward quickly while minimizing the impact on my property, all with only slight impact on City policy goals.

Delineation of Property Line – West Side

Petitioners' Preliminary Site Plan includes the assertion that the large tree in the flowerbed near Russell Road falls on Petitioners' property. I strongly disagree both with the assertion of the property line in this area and what appears to be reliance on a line other than that contained the plat accompanying my deed.

At the time I purchased the house in 1997, Realtors both for myself and for the sellers of the property confirmed that the property line followed an approximation of the logs behind the flowerbed (one log rotted after the hurricane of 2003) straight to the end of the metal fence at the fence between my property and 108 W. Bellefonte – a very different angle than that now proposed. The current metal fence on a portion of the land between my property and Petitioners' has been taken as an informal property line,¹ and both parties have acted on this understanding for years (as for instance, in my construction of a small wood retaining wall to protect my house, marked by an extension of the line of the logs with a small dip towards my house, and Petitioners' reconstruction of its driveway and the two parking spots currently facing my house).

The property line proposed as a part of this project turns that understanding on its head. It could give Petitioners rights over my landscaping, including a large tree that I have maintained at my own expense for many years, trimming as recently as August (the maintenance of which has also helped Petitioners) and, depending on the further delineation of the property line, offer the potential for the destruction of the walkway behind my house to assist in the construction of additional and unnecessary parking.

¹ This fence was almost certainly built by Immanuel or its predecessors in interest, as a fence of a very similar character extends down the property line between Immanuel and 108 W. Bellefonte Ave to the point where it meets my property.

Considering for this purpose only the land from the border with Russell Road to the point eastwards at which the metal fence begins, it seems clear that I have a strong right of adverse possession over this property.² My use of this property has been actual; visible and “notorious” in the legal definition of the term as I have cared for the property, planted azaleas, tulips, and other landscaping and cleaned the landscaping after storms; exclusive (at no point have Petitioners claimed the property, asked me to change the landscaping there, or sought to care for the landscaping); the possession has been “hostile” in the legal sense by virtue of the placement of the logs behind the flowerbed by my predecessors in interest, clearly dating back to a time *before* the tree in the flowerbed grew to so large; I have asserted a claim of right/claim of ownership³ over the property both by my use of it and in this proceeding; and I have used this property continuously for a period of 18 years, more than the 15 required by Virginia law. My immediate predecessors in interest also used it for five additional years during their ownership from 1992-1997; I have no direct knowledge of the use of the property before that, but as noted above, the log behind the flowerbed was clearly placed before the tree became large, so I assume that their predecessors in interest have occupied this land for years, perhaps decades, before that.

The issue is important for the project because delineation of the property line at Petitioners’ proposed line would essentially cut off access to the back side of my house. As it is at best unclear where precisely the proposed new parking spaces and vegetation would be located relative to the property line, it could cut off even more access and reduce the distance between the proposed parking spaces and my living room window even further. But I would not find out where the parking would be put until it is placed, long after the approval of the project.

I do not seek to use this proceeding to resolve the question of where the property line actually falls in this area. I cannot, however, agree without further proceedings to the use of a property line that in my judgment does not match with that recorded in my deed and that has at a minimum not been followed by either party for at least a quarter of a century.

In the interest of permitting Petitioners to proceed with the bulk of their project as quickly as possible and in deference to the situation as it has been for several decades, I propose that Preliminary Site Plan simply be amended to note that a property dispute exists for the area between the end of the metal fence westward to Russell Road. I seek to resolve this with Petitioners expeditiously, and it should not delay the project in any way, especially as the bulk of the project lies far away from the area in dispute.

Delineation of Property Line – East Side

An odd curved triangle of land occupying a portion of the lot of 1809 Russell Road characterizes the eastern end of the border between my property and that of Petitioners.

² See generally *Helms v. Manspile*, 671 SE2d 127 (Va. 2009).

³ The Virginia Supreme Court held in *Grappo v. Blanks*, 400 SE2d 168, 170-71 that claim of right and claim of ownership are synonymous. See also *Helms v. Manspile*, *op. cit.*

It is overgrown with weeds, English ivy, poison ivy, uncontrolled wisteria, weed trees, and random, unplanned trees, some growing at an angle, that do little except sharply reduce the sunlight on my own property, significantly limiting my opportunity for enjoyment of the back portion of my property.⁴ The river stones in one portion of that section – designed for water to flow to my property – far predate both my ownership.⁵

This portion of the property also represents a hazard, as it is used as a shortcut by people walking from W. Bellefonte to or across the church property; this is most evident with footprints in snow in winter but is also clear from the occasional litter in the area, some of which was very likely dropped by children (for instance, children's stickers, candy wrappers, etc.).⁶ It poses a danger, particularly in the unstable footing of the river stones and generally undeveloped landscaping of this triangle of land.

Having lived in my home since 1997, I can attest that Petitioners have done virtually nothing to care for that section of property. I am not blaming or criticizing them for this – far from it; from their perspective, that section of the property is essentially useless – but merely stating a fact. Developing it would do little to add to their enjoyment of the property, maintaining it to a high standard is time-consuming and costly, and yet the current situation and the proposed situation after the project affect my property negatively.

I believe that I also have a claim to this piece of property under adverse possession, for similar reasons as those described above. I have cleaned the property frequently, paid for the removal of one large tree clearly on Petitioners' property at the time Petitioners were engaged in a tree updating project, trimmed trees, worked to remove weeds and ivy that have impinged on my property, removed litter, and even rearranged the river stones to their places after storms and ice have moved them despite the adverse effect on my property (but in concern for the safety of those who use the area as a shortcut when I am not present at my home). Again, I do not seek to use this proceeding to determine a property line – the property line in this area, represented by a line between the two portions of the fence, seems far clearer than on the west side and the understanding of the parties here has reflected that line – but I do believe that there is a better solution than the landscaping required by the City's current proposal.

⁴ As noted above, a metal fence extends both along the back of the property and down a line with 108 W. Bellefonte Ave. to the point where my property begins. In this section of the property, a section of the fence is missing and has been since I purchased the property in 1997. My best guess is that the missing portion of the fence was removed when a large and unstable tulip poplar near the property line was hit by lightning in 1996, crashing on to the roof of my house. Another tulip poplar on my property that I had removed had also been seriously damaged by carpenter ants, showing both the effects of water and unstable land in this area and the sometimes unstable nature of large tulip poplars.

⁵ Given the near-identical character of these stones with the stones that form a boundary between my property and 108 W. Bellefonte, I assume that the stones in this area may date from the construction of the houses along the street; in any event, they were almost certainly placed no later than the building of the church and the original driveway associated with the church.

⁶ I accept and appreciate Petitioners' oral statement to me that they have cautioned the children of the school against using this shortcut on either side of the property line.

In the project, the City has apparently proposed landscaping for a portion – though not the entirety – of this section of property. The City also apparently proposes keeping existing unplanned tree cover in the area despite the impact on my property. A better and fairer solution would be to let Petitioners and I agree a proposal for the vegetation and landscaping to be put in this area, including, where appropriate, the removal of current vegetation, rather than simply seeking to cover the border of the project area with landscaping while doing little about the remainder of the property. In conjunction with my proposed condition on water flow (see below), this would make the section of the property both more attractive for both property owners and assist with water flow. As noted below under Parking, my proposed alternative condition on parking would retain better landscaping for the property while also permitting the removal of unattractive landscaping and unplanned trees that could eventually affect the stability of the driveway as well as reduce sunlight.

Water Flow

Water and waterflow, particularly in times of severe storms, has been a concern for both me and Petitioners as well as other property owners in the neighborhood. The storms this past June caused with significant flooding in my basement and damage to my landscaping. In addition, the river stones at the section of the property described under “Delineation of Property Line – East Side” above simply push water from Petitioners’ property onto my property. Clear lines of water runoff from that area are visible, making it difficult to use the area for landscaping improvements. A line of vegetation that I planted at the property line where the missing fence once stood has all died, the victim of soggy roots. I have lost other flowers and plants as well.

This summer’s storms caused a foundation shift at my property, as I expect it did in other properties. Given the generally poor marine clay soil in the area, one may therefore expect that addition of a large and very heavy project to the area may, over time, lead to similar foundation shifts not only at the project site but possibly on adjoining properties.

So water is a challenging problem for both landowners, and yet, in its current form, the proposal will almost certainly worsen the impact of the water flow on to my property.

First, starting on the side towards Russell Road, during storms water flows from Russell down the entrance to the driveway with some careening on to my property – this is the (or at least a) likely source of the water that flowed to my basement.⁷ Petitioners and I agree that there is nothing that can be done about this; it is merely a hazard of the area.

However, the proposal also includes a proposal for 3.5 additional parking spaces, to begin *towards* Russell Road. By definition, therefore, the new driveway will have to be graded

⁷ There is a slight upgrade towards my house in the grassy area in front of the flowerbed on what, for this filing, I will term the disputed property. This makes it unlikely that the bulk of the water is flowing from that side down the walkway and then into the basement.

to permit drivers to drive down the hill to the new spaces – thus also pushing more water down that same hill and over the property line.

Second, as discussed above, the river stones push a considerable amount of water on to my property. This problem has become worse since the new driveway was built, which raised the level of the driveway nearly six inches in parts (easily attested by the old parking curbs still visible on the property). It is unclear how much higher the proposed new driveway would be, raising the potential that the problem could become worse.⁸

Third, West Bellefonte contains no storm drains,⁹ while Bellaire has storm drains and other fixtures which I understand will be upgraded as part of the project. The bulk of the water should be directed towards those drains.

Currently, the site plan does not contain any visible grading of the drive away from my property and towards Bellaire, which is necessary to get excess storm water to the drains designed to receive it. I therefore propose a condition to the project requiring Petitioners to grade the driveway in such a way as to push water down the driveway towards Bellaire rather than in a neutral fashion, which pushes it on to my property and eventually to W. Bellefonte. As noted below, acceptance of my proposed condition on parking would also both preserve tree cover and landscaping and reduce the potential for increased water flows to my property.

I fully accept Petitioners' oral statements to me that they wish to avoid increasing water runoff to my property. However, putting this into practice will almost certainly involve some changes to the project; otherwise, the City would be in a position to veto any later changes designed to mitigate the impact on my property, or I could be left with no recourse if the driveway is simply regraded in its current form – or regraded in part in a way that would direct more water to my property.

Parking

The proposed project (Staff Report Section IV.E) includes nearly tripling a current two-car parking lot to a lot comprising 5½ spaces, including the buffer for the new disabled

⁸ It seems unlikely that the new driveway would be built lower, and I am not even sure that building it lower would provide a favorable outcome for my property. The driveway and associated work, including the curb on the side closest to the church, was built to meet the doors to the lower portions of the church building. Building the driveway lower, therefore, might force a grading *towards* my house – not a favorable outcome and one that would not also meet the City's goals of using the upgraded storm drains and storm mitigation system included in the project.

⁹ The cement cover of what appears to be a storm drain on my property facing W. Bellefonte is sealed and has been for as long as I have owned the property. Storm water comes in and leaves, continuing its path down the street. I clean this false drain regularly, particularly in Fall and Winter.

parking space. Two of the spaces are extremely long, joining to the driveway, a third seems from the design to be longer than standard for the same reason.

This portion of the project has a direct and negative impact on my enjoyment of my property. It would put cars on an alignment with my living room, removing privacy. As noted above, it would make water flow on to my property worse. It would require removal of two well-kept trees, including an attractive and unusual tree that affords a welcome privacy to Petitioners' driveway. And it would replace current, higher vegetation with City-mandated vegetation no higher than 36 inches, roughly the height of the air conditioner unit behind my living room, which would remove all privacy both from me and from occupants of the cars unless I were to close my living room curtains, blocking sunlight on the southern exposure.

I agree with Petitioners that a reduction in the current number of parking spaces is justified. I further suggest that there is no need to expand the number of parking spaces from the two currently facing my house. As Staff concurs, there is no need to plan for parking use by both church and school at the same time. In my experience, during church use, the current parking arrangements work fine, even on days of high use such as Christmas Eve or Easter. During the school year, days of high use such as the first day of school or graduation have also worked well. Traffic moves on both Russell and W. Bellefonte with little or no delay.

In a project in which the City has been careful to preserve trees, it makes no sense to remove trees and larger vegetation¹⁰ simply to add parking spaces in a currently well-landscaped area to meet a suggested ratio which Staff has already agreed to waive in any event. Cutting out these spaces would have little impact on the project or on Petitioners' enjoyment of their property or ability to use the property. In the alternative, the new spaces – or preferably only one – can be moved eastwards to mitigate impact on my property.¹¹

I therefore propose that the project be amended to include no additional parking spaces on the section of the property facing my house. In the alternative, I would propose that only one parking space (whether disabled or regular) be added, eastwards of the current two spaces and that no parking be added westwards of the current spaces to preserve the trees in that area and avoid negative water flow impact. In the second alternative, should the City insist on adding a greater number of spaces, I propose that they run *eastwards* from the current spaces, so that they will point towards the patio and unused portion of

¹⁰ The larger vegetation on both sides of the walkway, but particularly on Petitioners' side, has been home to many pairs of nesting birds, including our state bird the cardinal, jays, and in past years mockingbirds. Obviously the City's proposed vegetation barrier as reflected in the Preliminary Site Plan would make this area impossible for use by nesting birds, who prefer the isolation and seclusion of taller and thicker vegetation rather than nesting near the ground. I have cared for this larger vegetation, as I have for the other areas along the property line, for the entirety of my residence in my home. This includes vegetation that has grown into the current parking spaces, which I have on occasion cleared.

¹¹ For clarity, I accept that the current two spaces should remain in their current places.

Petitioners' property rather than towards the inhabited portion of my house. This would also assist in directly the water flow appropriately and provide a partial solution to the current unattractive vegetation in this section of the property.

With respect to proposed vegetation cover, should the Commission insist on the expansion of the lot, I propose revising the project to provide that Petitioners and I will reach timely agreement on vegetation separating the properties and its placement at the time the lot is built. The City-mandated height of 36 inches would not guarantee privacy for either Petitioners or me, and the current plan would likely force the placement of these new parking spaces even further towards my property. There are better alternatives, including alternatives that offer more and better vegetation for the area, and we should be free to explore them.

Conditioning during Construction – Electricity Supply

I am self-employed operating under a City of Alexandria Business License. I expect that construction of the project will have some impact on the conduct of my business; construction noise, for instance, could at times render it difficult or impossible to conduct business on the telephone (an important part of my work) at home, forcing me to seek other locations to work.¹² I accept that this is a necessary issue with this or any other construction project and do not seek further conditioning in this area.

Reliable electricity is also indispensable to my business. Currently, I have occasional brief unexplained blackouts which, while annoying, do not generally harm my business other than to show the relatively weak electrical connections in this area.

It is unclear to me from reading the Staff Report what, if anything, will be done to ensure that the additional electrical load from construction will not lead to blackouts both to the project itself and in the immediate vicinity. I therefore propose that Section IV. I – Construction Management be further conditioned to require assurance of a sufficient reliable electricity supply throughout the construction period for both the project and neighboring properties. As any blackouts caused by overloads during construction would very likely affect both the project and the School as well, I hope that Petitioners will regard this as a supportive suggestion.

Thank you for your consideration of these proposals. I am happy to discuss them or the project further at your convenience.

Sincerely yours,

/s/

John S. Gardner

¹² My business license precludes my receiving clients in my home.