

# City of Alexandria, Virginia

## MEMORANDUM

DATE: MARCH 5, 2018

TO: CHAIRWOMAN LYMAN AND MEMBERS OF PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR OF PLANNING AND ZONING

SUBJECT: MARCH 6, 2018 PLANNING COMMISSION HEARING,  
DOCKET ITEM #11: DEVELOPMENT SPECIAL USE PERMIT – STAGE II  
#2017-0023; ENCROACHMENT #2018-0002

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This memorandum is provided in response to a letter sent by the applicant of Development Special Use Permit (DSUP) #2017-0023 and Encroachment #2018-0002 to the Chair and Members of the Planning Commission dated March 1, 2018. As stated in the applicant's letter, Stonebridge Carras requests amendments to the DSUP- Stage II as discussed below:

**Podium Landscape Connection:** The Applicant requests the condition requiring the Applicant to work with City staff to provide a connection between the eastern and western halves of the raised podium deck landscape be removed. The Applicant has stated that providing such a connection would present operational difficulties.

Staff does not support the removal of this condition, and believes that the provision of this access is an important issue for equitable access to amenities for the residents of the various residential towers. While similar programs are provided on either side, the size, type, and quality of the amenities are distinctly different. This concept was raised at the Stage I Planning Commission hearing for the project and received verbal support from one or more members of the Planning Commission.

Condition 5.a.

5. *Provide the following modifications to the landscape plan and supporting drawings:*
  - a. *The Applicant shall continue to work with Staff to provide a 24/7 pedestrian connection between the east and west portions of the landscape podium deck to the satisfaction of the Director of Planning & Zoning. This connection may be internal (ex. through the Multifamily Building) or external (ex. along the north edge of the podium along Mill Road).*

**Plaza Design:** The Applicant has proposed a variety of changes to the conditions regarding the public plaza at the intersection of Swamp Fox and Mandeville, with particular emphasis on the following.

- Applicant request removal of references to a water feature: The drawings have suggested to City staff the presence of a water feature as the focal feature of the plaza. The Applicant has recently clarified that the graphic was not intended to convey a water feature. Staff believes that this is an important aspect to the design and activation of the public plaza, particularly at times when an event is not programmed for the plaza. A water feature can be integrated into the plaza design to ensure flexibility of use during events and the winter season.
- Applicant requests inclusion of a water feature in the required public art contribution: A water feature *per se* would not be accepted as public art unless it meets the City's definition for public art, including the criteria that it be designed by an artist. As such, staff recommends that the condition stands as written that the water feature may not be included in the public art contribution unless it meets the strict criteria for public art.
- Applicant requests modification of language regarding three-dimensional design and plaza edge: For 5.c., the text modifications appear to allow the plaza to stand as currently designed. The condition as originally written provides direction to the Applicant for improvement of the design while allowing sufficient flexibility for a variety of potential solutions.

Staff believe that the conditions as written are necessary to ensure a high-quality design that serves to enliven this important public space while allowing for numerous potential solutions. Staff does not support the amendments proposed by the Applicant.

#### Conditions 5.b. & c.

5. *Provide the following modifications to the landscape plan and supporting drawings:*
  - b. *The Applicant shall work with City Staff to strengthen the water feature, and its setting, shown in the publicly accessible plaza to ensure it serves as a focal point to the public realm. Public art may be considered for incorporation into this focal feature, however the cost of the water feature may not be included in the contribution calculation for Public Art.*
  - c. *The Applicant shall work with Staff to vary the three-dimensional design of the plaza to address the appearance of an unrelieved plane, and; resolve the plaza edge design to retain the visual connectivity of the intersection and the plaza while enhancing the perception of security for the plaza users, to the satisfaction of the Director of Planning & Zoning.*

**Exterior Loudspeakers:** The Applicant has requested removal of Conditions 116 and 117 which prohibit exterior loudspeakers.

Staff do not support the requested amendments as there is significant precedent within the City that building-mounted speakers have caused difficulties with enforcement, and there is an approved plan for a residential development (Block 6A) directly across the street from the plaza area which could be impacted by such speakers.

City staff have previously provided information to the Applicant that the City's special events procedures would allow for amplified music within the public plaza subject to special events regulations, and other conditions require that the Applicant provide infrastructure within the plaza for such use. The limitations for building-mounted loudspeakers and restaurant noise would not impinge upon the ability for regular special events.

Conditions 116, 117

116. *All exterior building-mounted loudspeakers shall be prohibited and no amplified sound shall be audible at the property line. (T&ES)*

117. *If a restaurant use is proposed, the use of loudspeakers or musicians outside is prohibited. (T&ES)*

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**The following items have been discussed between City Staff and the Applicant and an agreement has been reached on their proposed resolutions, as discussed below.**

**Entry/Exit Improvements:** The Applicant has requested an amendment to Condition 45 that would clarify that all work is to be done within the public right-of-way. Staff concurs with the requested amendment, with the proviso that two ADA ramps appear to be missing on the plans and would be required to be shown on the final site plan and constructed by this project.

Condition 45:

45. Provide the entry/exit improvements, to include raised concrete directional median and striping, at the Hoffman Garage, as shown on the preliminary plan dated 5/2/2017. **All work is to be done within the public right-of-way.** (T&ES)

(Condition 45)

**Disclosures:** The Applicant has requested amendment to the conditions governing disclosure statements to future residents or tenants of the development. The Applicant and City Staff have discussed these issues, and the following amendments have been agreed upon as mutually acceptable.

Condition 131:

- a. The principal use **of the residential portion** of the parking structure and parking spaces shall be for motor vehicle parking only; storage which interferes with the use of a parking space for a motor vehicle is not permitted unless approved pursuant to the DSUP Conditions.
- b. **No more than two parking spaces shall be assigned to a specific condominium unit until all settlement on the units are complete;** All unassigned spaces in the garage shall be made generally available to residents and/or visitors. All landscaping and open space areas within the development shall be maintained by an owner's association or a designated representative of the owners (the "Responsible Party").

(Condition 131.a. & b.)

**Corrections/Clarifications to the Staff Report:** The Applicant has asked that the Staff Report(s) be corrected or clarified for the following issues

- The reference in condition 24.d. to Condition 20 changed to refer to Condition 27.
  - Staff concurs with the above-listed corrections or clarifications.
- AlexRenew Comment C-4 - Holmes Run Trunk Sewer: The Applicant is requesting a clarification that this is a comment only.
  - Staff confirms that this is a comment, however there may be additional study required of the Applicant. No correction or modification would be made to the condition.

**Amendments suggested by City Staff:** The following items are suggested for removal from the conditions by City Staff based on further review.

24. Ground floor uses of areas designated on the plan as “retail” shall be limited to retail, personal service uses and restaurants, as defined in the Zoning Ordinance, with the exceptions identified below:

a. One leasing office for each building is allowed;

~~b. Retail shopping establishments shall not include, auto parts stores and lawn and garden supply stores;~~

~~c. Personal service uses shall not include appliance repair and rental, contractors’ offices, laundromats, and pawnshops;~~

d. Restaurants are subject to the development standards described in Condition 27.

(Condition 24.b. & c.)

City Staff looks forward to discussing these items with the Planning Commission at the March 6<sup>th</sup> hearing.



Land, Carroll & Blair PC  
ATTORNEYS AT LAW, EST. 1978

DSUP2017-0023  
Additional Materials

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March 5, 2018

**DELIVERED BY EMAIL**

Mary S. Lyman, Chairwoman  
Members of the Alexandria Planning Commission  
City Hall  
301 King Street  
Alexandria, VA 22314

Re: Alexandria Planning Commission Public Hearing, Tuesday March 6, 2018 - Docket Item 11.

Dear Chair Lyman and Members of the Commission:

I am pleased to update the Planning Commission on the substantial progress in working with Staff to address and resolve most of our issues set forth in my March 1, 2018 letter related to our client's, S/C Eisenhower, LLC, request for the land use and zoning approvals for the redevelopment of Blocks 4 & 5 Hoffman Town Center. We have the following vastly reduced modifications to the Staff Recommended Conditions. It is my understanding that Staff will prepare a memorandum to the condition setting for the agreed revisions to the Staff Report.

S/C Eisenhower LLC is requesting the following modification to the Staff Recommended conditions.

**DESIGN RELATED CONDITIONS**

The Applicant continues to request the following modifications to Condition 5; Provide the following modifications to the landscape plan and supporting drawings:

- a. ~~The Applicant shall continue to work with Staff to provide a 24/7 pedestrian connection between the east and west portions of the landscape podium deck to the satisfaction of the Director of Planning & Zoning. This connection may be internal (ex. through the Multifamily Building) or external (ex. along the north edge of the podium along Mill Road).~~
- b.a. The Applicant shall work with City Staff to strengthen design the water plaza art feature element, and its setting, shown in the publicly accessible plaza to ensure it serves as a focal point to the public realm. Public art may be considered for incorporation into this focal feature, ~~however the cost of the water feature may not be included in the contribution calculation for Public Art.~~
- e.b. The Applicant shall work with Staff to vary the three-dimensional design of the plaza to address the appearance of an unrelieved plane through the use of materials, plantings, furnishings, and other similar design methods, and; resolve the plaza edge design to retain the visual connectivity of the intersection and the plaza while enhancing the perception of

security for the separation of plaza users from vehicular traffic through the use of bollards and other design elements, to the satisfaction of the Director of Planning & Zoning.

d.c. Provide events infrastructure for the publicly accessible plaza, including but not limited to power (power level to be determined) and telecommunications connections. (P&Z)

**Applicant Commentary:** The Applicant has continued to object to Staff's proposal for a pedestrian connection between the east and west portions of the landscape podium deck for several practical and operational reasons. While Planning Commission recommended further study for this potential connection during the project's Stage 1 hearing, upon such further examination it remains the Applicant's position that each side of the podium provides similar amenities to serve the entire residential population of the development and such a connection remains a significant issue due to operational and security concerns. Further, it was agreed by the Development Review Board that such a connection was not necessary and would not be appropriate in this project given the issues presented by the Applicant.

With regard to the plaza art element, the Applicant has committed to work with Staff to achieve a mutually acceptable design for this element. However, as shown on Sheets L2.2 and L8.0 of both the Stage 1 and Stage 2 plans submitted to Staff, this element is not identified as a water feature. While the Applicant has not ruled out the potential for a water feature within the plaza, we feel it is appropriate to allow the eventual design of this feature to be potentially informed by the project's overall public art strategy which has yet to be determined.

The Applicant has agreed to explore potential design strategies within the plaza to provide various interruptions relating to the ground plane. However, we have significant concerns about any topographic or grade changes to the plaza which may result in certain challenges to maintain compliance with ADA requirements and pedestrian flow in general. We believe the objective of the interruption of a continuous plane can be achieved through the introduction of plantings, furnishings, variation of materials, focal elements, and other such design techniques without significant changes to grade.

#### **REGULATORY CONDITIONS:**

The Applicant proposes the following modifications to Condition 116:

~~116. All exterior building-mounted loudspeakers shall be prohibited and no amplified sound shall be audible at the property line. (T&ES)~~

**Applicant Commentary:** City's Comprehensive Noise Control Ordinance regulates environmental noise levels. The Applicant understands the necessity of complying with the Ordinance and believes this Condition is unnecessary and should be removed in its entirety.

The Applicant proposes the following modifications to Condition 117:

~~If a restaurant use is proposed, the use of loudspeakers or musicians outside is prohibited. (T&ES)~~

**Applicant Commentary:** City's Comprehensive Noise Control Ordinance regulates environmental noise levels. It is both the goal of the City and the Applicant to allow for the project's plaza to provide a pleasing and engaging atmosphere for project residents and patrons and the general public to enjoy. The Applicant feels Conditions such as this unnecessarily hinder the potential of the plaza and perhaps runs counter to

Mary S. Lyman, Chair

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Condition 5.d. The Applicant understands the necessity of complying with the City's Comprehensive Noise Ordinance and believes this Condition is unnecessary and should be removed in its entirety.

**CLARIFICATION:**

The Applicant has gained clarification that AlexRenew's Comment C-4 is not a condition of approval but is merely a comment by AlexRenew to be discussed during the final site plan review process consistent with my March 1, 2018 letter.

We thank the Commission for their time and attention to the above items.

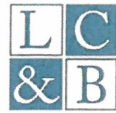
Very truly yours,

A handwritten signature in black ink, appearing to read 'Duncan W. Blair', with a stylized, cursive script.

Duncan W. Blair

CC: Karl Moritz, Director, P&Z  
Yon Lambert, Director, T&ES  
Rob Kerns, Development Chief, P&Z  
Nathan Imm, P&Z  
William Cook, P&Z  
Douglas Firstenberg, StonebridgeCarras  
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March 1, 2018

Mary S. Lyman, Chair  
and Members of the Alexandria Planning Commission  
City Hall  
301 King Street  
Alexandria, VA 22314

**Delivered by Email PDF**

**Re:** Alexandria Planning Commission Public Hearing: Tuesday March 6, 2018 - Docket Item 11

Dear Chair Lyman and Members of the Commission:

I am writing on behalf of our client S/C Eisenhower, LLC the applicant requesting the land use and zoning approvals for the redevelopment of Blocks 4 & 5 Hoffman Town Center to request the following modifications to the Planning and Zoning Staff's Recommended Conditions of approval and a clarification of on comment made by Alexandria ReNew.

The requests contained in this letter have been provided to the City Staff involved in the project and are being actively discussed. It is S/C Eisenhower's expectation that an agreement on a number of the issues can be reached in advance of the Tuesday night's public hearing. However, I felt it important that the issues set forth in this letter be brought to the Commission's attention at this time.

**DESIGN RELATED CONDITIONS**

The Applicant proposes the following modifications to Condition 5:

Provide the following modifications to the landscape plan and supporting drawings. Applicant and Staff shall commit to resolving the items listed below by no later than April 30, 2018. Should a mutually acceptable resolution not be achieved by April 30, 2018 the Director of Planning and Zoning shall provide final direction by no later than May 15, 2018. :

- a. ~~————~~ The Applicant shall continue to work with Staff to provide a 24/7 pedestrian connection between the east and west portions of the landscape podium deck to the satisfaction of the Director of Planning & Zoning. This connection may be internal (ex. through the Multifamily Building) or external (ex. along the north edge of the podium along Mill Road).
- b-a. \_\_\_\_\_ The Applicant shall work with City Staff to ~~strengthen design~~ the ~~water-plaza art feature~~ element, and its setting, shown in the publicly accessible plaza to ensure it serves as a focal point to the public realm. Public art may be considered for incorporation into this focal feature, ~~however the cost of the water feature may not be included in the contribution calculation for Public Art.~~



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- ~~e.b.~~ The Applicant shall work with Staff to vary the three-dimensional design of the plaza to address the appearance of an unrelieved plane through the use of materials, plantings, furnishings, and other similar design methods, and; resolve the plaza edge design to retain the visual connectivity of the intersection and the plaza while enhancing the ~~perception of security for the separation of plaza users from vehicular traffic through the use of bollards and other design elements, to the satisfaction of the Director of Planning & Zoning.~~
- ~~e.c.~~ Provide events infrastructure for the publicly accessible plaza, including but not limited to power (power level to be determined) and telecommunications connections. (P&Z)

Applicant Commentary: The Applicant has committed to continue to work with Staff on several outstanding design elements. In order for the project to remain on schedule for a groundbreaking in the Spring of 2019, we need to have all outstanding design elements resolved no later than May 15, 2018. Should the Applicant and Staff not be able to resolve any items prior to April 30, 2018, we are proposing that the Director of Planning and Zoning provide final direction by May 15, 2018.

The Applicant has continued to object to Staff's proposal for a pedestrian connection between the east and west portions of the landscape podium deck for several practical and operational reasons. While Planning Commission recommended further study for this potential connection during the project's Stage 1 hearing, upon such further examination it remains the Applicant's position that each side of the podium provides similar amenities to serve the entire residential population of the development and such a connection remains a significant issue due to operational and security concerns. Further, it was agreed by the Development Review Board that such a connection was not necessary and would not be appropriate in this project given the issues presented by the Applicant.

With regard to the plaza art element, the Applicant has committed to work with Staff to achieve a mutually acceptable design for this element. However, as shown on Sheets L2.2 and L8.0 of both the Stage 1 and Stage 2 plans submitted to Staff, this element is not identified as a water feature. While the Applicant has not ruled out the potential for a water feature within the plaza, we feel it is appropriate to allow the eventual design of this feature to be potentially informed by the project's overall public art strategy which has yet to be determined.

The Applicant has agreed to explore potential design strategies within the plaza to provide various interruptions relating to the ground plane. However, we have significant concerns about any topographic or grade changes to the plaza which may result in certain challenges to maintain compliance with ADA requirements and pedestrian flow in general. We believe the objective of the interruption of a continuous plane can be achieved through the introduction of plantings, furnishings, variation of materials, focal elements, and other such design techniques without significant changes to grade.

The Applicant proposes the following modifications to Condition 10:

10. The building design shall be consistent with the elevations dated December 15, 2017 and the January 18, 2018, and subject to building design alterations as per conditions of approval by the Carlyle/Eisenhower East Design Review Board (DRB). Applicant and Staff shall commit to resolving the items listed below by no later than April 30, 2018. Should a mutually acceptable resolution not be

Mary S. Lyman, Chair  
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achieved by April 30, 2018 the Director of Planning and Zoning shall provide final direction by no later than May 15, 2018.

- a. Applicant will work with Staff to bring the podium landscape to the forefront/podium edge at the hyphen locations and investigate exposing structure at the southeast corner.
- b. DRB recommends that the Applicant further study and coordinate with Staff to revise the top treatment of the vertical expression on the condominium building.
- c. DRB recommends the Applicant further study the Mill Road façade to adjust the pattern yet continue to be playful in character. This could include working with the mechanical openings, glass in the service corridor and subtle changes to masonry pattern and color. (DRB)

Applicant Commentary: The Applicant has committed to continue to work with Staff on several outstanding design elements. In order for the project to remain on schedule for a groundbreaking in the Spring 2019, we need to have all outstanding design elements resolved no later than May 15, 2018. Should the Applicant and Staff not be able to resolve any items prior to April 30, 2018, we are proposing that the Director of Planning and Zoning provide final direction by May 15, 2018.

The Applicant proposes the following modifications to Condition 11:

Provide the following building refinements to the satisfaction of the Director of P&Z. Applicant and Staff shall commit to resolving the items listed below by no later than April 30, 2018. Should a mutually acceptable resolution not be achieved by April 30, 2018 the Director of Planning and Zoning shall provide final direction by no later than May 15, 2018.:

- d. Multi-Family Building: Continue to work on stronger integration/expression of penthouse forms through the use of color and plane changes.
- e. Senior Living Building: Simplify/clarify the façade rhythmic organization; scale/color of glazing subdivisions needs refinement, including exposed garage portions. Gridded glazing does not currently read strongly.
- f. Any ventilation for the retail/commercial use shall be integrated with the overall building design, reviewed and approved to the satisfaction of the Director of Planning and Zoning.
- g. All wall mounted vents shall be flush mounted and architecturally integrated with the building design with regard to both placement and color.

Applicant Commentary: The Applicant has committed to continue to work with Staff on several outstanding design elements. In order for the project to remain on schedule for a groundbreaking in the Spring of 2019, we need to have all outstanding design elements resolved no later than May 15, 2018. Should the Applicant and Staff not be able to resolve any items prior to April 30, 2018, we are proposing that the Director of Planning and Zoning provide final direction by May 15, 2018.

The Applicant proposes the following modifications to Condition 12:

Applicant shall continue to work with Staff to refine the appearance of the 4th and 5<sup>th</sup> level parking garage decks. The flat façade with a significant amount of small pattern screening material detracts from the overall architecture. These areas may require either more or less detail and screening than currently shown and should be addressed as individual design solutions. Applicant and Staff shall commit to resolving the items listed below by no later than April 30, 2018. Should a mutually acceptable resolution not be achieved by April 30,



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2018 the Director of Planning and Zoning shall provide final direction by no later than May 15, 2018. The areas to be studied include:

- h. along the grocery tenant façade;
- i. between the Multifamily and the Senior Living Buildings along Mill;
- j. along both sides of the southeast corner along Mandeville. (P&Z)

Applicant Commentary: The Applicant has committed to continue to work with Staff on several outstanding design elements. In order for the project to remain on schedule for a groundbreaking in the Spring of 2019, we need to have all outstanding design elements resolved no later than May 15, 2018. Should the Applicant and Staff not be able to resolve any items prior to April 30, 2018, we are proposing that the Director of Planning and Zoning provide final direction by May 15, 2018.

#### **TECHNICAL REQUIREMENT CONDITIONS**

The Applicant proposes the following modifications to Condition 13:

Provide detailed drawings (enlarged and coordinated plan-section-elevation studies, typically at ¼"=1'-0" scale, in color, with shadows cast at 45 degrees from both left and above to show true depth of recesses and projections) in color to evaluate ~~the building base, entrance canopy, stoops, window and material details including the final detailing, finish and color of these certain building~~ elements during the Final Site Plan review. Separate design drawings shall be submitted for each building ~~typology or different bay type element shown on pages V-001 through V-017 contained within the plans deemed complete for DSUP #2017-0023 (Stage 2) submission dated 12/19/17.~~ (P&Z)

Applicant Commentary: As part of the DSUP Stage 1 and 2 processes, a number of detailed drawings (V-001 through V-017; V-L-01, -02) were developed to accurately describe the intent of certain key areas in and around the project. These areas designated for detailed review were identified and agreed to by Staff and the Applicant. We are prepared to continue to focus on these previously designated 19 areas for continued development during the Site Plan process, however, given the nature of this project we cannot agree to an indeterminant number of areas potentially subject to detailed review.

The Applicant proposes the following modifications to Condition 14:

Building materials, finishes, and relationships shall be subject to review and approval by the Department of Planning and Zoning for substantial conformance to the Preliminary Plan and as set forth in the associated *Guidelines for Preparations of Mock-Up Panels* Memo to Industry, effective May 16, 2013. The following submissions shall be provided to review the materials, finishes and architectural details, prior to selection of final building materials:

- k. Provide a materials board that includes all proposed materials and finishes at first Final Site Plan. \*
- l. 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. \*\*\*

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- m. Provide drawings of a mock-up panel that depict all proposed materials, finishes, and relationships as part of the first Final Site Plan. \*
- n. Construct ~~an on-site~~ mock-up panel(s) of proposed materials, finishes, and relationships for review ~~based upon the material boards unless the changes are approved by the Director of Planning and Zoning and approval prior to final selection of building materials~~. The mock-up panel(s) shall be constructed and approved prior to vertical (above-grade) construction and prior to ordering final building materials. \*\*
- o. ~~The mock-up panel(s) shall may be located such that it shall remain on-site.;~~ However, due to certain project constraints, the mock up panel(s) may be constructed and located off-site in a location accessible for review or on a directly adjacent site in full view of the project site, and must receive direct sunlight in the same location through the duration of construction until the first certificate of occupancy. \*\*\* (P&Z)

Applicant Commentary: The Applicant acknowledges the need and benefit of the construction of mock up panels, however, the Condition as currently proposed by Staff is overly burdensome and potentially not viable given the various physical constraints of this projects, including the size, scope, and urban location. Sequencing of a construction project will not allow the construction of a mock-up panel to occur prior to the ordering of final building materials. The Applicant understands the risk if the Applicant desires to make changes from the approved material boards. The Applicant is also proposing certain measures of flexibility related to the mock up panels in order to allow for appropriate review by Staff as well as address underlying project and site constraints.

The Applicant proposes the following modifications to Condition 24:

- 24. Ground floor uses of areas designated on the plan as “retail” shall be limited to retail, personal service uses and restaurants, as defined in the Zoning Ordinance, with the exceptions identified below:
  - a. One leasing office for each building is allowed;
  - b. Retail shopping establishments shall not include, auto parts stores and lawn and garden supply stores;
  - c. Personal service uses shall not include appliance repair and rental, contractors’ offices, laundromats, and pawnshops;
  - d. Restaurants are subject to the development standards described in Condition ~~2720~~.

## REGULATORY CONDITIONS

The Applicant proposes the following modifications to Condition 45:

- 45. Provide the entry/exit improvements, to include raised concrete directional median and striping, at the Hoffman Garage, as shown on the preliminary plan dated 5/2/2017. ~~All work is to be done within the public right-of way.~~ (T&ES)

Applicant Commentary: Similar to the Condition related to the realignment of Mandeville Ln. (Condition 2), the Applicant has agreed to provide certain off-site improvements within the right of way, however, we cannot commit to improvements that may extend into private property not owned or controlled by the Applicant.

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The Applicant proposes the following modifications to Condition 116:

~~116. All exterior building mounted loudspeakers shall be prohibited and no amplified sound shall be audible at the property line. (T&ES)~~

Applicant Commentary: City's Comprehensive Noise Control Ordinance regulates environmental noise levels. The Applicant understands the necessity of complying with the Ordinance and believes this Condition is unnecessary and should be removed in its entirety.

The Applicant proposes the following modifications to Condition 117:

~~If a restaurant use is proposed, the use of loudspeakers or musicians outside is prohibited. (T&ES)~~

Applicant Commentary: City's Comprehensive Noise Control Ordinance regulates environmental noise levels. It is both the goal of the City and the Applicant to allow for the project's plaza to provide a pleasing and engaging atmosphere for project residents and patrons and the general public to enjoy. The Applicant feels Conditions such as this unnecessarily hinder the potential of the plaza and perhaps runs counter to Condition 5.d. The Applicant understands the necessity of complying with the City's Comprehensive Noise Ordinance and believes this Condition is unnecessary and should be removed in its entirety.

The Applicant proposes the following modifications to Condition 131:

131. All relevant provisions of any condominium association documents (as to any part of the development that is subject to a condominium), or any reciprocal easement agreement or equivalent (that governs the rights among owners of different air lot subdivisions) (as applicable, the "Supporting Documents") shall be reviewed by the Director of P& Z and the City Attorney to ensure inclusion of all the conditions of this DSUP prior to applying for the first certificate of occupancy permit for the project. The Supporting Documents shall include the conditions listed below, which shall be clearly expressed in a separate section of the covenants. The language shall establish and clearly explain that these conditions cannot be changed in any material respect except by an amendment to this development special use permit approved by City Council.

- a. The principal use of the residential portion of the parking structure and residential parking spaces shall be for motor vehicle parking only; storage which interferes with the use of a parking space for a motor vehicle is not permitted unless approved pursuant to the DSUP Conditions.
- b. ~~No more than two parking spaces shall be assigned to a specific condominium unit until all settlement on the units are complete.~~ all unassigned spaces in the garage shall be made generally available to residents and/or visitors. All landscaping and open space areas within the development shall be maintained by an owner's association or a designated representative of the owners (the "Responsible Party").



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Applicant Commentary: With respect to Conditions 131.a. and 131.b., the Applicant does not wish to impose conditions to the project through the Disclosures.

With respect to Condition 131.a., as currently drafted, creates a new standard that does not apply to commercial projects. The Applicant's modifications make this Disclosure consistent with other residential projects in Alexandria.

With respect to Condition 131.b., as currently drafted, the language restricts the assignment of parking spaces to any condominium unit to a maximum of two (2) spaces. This restriction unnecessarily restricts the Applicant's ability to respond to ever-changing market conditions. The project is subject to a residential parking maximum – so long as the project adheres to the maximum spaces the allocation of those spaces among the various residential components should be at Applicant's discretion. Further, with the mixed-use nature of this project, the Applicant has been provided the ability to re-evaluate parking utilization, this Disclosure imposes a conflicting condition on the use of unassigned parking spaces. Given the mixed-use nature of the project, the restriction on the "unassigned" spaces is not necessary or appropriate.

#### **CLARIFICATION**

The Applicant is requesting clarification that AlexRenew's Comment C-4: which reads:

The Holmes Run Trunk Sewer segment that the proposed new sewer discharges into experiences surcharge conditions under the 1-year storm. This is expected to continue until the wet weather projects are complete. The developer's submitted outfall analysis does not appear to account for the impact of surcharging during wet weather events and how that affects the proposed new sewer's hydraulic grade line.

Is not a Condition of approval and merely a comment by AlexRenew to be discussed during the final site plan review process. S/C Eisenhower believes that he sanitary sewer analysis for this plan was prepared in accordance to memo to industry 06-14 and shows the pipes analyzed have adequate capacity. If additional studies are needed, then information (e.g. - downstream hydraulics, sewer information, etc.) will need to be provided by AlexRenew. Additional studies can be provided for informational purposes only, but no sewer main improvements will be required. Reserves the right to contest any requirement for additional testing. Please feel free to contact me if you have any questions concerning the matters raised in this letter.

Mary S. Lyman, Chair  
March 1, 2018

We thank the Commission for their time and attention to the above items.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Duncan W. Blair', with a stylized, cursive script.

Duncan W. Blair, Esquire  
LAND, CARROLL & BLAIR, P.C.

CC: Karl Moritz, Director, P&Z  
Yon Lambert, Director, T&ES  
Rob Kerns, Development Chief, P&Z  
Nathan Imm, P&Z  
William Cook, P&Z  
Douglas Firstenberg, StonebridgeCarras  
Jeremy Lena, S