

Docket Item #8  
Planning Commission Meeting  
May 1, 2018

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of April 3, 2018.

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ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – APRIL 3, 2018

**\* \* \* M I N U T E S \* \* \***

ALEXANDRIA PLANNING COMMISSION

April 3, 2018, 7:00 p.m.

City Hall Council Chambers

Alexandria, Virginia

Members Present:

Mary Lyman, Chair  
Nathan Macek, Vice Chairman  
David Brown  
Stephen Koenig  
Mindy Lyle  
Melissa McMahon  
Maria Wasowski

Members Absent:

None

Staff Present:

Karl W. Moritz	Department of Planning & Zoning
Christina Brown	Office of the City Attorney
Nancy Williams	Department of Planning & Zoning
Anh Vu	Department of Planning & Zoning
Morgan Routt	Office of Management and Budget
Arthur Wicks	Office of Management and Budget
Carrie Beach	Department of Planning & Zoning
Mary Christesen	Department of Planning & Zoning
Ann Horowitz	Department of Planning & Zoning
Sam Shelby	Department of Planning & Zoning
Jeffrey Farner	Department of Planning & Zoning
Heba ElGawish	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Gary Wagner	Department of Planning & Zoning
Michael Swidrak	Department of Planning & Zoning
Helen McIlvaine	Office of Housing
Diane Ruggiero	Department of Recreation, Parks & Cultural Activities
Jack Browand	Department of Recreation, Parks & Cultural Activities
Christopher Ziemann	Department of Transportation and Environmental Services
Ramiro Rios	Department of Transportation and Environmental Services

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1. Call to Order.

The Planning Commission Public Hearing was called to order at 7:04 p.m. All Members were present.

2. Advisory recommendations to the City Manager, under Section 6.14 of the City Charter, regarding the Capital Improvement Program.

Staff: City of Alexandria - Office of Management and Budget

On a motion by Vice Chairman Macek, seconded by Commissioner Koenig, the Planning Commission determined that the Capital Improvement Plan is consistent with the City's Master Plan. The motion carried on a vote of 7-0.

### **CONSENT CALENDAR:**

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3. Special Use Permit #2018-0002  
4536 - 4598 Eisenhower Avenue (parcel address: 4536 Eisenhower Avenue) - Umbrella Special Use Permit  
Public Hearing and consideration of a request to amend SUP (#2011-0082) to extend the SUP expiration date; zoned: OCM(100)/Office Commercial Medium.  
Applicant: Claremont Investors, LLC, represented by M. Catharine Puskar, attorney

**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2018-0002.

4. Special Use Permit #2018-0006  
2415 Eisenhower Avenue, Unit 1C - Dunkin Donuts  
Public Hearing and consideration of a request to amend SUP #2018-0004 for additional hours; zoned: CDD #2/ Coordinated Development District #2.  
Applicant: DVA Eisenhower - 2415, LLC

**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2018-0006.

5. Special Use Permit #2018 0007  
6 Prince Street - Misha's Coffee House  
Public Hearing and consideration of a request to operate a restaurant; zoned: W 1/Waterfront.  
Applicant: Misha's at Six Prince, Inc., represented by M. Catherine Gibbs, attorney

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**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2018-0007.

6. Special Use Permit #2018-0015  
333 John Carlyle Street  
Public Hearing and consideration of a request to amend SUP #2015-0074 to permit office use within a specifically designated location on the ground floor of the building located at 333 John Carlyle Street, Carlyle Block C; zoned: CDD #1/Coordinated Development District #1.  
Applicant: 1900 Duke Street LP, represented by Kenneth Wire, attorney

**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to recommend approval of Special Use Permit #2018-0015.

7. Subdivision #2018-0001  
1500, 1600, 1700, 1800, 1900, 2000 North Beauregard Street  
Public Hearing and consideration of a request for a Subdivision to subdivide one lot into six; zoned: CDD #21/Coordinated Development District #21.  
Applicants: 1500 Beauregard, LLC, 1600 Beauregard, LLC, US Bank National Association, As Trustee for the Registered Holders of J.P. Morgan Chase Commercial Mortgage Securities Trust 2007-LDP10, Commercial Mortgage Pass-Through Certificates, Series 2007-LDP10 C-III Asset Management LLC, 1800 Beauregard, LLC, 1900 Beauregard, LLC, 2000 Beauregard, LLC, represented by Jonathan Rak, attorney

**PLANNING COMMISSION ACTION:** By unanimous consent, the Planning Commission voted to approve Subdivision #2018-0001.

**NEW BUSINESS:**

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8. Special Use Permit #2018-0008  
105 Uhler Terrace  
Public Hearing and consideration of a request to construct a single-family dwelling on an undeveloped substandard lot. Public Hearing and consideration of a request to allow additional height pursuant to Section 7-2502 (B) of the Zoning Ordinance for the construction of a residential building. The final decision on this Special Use Permit for additional height will be made by the Planning Commission pursuant to the process and standards provided in Section 7-2502(B) unless any person files a request for a City Council hearing on this matter within five days of the Planning Commission's action. If no such request is made, the Special Use Permit for additional height will be removed from the April 14, 2018 City Council docket; zoned: R-8/Residential Single-family.

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Applicant: Uhler Terrace, LLC

Sam Shelby, P&Z, presented the case and answered questions from the Planning Commission.

Commissioner Brown asked about the two Special Use Permits (one to construct a residential dwelling on a substandard lot and the other to allow additional height). He wanted verification from the City Attorney's Office as to whether the two requests can be considered together. He also asked for verification from the City Attorney's Office that the City Council would not need to consider the height if there is no appeal on the height. The City Attorney's Office confirmed that Commissioner Brown's understanding on both matters is correct.

Speakers:

Tony Culley-Foster, 110 West Mount Ida Avenue, spoke in support of the requests; he commended the applicant and attorney for effective community outreach. Mr. Culley-Foster indicated that his major concerns are about drainage and runoff that could affect the properties along West Mount Ida Avenue, but he indicated that the applicant has expressed the intent and good faith to address these concerns. Mr. Culley-Foster said he hopes that any other concerns that residents may have regarding Uhler Terrace can be addressed as well.

Nicole Basso, 100 West Mount Ida Avenue, spoke in support of the requests but also expressed concerns about drainage and runoff and her strong interest in seeing those issues addressed.

Karen Kay, 104 West Mount Ida Avenue, generally spoke in support of the requests but acknowledged that the previous applicants had removed many trees from the subject property, exacerbating drainage and runoff issues. She emphasized the importance of seeing those and any other related issues addressed.

Thomas Heslep, 196 Uhler Terrace, spoke against the requests. Mr. Heslep mentioned emergency vehicles have difficulty maneuvering on Uhler Terrace. He also felt that the subject lot was too small for the proposed dwelling.

Susan Lavington, 101 Uhler Terrace, expressed concern about property values. She indicated it is a small street and conditions are already tight for her to get out of her driveway and another home or homes could cause more impacts in general. She also expressed concern about emergency vehicular access.

Cathy Puskar, attorney for the applicant, indicated that she lives on the street. For that reason, and for professional reasons, she indicated how important it is that everything be

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done right and in the interest of the neighborhood. She indicated that the proposal does fit the character of the neighborhood and the proposal will not negatively impact property values. She believes that a home rather than what is there now will be an improvement and the applicant will make sure that construction is done properly to avoid impacts to the neighborhood.

Chair Lyman requested confirmation that drainage and runoff issues would be addressed under the grading plan. Attorney Puskar confirmed that current conditions would be addressed and will be better under the grading plan.

Chair Lyman took questions from the Commission:

Vice Chairman Macek asked for clarification regarding emergency access along Uhler Terrace and inquired as to whether parking would be provided off-street. Staff indicated that the Fire Department did review the requests and had no comments relating to access. Staff indicated that the width of the street is 40 feet at the end which should be sufficient. Staff also confirmed that the parking for the proposed home would be off-street.

Chair Lyman closed the Public Hearing.

### Discussion:

Commissioner Brown related a situation in Norfolk Virginia where he found that a person cannot build on a property if a property is in any way substandard and if there is a common ownership issue. He stated that in Alexandria the rule is different and the substandard lot can be built upon if it meets the compatibility requirements of the Special Use Permit. He further noted that in reviewing the plan before him he believes the applicant has developed as good a solution as possible for the substandard lot.

Commissioner Wasowski expressed support for the requests, stating that the proposed dwelling appears modest in comparison to adjacent dwellings. She expressed belief that the proposal upholds the standards for compatible development as required by the infill regulations despite the additional height request.

Commissioner McMahon expressed support for the requests. She agreed with Commissioners Wasowski and Brown, finding that the proposal upholds compatibility standards as required by the infill regulations. Commissioner McMahon also stated that property values would not be affected because the proposed dwelling provides the required setbacks and other design considerations that make it compatible with other homes on the street, despite the subject property's substandard nature.

Commissioner Koenig expressed support for the requests. He stated that the applicant's

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superlative design ensures compatibility with the neighborhood. Commissioner Koenig also stated that the scale of the proposed dwelling is appropriate despite severe topographic challenges and, as such, the request for a small amount of additional height is reasonable.

Chair Lyman indicated that this is an excellent solution to a very difficult piece of land.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Brown, seconded by Vice Chairman Macek, the Planning Commission voted to recommend approval of the request to construct a single-family dwelling on an undeveloped, substandard lot and to approve the request to allow 2.60 feet of additional height subject to all applicable codes, ordinances, and staff recommendations. The motion carried on a vote of 7 to 0.

**Reason:** The Planning Commission agreed with staff analysis.

9. Rezoning #2018-0001

Text Amendment #2018-0002

Old Town North Arts and Cultural District

(A) Initiation of a Map Amendment; (B) Public Hearing and consideration of an amendment to the City of Alexandria's official zoning map to add the Old Town North Arts and Cultural District Overlay, which covers portions of N. Fairfax, Montgomery, Madison, First, N. Saint Asaph, N. Pitt, N. Royal, Third, and N. Washington Streets and Canal Center, more particularly shown in Figure 2.04 of the Old Town North Small Area Plan and depicted as "Required or Optional Retail or Arts and Cultural Uses"; (C) initiation of a Text Amendment; and (D) a Text Amendment to the Zoning Ordinance to add section 6-900 regarding Old Town North Arts and Cultural District.

Staff: City of Alexandria Department of Planning & Zoning

Jeffrey Farner and Heba ElGawish, P&Z, presented the case and answered questions from the Planning Commission.

Commissioner Macek asked staff what an equivalency analysis would entail; that is, what exactly would the City be comparing to tell if arts and cultural space would be effectively equivalent to market rate density. Staff indicated that one consideration is that we are consistent from case to case to make sure that we are treating cases similarly; another consideration is making sure that we are accomplishing the goal of setting up an Arts District; in other words, a consideration is to make sure there is some relationship between the public benefit and the benefit to the private developer; and the third

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consideration is that we want to monitor this process closely so that at the end of the test phase we can decide if we are doing it well.

Commissioner Macek indicated that we have standards that say that developments should meet crown coverage, set back and open space requirements, but we do not require an equivalency analysis as a specific process to make sure they align; instead, it is understood that as part of the Special Use Permit process that the development meets those requirements or there are appropriate exceptions in place where needed. He further indicated that this seems to be a prescriptive analysis to make sure you are meeting requirements, although it is saying elsewhere what the qualifying requirements of this District are.

Staff indicated that it does not want to give the impression that we are looking at the factors as a math problem, or an equation, but instead we are viewing the factors as criteria.

Commissioner Brown indicated that the developer and the operator of the Anchor will likely be different entities. He therefore inquired about the various carrying costs that would likely be associated with the Anchor, after it is constructed, and how staff would factor that into the analysis so as to minimize the Anchor's financial obligations downstream. Staff indicated that this incentive is intended to minimize vulnerabilities of arts institutions, and it is believed that the evaluation process can help do that through the factors noted under the Special Use Permit process.

Commissioner Koenig asked how the equivalency part would work. Specifically, he asked, would one quantify both the size of the arts piece and also quantify the size of the market rate density. He further asked what one would do after that information is generated and shouldn't there be a quantitative factor, although he does not see that factor. Staff indicated that this process is not meant to be a quantitative exercise; instead, size would be one factor, the type of use and improvements would be another factor, and the third would be how the goal is being achieved. The idea is to have some criteria that are broad but not quantifiable.

Commissioner Lyle indicated that this provision (F) takes away certainty for developers.

Commissioner Wasowski expressed concern with trying to measure the public benefit of an arts experience.

Commissioner McMahon asked how staff would use what it learns from this test phase. Staff indicated the test phase can help address questions such as: what if there are subsequent uses; what happens if an entity goes bankrupt; and how is an entity effected by parking. Also, staff indicated a test phase can address whether the project



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accomplishes what is intended in terms of furthering the Arts District; is it configured in the right size to make it work; how much does it cost to provide this public benefit and how does the public benefit compare to the added density that is being provided, etc.

### Speakers:

Austin Flajser, President of Carr Companies and former member of the Old Town North Small Area Plan Advisory Group, expressed his support of the creation of an Arts and Cultural District and an incentive meant to encourage art uses. Mr. Flajser expressed caution over any further limitations that would impact the use of the incentive in the Text Amendment and that could impact the underwriting ability of a project that seeks to utilize the incentive. He noted there is an interest in getting as many art uses as possible in the area, and he is here in continued support of the Old Town North Small Area Plan and in support of the arts incentive. He indicated he believes there are already a number of governors in place and that he does not want to see opportunities for use of the Density Bonus for art uses constricted by putting more restrictions within the Text Amendment.

Matthew Stensrud, Chair of the Alexandria Commission for the Arts, expressed his Commission's endorsement of the Text Amendment at its meeting of February 20<sup>th</sup>. However, he also noted concerns expressed in his letter of April 3<sup>rd</sup> over changes that came subsequent to his Commission's endorsement. Such changes he said include the 50,000 square footage limit on the art space and the vagueness of provision (F). He indicated he thinks the vagueness may hinder developers from utilizing the Arts and Cultural Anchor incentive. He added that there are two arts institutions, alone, that he believes could utilize nearly 75 percent of the 50,000 square footage limitation. Mr. Stensrud urged the Planning Commission to remove provision (F) and extend the trial phase to more than 50,000 square feet. He also expressed concern over provision (H) relating to rents and fees and indicated a need for more clarity.

Vice Chairman Macek inquired about whether the Commission for the Arts' concerns are mainly focused on provisions (F) and (H). Mr. Stensrud clarified that the full Commission has not met again since its original vote, but the Executive Committee has expressed concern over changes relating to provisions (F) and (H).

Commissioner Wasowski asked about concerns relating to rent. Staff indicated that the parameters of the rent would be known and that applications would be considered on a case by case basis.

Vice Chairman Macek indicated that the changes made to provision (H) make the old provision (H) and the new provision (H) very different, enumerating many of the differences. Staff indicated that there was concern that the old provision (H) would get into the weeds of a contract between two private parties and that the Text Amendment should therefore be less specific and clarify what the Text Amendment is impacting and

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not impacting. Vice Chairman Macek responded saying he thinks it is fair not to get too prescriptive with property management type arrangements in a Zoning Ordinance. Staff added that provision (H) is still relevant because property owners will want clarification that this Text Amendment is not impacting this area of law and that such matters would be either part of the Development Special Use Permit (DSUP) or otherwise part of an arrangement between two private parties.

Kenneth Wire, McGuireWoods LLP, stated that he represents Carr Properties, Canal Center and APTA in the planning area. He reminded the Planning Commission that the Old Town North Arts and Cultural District was an organic outcome of the Old Town North Small Area Plan Charrette processes. Mr. Wire highlighted that the initial idea behind the Density Bonus for the arts did not include many of the constraints outlined in the Text Amendment. Mr. Wire stressed that the Zoning Ordinance is meant to be an enabling instrument and that the details and restrictions on using the incentive would be further outlined through the DSUP process and through covenants between the entities. Mr. Wire expressed his support for the Zoning Ordinance Text Amendment with the exception of provision (F) under Section 6-904, stating that it would be more appropriate in a staff policy guidance memorandum rather than as part of the Zoning Ordinance.

Chair Lyman closed the Public Hearing.

### Discussion:

Commissioner Wasowski indicated it will be important to let things grow organically and not put unnecessary boxes around ourselves to limit our success. She added the good will of developers is something that is needed because of the cost and complexity of these projects in an area of prime real estate. In terms of provision (F), she indicated she would have a hard time evaluating public benefit and suggested rewriting or deleting the provision and using a staff policy guidance memorandum instead.

Commissioner Koenig indicated that he is uncomfortable with the vagueness of the criteria around provision (F). He indicated that he is inclined to modify it and not eliminate it and suggested language that would turn the provision into a qualitative evaluation and not a quantitative evaluation.

Commissioner Lyle indicated that she would be more inclined to strike provision (F) and put it in a policy document. She also indicated that she is concerned about lowering the amount of square footage for the Arts and Cultural Anchor from 250,000 to 50,000 square feet. She described hypothetical situations which might necessitate the need to tell an applicant who might trigger a need above the 50,000 square feet to put their project on hold and, if that happens, the City might lose that project. She indicated she agrees that the cap should be increased. Staff indicated that as the City gets closer to the cap, staff

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could bring its assessment of the program to policy makers through work sessions or the City may want to process a request for the added density concurrently with a project's application.

Commissioner McMahon expressed discomfort with the equivalency language but expressed comfort with the three factors under provision (F) for transparency. She also expressed her discomfort with raising the limit, stressing the importance of affordable housing across the City. Commissioner McMahon highlighted the good faith effort from staff to place a 50,000 square feet limit in order to give staff an opportunity to work with AHAAC to assess any future impact of this incentive on the utilization of Section 7-700 for the provision of low- and moderate-income housing.

Vice Chairman Macek expressed concern that the language may be too prescriptive and could end up negatively impacting the market. He indicated businesses that the Text Amendment is trying to attract won't come if provisions are made too restrictive and the concept could fail. He suggested that provision (F) be struck in its entirety but that staff document (F) in the staff report to facilitate the Arts District. He indicated he is comfortable with the other provisions.

Commissioner Wasowski suggested a general statement such that the public benefit of the Anchor space should be determined by how it conforms to the overall goals of the Arts and Cultural District and the Old Town North Small Area Plan. She also indicated she would also be happy with striking provision (F).

Chair Lyman indicated she would be comfortable with striking provision (F). Commissioner McMahon said that she does not feel strongly enough about not striking it.

Through discussion, the Planning Commission initially recommended to remove provision (F) and have the rest of the provisions under Section 6-904 govern the methods in which projects are being considered. However, Assistant City Attorney Christina Zechman-Brown, explained that a provision needs to be in place to set an expectation regarding what the standard is upon which projects are going to be evaluated. The Planning Commission agreed to revise provision (F) with the understanding that a future staff policy will be in place to determine how the amount of added density in relation to the proposed Arts and Cultural Anchor space will be evaluated.

Commissioner Koenig suggested language that the public benefit of the Anchor space will be evaluated based on the ability of the proposed use to further the goals of the Old Town North Arts and Cultural District.

Commissioner Lyle indicated that the Planning Commission should look at the square footage limit on provision (E) and also suggested that provision (F) be struck.

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Staff repeated Commission Koenig's language and Chair Lyman requested a motion.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Wasowski, seconded by Vice Chairman Macek, the Planning Commission voted to initiate Text Amendment #2018-0002. The motion carried 7-0.

In comments on provision (E), Commissioner McMahon indicated that putting the cap at 50,000 square feet is showing a good faith effort to monitor the Arts Density Bonus so that the City, with both communities in the room, namely, the affordable housing community and the arts communities, can evaluate and address any possible conflicts with the City's affordable housing goals.

Both Commissioner Koenig and Chair Lyman made statements expressing support for affordable housing but also supporting raising the cap to 100,000 square feet.

On a motion by Commissioner Lyle, seconded by Vice Chairman Macek, the Planning Commission voted to amend provision (E) under Section 6-904 of Text Amendment #2018-0002 to raise the 50,000 square footage limit to 100,000 square feet. The motion carried on a vote of 6-1, with Commissioner McMahon dissenting.

In comments on provision (F), Commissioner Brown asked what is meant by public benefit as used at the start of provision (F). He inquired as to whether it is a proxy for a decision by a public authority to award added density? He further inquired as to whether the City would be judging one cultural activity against the other in terms of how well they contribute to the public? Staff said it would not be comparing cultural activities to each other but to the Density Bonus that is being conferred on that project.

Commissioner Brown said he thought what is meant by public benefit is the decision by the City to award additional market rate density because that is the key element here and he has heard a number of Commissioners say that the award of market rate density should not be happenstance as to the size of the land on which the Anchor will go. He indicated if you have the exact same Anchor on two radically different sized properties the market density to be designated for that Anchor would be radically different. Staff acknowledged that the public benefit of the Density Bonus is embodied in the Arts Anchor that it provides.

Commissioner McMahon asked Commissioner Brown if he would say the public benefit of the additional market rate Density Bonus is embodied in the ability of the proposed Arts and Cultural Anchor space to further the goals of the Arts and Cultural District. Commissioner Brown agreed.

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Commissioner Koenig asked if the words “market rate,” “Bonus,” and “space” can be eliminated. Commissioner McMahon agreed to the changes.

Vice Chairman Macek indicated the language really does not accomplish what is needed which is to address the question: does the Anchor meet the expectations of what the Anchor has to achieve? He indicated that adding language about the additional Bonus Density muddies the question.

Commissioner McMahon indicated that this clause is in the statement per the legal point to explain the rationale behind the Density Bonus.

The Chair requested a motion.

On a motion by Commissioner Wasowski, seconded by Commissioner Lyle, the Planning Commission voted to amend provision (F) under section 6-904 of Text Amendment #2018-0002. The motion carried on a vote of 6-1, with Vice Chairman Macek dissenting.

On a motion by Commissioner Wasowski, seconded by Vice Chairman Macek, the Planning Commission voted to recommend approval of Text Amendment #2018-0002 with the following amendments:

Revise Section 6-904 (E) and (F)

(E) The total floor area for Arts and Cultural Anchor space utilizing the Arts and Cultural Anchor incentive within the Old Town North Arts and Cultural District Overlay will not exceed ~~50,000~~ 100,000 square feet of floor area as defined by the Zoning Ordinance.

(F) ~~The public benefit of the Arts and Cultural Anchor space will generally be equivalent to the amount of additional market rate density requested for each site. The equivalency of the public benefit of the Arts and Cultural Anchor will be evaluated based on:~~

- ~~1. The size of the proposed Arts and Cultural Anchor compared to the added market rate density;~~
- ~~2. The type of physical improvements necessary to construct the Arts and Cultural Anchor space; and~~
- ~~3. The ability of the proposed use to further the goals of the Arts & Cultural District.~~

The public benefit of the added density will be embodied in the ability of the proposed Arts and Cultural Anchor to further the goals of the Arts and Cultural District.

The motion carried on a vote of 7-0.

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On a motion by Commissioner Wasowski, seconded by Vice Chairman Macek, the Planning Commission voted to initiate a Map Amendment for Rezoning #2018-0001. The motion carried on a vote of 7-0.

On a motion by Commissioner Wasowski, seconded by Vice Chairman Macek, the Planning Commission voted to recommend approval of the Map Amendment for Rezoning #2018-0001. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

10. Master Plan Amendment #2017-0007

Rezoning #2017-0004

Development Special Use Permit #2017-0011

Special Use Permit #2017-0112

Transportation SUP #2017-0113

Special Use Permit #2017-0114

Encroachment #2017-0006

901 and 901 A North Fairfax Street - Crowne Plaza Redevelopment

Public Hearing and consideration of requests for: (A) a resolution to amend the Old Town North Small Area Plan chapter of the Master Plan to amend the height map to allow for 142 feet in building height; (B) amendment to the official zoning map to change the zone at 901 and 901A North Fairfax Street from OCM(50) to CRMU-X; (C) a Development Special Use Permit and site plan with modifications to construct multifamily dwellings, including special use permit requests to increase the floor area ratio from 1.5 to 2.5 in the CRMU-X zone and to utilize the 30 percent density bonus for art-related uses in Old Town North; (D) a Special Use Permit for a theater (amusement enterprise); (E) a Special Use Permit for a waiver of signage regulations for the theater or art-related use; (F) a Special Use Permit for a Transportation Management Plan; and (G) an Encroachment into the public right-of-way for the landings and stairs for three townhouses and the trail overlook terrace; zoned: OCM(50) / Office Commercial Medium. Applicant: CP Alexandria Owner LLC, represented by Kenneth Wire, attorney

Michael Swidrak, P&Z, presented the case and answered questions from the Planning Commission.

Speakers:

Ken Wire, McGuire Woods, LLP, expressed his support for the project. He noted the number of meetings during the Old Town North Small Area Plan process that concerned the property, and how the general site layout had been determined by plan adoption. He

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discussed the limitations of new construction on the site while maintaining the existing garage structure, including limitations on overall site density and the effort needed to construct the theater into the garage slab. He mentioned that staff had generally agreed to changes for Conditions #B(3)(a) and #12, though there is some disagreement on changes for Conditions #6 and #16.

Commissioner Brown asked Mr. Wire if the applicant planned to charge for the use of off-site parking by theater patrons. Mr. Wire replied that the applicant plans to charge in order to pay for parking lot attendants.

Carolyn Griffin, representing MetroStage, expressed her support for the project. She indicated she also served on the Old Town North Small Area Plan Advisory Group. She stated that MetroStage is partnering with the applicant on the theater space and, as the anticipated end user, has worked extensively with the applicant on the parameters of the “core and shell” of the space, and with an architect who has worked on other theater-related projects in the City on interior fit-out. She said that MetroStage, which has been in the City since 1984, will be a strong Anchor for this site and will help attract other arts uses to the area.

Commissioner Brown asked Ms. Griffin if she is satisfied with the size of the space and the expectation that she cover the fit-out. He also inquired as to whether the parking would work in that it will be a block away. Ms. Griffin answered that she is satisfied with the proposed space and its location in Old Town North. She thinks the project will be an attractive asset for the theatre and vice versa. She said she is determined to raise the funds needed to run the space and finds no issues with off-site parking, since it is a condition often found with other theater sites.

Chair Lyman closed the Public Hearing.

### Discussion:

Vice Chairman Macek asked staff to respond to the letter from Mr. Wire regarding the conditions. Staff indicated it believes that this project can meet the LEED Silver standards or non-LEED equivalents if they are concerned about costs. In regards to the wall and the materials, staff believes that since all sides of this project are visual – including the Mount Vernon Trail side which carries a tremendous amount of cyclists – the use of public art, high quality materials and landscaping along the wall should create a very attractive environment; therefore, staff supports keeping the original language of better material. Staff added that they agree with the modified language of Conditions #3 a and #12.

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Chair Lyman asked if LEED Silver would also apply to the theatre. Staff indicated that it would because it is considered commercial. Staff added that the rest of the tower is residential and therefore it would be LEED Certified, which is less costly.

Commissioner Lyle asked if the theatre is following normal building codes then wouldn't it be consistent with LEED Silver standards and, if so, why make it necessary for the theatre to spend money to certify. Staff responded that with advancements in building codes we are getting closer to building standards that are in parity with LEED Silver standards. Staff further indicated that the Green Building Policy allows for alternatives which are less costly and which applicants can utilize. Staff also added that in discussions with the Environmental Policy Commission, the City is looking at the Green Building Policy and among the items that could be on the table could be certification costs, with a related discussion of circumstances under which exemptions should be considered.

Chair Lyman and Vice Chairman Macek concurred with the notion of looking at exemptions.

Vice Chairman Macek indicated that he believes the issue here is that there are two standards in one building. He indicated in cases such as this having consistency across the entire site is important.

Commissioner Wasowski asked if the wall material will be obscured by plantings under Condition #6. Staff indicated that it is a long wall and for sections that are above the plantings there would be higher finishes there. Vice Chairman Macek indicated support of the applicant's change to Condition #6 indicating that the investments may be better spent on other aspects of the project. Commissioner Wasowski and Chair Lyman agreed.

Commissioner Brown asked staff to add a discussion of how the Site Plan complies with Section 5-408 of the Zoning Ordinance to the open space section in the staff report for the City Council. Commissioner Brown also wanted legal clarification on the approvals stating that the Development Special Use Permit (DSUP) recommendation by Planning Commission to City Council is contingent upon the approval of the Text Amendment for the Old Town North Arts and Cultural District by City Council. Staff noted that staff has coordinated work session meetings with City Council to prepare them for the potential approval of the Arts District and the DSUP at the same hearing.

Commissioner Wasowski noted that the project would act as a catalyst for the Old Town North neighborhood and the Arts and Cultural District and thanked everyone involved.

Commissioner McMahon mentioned the importance of the adaptive reuse of the site and the integration of the Mount Vernon Trail with the project.



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**PLANNING COMMISSION ACTION:** On a motion by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to adopt a resolution to recommend approval of Master Plan Amendment #2017-0007. The motion carried on a vote of 7 to 0.

On a motion by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Rezoning #2017-0004. The motion carried on a vote of 7 to 0.

On a motion by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Development Special Use Permit #2017-0011, as amended, SUP #2017-0112, TMP SUP #2018-0113, SUP #2018-0114, and ENC #2017-0006. The motion carried on a vote of 7 to 0.

Condition #3:

Per the City's Public Art Policy, adopted December 13, 2014, work with City staff to determine ways to incorporate public art elements along the wall facing the Mount Vernon Trail with emphasis on areas that do not have stairs or plantings. In the event public art cannot be incorporated, an equivalent monetary contribution will be provided to be used toward public art within the Old Town North Small Area Plan planning area, to the satisfaction of the Directors of RP&CA and P&Z. The in-lieu contribution shall be \$.30 per gross square foot, with a maximum contribution of \$75,000. In the event public art is provided on-site, the public art shall be of an equivalent value. (RP&CA)(P&Z)

- a. Prior to release of the Final Site Plan, the applicant shall have selected the artist, have locations and medium finalized and provide a schedule for the art installation. The applicant is strongly encouraged to concurrently provide information on construction materials and the recommended maintenance regimen. The art shall be installed prior to the issuance of the first Certificate of Occupancy for the residential tower. If it is not practical to install the art prior to the first certificate of occupancy due to construction phasing issues, a new timeline for installation will be provided to the satisfaction of the Directors of P&Z and/or RP&CA. (RP&CA)(P&Z) \*, \*\*\*

Condition #6:

Provide details of materials proposed to line the garage wall facing the trail as well as portions of the garage wall and garage entrance exposed to the public right-of-way: ~~Proposed materials shall match building materials used on townhouses and/or tower,~~ in coordination with any public art installation on the garage wall, to the satisfaction of the Directors of P&Z and T&ES. (P&Z)(T&ES)\*

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Condition #12:

The proposed building materials shall be in substantial conformance with the Preliminary Plan and submission dated January 23, 2018 and presentation to the Urban Design Advisory Committee dated January 5, 2018.

- b. The two-story base of the tower shall be clad in cast stone, brick or precast concrete.
- c. The “composite panel cladding” on the multifamily tower shall be a minimum 75 percent metal-skinned.
- d. The North Fairfax Street façade and the sides of the theater / arts and cultural anchor extending beyond the base of the tower shall be enclosed with window curtain walls.
- e. Fiber cement panel cladding for the townhouse penthouses and rear facades (where brick is not otherwise required) shall be Hardie Reveal Panel System with Recess Trim, 7/16” material, or approved equal, in conformance with the approved elevations dated January 23, 2018. (P&Z)

Condition #16:

Per the City’s Green Building Policy adopted April 18, 2009, achieve a green building certification level of LEED ~~Silver~~ Certified for New Construction v4.0 or Equivalent for the theater / arts and cultural anchor and LEED Certified or Equivalent for the multifamily tower and townhouses to the satisfaction of the Directors of P&Z, and/or RP&CA and T&ES. Diligent pursuance and achievement of this certification shall be monitored through the following:

- a. Provide evidence of the project’s registration with LEED (or equivalent) with the submission of the first Final Site Plan and provide a draft checklist showing how the project plans to achieve the certification. \*
- b. Provide evidence of submission of materials for Design Phase credits to the U.S. Green Building Council (USGBC) (or equivalent) prior to issuance of a certificate of occupancy. \*\*\*
- c. Provide evidence of submission of materials for Construction Phase credits to USGBC (or equivalent) within six months of obtaining a final certificate of occupancy.
- d. Provide documentation of certification within two (2) years of obtaining a final certificate of occupancy.
- e. Failure to achieve LEED Certification (or equivalent) for the theater / arts and cultural anchor and /or LEED Silver (or equivalent) for the commercial 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 staff’s release of Final Site Plan will apply.
- f. Provide documentation to future user of the theater / arts and cultural anchor encouraging them to operate their business consistently with the

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goals of LEED, as well as to pursue LEED for Retail or LEED for Commercial Interiors certification. (P&Z)(T&ES)

Reason: The Planning Commission agreed with staff analysis.

### **OTHER BUSINESS:**

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#### 11. Commissioner Reports, Comments & Questions

Commissioner Koenig indicated the Environmental Policy Commission recently met and they indicated they found the Joint Work Session with the Planning Commission a worthwhile expenditure of time and they are working to get their draft Plan refined and on the City Council docket in May or June. He also inquired as to whether the Planning Commission will get another opportunity to weigh in on it, and staff indicated that it likely will.

Commissioner Koenig mentioned an upcoming Potomac Yard Metro Implementation Advisory Group meeting on April 4, 2018, at 6:00 PM at the Charles Houston Recreation Center and indicated he will report on it at the next meeting.

### **MINUTES:**

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#### 12. Consideration of the minutes from the March 6, 2018 Planning Commission meeting.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chairman Macek, seconded by Commissioner McMahon, the Planning Commission voted to approve the minutes from the March 6, 2018 Public Hearing.

#### 13. Adjournment

The Planning Commission meeting was adjourned at 10:47 p.m.