

Docket Item #14  
Planning Commission Meeting  
June 25, 2019

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of June 25, 2019.

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ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – JUNE 25, 2019

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

ALEXANDRIA PLANNING COMMISSION

June 25, 2019, 7:00 p.m.

Sister Cities Conference Room (Room 1101)

Alexandria, Virginia

Members Present:

Nathan Macek, Chair  
Maria Wasowski, Vice-Chair  
David Brown  
Stephen Koenig  
Mindy Lyle  
Melissa McMahon  
John Goebel

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
Max Ewart	Department of Planning & Zoning
Ann Horowitz	Department of Planning & Zoning
Tony LaColla	Department of Planning & Zoning
Shaun Smith	Department of Planning & Zoning
Sam Shelby	Department of Planning & Zoning
Carson Lucarelli	Department of Planning & Zoning
Dirk Geratz	Department of Planning & Zoning
Brian Dofflemyer	Transportation & Environmental Services
Heather Diez	Transportation & Environmental Services
Marlo Ford	Department of Planning & Zoning
William Cook	Department of Planning & Zoning
Nathan Imm	Department of Planning & Zoning
Stephanie Free	Department of Planning & Zoning
Katherine Carraway	Department of Planning & Zoning
Nathan Randall	Department of Planning & Zoning
Maya Contreras	Department of Planning & Zoning
Abigail Harwell	Department of Planning & Zoning
Bill Eger	Department of General Services
Erika Gulick	Alexandria City Public Schools

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### 1. **Call to Order.**

**NOTATION:** Items are listed in the order discussed by the Planning Commission, which differs from the docket order, due to deferrals and the pulling of three items from the Consent Calendar.

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

Chair Macek inquired as to whether there were any changes to the docket. The Planning Commission Clerk responded indicating that a request for a deferral of the Encroachment for Item #10 has been received as well as a request for a deferral for Item #13. The Chair inquired of staff as to the rationale for the deferrals. Staff indicated that for Item #10 (Encroachment portion only), the applicant is not ready to delineate the area of Encroachment so it will be done in a future application. Staff indicated that in terms of the rationale for the request for the deferral of Item #13, the applicant is seeking more time to work out a proposal that is advantageous to all parties. The Chair then asked for a motion to approve the deferrals.

On a motion by Vice Chair Wasowski, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of deferral of the Encroachment under Item #10 and the deferral of Item #13. The motion carried on a vote of 7-0.

### **CONSENT CALENDAR:**

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On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to approve Items #2, #4, #5, #6, and #9, as submitted. The motion carried on a vote of 7-0.

On a motion by Commissioner McMahon, seconded by Commissioner, the Planning Commission voted to approve Item #10, with the exception of the Encroachment. The motion carried by a vote of 6-0, with Commissioner Goebel recusing himself.

Approved Consent Items #2, #4, #5, #6 and #9 are each described immediately below, followed by Consent Item #10.

2. Special Use Permit #2019-0034  
3830 Seminary Road - Hahu Language Center  
Public Hearing and consideration of a request for a Special Use Permit to operate a commercial private school; zoned: R-20/ Single-family.  
Applicant: Eyoel Tesfaye

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**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2019-0034, as submitted. The motion carried on a vote of 7-0.

4. Special Use Permit #2019-0038  
1 Cameron Street (Parcel Address: 5 Cameron Street) - Chart House  
Public Hearing and consideration of a request for a Special Use Permit for outdoor speakers at an existing restaurant (amending SUP #1944); zoned: CD/ Commercial Downtown.  
Applicant: Alexandria Waterfront Associates Limited Partnership, represented by Duncan W. Blair, attorney

**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2019-0038, as submitted. The motion carried on a vote of 7-0.

5. Special Use Permit #2019-0040  
3540 Wheeler Avenue – ACPS School Bus Facility  
Public Hearing and consideration of a request for a Special Use Permit to expand a breakroom at the existing noncomplying use for general automotive repair and motor vehicle storage uses; zoned: I/ Industrial and POS/ Public Open Space and Community Recreation.  
Applicant: Alexandria City Public Schools, represented by H. (Skip) Maginniss, architect.

**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2019-0040, as submitted. The motion carried on a vote of 7-0.

6. Special Use Permit #2019-0041  
200 Stovall Street - Stovall Street Food Hall  
Public Hearing and consideration of a request for a Special Use Permit to operate a restaurant with live entertainment; zoned: CDD #2/ Coordinated Development District #2.  
Applicant: Scott Shaw

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**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2019-0041, as submitted. The motion carried on a vote of 7-0.

9. Development Site Plan #2019-0010  
1709 Russell Road - First Church of Christ, Scientist  
Public Hearing and consideration of a request for a Development Site Plan to construct a 5- space parking lot; zoned: R-5/ Single-family.  
Applicant: First Church of Christ, Scientist, represented by David F. Maune

**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to approve Development Site Plan #2019-0010, as submitted. The motion carried on a vote of 7-0.

10. Development Special Use Permit #2019-0018  
Encroachment #2019-0002  
2410 and 2460 Mill Road - Hoffman Blocks 4 & 5 Amendment  
Public Hearing and consideration of requests for: (A) a Development Special Use Permit and Site Plan with modifications to reduce the height of the West Tower Building of the mixed-use retail and residential complex approved in DSUP#2017-0023, including Special Use Permit requests to increase the height of mechanical penthouses and the number of penthouses requested; and (B) an Encroachment into the public right-of-way for residential balconies and architectural projections; zoned: CDD #2/Coordinated Development District #2.  
Applicant: HTC 4/5 Project Owner LLC, represented by Duncan W. Blair, Attorney.

**PLANNING COMMISSION ACTION:**

On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission, voted to defer the Encroachment under Item #10. The vote carried 7-0.

On a motion by Commissioner McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Development Special Use Permit #2010-0018. The motion carried on a vote of 6-0, with Commissioner Goebel recusing himself.

**Chair Macek confirmed that Consent Items: #2, #4, #5, #6, #9, and #10 (except for Encroachment) have been approved.**

**REMAINING CONSENT ITEMS**

3. Special Use Permit #2019-0035  
413 West Windsor Avenue - Single-Family Residence  
Public Hearing and consideration of a request for a Special Use Permit to construct a single-family dwelling on a developed substandard lot; zoned: R-8/ Single-family.  
Applicant: Daryl and Carolyn Andrews, represented by Gaver Nichols, architect.

This item was removed from consent. Shaun Smith (P&Z), Ann Horowitz (P&Z), and Tony LaColla (P&Z) presented the case and answered questions from the Planning Commission.

Speakers:

Gaver Nichols, the architect for the applicant, spoke in support of the project.

Robert Weinig, the engineer for the applicant, spoke in support of the project and provided Planning Commission members with an updated landscape plan that increased the tree coverage to 54 percent at the request and approval of the North Ridge Civic Association.

Lyn Gubser, Chair of the Planning and Zoning Committee of the North Ridge Civic Association, spoke in support of the project.

Discussion:

Commissioner Brown asked if there is a mandatory requirement that a dwelling unit have a front porch of 10 feet in depth. Staff stated that is not a requirement and is a design feature proposed by the applicant for the proposed dwelling unit. Commissioner Brown asked if locating the proposed home at the current setback of the existing dwelling unit would affect the root system of the existing white oak tree. Staff stated that this particular siting may damage the root system of the tree, threatening the health of the tree. Commissioner Brown requested additional information from the applicant on the submitted landscape plan. Robert Weinig, the landscape architect for the applicant, stated that the landscape plan had been amended with a total of five canopy trees. Mr. Weinig stated that the five trees were selected in coordination with the North Ridge Civic Association.

Commissioner Brown stated that he was troubled if the contextual block face regulations resulted in the loss of the white oak tree if it meant the proposed dwelling unit could not be located at the same setback as the existing dwelling unit. Staff stated that the contextual block face provisions allow for a new dwelling unit to be sited at the same setback as the existing dwelling unit's setback. Commissioner Brown stated that because

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the North Ridge Civic Association supported the request, in light of the inclusion of additional canopy trees, he did not object to the proposal.

Commissioner Wasowski commented that there may be unusual circumstances that may occur in the enforcement of the infill regulations and may lend themselves to be difficult in regulating. She believed that the proposed dwelling unit would meet the character of the neighborhood and appreciated that the applicant has provided additional crown coverage above the minimum required per the City's Landscape Guidelines. Because many City neighborhoods include mature trees, Commissioner McMahon suggested that the community may see more instances in the future when all trees cannot be saved during the redevelopment of a residential property.

### **PLANNING COMMISSION ACTION:**

This item was removed from consent. On a motion by Vice Chair Wasowski, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2019-0035, with the following amendment to Condition #2. The motion carried on a vote of 7-0.

#2: CONDITION AMENDED BY PLANNING COMMISSION: As part of the grading plan, trees shall be planted or existing trees preserved to exceed ~~49~~ 52 percent canopy coverage over the site in substantial conformance with illustrations completed by Daniel G. Robby of RC Fields as completed on June 25, 2019. (P&Z) (PC)

Reason: The Planning Commission generally agreed with the staff analysis.

7. Encroachment #2019-0001  
500 Wolfe Street - Encroachment  
Public Hearing and consideration of a request for an Encroachment into the public right-of-way to install a fence; zoned: RM/ Townhouse.  
Applicant: Elena and Amanda Delle Donne

This item was removed from consent. Marlo Ford (P&Z), Ann Horowitz (P&Z), and Heather Diez (T&ES) presented the case and answered questions from the Planning Commission.

### **Speakers:**

Duncan Blair, the attorney for the applicants, spoke in favor of the application and indicated that staff from the Department of Transportation & Environmental Services (T&ES) recently informed him it would not be necessary for a one-foot setback for the fence along South Pitt Street as originally recommended.

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### Discussion:

Vice Chair Wasowski questioned how the height of the fence was measured. Department of P&Z staff responded that it was measured from grade according to the Zoning Ordinance and T&ES staff stated it considered height measurements from the curb. Due to the discrepancy, she suggested amending Condition #3 to delete the reference to the measurement from the sidewalk level as the Zoning Ordinance provides clear guidance on fence height measurements. She stated the importance of maintaining the necessary vision clearance provided by a fence and landscaping no greater than three and one-half feet.

Commissioner McMahon asked for confirmation that the fence locations were conditioned as one foot from the sidewalk along South Pitt Street and four feet from the sidewalk along Wolfe Street. Staff replied that the setback of four feet on the Wolfe Street side was a recommendation from the Historic Preservation Unit to provide visual continuity for fences on the 500 block of Wolfe Street. The one-foot setback from the sidewalk along South Pitt Street was a recommendation from T&ES to allow for sidewalk maintenance.

Vice Chair Wasowski, Chair Macek, and Commissioner McMahon believed that the setbacks were not critical, and the fence should be allowed at the edges of the sidewalks along South Pitt and Wolfe Streets. Heather Diez, T&ES, concurred, stating that, after a subsequent site visit, she found that one-foot set back along South Pitt Street was not necessary.

Commissioner Brown inquired if the installation of artificial turf in the applicant's property in the front yard could be regulated within the Encroachment review. Staff responded that the conditions could only apply to the area proposed for Encroachment.

### **PLANNING COMMISSION ACTION:**

This item was removed from consent. On a motion by Commissioner McMahon, seconded by Vice Chair Wasowski, the Planning Commission voted to recommend approval of Encroachment #2019-0001, with the following amendment to Condition #3. The motion carried on a vote of 7-0.

**#3: CONDITION AMENDED BY PLANNING COMMISSION:** The fence shall be a maximum of three and one-half feet tall and remain 50% open. ~~It shall be located four feet from the sidewalk on Wolfe Street which would align with the brick wall and fence at 508 Wolfe Street and one foot from the sidewalk on South Pitt Street. (P&Z)(T&ES)(PC)~~

Reason: The Planning Commission generally agreed with the staff analysis.



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8. Subdivision #2019-0003

2911 and 2915 Holly Street

Public Hearing and consideration of a request for a Subdivision with a variation to subdivide four existing lots into three lots; zoned: R-8/Single-family.

Applicant: Christian Cerria, represented by Kenneth W. Wire, attorney

This item was removed from consent. Max Ewart (P&Z), Ann Horowitz (P&Z), and William Cook (T&ES) presented the case and answered questions from the Planning Commission.

Speakers:

Kenneth Wire, attorney for the applicant, expressed support for the staff analysis and noted that the design of the dwellings, parking access, and site considerations would be addressed in the future development review. He identified that shared driveways had a precedent in the neighborhood.

Pamela Cerria, the applicant's wife, 273 South Pickett Street, stated that they are looking forward to living in the neighborhood. She also noted that they did extensive outreach regarding the Subdivision application directly to prospective neighbors.

Amanda Ruff, 2905 Holly Street, spoke in opposition of the Subdivision request. She cited that the shared driveway would increase traffic in the neighborhood.

Janelle Burke, 2908 Mosby Street, spoke in opposition of the Subdivision request. Her house abuts the proposed Subdivision to the rear, and she indicated new construction will produce taller houses that will obstruct her view. She added that the proposed shared-access driveway did not comply with similarly situated lots.

Amy Dale, 202 MacArthur Road, spoke in opposition of the Subdivision request. She stated that the proposal did not meet the 11-1710(D) requirements of the Zoning Ordinance for single-family homes and that the City should have informed the neighborhood of the application. She indicated the proposal would result in decreased property values and she said the City should enforce the zoning laws consistently.

Jessie Kamens, 3009 Holly Street, spoke in opposition to the Subdivision request and mentioned that the lot widths would be substandard and inconsistent with the surrounding neighborhood. She also argued that a shared-access driveway would increase traffic and could increase stormwater runoff.

Jeremy Kamens, 3009 Holly Street, spoke in opposition of the Subdivision request and stated that the applicant had not established a substantial injustice. He also argued that the

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proposal would not be consistent with nearby lots, would further impact the density and that high cost of the property led to the applicant proposing three lots instead of two.

Judith Gast, 2909 Holly Street, spoke in opposition to the request citing issues that would be caused by a shared-access driveway, including traffic and glare from automobiles.

Jeffrey Janoska, 3105 Holly Street, spoke in opposition to the proposed Subdivision, citing development issues in the proposal which compromised the Subdivision review process and that the lots would not be consistent with the neighborhood.

Jeffrey Resetco, 906 Enderby Drive, spoke in favor of the proposed Subdivision, identifying that there is a precedent in the neighborhood for the shared-access driveway and that the lot would be consistent with other lots. He agreed with the substantial injustice justification and that increased development in the area is positive.

Ahmad Slaibi, 2908 Mosby Street, spoke in opposition to the proposed Subdivision, stating that new development should not be at the cost of nearby properties and that this would set a precedent for six to nine cars to park in the rear of the houses, effectively creating a rear parking lot.

Robert VaShancey, 201 Birch Street, spoke in opposition to the proposed Subdivision, mentioning that it would not be in compliance with the Zoning Ordinance and that non-conforming lots should not be considered in support of a variation. He also stated that the Subdivision proposal would not be consistent with the character of the neighborhood.

John Fletcher, 2904 Mosby Street, spoke in opposition, stating that there had been a lack of transparency with the building plans from the applicant. He stated that the variation request had merit.

Christian Cerria, the applicant, stated that he and his wife would like to maintain the integrity of the neighborhood and they would develop positive relationships with the neighbors. Christian mentioned that he is hopeful that the neighbors would be pleased with the dwelling designs when the development comes forward for the public hearings.

### Discussion:

Chair Macek had several questions for staff regarding comments made by the public. Chair Macek asked if the analysis for the Subdivision and variation requests for SUB #2019-003 were consistent with previous Subdivision requests. Staff responded by saying yes and including the comparison of the proposed lots with similarly situated lots in the original Subdivision. Chair Macek also asked for staff to address the applicant's justification for a "substantial injustice." Staff explained that the denial of the variation request for lot widths would be a substantial injustice for the applicant as 61 percent of

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similarly situated lots in the Subdivision also did not comply with the R-8 Zone requirement for lot width, and, therefore, the proposed lots were consistent with the comparison lots. He confirmed with staff that the reference to the shared driveway in the staff report was addressed to acknowledge that an option was possible for each of the lots to comply with the residential parking requirement of two parking spaces for each dwelling. Staff stated that during the future Development Site Plan (DSP) application process for the development of the three single-family dwellings, another option, other than a shared driveway, for parking access may result in collaboration with City staff. Lastly, Chair Macek asked of the process that would be required if someone proposed building one home on one of the proposed lots. Staff replied that a Special Use Permit (SUP) approval would be required for the redevelopment of a single developed substandard lot.

Commissioner Lyle supported the staff analysis and, while acknowledging that a shared access driveway is not part of the Subdivision review, stated that similar shared access driveways have positive impacts in terms of increased open space and tree canopy coverage.

Commissioner Brown acknowledged that the Planning Commission cannot review what would be proposed for development in the review of the Subdivision. Commissioner Brown agreed with the analysis concerning Sections 11-1710(B) and 11-1710(D) but disagreed with part of the staff analysis of Section 11-1713 for the variation request. Commissioner Brown disagreed that denial of the Subdivision would be a substantial injustice and that there was no nexus between the extreme rugged topography and the inability to comply with the lot width requirements. Commissioner Brown reiterated that the subject site could be developed with two zoning-compliant lots and concluded that he would not recommend approval.

Commissioner Koenig asked the City Attorney to clarify whether the justifications for Sections 11-1713(A)(i), 11-1713 (A)(ii) and 11-1713 (A)(iii) were to be interpreted to support the substantial injustice claim. The City Attorney noted that all three needed to be met independently.

Chair Macek agreed with the staff analysis in support of the application request. He stated that the Subdivision would bring the lots closer to conformity with the neighboring lots in the Subdivision. He suggested deleting Condition #2 from the staff report as it would be addressed in the DSP and the grading plan.

### **PLANNING COMMISSION ACTION:**

This item was removed from consent. On a motion by Vice Chair Wasowski and seconded by Commissioner Lyle, the Planning Commission voted to approve the

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Subdivision request, with the deletion of Condition #2. The motion carried on a vote of 5-1, with Commissioner Brown voting against and Commissioner McMahon absent.

**#2: CONDITION DELETED BY PLANNING COMMISSION:** Provide agreement of shared driveway access between the proposed lots prior to release of the first grading plan for a new dwelling in this subdivision. (T&ES)

Reason: The Planning Commission generally agreed with the staff analysis.

### **UNFINISHED BUSINESS AND ITEMS PREVIOUSLY DEFERRED.**

11. Environmental Action Plan Phase 2 Update  
Public Hearing and consideration of the Phase 2 Updates to the Green Building and Land Use and Open Space chapters of the City's Environmental Action Plan.  
Staff: City of Alexandria, Departments of Planning & Zoning, Transportation & Environmental Services, General Services, and Recreation, Parks, and Cultural Activities.

Stephanie Free (P&Z), Ann Horowitz (P&Z), and Bill Eger (General Services) presented the case and answered questions from the Planning Commission.

#### Speakers:

Praveen Kathpal, 207 Clifford Street, Environmental Policy Commission (EPC) Chair, supported the Green Building chapter recommendations with the EPC proposed amendments. He mentioned that the requirement for carbon neutral buildings was included in the 2009 Environmental Action Plan (EAP) and the EPC would like this carried over to the 2019 EAP with a target of FY2030.

#### Discussion:

Commissioner Lyle indicated she does not support the Environmental Policy Commission's (EPC) proposed amendments as outlined in its Memorandum of June 4, with the exception of #4, and expressed frustration with the receipt of EPC comments on the day of the June 4 and June 25 Planning Commission meetings, as it provided limited opportunity for the staff, Green Building Task Force and community to consider prior to the Planning Commission's review. She found the proposed actions difficult to implement such as providing Bonus Density to incentivize green building practices, which would conflict with affordable housing incentives. Commissioner Lyle also stated that additional green building requirements could negatively impact the City Budget and the amount of funds that developers could provide for other City policy requirements. She was particularly concerned about achieving a Net Zero Energy requirement for new schools while existing schools require basic maintenance upgrades.

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Commissioner Koenig strongly supported the EPC recommendations. He lauded the work of the EPC, the Green Building Task Force and staff in developing the Environmental Action Plan (EAP) Update actions over the past two years.

Commissioner McMahon confirmed with staff that the recommendation for an additional employee dedicated to the implementation of the Green Building chapter actions was consistent with the wishes of the EPC, recognizing that staff suggested that a completion date by FY 2023 and the EPC recommended FY 2021. She supported the EPC amendments, citing the EAP actions as appropriately aspirational and directional for a long-range plan. She indicated Planning Commission support of the amendments would signal to the City Council its green building priorities.

Chair Macek stated his general support of the EPC proposed amendments, which he also considered aspirational. He acknowledged that future fiscal evaluations would determine the actual implementation as the EAP moves forward. He expressed support for the additional employee as he indicated this is critical for implementation of the Green Building chapter. Regarding the development of incentives, he suggested that the completion year should be extended to the end of the short-term time range, rather than FY 2021, to allow for scheduling on the long-range work plan. Commissioner Brown concurred with extending this completion date. Chair Macek thanked Commissioner Koenig as the Planning Commission representative on the Green Building Task Force and expressed thanks to the EPC and Green Building Task Force for their involvement in these efforts.

Vice Chair Wasowski believed it would be difficult to insert new completion dates this late in the process, noting that the proposed, amended dates seemed arbitrary for such complex issues that impact several City departments and initiatives. She favored finding the right balance of aspirational actions with actions that could be reasonably achieved and voted against the incorporation of the EPC-proposed amendment #4. She expressed hesitation on requiring carbon neutrality for new construction by FY 2030 and favored the action as a long-term goal. Vice Chair Wasowski recognized the diligent work of the EPC.

### **PLANNING COMMISSION ACTION:**

On a motion by Commissioner Koenig, seconded by Commissioner McMahon, the Planning Commission voted to recommend approval of the Environmental Action Phase 2 Update, as amended. The motion carried on a vote of 6-1, with Commissioner Lyle voting against. The Planning Commission provided a sub-motion for each of the following EPC-proposed amendments:

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1. NEW LONG-TERM ACTION: By FY 2029, establish the legislative, code, education, project support, incentives and verification infrastructure required to ensure that all new construction is carbon neutral by FY 2030.

On a motion by Commissioner Koenig, seconded by Commissioner McMahon, the Planning Commission voted to incorporate this action. The motion carried on a vote of 6-1, with Commissioner Lyle voting against.

2. NEW SHORT-TERM ACTION: By FY 2021, establish a new green building staff position in the Department of Planning and Zoning to work with the development community and property owners to support the implementation of the Green Building Policy.

On a motion by Commissioner Koenig, seconded by Commissioner McMahon, the Planning Commission voted to incorporate this action. The motion carried on a vote of 6-1, with Commissioner Lyle voting against.

3. REVISED ACTION 3.1.8: By FY 2023, evaluate regulatory incentives linked to specific green building performance measures for new private development:

- Establishing a City-wide Green Zoning Overlay (e.g., incentivizing renewable energy generation through additional building height or allowing floor area exclusions to accommodate passive design elements).

- The feasibility of permitting bonus building height and density (once affordable housing bonuses are first exhausted) for applying green building practices above those outlined in the new Green Building Policy.

On a motion by Commissioner Koenig, seconded by Commissioner McMahon, the Planning Commission voted to amend the EPC-proposed fiscal year from FY 2021 to FY 2023 for this action. The motion carried on a vote of 6-1, with Commissioner Lyle voting against.

4. REVISED ACTION 3.1.11: By FY2024, complete a study of feasibility and methods to achieve net zero energy in existing building renovations, including the ability to achieve LEED Zero for LEED certified buildings or other applicable net-zero certifications.

On a motion by Commissioner Koenig, seconded by Commissioner McMahon, the Planning Commission voted to incorporate this action. The motion carried on a vote of 6-1, with Commissioner Wasowski voting against.

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Reason: The Planning Commission generally agreed with staff analysis, incorporating amendments recommended by the Environmental Policy Commission (EPC).

### **NEW BUSINESS:**

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#### 12. City Charter Section 9.06 Case #2019-0001

1201 & 1203 Janney's Lane

Public Hearing and consideration of a request for Planning Commission to review whether the proposed purchase of property by the City of Alexandria on behalf of Alexandria City Public Schools and the resulting change in use of that property is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter.

Applicant: Alexandria City Public Schools

Katherine Carraway (P&Z) and Erika Gulick (ACPS) presented the case and answered questions from the Planning Commission.

#### Speakers:

Michael Waclawski, the property owner at 1207 Janney's Lane, shared his concern for the lack of detail on the potential school to be built on the existing MacArthur Elementary School site and asked if alternatives had been explored other than the purchase of 1201 and 1203 Janney's Lane. Ms. Erika Gulick, the Senior Planner for Alexandria City Public Schools (ACPS), indicated that alternatives were addressed such as potential expansion into the site directly behind the existing school; however, budget constraints due to topography and wetlands issues in that area made it infeasible.

#### Discussion:

Chair Macek noted that the purpose of this review was to determine whether the request was consistent with the City's Master Plan. The review was not for a development project. Ms. Gulick confirmed that once design begins for the future facility, significant community outreach will occur with neighbors.

#### **PLANNING COMMISSION ACTION:**

On a motion by Vice Chair Wasowski, seconded by Commissioner Lyle, the Planning Commission voted to find the proposed purchase of the property consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. The motion carried on a vote of 7-0.

#### Reason:

The Planning Commission agreed with the staff analysis that the proposed land acquisition is consistent with the Master Plan.

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13. Special Use Permit #2019-0039  
Riparian area adjacent to 0 Prince Street (used and owned by 200 Strand Street) - Old Dominion Boat Club Pier Expansion  
Public hearing and consideration of a request for a special use permit to replace and expand a facility used for the docking or berthing of boats or ships; zoned: W-1/ Waterfront mixed use.  
Applicant: Old Dominion Boat Club (ODBC), represented by Duncan W. Blair, attorney

**PLANNING COMMISSION ACTION:**

On a motion by Vice Chair Wasowski, seconded by Commissioner Lyle, the Planning Commission voted to defer Special Use Permit #2019-0039. The motion carried on a vote of 7-0.

Reason: The applicant requested a deferral for this item

14. Text Amendment #2019-0004  
Rezoning #2019-0005  
Coordinated Development District Conceptual Design Plan #2019-0002  
600 South Pickett Street - Greenhill South CDD  
Public Hearing and consideration of requests for: (A) the initiation of and a text amendment to the Zoning Ordinance to amend the provisions of Section 5-602(A) to establish Coordinated Development District (CDD) #28; (B) an amendment to the official zoning map to change the zone from I/ Industrial zone to CDD#28/ Coordinated Development District #28; and (C) a request for a Coordinated Development District Conceptual Design Plan; zoned I/ Industrial.  
Applicants: City of Alexandria (Text Amendment only) and Greenhill Capital Corp., represented by Mary Catherine Gibbs, attorney.

Nathan Randall (P&Z) and Maya Contreras (P&Z) presented the case and answered questions from the Planning Commission.

Speakers:

Mary Catherine Gibbs, attorney for the applicant, spoke in support of the project.

M. Catharine Puskar, attorney for the property at 550 S. Pickett St, asked that an assurance that a 50-foot right-of-way would not be required on her client's property, located to the north of the proposed CDD, and for an acknowledgment of her client's development rights.



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### Discussion:

Chair Macek asked for clarification regarding the rationale for the options for the northern-most portion of Street C as outlined in Conditions #35 and #36. Staff responded that the condition language has been included to provide alternatives to a vehicle turn-around area, which has been identified as being needed given the length of that portion of Street C. He also inquired about the ability of future uses in the future buildings to qualify for Administrative Special Use Permits (SUP), noting specific uses that may be potential candidates for said approvals. Staff noted the option of an umbrella SUP as a vehicle for accomplishing the desired flexibility, which could be processed with the Development Special Use Permits (DSUP), and which have been used successfully in the past. Staff also agreed to look into the issue in greater depth for future Coordinated Development District (CDD) cases.

Commissioner Brown voiced his support for the project and noted its close consistency with the Eisenhower West Small Area Plan. He also noted that he would have preferred additional properties joining the CDD and encouraged greater coordination on CDD projects in the future. He also expressed some concern about the usefulness and location of the open space in the project.

Vice Chair Wasowski stated that the future recreational trail (known in the Small Area Plan as the Backlick Run Greenway) has great potential to be an important amenity in this area. She also noted its location as being adjacent to Boothe Park and asked for confirmation that the open space at the project site would be accessible from Street D via a ramp. She also asked the applicant to clarify the need for above-grade parking and stated that the retaining walls on either side of the site need to be properly designed as part of the future DSUPs.

### **PLANNING COMMISSION ACTION:**

On a motion by Vice Chair Wasowski, and seconded by Commissioner Koenig, the Planning Commission voted to initiate Text Amendment #2019-0004. The motion carried on a vote of 6-0, with Commissioner Lyle recusing herself.

On a motion by Vice Chair Wasowski, and seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Text Amendment #2019-0004, Rezoning #2019-0005, and Coordinated Development District Conceptual Design Plan #2019-0002, as submitted. The motion carried on a vote of 6-0, with Commissioner Lyle recusing herself.

Reason: The Planning Commission agreed with the staff analysis.

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15. Development Special Use Permit #2018-0020  
100 Madison Street, 501 North Union Street, 100 Jones Point Drive, 1460 & 1500 Duke Street, 370, 500, 590, 600, & 800 Holland Lane, and 1500 & 1600 Eisenhower Avenue - RiverRenew Combined Sewer Remediation Project  
Public Hearing and consideration of a request for a Development Special Use Permit and site plan for a utility consisting of three outfall locations that include construction for above-grade development and equipment access points for the combined sewer outfall project; zoned: W-1/ Waterfront Mixed Use, WPR/ Waterfront Park and Recreation, CDD #1/ Coordinated Development District #1, RB/ Townhouse, UT/ Utilities and Transportation, OCH/ Office Commercial High, CD/ Commercial Downtown, OCM(100)/ Office Commercial Medium (100).  
Applicant: Alexandria Renew Enterprises, represented by Jonathan P. Rak, attorney

Dirk Geratz (P&Z), Caitlin Feehan (AlexRenew), and Justin Carl (AlexRenew) presented the case and answered questions from the Planning Commission.

Speakers:

Ann Shack of 501 Tobacco Quay spoke of the potential environmental impacts of the project as it relates to Outfall 001 (Robinson Terminal North) site. She stated she had no issue with the project regarding the sanitation improvements. However, she has concerns with toxic conditions of the soil and specifically with the airborne particulates and how they will be disposed of. She asked that the project not be permitted until these issues are resolved or if the contaminated soils could be removed by barging from the site as opposed to being trucked through the neighborhood.

Jonathan Rak of McGuire Woods, the attorney representing AlexRenew, spoke on behalf of his client noting that careful investigations have taken place to confirm what is and is not present in the soils. He indicated that the results of these studies have shown there is no risk to the health of the residents. He noted further studies are continuing. He also noted that barging is not feasible due to the limited time in which this project must be completed, the poor conditions of the pier and the low water depths that would require major dredging. He also stated that special precautions to make sure that contamination soils would not come off the hauling vehicles. He stated that his client understands the risks and they will do what is necessary to create safe conditions.

Discussion:

Chair Macek stated that this project was a real challenge for the City to come up with a plan to meet the Commonwealth's aggressive timeline. He further stated that the City rose to meet this challenge by the project development structure the City put in place and in working with AlexRenew to play a lead role in the implementation of this process. He noted he is very hopeful that the project will be implemented to meet the aggressive

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schedule and noted that the City has met the pace so far and that this is impressive. He supports the project for those reasons.

Commissioner McMahon supported the project and noted the concerns expressed about the haul routes and asked AlexRenew staff to describe how the project excavation location and how this project may be similar or different from other development cases that may have below grade parking.

Justin Carl of AlexRenew responded by saying that the concern with contamination is at Outfall 001. He noted that the excavation will be limited to the very northern section of the Robinson Terminal North (RTN) site. The area project will only excavate a small portion of the property limited to the excavation for the shaft. Most of the soil will come from the depths of the shaft as opposed to an expansive area of the site. Much of the area north of the shaft is mainly fill into the river to build up the ground to create the promenade. AlexRenew staff noted that the only contaminants found in the area where they will be excavating have been arsenic and petroleum. He also noted that AlexRenew has done its due diligence and will continue to sample testing.

### **PLANNING COMMISSION ACTION:**

On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to find Development Special Use Permit #2018-0020 in conformance with the City of Alexandria Master Plan. The motion carried on a vote of 7-0.

On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to recommend approval of Development Special Use Permit #2018-0020, as submitted. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with the staff analysis and recommendations.

16. Master Plan Amendment #2019-0002  
Rezoning #2019-0003  
Coordinated Development District Conceptual Design Plan #2019-0003  
Development Special Use Permit #2018-0028  
Transportation Management Plan Special Use Permit #2019-0033  
2393, 2395, 2403, 2415, and 2421 Mill Road – Eisenhower East Small Area Plan  
Amendment and WMATA Office Building – Block 15A  
Public Hearing and consideration of requests for: (A) Initiation of a Master Plan Amendment; (B) Public hearing and consideration of an amendment to the Eisenhower East Small Area Plan Chapter of the Master Plan to divide Block 15 into Blocks 15 and 15A; (C) amendments to the official zoning map to change the zoning for a portion of 2393 Mill Road from UT/ Utilities and Transportation zone to CDD #2/ Coordinated Development District #2, for 2395 Mill Road from OCM(100)/ Office Commercial Medium (100) zone to CDD #2/ Coordinated Development District #2 and UT/ Utilities

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and Transportation, for a portion of 2403 Mill Road from OCM(100) /Office Commercial Medium (100) zone and UT/ Utilities and Transportation to CDD #2/Coordinated Development District #2, for a portion of 2415 Mill Road from OCM(100)/ Office Commercial Medium (100) zone to CDD #2/ Coordinated Development District #2, and for a portion of 2421 Mill Road from OCM(100)/ Office Commercial Medium and UT/ Utilities and Transportation zone to CDD #2/ Coordinated Development District #2 and UT/ Utilities and Transportation; (D) an amendment to Coordinated Development District #2 to add Block 15A; € a Development Special Use Permit and site plan to construct a new office building with above-grade parking; (F) a Transportation Management Plan Special Use Permit for the proposed construction; zoned: OCM(100)/ Office Commercial Medium (100) & UT/Utilities and Transportation.  
Applicant: City of Alexandria (Master Plan Amendment only) and Washington Metropolitan Area Transit Authority (WMATA), represented by Jonathan P. Rak, attorney

Abigail Harwell (P&Z), Dirk Geratz (P&Z), and Robert Kerns (P&Z) presented the case and answered questions from the Planning Commission.

### Speakers:

Jonathan Rak, representing the applicant, spoke in favor of the project. Mr. Rak discussed the consolidation efforts by Washington Metropolitan Area Transit Authority (WMATA) and the expediated timeline to obtain approvals for construction to begin in October. Regarding conditions, Mr. Rak agreed with revisions to Coordinated Development District (CDD) Condition #145 per the memo from staff to the Planning Commission. He also discussed his additional language for Development Special Use Permit (DSUP) Condition #3 regarding shared driveway access. Regarding the voluntary affordable housing contribution, Mr. Rak felt this project is similar to the water sanitation authority project, a special purpose authority, in that there are restrictions in the authority's charter and compact that funds have to be used for transit facilities. Additionally, WMATA is in the processing of raising funds for the ongoing improvements to the system and has commitments to its funding partners to use these funds on critical safety and state of good repair work to restore the system. He noted that use of funds for purposes other than transit would violate its agreements with funding jurisdictions, and an affordable housing contribution would be inappropriate. Similarly, although bikeshare is a transit facility, it is separate and complementary like the DASH bus system, and they cannot agree to the contribution requested.

### Discussion:

Commissioner McMahon asked staff about the applicant's request to remove the affordable housing Condition, #91. Tamara Jovovic from the Office of Housing clarified that the City's procedures establish a framework for voluntary contributions related to residential and non-residential development, and to mitigate the impacts of development

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and to implement the housing master plan. As the proposal is for an office building, with employees that earn a modest living, staff recommended the standard non-residential rate. Any exclusion from the affordable housing contribution, such as recreation center, are more neighborhood-serving and would not apply to an office building.

Commissioner McMahon then asked about the applicant's examples of other similar developments in the area that had been approved without required affordable housing contributions. Ms. Jovovic stated that the contribution is not required for City facilities, as the City provides resources towards the implementation of the Housing Master Plan goals. Based on City records, the water sanitation authority was asked to contribute but declined, citing a Water Act that precluded them from providing contributions of this nature. Regarding the National Science Foundation, Planning Director Karl Moritz stated the City paid the housing contribution on their behalf as part of the economic incentive to bring them to the City.

Commissioner Brown questioned the applicant's concern with DSUP Conditions #90 and #91 because WMATA can't comply with them. Mr. Rak said that WMATA feels they are inconsistent with their commitments to their funding partners, but cannot say if it would be unlawful to provide these contributions. Commissioner Brown then asked if the applicant could suggest some language so these two conditions could remain in the approval, but could be subject to a WMATA review and decision regarding the contribution of funds. Mr. Rak felt that something could be worked out, subject to the WMATA Board's consideration. Commissioner Brown felt that these conditions could remain, as they are voluntary, and he had a hard time believing that if the WMATA Board found they were unable to make this voluntary contribution that they would violate the conditions. Mr. Rak referred to a decision that was made that jurisdictions cannot impose a condition of contribution.

Commissioner McMahon discussed how conditions can be written to address unknown items, but it is not in the Planning Commission's purview to require conditions that go against funding restrictions and would be an overreach. Commissioner McMahon agreed with Commissioner Brown for language to be added to put it on WMATA to determine if they can or cannot use their funds for this type of contribution.

Vice Chair Wasowski stated she would support the addition of language. As a longtime Metro rider, she understands the concern with using funding from other jurisdictions and that this isn't a standard office building.

Robert Kerns, Chief of P&Z's Development Review Division, suggested a sentence to the end of DSUP Conditions #90 and #91 that says "Subject to review that this contribution is permissible according to WMATA's regional compact, to the satisfaction of the Director of Planning and Zoning." Mr. Rak was unable to affirm if WMATA

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would agree with this language, but if this was included with the approval, they would work on this language before the City Council.

Prior to motioning, Mr. Kerns brought to the Planning Commission's attention staff's concern with the applicant's suggested language additions to DSUP Condition #3, which staff believes makes the condition less clear that could give the applicant an "out" to compliance with the condition. Mr. Kerns stated that staff is working very proactively with staff on the shard access and compliance with the condition is not in doubt to be mutually agreeable, but, would like to keep the simpler language.

### **PLANNING COMMISSION ACTION:**

On a motion by Commissioner McMahon, and seconded by Commissioner Koenig, the Planning Commission voted to initiate Master Plan Amendment #2019-0002. The motion carried on a vote of 4-0, with Chair Macek, Commissioner Lyle, and Commissioner Goebel recusing themselves.

On a motion by Commissioner McMahon, and seconded by Commissioner Koenig, the Planning Commission voted to adopt a resolution to recommend approval of Master Plan Amendment #2019-0002, as submitted. The motion carried on a vote of 4-0, with Chair Macek, Commissioner Lyle, and Commissioner Goebel recusing themselves.

On a motion by Commissioner McMahon, and seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Rezoning #2019-0003, as submitted. The motion carried on a vote of 4-0, with Chair Macek, Commissioner Lyle, and Commissioner Goebel recusing themselves.

On a motion by Commissioner McMahon, and seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Coordinated Development District Conceptual Design Plan #2019-0003, Development Special Use Permit #2018-0028, and Transportation Management Plan Special Use Permit #2019-0033, with the following amendments. The motion carried on a vote of 4-0, with Chair Macek, Commissioner Lyle, and Commissioner Goebel recusing themselves.

### **DSUP Condition #90**

**CONDITION AMENDED BY PLANNING COMMISSION:** Contribute \$60,000.00 to the City towards Capital Bikeshare prior to Final Site Plan release. All checks shall be made payable to the City of Alexandria and submitted to the Department of P&Z with a cover letter citing the project name, contribution amount, and the condition being fulfilled. Subject to review that this contribution is permissible according to WMATA's regional compact, to the satisfaction of the Director of Planning and Zoning. (T&ES)

**DSUP Condition #91**

**CONDITION AMENDED BY PLANNING COMMISSION:** A voluntary contribution of \$2.00 per gross square feet (per the final site plan) to the Housing Trust Fund would be consistent with the conclusions of the Developer's Housing Contribution Work Group accepted by The Alexandria City Council in December 2013. Subject to review that this contribution is permissible according to WMATA's regional compact, to the satisfaction of the Director of Planning and Zoning. (Housing)\*\*\*

**CDD Condition #145**

**CONDITION AMENDED AMENDED BY PLANNING COMMISSION:**

The applicant will provide public access for open space purposes on parcels identified as 072.04-03-08 and 072.04-03-12. The public access will be provided ~~as an easement or other comparable form of public access~~ through an agreement with the City consistent with Federal regulations, including but not limited to FTA Circular 5010.11, to be mutually agreed upon by the City and WMATA and will be approved and provided prior to the release of certificate of occupancy permit for the office building.

The public access ~~easement~~ agreement will be for use of passive and/or active open space, entertainment and/or comparable uses for use by the public. The City and/or designee party will be responsible for the design, construction and maintenance of the open space improvements on the designated parcels. The design and construction of the open space will be reviewed by WMATA and will be subject to all applicable WMATA standards and requirements. (P&Z, RPCA)

**Reason:**

The Planning Commission generally agreed with the staff analysis.

**OTHER BUSINESS:**

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17. Commissioners' Reports, Comments, and Questions.

Chair Macek reported that at the June 2019 Waterfront Commission meeting, the attorney for the Robinson Terminal North site presented a draft concept proposal for the by-right development of townhouses due to concerns relating to costs. They would develop first on the West side of Union Street followed by development on the East side of Union Street after the RiverRenew project is done. Commissioner Brown stated he feels it is important for that area of Old Town to stay activated for the public, akin to the Robinson Terminal South site. Planning & Zoning Director Karl Moritz indicated that the Department of Planning & Zoning will do its best to ensure the positive aspects of the

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Waterfront Plan are implemented and safeguard fundamental public access and activity principles in terms of future Waterfront developments.

### **MINUTES:**

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18. Consideration of the minutes from the June 4, 2019 Planning Commission meeting.

### **PLANNING COMMISSION ACTION:**

Chair Macek indicated that the minutes for the June 4, 2019 Public Hearing will be ready for Planning Commission consideration at the September 3, 2019 Planning Commission Public Hearing.

### **ADJOURNMENT**

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19. The Planning Commission Public Hearing was adjourned at 12:33 AM.

### **ADMINISTRATIVE APPROVALS**

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Special Use Permit #2019-0037  
102 S. Patrick Street  
Request for change of ownership for a restaurant  
Applicant: Sarah Moore  
Approved: 05/09/2019

Special Use Permit #2019-0044  
1800 Diagonal Road  
Request for new use for a restaurant  
Applicant: For Five Alexandria LLC  
Approved: 06/07/2019