

Docket Item #15  
Planning Commission Public Hearing  
March 3, 2020

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting  
of March 3, 2020

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ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – MARCH 3, 2020

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

ALEXANDRIA PLANNING COMMISSION

March 3, 2020, 7:00 p.m.

City Council Chambers

Alexandria, Virginia

Members Present:

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

Members Absent:

None

Staff Present:

Karl W. Moritz	Department of Planning & Zoning
Nancy Williams	Department of Planning & Zoning
Anh Vu	Department of Planning & Zoning
Christina Zechman-Brown	Office of the City Attorney
Ann Horowitz	Department of Planning & Zoning
Tony LaColla	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Jeffrey Farner	Department of Planning & Zoning
Jose Ayala	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Abigail Harwell	Department of Planning & Zoning
Dirk Geratz	Department of Planning & Zoning
Melanie Mason	Department of Transportation and Environmental Services
Jesse Maines	Department of Transportation and Environmental Services
William Skrabak	Department of Transportation and Environmental Services
Maya Contreras	Department of Planning & Zoning
Stephanie Sample	Department of Planning & Zoning
Eric Keeler	Office of Housing
Jack Browand	Department of Recreation, Parks, and Cultural Activities
Sam Shelby	Department of Planning & Zoning
William Cook	Department of Planning & Zoning
Nathan Imm	Department of Planning & Zoning
Brian Dofflemyer	Department of Transportation and Environmental Services
Ryan Knight	Department of Transportation and Environmental Services
Richard Lawrence	Department of Planning & Zoning
Sara Brandt-Vorel	Department of Planning & Zoning

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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 the pulling of an item from the Consent Calendar.

The Planning Commission meeting was called to order at 7:02 p.m. All members were present at the call to order.

2. **Election of Planning Commission Officers.**

On a motion by Commissioner Lyle, and seconded by Commissioner McMahon, the Planning Commission unanimously voted to approve Nathan Macek as Chair for one year.

On a nomination made by Commissioner Lyle, the Planning Commission unanimously voted to approve Maria Wasowski as Vice-Chair for a period of one year.

Chair Macek inquired as to whether there were any changes to the docket. The Planning Commission Clerk responded that there were no changes to the docket.

### **CONSENT CALENDAR:**

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As described below, Item #6 was removed from the Consent Calendar.

3. Encroachment #2019-00011  
430 South Pickett Street - Encroachment  
Public Hearing and consideration of a request for an Encroachment into the public right-of-way on South Pickett Street for a seat wall and trench drain; zoned: CDD #17a/Coordinated Development District #17a.  
Applicant: NGI-MDG Alexandria, LLC., represented by Nixon Jefferson, agent

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Encroachment #2019-00011, as submitted. The motion carried on a vote of 7-0.

4. Street Name Case #2019-00001  
Redevelopment Site at 880 and 890 South Pickett Street and 620 Burnside Place -  
Construction of New Streets Named Azalea Avenue and Willow Alley  
Public Hearing and consideration of a request for a Street Name Case to name two new streets; zoned: CDD #26/Coordinated Development District #26.  
Applicant: PS Southeast One, Inc., represented by Mark M. Viani, agent

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**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Commissioner Brown, the Planning Commission voted to approve of Street Name Case #2019-00001, as submitted. The motion carried on a vote of 7-0.

5. Zoning Text Amendment #2020-00002  
Day Care Center Uses in the Mount Vernon Overlay Zone  
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to allow day care centers as a permitted use on the ground floor of properties located within the Mount Vernon Overlay provided that the use shall occupy no more than 30 feet frontage, and provided further that additional frontage space may be permitted with a special use permit.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, and seconded by Vice Chair Wasowski, the Planning Commission voted to initiate Zoning Text Amendment #2020-00002. The motion carried on a vote of 7-0.

On a motion by Commissioner Lyle, and seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Zoning Text Amendment #2020-00002, as submitted. The motion carried on a vote of 7-0.

6. Development Special Use Permit #2019-00040  
1701 and 1705 North Beauregard Street - Ferdinand T. Day School Gymnasium Addition  
Public Hearing and consideration of a request for a Special Use Permit and a Site Plan to construct an elevated gymnasium between the existing public school building and parking structure (amending DSUP #2016-0039); zoned: CDD #4/Coordinated Development District #4  
Applicant: Alexandria City Public Schools (ACPS)

**Speakers:**  
N/A

**Discussion:**  
Commissioner Koenig pulled this item from the Consent Calendar in order to compliment work relating to the proposal's design and to praise staff for their work in general on this project.

Chair Macek concurred with Commissioner Koenig's comments.

**PLANNING COMMISSION ACTION:** This item was removed from consent. On a motion by Commissioner Koenig, seconded by Commissioner Brown, the Planning Commission voted to recommend approval of Development Special Use Permit #2019-00040, as submitted. The motion carried on a vote of 7-0.

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Reason: The Planning Commission agreed with the Staff analysis.

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

7. Newport Village Resource Protection Area (RPA) Exception Request  
4898 West Braddock Road  
Public Hearing and consideration of a request for an exception, pursuant to Zoning Ordinance Section 13-119, to allow a new encroachment of up to 4,791 square feet of impervious surface in a Resource Protection Area (RPA) in connection with the future redevelopment of a multifamily residential property; zoned: RA/Multifamily.  
Applicant: UDR Newport Village LLC, represented by Kenneth W. Wire, attorney

Melanie Mason (T&ES), Jesse Maines (T&ES), and Maya Contreras (P&Z) presented the case and answered questions from the Planning Commission.

#### Speakers:

Ken Wire, WireGill, attorney for the applicant team, spoke in support of the project, using a presentation and points made in a letter submitted on March 2. He enumerated constraints to the property including: (1) the steep grade of the property; (2) the orientation of the grade to the steep intersection of Braddock Road and Beauregard Street; and (3) prohibition of curb cuts at this intersection and the location of the Resource Protection Act (RPA) in relationship to these constraints. He indicated that each of the various Site Plan layouts tried did not work due to a combination of excessive height and the cost of a retaining wall, lack of fire access to the site, and the necessity to demolish market rate units on the site. With that, he indicated he believes the applicant meets the five criteria for an exception to the RPA under Zoning Ordinance Section 13-119.

Chair Macek closed the Public Hearing.

#### Discussion:

Commissioner Lyle inquired as to how many other similar conditions in the City exist where there is a stream running under a road and the RPA extends into private property. Staff responded that the applicant indicated that it is occurring about 7 percent within the City, but a direct analysis has not been done by the City. Vice Chair Wasowski commended staff on its quality of their work in general and how much staff's judgement is valued. She added that this particular situation is not very cut and dry and that sometimes other thinking beyond technical thoughts may be appropriate. She indicated among other considerations her common sense indicates that an exception in this case is warranted because this case is very unique. She also indicated that it is important to think about the housing portion of this and how important housing is to the City. Chair Macek

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noted that he believes he can support the exceptions under criteria 1, 3, 4 and 5. He asked if any other Planning Commissioners believes it meets criterion 2 stating that conditions are not self-imposed. Commissioner Lyle indicated that she does not believe it is self-imposed because when the RPA was extended the project was already built. She also indicated that she does not believe this would set a precedent because the number of similar sites in the City where these conditions exists is likely very small. Vice Chair Wasowski added that there is a slope at the corner that is an existing condition and therefore it is not a self-imposed condition.

Commissioner Brown indicated that staff has done a straight-forward construction of the facts of the case and he finds it hard to believe that the applicant can't redevelop without encroaching on the RPA. Chair Macek noted he supports the applicant's request based upon the specific conditions of the development and for reasons that go beyond the proposed building, which are the confluence of the street access from one angle, the RPA, and the extreme topography of the site.

Commissioner McMahon inquired as to how many families are being accommodated in the portion of the building that is encroaching in the RPA. The applicant indicated that an estimate would be about 46 units (very approximate) of the total 300 plus units would encroach into the RPA. She asked staff if when converting each of those units into square footage would that be typical of encroachments by single-family homes seen in a RPA. Staff indicated that based on the guidance of the Zoning Ordinance staff needs to look at alternative possibilities to encroachment into the RPA. Commissioner McMahon also pointed out that this site is along the transit corridor and is appropriate for housing.

Commissioner Goebel indicated that in terms of criteria 2 and 3, he believes that the financial burden and the likelihood that this would not cause a precedent, respectively, are met, and he is inclined to support the applicant's request given the circumstances of the case.

Commissioner Koenig inquired about the Chesapeake Bay Protection Act which has a no net loss goal requirement and whether that requirement is translated into the criteria being discussed in terms of this case. Staff said that the criteria within the Zoning Ordinance is so rigid that it can be assumed that the same intent is there and is consistent with state policy. Commissioner Koenig requested that staff talk about whether the applicant has made a case that their total integrated proposal offers environmental advantages that outweigh any impacts. Staff indicated the project was built before stormwater best practices policy. Staff does not believe this is a good project for stream restoration due to costs and feasibility. Commissioner Koenig indicated that the intent of the project is desirable. He indicated he places great deference on the staff's recommendation and the Environmental Policy Commission's recommendation, with both recommendations advising against the request. That, and the fact that he is having the trouble with criterion

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2 and whether this situation is self-created or self-imposed, leads him to not support the applicant's request.

Commissioners Brown and Koenig supported staff's recommendation of denial for the exception request indicating it did not meet all the criteria under consideration and so voted against approval.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to approve of the Newport Village Resource Protection Area (RPA) Exception Request, as submitted. The motion carried on a vote of 5-2, indicating that the Planning Commission meets the criteria of the Zoning Ordinance exception, with Commissioner Brown and Commissioner Koenig voting against.

**Reason:** The Planning Commission generally disagreed with the staff recommendation, with the majority believing the applicant meets all five criteria of the Zoning Ordinance including and underscoring that this is not a condition that is self-imposed under criterion 2 because of the grade change being oriented at an angle to the street, the RPA and the extreme topography of the site.

### **NEW BUSINESS:**

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8. Discussion Item: Update on Initiatives to Support Production of Market and Affordable Housing  
Staff: City of Alexandria, Department of Planning & Zoning and Office of Housing

Nancy Williams (P&Z), Stephanie Sample (P&Z), and Eric Keeler (Office of Housing) gave the Planning Commission an update on the proposed Initiatives to Support Production of Market and Affordable Housing, focusing on a draft Prioritization Plan for the proposed Zoning for Housing Initiative.

**Presentation:**

The presentation focused on a draft Prioritization Plan for the proposed Zoning for Housing Initiative of the City's Housing Toolbox. That toolbox was presented to the Planning Commission and the City Council in October 2019 when the City joined other jurisdictions in the region in the Washington Metropolitan Council of Government's Regional Housing Initiative (COG's Regional Housing Initiative). Under COG's Regional Housing Initiative, 75,000 units of new housing would be added across the region over the next ten years to keep pace with anticipated job growth. Seventy-five percent of the housing would be affordable to households of very low- to moderate-income. The 75,000 units would be shared proportionately. Alexandria generally

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produces 840 units of new housing each year. Under COG's Regional Housing Initiative, it would add 325 units for a total of 1,165 units per year. The draft City of Alexandria Prioritization Plan for the proposed Zoning for Housing Initiative is divided into three Phases, all containing proposed zoning tools designed to expand housing production and affordability within Alexandria. Phase I is proposed for completion in 2021; it contains potential zoning tools that are currently being studied or that are relatively small hanging fruit but still require analysis and community input; Phase II is proposed for completion in 2022; it contains potential zoning tools that are more complex, requiring analysis and extensive community input; and Phase III is proposed for completion in 2023; it contains potential zoning tools that require extensive analysis and community input. These tools within the proposed Zoning for Housing Initiative would be tied to both a community outreach plan and an equity plan, both of which are being developed. No recommendations on any of the tools would be made until full analysis, community input and an equity analysis has been completed.

### Speakers:

Natalie Natalis, Alexandria Health Department, spoke to the relationship between the availability of affordable housing and public health and emphasized how important it is for the City to increase their affordable housing stock.

Ken Wire, WireGill LLP. (representing NAIOP), stated that he believes the City should focus on targeting which affordable housing initiatives will give them the most "bang for their buck."

Dino Drudi, 315 N. West St., voiced his concern that Alexandria was committing themselves to too much development. Instead, he proposed that affordable housing should be placed where the market would naturally place it, such as the region's outer suburban areas, and the City should enhance transit to provide access from those places to job centers.

Zachary DesJardins, 21 E. Bellefonte Ave., Apartment 204, stated that he was excited to see the City exploring ways to bolster its affordable housing stock. He encouraged the City to be bold in what initiatives they propose, to raise their annual production goals, and to re-evaluate the use of single-family zoning across the City.

Charles Kent, 722 N. Overlook Dr., voiced his concern for the perceived distrust between the community of North Ridge and the City and asked that as staff moves forward with this proposal that they conduct much more in-depth outreach. He also invited staff to come to North Ridge Citizens Association to engage to further civil discourse in regards to this item.

Chair Macek closed the Public Hearing.



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### Discussion:

Commissioner Brown indicated that he is concerned about staff's use of the word bias during its presentation and when referencing the City's Zoning Ordinance. He indicated that the goals of the City's Zoning Ordinance are to protect property values, promote harmony among uses, and to provide a high quality of life. He indicated that what we are seeing is a situation that, because of our proximity to the nation's capital, land values are appreciating quickly, and we are not able to counter that. He sees the goal of the Zoning for Housing work as a process for evaluating successful zoning tools and seeing if they can be tweaked in such a way to produce a higher amount of affordable housing. He asked that when we study the work initiatives that we determine if a change in the provisions will have a net positive benefit to the City in terms of affordable housing. He indicated that the civic engagement component is important. He added that he will strive to protect single-family areas of the City.

Commissioner McMahon suggested consideration of moving up a feasibility assessment of a Comprehensive Zoning Rewrite from Phase II. She pointed out that there are a number of work initiatives under all three Phases. With that, she indicated that, if there is community appetite for doing so, the City may want to move up the Comprehensive Zoning Rewrite to make the whole process more efficient. She also indicated that a study of single-family zones, as shown in Phase III, may be challenging to move forward depending on the reaction of communities, but it could, in a dispersed way, generate quite a few units. She also indicated that there is a connection between accessory dwelling units which is in Phase I, and single-family zones which is in Phase III, and that might be a reason for moving the study of single-family zones up. She added that moving up a study of industrial zones from Phase III may be palatable for some so the City may want to move it up as part of the Comprehensive Zoning Rewrite. She added that she did participate in the CHIP public participation process early on and indicated that providing housing within the context of building holistic communities is important, recognizing the tradeoffs people have to make when they do not have ready access to safe, quality and affordable housing near work and other services.

Commissioner Lyle suggested adding an initiative for co-housing to Phase I indicating that she is involved in discussions on Douglas MacArthur School, and she believes it is important to get co-housing into zoning discussions sooner than later. She indicated that with co-locating units it is important to think about services, and the more services you can provide the better. She indicated that services referenced by one of the speakers can help serve all incomes groups within our community in carrying out our daily life routines and needs.

Commissioner Koenig mirrored Commissioner Lyle's comments on co-location, and he indicated that it is time to study co-location to find out how to move it forward as soon as

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possible. He indicated that the City-Schools Master Plan for Joint Facilities is important, and he is excited about it. He cautioned that if housing will not be part of that co-location plan, then the City should figure out how to address co-location. He also indicated that in terms of accessory dwelling units and single-family residential neighborhoods, single-family areas need to be part of this process. He indicated that pursuing development around transit centers is important, but by doing that alone we are protecting single-family zoned areas from more development.

Commissioner Wasowski recognized the importance of the equity component. She indicated she would like to see assisted living facilities for seniors on the list, and she indicated that the City had a number of churches bring affordable housing developments forward recently. She said that those projects were near single-family homes so we should see how we can make that process easier for everyone.

Chair Macek indicated that there is a need for housing here and moving people further out is not the solution. He indicated that he is pleased to see the equity component of the initiative, and that there is a legacy of racial discrimination in zoning ordinances through exclusionary provisions. He believes the proposed Prioritization Plan for Zoning for Housing is good, but he is cognizant of how much is included and suggested bringing common items together and designing an approach that helps the community follow it readily. He indicated that this will be a challenging conversation to have, but, indicated that using tools to engage everyone – the public, business, civic associations and others particularly those who have not been typically engaged – will be important. He stated he believes this effort is exciting and again encouraged staff to think about how to bracket like items and how best to convey information, so communities know how to engage in the process.

9. Special Use Permit #2019-00113  
Riparian Area Adjacent to 1A Prince Street - Tall Ship Providence Pier  
Public Hearing and consideration of a request for a Special Use Permit for facilities used for the docking and berthing of watercraft and privately owned public use buildings; zoned: WPR/Waterfront Park and Recreation.  
Applicant: Tall Ship Providence Foundation, represented by M. Catharine Puskar, attorney

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

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### Speakers:

Mike Budinski, 212 ½ S. Pitt Street, stated he supports the waterfront planning efforts but opposes the two associated cottages because they will block the main view of the Potomac River and beyond. He enjoys the current views to the south.

Catharine Puskar, 2200 Clarendon Blvd, Suite 1300, Arlington, representing the applicant, spoke in support of the request and provided a brief background of the Tall Ship Foundation. She noted that the entire pier has been moved further south as well as reduced the height of the cottages to limit the view blockage. She also stated that public access to the pier will allow for enhanced views.

Chair Macek closed the Public Hearing.

### Discussion:

Commission Chair Macek noted that he is the Planning Commission representative on the Waterfront Commission. The Tall Ship Providence was presented to the Waterfront Commission and the response from Waterfront Commission members was positive. He noted that this proposal is consistent with the intent of the Waterfront Plan to have a tall ship at the end of King Street. He noted that there is historic precedent for structures on the waterfront and pointed to the large wall painting of the historic waterfront located behind the dais. He also noted that the Seaport Foundation has a similar structure on the waterfront that has been in its current location for some time. Chair Macek also advocated for a taller height for the two cottages finding that the steeper pitch is architecturally a better look.

Commissioner Brown noted that the ship will be located at a park and thus will not be blocking views from any residences or restaurants.

**PLANNING COMMISSION ACTION:** On a motion by Vice Chair Wasowski, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2019-00113, with the following amendment to Condition #2. The motion carried on a vote of 7-0.

**Condition #2:** The location, design and materials of the floating pier, gangway and two cottages shall be consistent with the SUP application materials presented to the City Council, to the satisfaction of the Director of Planning and Zoning. **The cottages can be constructed with a height that does not exceed 20 feet – 5 inches to the ridge.** Necessary modifications to address state or federal requirements may be permitted, subject to review and approval by P&Z and T&ES. (P&Z) (PC)

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

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10. Special Use Permit #2019-00118  
105 and 107 North Union Street - Riverside Taco  
Public Hearing and consideration of a request to amend SUP #2018-00111 to permit outdoor speakers and live acoustic entertainment; zoned: CD/Commercial downtown and WPR/Waterfront Park and Recreation zones.  
Applicant: ARP Waterfront, LLC, represented by M. Catharine Puskar, attorney

Ann Horowitz (P&Z) and Tony LaColla (P&Z) presented the case and answered questions from the Planning Commission.

Speakers:

Karen Boyd, 109 Cameron Mews, supported the application, although she encouraged the Planning Commission to broadly consider the impacts of outdoor music from commercial enterprises when these uses are adjacent to residential properties.

Roger Lathbury, 100 Cameron Mews, notified the Planning Commission that amplified and unamplified music from the waterfront area can be heard at his property.

Brett Johnson, Torpedo Factory Arts Center director and City staff member, spoke on behalf of the center's artists, expressing support for a vibrant waterfront and for the staff recommended three-month trial period to allow music at Riverfront Taco.

M. Catharine Puskar, applicant's attorney, spoke in support of the outdoor music request, however, she disagreed with the staff recommendation for a three-month trial period in Condition #30. She noted that the applicant would engage with the Torpedo Factory Arts Center to limit noise impacts.

Chair Macek closed the Public Hearing.

Discussion:

Commissioner Lyle recommended that reference to a three-month trial for outdoor music should be deleted from Condition #30 given that the condition already provides the opportunity for sound mitigation measures if noise conflicts result. She also suggested the addition of Condition #33 to allow the applicant to install string lights to the outdoor market area.

Commissioner McMahon and Vice Chair Wasowski agreed with Commissioner Lyle, stating that the language amending Condition #30 was unnecessary and was inconsistent with other Special Use Permits (SUP) with outdoor music.

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Chair Macek expressed support for the request, noting that two other restaurants in the adjacent waterfront area provide outdoor music without issues. He added that the Noise Ordinance would protect nearby uses and diminish the need for a three-month trial.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to recommend approval of Special Use Permit #2019-00118, with the following amendments to Condition #30 and Condition #33. The motion carried on a vote of 7-0.

**Condition #30: CONDITION AMENDED BY PLANNING COMMISSION:**

~~The Director of Planning and Zoning shall review the special use permit in three months after outdoor music has commenced to determine if the background and live music may continue as a permanent feature of the outdoor food and craft market. The Director may administratively amend and add new conditions regarding outdoor music as necessary. Notwithstanding, Tt~~ The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review, as the result of a complaint that rises to the level of a violation of the permit conditions or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2018-0111) (PC)

**Condition #33: CONDITION ADDED BY PLANNING COMMISSION:** The applicant is permitted to install temporary string lights within the area designated for the outdoor food and crafts market. (PC)

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

11. Subdivision #2019-00022  
1300 North Royal Street Subdivision  
Public Hearing and consideration of a request for a Subdivision with a variation to subdivide one existing lot into three lots; zoned UT/Utilities and Transportation.  
Applicant: Potomac Electric Power Company, represented by Duncan W. Blair, attorney  
  
Sam Shelby (P&Z), Ann Horowitz (P&Z), and Tony LaColla (P&Z) presented the case and answered questions from the Planning Commission.

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### Speakers:

Duncan Blair, attorney representing the applicant, provided an overview of the application and answered questions from Planning Commissioners.

Jonathan Sacks, representing GenOn, stated that the lease granted by Pepco to GenOn would be active until 2099. He spoke in opposition to the request, stating that the variation for a lot without frontage was not justified. Mr. Sacks stated that GenOn is actively engaged in redevelopment of the subject property and that sale to a third-party would cause delays in redevelopment.

Mary Harris, representing the North Old Town Independent Citizens Association, did not speak in support or opposition of the request. Ms. Harris stated that the civic association is eager to see the site redeveloped subject to a Coordinated Development District (CDD) as envisioned by the Old Town North Small Area Plan Update. She stated that the civic association was not in favor of the Old Town street grid extending through the subject property to Slaters Lane.

Chair Macek closed the Public Hearing.

### Discussion:

Commissioner Lyle asked staff for clarification regarding the street grid. Staff replied that title examiners have found no evidence of street dedications on the subject property, however, staff had not been unable to independently verify the lack of street dedications. Staff confirmed that this matter could be resolved without input from the Planning Commission.

Vice Chair Wasowski confirmed with staff that the next step in the redevelopment would be the creation of a CDD as envisioned by the Old Town North Small Area Plan.

Commissioner Brown confirmed with staff that the Subdivision regulations, related to property ownership, had been reviewed by the City Attorney's Office.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Brown, seconded by Commissioner Lyle, the Planning Commission voted to approve of Subdivision #2019-00022, with the following amendment to Condition # 4. The motion carried on a vote of 6-0, with Chair Macek recusing himself.

### **Condition #4: CONDITION DELETED BY PLANNING COMMISSION:**

~~No application(s) for the development of any parcel(s) created by this subdivision, including but not limited to, through land use approvals, grading plans, or building permits, shall be accepted until a site plan containing publicly dedicated rights of way consistent with the Old Town North Small Area Plan for the~~

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~~parcel(s) is proposed to the City or until the City's rights with respect to public rights of way on the parcel(s) is determined. (P&Z) (PC)~~

Reason: The Planning Commission agreed with staff analysis.

12. Development Special Use Permit #2019-00016  
226 and 228 West Glebe Road - Le Glebe  
Public Hearing and consideration of a request for a Development Special Use Permit with modifications to construct a mixed-use building with four (4) residential units, ground floor retail, and associated site improvements, including a Special Use Permit for an increase in height; zoned: CL/Commercial Low.  
Applicant: West Glebe Rd LLC, represented by Kenneth W. Wire, attorney

William Cook (P&Z), Nathan Imm (P&Z), and Brian Dofflemyer (T&ES) presented the case and answered questions from the Planning Commission.

Speakers:

Megan Rappolt, representing the applicant, spoke in support of the request and answered questions from the Planning Commission. In reference to a letter dated February 28, 2020, Ms. Rappolt highlighted the applicant's request for modifications to Conditions #14(f) and #17 pertaining to architectural panels and green building.

Discussion:

Commissioner McMahon had questions regarding the amount of parking provided, which is above the minimum required. This issue was also addressed via a staff memorandum to the Planning Commission dated March 3, 2020. The applicant stated one reason is the possibility that the development condition regarding future inter-parcel access could potentially impact two or three parking spaces, but this was uncertain. The applicant also wants flexibility since the exact commercial tenants are unknown.

Commissioner Lyle asked why staff requested LEED Silver for the entirety of the project. Staff replied that the 2019 Green Building Policy does not apply to this project. Staff added that the previous policy (2009) required LEED Silver for the commercial portion and LEED Certified for the residential portion. Staff also indicated that the applicant did not wish to "split" rating standards for reasons of cost and complexity, and that staff's position was that if the applicant were to apply one single standard for the project, it should be a higher standard rather than lower. Staff clarified that the applicant may utilize alternate rating systems (Earthcraft, etc.) besides LEED per the condition as proposed.

Scott Flemming, representing the applicant's architect, in response to Commissioner Goebel, distributed material samples and discussed the differences, noting that the cementitious panel product would have a metallic finish applied so that it would have a

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similar sheen to metal. Staff stated that due to aging patterns, buildings not be clad entirely in cementitious panel products, and that higher quality materials be on the public face of buildings, thus the preference for a metal panel given this buildings prominence.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Lyle, seconded by Vice Chair Wasowski, the Planning Commission voted to recommend approval of Development Special Use Permit #2019-00016, with the following amendments to Condition #14 and Condition #17. The motion carried on a vote of 7-0.

**Condition #14: CONDITION AMENDED BY PLANNING COMMISSION:**

Provide the following building refinements to the satisfaction of the Director of P&Z:

- a. Windows that reflect more modern styles shall be reviewed on an individual basis, but a minimum glass setback from face of sash is required of 3/8 inches.
- b. Any ventilation for the retail/commercial use shall be integrated with the overall building design, reviewed and approved to the satisfaction of the Director of Planning and Zoning.
- c. All wall mounted vents shall be flush mounted and architecturally integrated with the building design with regard to both placement and color.
- d. Building Panels may not use a wrap-around trim for mounting to the substructure but should be a Hardie Reveal 2.0 system with 7/16" thick fiber cement panels or equal with flush, open joints; fasteners may be either concealed or exposed but finished to match panels.
- e. The underside of all balconies shall be finished and present a visually cohesive appearance. (P&Z)
- f. Light color architectural panels depicted in the Preliminary Plan shall be finished in ~~metal~~ the color shown, with a metallic finish, or similar panels on the second and third level facades.
- g. Ground floor exterior façade material shall be brick in contrasting colors as depicted in the Preliminary Plan.

**Condition #17:** Achieve a green building certification level of LEED ~~Silver~~/equivalent (Earthcraft Commercial Certified and Earthcraft Multifamily Certified) to the satisfaction of the Directors of P&Z, and/or RP&CA and T&ES pursuant to the City's Green Building Policy. Diligent pursuance and achievement of this certification shall be monitored through the following:

- h. 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. \*



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- i. 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. \*\*\*
- j. Provide evidence of submission of materials for Construction Phase credits to USGBC (or equivalent) within six months of obtaining a final certificate of occupancy.
- k. Provide documentation certification within two (2) years of obtaining a final certificate of occupancy.
- l. Failure to achieve LEED Certification (or equivalent) for the residential project and /or LEED Certified 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 staffs' release of Final Site Plan will apply.
- m. Provide documentation to future retail tenants encouraging them to operate their business consistently with the 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.

- 13 & 14. Master Plan Amendment #2019-00008  
Subdivision #2019-00021  
3601 Potomac Avenue and 3601 Richmond Highway - North Potomac Yard  
Public Hearing and consideration of requests for: (A) an amendment to the North Potomac Yard Small Area Plan chapter of the Master Plan to facilitate the Virginia Tech Innovation Campus including an increase to heights; an amendment to square footages and locations of proposed uses; an amendment to the framework streets and location of pedestrian connections; and an amendment to the North Potomac Yard Urban Design Standards and Guidelines to add the North Potomac Yard Design Excellence addendum, and (B) a Subdivision to subdivide one existing lot into two lots; zoned: CDD #19/Coordinated Development District #19 (North Potomac Yard Small Area Plan)  
Applicants: City of Alexandria (Design Guidelines only); CPYR Theater, LLC and CPYR Shopping Center LLC, represented by M. Catharine Puskar, attorney

Richard Lawrence (P&Z), Jeffrey Farner (P&Z), Robert Kerns (P&Z), Sara Brandt-Vorel (P&Z), Ryan Knight (T&ES) and Brian Dofflemyer (T&ES) presented the case and answered questions from the Planning Commission.

Speakers:

Kenneth Wire, attorney, representing the Virginia Tech Foundation spoke in support of the staff summary of the proposed amendments and emphasized the approval as a critical

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first step that incorporates the Virginia Tech campus into plan area and further amplifies the vision of the North Potomac Yard Plan.

M. Catherine Puskar, attorney, representing CPYR Theater, LLC and CPYR Shopping Center, LLC spoke in support of the proposed amendments. Ms. Puskar discussed the design excellence criteria, particularly as it relates to parking and emphasized the relocation of all parking for Phase 1 would occur below grade, in compliance with the prerequisites. Ms. Puskar also discussed the process of upcoming approvals related to implementation of the Phase 1 development. Ms. Puskar concluded with a description of the Subdivision of the property that would facilitate transfer of ownership to the Virginia Tech Foundation.

### Discussion:

Commissioner Koenig discussed the Innovation District included as part of the North Potomac Yard Small Area Plan Update (Plan Update) and how the concept would be realized through implementation not just through the proposed amendments.

Commissioner Koenig discussed if there was flexibility to allow for hotel uses to be incorporated within the planning area should market conditions allow. Commissioner Koenig expressed support for the Design Excellence Criteria and wanted to reaffirm that all the Phase 1 development would comply with the Design Excellence prerequisites and criteria as proposed.

Commissioner Brown asked for and received clarification of the development maximum numbers referenced in the recommended changes and how the maximum permitted development is calculated as it relates to development and infrastructure capacity, as well as how they are identified in the development summary table.

Commissioner McMahon asked for and received clarification on how the Design Excellence standards would be applied and how it would be determined which applications/projects would be subject to the Design Excellence criteria or the existing Design Standards.

Vice Chair Wasowski expressed support of the framework street modifications, the removal of the above grade parking structure, and the increased density and height as proposed. Vice Chair Wasowski expressed support for the proposed amendments.

Commissioner McMahon discussed the proposed amendments as improvements to the existing Plan including the relocation of the school site and the removal of the above-grade parking structure. Commissioner McMahon also requested that the Plan Update provide flexibility to allow for hotel uses to be incorporated within the planning area should market conditions allow in the future. Commissioner McMahon expressed support for the proposed amendments.

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Commissioner Koenig expressed support for Commissioner McMahon's recommendation to allow for additional flexibility for additional hotel uses within the planning area and advised staff to determine a mechanism to allow City Council to be aware of the recommendation for additional flexibility. Commissioner Koenig expressed support for the Plan Update and proposed amendments.

**PLANNING COMMISSION ACTION:** On a motion by Commissioner Koenig, and seconded by Commissioner Lyle, the Planning Commission voted to initiate Master Plan Amendment #2019-00008. The motion carried on a vote of 6-0, with Chair Macek recusing himself.

On a motion by Commissioner Koenig, and seconded by Commissioner Lyle, the Planning Commission voted to adopt a resolution to recommend approval of Master Plan Amendment #2019-00008, as submitted. The motion carried on a vote of 6-0, with Chair Macek recusing himself.

On a motion by Commissioner Koenig, seconded by Commissioner Lyle, the Planning Commission voted to approve of Subdivision #2019-00021, as submitted. The motion carried on a vote of 6-0, with Chair Macek recusing himself.

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

### **OTHER BUSINESS:**

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15. Commissioners' Reports, Comments, and Questions.

Commissioner Lyle reported that the Douglas MacArthur School project is moving along nicely, with the next meeting to take place on March 16, 2020.

### **MINUTES:**

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16. Consideration of the minutes from the February 4, 2020 Planning Commission meeting.

### **PLANNING COMMISSION ACTION:**

The Planning Commission will consider the February 4, 2020 Minutes at the April 7, 2020 Planning Commission meeting.

### **ADJOURNMENT**

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17. The Planning Commission meeting was adjourned at 12:01 AM.

**ADMINISTRATIVE APPROVALS**

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18. Special Use Permit #2019-00115  
2900 Potomac Avenue  
Administrative Special Use Permit request for a new use for a temporary parking lot greater than 20 vehicles; zone CDD #10/Coordinated Development District #10.  
Applicant: Jim D'Agostino  
Status: Approved 2/19/2020
- Special Use Permit #2019-00114  
834 North Washington Street  
Administrative Special Use Permit request for a change of ownership of an automobile service station; zoned: CDX/Commercial Downtown (Old Town North). Applicant: Gasim Ali Status: Approved 2/19/2020
- Special Use Permit #2019-00106  
5418 Duke Street  
Administrative Special Use Permit request for a change of ownership of a restaurant; zoned CG/Commercial General.  
Applicant: Long Gate, LLC  
Status: Approved 1/29/2020