

EXHIBIT NO. 1

9  
4-21-01

Docket Item # 8  
DEVELOPMENT SPECIAL USE PERMIT #2000-0051  
124 S WEST ST OFFICE BUILDING

Planning Commission Meeting  
April 3, 2001

**ISSUE:** Consideration of a request for a development special use permit to increase the permitted floor area ratio, with a preliminary site plan, to construct an office building, with modification of the residential zone transition setback requirement and crown coverage requirement.

**APPLICANT:** Riverport Land Company  
by Duncan W. Blair, attorney

**LOCATION:** 124 South West Street

**ZONE:** CD/Commercial Downtown

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**PLANNING COMMISSION ACTION, APRIL 3, 2001:** A motion by Ms. Fossum, seconded by Mr. Komoroske to recommend approval of the request with an amendment to condition #6 to remove the requirement for paver or stamped crosswalks failed on a vote of 3 to 3 to 1, with Messrs. Robinson, Leibach and Gaines voting against and Mr. Dunn having recused himself. By failing to achieve a majority on the recommendation of approval, the Planning Commission's action is a recommendation for denial.

**Reason:** The commissioners expressed concerns about the proposed building's mass and scale, and its compatibility with the neighborhood, and lack of design details.

**Speakers:**

Duncan Blair, representing the applicant

Mark Feldheim, Old Town Civic Association, raised concerns about the mass and scale of the building and asked the Commission to reduce FAR

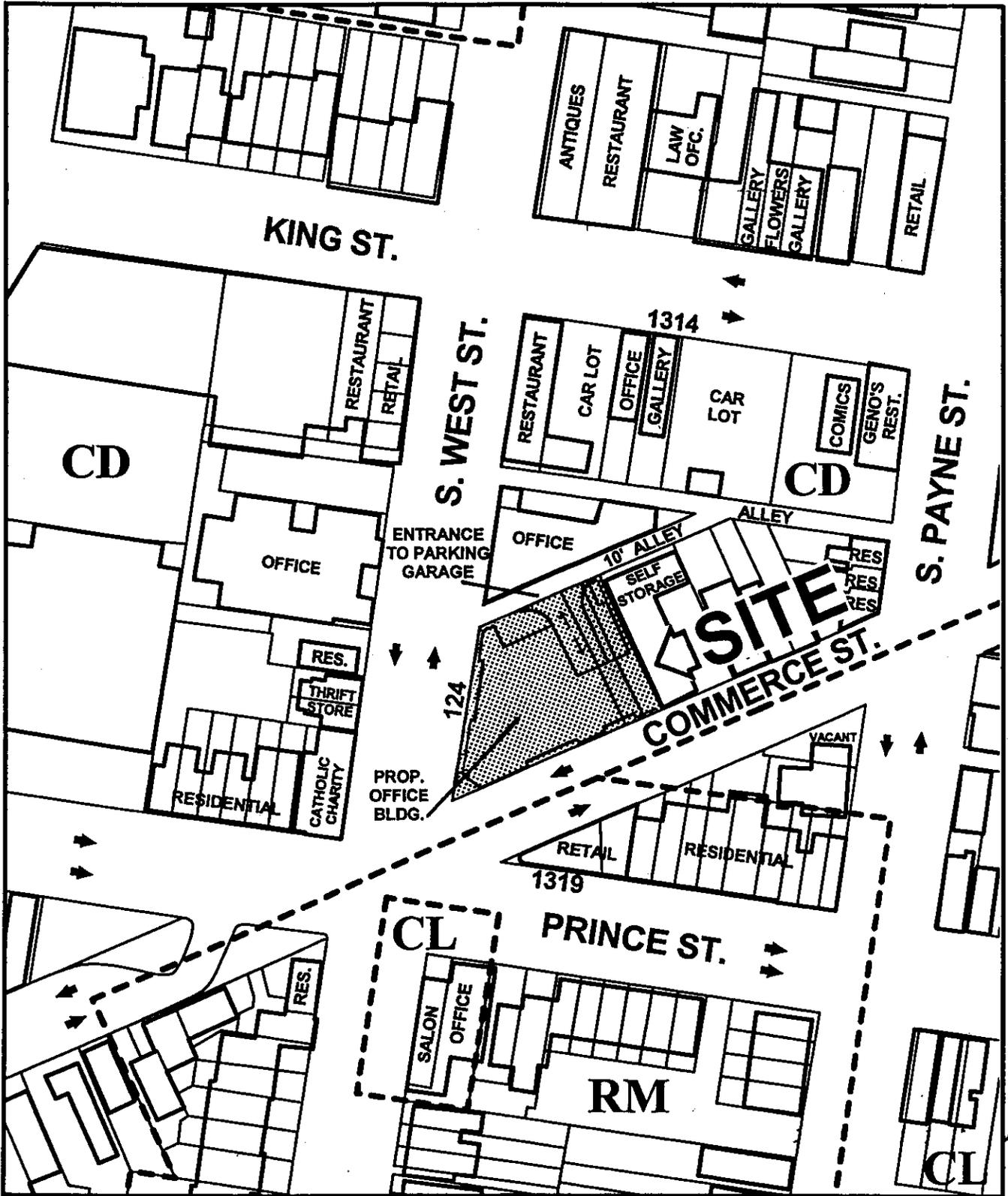
Peter Spencer, Upper King Street Civic Association, spoke in support of the proposal.

John Wilbur, Old Town, raised concerns about the mass and scale of the building and asked for one story to be removed, with the third story set-back.

Skip McGinnis, Commerce Street property owner, raised concerns about the ability of the narrow public alley to handle the traffic from the new building.

**PLANNING COMMISSION ACTION, MARCH 6, 2001:** The Planning Commission noted the deferral of the request.

**Reason:** The staff requested the deferral because the application had not yet received concept approval from the Board of Architectural Review.



DSUP #2000-0051

04/03/01



**SUMMARY:**

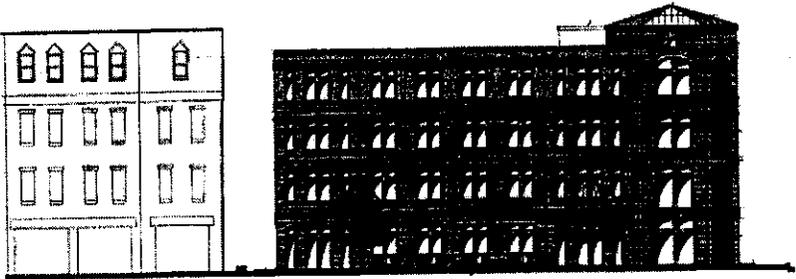
Staff is recommending approval of the proposed office building at 124 South West Street. The applicant has worked extensively with staff on the massing of the building. The mass, scale, height and floor area ratio (F.A.R.) of the proposed office building are generally consistent with the historical urban context of the neighborhood as the proposed F.A.R. and height were envisioned as a possibility by the Master Plan and Zoning Ordinance. Further, the requested F.A.R. is consistent with the fundamental urban planning principle of locating appropriate uses and densities near mass transit facilities. The proposed use is also consistent with the intent of the CD-Commercial Downtown zone to “provide an urban mix of retail, office, residential and civic functions for the city’s downtown business core.” While the overall mass of the building appears to be appropriate and has been approved by the Board of Architectural Review, there remain elements that need to be incorporated to ensure compatibility with the neighborhood. These elements are discussed in further detail below.

Initial concerns related to the compatibility of the building’s scale with the existing neighborhood and adjoining residential uses. In response to these concerns, the applicant revised the building footprint and design to provide the following:

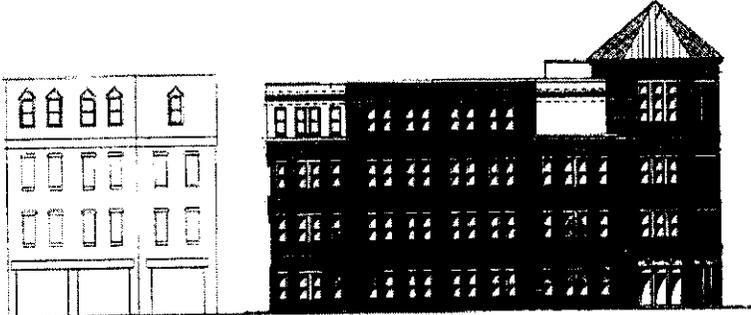
- Building setbacks on the fourth level to reduce the overall perception of building mass;
- Additional building fenestration;
- Altering the relationship of door and window openings; and
- Refining the tower element.

The applicant made additional changes to the building design in response to concerns expressed by Board of Architectural Review members, and the mass and scale of the third submission received conceptual approval by the BAR at its March 21, 2001 meeting. The conceptual approval granted by the BAR was only for the general mass and scale of the building and the final design elements and materials will require subsequent BAR review and approval. The following page depicts the evolution of the building design and the three submissions submitted by the applicant. The third submission was granted conceptual approval by the BAR.

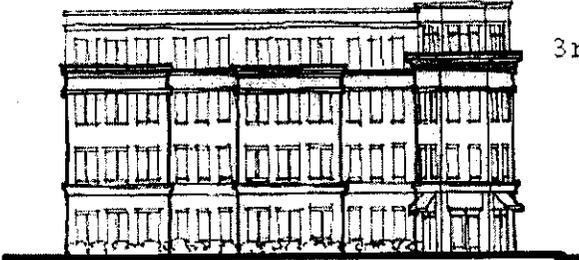
DSUP #2000-0051  
124 S WEST ST OFFICE BLDG.



1st submission



2nd submission



3rd submission

In reviewing the request for a special use permit to increase the permitted FAR, the issue for staff, the Planning Commission and City Council is whether the proposed building is compatible with the existing neighborhood remaining issues. While the overall mass and scale of the proposed building appear to be generally appropriate, the elements of the building that need to be incorporated to ensure compatibility with the commercial (West Street) and primarily residential (Commerce Street) components of the neighborhood include:

- Window/door treatment and patterns on West Street to maintain the existing retail appearance of the street through the use of elements such as storefront windows;
- Treatment and detailing on the lower levels to encourage a pedestrian - friendly streetscape;
- Detailing and materials that will ensure that the building will be compatible with the existing neighborhood and development;
- Fourth level step-backs of a length and depth that minimize the perceived mass and scale of the building; and
- An appropriate treatment and height for the tower element.

The level of detail provided with the current submission is less than typically appears before the Commission or Council and many of the issues would likely have been addressed by more detailed architectural elevations. The overall mass of the building is appropriate and the issues addressed above will ensure additional compatibility with the existing neighborhood and character of each street. Staff believes these are final design elements that can be addressed by additional staff review to ensure adherence to the fundamental planning principle of comparability with the existing neighborhood. Therefore, a condition requiring the applicant to work with staff to resolve the remaining design elements discussed above prior to submission to the BAR has been included as a recommendation. In addition, the architecture of the building will require final approval by the Board of Architectural Review for a certificate of appropriateness.

To enhance the pedestrian circulation for the site, staff is recommending the extension of the existing curbs on Commerce Street and Prince Street that will result in the creation of a pedestrian plaza (*Attachment No. 1*). Recent projects have been routinely required to provide off-site improvements such as under grounding overhead utilities (Old Town Mews), traffic signal (Braddock Lofts), bus shelters, etc. to mitigate the impacts of the proposed development on the adjoining neighborhood. The proposed plaza will also provide an area for additional street trees/crown coverage that cannot be provided on-site and provide an additional area of open space and landscape screening for the residential uses on the southern portion of the site.

**STAFF RECOMMENDATION:**

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The existing sidewalks on Prince and Commerce Streets shall be extended to create a pedestrian plaza and verniff as generally depicted within Attachment No.1 of the staff report. The final design and amenities within the plaza shall at a minimum include brick pavers, street trees, decorative tree grates, trash receptacles etc. to the satisfaction of the Director of P&Z. It shall be the responsibility of the applicant to install the plaza prior to a certificate of occupancy for the office building. (P&Z)(T&ES)
2. The design of the building shall be revised to the satisfaction of the Director of Planning & Zoning to provide:
  - a. The appearance of a retail use on the first floor of the West Street facade through the use of elements such as storefront windows;
  - b. Treatment and details on the lower levels to encourage a pedestrian friendly streetscape; and
  - c. Materials and detailing for the building and tower element that are compatible with the adjoining residential uses and neighborhood.
3. Any controlled access to the parking garage shall not impede the use of the parking garage by employees or visitors for the proposed office use to the satisfaction of the Director of P&Z. The controlled access for the parking garage shall be located and designed to minimize vehicular stacking on the adjoining public alley. Parking spaces within the lower level garage shall not be assigned and employee parking shall occur within the lower level parking garage to the greatest extent possible. (P&Z)
4. Along West Street a minimum 12 ft. wide sidewalk shall be provided with tree wells. Along Commerce Street a 6 ft. wide sidewalk shall be provided with a 4 ft. wide landscape strip between the sidewalk and the street. All sidewalks shall be brick and shall meet City standards. The design of the sidewalks, including the connection to the existing sidewalk, shall be to the satisfaction of the Directors of T&ES and P&Z. The two existing on-site curb cuts on Commerce Street shall be removed and replaced with a 4 ft. wide landscape planting strip and sidewalk. (P&Z)
5. The sidewalk on West Street shall continue over the existing alley to provide an uninterrupted brick sidewalk. (P&Z)

6. Provide brick paver or stamped asphalt pedestrian crossings across S. West Street and across Commerce Street, designed to the satisfaction of the Director of T&ES. (T&ES)
7. All driveway entrances and sidewalks in public right-of-way (ROW) or abutting public ROW shall meet City standards. All sidewalks and driveway entrances in the public right-of-way (ROW) shall meet City standards. Replace existing curb and gutter, sidewalks and handicap ramps that are in disrepair. (T&ES)
8. The trash dumpster and all recyclables shall be located within an enclosure similar to the materials of the building. The enclosure shall be of a size and height to completely screen the dumpster. The doors/gate for the dumpster enclosure shall remain closed at all times when not in use. The design of the enclosure shall be approved by the Board of Architectural Review. (P&Z)
9. Architectural elevations shall be submitted with the final site plan. Each elevation shall indicate the average finished grade line to ensure compliance with all applicable height requirements. (P&Z)
10. A revised landscape plan shall be provided with the final site plan to the satisfaction of the Directors of P&Z and RP&CA. The plan shall at a minimum include:
  - a. Gingko street trees or similar street trees which shall be located a maximum of 35 feet on-center, adjacent to West Street.
  - b. Red Maple or similar street trees, which shall be provided on the northern portion of Commerce Street adjacent to the building between the curb and sidewalk.
  - c. Red Maple or similar street trees and additional landscaping which shall be installed on the entire length of the southern portion of Commerce Street to provide screening for the adjoining residential uses.
  - d. A minimum of three (3) street trees and decorative tree grates, which shall be provided within the pedestrian plaza
  - e. All street trees and trees within the plaza shall at a minimum 4" caliper at the time of planting.
  - f. Coordination of the location of all street trees with adjoining parallel parking spaces and light poles.
  - g. All materials specifications shall be in accordance with the industry standard for grading plant material-The American Standard for Nursery Stock (ANSI Z60.1).
  - h. Additional landscaping/groundcover adjacent to the building within areas that are visible from West and Commerce Streets.

- i. All landscaping shall be maintained in good condition and replaced as needed.
  - j. All underground utilities and utility structures shall be located away from the proposed landscaping and street trees to the extent feasible, to minimize any impact on the root systems of the proposed landscaping, to the satisfaction of the Director of T&ES and P&Z. (P&Z)
11. The applicant shall be allowed to make minor adjustments if the changes do not result in the loss of parking, landscaping or an increase in floor area ratio. (P&Z)
12. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z)
13. Temporary structures for construction shall be permitted and the period such structures are to remain on the site, size and site design for such structures shall be subject to the approval of the Director of P&Z. (P&Z)
14. All utility structures, such as transformers, switch boxes, cable and telephone pedestals, ventilation areas, areaways etc. shall be located on the northern portion of the building to the greatest extent possible. The final location and screening shall be approved by the Director of P&Z prior to the release of the final site plan. (P&Z)
15. As - built plans for the building and parking garage shall be submitted by the applicant to the Department of P&Z prior to issuance of a certificate of occupancy permit. (P&Z)
16. The applicant shall attach a copy of the final released site plan to each building permit document application and be responsible for insuring that the building permit drawings are consistent and in compliance with the final released site plan prior to review and approval of the building permit. (P&Z)
17. The applicant shall submit a plat of consolidation to consolidate the existing lots prior to release of the final site plan. The lots shall be consolidated and recorded prior to the issuance of a building permit. (P&Z)
18. The height of the mechanical penthouse shall comply with all applicable height requirements of the Zoning Ordinance. A detailed cross-section of the mechanical penthouse shall be submitted with the final site plan. (P&Z)

19. The developer shall comply with the peak flow requirements of Article XIII of Alexandria Zoning Ordinance. (T&ES)
20. The storm water Best Management Practices (BMPs) required by this project shall be constructed and installed under the direct supervision of the design engineer or his/her designated representative. The design engineer shall make a written certification to the City that the Best Management Practices are constructed and installed as designed and in accordance with the approved final site plan. In addition, aggregate layers and collector pipes may not be installed unless said engineer or his/her representative is present. (T&ES)
21. The developer shall furnish the owner with an Operation and Maintenance Manual for all Best Management Practices on the project. The manual shall include at a minimum an explanation of the functions and operations of the BMP and any supporting utilities, catalog cuts on any mechanical or electrical equipment, a schedule of routine maintenance for the BMP and supporting equipment, and a copy of maintenance agreement with the city. (T&ES)
22. Locate BMP inside an easement and locate it where it is accessible for maintenance and inspection. (T&ES)
23. Show existing and proposed street lights and site lights on the final site plan. Indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts. Provide manufacturer's specifications for the fixtures. Provide lighting calculations to verify that lighting meets City Standards. The level of lighting for the exterior of the building and sidewalks shall be to the satisfaction of the Director of T&ES in consultation with the Chief of Police. (T&ES)
24. Provide a City standard "One -Way" signs at existing public alley entrance at S. West Street and City standard "Do Not Enter" signs at existing public alley exit at Payne Street. (T&ES)
25. Provide details and specifications for all traffic and pedestrian signage. Sign posts shall be 2" diameter galvanized poles painted black. Signs shall be Highway C aluminum, 0.080 gauge blank, 3M VIP sheeting. Prior to the start of construction, developer shall submit shop drawings to T&ES for approval.(T&ES)
26. The existing 12ft. alley between South West Street and Payne Street shall be resurfaced and striped to the satisfaction of the Director of T&ES. (T&ES)
27. Widened curb returns shall be provided on Payne Street to increase sight distances and enhance circulation while minimizing the loss of on-street parking to the satisfaction of the Director of P&Z and T&ES. (P&Z) (T&ES)

28. The proposed on-street loading space shall be non-exclusive to the applicant. (T&ES)
29. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging. (T&ES)
30. In accordance with the City of Alexandria's Affordable Housing Policy, the developer will provide a contribution to the Housing Trust Fund in the amount of \$0.50 per gross square foot. (Housing)
31. The applicant is to consult with the Crime Prevention Unit of the Alexandria Police Department regarding locking hardware and alarms for the building. This is to be completed prior to the commencement of construction. (Police)
32. There is to be a security survey completed for construction trailers on the site. This is to be completed as soon as the trailers arrive. (Police)
33. The lighting in the parking garage shall a minimum of 2.0 foot candles minimum maintained. (Police)
34. The walls and ceilings in the garage are to be painted white.(Police)
35. There is to be controlled access into the garage.(Police)
36. Call Alexandria Archaeology (703-838-4399) immediately if historic structural remains (e.g. foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are found during development. Work must cease in the area until a City archaeologist inspects the property and records the finds. The above statement shall be included in the General Notes of all site plans for this project. (Arch)

Special use permits and modifications requested by the applicant and recommended by staff:

1. SUP for increased Floor Area Ratio (FAR) from 1.5 to 2.5
2. Modification for off-site crown coverage.
3. Modification for residential zone transition setback.

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Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

**BACKGROUND:**

The applicant, Riverport Land Company, is requesting approval to construct a four-level office building that will consist of approximately 32,000 sq. ft. at 124 South West Street. The proposal will require approval of a development special use permit to increase the permitted floor area ratio (F.A.R.) from 1.5 to 2.5 within the CD - Commercial-Downtown zone, a preliminary site plan, a modification to the required residential zone transition setback, and a modification to provide the crown coverage requirement off-site.

The property consists of three lots of record that total 10,692 sq. ft., with frontage on West and Commerce Streets. An existing 12 ft. wide public alley is located to the north of the site, providing rear access to the property and adjoining lots. The site is currently almost entirely impervious with an existing one-story building constructed in 1938 as a Pontiac automobile sales and service building. The exterior of the existing building has been extensively altered as various commercial and retail uses occupied the building; the current tenant within the building is the Oriental Rug Gallery.

The property is within the Old and Historic Alexandria District. The conceptual design of this project was reviewed by the Old and Historic District Board of Architectural Review (B.A.R.); the Board has granted concept approval for the project, indicating their general support for the overall scale and mass of the building. The Board has also granted approval to demolish the existing building on the subject property.

**Proposed Development:**

The proposed office building is located on a triangular shaped lot that is located at the visually prominent intersection of Prince, Commerce and West Streets. The proposed building will face both West and Commerce Streets and will be constructed over a three-level underground parking garage to be accessed via the existing 12 ft. alley on the northern portion of the site. The building is designed for two separate office users and will have two entrances, one at the corner of West and Commerce Street and the second facing Commerce Street. The applicant has stated that one of the likely tenants will be the American Statistical Association (ASA) that will be relocating its 40-50 employees from its current Duke Street location.

The footprint of the building is approximately 130 ft. x 95 ft. The building faces are articulated into a series of vertical bays, with portions of the buildings set back providing visual interest and providing additional areas for landscaping adjacent to the building. The overall height of the four-story building is 50 feet, with portions of the fourth story set back 4-6 feet, reducing the apparent mass of the building from the street.

The proposed development provides 69 parking spaces within the lower level parking garage and one on-street loading space which is more than is required by the zoning ordinance. Due to the initial concerns of staff, the applicant has provided the on-street loading space on West Street, which will have the benefit of providing a loading space for proposed office use while also providing a loading space for the adjoining commercial, office and retail uses.

**Zoning:**

The zoning characteristics of the development are summarized in the table below.

| <b>WEST STREET OFFICE BUILDING</b> |                             |  |
|------------------------------------|-----------------------------|--|
| Property Address:                  | 124 South West Street       |  |
| Total Site Area:                   | 10,692 sq. ft.              |  |
| Zone:                              | CD - Commercial Downtown    |  |
| Current Use:                       | Retail                      |  |
| Proposed Use:                      | Office                      |  |
|                                    | <u>Permitted/Required</u>   | <u>Proposed</u>  |
| F.A.R.                             | 1.5, 2.5 w/SUP              | 2.5 (SUP requested)                                      |
| Yards                              | NA                          | Lot Line ( West Street )<br>Lot line ( Commerce Street ) |
| Zone Transition Setback            | 9.8 ft.                     | 0' (modification requested)                              |
| Height                             | 50 ft.                      | 50 ft.   |
| Parking                            | 1 sp./500 nsf<br>64 spaces. | 70 spaces  |
| Loading Space                      | None Required               | 1 provided   |

**STAFF ANALYSIS:**

Staff is recommending approval of the proposed office building. The applicant has worked extensively with staff to revise the design of the building, changing the building footprint, increasing building articulation, and refining the details of the building in order to address initial staff concerns regarding mass, scale and compatibility with the adjacent residences. The applicant has also continued to make additional refinements to the design at the direction of the BAR. As stated previously, there are several design features such as the tower element that need to be further refined with staff prior to submission to the BAR for a certificate of appropriateness.

The prominent corner location and visibility of the proposed building from two sides present an opportunity to create what will be a visually prominent building within Old Town. The proposed building height (50 ft.) is an appropriate transition between the lower scale residential homes on Commerce Street and the retail and office uses and buildings on West, King and Prince Streets. While the proposal generally complies with the criteria for granting the increased F.A.R., compliance with the criteria is contingent upon the recommendations of pedestrian improvements and additional landscaping and refinements to the design of the building.

**Pedestrian Plaza - Pedestrian Circulation:**

The pedestrian plaza proposed by staff (*Attachment No.1*) will provide several inherent benefits. These include:

- Mitigating the effects of the additional pedestrian and vehicular circulation due to the proposed office building.
- Providing additional landscaping/screening for the adjoining residential uses on Prince Street.
- Providing additional “sense of place” for the neighborhood by providing an identifiable area for the neighborhood.
- Coordinating of the existing sidewalk network and streetscape
- Providing an open plaza that will provide a significant visual open space feature.

While the anticipated price of the plaza is significant (\$10,000 - \$12,000) there is a clear nexus between requiring the plaza to accommodate the additional pedestrian and vehicular activity that will occur within the adjoining intersection due to the proposed office building.

While the condition of the existing streetscape, and pedestrian circulation of the adjoining intersection are currently less than ideal, the proposed office use introduces additional pedestrians and circulation into the adjoining intersection that needs to be mitigated by the applicant. The proposed plaza will enhance the pedestrian circulation that results from the proposed increase in density.

A fundamental purpose of the special use permit review is to evaluate any negative impacts that a land use may have on adjacent properties and the general public. Therefore, the plaza is required to mitigate the awkward pedestrian circulation within the adjoining intersection that will be exacerbated by the expected number of employees that will utilize the intersection as a result of the proposed office use. The recommendation is to construct the plaza is similar to other requirements placed upon recent developments to mitigate negative impacts such as traffic signals and utility under-grounding utilities. The applicant should be required to provide all of the streetscape, landscaping and plaza improvements to mitigate the effects of the increased density on the existing residential neighborhood, which is comparable to other improvements completed by other recent developments.

**Crown Coverage Modification - Landscaping:**

The project does not comply with the city's crown coverage requirements and the applicant has requested a modification to these requirements. The zoning ordinance specifically permits up to 100% of crown coverage to be provided off-site by approval of the Planning Commission within zones, such as the CD of the proposed project, where compliance with the crown coverage requirements is not practical. While granting, the crown coverage modification is appropriate for the urban context of the site and neighborhood, it is being recommended that the applicant provide street and landscaping surrounding the building and street trees within the proposed pedestrian plaza to the satisfaction of the Directors of P&Z and RP&CA. The recommended street trees, plaza and additional landscaping adjacent to the building will significantly enhance the streetscape and reinforce the importance of the adjacent pedestrian environment.

**Residential Zone Transition Setback Modification**

The zoning ordinance requires that the proposed office building provide a front yard (Commerce Street) setback that is required within the adjoining RM -Residential Medium. The front yard setback requirements within the RM zone is the front lot line or the average distance of the existing front yard setback within the block. Because the average front setback of the adjoining buildings within the RM zone is 9.8 ft., the applicant is requesting a front yard setback modification on Commerce Street to construct the building on the lot line.

The historic development pattern and mixed-use nature of the neighborhood and abutting residential and commercial zones requires the careful integration of the proposed office use and adjoining residential uses. To minimize impacts upon the adjoining residential uses, it is recommended that the applicant install street trees and a significant amount of landscaping on the southern portion of Commerce Street. The proposed trees in addition to the trees surrounding the building and within the plaza will collectively provide an effective landscape screen for the adjoining residential uses.

**Compliance with Special Use Permit criteria for granting an increase in F.A.R.**

The proposed office building requires approval of a special use permit to allow an increase in F.A.R. from 1.5 to 2.5. According to the Zoning Ordinance, City Council may approve an application for a special use permit to increase F.A.R. if three criteria are met:

1. The proposed use substantially conforms to the Master Plan;
2. The proposed use may not adversely affect the health or welfare of persons in the neighborhood; and
3. The proposed use may not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

In evaluating these criteria, development factors such as parking, pedestrian circulation, scale, height and compatibility with the existing neighborhood are interrelated elements to be considered.

The proposed development is consistent with the goals of the Master Plan, which encourages “new development that should be a scale and character compatible with the existing residential scale.” The building design has been refined with step-backs at the upper level, to reduce the apparent height of the building to three stories, consistent with a lower townhouse scale. Vertical articulation of the building walls also helps to create a scale compatible with residential development.

**Parking / Circulation:**

The applicant is proposing 70 off-street parking spaces which is more than are required by the Zoning Ordinance. Because all of the proposed parking is accessed from the existing alley and the spaces are provided within the lower level parking garage several (2-3) on-street parking spaces will be provided with the closure of the existing curb cut on Commerce Street.

While staff believes that the number of parking spaces proposed by the applicant will be sufficient for the proposed use, several recommendations have been included to increase the usage and efficiency of the parking garage. These include:

- Prohibiting the sale or assignment of spaces within the lower level parking garage; Generally, when parking is pooled collectively, parking is able to be utilized more efficiently;
- The type/location of the controlled access to the parking garage be designed to not impede the use of the parking garage by employees or visitors;
- The location of the controlled access be designed to minimize stacking of vehicles on the adjoining public alley; and
- Requiring that employee parking occur within the lower level parking garage to the greatest extent possible rather than the adjacent public streets.

Staff is also recommending that the circulation on the existing 12 ft. alley that bisects the block be defined as a one-way (east-bound circulation) circulation pattern with appropriate signage. In addition, staff is recommending that the curb cut on Payne Street be revised to allow adequate sight distances. The widened curb returns may result in the loss of 1-2 on-street parking spaces on Payne Street. Staff is recommending that the widened curb cut on Payne Street be designed to accommodate adequate sight distances while minimizing the loss of existing on-street parking spaces.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the proposed development special use permit to increase the permitted F.A.R., preliminary site plan and modifications with the conditions outlined within the staff report, which will enable the proposed office building to be compatible with the existing commercial and residential components of the neighborhood.

**STAFF:** Eileen P. Fogarty, Director, Department of Planning and Zoning;  
Kimberley Johnson, Chief, Development;  
Jeffrey Farner, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Planning & Zoning:

F-1. Demolition of existing building and construction of new building must be approved by the Old and Historic District Board of Architectural Review.

Transportation & Environmental Services:

- C-1. Bond for the public improvements must be posted prior to release of the plan.
- C-2. All downspouts must be connected to a storm sewer by continuous underground pipe.
- C-3. The sewer tap fee must be paid prior to release of the plan.
- C-4. All easements and/or dedications must be recorded prior to release of the plan.
- C-5. Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.
- C-6. All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C-7. All utilities serving this site to be underground.
- C-8. Provide site lighting plan.
- C-9. Plan shall comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control.
- C-10. Provide a phased erosion and sediment control plan consistent with grading and construction.

Code Enforcement:

- C-1 The cover sheet shall reference the 1996 Virginia Uniform Statewide Building Code, not the 1990 version.
- C-2 The developer shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) floor area per floor ; e) fire protection plan.
- C-3 The developer shall provide a separate Fire Service Plan which illustrates: a) emergency ingress/egress routes to the site; b) two fire department connections (FDC) to the building, one on each side/end of the building; c) fire hydrants located within on hundred (100) feet of each FDC; d) on site fire hydrants spaced with a maximum distance of three hundred (300) feet between hydrants and to the most remote point of vehicular access on the site; e) emergency vehicle easements (EVE) around the building with a twenty-two (22) foot minimum width; f) all Fire Service Plan elements are subject to the approval of the Director of Code Enforcement.
- C-4 Fire Department ladder truck access is required for two sides/ ends of all buildings over 50 feet in height. This requires a truck to be able to position itself between 15 and 30 feet from the face of the building. All elevated structures used for this purpose shall be designed to AASHTO HS-20 loadings.
- C-5 A soils report must be submitted with the building permit application.
- C-6 Prior to submission of the Final Site Plan, the developer shall provide a fire flow analysis by a certified licensed fire protection engineer to assure adequate water supply for the structure being considered. See attached guidelines for calculation methodology.
- C-7 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0.
- C-8 All exterior walls within 3 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided.
- C-9 This structure contains mixed use groups [ B, Business; S-2, Low-Hazard Storage (public garage, group 2)], and is subject to the mixed use and occupancy requirements of USBC.

- C-10 Required exits, parking, and accessibility within the building for persons with disabilities must comply with USBC Chapter 11. Handicapped accessible bathrooms shall also be provided.
- C-11 The public parking garage (Use Group S-2) is required to be equipped with a sprinkler system.
- C-12 The public parking garage floor must comply with USBC and drain through oil separators or traps to avoid accumulation of explosive vapors in building drains or sewers as provided for in the plumbing code. This parking garage is classified as an S-2, Group 2, public garage. Floors of public garages must be graded to drain through oil separators or traps to avoid accumulation of explosive vapors in building drains or sewers.
- C-13 Enclosed parking garages must be ventilated in accordance with USBC.
- C-14 Fire suppression systems shall be installed in building and structures of Use Group B, when > 50' in height. Building height shall be measured from the point of the lowest grade level elevation accessible by fire department vehicles at the building or structure to the floor of the highest occupiable story of the building or structure.
- C-15 A fire protective signaling system is required in the B, Business use group area (offices) which are located two or more stories above the lowest level of exit discharge.
- C-16 Prior to the issuance of a demolition permit, building permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

VAWC:

- C-1 Water services is available for domestic use and fire protection.
- C-2 Separate service connections will be required for the fire and domestic use.

Health Department:

- F-1 No comments.

Historic Alexandria (Archaeology):

- F-1 This property is in an area that had both residential and commercial structures present by at least the nineteenth century. There is potential for archaeological resources to be present in the ground.

Parks & Recreation (Arborist):

No comments received from this Department.

Police:

**The following recommendation related to lighting has not been included as conditions; rather, staff has recommended that the applicant prepare a lighting plan to the satisfaction of the Director of T&ES in consultation with the police, which will likely result in lower lighting levels than those desired by the Police. The recommendation for 2.0 candles within the parking garage has been included within the staff report.**

- R-1. Lighting on the sidewalk is to be a minimum 2.0 foot candles maintained.  
**(Not recommended by P&Z)**

JF

APPLICATION for  
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN  
DSUP # 2000-0051

PROJECT NAME: 124 SOUTH WEST STREET OFFICE BUILDING

PROPERTY LOCATION: 124 South West Street, Alexandria, Virginia

TAX MAP REFERENCE: 74.01 03 03, 04, 05 ZONE: CD/Commercial Downtown

APPLICANT Name: Riverport Land Company, a Virginia general partnership

Address: 1022 Duke Street, Alexandria, Virginia 22314

PROPERTY OWNER Name: Riverport Land Company

Address: 1022 Duke Street, Alexandria, Virginia 22314

SUMMARY OF PROPOSAL: Development Special Use Permit to construct a 30,630 square foot office building.

MODIFICATIONS REQUESTED: Waiver of zone transition setback requirement §7-902(B) of the Alexandria Zoning Ordinance, 1992, as amended ("Ordinance").

SUP's REQUESTED: Special Use Permit pursuant to §4-506(B)(2) of the Ordinance to increase permitted floor area ratio from a 1.5 FAR to a 2.5 FAR.

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

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

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

Land, Clark, Carroll, Mendelson & Blair, P.C.

By: Duncan W. Blair, Esquire

Print Name of Applicant or Agent



Signature

Email: dblair@landclark.com

(703) 836-1000

Telephone #

(703) 549-3335

Fax #

112 South Alfred Street, Suite 300

Mailing/Street Address

Alexandria, Virginia

City and State

22314

Zip Code

November 9, 2000; Revised, November 28, 2000

Date

**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**

Application Received: \_\_\_\_\_

Received Plans for Completeness: \_\_\_\_\_

Fee Paid & Date: \$ \_\_\_\_\_

Received Plans for Preliminary: \_\_\_\_\_

ACTION - PLANNING COMMISSION: \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

124 S. WEST ST.

NOV 29 2000

Development Special Use Permit with Site Plan (DSUP) # 2000-0051

All applicants must complete this form.

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

1. The applicant is the (check one):

Owner       Contract Purchaser

Lessee       Other: \_\_\_\_\_

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

**Riverport Land Company is a Virginia general partnership. The general partners and the people owning an interest in Riverport Land Company in excess of ten (10%) are Carey Meushaw and Arthur Meushaw, III, 1022 Duke Street, Alexandria, Virginia, 22314.**

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

Yes. Provide proof of current City business license

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

**NARRATIVE DESCRIPTION**

2. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. If not appropriate to the request, delete pages 4-7.  
*(Attach additional sheets if necessary)*

**Riverport Land Company, a Virginia general partnership, is requesting a Development Special Use Permit to construct a 30,630 square foot office building on the corner of South West and Commerce Streets (the "Property"). The Property currently is partly improved by a one-story retail office building owned by the Applicants. The proposed office building has been designed and planned to create a pedestrian-oriented streetscape of a size and scale consistent with the character of the immediate area and the Old and Historic Alexandria District.**

**Special Use Permits**

**The Applicants are requesting a Special Use Permit pursuant to §4-506(B)(1) of the Ordinance to allow for an increase in permitted floor area ratio from a 1.5 to a 2.5 floor area to permit construction of the office building. The building has been designed to be consistent with the Old and Historic Alexandria District Design Guidelines and to maintain the existing scale and character of the streetscape of the immediate area.**

**Modification Waiver of §7-902(B) Zone Transition Setback**

**The applicant is requesting a modification/waiver of the strict application of §7-902(B) of the Ordinance to permit construction of the proposed office building into the zone transition setback area along Commerce Street. Pursuant to §7-902(B), the required front yard zone transition setback is 9.8 feet, the average setback of the buildings on the south side of Commerce Street. The requested modification is to permit the office building to sit directly on the front property to create an urban streetscape. The residential buildings on the south side of Commerce Street do not front on Commerce Street, rather those buildings are located on through lots and actually front on Prince Street and have their rear yards on Commerce Street.**

**Modification of the Landscaping Requirements of §11-416(B)**

**The Applicants are requesting a modification from the strict application of §410(cc) of the Ordinance pursuant to §416(B) of the Ordinance. The proposed office building does not have on-site open areas for landscaping and adjacent rights-of-way of South West Street and Commerce Streets have established mature street trees. Based on the foregoing, it is impossible to comply with §410(cc) of the Ordinance on-site or on the adjacent rights-of-way.**

Development Special Use Permit with Site Plan (DSUP) # 2000-0051

3. How many patrons, clients, pupils and other such users do you expect?  
Specify time period (i.e., day, hour, or shift).

**Not Applicable.**

4. How many employees, staff and other personnel do you expect?  
Specify time period (i.e. day, hour, or shift).

**Not Applicable.**

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

| Day | Hours | Day | Hours |
|-----|-------|-----|-------|
|-----|-------|-----|-------|

**Not Applicable.**

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

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

**All mechanical equipment will be selected and located on the property to comply with the noise levels permitted by the Alexandria City Code.**

- B. How will the noise from patrons be controlled?

**Not Applicable.**

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

**Not Applicable.**

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

- A. What type of trash and garbage will be generated by the use?

**The type of trash and garbage that will be generated by the project will be of the type and volume generally associated with office uses.**

- B. How much trash and garbage will be generated by the use?

**The office and retail use of the property will not generate an extraordinary volume of trash and garbage. Storage of trash and garbage will be accommodated on-site.**

Development Special Use Permit with Site Plan (DSUP) # 2000-0051

C. How often will trash be collected?

**Trash and garbage will be collected by a commercial collector on a regular schedule to be determined by the project's management.**

D. How will you prevent littering on the property, streets and nearby properties?

**The management of the project will maintain and police the public areas of the project and adjacent rights-of-way.**

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

Yes.  No.

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

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

Yes.  No.

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

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

**Not Applicable.**

#### ALCOHOL SALES

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

Yes.  No.

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

**PARKING AND ACCESS REQUIREMENTS**

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

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

**Fifty-four (54) parking spaces are required pursuant to the Ordinance {One (1) space per five hundred (500) square feet of floor area}.**

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

16 Standard spaces

51 Compact spaces

3 Handicapped accessible spaces.

---

70 Total spaces

**Note: The number of non-required additional parking spaces may vary due to final architectural and engineering requirements.**

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

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

**Not Applicable.**

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

D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

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

A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance?

**None.**

Development Special Use Permit with Site Plan (DSUP) # 2000-0051

B. How many loading spaces are available for the use?

**None.**

C. Where are off-street loading facilities located?

**Not Applicable.**

D. During what hours of the day do you expect loading/unloading operations to occur?

**Not Applicable.**

E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?

**Not Applicable.**

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

**Yes, street access is adequate and no street improvements are required.**

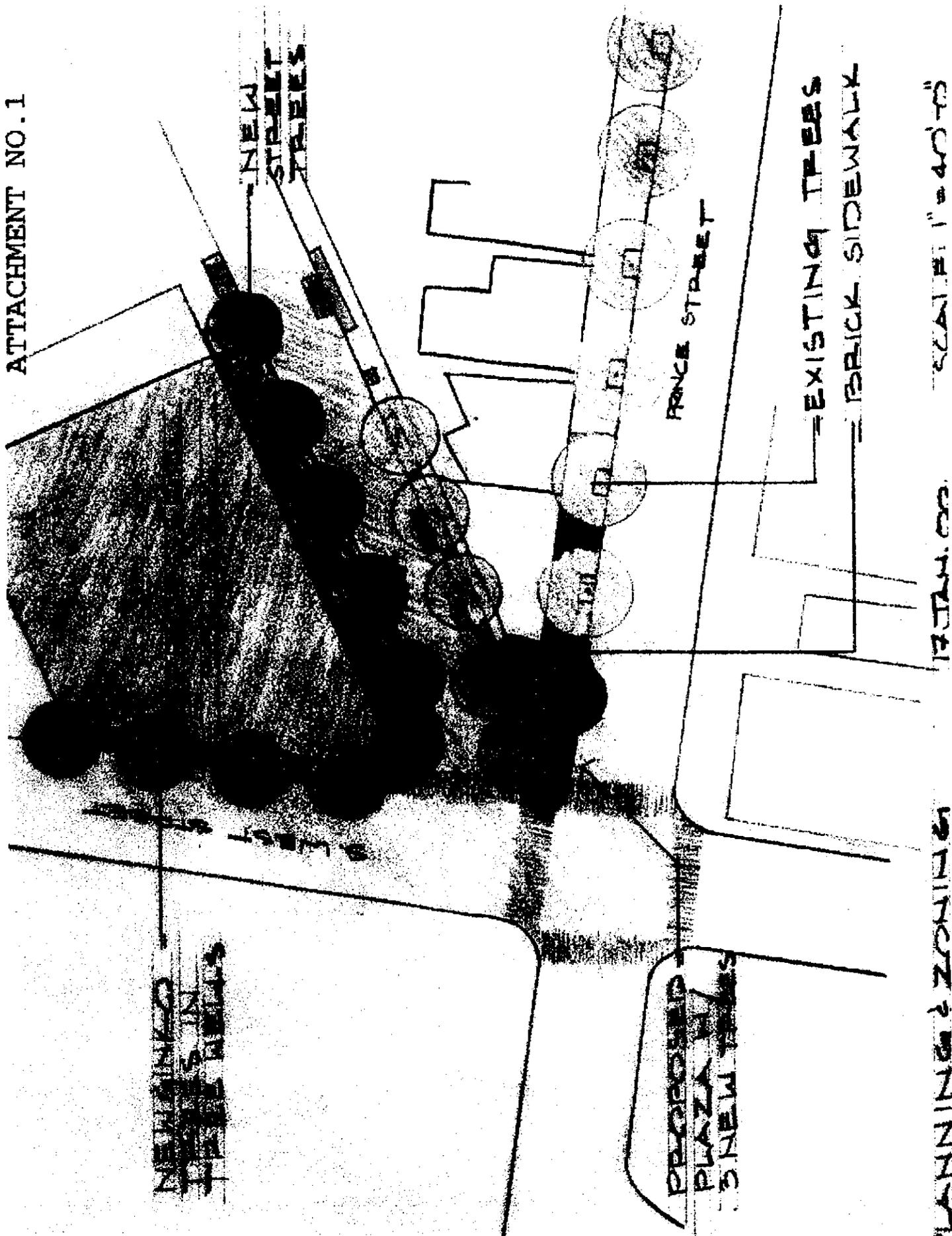








ATTACHMENT NO. 1



NEW PLAZA WITH 3 NEW TREES

NEW STREET TREES

PROPOSED PLAZA WITH 3 NEW TREES

FRANCE STREET

EXISTING TREES  
BRICK SIDEWALK

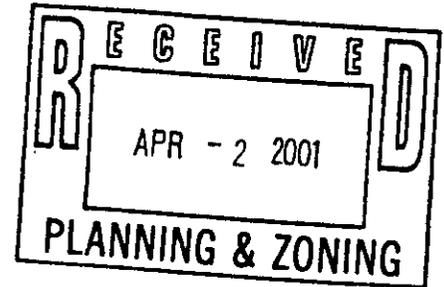
PLAN. CO. SCALE: 1" = 40'-0"

#8.  
P.C. of 4-3-01

DSUP 2000-0051  
124 S. WEST ST.

April 1, 2001

**Planning Commission**  
**Department of Planning and Zoning**  
301 King Street, Room 2100  
Alexandria, VA 22314



Re: Case #2000-0051  
124 S. West Street

**Planning Commission Members:**

I am a property owner of 209 Commerce Street, and writing in opposition to the referenced case.

The City's Master Plan for this area clearly indicates that this site should be a transition from the more intense commercial uses along King Street and Metro areas to the residential scale of primarily residential or mixed-use neighborhoods extending to the South and East. The proposed development indicates an intensification of use and increase in bulk similar to the commercial development along King Street and areas to the West near the Metro, effectively eliminating any transition from these higher uses to the existing less intense uses. There appear to be no mitigating circumstances or benefits to the neighborhood or the City of Alexandria that suggest such a development is desirable and appropriate. In fact, there appear to be only negative consequences accruing to the neighborhood, particularly with respect to traffic and vehicles.

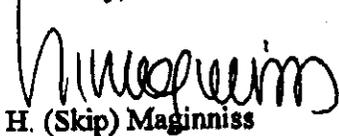
The proposal, as submitted, relies on the existing alley running East/West from West Street to Payne Street for vehicular ingress and egress to the development. I have contacted the Owner and Owner's counsel to express very serious technical and safety concerns issues relative to my property as well as the other properties on the alley. An outline of some of these issues is as follows:

1. The proposed increase in density increases the number of people and cars (parking) on the site that must use the alley. The number of cars referenced in the proposal is approximately 60. This alley was never intended to serve as a mini-street, and barely accommodates in a safe manner the present number of cars currently accessing properties along the alley. There are 4 significant developable parcels adjacent to the alley - the storage garages to the West of our building, two Used-Car lots between the alley and King Street, and the Geno's Restaurant property - that could add substantially more traffic to the alley in the future. To the best of my knowledge, there is no traffic study for this alley that addresses its proposed and future use.
2. The alley is used as and cross-through for pedestrians from West Street to Payne Street. The presence of pedestrians with the present number of vehicles using the alley is problematic - intensified use will pose a very serious safety concern.

3. The condition of the alley is very poor – particularly along the edges. There are currently trees, plant material, and trash along these edges. The exact legal limits of the alley are not clearly delineated vis-à-vis adjacent properties. The City - or any other entity – does not take responsibility for the maintenance of the alley. With intensified use the maintenance of the alley will magnify the problems of safe use of the alley.
4. The alley is designated as a 12'-0' wide alley, although projections into the alley at various points decrease this width. The existing width does not meet the City's standards for one way access with parking at 90, 45, and 60 degrees (8-200,D,b).
5. There are two businesses, four residences and one restaurant that use the alley for access. Currently, safe access for these users is marginal. The intensified use will more that double the traffic in the alley.
6. There is a trash dumpster in the "Y" of the alley directly behind 209 Commerce. This dumpster is serviced by a truck that blocks the alley, and the dumpster is often place partially encroaching in the alley. Also, the trash removal operations and delivery operations to Geno's often block the alley.
7. There are two Used Car Lots on King Street that uses the alley for temporary parking when they are receiving new vehicles which blocks the North "leg" of the alley as well as the alley portion that connects to Payne Street.
8. The intersection at Payne Street is dangerous and difficult due to a telephone pole at the North Side of the sidewalk which restricts the opening, and the cars parked on the street directly to the South of the exit. Further, the location of the residences makes it difficult to see pedestrians on the sidewalk.
9. The corner of Payne and Commerce has stop signs for the Payne Street traffic, but not the Commerce Street traffic. There have been a number of accidents at this intersection. The increased traffic on these streets due to the development will make this intersection even more dangerous.
10. Due to the adjacent building to the West, which extends all the way back to the alley, it is impossible to see vehicles coming down the alley. Therefore, exiting the parking behind 209 Commerce is difficult and dangerous.
11. There is no entity responsible for snow removal in the alley, and because there is no space to put shoveled or plowed snow the ingress and egress via the alley is virtually impossible in moderate or heavy snowfall.

Given that these issues that are not fully addressed by the Developer or in the Planning Department's analysis of the proposal, the Planning Commission would be prudent not to act on the proposal until these issues have been addressed in a traffic study and through further analysis.

Sincerely,



H. (Skip) Maginniss

JF

9

APPLICATION for  
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN  
DSUP # 2000-0051

PROJECT NAME: **124 SOUTH WEST STREET OFFICE BUILDING**

PROPERTY LOCATION: **124 South West Street, Alexandria, Virginia**

TAX MAP REFERENCE: **74.01 03 03, 04, 05** ZONE: **CD/Commercial Downtown**

APPLICANT Name: **Riverport Land Company, a Virginia general partnership**

Address: **1022 Duke Street, Alexandria, Virginia 22314**

PROPERTY OWNER Name: **Riverport Land Company**

Address: **1022 Duke Street, Alexandria, Virginia 22314**

SUMMARY OF PROPOSAL: **Development Special Use Permit to construct a 30,630 square foot office building.**

MODIFICATIONS REQUESTED: **Waiver of zone transition setback requirement §7-902(B) of the Alexandria Zoning Ordinance, 1992, as amended ("Ordinance").**

SUP's REQUESTED: **Special Use Permit pursuant to §4-506(B)(2) of the Ordinance to increase permitted floor area ratio from a 1.5 FAR to a 2.5 FAR.**

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

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

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

Land, Clark, Carroll, Mendelson & Blair, P.C.

By: Duncan W. Blair, Esquire

*Print Name of Applicant or Agent*



*Signature*

Email: dblair@landclark.com

(703) 836-1000

*Telephone #*

(703) 549-3335

*Fax #*

112 South Alfred Street, Suite 300

*Mailing/Street Address*

Alexandria, Virginia

*City and State*

22314

*Zip Code*

November 9, 2000; Revised, November 28, 2000

*Date*

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

**NOV 29 2000**

Application Received: \_\_\_\_\_

Received Plans for Completeness: \_\_\_\_\_

Fee Paid & Date: \$ \_\_\_\_\_

Received Plans for Preliminary: \_\_\_\_\_

ACTION - PLANNING COMMISSION: 4/3/01 RECOMMEND DENIAL 3-3-1

ACTION - CITY COUNCIL: 4/21/01PH -- CC deferred this item to the May 12, 2001 Public Hearing Meeting

124 S. WEST ST.

**LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.**

*Attorneys & Counsellors at Law*

112 SOUTH ALFRED STREET  
SUITE 300  
ALEXANDRIA, VA 22314

9  
4-21-01

H. CARTER LAND, III  
JAMES C. CLARK  
F. ANDREW CARROLL, III  
RICHARD S. MENDELSON  
DUNCAN W. BLAIR

.....  
(703) 836-1000  
  
FACSIMILE  
(703) 549-3335

MAILING ADDRESS:  
P.O. BOX 19888  
ALEXANDRIA, VIRGINIA 22320-0888

April 13, 2001

**HAND DELIVERY**

Mayor Kerry J. Donley  
City Hall, Room 2300  
301 King Street  
Alexandria, Virginia 22314

**In re: Docket Item #9, City Council Public Hearing, April 21, 2001  
Development Special Use Permit 2000-0051  
124 South West Street, Alexandria, Virginia**

Dear Mayor Donley:

I am writing on behalf of our client, Riverport Land Company, to request that consideration of the above-referenced item be deferred from the City Council's April 21, 2001 Public Hearing to the City Council's May 12, 2001 Public Hearing.

The request for deferral is being made to allow the applicants additional time to address issues raised and discussed during the Planning Commission's Public Hearing.

If you have any questions or require any further information, please do not hesitate to call.

Very truly yours,



Duncan W. Blair

DWB:ejf\donley-meushaw.041301

- cc: Mr. Carey Meushaw, Riverport Land Company
- Ms. Eileen P. Fogarty, Director, Planning and Zoning
- Mr. Mark Feldheim, President, Old Town Civic Assoc.
- Mr. Peter Spencer, President, Upper King St. Civic Assoc.
- Mr. Skip Maginniss, BMK Architects, P.C.



EXHIBIT NO. 3

9  
4-21-01

# The Old Town Civic Association

POST OFFICE BOX 21333  
ALEXANDRIA, VIRGINIA 22320-2333

April 19, 2001

Ms. Beverly I. Jett  
Clerk of Council  
City of Alexandria  
301 King Street  
Alexandria, VA 22314

Re: April 21 Public Hearing  
Docket Item #9  
124 West Street SUP #2000-051

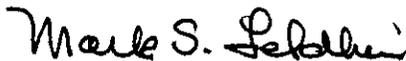
Madame Clerk:

Council for the Applicant has advised us that he has requested a deferral of this matter to permit his client to address some of the issues raised during the April 3 Planning Commission Public Hearing.

Since the beginning of this project the Applicant and his counsel have worked diligently and cooperatively with BAR Staff, members of the community and this Association. In light of concerns raised by members of the Planning Commission and the excellent working relationship this Applicant has had with the community, we have no objection to a deferral of this matter.

If you have any questions, or if further assistance is required, do not hesitate to contact me.

Sincerely,



Mark S. Feldheim  
President

cc: Duncan W. Blair, Esq.  
Land, Clark, Carroll, Mendelson & Blair, P.C.