

EXHIBIT NO. 1

15
9-14-02

Docket Item #13-A
MASTER PLAN AMENDMENT #2002-0003
1700 DUKE ST – MIXED USE DEVELOPMENT

Planning Commission Meeting
September 3, 2002

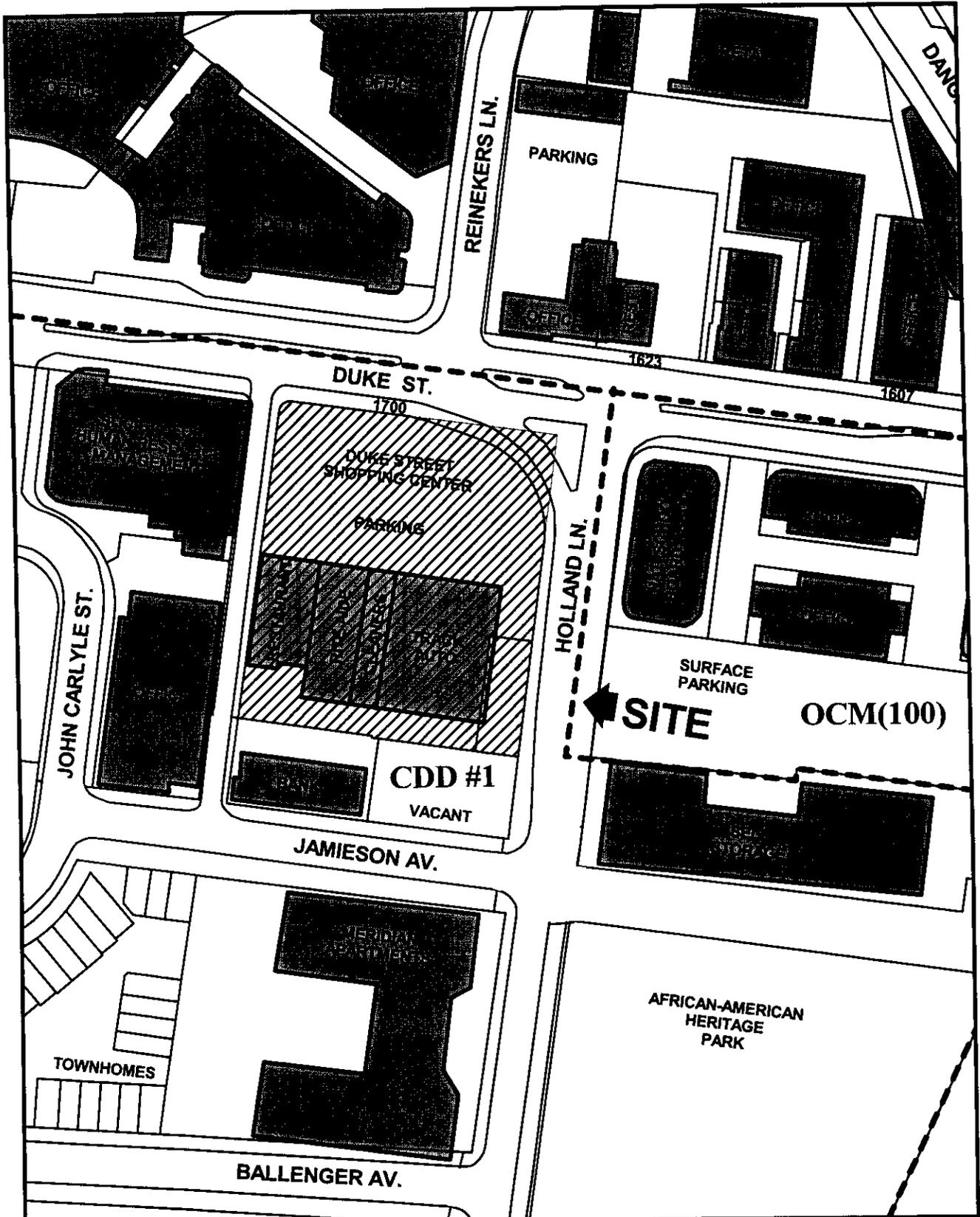
ISSUE: Consideration of a request for amendment to the King Street/Eisenhower Avenue Small Area Plan Chapter of the 1992 Master Plan to change the land use designation of the subject property from office and retail use to residential and retail use.

APPLICANT: JBG Rosenfeld Duke Street, LLC
by Harry P. Hart, attorney

LOCATION: 1700 Duke Street

ZONE: CDD-1/Coordinated Development District, Duke Street

PLANNING COMMISSION ACTION, SEPTEMBER 3, 2002: On a motion by Ms. Fossum, seconded by Mr. Gaines, the Planning Commission voted to approve the proposed master plan amendment, subject to compliance with all applicable codes, ordinances and all staff recommendations as submitted. The motion carried on a vote of 6 to 0. Mr. Robinson was absent.



MPA #2002-0003

09/03/02



STAFF RECOMMENDATION:

Staff recommends **approval** of the following amendment to the King Street/Eisenhower Avenue Small Area Plan:

CDD Guidelines for Duke Street Coordinated Development District

1. The property on the southwest corner of Duke and Holland Lane be developed for office or residential use with first and possibly second floor retail and restaurant uses along Duke Street and Holland Lane.

DISCUSSION:

The applicant, JBG Companies LLC., requests approval of a Master Plan Amendment to amend the King Street/Eisenhower Avenue Small Area Plan section of the Master Plan in order to allow residential development with first floor retail at the intersection of Duke Street and Holland Lane. The subject property is zoned CDD-1/Coordinated Development District, one of the guidelines for that CDD specifically requires office development on the subject property:

“the property on the southwest corner of Duke and Holland Lane be developed for office use with first and possibly second floor retail and restaurant uses along Duke Street and Holland Lane.”

The development special use permit for the subject property (DSUP#2002-09) is being processed concurrently with the application, as are applications for a vacation (VAC#2002-01) a transportation management plan (TMP#2002-47) and a CDD concept plan approval (CDD#2002-02).

The question raised by this proposed Master Plan amendment is not whether residential uses are appropriate in the general area. The CDD guidelines for the Duke Street Coordinated Development District promotes a mix of commercial and residential development; residential uses are clearly envisioned, and promoted, by the zoning, and form a critical component of the mixed use development at the adjoining Carlyle tract. The question raised by the application is whether residential use is appropriate *for this particular site* within the CDD.

The Duke Street corridor adjacent to the subject property has developed as a primarily office corridor with ground floor retail within several of the adjoining buildings that include King Street Station, SHRM building and the Crescent building. Due to the traffic volumes on Duke Street, and the associated noise, Duke Street was planned and has evolved as a street that is primarily lined with office buildings. The Small Area Plan for the area acknowledges that “It is the negative image which causes some to dismiss the possibility that this area could attract residential development. This image reflects the isolation of this area from the rest of the City and the areas industrial character.” Clearly with the construction within Carlyle, the industrial character of the East Eisenhower Valley has now changed to a mixed-use urban environment.

Staff does support residential use for the subject property because staff believes it is consistent with the intent of Carlyle and the East Eisenhower Avenue plan and will add to the goal of creating a vibrant mixed use community. The Carlyle property was approved with a range of commercial and residential development, and as it has developed the higher proportion of office has been built. In addition, a concept emerging from the ongoing Eisenhower East planning efforts is for an increased proportion of residential use with the general area, relative to office use.

Staff would be concerned about the proposed residential use if it were located in isolation surrounded entirely by office uses or if necessary residential facilities such as parks were not

provided. While the uses on Duke Street are primarily office uses, the existing or proposed uses on Holland Lane are primarily residential uses. In addition, the African American Heritage Park, retail and mass transit opportunities are available within close proximity to the subject property.

With any residential development a fundamental issue is the livability for the residents. Staff believes the proposed location because of the adjoining residential uses, parkland and proximity to mass transportation is an appropriate location for residential use. As previously discussed there will be a considerable level of traffic and noise for those units adjacent to Duke Street. To address the issue of noise, a condition of DSUP approval is sound mitigation measures for the residential units.

For all of these reasons the Small Area Plan recommends office use and ground floor retail use rather than the residential and ground floor retail use. Staff believes that residential use in combination with the ground floor retail is consistent with the intent of the Small Area Plan to encourage lively mixed-use development within this portion of the City.

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

4

5

RESOLUTION NO. MPA 2002-0003

WHEREAS, under the Provisions of Section 9.05 of the City Charter, the Planning Commission may adopt amendments to the Master Plan of the City of Alexandria and submit to the City Council such revisions in said plans as changing conditions may make necessary; and

WHEREAS, an application for amendment to the King Street/Eisenhower Avenue Small Area Plan section of the 1992 Master Plan was filed with the Department of Planning and Zoning on April 22, 2002 for changes in the land use designations to the parcels at 1700 Duke Street; and

WHEREAS, the Department of Planning and Zoning has analyzed the proposed revision and presented its recommendations to the Planning Commission; and

WHEREAS, a duly advertised public hearing on the proposed amendment was held on September 3, 2002 with all public testimony and written comment considered; and

WHEREAS, the Planning Commission finds that:

1. The proposed amendment is necessary and desirable to guide and accomplish the coordinated, adjusted and harmonious development of the King Street/Eisenhower Avenue Small Area Plan section of the City; and
2. The proposed amendment is generally consistent with the overall goals and objectives of the 1992 Master Plan and with the specific goals and objectives set forth in the King Street/Eisenhower Avenue Small Area Plan section of the 1992 Master Plan; and
3. The proposed amendment shows the Planning Commission's long-range recommendations for the general development of the King Street/Eisenhower Avenue Small Area Plan; and
4. Based on the foregoing findings and all other facts and circumstances of which the Planning Commission may properly take notice in making and adopting a master plan for the City of Alexandria, adoption of the amendment to the King Street/Eisenhower Avenue Small Area Plan section of the 1992 Master Plan will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the residents of the City;

RESOLUTION NO. MPA 2002-0003

Page 2

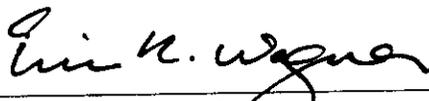
NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Alexandria that:

1. The following amendment is hereby adopted in its entirety as an amendment to the King Street/Eisenhower Avenue Small Area Plan section of the 1992 Master Plan of the City of Alexandria, Virginia in accordance with Section 9.05 of the Charter of the City of Alexandria, Virginia:

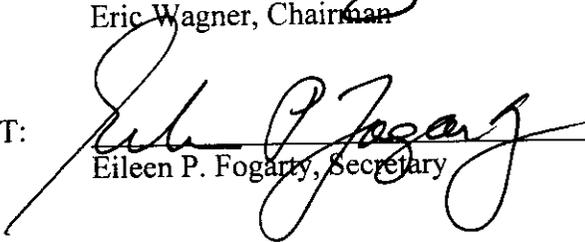
Change the CDD principle for the Duke Street Coordinated Development District as follows: *The property on the southwest corner of Duke and Holland Lane be developed for office or residential use with first and possibly second floor retail and restaurant uses along Duke Street and Holland Lane.*

2. This resolution shall be signed by the Chairman of the Planning Commission and attested by its secretary, and a true copy of this resolution forwarded and certified to the City Council.

ADOPTED the 3rd day of September, 2002.


Eric Wagner, Chairman

ATTEST:


Eileen P. Fogarty, Secretary

JF

APPLICATION FOR:

[X] MASTER PLAN AMENDMENT
Zoning Ordinance Section 11-900

MPA# 2002-0003

[] ZONING MAP AMENDMENT
Zoning Ordinance Section 11-800

REZ# _____

ProjectName: 1700 Duke Street

[use black ink or type]

APPLICANT:

Name: JBG Rosenfeld Duke Street L.L.C.

Address: 5301 Wisconsin Ave., N. W., Suite 300, Washington, DC 20015

Interest in property: Owner Contract Purchaser
 Developer Lessee Other _____

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

yes: If yes, provide proof of current City business license.

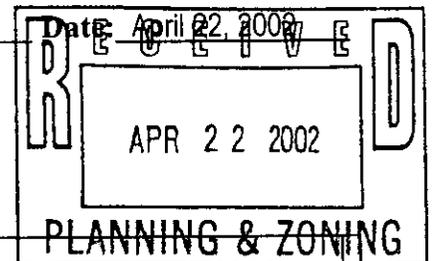
no: If no, said agent shall obtain a business license prior to filing application.

The undersigned certifies that the information supplied for this application is complete and accurate, and, pursuant to Section 11-301B of the Zoning Ordinance, hereby grants permission to the City of Alexandria, Virginia, to post placard notice on the property which is the subject of this application.

Name of Owner or

Authorized Agent: Harry P. Hart Phone: 703-836-5757

Signature: Harry P. Hart



SUBJECT PROPERTY:

FOR CITY STAFF USE ONLY:

Date application received: _____

Fee Paid: \$ _____

Date application complete: _____

Staff Reviewer: _____

Planning Commission Date _____ Action: _____

City Council Date _____ Action: _____

0 8

Provide the following information for each property for which an amendment is being requested.
(attach separate sheets if needed)

Address Tax Map-Blk-Lot	Land Use		Master Plan Designation		Zoning Designation		Front- age (feet)	Land Area (acres)
	Existing	Proposed	Existing	Proposed	Existing	Proposed		
1 <u>73.02-09-02 and</u> <u>73.02-09-03</u>	<u>Retail</u>	<u>Residential and Retail</u>	<u>Office with First Floor Retail</u>	<u>Residential w/ First Floor Retail</u>	<u>CDD-1</u>	<u>CDD-1</u>	_____	_____
2 _____	_____	_____	_____	_____	_____	_____	_____	_____
3 _____	_____	_____	_____	_____	_____	_____	_____	_____
4 _____	_____	_____	_____	_____	_____	_____	_____	_____

PROPERTY OWNERSHIP:

Individual Owner Corporation or Partnership Owner

Identify each person or individual with ownership interest. If corporation or partnership owner, identify each person with more than 10% interest in such corporation or partnership.

1 Name: JBG Rosenfeld Retail Properties, L.L.C. Extent of Interest: 100%

Address: 7101 Wisconsin Avenue Ste. 1111, Bethesda, MD 20814

2 Name: _____ Extent of Interest: _____

Address: _____

3 Name: _____ Extent of Interest: _____

Address: _____

4 Name: _____ Extent of Interest: _____

Address: _____

JUSTIFICATION FOR AMENDMENT:
(attach separate sheets if needed)

1. Explain how and why any proposed amendment(s) to the Master Plan are desirable, beneficial to surrounding properties, in character with the applicable Small Area Plan and consistent with City policies:

This application seeks to modify the CDD-1 guidelines which identify this corner as Office with first floor retail to Residential with First Floor Retail. It is beneficial and highly desirable to the surrounding properties by completing this important entry-way/corner to the Eisenhower Valley and providing a much needed grocery store/high-end market user for the residences already located in the Eisenhower Valley. The Applicant proposes a 43,000 sq. ft. high-end grocery store with three stories of luxury rental residences above located within walking distance of the King Street Metro Station. It is consistent with the King Street/Eisenhower Ave. Small Area Plan because it provides a mixed-use development on this corner, between two office uses along the Duke Street Corridor.

2. Explain how and why the proposed amendment to the Zoning Map(s) is consistent with the proposed amendment to the Master Plan, or, if no amendment to the Master Plan is being requested, how the proposed zoning map amendment is consistent with the existing Master Plan:

N/A

3. Explain how the property proposed for reclassification will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire, drainage structures, refuse disposal, water and sewers, and schools.

The property will be served adequately by essential public facilities as it lies adjacent to the Duke Street and Holland Lane intersection, both of which provide access to the Capital Beltway. The headquarters of the Alexandria Police Department is located within a short distance on Mill Road. The closest Fire Station is located on Cameron Street, near the intersection with Fayette Street. Adequate parking, drainage and sewer will be provided on site consistent with the development of the site.

4. If this application is for conditional zoning approval pursuant to Section 11-804 of the Zoning Ordinance, identify all proffered conditions that are to be considered part of this application (see Zoning Ordinance Section 11-804 for restrictions on conditional zoning):

N/A

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757

FAX (703) 548-5443

HARRY P. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP

OF COUNSEL
CYRIL D. CALLEY
ROBERT L. MURPHY

September 13, 2002

The Honorable Kerry Donley and Members of the City Council
c/o City Clerk
City Hall, Room 2300
Alexandria, VA 22314

Re: 1700 Duke Street Project, Docket Items 15-19
MPA #2002-0003
CDD # 2002-0002
DSUP # 2002-0009
SUP(TMP) #2002-0047 and
Vacation # 2002-0001

Dear Mayor Donley and Members of City Council:

After consultation with Staff, the following is a list of the agreed modifications to the conditions for the above referenced docket items on your September 14, 2002 Planning Commission docket:

Docket Item 17, DSUP#2002-0009

Condition No. 1 (a) should read:

“The base of the building (retail) shall be pre-cast, the building shall provide a continuous lighter color brick frieze around top of the entire building, the building shall provide a pre-cast or comparable material corner treatment and the general level of architectural detail, design and quality as depicted in Attachment #1.”

Condition No. 5 should read:

“The applicant shall provide pedestrian streetscape improvements that at a minimum shall provide the level of improvements depicted on the preliminary plan and shall also provide the following to the satisfaction of the Director of P&Z:”

Condition No. 12 (c):

“The residential visitor spaces shall be located on the second parking level adjacent to the resident parking or on the surface at the rear of the retail. At least 50% five (5) of the surface spaces at the rear of the retail shall be reserved for residential visitors.”

Condition No. 12(j):

“Parking spaces within the underground parking in excess of 1sp/250 gross sq. ft. retail space shall be made available for short-term market-rate parking if excess parking spaces are available as demonstrated by a parking study prepared by a transportation engineer and submitted by the applicant Whole Foods Market. . . .”

Condition No. 24:

“Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. The applicant shall control odors and any other air pollution from operations at the site and prevent them from ~~leaving the property or~~ becoming a nuisance, as determined by the Department of Transportation and Environmental Services. (T&ES).”

Condition No. 26:

“A TMP account shall be funded annually at a rate of \$0.11 per square foot of occupied retail space and ~~\$100~~ 60 per occupied residential unit. The first payment to fund shall be made with the issuance of initial residential or retail Certificate of Occupancy. Payment shall be the responsibility of the developer until such time as this responsibility is transferred by lease or other legal arrangement to the owners of the buildings or condominiums. Annually, to begin one year after the initial CO is issued, the rate shall increase by an amount equal to the rate of inflation for the previous year, unless a waiver is obtained by the Director of T&ES. The TMP fund shall be used exclusively for these approved activities: . . .”

Condition No. 54:

“The design and operation of the mechanically operated moveable curb and signage for the Holland Lane median opening shall be to the satisfaction of the Director of T&ES. The owner shall be responsible for the cost of maintenance and operation of the mechanically operated curb.”

Condition No. 59 (2)(a):

“Special construction methods to reduce noise transmission, ~~including~~
which may include: . . .”

Condition No. 75:

“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 \$1.00 per gross square foot, or \$175,000.00, whichever is greater, no later than
the date of the issuance of a the Certificate of Occupancy for the building grocery
store.”

Condition No. 76:

“For firefighting reasons ~~all~~ one stairs shall extend through the roof so that
door access to the roof is provided.”

Condition No. 77: add the following at the end of the paragraph

“to the satisfaction of the Director of Code Enforcement.”

Condition No. 79:

“The building requires 2 van accessible handicapped accessible parking
spaces. ~~At least one space shall be within the parking structure.~~”

Docket Item # 19, Vacation # 2002-0001

Condition No. 1 should read:

“The applicant shall pay fair market value as determined by the
Department of Real Estate Assessment, offset by the cost of undergrounding the
Dominion Virginia Power equipment located in the intersection of Duke Street
and Holland Lane, not to exceed the fair market value. The cost of the
undergrounding shall be verified by the Director of T&ES. The applicant shall be
responsible for performing the work and for payment of the difference between
the fair market value and the cost of undergrounding of the power equipment.
The payment shall be made prior to the issuance of the first Certificate of
Occupancy. The fee shall be paid for the land prior to release of the final site
plan.”

The Applicant has proposed the following changes to two conditions, one in Docket Item # 16, CDD#2002-0002 and one in Docket Item # 17 DSUP #2002-0009.

Docket Item 16, CDD#2002-0002

Condition No. 3 should read:

“The proposed development shall comply with the Carlyle Design guidelines, streetscape guidelines and the building shall be reviewed and ~~approved~~ by the Carlyle Design Review Board (CDRB)(P&Z).”

Docket Item 17, DSUP #2002-0009

Condition No. 2 should read:

“The final design shall be reviewed and ~~approved~~ by the Carlyle Design Review Board (CDRB). . . .”

The Applicant has worked diligently with Staff regarding these conditions and out of 144 recommendations, the Applicant has agreed to all but two of them. The Applicant simply requests that Council make the final suggested changes.

Very truly yours,



Harry P. Hart

cc: Mr. Chris Todd
Ms. Eileen Fogarty, Director, Department of Planning & Zoning
Mr. Richard Baier, Director, Department of Transportation and Environmental Services

Applicants Proposal



Staff Proposal



Duke Street Elevation
DSUP # 2001-0009

APPLICATION FOR:

MASTER PLAN AMENDMENT
Zoning Ordinance Section 11-900

MPA# 2002-0003

ZONING MAP AMENDMENT
Zoning Ordinance Section 11-800

REZ# _____

ProjectName: 1700 Duke Street

[use black ink or type]

APPLICANT:

Name: JBG Rosenfeld Duke Street L.L.C.

Address: 5301 Wisconsin Ave., N. W., Suite 300, Washington, DC 20015

Interest in property: Owner Contract Purchaser
 Developer Lessee Other _____

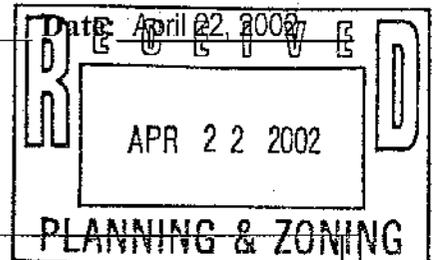
If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor, or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria, VA:

- yes: If yes, provide proof of current City business license.
- no: If no, said agent shall obtain a business license prior to filing application.

The undersigned certifies that the information supplied for this application is complete and accurate, and, pursuant to Section 11-301B of the Zoning Ordinance, hereby grants permission to the City of Alexandria, Virginia, to post placard notice on the property which is the subject of this application.

Name of Owner or
Authorized Agent: Harry P. Hart Phone: 703-836-5757

Signature: *Harry P. Hart*



SUBJECT PROPERTY:

FOR CITY STAFF USE ONLY:	
Date application received: _____	Fee Paid: \$ _____
Date application complete: _____	Staff Reviewer: _____
Planning Commission Date <u>9/3/02</u>	Action: <u>APPROVED 6-0</u>
City Council	Date <u>9/14/02</u> Action: <u>CC approved the Planning Commission recommendation.</u>

1700 DUKE ST.