



**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

M. Catharine Puskar
(703) 528-4700 Ext. 5413
cpuskar@arl.thelandlawyers.com

8
11-13-10

November 12, 2010

Via Email

William D. Euille, Mayor
City of Alexandria
301 King Street
Alexandria, VA 22314

Re: November 13, 2010 City Council Hearing
Potomac Yard - Docket item 8
Master Plan Amendment #2010-0004
CDD Concept Plan Amendment #2010-0001
Amendment to the Potomac Yard Urban Design Guidelines
Text Amendment #2010-0004
Development Special Use Permit #2010-0012 (Landbay K)
Special Use Permit #2010 - 0033 (Pedestrian Bridge)
Special Use Permit #2010 - 0058 (Landbay D) (the "Applications")

Dear Mayor Euille and members of City Council:

On behalf of Potomac Yard Development, LLC and RP MRP Potomac Yard, LLC (the "Applicants"), I am writing to request the following revisions to conditions amended by the Planning Commission at its November 4, 2010 public hearing on the above-referenced Applications:

Note 1: Unless the context plainly indicates otherwise, the term "applicant" includes Potomac Yard Development, LLC (PYD) and RP MRP Potomac Yard, LLC (MRP) and any ~~predecessors~~, successors, assigns or transferees of the interest in any of the property which makes up the Potomac Yard/Potomac Greens Coordinated Development District #10. Thus, obligations imposed on the applicant by these conditions are also imposed on those to whom the applicant has conveyed or conveys in the future property within Coordinated Development District #10.

11A. **[CONDITION AMENDED BY PLANNING COMMISSION]** All parking must be underground, except that above-grade parking structures ~~may be~~ are permitted in any subsequent Development Special Use Permits in the following locations, subject to the criteria in 11B, C and D:

- a. Landbay G, Block D;
- b. Landbay G, Block H;

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COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

- c. Landbay H, Block bounded by Route 1, Maskell Street, Main Line Boulevard and Swann Avenue;
 - d. Landbay H/I, Block bounded by Route 1, Swann Avenue, Main Line Boulevard and Bluemont Avenue;
 - e. Landbay J, Block adjacent to Route 1, Main Line Boulevard and Potomac Avenue;
 - f. Landbay L, Block adjacent to Monroe Avenue and Main Line Boulevard; and
 - g. Landbay H/I, Block bounded by Main Line Boulevard, Swann Avenue, Potomac Avenue and Bluemont Avenue (CDD# 2010-0001) (PC)
15. p. **[CONDITION AMENDED BY STAFF AND PLANNING COMMISSION]**
Pedestrian Bridge across rail tracks—
The applicant shall make a monetary contribution to be utilized by the City for design, permitting, and other hard and soft costs associated with the construction of a Metrorail station at Potomac Yard that will include a pedestrian connection between the west and east sides of the tracks. The contribution shall be made to the City as follows (CDD #2010-0001):
- i. ~~\$750,000~~500,000 within 30 days of final unappealable approval of the amendments to CDD #10. (CDD#2010-0001) (PC)
 - ii. ~~\$750,000~~500,000 within 30 days of final unappealable approval of a DSUP with preliminary site plan for the remaining townhouse/urban loft parcels in Landbay I & J. (CDD#2010-0001) (PC)
 - iii. ~~\$750,000~~500,000 within 30 days of final unappealable approval of a DSUP with preliminary site plan for the townhouse/urban loft parcel in Landbay L. (CDD#2010-0001) (PC)
 - iv. Notwithstanding provisions ii and iii above regarding the timing of payments, the ~~\$1.51~~ million set forth therein shall be paid to the City no later than December 31, 2013. (CDD#2010-0001) (PC)
 - v. ~~\$750,000~~ 500,000 within 30 days of the bond being issued for a funding of the Metrorail station. If the bond is not issued for a Metrorail station, no additional contribution will be made.

The first revision is a technical revision, as it is not possible to bind predecessors in interest to the conditions set forth in the staff reports. However, the Applicants and any successors, assigns or transferees of interests in the Property within CDD #10 would be subject to the conditions.


Second, in order to provide clarity regarding the permitted above-grade parking within CDD #10, the Applicants request that the language in Condition 11A confirms that above-grade parking structures "are" (not "may be") permitted in the specified locations, so long as the

identified criteria are met. The proposed revisions are consistent with the language included in the original staff report. Based on dialogue at the Planning Commission, the clarification is important to ensure that there is no misunderstanding regarding the meaning of the condition that would lead staff or others to interpret the language as permitting them to deny a request for above-grade parking that meets the stated criteria when Development Special Use Permit applications are filed.

Finally, the Applicants do not agree to pay an additional \$1 million up front contribution in lieu of constructing the pedestrian bridge. The Applicants negotiated in good faith with staff for the \$2 million contribution outlined in condition 15p of the original staff report and there has been no change in circumstance to merit an increase in the amount of that contribution. The Applications and conditions, as drafted in the original staff reports, have been supported by staff, the Potomac Yard Design Advisory Committee, the Alexandria Economic Development Partnership, and a number of individual citizens. As such, we respectfully request that you approve the Applications with the revisions set forth above.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



M. Catharine Puskar

MCP/cs

cc: Kerry Donley, Vice Mayor
Frank Fannon, Councilman
Alicia Hughes, Councilwoman
Rob Krupicka, Councilman
Redella S. Pepper, Councilwoman
Paul C. Smedberg, Councilman
Faroll Hamer, Director of Planning and Zoning
Gwen Wright, Division Chief of Development
Mark Jinks, Deputy City Manager
Steve Collins
Fred Rothmeijer



WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

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11-13-10

M. Catharine Puskar
(703) 528-4700 Ext. 5413
cpuskar@arl.thelandlawyers.com

MEMORANDUM

Via E-mail & Hand Delivery

TO: John Komoroske, Chair
and Members of the Planning Commission

FROM: M. Catharine Puskar *MCP*

DATE: October 29, 2010

RE: November 4, 2010 Planning Commission hearing
Potomac Yard - Docket items 5A-F
Master Plan Amendment #2010-0004
CDD Concept Plan Amendment #2010-0001
Amendment to the Potomac Yard Urban Design Guidelines
Text Amendment #2010-0004
Development Special Use Permit #2010-0012 (Landbay K)
Special Use Permit #2010 – 0033 (Pedestrian Bridge)
Special Use Permit #2010 – 0058 (Landbay D) (the "Applications")

On behalf of Potomac Yard Development, LLC and RP MRP Potomac Yard, LLC (the "Applicants"), I am writing to request the following revisions/additions associated with the above-referenced Applications. The proposed revisions/additions are in response to concerns raised by the Planning Commission at the October 5, 2010 public hearing. Specifically, we have 1) narrowed the locations within Potomac Yard where above-grade parking can be located, subject to criteria shared with North Potomac Yard, 2) further defined the criteria for the above-grade parking structures and the security perimeter applicable to development accommodating federal tenants, while also clarifying that additional criteria will be developed through the Development Special Use Permit process for those buildings, and 3) further refined the request for a revision to the height map to lower heights in some areas and to provide tapering in Blocks H and I for multifamily or office buildings along Route 1, consistent with the format of the height map for North Potomac Yard.

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LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

- The Applicants have limited the location of permitted above-grade parking structures as depicted on the attached exhibit and request the following revisions to Condition 11:

11 A minimum of 15% visitor parking, which may be on- or off-street, shall be provided for all residential uses.

11A All parking must be underground, except that above-grade parking structures are permitted in the following locations, subject to the criteria in 11B, C and D:

- 1) Landbay G, Block D;
- 2) Landbay G, Block H;
- 3) Landbay H, Block bounded by Route 1, Maskell Street, Mainline Boulevard and Swann Avenue;
- 4) Landbay H/I, Block bounded by Route 1, Swann Avenue, Mainline Boulevard and Bluemont Avenue;
- 5) Landbay J, Block adjacent to Route 1, Mainline Boulevard and Potomac Avenue;
- 6) Landbay L, Block adjacent Monroe Avenue and Mainline Boulevard; and
- 7) Landbay H/I, Block bounded by Mainline Boulevard, Swann Avenue, Potomac Avenue and Bluemont Avenue, for buildings accommodating federal tenants.

11B With the exception of the above-grade parking structure in Landbay G, Block D, which is already approved, and the federal tenant above-grade parking structure in Block H/I as set forth in 11A(7) above, above-grade parking structures are permitted, subject to the following:

- 1) Each multifamily or office building and block shall provide a minimum of one level of underground parking;
- 2) Above-grade structured parking may be located within the central portion of the block at grade, provided that a minimum of one level of parking is provided below grade and each level of the entire street and/or park/open space frontage is devoted to active uses (residential, office and/or retail) with a minimum depth of 35 ft ; and
- 3) If above-grade structured parking is provided above the ground floor uses, the parking is required to be screened with active uses (residential, office, and/or retail) with a minimum depth of 35 ft for the entire street and/or park/open space frontage.

11C The final design of the federal tenant above-grade parking structure in Landbay H/I shall be determined during the Development Special Use Permit ("DSUP") process, but shall be generally consistent with the following criteria:

- 1) Active uses shall screen all above-grade parking structure levels along the Potomac Avenue, Bluemont Avenue and Mainline Boulevard frontages;

- 2) Ground floor active uses shall screen the first level of the above-grade parking structure along the Swann Avenue frontage.
- 3) An architectural facade consisting of masonry and glazed and/or decorative panel openings shall screen the upper levels of the above-ground parking structure along the Swann Avenue frontage.
- 4) The upper level facade masonry elements shall shield the headlights of cars located within the above-grade parking structure.

11D Surface parking lots may be permitted on an interim basis on land that has yet to be developed. These parking lots shall be approved as an administrative Special Use Permit and the parking lot shall conform to screening and landscaping standards for parking lots.

- The Applicants request the following new condition related to buildings accommodating federal tenants:

New condition 42 - Federal Tenants

The final design of buildings accommodating federal tenants as set forth in 11A(7) above shall be determined through the DSUP process. Additional criteria for buildings accommodating federal tenants will be developed in conjunction with the DSUP process. At a minimum, in developing security design solutions for the block perimeter, jersey barriers, chainlink fences, or other unsightly barriers shall not be permitted. Security design elements may include architecturally pleasing elements that enhance the streetscape consistent with the National Capital Planning Commission document entitled "Designing and Testing of Perimeter Security Elements."

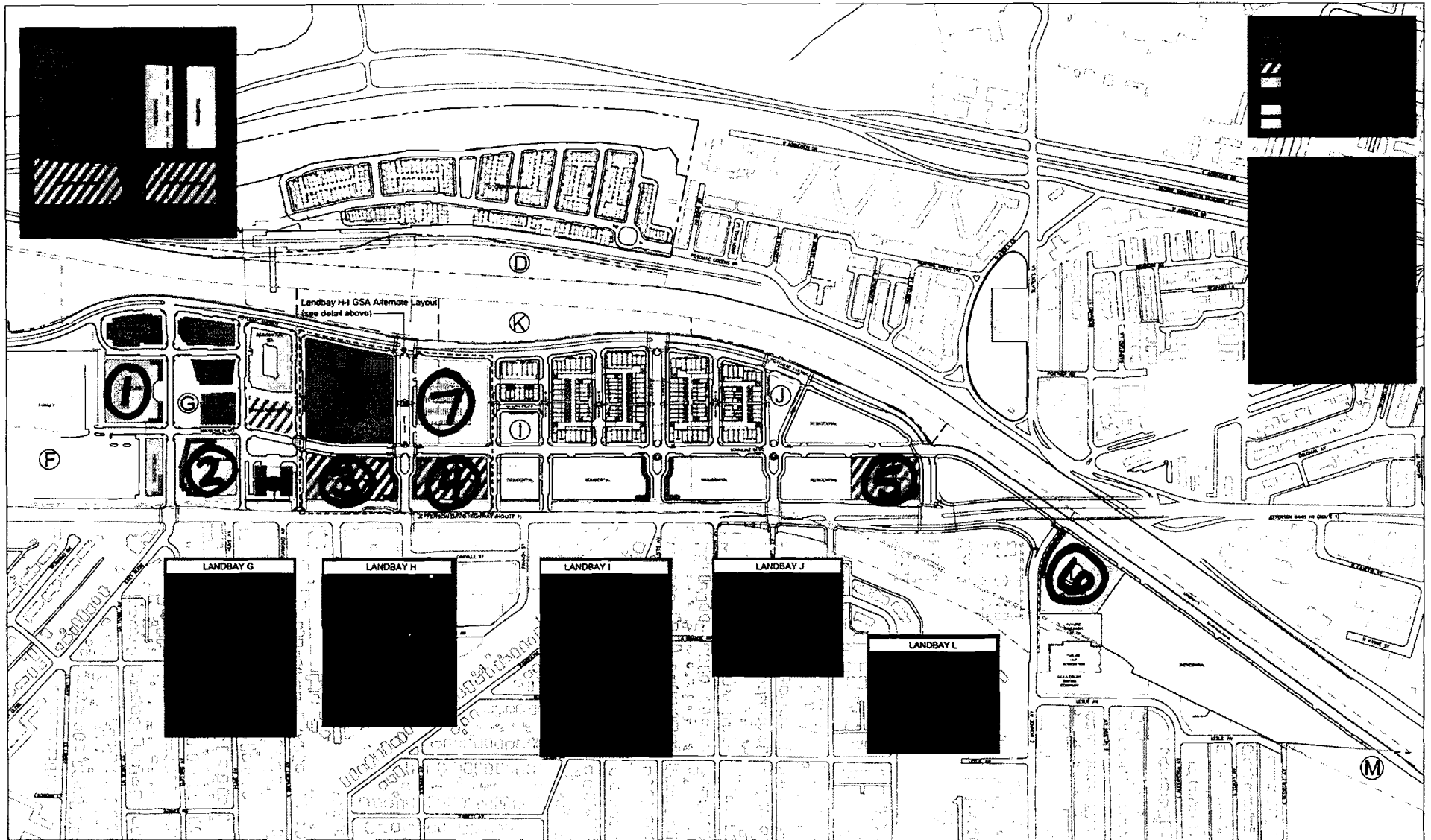
- The Applicants request that the Planning Commission adopt the attached revised height map 24.

Enclosed in your packet, you will also find a booklet of exhibits provided to better illustrate the Applicants' requests regarding above-grade structured parking, revised heights, federal tenant security perimeter criteria, revised retail, and proffer contributions made and to be made by the Applicants. Please feel free to contact me with any questions. Thank you in advance for your support of the Applications with the above-referenced amendments.

MCP/cs
Attachments

cc: Faroll Hamer
Gwen Wright
Mark Jinks
Steve Collins
Fred Rothmeijer

Key Plan of above-ground parking locations



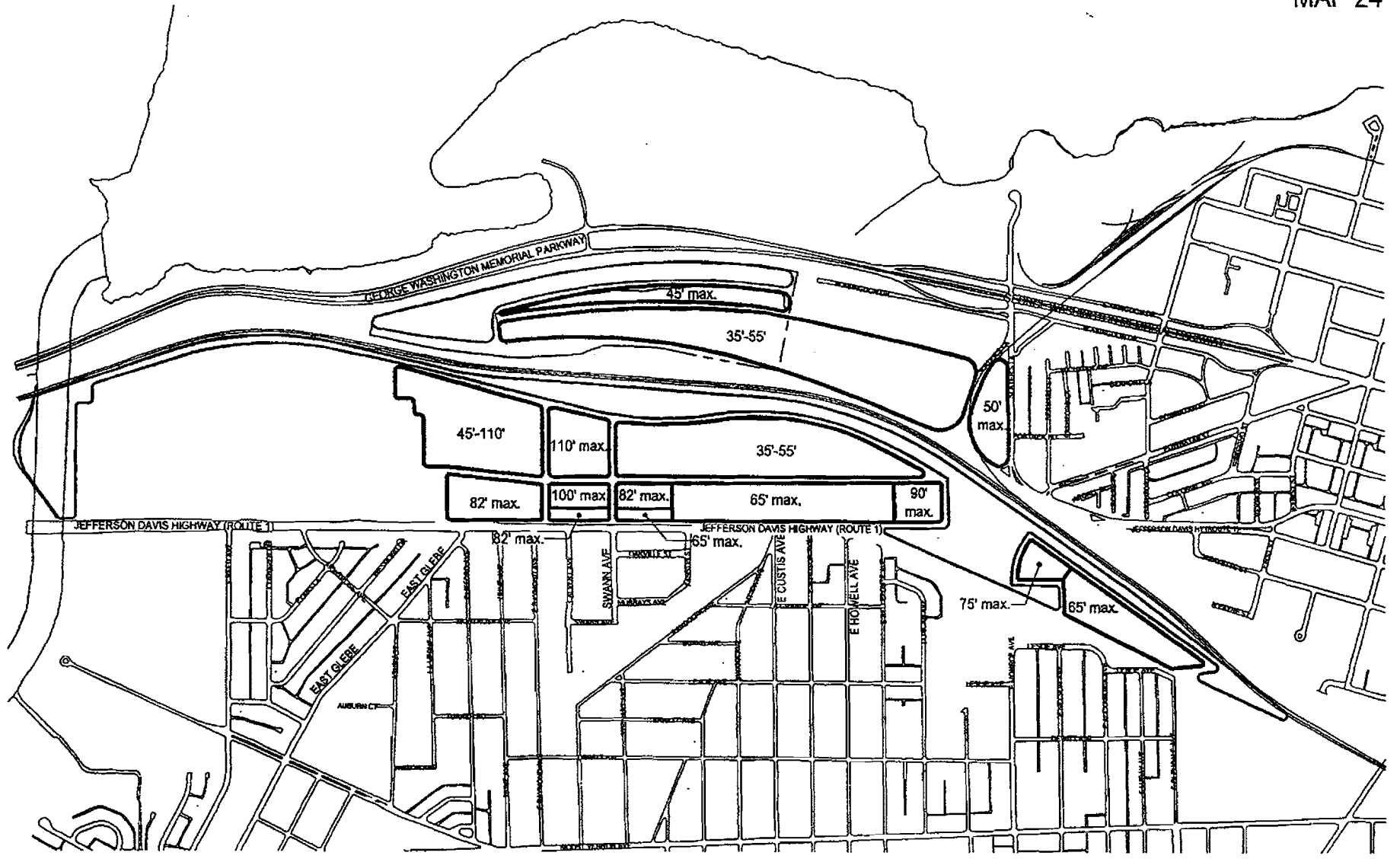
LandDesign

NOTE:
GRAPHIC FOR ILLUSTRATIVE PURPOSES ONLY
SITE PLAN SUBJECT TO CHANGE

Potomac Yard
Concept Plan



September 24, 2010 | LDI#2003155



Potomac Yard - CDD 10

Predominant Height Limits

October 27, 2010





8

11-13-10

DEPARTMENT OF PLANNING AND ZONING

301 King Street
Room 2100
Alexandria, VA 22314

Phone (703) 746-4666
Fax (703) 838-6393

www.alexandriava.gov

The Honorable Mayor William D. Euille and
Members of the City Council
301 King Street
Alexandria, Virginia 22314

RE: Potomac Yard/Potomac Greens Pedestrian Bridge

Dear Mayor Euille and Members of the City Council:

On behalf of the Planning Commission, I write to you today regarding the pedestrian bridge over the railroad tracks in the Potomac Yard/Potomac Greens CDD #10.

As you are aware, the original approval of the Potomac Yard/Potomac Greens CDD #10 Concept Plan included a proposal for a pedestrian bridge to be built by the applicant over the railroad tracks to connect Landbay A with the remainder of the CDD area. As part of the recent approval of CDD #19 and the relocation of the proposed WMATA Metrorail station, there has been discussion of incorporating the pedestrian bridge into the Metrorail Station. The recent amendments to CDD #10, therefore, propose to change the requirement for the Pedestrian Bridge from construction of the pedestrian bridge to a monetary contribution towards the construction of the Metrorail Station at Potomac Yard. We wanted to emphasize our support for the pedestrian connection bringing the two sides of this coordinated development district together.

Therefore, we would like to request that the City Council consider adopting a resolution indicating its intent to construct the pedestrian bridge as part of the WMATA Metrorail Station. We further request that the resolution indicate that if the WMATA Metrorail Station is not ultimately constructed, that it is City Council's intent that the pedestrian bridge still be constructed.

We also understand that in the near future the City Council will consider legislation for the Special Taxing District for this area which will contribute to the funding of the WMATA Metrorail Station. The contribution in lieu of construction of the pedestrian bridge, as proposed, will go into the separate City Fund for the WMATA Metrorail Station. Therefore, we request that you consider language that clarifies that the pedestrian bridge is an element of the infrastructure to be funded from the special taxing district funds, whether or not the Metrorail Station is constructed.

We thank you for your consideration of these requests.

Sincerely,

John Komoroske

Chairman, Alexandria Planning Commission



COA Contact Us: City Council Hearing

william.euille, frank.fannon, kerry.donley, alicia.hughes,
Sarah haut to: delpepper, paulcsmedberg, rose.boyd, jackie.henderson,
elaine.scott, rob.krupicka, linda.owens, elizabeth.jones

11/10/2010 08:00 PM

8
11-13-10

Please respond to Sarah haut

1 attachment



c190fc51c89e0ae829ed93afa3e131aa.pdf

Time: [Wed Nov 10, 2010 19:59:58] Message ID: [25643]

Issue Type: Mayor, Vice Mayor, and Council Members
First Name: Sarah
Last Name: haut
Street Address:
City: Alexandria
State: VA
Zip: 22301
Phone:
Email Address: hautsl@yahoo.com
Subject: City Council Hearing
Dear Mayor Euille and City Council Members,
Attached are the letters to
City Council from the Del Ray Citizen's Association for the Special Use
Permit Applications that
Comments: are to be discussed at the November public
hearing.
Thank you,
Sarah Haut
DRCA Land Use Co-Chair
Attachment: c190fc51c89e0ae829ed93afa3e131aa.pdf

Del Ray Citizens Association $\frac{8}{11-13-10}$

Established 1954
delraycitizens@yahoo.com

P.O. Box 2233, Alexandria, VA 22301
<http://www.delraycitizen.org>

November 10, 2010

Mayor William Euille
City Hall, Room 2300
Alexandria, VA 22314

Subject: Docket item #8, SUP #2010-0051, 1601 Mt. Vernon Avenue Service Station

Dear Mayor Euille,

The Del Ray Citizens Association Land Use Committee and Executive Board discussed this SUP application, a request for a 15 year extension of an SUP for a non-conforming service station, at their monthly meetings in October.

The current SUP for this property expires at the same time as the SUP for 1605 and 1611 Mt. Vernon Avenue, the auto storage lot for the Hyundai dealership. The original SUPs were set to expire at the same time in anticipation of a coordinated redevelopment of the properties. The general consensus of the Land Use Committee and the Executive Board was that denying the extension would not benefit the neighborhood since it is not likely that there would be an opportunity to re-develop this land in the near future if the SUP were not extended. This could result in the property remaining vacant for an extended period of time.

The applicant has installed some new landscaping on the property and has repaired the service station sign as requested by City Staff.

The Land Use Committee recommended to the Executive Board to support a ten year extension of the SUP. The Executive Board amended the vote to support the 15 year extension of the application with the following recommended condition:

- The install additional landscaping in accordance with condition #30 in the staff report.

The DRCA membership voted to support the Executive Board recommendation at the November meeting.

Thank you for your consideration.

Sincerely,

Sarah Haut
Co-Chair
Land Use Committee

cc:
City Council

*Celebrating 100 years of the Town of Potomac
1908 - 2008*

8

11-13-10



Potomac Yard Development - Additional Information (Item #8)

William Euille, KDONLEY, kerry.donley, Frank Fannon, Alicia Hughes, Del Pepper,

Jackie Henderson to: paulcsmedberg, Beth Temple, Judy Stack, Sharon Annear, krupickaaide, Joanne Pyle, nanella, Rob Krupicka, Jerad Ferguson

11/12/2010 12:01 PM

Cc: Michele Evans, Jim Hartmann, James Banks, Mark Jinks, Faroll Hamer, Dirk Geratz

Below is additional information sent from the Planning Office this morning to go with the Potomac Yard item on Saturday's docket. The recommended conditions in Ms. Puskar's memo, and as amended by the Planning Commission, are reflected in the report that went to City Council last week.

Jackie M. Henderson
City Clerk and Clerk of Council
City of Alexandria, Virginia
703 746-3975

----- Forwarded by Jackie Henderson/Alex on 11/12/2010 11:39 AM -----

From: Krisna Earley/Alex
To: Jackie Henderson/Alex@Alex
Date: 11/12/2010 09:49 AM
Subject: Additional Informtion to be forwarded to Council- Potomac Yard Development



Planning Commission memo (A0206172).PDF

Krisna Earley
Planning and Zoning
301 King Street, Room 2100
Alexandria, VA 22314
703 746-3846 - Phone
703 838-6393 - Fax



WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

M. Catharine Puskar
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MEMORANDUM

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11B With the exception of the above-grade parking structure in Landbay G, Block D, which is already approved, and the federal tenant above-grade parking structure in Block H/I as set forth in 11A(7) above, above-grade parking structures are permitted, subject to the following:

- 1) Each multifamily or office building and block shall provide a minimum of one level of underground parking;
- 2) Above-grade structured parking may be located within the central portion of the block at grade, provided that a minimum of one level of parking is provided below grade and each level of the entire street and/or park/open space frontage is devoted to active uses (residential, office and/or retail) with a minimum depth of 35 ft ; and
- 3) If above-grade structured parking is provided above the ground floor uses, the parking is required to be screened with active uses (residential, office, and/or retail) with a minimum depth of 35 ft for the entire street and/or park/open space frontage.

11C The final design of the federal tenant above-grade parking structure in Landbay H/I shall be determined during the Development Special Use Permit ("DSUP") process, but shall be generally consistent with the following criteria:

- 1) Active uses shall screen all above-grade parking structure levels along the Potomac Avenue, Bluemont Avenue and Mainline Boulevard frontages;

- 2) Ground floor active uses shall screen the first level of the above-grade parking structure along the Swann Avenue frontage.
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- The Applicants request the following new condition related to buildings accommodating federal tenants:

New condition 42 - Federal Tenants

The final design of buildings accommodating federal tenants as set forth in 11A(7) above shall be determined through the DSUP process. Additional criteria for buildings accommodating federal tenants will be developed in conjunction with the DSUP process. At a minimum, in developing security design solutions for the block perimeter, jersey barriers, chainlink fences, or other unsightly barriers shall not be permitted. Security design elements may include architecturally pleasing elements that enhance the streetscape consistent with the National Capital Planning Commission document entitled "Designing and Testing of Perimeter Security Elements."

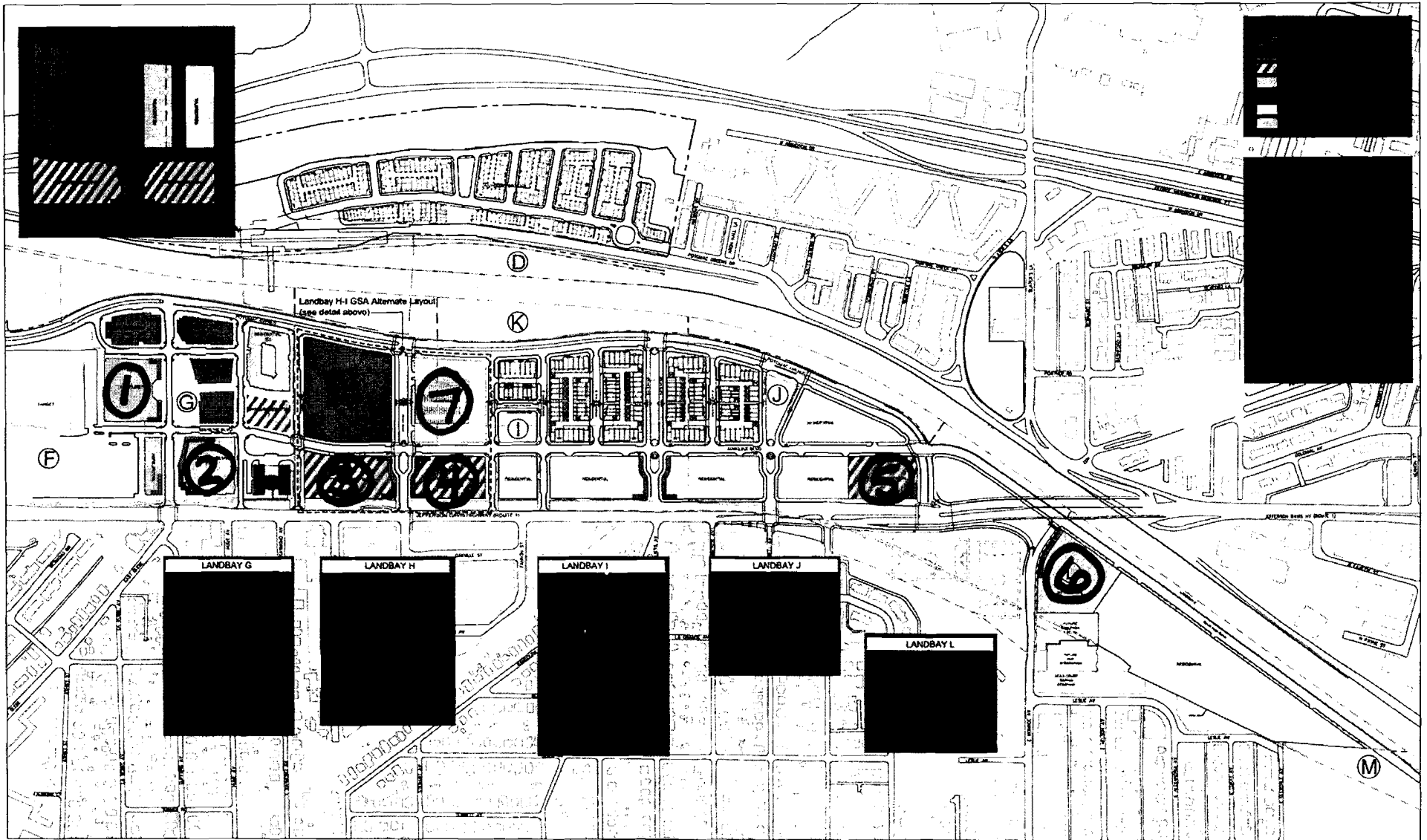
- The Applicants request that the Planning Commission adopt the attached revised height map 24.

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MCP/cs
Attachments

cc: Faroll Hamer
Gwen Wright
Mark Jinks
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Fred Rothmeijer

Key Plan of above-ground parking locations



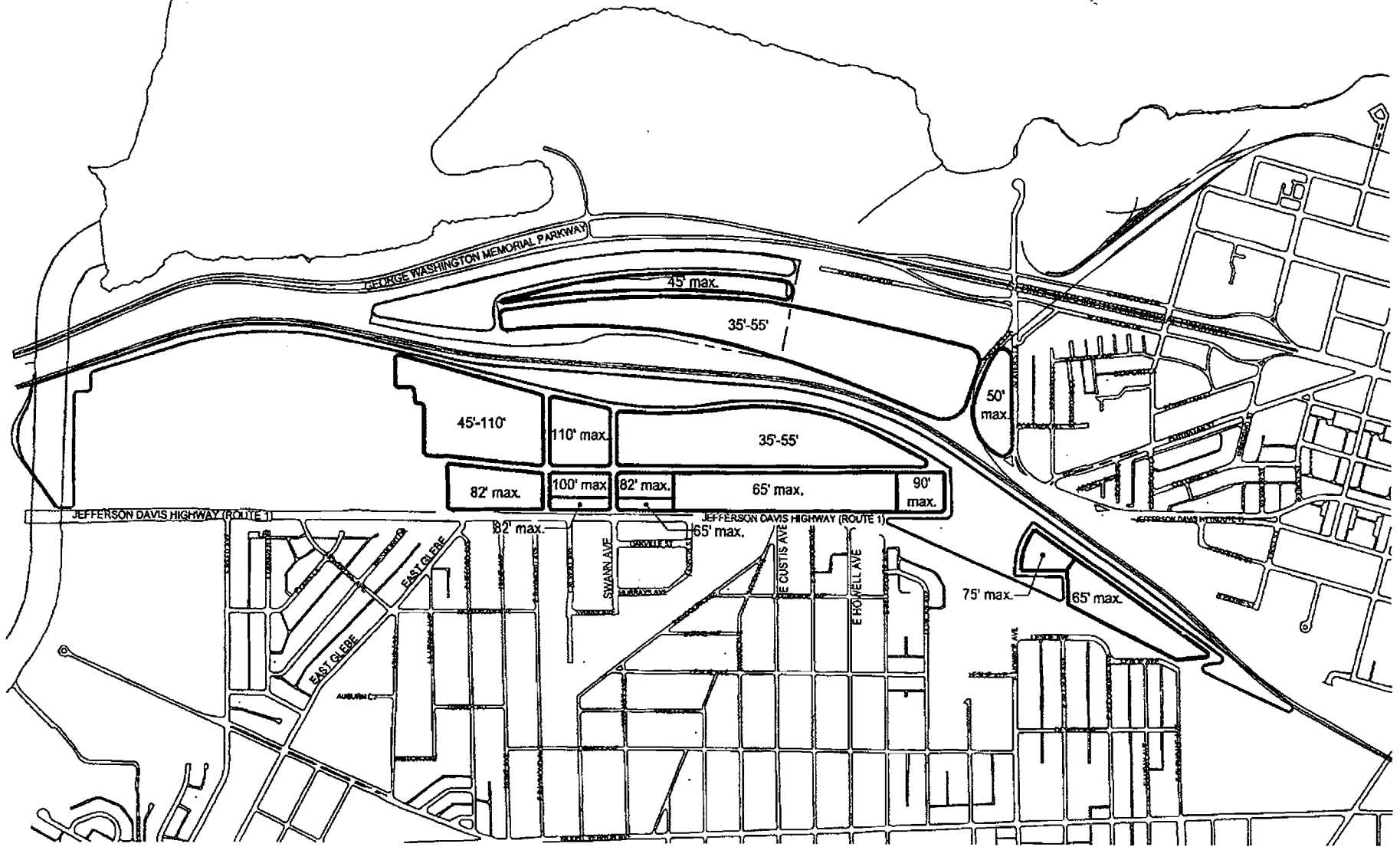
LandDesign .

NOTE
GRAPHIC FOR ILLUSTRATIVE PURPOSES ONLY
SITE PLAN SUBJECT TO CHANGE

Potomac Yard Concept Plan



September 24, 2010 | LD#2003155



Potomac Yard - CDD 10

Predominant Height Limits

October 27, 2010



8
11-13-10

Statement of Mark Anderson, Potomac Greens Resident
Before the Alexandria City Council
November 13, 2010
Regarding Master Plan Amendment #2010-0004

Docket # 8

Mr. Mayor, City Council, Good Morning. My name is Mark Anderson and I am a resident of Potomac Greens.

As I was walking our two dogs this morning, I walked by the green sign that is prominently displayed in our neighborhood, put in place by the City. On the sign is the phrase, "This Land Reserved for a Possible Future Metro Station." It is just past the last row of townhomes, on a small parcel of land not more than 400 feet square, directly opposite the part of the new Potomac Yards project that will house hundreds of townhomes, when completed. The funny thing is that this sign does not represent where the new station will actually be located, provided that this new monstrosity can meet all of the regulatory and federal "hoops" needed before one survey stake is ever put into place.

We purchased our lovely home in November, 2006, and were given the governing documents of our Homeowners Association, indicating that there may be the possibility of the creation of a Special Use Tax District, designed to provide for the future transportation needs of the city, including the possibility of a new metro station. In addition to this phrase, our documents also contained the location of a pedestrian bridge (located at the roundabout at the entrance of our development) and the metro station, located where the sign currently is. This pedestrian bridge, intended to connect Potomac Greens to Potomac Yards, allowing residents of these two communities, as well as those from Old Town

Greens, the ability to cross the railroad tracks and visit parts of North Old Town, without having to drive. This bridge is supposed to be built by the builder, who will share the maintenance with the residents of Potomac Greens. As of today, our official documents, the same documents that our Homeowner's Association Board has been elected to, and has a fiduciary responsibility to uphold, show the same location of both the bridge, and the future metro station, with no changes. In fact, every one of our 222 residents has the same documents.

Today, the City Council will vote on a number of changes to the Potomac Yards Master Plan, causing a dramatic effect on our neighborhood. You will now reposition the promised pedestrian bridge well north of its original location, and tie its existence to the construction of a new metro station that conservatively will cost \$270 million. It will require a new kind of tax scheme, called a Special Tax District to be created, the first one in the history of Alexandria, and assess additional taxes on both the residents and businesses of Potomac Yards, and the residents of Potomac Greens; while exempting the residents of Del Ray, who will be the direct beneficiaries of the new metro station. This double taxation will fill the city's coffers for 30 years or longer, in the hopes that there will be money to build a metro station, as this new tax is not specifically earmarked for metro construction, but for the "transportation needs" of the City. The problem is that the city cannot guarantee where the metro will be located, if the metro station will ever be built, or if we are ever going to see our bridge, because your vote, today, will now officially tie our bridge to both a metro station and to a Special Tax District, for one will not be done without the other.

What the City Council will do, by voting for over 200 pages of changes to the Potomac Yards Master Plan, is radically change the appearance of the Potomac

Yards project, making it look more like Crystal City, rather than Shirlington. It will set in motion the need for a new kind of tax scheme, because the city can't afford to do this through the normal budgetary process, in order to build both a new public metro station and the bridge that was promised to us by our builders when we purchased our homes, and was never intended to be part of a new metro stop. Finally, the City Council will show the residents of Alexandria that regardless of public opinion (87% of whom oppose the creation of a Special Tax District to fund a metro stop) they know better than the voters. That is why the *Alexandria Times* says that our council makes the big bucks.

Thank you for your time.

SPEAKER'S FORM
DOCKET ITEM NO. 8

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: McCatharine Puskar
2. ADDRESS: 2200 Clarendon Blvd Arl VA 22201
TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: cpuskar@arl.thulandlawyers.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?
Potomac Yard Development LLC + RP MRP Potomac Yard LLC
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.



APPLICATION

CDD DEVELOPMENT CONCEPT PLAN

CDD # 2010-0001

[must use black ink or type]

PROPERTY LOCATION: Potomac Yard

TAX MAP REFERENCE: See Attached Tax Map Chart **ZONE:** CDD #10

APPLICANT'S NAME: Potomac Yard Development, LLC RP MRP Potomac Yard, LLC
ADDRESS: 10500 Arrowhead Drive c/o MRP Realty
Suite 225 1310 N. Courthouse Road, #1100
Fairfax, VA 22030 Arlington, VA 22201

PROPERTY OWNER NAME: Same as Above

ADDRESS: _____

REQUEST: See Proposed Amendments and Statement of Support

THE UNDERSIGNED hereby applies for CDD Development Concept Plan approval in accordance with the provisions of Section 5-600 of the 1992 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 hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Potomac Yard Development, LLC and RP MRP Potomac Yard, LLC
By: M. Catharine Puskar

Print Name of Applicant or Agent

Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Mailing/Street Address

Arlington, VA

City and State

M. C. Puskar
Signature

703.528.4700

Telephone #

22201

Zip Code

703.525.3197

Fax #

Revised September 22, 2010
May 28, 2010

Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____

Date and Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 11/4/10

ACTION - CITY COUNCIL CC approved PC

Rec Approval w/ Amendments 7-0

recommendations w/ amendments

11/19/10
7-0
(see attachment)
150

DSUP # 2010-0012
DSUP # 2010-0021
SUP # 2010-0033
SUP # 2010-0058



APPLICATION
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN

DSP # _____ **Project Name:** _____

PROPERTY LOCATION: Potomac Yard - Land Bays D, I, J, K and L
TAX MAP REFERENCE: See Attached Tax Map and Address Chart **ZONE:** CDD #10

APPLICANT:
Name: Potomac Yard Development, LLC
Address: 10500 Arrowhead Drive, Suite 225, Fairfax, VA 22030

PROPERTY OWNER:
Name: Same as Applicant
Address: _____

SUMMARY OF PROPOSAL See Proposed Amendments and Statement of Support

MODIFICATIONS REQUESTED N/A

SUPs REQUESTED N/A

[] **THE UNDERSIGNED** hereby applies for Development Site Plan with Special Use Permit approval in accordance with the provisions of Section 11-400 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/her knowledge and belief.

Potomac Yard Development, LLC
By: M. Catharine Puskar
Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Mailing/Street Address
Arlington, VA 22201
City and State Zip Code

M C Puskar
Signature
703.528.4700 703.525.3197
Telephone # Fax #
cpuskar@arl.thelandlawyers.com
Email address Revised September 22, 2010
May 28, 2010
Date

DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: _____ Received Plans for Completeness: _____
Fee Paid and Date: _____ Received Plans for Preliminary: _____
ACTION - PLANNING COMMISSION: Rec Approval 7-0 11/14/10
ACTION - CITY COUNCIL: CC approved PC recommendation w/amendments 7-0
11/13/10 (see attachment)

155

and they now wish to rescind their obligation because of the contingent deal on landbay F, and he noted the problems associated with that.

(e) David Fromm, 2307 E. Randolph Avenue, said that until Metro is approved, it seems they are giving away a lot in the application, since if it is not approved, there are no conditions. If Metro is not approved, it can go back to undergrounding parking. Mr. Fromm said solving the pedestrian bridge is a problem.

(f) Foster Henderson, 1846 Potomac Greens Drive, said he is all for Metro but not for the special taxes. He recommended putting a school in the development and the money there.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

WHEREUPON, a motion was made by Vice Mayor Donley, seconded by Councilwoman Hughes, that City Council approve the Planning Commission recommendation, with the following changes: condition #11a on page 42 to read: "all parking must be underground, except that above-grade parking structures are permitted in any subsequent development special use permits in the following locations, subject to the criteria in 11B, C and D", which changes may be to "are"; in finding/note 1, to delete the word "predecessors"; on page 51, change the amount of the monetary contributions to \$500,000 reflected in i, ii, iii, and v and \$1 million in iv in condition p to reflect a \$2 million contribution.

Councilman Smedberg offered a friendly amendment on pages 51 and 52, conditions q and r, as relates to the rail park and Potomac Yard linear park, adding the wording that it be placed in a sequestered fund for the stated purposes. The amendment was accepted by the maker and seconder of the motion and becomes part of the main motion.

A SUBSTITUTE MOTION WAS MADE by Councilman Smedberg that condition #11a stay as recommended by the Planning Commission. The motion failed for lack of a second.

The voting on the motion was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council approved the resolution regarding funding of a pedestrian bridge in Potomac Yard. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

The resolution reads as follows:

RESOLUTION 2424

RESOLUTION ON THE PEDESTRIAN BRIDGE IN POTOMAC YARD/POTOMAC GREENS COORDINATED DEVELOPMENT DISTRICT #10

WHEREAS, the original approval of the Potomac Yard/Potomac Greens CDD #10 Concept Plan included a condition requiring a pedestrian bridge to be built by the applicant over the railroad tracks to connect Landbay A with the remainder of the CDD area; and

WHEREAS, as part of the recent approval of CDD #19 and the potential relocation of the proposed WMATA Metrorail station, there has been discussion of integrating the pedestrian bridge into the Metrorail Station; and

WHEREAS, the recent amendments to CDD #10 propose to change the requirement for the pedestrian bridge from construction of the pedestrian bridge by the applicant to a monetary contribution from the applicant towards the costs related to the construction of the Metrorail Station at Potomac Yard; and

WHEREAS, the Alexandria City Council desires to indicate its intent that the pedestrian bridge will still be constructed whether or not the WMATA Metrorail Station at Potomac Yard is constructed and despite the change to the condition in CDD #10.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA THE FOLLOWING:

1. The pedestrian bridge contemplated by CDD #10 to connect Landbay A to the remainder of the CDD area is intended to be constructed as part of the new Metrorail Station at Potomac Yard.
2. The amendment to condition #15(p) of the Coordinated Development District #10 Concept Plan (CDD #2010-0001) to revise the requirement from construction of a pedestrian bridge by the applicant to a monetary contribution from the applicant towards the costs related to the