

EXHIBIT NO. 1

14
11-15-03

Docket Item #5
DEVELOPMENT SPECIAL USE PERMIT #2003-0029
1700 DUKE STREET - AMENDMENT

Planning Commission Meeting
November 6, 2003

ISSUE: Consideration of a request to amend a development special use permit, with site plan, to increase the number of condominium units.

APPLICANT: JBG/Rockwood Duke Street, LLC
by Timothy S. Munshell

LOCATION: 1700 Duke Street

ZONE: CDD-1/Coordinated Development District

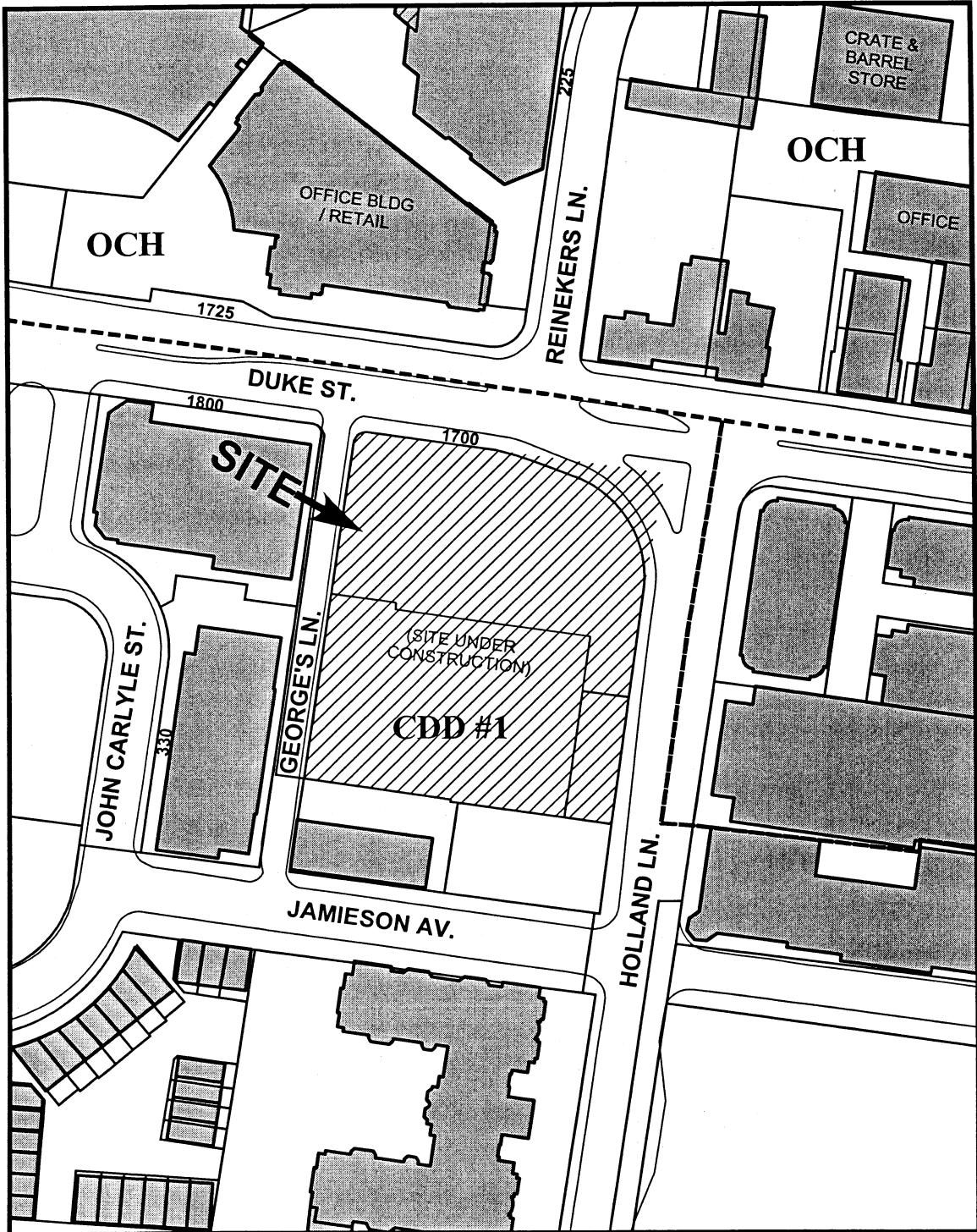
PLANNING COMMISSION ACTION, NOVEMBER 6, 2003: On a motion by Mr. Komoroske, seconded by Mr. Robinson, the Planning Commission voted to recommend approval of the proposed amendment to the development special use permit, subject to compliance with all applicable codes, ordinances and all staff recommendations and to amend condition #75. The motion carried on a vote of 6 to 0. Mr. Wagner was absent.

Reason: The Planning Commission agreed with the staff analysis and all of the staff recommendations and amended condition #75 requiring that the applicant contribute an additional \$10,000.00 to the Alexandria Affordable Housing Fund for the increase in units.

Speakers:

Allan Rudd, Eisenhower Civic Association, spoke against the staff condition requiring two additional parking spaces for the two new units noting the lack of public benefit.

Bud Hart, attorney representing the applicant.



DSUP #2003-0029

11/06/03



SUMMARY:

The applicant, JBG/Rockwood Duke Street L.L.C., is requesting approval of an amendment to DSUP #2002-0009 to increase the number of condominium units from 114 to 116. The applicant proposes to replace two of the two-bedroom units on the third and fourth floors with four of the one-bedroom units with no change in the building footprint, square footage, F.A.R. exterior facade or retail use. The increase in the number of units is simply re-allocating the internal portion of the building. The 43,342 sq.ft. grocery store and three levels of condominium use will remain unchanged.

Staff is recommending approval of the development special use permit amendment with all conditions of DSUP #2002-0009. Staff originally supported the proposed mixed-use project, noting that the condominiums will provide additional home ownership opportunities within the City in close proximity to the King Street Metro. The new residential units will require an additional two residential parking spaces. These spaces will be re-allotted from the excess retail parking. With no changes in FAR and sufficient parking available, staff recommends approval of the increase in number of units from 114 to 116 units.

STAFF RECOMMENDATION:

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

The following conditions have been carried forward from DSUP #2002-0009. Condition #12 is the only condition that has been amended for this application.

1. The building design and materials shall be revised to the satisfaction of the Director of P&Z to provide the following.
 - a. The base of the building (retail) shall be pre-case, 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*.
 - b. A standing seam metal roof for the entire building. The color of the roof shall be compatible with the colors of the building.
 - c. The materials of the entire building visible from the public right-way other than the screening for the mechanical equipment shall be entirely masonry (brick, precast, stone).
 - d. The balconies shall be constructed of high quality materials comparable to the materials for the primary building facade. The balconies shall not project beyond the plane of the building.
 - e. Through-the-wall HVAC vent grills shall not face Holland Lane and Duke Street. All vents shall be designed with high quality grill work and of a color to compliment the materials of the building.
 - f. The entrance canopies shall be a high quality metal such as stainless steel or aluminum canopies as generally depicted on the preliminary plans. Canopies shall be provided at each pavilion entrance. Any subsequent encroachment of the canopies more than four feet beyond the property line shall require a subsequent encroachment approval.
 - g. The projections of the center pavilions and corner element shall have masonry returns.
 - h. At large storefronts, provide visual means of support for the masonry above, through the use of pilasters or by extending the masonry. Where large expanses of glass are below masonry but in a different plane, provide visual means of support for the masonry above (visible through the glass)
 - i. The retail base shall provide low-level lighting as an integral part of the facade design to add nighttime visual interest to the buildings. Accent lighting is encouraged.
 - j. The applicant shall provide larger scale drawings to evaluate the balcony projections, balcony rails, cornice brackets, entrance canopies and sign bands and that the final

detailing, finish and color of these elements is critical and must be studied in context with the overall building. These detail elements shall be submitted prior to review by the Carlyle Design Review Board.

- k. 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.
 - l. Once the conditions above have been addressed to the satisfaction of the Director of P&Z, and the with the second final site plan the applicant may begin concurrent review of the site plan and building permits.
(City Council)
2. 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 and such approval process shall be completed by October 4, 2002, and if not completed by then, it shall be done to the satisfaction of the Director of Planning and Zoning.
(City Council)
 3. The colors and materials of the retail tenant signs shall be designed of high quality materials and shall be designed as an integral part of the building that shall relate in materials, color and scale to the remainder of the building as generally depicted in the preliminary plan to the satisfaction of the Director of P&Z.
 - a. Sign messages shall be limited to logos, names and street address information.
 - b. Illuminated or non-illuminated parapet signs or wall signs above the first level for retail and/or residential uses are prohibited.
 - c. Signs applied to storefront windows shall cover no more than twenty percent of the glass.
 - d. Individual channel letters shall be provided for the canopy sign on the corner of Duke Street and Holland Lane and other signs for the building.
 - e. Box signs shall be prohibited.
 - f. Any exterior decorative exterior banners and the proposed mural on Duke Street shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.
 - g. Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located adjacent to the retail windows. Tables and other active uses adjacent to the window are encouraged.
 - h. Freestanding signs other than traffic/directional signs shall be prohibited. (P&Z)
 4. The applicant shall contribute \$80,000 to the East Eisenhower Open Space Fund. This contribution shall be made prior to release of the final site plan. (P&Z)

5. 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:
 - a. All sidewalks for the development shall be brick and shall comply with City standards.
 - b. A minimum unobstructed sidewalk on Duke Street of 20.5 feet. and 15 feet on Holland Lane (excluding the 2 ft. projection of the pavilions). The retail storefront bays shall be setback to provide the minimum sidewalk widths.
 - c. The brick sidewalks shall continue over the proposed curb cut on Holland Lane and the curb cut on Georges Lane to provide a continuous uninterrupted brick sidewalk designed to the satisfaction of the Directors of P&Z and T&ES.
 - d. The applicant shall provide four (4) City standard street cans (2 per block face), to the satisfaction of the Director of T&ES prior to issuance of a certificate of occupancy permit.
 - e. The applicant shall provide, install and maintain a minimum of two (2) public benches for each street frontage to the satisfaction of the Director of P&Z. The details of bench shall be consistent with the Carlyle design guidelines.
 - f. The applicant shall provide brick paver or streetprint pavers or comparable for the pedestrian crossings and pedestrian count down signals at the intersection of Duke Street and Holland Lane and Duke Street as generally depicted on the preliminary plans.
 - g. The applicant shall provide brick paver or streetprint pavers crosswalks for the Reinekers Lane and Duke Street intersection.
 - h. The applicant shall provide and install "Gadsby" street lights for Duke Street and single acorn luminaire street lights on Holland Lane consistent with the Carlyle Design standards.
 - i. The applicant shall construct a 10 ft. wide temporary asphalt sidewalk within the public right-of-way that extends from the southern portion of the site to to Jamieson Avenue or contribute a monetary amount to enable the City to install the interim sidewalk.
 - j. All streetscape improvements shall be completed prior to the issuance of a certificate of occupancy permit. (P&Z) (T&ES)

6. A perpetual public ingress/egress easement shall be granted for public pedestrian access for Duke Street and Holland Lane sidewalks not located within the public right-of-way. All easements and reservations shall be depicted on the subdivision plat and shall be approved by the City Attorney prior to the release of the final site plan. (P&Z)

7. The vents for the parking garage shall not exhaust onto sidewalks at the pedestrian level. The applicant shall provide a 6 ft. tall decorative brick screening wall for the garage vent on Holland Lane and Georges Lane. Landscaping shall be provided between the brick screening wall and the sidewalk on Holland Lane. (P&Z)
8. The landscaping shall consist of the level of landscaping providing on the preliminary landscape plan and shall also include the following to the satisfaction of the Director of P&Z:
 - a. The street trees on Duke Street shall be Red Maple.
 - b. The street trees on Holland lane shall be Willow Oak.
 - c. All street trees shall be planted in a continuous planting trough with aeration, drainage and irrigation systems. The trough shall be large enough to provide sufficient arable soil volume to support adequate moisture for the tree. A planting trough for a single tree shall contain a minimum of 300 cubic feet of soil. Troughs shall be a minimum of thirty inches deep and six feet wide from the face of curb.
 - d. An automatic irrigation system shall be provided for the tree troughs.
 - e. Drainage of the tree troughs shall be to the Best Management Practice(BMP) facility.
 - f. The applicant shall provide raised landscape planters and landscaping on Duke Street between the street trees consistent with the Carlyle design guidelines.
 - g. Decorative tree grates shall be provided on Duke Street and Holland Lane consistent with the Carlyle design guidelines.
 - h. The street trees shall be a minimum of 4" caliper at the time of planting
 - i. Low growing shade tolerant shrubs/plants shall be on eastern portion of Georges Lane.
 - j. The developer shall be responsible for the installation and maintenance of trees adjacent to the public streets. This maintenance shall include, but not be limited to, pruning, watering, pest control, and removal and replacement of street trees as necessary.
 - k. The location of all light poles shall be coordinated with the street trees.
 - l. 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.
 - m. The final landscape plan shall be prepared by a licensed landscape architect.
 - n. All materials specifications shall be in accordance with the industry standard for grading plant material-The American Standard for Nursery Stock (ANSI Z60.1).
 - o. All utility lines shall be located away from the proposed landscaped areas to minimize the impact upon the proposed landscaping. Any switch boxes or transformers shall be located on the final site plan to the satisfaction of the Directors of P&Z and T&ES.

- p. The interior courtyard shall be designed to provide a focal element (such as a sculpture or water feature etc.) and amenities such as benches, special paving and landscape planters and additional landscaping to encourage its use. The planters within the courtyard shall be adequate depth to provide trees. (P&Z)
9. All existing and proposed utility poles and overhead electrical/telephone lines for the entire site shall be located underground and the cost of such undergrounding shall be the sole responsibility of the developer. The existing transformer at the intersection of Duke Street and Holland Lane shall be located within a underground parking garage or area not visible from the public right-of-way within an enclosed location to the satisfaction of the Directors of T&ES and P&Z and in accordance with the requirements of Dominion Virginia Power. (T&ES) (P&Z)
10. The entrance to the parking garage shall be redesigned and the apartment lay-by shall be eliminated as generally depicted in *Attachment # 2* to the satisfaction of the Director of T&ES. (T&ES)
11. The interior drive aisles shall maintain an unobstructed width of 22 feet (excluding columns). Provide dimension lines on the final site plan. (P&Z)
12. **(REVISED BY STAFF)** The applicant shall provide a parking management plan which outlines mechanism to maximize the use of the parking structure to the satisfaction of the Directors of P&Z. The site plan and building permit shall be amended to depict the revised parking garage configuration to account for the two additional residential units and the decreased retail parking spaces. At a minimum the plan shall include:
- a. No more than ~~151~~ 154 spaces shall be allocated to residents and their visitors, including the tandem spaces. At least 15% of these spaces shall be reserved for visitor use.
 - b. All resident parking shall have controlled access.
 - 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 five (5) of the surface spaces at the rear of the retail shall be reserved for residential visitors.
 - d. The applicant shall require its employees who drive to work to use off-street parking and no employees shall park in the surface parking spaces.
 - e. Parking rates for the short-term parking within the underground parking garage shall be consistent with comparable buildings located in adjoining developments in the City of Alexandria, except that free parking may be provided for retail patrons.
 - f. Parking spaces for car pool vehicles shall be conveniently located adjacent to garage entrances and exits, and/or elevator locations.
 - g. The visitor spaces shall be clearly identified with striping and signage.

- h. Employee parking for the retail use shall be within the underground garage.
 - i. The retail parking spaces within the lower level parking garage shall be reserved for retail patrons and shall include all applicable signage.
 - j. Parking spaces within the underground parking in excess of 1 space/250 gross square feet 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 Whole Foods Market. The parking survey shall be submitted no later than one year from the date of certificate of occupancy permit for the retail use. Additional parking studies may be required for subsequent years if deemed necessary by the Director of Planning and Zoning.
 - k. The developer agrees to provide parking for all construction workers without charge to the workers or shall provide subsidy for the construction workers in order that they may use Metro, DASH, provide a van for van pooling, or another method of providing for construction workers to arrive at the site. Compliance with this condition shall be based on a plan, which shall be submitted to the Department of Planning & Zoning and Transportation and Environmental Services prior to the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, car pooling, vanpooling, and other similar efforts. The plan shall also provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and car pooling and vanpooling information. If the plan is found to be violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. (City Council)
13. Any use other than the grocery store and condominiums as represented in the preliminary plans shall require a major amendment to the special use permit amendment. A copy of the cover sheet and signatures of the lease agreement with the grocery store shall be submitted prior to release of the building permit. (P&Z)
14. The applicant shall present a disclosure statement to condominium owners signed prior to signing any contract of purchase. The statement shall disclose the following:
- a. That first floor retail grocery store and outdoor tables will generate noise and truck traffic on the public and internal streets surrounding the project and the retail use will have extended hours of operation.

The specific language of the disclosure statement to be utilized shall be provided to the City for approval by the Director of P&Z and City Attorney, prior to release of any CO for residential units. (P&Z)

15. A temporary informational sign shall be installed by the applicant on the site prior to the approval of the building permit for the project and shall be displayed until construction is complete or replaced with a marketing sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions about the project. (P&Z)
16. The applicant shall submit final plats of subdivision, and dedication that shall be approved prior by the Department of P&Z, T&ES and the City Attorney prior to release of the final site plan. (P&Z)
17. All utility structures, including cable TV and telephone pedestals shall be located within the buildings or located below grade in vaults. No above ground utilities serving this project shall be permitted within public right-of-ways, public access easement areas or areas visible to the public. (P&Z)
18. 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)
19. 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)
20. Location surveys 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)
21. 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)
22. 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)
23. The indoor café and outdoor dining shall be permitted with the following conditions:

DSUP #2003-0029
1700 DUKE STREET - AMENDMENT

- a. Outdoor seating is encouraged and shall be permitted. Outdoor dining operations, including employee traffic, shall not encroach upon the city right-of-way, without a separate encroachment approval. Outdoor dining shall be limited to the Duke Street frontage. A minimum sidewalk width of 12-14 ft. shall be maintained.
- b. The outdoor seating areas including umbrellas shall not include advertising signage. The design of the outdoor furniture shall be compatible with the design of the building. The seating capacity for the outdoor dining shall not exceed 20 seats. The outside dining area shall be cleaned at the close of each day of operation.
- c. No live entertainment is permitted inside the café or in the outdoor dining area.
- d. The hours during which the indoor restaurant/café is open to the public shall be restricted between 7:00 a.m. and 10:00 p.m. Sunday through Thursday, and between 7:00 a.m. and 11:00 p.m. on Friday and Saturday. Meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. The outside dining hours shall be between 7:00 AM and 10:00 PM daily.
- e. On-site or off-site alcohol sales/service are not permitted from the café or outdoor dining.
- f. No delivery services shall be permitted from the café.
- g. No food, beverages, or other material shall be stored outside.
- h. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers.
- i. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public..The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services
- j. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees.
- k. The Director of Planning and Zoning shall review the special use permit one year after the café and outdoor dining use becomes operational and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed.
(P&Z) (T&ES)

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 becoming a nuisance, as determined by the Department of Transportation and Environmental Services. (City Council)

Conditions # 25 -39 are related to the transportation management plan.

25. A TMP Coordinator shall be designated for the entire project upon application for the initial building permit. This person will be a professional with experience in this occupation. This coordinator will have an on-site office, and the name, location and telephone number of the coordinator will be provided to the City at that time, and the City will be notified at the time of any changes. This person will be responsible for implementing and managing all aspects of the TMP and the parking management program for the project. (P&Z) (T&ES)
26. A transportation management plan (TMP) account shall be funded annually at a rate of \$0.11 per square foot of occupied retail space and \$60 per occupied residential unit. The first payment to the 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 Transportation and Environmental Services. The TMP fund shall be used exclusively for these approved activities:
- a. Discounting the cost of bus and transit fare media for on-site employees and residents. The discounted bus and rail fare media shall be sold on-site to employees/residents of the project including during hours that are convenient for residents who work. The fare media to be sold will include, at a minimum, fare media for Metrorail, Metrobus, DASH and any other public transportation system fare media requested by employees and/or the Office of Transit Services and Programs. The availability of this fare media will be prominently advertised. At a minimum, the initial discount will be 20%
 - b. Marketing activities, including advertising, promotional events, etc.
 - c. Membership and application fees for carshare vehicles.
 - d. Any other TMP activities as may be proposed by the applicant and approved by the Director of T&ES as meeting goals similar to those targeted by the required TMP measures.
 - e. Free parking for vanpools; and
 - f. Employee car pools (with two (2) or more members) shall receive a parking subsidy equal to one-half (½) the single occupant vehicle monthly parking rate.
- (City Council)

27. Transit, ridesharing, staggered work hours/compressed work week, parking restrictions and the other program elements shall be promoted to prospective tenants and to employers and their employees, and to prospective residents and residents in the residential buildings. (P&Z) (T&ES)
28. Information about all transit, ridesharing, and other TMP elements shall be distributed and displayed to residents, employers, and employees—including transit schedules, rideshare applications and information, incentive information, parking information, etc. This information shall be kept current. Displays of these brochures and applications shall be provided in a prominent location within each building and a web site with this information and appropriate links to transit providers will be provided and maintained. (P&Z) (T&ES)
29. A ridesharing program shall be established that includes not only participation in the regional Metropolitan Washington Council of Governments Commuter Connections Program, but also site--specific matching efforts. (P&Z) (T&ES)
30. A Guaranteed Ride Home Program shall be established and promoted as part of the ridesharing and transit marketing efforts. Provide one time free SmarTrip cards to first time condominium purchasers and retail employees. (P&Z) (T&ES)
31. A share car program shall be established and marketed as part of the ridesharing and transit marketing efforts for all buildings. At a minimum at least two parking spaces per building should be reserved for the location of carshare vehicles. These spaces should be in a convenient location for tenants and residents and the TMP Coordinator will arrange with any of the carshare companies for placement of vehicles in this project. (Currently, Zipcar and Flexcar both have vehicles in the Alexandria area.). For those individuals that take transit, car pool/vanpool, walk, or bike to work the TMP program will pay the registration and annual membership fees (not the usage fees) to use the carshare vehicles. (P&Z) (T&ES)
32. The applicant will provide semi-annual TMP Fund reports to the Office of Transit Services and Programs. These reports will provide a summary of the contributions to the fund and all expenses. The first report will be due six months following the issuance of the first certificate of occupancy. Any unencumbered funds remaining in the TMP account at the end of each reporting year may be either reprogrammed for TMP activities during the ensuing year or may be paid to the City for use in TMP support activities which benefit the site. The Director of T&ES may require that the funds be paid to the City upon determination that the applicant has not made reasonable effort to use the funds for TMP Programs. (P&Z) (T&ES)

33. The applicant shall prepare, as part of its leasing/purchasing agreements, appropriate language to inform tenants/owners of the transportation management plan special use permit and conditions therein, prior to any lease/purchase agreements; such language to be reviewed and approved by the City Attorney's office. (P&Z) (T&ES)
34. Modifications to approved TMP activities shall be permitted upon approval by the Director of T&ES, provided that any changes are consistent with the goals of the TMP. (P&Z) (T&ES)
35. As required by Section 11-700 under Article XI of the City of Alexandria Zoning Ordinance, the special use permit and conditions attached thereto as granted by City Council, unless revoked or amended, shall run with the land and shall be mandatory and binding upon the applicant, all owners of the land and all occupants and upon all heirs, successors and assignees with whom sale or lease agreements are executed subsequent to the date of this approval. (P&Z)(T&ES)
36. The developer shall provide secure bicycle storage facilities, at no charge to the employees or patrons in a convenient location to the retail areas on the following minimum basis:
 - A minimum six (6) visitor/customer spaces and six (6) employee spaces. These facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The employee facilities shall be located within the underground parking structure. The facilities must meet the acceptable standards for Class I storage space and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Facilities for visitors/customers must meet the standards for either Class II or Class III storage space and be highly visible from a main street level visitor/customer entrance. The detail of the bicycle racks shall be consistent with the Carlyle design guidelines Drawings showing that these requirements shall be approved prior to the release of the final site plan.
 - the developer shall provide one (1) shower. Also, a minimum one (1) clothes storage locker for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area. The showers and locker facilities shall be open during normal working hours. The location, layout and security of the showers and lockers shall be reviewed by the City of Alexandria Police Department prior to release of the building permit. (P&Z) (T&ES)

37. The applicant shall prepare, as part of its sales agreements, appropriate language to inform the owners of the transportation management plan special use permit and conditions therein, prior to any sales contracts; such language to be reviewed and approved by the City Attorney's office. (P&Z) (T&ES)
38. Modifications to approved TMP activities shall be permitted upon approval by the Director of T&ES and P&Z, provided that any changes are consistent with the goals of the TMP. (P&Z) (T&ES)
39. Any unencumbered funds remaining in the TMP account at the end of each reporting year may be either reprogrammed for TMP activities during the ensuing year or may be paid to the City for use in TMP support activities which benefit the site. The Director of T&ES may require that the funds be paid to the City upon determination that the applicant has not made a reasonable effort to use the funds for TMP Programs. (P&Z) (T&ES)
40. The applicant shall participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by advertising such promotions in a manner and at such locations within the building acceptable to the developer. (P&Z) (T&ES)
41. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
42. Developer to comply with the peak flow requirements of Article XIII of the Alexandria Zoning Ordinance. (T&ES)
43. In the event that Section 5-1-2(12b) of the City Code is amended to designate multi-family dwellings in general, or multi-family dwellings when so provided by SUP, as required user property, then refuse collection shall be provided by the City. (T&ES)
44. Show the sanitary sewer lateral connection to an existing sewer main with size, direction of flow, invert elevations, structure locations, etc. (T&ES)
45. Provide a site lighting plan to the satisfaction of the Director of T&ES in consultation with the Chief of Police. The plan shall show the existing and proposed street lights and site lights. 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 and are located to prevent excessive spillover lighting and glare from adjacent properties. (T&ES) (P&Z)

46. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)
47. Provide all pedestrian and traffic signage to the satisfaction of the Director of T&ES. (T&ES)
48. Plan must demonstrate to the satisfaction of Director of T&ES that adequate stormwater outfall is available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall. (T&ES)
49. All driveway entrances, sidewalks, curb/gutter, etc. in public right-of-way or abutting public right-of-way shall meet City standards. (T&ES)
50. Indicate design specifications for all on-site and off-site improvements, i.e. curbing, sidewalk, handicap ramps, sewer structures, etc. Provide details on the final site plan. (T&ES)
51. Replace existing curb and gutter, sidewalks, and handicap ramps that are in disrepair or broken. (T&ES)
52. 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)
53. The following entrances and intersections shall be reconfigured to safely accommodate the AASHTO turning movement of a WB-40 vehicle, to the satisfaction of the Director of T&ES.
 - a. Entrance on Holland Lane.
 - b. Entrance on Georges Lane
 - c. Intersection of Georges Lane and Duke Street
 - d. Intersection of Holland lane and Duke Street. (T&ES)
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 Transportation and Environmental Services. The owner shall be responsible for the cost of maintenance and operation of the mechanically operated curb. (City Council)

55. The median on Holland Lane shall be finished with brick to the satisfaction of the Director of T&ES. (T&ES)
56. Provide a detail of city standard Emergency Vehicle Easement and Handicap Parking signs on the final site plan. (T&ES)
57. Due to the prior uses at the site and the potential for contamination, the applicant shall design and install a vapor barrier and ventilation system for the buildings and parking areas to prevent the migration or accumulation of methane or other gases under parking areas or into buildings, or conduct a study and provide a report signed by a professional engineer showing that such measures are not needed to the satisfaction of Directors of T&ES and Code Enforcement. The final site plan shall not be released and no construction activity shall take place until the following has been submitted and approved by the Director of T&ES:
 - 1) Submit a Site Characterization Report/Extent of Contamination Study detailing the location, the contaminants, and the estimated quantity of any contaminated soils and/or groundwater at or in the immediate vicinity of the proposed site.
 - 2) Submit a Risk Assessment indicating any risks associated with the contamination.
 - 3) Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility corridors. "Clean" backfill shall be used to fill the utility corridors.
 - 4) Submit a Health and Safety Plan indicating measures to be taken during any remediation and/or construction to minimize the potential risks to workers, the neighborhood, and the environment.

Submit 5 copies of each of the above. The remediation plan must be included in the Final Site Plan. (T&ES)

58. The developer or its agent shall furnish each prospective buyer with a statement disclosing the prior history of the site and the Carlyle site, including previous environmental conditions and on-going remediation. These disclosures shall be made to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)

59. Due to the close proximity of the site to Duke Street:
- 1) The applicant shall prepare a noise study identifying the levels of noise residents at the site will be exposed to at the present time and 10 years into the future in a manner consistent with the Noise Guidance Book used by the Department of Housing and Urban Development (HUD).
 - 2) Identify options to minimize noise exposure to future residents at the site, including:
 - a) Special construction methods to reduce noise transmission, which may include
 - Triple-pane glazing for windows
 - Additional wall and roofing insulation.
 - Installation of resilient channels between the interior gypsum board leaf and the wall studs.
 - Others as identified by the applicant.
- If needed, install some combination of the above-mentioned noise mitigation measures or others to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (City Council)
60. All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. (T&ES)
61. The stormwater collection system is part of the Cameron/Holmes Run watershed. All stormwater inlets shall be duly marked to the satisfaction of the Director of T&ES. (T&ES)
62. Provide a drainage map for the area flowing to the chosen BMP, including topographic information and storm drains on the final site plan. (T&ES)
63. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)
64. The stormwater Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design engineer or his designated representative. The design engineer shall make a written certification to the City that the BMP(s) are constructed and installed as designed and in accordance with the approved Final Site Plan. (T&ES)

65. The surface appurtenances associated with the on-site structural BMP's shall be marked to the satisfaction of the Director of T&ES to identify them as part of the structural BMP system. (T&ES)
66. For any surface-installed Best Management Practices, i.e. Bio-Retention Filters, Vegetated Swales, etc. are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)
67. The developer shall furnish the owners with an Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include an explanation of the functions and operations of each BMP and any supporting utilities, catalog cuts on any mechanical or electrical equipment, a schedule of routine maintenance for the BMP(s) and supporting equipment, and a copy of the maintenance agreement with the City. (T&ES)
68. The developer shall furnish the Condominium Association with an Owner's Operation and Maintenance Manual for all the Best Management Practices (BMP's) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s), drawings and diagrams of the BMP(s) and any supporting utilities, catalog cuts on maintenance requirements and a copy of the Maintenance Agreement with the City. (T&ES)
69. The developer shall furnish each home purchaser with a brochure describing the stormwater BMP(s) installed on the site, outlining the responsibilities of the Condominium Association with respect to maintenance requirements. Upon activation of the Association, the Developer shall furnish five copies of the brochure per unit to the Association for distribution to subsequent homeowners. (T&ES)
70. A "Certified Land Disturber" must be named on the Erosion and Sediment Control sheets prior to release of the final Site Plan in accordance with Virginia Erosion and Sediment Control Law VAC §: 10.1-563.B. (T&ES)
71. The applicant will be encouraged to participate in the City's "Adopt-a-Street" program. (T&ES)
72. All loudspeakers shall be prohibited from the exterior of the building. (T&ES)
73. Developer shall show the sanitary connection from 6" lateral for proposed construction. (T&ES)

74. Show traffic signal modifications for Duke Street/Holland lane intersection; mast arms, signal heads, pedestrian heads, etc. Provide a traffic striping and signage plan with the final site plan. (T&ES)
75. **(REVISED BY PLANNING COMMISSION)**: 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 the Certificate of Occupancy for the grocery store. The applicant will also contribute an additional \$10,000.00 to the Housing Trust Fund for an increase from the approved 114 units to 116 units. (PC) (City Council)
76. For firefighting reasons, one stair shall extend through the roof so that door access to the roof is provided. (City Council)
77. In lieu of strict compliance with ladder truck access requirements specified in item C-4, an alternative compliance proposal is recommended. The proposed placement on the lot would be acceptable if the following fire protection and fire fighting features were built into the buildings, to the satisfaction of the Director of Code Enforcement:
 - 1) The entire building, including the residential component shall be sprinklered in accordance with NFPA 13 not 13R.
 - 2) Enclose all elevator lobbies in smoke tight construction.
 - 3) Provide a public address component to the fire alarm system.
(City Council)
78. A second fire department connection(fdc) shall be provided for this building on the Duke Street face.All fdc's shall be within 100 feet of the nearest hydrant. Show all hydrants that serve this project. (Code)
79. The building requires two van accessible handicapped accessible parking spaces. (City Council)
80. All archeological work shall be carried out in accordance with the *City of Alexandria Archeological Standards* and is subject to the approval of the City Archeologist. (Arch)
81. If determined to be appropriate by the City Archeologist, one or more historic markers shall be erected on this property summarizing its historical and archeological significance. The wording on the markers will be approved by the Alexandria Archeology. (Arch)
82. The applicant shall consult with the Crime Prevention Unit of the Alexandria Police Department regarding security hardware and alarms for the development. (Police)

83. A security survey shall be completed for the construction trailers as soon as they are placed on-site. (Police)
84. Controlled access shall be provided to the underground parking. All ceilings and walls in the garages are to be painted white or to the satisfaction of the Police Chief. (City Council)
85. Trees are not to be planted under or near light poles. (Police)
86. The maximum height of the shrubs listed in the planting schedule is to be 36 inches when mature. (Police)
87. If an "ABC OFF" license is granted to the grocery store the following restrictions are recommended:

Beer or wine coolers may be sold in 4-packs, 6-packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14% or more by volume) may not be sold. (Police)

Special use permit requested by the applicant and recommended by staff:

1. Development special use permit amendment to increase the number of units from 114 to 116.

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, JBG Companies is requesting approval of an amendment to the approved development special use permit, with site plan, to construct a mixed-use (retail grocery and residential) four-level building that will consist of a 43,342 sq.ft. grocery store and 114 condominium units at the intersection of Duke Street or Holland Lane. The original development special use permit, with site plan, was approved in September, 2002. The building is currently under construction. The proposed amendment would increase the condominium units from 114 to 116, replacing two of the two-bedroom units on the third and fourth floors with four one-bedroom units. There will be no change in the building footprint, square footage, or exterior facade. The applicant is proposing to include one parking space/unit with the purchase price of each unit, 15% visitor parking with the remainder of the residential parking spaces available for purchase by the condominium owners.

The parking for the condominiums will have controlled access. The parking for the retail and condominiums will be located within three levels of underground parking that will be accessed from an internal garage entrance via Holland Lane and Georges Lane. There will also be a limited number of surface parking spaces (18 spaces), and a loading area that are enclosed on the southern portion of the building.

The subject property is surrounded by a combination of retail, residential and primarily office uses. The uses to the north of the site include King Street Station, the historic Hooff House and Table Talk restaurant. The office buildings to the east are the National School Board Association building and the Shurgrad self-storage building. To the south is the African-American Heritage Park, the Burke & Herbert Bank building and the Meridian Apartments. To the west are the SHRM and association office buildings. The proposed development is within close proximity of the King Street metro. The zoning surrounding the site is a mix of high density commercial zones- OCH, OCM 100 and CDD-1 (Carlyle).

ZONING:

The site is zoned CDD-1, which allows a density up to 2.62 FAR with a CDD approval consistent with the guidelines for the Duke Street CDD. CDD-1 includes the Carlyle development, but this site is not within the boundaries of the Carlyle development.

1700 Duke Street - Whole Foods/Residential Condominiums		
Property Address:	1700 Duke Street	
Total Site Area:	71,784 Square feet *	
Zone:	CDD-1	
Current Use:	Retail/Residential	
Proposed Use:	Retail/Residential	
	<u>Permitted/Required</u>	<u>Proposed</u>
FAR	2.62	2.62
Yards	NA	11.4 ft. front (Duke Street) 1 ft. front (Holland Lane) 3 ft. side (Georges Lane) 20 ft. side (southern property line)
Height	77 ft. 82 ft. with ground floor retail	58.46 ft.
Open Space	NA	18,707 square feet (26%) residential
Parking	1sp/500 sq.ft. (retail) = 87 1 sp/unit (residential) = 114 15% visitor parking = 18 1 loading sp/20,000 sq.ft. = 3 Total = 222	280 retail 151 spaces (includes 19 tandem) 3 loading spaces Total = 434
* Site area with approved street dedication and vacation.		

STAFF ANALYSIS:

Staff is recommending approval of the development special use permit amendment with all conditions of DSUP #2002-0009 continued forward. Staff originally supported the proposed mixed-use project, noting that the condominiums will provide additional home ownership opportunities within the City in close proximity to the King Street Metro. With no changes in FAR and sufficient parking available, staff recommends approval of the increase in number of units from 114 to 116 units.

The approved plan provided more retail parking spaces than are required by the Zoning Ordinance, which was a concern of staff that was addressed by condition #12j of the approval. The approved parking ratio for the condominiums was 1.32 sp/unit (including the 15% visitor parking). Therefore, the two additional units will require two residential parking spaces and one visitor parking space. These spaces will be re-allotted from the surplus of retail parking.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendment to the development special use permit for an increase from 114 units to 116 units.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeffrey Farnier Chief, Development;
Laura Durham, Urban Planner.

CITY DEPARTMENT COMMENTS

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

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 including 100% treatment of the Water Quality Volume Default.
- C-10 Provide a phased erosion and sediment control plan consistent with grading and construction.
- C-11 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Sanitation Authority:

- C-1 Ensure that all discharges are in accordance with the City of Alexandria Code 4035.

Code Enforcement:

- C-1 This building is over 50 feet in height and as such is required to have ladder truck access to the front and the rear of the buildings by public roads or recorded emergency vehicle easements (eve). For a building face to be considered accessible by a ladder truck the curblin shall be at least 15 feet and no more than 30 feet form the face of the building. Alternatives that demonstrate equivalency to this requirement will be considered on a case by case basis.
- C-2 Building B shall have two exits.
- C-3 Prior to the submission of the final site plan fire flow calculations shall be submitted to this office for review and approval. These calculations shall be prepared by a professional engineer registered in the state of Virginia and shall use the calculation methodology specified in the attached handout. Evidence that the existing and/or proposed infrastructure is capable of supporting the calculated fire flow shall also be provided.
- C-4 A separate sheet labeled "fire service plan" shall be provided. This plan shall show the footprint of the buildings, fire hydrants, fie department connections, emergency vehicle easements, utility cutoffs, building entrances and exits, fire control rooms, and a summary of fire protection features for each building.
- C-5 A single building shall not have multiple types of construction. Adjacent buildings shall be separated by fire walls not fire separation assemblies. The VUSBC does not recognize horizontal fire walls. Therefor either the first, P1 and P2 levels shall have fire walls introduced or the construction type of levels 2-4 shall be upgraded to comply with area limitations of the VUSBC.
- C-6 The access aisles adjacent to handicapped parking spaces are restricted in width by the placement of the building columns. A 5 foot clear width is required for the access aisles.
- C-7 Verify that the elevator cabs are sized to accommodate EMS stretchers.
- C-8 The enclosed parking structures shall be equipped with mechanical ventilation, fire sprinkler systems, and floor drains routed to a oil/water separator.

- C-9 A soils investigation report must be submitted with the building permit application.
- C-10 This structure contains mixed use groups and are subject to the mixed use and occupancy requirements of USBC313.0.
- C-11 Required exits, parking and facilities shall be accessible for persons with disabilities.
- C-12 Prior to the issuance of a building, demolition or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps to be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.

Health Department:

- C-1 An Alexandria Health Department permit is required for all regulated facilities.
 - Permits are non-transferable.
 - Permits must be obtained prior to operation.
 - Five sets of plans are to be submitted and approved by this department prior to construction of any facility regulated by the health department.
 - Plans for food facilities must comply with the Alexandria City Code, Title 11, Chapter 2. Food and Food establishments.
 - Pool plans must comply with Title 11, Chapter 11, swimming pools. Tourist establishments pools must have six sets of plans submitted.
 - Provide a menu or list of foods to be handled by this facility to the Health Department prior to opening.

Police Department:

The following recommendations related to lighting have 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)
- F-1 A lighting plan was not included in the package.

Historic Alexandria (Archaeology):

- F-1 This property has the potential to yield archeological resources which provide insight into residential and commercial occupation of Alexandria's West End. The lot was part of the 1796 subdivision by John West, and several structures, including a bake house, were present by the late eighteenth and early nineteenth centuries. The Bontz site (44AX103) at the northeast corner of the property was excavated in the 1980's.
- F-2 The applicant must hire an archaeological consultant to prepare a Documentary Study (including a set of Ground Impact Maps), conduct test excavations for an Archaeological Evaluation, and complete a Resource Management Plan, as outlined in the *City of Alexandria Archaeological Standards*. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented.
- F-3 All archaeological preservation measures must be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance). To confirm, call Alexandria Archaeology at (703) 838-4399.
- F-4 The General Notes of the Preliminary and Final Site Plans must include the statement in C-2 above. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology.

Parks & Recreation (Arborist):

No comments received from this department.

Virginia American Water Company:

- F-1 Water service is available for domestic use and fire protection.
- F-2 The existing ten-inch water main shown on Duke Street is no longer in service. Both the 12" and 24" mains in Holland Lane connect to the 20" main in Duke Street.
- F-3 A double detector check backflow prevention device is required on all fire services. If located inside the premise, it must have a remote sensing meter in a separate accessible room.
- F-4 VAWC reserves the right to determine the final placement of the water meter.

F-5 Please add the following notes to the site plan.

- All water facility construction shall conform to the Virginia American Water Company Standards and Specifications.
- Contact Virginia American Water Company at 703-549-7080, to coordinate construction and inspection of water facilities.

APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2003-0029

PROJECT NAME: 1700 Duke Street

PROPERTY LOCATION: 1700 Duke Street

TAX MAP REFERENCE: 73.02-09-02 ZONE: CDD-1

APPLICANT Name: JBG/Rockwood Duke Street LLC

Address: 5301 Wisconsin Ave., N.W., #300 c/o JBG Companies, Washington, DC 20016-4120

PROPERTY OWNER Name: JBG/Rockwood Duke Street LLC

Address: 5301 Wisconsin Ave., N.W., #300 c/o JBG Companies, Washington, DC 20016-4120

SUMMARY OF PROPOSAL: Amendment to DSUP #2002-0009 from a total of 114 Condominiums (45 1-Bedroom units and 69 2-Bedroom units) to 116 Condominiums (49 1-Bedroom Units and 67 2-Bedroom units).

MODIFICATIONS REQUESTED: None

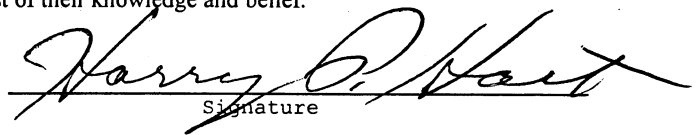
SUP's REQUESTED: Amendment to Existing DSUP

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of Title 7, Chapter 5 of the Code 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 notices 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 their knowledge and belief.

Harry P. Hart
Print Name of Applicant or Agent


Signature

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

(703) 836-5757
Telephone Number

307 N. Washington St., Alex. VA 22314
Mailing Address

July 29, 2003
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Fee Paid & Date: \$ _____
Legal Advertisement: _____

Received Plans for Completeness: _____
Received Plans for Preliminary: _____
Property Placard: _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

All Applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, auto oriented uses and freestanding signs requiring special use permit approval.

1. The Applicant is the (check one) Owner Contract Purchaser
 Lessee or 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 in which case identify each owner of more than ten percent.

JBG/Rockwood Duke Street L.L.C. is owned 100% by JBG Rosenfeld Retail Properties, L.L.C.. Three
individuals that own more than 10% of JBG Rosenfeld Retail Properties,
L.L.C. are Robert J.T. Rosenfeld, James J. Garibaldi, and Grant M. Ehat at 7101 Wisconsin Avenue Ste. 1111,
Bethesda, MD 20814

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. (Attach additional sheets if necessary.)

The Applicant proposes to replace 2 "B6" two-bedroom with den units on the 3rd and 4th floors with 2 "C3" one-bedroom units and 2 "C2-A" one-bedroom units with no change in the building footprint, square footage, or exterior façade. This would increase the total number of condominium units from 114 to 116.

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

Same as DSUP #2002-0009

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

Same as DSUP #2002-0009

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

Day	Hours	Day	Hours
Same as DSUP #2002-0009			

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

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

Same as DSUP #2002-0009

B. How will noise from patrons be controlled?

Same as DSUP #2002-0009

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

Same as DSUP #2002-0009

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

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

Same as DSUP #2002-0009

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

Same as DSUP #2002-0009

C. How often will trash be collected?

Same as DSUP #2002-0009

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

Same as DSUP #2002-0009

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:

Same as DSUP #2002-0009

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

Same as DSUP #2002-0009

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.

Same as DSUP #2002-0009

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?

The number of parking spaces required by code for the residential units is 1 per unit or 116.

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

_____ Standard spaces (9 feet x 18.5 feet)

_____ Compact spaces (8 feet x 16 feet)

_____ Handicapped accessible spaces.

_____ Other.

_____ Total.

** The number of spaces provided for the 114 units came to approx. 1.15 spaces per unit plus 15% for visitor parking (151 spaces). The number of spaces at 1.15 per unit plus 15% for 116 units is 154 spaces. The number provided in the site plan that has been filed is 160. **

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

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

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking with 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? Same as DSUP #2002-0009

B. How many loading spaces are available for the use? Same as DSUP #2002-0009

C. Where are off-street loading facilities located? Same as DSUP #2002-0009

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

Same as DSUP #2002-0009

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

Same as DSUP #2002-0009

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?

Same as DSUP #2002-0009

APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2003-0029

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MODIFICATIONS REQUESTED: None

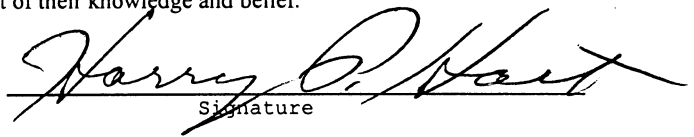
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Harry P. Hart
Print Name of Applicant or Agent


Signature

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

(703) 836-5757
Telephone Number

307 N. Washington St., Alex. VA 22314
Mailing Address

July 29, 2003
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Fee Paid & Date: \$ _____
Legal Advertisement: _____

Received Plans for Completeness: _____
Received Plans for Preliminary: _____
Property Placard: _____

ACTION - PLANNING COMMISSION: 11/06/03 RECOMMEND APPROVAL 6-0

ACTION - CITY COUNCIL: Approved 6 to 0--see attachment

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**Planning Commission (continued)**

11. DEVELOPMENT SPECIAL USE PERMIT #2003-0018
500 CAMERON STATION BLVD./FERDINAND DAY DRIVE - CAMERON STATION - PHASE VI
Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct townhouses within Phase VI of the Cameron Station development; zoned CDD-9/Coordinated Development District. Applicant: Cameron Development, LLC, by Duncan Blair

COMMISSION ACTION: Recommend Approval 6-0

12. DEVELOPMENT SPECIAL USE PERMIT #2003-0017
400 CAMERON STATION BOULEVARD - CAMERON STATION - PHASE VII
Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a condominium building within Phase VII of the Cameron Station development; zoned CDD-9/Coordinated Development District. Applicant: Cameron Development, LLC, by Duncan Blair

COMMISSION ACTION: Recommend Approval 6-0

13. SPECIAL USE PERMIT #2003-0092
CAMERON STATION BOULEVARD AND FERDINAND DAY DRIVE
TRANSPORTATION MANAGEMENT PLAN
Public Hearing and Consideration of a request to amend the transportation management plan to include Cameron Station Phase VI and VII; zoned CDD-9/Coordinated Development District. Applicant: Cameron Development, LLC, by Duncan Blair

COMMISSION ACTION: Recommend Approval 6-0

City Council approved the Planning Commission recommendations for items 11, 12 and 13, with the following: a condition be provided that would allow for the new developments to use their private trash pick-up service, but that after one year, there would be a good faith discussion among the homeowners and City staff to see if they could be enticed to join in with the City trash service; and that the homeowners association be involved with the planning of the bus shelters.
Council Action: _____

14. DEVELOPMENT SPECIAL USE PERMIT #2003-0029
1700 DUKE STREET
Public Hearing and Consideration of a request to amend the development special use permit to increase the number of condominium units; zoned CDD-1/Coordinated Development District. Applicant: JBG/Rockwood Duke Street, LLC, by Harry Hart, Attorney

COMMISSION ACTION: Recommend Approval 6-0

City Council approved the Planning Commission recommendation, with an amendment to the first paragraph of condition #12 to read: "The applicant shall provide a parking management plan which outlines the mechanism to maximize the use of the parking structure to the satisfaction of the Director of Planning and Zoning. The site plan and building permit shall be amended to depict the revised parking garage configuration to account for the two additional residential units by re-stripping the garage to accommodate the two (2) residential spaces."
Council Action: _____

14
11-15-03

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
hcgk.law@verizon.net

OF COUNSEL
CYRIL D. CALLEY

RETIREE
ROBERT L. MURPHY, 2001

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

COVER SHEET FOR FACSIMILE TRANSMISSIONS

DATE/TIME: November 14, 2003

TOTAL PAGES SENT (INCLUDING THIS COVER SHEET): 3

TO: Susan

FIRM/COMPANY City Clerk/City Council Office

FAX#: 703-838-6433

FROM: Harry P. Hart

RE: For Distribution to Mayor & City Council Members

COMMENTS: _____

IF TRANSMISSION IS INCOMPLETE OR ILLEGIBLE, PLEASE CALL:

Elizabeth at (703) 836-5757

ORIGINAL TO BE MAILED? YES _____ NO X

NOTE: The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

CLIENT _____

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

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
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November 14, 2003

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

OF COUNSEL
CYRIL D. CALLEY

RETIRED
ROBERT L. MURPHY, 2001

Mayor William D Euille and Members of City Council
City Hall
301 King Street
Alexandria, VA 22314

Re: DSUP #2003-0029 - 1700 Duke Street

Dear Mr. Mayor and Members of City Council:


Enclosed is the language for 1700 Duke Street that Staff has agreed is in keeping with the intent of the Planning Commission and is agreeable to City Staff.

This is very important to JBG because of its lease with Whole Foods.

As a matter of information, this approval simply makes the balance of units a little better or more even. There were 69 two bedroom units and 45 one bedroom units. There will be 67 two bedroom units and 49 1 bedroom units.

We look forward to the completion of this exciting new addition to Alexandria and look forward to continuing to work with you.

Very truly yours,


Harry P. Hart

Enclosure

HPH/eah

DSUP #2003-0029
1700 Duke Street - Amendment

SUMMARY:

The applicant, JBG/Rockwood Duke Street L.L.C., is requesting approval of an amendment to DSUP #2002-0009 to increase the number of condominium units from 114 to 116. The applicant proposes to replace two of the two-bedroom units on the third and fourth floors with four of the one-bedroom units with no change in the building footprint, square footage, F.A.R. exterior façade or retail use. The increase in the number of units is simply re-allocating the internal portion of the building. The 43,342 sq. ft. grocery store and three levels of condominium use will remain unchanged.

Staff is recommending approval of the development special use permit amendment with all conditions of DSUP #2002-0009. Staff originally supported the proposed mixed-use project, noting that the condominiums will provide additional home ownership opportunities within the City in close proximity to the King Street Metro. The new residential units will require an additional two (2) residential parking spaces. The Applicant will re-strip the Garage to accommodate the two (2) residential spaces. A previously proposed re-allocation of parking from retail parking to residential parking is not feasible as the Applicant is contractually obligated to provide all of the retail parking to Whole Foods Market. In addition, the Applicant will pay the City \$10,000 for the increased number of units. With no changes in the FAR, sufficient parking and the payment, staff recommends approval of the increase in number of units from 114 to 116 units.

14
11-15-03

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

ATTORNEYS AND COUNSELLORS AT LAW

HARRY P. HART
MARY CATHERINE H. GIBBS
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OF COUNSEL
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RETIREE
ROBERT L. MURPHY, 2001

COVER SHEET FOR FACSIMILE TRANSMISSIONS

DATE/TIME: November 14, 2003

TOTAL PAGES SENT (INCLUDING THIS COVER SHEET): 4

TO: Jackie

FIRM/COMPANY City Clerk/City Council's Office

FAX#: 703-838-6433

FROM: Harry P. Hart

RE: Docket Item # 14, DSUP 2003-0029

COMMENTS: Please see attached as a follow-up to our letter earlier today in order to clarify the amended condition language for the parking in the above referenced matter. We will also fax each of the Council members. Thank you.

IF TRANSMISSION IS INCOMPLETE OR ILLEGIBLE, PLEASE CALL:

Elizabeth at (703) 836-5757

ORIGINAL TO BE MAILED? YES NO

NOTE: The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

Docket Item No. 14, DSUP # 2003-0029
1700 Duke Street - Amendment

The Applicant requests that you amend the first paragraph of Condition No. 12 to provide:

The applicant shall provide a parking management plan which outlines the mechanism to maximize the use of the parking structure to the satisfaction of the Director of P&Z. The site plan and building permit shall be amended to depict the revised parking garage configuration to account for the two additional residential units by re-striping the Garage to accommodate the two (2) residential spaces. ~~and the decreased retail parking spaces.~~ At a minimum the plan shall include:

The Applicant remains in agreement with the additional \$10,000.00 contribution and it is our understanding, pursuant to our letter to Council dated November 14, 2003, that the City Staff is in agreement with this change and that it is in keeping with the intent of the Planning Commission.

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

ATTORNEYS AND COUNSELLORS AT LAW

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ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757

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hcgk.law@verizon.net

November 14, 2003

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

OF COUNSEL
CYRIL D. CALLEY
RETIREE
ROBERT L. MURPHY, 2001

Mayor William D Euille and Members of City Council
City Hall
301 King Street
Alexandria, VA 22314

Re: DSUP #2003-0029 - 1700 Duke Street

Dear Mr. Mayor and Members of City Council:

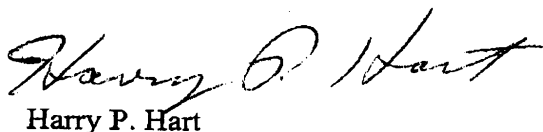
Enclosed is the language for 1700 Duke Street that Staff has agreed is in keeping with the intent of the Planning Commission and is agreeable to City Staff.

This is very important to JRG because of its lease with Whole Foods.

As a matter of information, this approval simply makes the balance of units a little better or more even. There were 69 two bedroom units and 45 one bedroom units. There will be 67 two bedroom units and 49 1 bedroom units.

We look forward to the completion of this exciting new addition to Alexandria and look forward to continuing to work with you.

Very truly yours,



Harry P. Hart

Enclosure

HPH/eah

DSUP #2003-0029
1700 Duke Street - Amendment

SUMMARY:

The applicant, JBG/Rockwood Duke Street L.L.C., is requesting approval of an amendment to DSUP #2002-0009 to increase the number of condominium units from 114 to 116. The applicant proposes to replace two of the two-bedroom units on the third and fourth floors with four of the one-bedroom units with no change in the building footprint, square footage, F.A.R. exterior façade or retail use. The increase in the number of units is simply re-allocating the internal portion of the building. The 43,342 sq. ft. grocery store and three levels of condominium use will remain unchanged.

Staff is recommending approval of the development special use permit amendment with all conditions of DSUP #2002-0009. Staff originally supported the proposed mixed-use project, noting that the condominiums will provide additional home ownership opportunities within the City in close proximity to the King Street Metro. The new residential units will require an additional two (2) residential parking spaces. The Applicant will re-stripe the Garage to accommodate the two (2) residential spaces. A previously proposed re-allocation of parking from retail parking to residential parking is not feasible as the Applicant is contractually obligated to provide all of the retail parking to Whole Foods Market. In addition, the Applicant will pay the City \$10,000 for the increased number of units. With no changes in the FAR, sufficient parking and the payment, staff recommends approval of the increase in number of units from 114 to 116 units.

14 ✓

APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2003-0029

PROJECT NAME: 1700 Duke Street

PROPERTY LOCATION: 1700 Duke Street

TAX MAP REFERENCE: 73.02-09-02 ZONE: CDD-1

APPLICANT Name: JBG/Rockwood Duke Street LLC

Address: 5301 Wisconsin Ave., N.W., #300 c/o JBG Companies, Washington, DC 20016-4120

PROPERTY OWNER Name: JBG/Rockwood Duke Street LLC

Address: 5301 Wisconsin Ave., N.W., #300 c/o JBG Companies, Washington, DC 20016-4120

SUMMARY OF PROPOSAL: Amendment to DSUP #2002-0009 from a total of 114 Condominiums (45 1-Bedroom units and 69 2-Bedroom units) to 116 Condominiums (49 1-Bedroom Units and 67 2-Bedroom units).

MODIFICATIONS REQUESTED: None

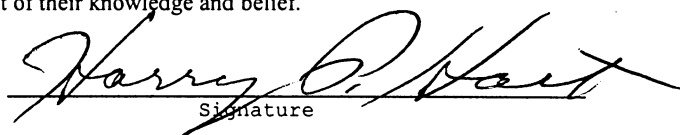
SUP's REQUESTED: Amendment to Existing DSUP

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of Title 7, Chapter 5 of the Code 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 notices 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 their knowledge and belief.

Harry P. Hart
Print Name of Applicant or Agent


Signature

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

(703) 836-5757
Telephone Number

307 N. Washington St., Alex. VA 22314
Mailing Address

July 29, 2003
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Fee Paid & Date: \$ _____
Legal Advertisement: _____

Received Plans for Completeness: _____
Received Plans for Preliminary: _____
Property Placard: _____

ACTION - PLANNING COMMISSION: 11/06/03 RECOMMEND APPROVAL 6-0

ACTION - CITY COUNCIL: Approved 6 to 0--see attachment

