

EXHIBIT NO. 1

8
5-12-07

Docket Item #11

DSUP #2007-0004

**The Lofts at Del Ray Village
2707-2711 Mt Vernon Avenue**

**Planning Commission
May 1, 2007**



Site Plan in Aerial



Perspective from Mt Vernon Avenue

Docket Item #11
DEVELOPMENT SPECIAL USE PERMIT #2007-0004
THE LOFTS AT DEL RAY VILLAGE

Planning Commission Meeting
May 1, 2007

ISSUE: Consideration of a request for approval of an amendment to a development special use permit with site plan, subdivision and modifications to increase the building height, increase the size of the building, revise the uses and a parking reduction.

APPLICANT: Gaver Nichols

LOCATION: 2707-2711 Mount Vernon Avenue

ZONE: CL/Commercial Low; Mount Vernon Avenue Urban Overlay

PLANNING COMMISSION ACTION, MAY 1, 2007: On a motion by Mr. Dunn, seconded by Mr. Komoroske, the Planning Commission voted to recommend approval for the requested development special use permit subject to compliance with all applicable codes, ordinances, staff recommendations, and amendments to conditions 1, 1a, 1b, 1c, 1d, 1e, 1f, 1o, 3q, 3w, 4g, 4k, and 32 as referenced in the correspondence dated May 1, 2007 from Gaver Nichols. The motion carried on a vote of 6 to 0. Ms. Fossum was absent.

Reason: The Planning Commission generally agreed with staff analysis and found the proposed development to be generally consistent with the Mount Vernon Avenue Plan.

Speakers:

Gaver Nichols, applicant & architect, stated that he supported all of the staff recommendations subject to the revisions within his letter dated May 1, 2007.

Amy Slack, representative from Del Ray Citizens Association, wanted to clarify that the Del Ray Citizens Association voted to recommend support of the project and listed the specific project items the Association was supporting.

Maria Wasowski, representative from Mount Jefferson Civic Association, spoke in support of the proposal and stated that the Association generally supported the proposal although a specific vote was not taken.

James Snyder, co-applicant, stated that the form based code was intended to reduce complexity. Additionally, requested an evaluation of the parking requirements for office and personal service within the Mount Vernon Avenue Plan area.

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I. IMPACTS/BENEFITS

IMPACT/BENEFIT	COMMENTS
Consistency with the Mount Vernon Area Plan	<ul style="list-style-type: none"> • The proposal is a mixed-use project, with ground floor commercial and upper level residential, continuous street wall building mass with a stepped-back third story, parking lot at the rear of the site, enhanced streetscape and pedestrian improvements to help to provide an active and vibrant development along Mount Vernon Avenue however the addition of a 4th floor mezzanine as currently proposed is not consistent with the Plan.
Use	<ul style="list-style-type: none"> • Office unit on corner and three dwelling units with ground floor commercial or residential use.
Open Space	<ul style="list-style-type: none"> • 15% ground level open space, with additional rooftop/terrace level open space. • Small landscaped front yards.
Pedestrian/Streetscape	<ul style="list-style-type: none"> • Corner sidewalk plaza. • Concrete paver sidewalks with street landscaped strip and five added street trees. • Ground-level commercial activity.
Building Compatibility	<ul style="list-style-type: none"> • While the third story is setback 12 feet from the front and 11 feet from the rear, the addition of a fourth story is incompatible with intent of the Plan.
Traffic/Transit	<ul style="list-style-type: none"> • Adjacent to bus stops. • Pedestrian improvements. • High-speed internet access provided to encourage telecommuting.
Parking	<ul style="list-style-type: none"> • Parking lot located at rear of site. • 1 space per dwelling – 3-8 residential, 8-13 for commercial/visitor (16 total)
Environment	<ul style="list-style-type: none"> • Green building elements such as non-toxic building materials, energy efficient appliances, low emission paints, high efficiency mechanical equipment and recycled materials. • Existing 17" diameter Oak tree to be retained

II. SUMMARY

Two years ago, this mixed use project on the corner of Mount Vernon and Raymond Avenues was approved under the form based code adopted under the Mount Vernon Avenue Business Area Plan and the Mount Vernon Overlay Zone. The initial plan (DSUP #2003-0021) was approved on June 21, 2005 and a subsequent time extension (DSUP #2006-0027) was approved on November 18, 2006. Since the approval of the project in 2005, the applicant has not yet submitted the final site plan or building permits for review by the City.



Fig.1: Perspective from Mt Vernon Avenue

The applicant is now requesting an amendment to the approved plan to revise the following:

- Increase the height of the building from 35 to 42 feet;
- Increase the number of levels from 3 to 4 with the addition of a mezzanine on the upper level;
- Three revisions to the width and depth of building recesses ranging from 8 inches to 2 feet.
- Increase the size of the building by approximately 547 sq.ft. (from 663 to 1,090 sq.ft.) on the third floor and the addition of approximately 650 sq.ft. of mezzanine space. Total increase to building is approximately 1,197sq.ft.;
- Revise the ground floor uses from personal service, office or residential to eliminate the personal service use for units (A, B, C); and
- Include office use for upper levels of unit D.

While staff is recommending approval of the proposed revisions to the Unit D and the ground floor uses, the minor revisions to the ground floor footprint and expansion of the third level, staff recommends that the size of the mezzanines and the height of the building be reduced as described in more

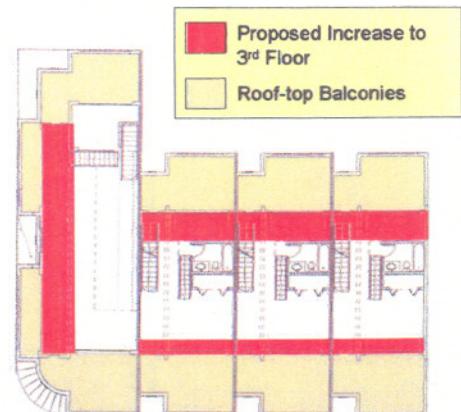


Fig.2 : 3rd Level Expansion

detail below. Additionally, staff does not support the full increase in the height or the mezzanines as proposed by the applicant, however the remaining elements of this proposal are consistent for this visually prominent location on Mount Vernon Avenue.

III. Project Description:

This proposal for a new building at the corner of Mount Vernon and Raymond Avenues is the first project to use the new form based code adopted as part of the recently approved Mount Vernon Avenue Business Area Plan and the new Mount Vernon Avenue Urban Overlay Zone. The proposed development will be mixed use, with the potential for ground floor commercial and residential use on the upper levels, the proposal requires a special use permit as part of the optional guidelines for infill buildings on Mount Vernon Avenue.

As proposed, the four-level mixed use building will include approximately 4,500 sq. ft. of commercial (personal service and/or office) use on the above grade levels of the end unit, approximately 3,000 sq.ft. of office use on the ground floor of the remaining three units, with three residential units on the upper levels. A 16 space surface parking lot that provides the required parking will be located in the rear of the building, and will be accessed from Raymond Avenue.

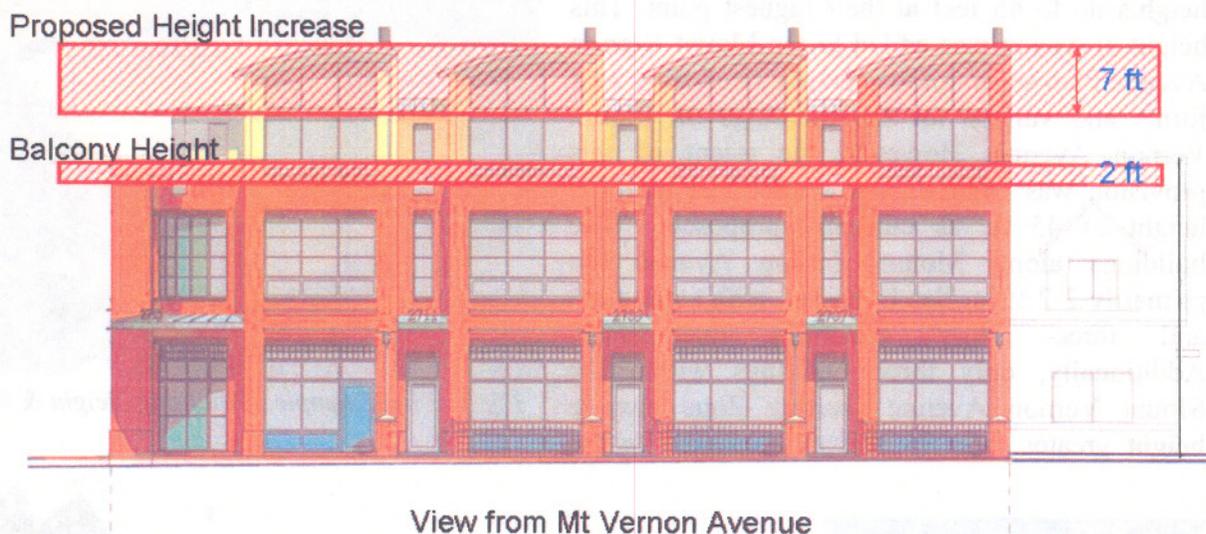
IV. Zoning

DEL RAY LOFTS		
Address	2707-2711 Mt Vernon Avenue	
Site Area:	13,169 sq. ft.	
Zone	CL/Commercial Low; Mount Vernon Overlay Zone	
Current Use:	Vacant	
Proposed Use:	Residential dwellings and ground floor commercial use with end unit office use	
<u>Requirements - Form Based Code (Tier 2)</u>		
		<u>Proposed</u>
<u>Height</u>	- minimum two levels, maximum three levels - maximum 45 ft. - 28 degree angle	Four Levels ** 42 ft. ** 28 degree angle
<u>Street wall</u>	- minimum 100 % of the width of the lot.	94.60%
<u>Front setback</u>	- Maximum 15 ft. from the property line	10 ft.
<u>Rear Buffer</u>	- Minimum screening of 6-10 ft landscaped buffer adjacent to residential depending on the quality of screening	2 - 7 ft. *
<u>Stepback</u>	- Required building stepback at third level 10-15 ft.	12 ft.
<u>Lot Occupancy</u>	- Maximum 60%	39%
<u>Open Space</u>	- Minimum 15% of lot area (Tier 2)	15% ground level minimum*
		<u>Required</u>
		<u>A/B/C D</u>
<u>Parking</u>	- Residential 1 space/unit:	3
	- Personal Service ½ of 1 space/400 sq.ft. or	0 5 or
	Office ½ of 1 space/450 sq.ft.:	6 7
	Total:	<hr style="width: 100%; border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> 9 + 7 = 16
		16
	* As conditioned	
	** Staff Recommends Revision	

V. Staff Analysis:

The applicant is proposing to amend the currently approved plan to revise some of the ground floor uses and to increase the size of the upper level of the building. Staff supports these proposed changes that are well within the intent of the Mount Vernon Plan to encourage mixed use infill redevelopment. The form based code of the Plan was intended to allow some degree of flexibility to achieve high quality infill development on Mount Vernon Avenue, with an appropriate scale and mix of uses on the Avenue. This proposal in many ways is consistent with the intent of the Mount Vernon Avenue Plan and enables a long vacant property at a visually prominent location to be redeveloped. However, the proposed fourth floor mezzanines as currently proposed are not consistent with the intent of the Mount Vernon Plan to enable a maximum building height of three levels.

Fig.3 :Proposed Increase to Building & Balcony Heights



A. Height – Number of Levels

The applicant is proposing to increase the overall height of the building from 35 feet to approximately 42 feet in order to increase the floor to ceiling height on the ground floor and to add a fourth level mezzanine. The 7-foot increase in height has primarily resulted from the proposed mezzanine, which essentially results in a four level building. In addition to a 7-foot increase in height, the setback of the upper level has decreased from 16 to 12 ft. on Mount Vernon Avenue and from 16 to 11 ft. at rear of property.

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The Mount Vernon Avenue Plan states that a *maximum* of three stories is permitted with a required *minimum* 10-15 foot setback at the third floor, where compatible with existing scale. The intent of the Plan is to ensure that development reflects and is compatible with the existing smaller scale of Mount Vernon Avenue.

To address scale, the form based code requires upper level setbacks and a maximum height of three levels. The Plan does encourage a variety in roof forms and “loft-type” spaces with heights up to 45 feet at their highest point. This height provision was added to the Mount Vernon Avenue Plan so as not to preclude interesting roof forms and variety for the buildings on Mount Vernon Avenue. However, the intent of this provision was not to allow a continual building height of 45 ft. as currently proposed. The buildings along Mount Vernon Avenue are primarily 2-2 ½ stories in height, with some one- and three- story structures interspersed. Additionally, only three buildings within the Mount Vernon Avenue Overlay Zone have a height greater than 35 feet as measured to the

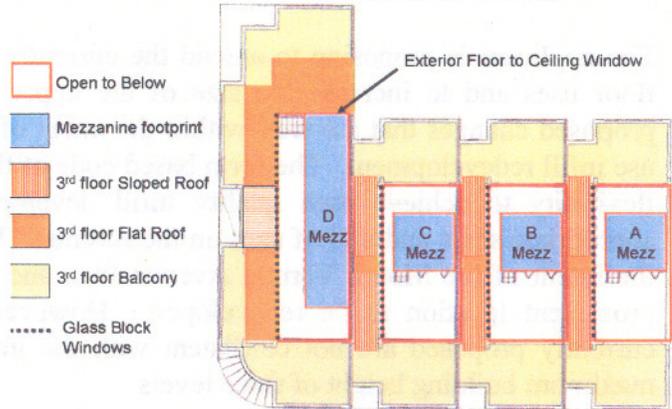


Fig 4: Proposed Mezzanine Footprints and Third Floor Roofs

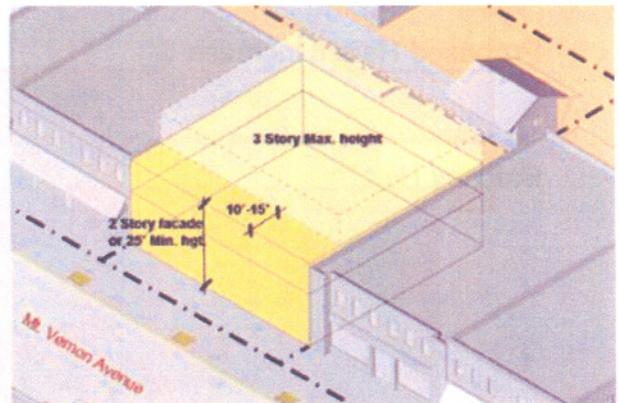


Fig.5 : Plan Example of Building Height & Massing



Fig.6 : Nearby Apartments



Fig.7 : Post Office



Fig.8: Salvation Army

highest peak of the roof including the 3 ½ story multifamily building at the northeast corner of Randolph Avenue (approx. 40 feet) located on the same block as the project site, the three story Potomac Station Post Office building on the southwest corner of Howell Avenue (approx. 45

feet) and the Salvation Army building on the southwest corner of Bellefonte Avenue (approx. 40 feet).

MEZZANINE:

Unlike most areas of the City, Mount Vernon Avenue is regulated by both the maximum height (40-45 ft.) and number of levels (three). In this case, the applicant is proposing a fourth level mezzanine that occupies approximately 40% of the upper portion of the building. The number of floors and height were established on Mount Vernon Avenue to allow flexibility to the mix of uses permitted such as retail, office and residential. While “loft-type” units are encouraged on Mount Vernon Avenue, the 650 sq.ft. of mezzanine space proposed within the fourth level attempts to take advantage of the form based code and staff is concerned about precedent being set for other projects as a way to essentially build a 4-level building within the maximum 45-foot height limit. Therefore, staff is recommending that the proposed mezzanine not constitute more than 20% of the upper portion of the building. In addition, staff is recommending to slightly reduce the height of the building.

While staff generally supports the proposal and finds that it is mostly in conformance with the intent of the Plan, with the reduction in the area of the mezzanine and height, staff is recommending approval.

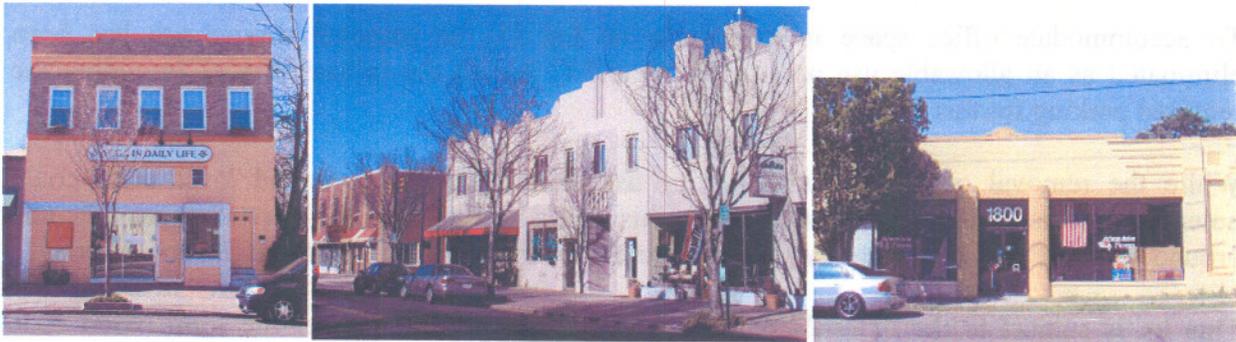


Fig 9: Examples of typical scale of buildings on Mt Vernon Avenue

B. Change in Uses and Parking Reduction

The previous proposal was approved for the following uses for each lot: Residential on the upper level unit and either Residential, Personal Service or Office on the ground level unit. The applicant is now proposing a change to office use in the entirety of the building on Lot D and proposing to remove the personal service use from the ground level units on Lots A, B and C to meet the adjusted parking requirements associated with the proposed increase in overall square footage and change of use in Lot D.

Seven parking spaces for Lot D are required given the higher requirements of office use and the proposed increase in square footage, however only two parking spaces may be physically accommodated on this individual lot. While a five space technical parking reduction is necessary for Lot D, the total spaces required for all units at the highest proposed use may be accommodated with a shared parking plan over all four lots. There are a total of 16 parking spaces provided across all four lots that with the provision of an easement (previously conditioned) to allow the spaces to be shared to meet the parking requirements shown in the table below (Table 2).

TABLE 2: REQUIRED PARKING SPACES BY LOT

	Lot A	Lot B	Lot C	Lot D
Residential / Residential	2	2	2	2
Residential / Office	3	3	3	5
Residential / Pers Service	4	4	4	5
Office / Office	n/a	n/a	n/a	7

Due to the size of proposed mezzanines, the above parking requirements in Table 2 do not change if the mezzanines are removed from the proposal.

To accommodate office space in both units on Lot D, the personal service use has been eliminated as an allowable use on Lots A, B and C due to the infeasibility of providing the required parking for this use.

While the removal of the personal service use from these three ground level units could potentially decrease the street level activity, this site is located outside the retail focus area and ground level office is considered an appropriate use for this location on Mount Vernon Avenue.

This lot is subject to the “Tier 2” parking requirements set forth under the form based code outlined in the Mount Vernon Avenue Urban Overlay Zone which requires one space per residential unit and allows a 50% reduction of the parking requirements typically required for each use. The form based code therefore requires one parking space for each residential dwelling, 50% of 1 space/400 sq. ft. for personal service and 50% of 1 space/450 sq. ft. for office use.

C. Community

The City met with the Del Ray Land Use Committee to explain the proposed amendment received by the City and to listen to any concerns regarding the proposed amendment. The Land Use Committee voted to support the amendment as proposed.

VI. CONCLUSION

Staff recommends **approval** of the proposed development special use permit amendments subject to the conditions within this report.

STAFF: Rich Josephson, Acting Director, Planning and Zoning;
Jeffrey Farner, Chief, Development; and
Kristen Mitten, Urban Planner.

VII. STAFF RECOMMENDATIONS/CONDITIONS:

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

Building:

1. **[CONDITION AMENDED BY PLANNING COMMISSION]:** The final design for the building shall be consistent in massing, articulation, general design and the architectural styles and character as generally depicted in the architectural elevations dated January 17, 2007 ~~March 15, 2005~~, and also provide additional refinements to the satisfaction of the Director of P&Z, that shall include:
 - a. ~~Resolve inconsistencies between the elevations as drawn and the axon drawing, especially on the Raymond Ave. side of the building.~~
 - b. ~~Clarify the massing of the street corner of the building especially at the loft level, and the arced roof forms. The intersection of the forms at the building corner is treated awkwardly with the addition of the small overhangs, integrate with the loft level more with the building below. This could be accomplished by extending the recess on the Raymond Ave. side of the building through the loft level.~~
 - c. ~~The details of the windows and doors need to be made more consistent throughout the building. Variations in the configuration of the windows and doors and mullion patterns might respond to the forms of the building.~~
 - d. ~~In order to better integrate the elements of the building, provide a transition from the brick walls with punched openings of the lower levels of the building, to the largely metal and glass forms of the loft level.~~
 - e. With the exception of architectural detailing and the screening for the mechanical equipment and the loft portion of the building, the materials of the entire building shall be entirely masonry (brick, precast, stone).
 - f. The material for the proposed retaining walls ~~and handicap ramp~~ shall be brick.
 - g. The proposed screening wall for parking on Raymond Avenue shall be brick and shall be a minimum of 3' to 3.5' tall.
 - h. The HVAC units and mechanical appurtenances shall be located on the roof-tops, recessed and screened from view from the public streets. Details on the screening methods shall be provided on the final site plan.
 - i. The roof for the third floor shall be metal.
 - j. Color elevations shall be submitted with the final site plan.
 - k. All refinements to the design and materials shall be revised prior to the release of the final site plan.
 - l. Architectural elevations (front, side and rear) shall be submitted with the final site plan. Each elevation shall indicate the average finished grade line.

- m. The balconies' railings and detailing elements such as the precast elements shall be provided with the final site plan.
 - n. Any fencing on Mt. Vernon Avenue shall be limited to a height of three and one half feet and shall be decorative metal fencing.
 - o. The height of the building shall be limited to a maximum height of 40 feet at the midpoint of the barrel vaulted roofs its highest point and the fourth level mezzanines shall be limited to a maximum of 20% of the area of the curved roof form for the building. (P&Z) (PC)
2. The building shall reflect the use of sustainable techniques for building systems design and efficiency through the use of sustainable materials such as Hardi plank, lower emission paint, and energy efficient appliances, windows, and mechanical systems. (P&Z) (DSUP#2003-0021)

Landscaping:

3. **[CONDITION AMENDED BY PLANNING COMMISSION]:** The final landscape plan shall be provided with the final site plan to the satisfaction of the Directors of P&Z and RP&CA Departments. The plan shall include the level of landscaping depicted on the preliminary landscape plan and shall also provide:
- a. The applicant shall ensure that the amount of ground level open space that qualifies as usable open space be equal to at least 15% of the lot area.
 - b. The screening along the eastern property line site shall consist of a variety of plantings spaced ten foot on-center; and along the southernmost property line that two additional trees be planted instead of the proposed bamboo planting, and shall be subject to consultation with the adjacent property owner.
 - c. A decorative 6 ft. board fence shall be provided along the eastern property line extending from the front of the house to the site's southeast corner, and also continuing along the southernmost property line.
 - d. Provide an additional street tree on Raymond Avenue.
 - e. The tree species for the street trees on Mount Vernon and Raymond Avenues shall be revised to Goldenrain Tree.
 - f. Tree protection shall be provided for the 5" caliper street trees on Mount Vernon Avenue and the 17" caliper tree on Raymond Avenue. Provide tree protection details for street trees to remain. The proposed utilities and limits of disturbance shall be located outside the dripline of each tree.
 - g. Foundation plantings and shrubs on the exterior perimeter of the building.
 - h. Landscaping and decorative pavers shall be provided in the front yard of each unit.
 - i. Evergreen shrubs to screen the proposed transformer. All utility structures (except fire hydrants) shall be clustered where possible and located so as not to be visible

from a public right-of-way or adjoining property. When such a location is not feasible, such structures shall be located behind the front building line and screened.

- j. All plant specifications shall be in accordance with the current and most up to date edition of the American Standard For Nursery Stock (ANSI Z60.1) as produced by the American Association for Nurserymen; Washington, D.C.
- k. All work shall be performed in accordance with Landscape Specifications Guidelines, 4th Edition as produced by the Landscape Contractors Association (LCA) of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland.
- l. Utility lines such as water, storm sewer and electric lines shall be located to minimize impacts on proposed street trees and open space.
- m. The location of all light poles shall be coordinated with the street trees.
- n. All landscaping shall be maintained in good condition and replaced as needed.
- o. At west property line, remedy conflict between fence, proposed plantings and necessary ground area for plantings to thrive. Provide detailed section that includes, parking, planting area, brick pads, fence and neighboring structures.
- p. Along Raymond Avenue remedy conflict between proposed street trees and proposed utilities.
- q. Remedy site plan to eliminate conflicts between sidewalk and the ~~15~~ 17 inch caliper Oak on Raymond Avenue by revising the sidewalk width to the east of the new driveway on Raymond Avenue to four (4) feet, thus matching the width of the adjacent residential sidewalk to the east.
- r. Provide note on drawings indicating that Quercus palustris along Raymond Avenue will receive a class 2 pruning of Quercus palustris as approved by the City Arborist.
- s. If proposed masonry wall is to be constructed, provide wall on a grade beam with end piers in lieu of spread footing-to minimize impact upon tree. Prior to commencement of construction, verify methods, procedures and tree protection in the field with the City Arborist.
- t. Along Mount Vernon Avenue, amend existing conditions survey to include 2 existing street trees (*Koelreutaria paniculata*) to remain.
- u. Remove existing Linden (stump) at southern end of ROW.
- v. Provide height and width for proposed plantings. Amend planting schedule accordingly.
- w. Retain the existing sidewalk (unless required by T&ES to be repaired or replaced for pedestrian safety reasons) under the drip line of the existing 17" street tree to be saved on Raymond Avenue and provide an Erosion & Sediment Control Plan, Demolition Plan and Site Plan that clearly identify the location and method of tree protection for the Quercus palustris on Raymond Avenue and street trees to remain along Mount Vernon Avenue.

- x. Along Raymond Avenue, amend existing conditions survey to revise the tree proposed to be retained from Quercus alba to Quercus palustris and revise the caliper dimension from 15 inches to 17 inches. (RP&CA) (P&Z) (PC)
4. **[CONDITION AMENDED BY PLANNING COMMISSION]:** The applicant shall provide pedestrian streetscape improvements that at a minimum shall provide the level of improvements depicted on the preliminary plan and shall also provide the following to the satisfaction of the Director of P&Z:
- a. The proposed sidewalks and lead walks on Mount Vernon Avenue shall be concrete pavers and shall comply with the standards for Mount Vernon Avenue.
 - b. The corner sidewalk-entrance shall be designed as a corner plaza through the use of special paving surfaces, benches, trash receptacles, landscaping, etc. to encourage its use.
 - c. Low scale pedestrian lighting.
 - d. The applicant shall provide parking spaces for use by residents and commercial patrons.
 - e. All sidewalks shall align and connect with the existing sidewalks.
 - f. All streetscape improvements shall be completed prior to the issuance of a certificate of occupancy permit.
 - g. The concrete pavers for the sidewalk shall be extended to ~~include~~ the redesigned handicapped access ramp at the corner.
 - h. As required by the Mount Vernon Avenue Urban Design Guidelines, the sidewalk materials should be Unidecor concrete pavers in the same color as existing (by Balcon Manufacturing or equal). Also, the sidewalk should extend from property line to curb. If grass strip adjacent to curb is desired, sidewalk shall be widened to provide a minimum 6' unobstructed width.
 - i. Applicant shall provide cross walk treatment across Raymond Avenue, consistent with the recommendations of the Mt. Vernon Avenue Plan Implementation Committee.
 - j. Align handicap ramp at corner of Raymond and Mt. Vernon Avenues to be perpendicular to Raymond Avenue.
 - k. Applicant shall widen the sidewalk along Raymond Avenue to provide a minimum 6' unobstructed width. Sidewalk shall be concrete to match existing. The sidewalk located to the east of the new driveway on Raymond Avenue may be reduced to four (4) feet in width in order to minimize the impact on the 17" Oak tree and to provide conditions 3q and 3w to the satisfaction of the Directors of P&Z, RP&CA and T&ES. (T&ES) (P&Z) (PC)
5. The rooftop open space shall be designed to function as high-quality usable open space for the residents. At a minimum, the revised plans for the plaza decks shall include the following to the satisfaction of the Directors of P&Z and RP&CA:

- a. Features and elements such as seating, trash receptacles, and pedestrian-scale lighting.
- b. Varied and high quality paving materials.
- c. The lighting for the roof-top open space shall be pedestrian scale lighting and shall not be visible from the adjoining streets. Noise generated in conjunction with the roof top open space shall be limited to the type and hours normally associated with a residential use. (P&Z) (DSUP#2003-0021)

Parking

6. In order to promote tele-commuting, each of the units will have wireless high-speed internet access. (P&Z) (DSUP#2003-0021)
7. A minimum of sixteen parking spaces, as represented on the preliminary plan, shall be provided. The residential and commercial parking spaces shall include all applicable signage. The parking lot shall include an easement for the shared parking (P&Z) (DSUP#2003-0021)
8. A minimum of one space for each unit shall be provided as part of the purchase price for each residential unit. (P&Z) (DSUP#2003-0021)
9. The applicant shall provide off-street parking for all construction workers without charge. Compliance with this condition shall be based on a plan, which shall be submitted to the Department of P&Z and T&ES 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 mass transit. 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. If the plan is found to be violated during the course of construction, a correction notice will be issued 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. (P&Z) (DSUP#2003-0021)

Site Plan

10. A freestanding subdivision, development or freestanding retail sign(s) shall be prohibited. (P&Z) (DSUP#2003-0021)

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11. Temporary structures for construction shall be permitted and the period of such structures shall be subject to the approval of the Director of P&Z. The trailer shall be removed prior to the issuance of the certificate of the last certificate of occupancy permit. (P&Z) (DSUP#2003-0021)
12. All homeowners association covenants shall be approved by the Director of P&Z and the City Attorney prior to applying for the first certificate of occupancy permit for the project. The association covenants shall include the conditions listed below, which shall be clearly expressed in a separate section of the covenants.
 - a. The principal use of the parking shall be for passenger vehicle parking only; storage which interferes with the use of a parking space for a motor vehicle is not permitted.
 - b. That an ingress/egress easement is provided for parking area.
 - c. All landscaping and open space areas within the development, shall be maintained by the homeowners and condominium owners.
 - d. Exterior building improvements or changes by future residents shall require the approval of the City Council, as determined by the Director of P&Z.
 - e. The property is subject to all conditions of the approved special use permit. (P&Z) (DSUP#2003-0021)
13. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (DSUP#2003-0021)
14. The applicant shall identify a person who will serve as liaison to the community throughout the duration of construction. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Directors of P&Z and T&ES. (P&Z) (DSUP#2003-0021)
15. A temporary informational sign shall be installed on the site prior to approval of the first final site plan 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 regarding the project. (P&Z) (DSUP#2003-0021)
16. Provide a lighting plan with the first final site plan to verify that lighting meets City standards. The plan shall be to the satisfaction of the Director of T&ES in consultation with the Chief of Police and shall include the following:
 - a. Clearly show location of all existing and proposed street lights and site lights, shading back less relevant information;

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- b. A lighting schedule that identifies each type and number of fixtures, mounting height, and strength of fixture in Lumens or Watts;
 - c. Manufacturer's specifications and details for all proposed fixtures; and
 - d. A photometric plan with lighting calculations that include all existing and proposed light fixtures, including any existing street lights located on the opposite side(s) of all adjacent streets. Photometric calculations must extend from proposed building face(s) to property line and from property line to the opposite side(s) of all adjacent streets and/or 20 feet beyond the property line on all adjacent properties. Show 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 and installation schedule indicating the number of each fixture to be installed. Provide lighting calculations and photometric plan to verify that lighting meets City Standards. Lighting plan to cover site, adjacent right-of-way and properties. (P&Z) (T&ES) (DSUP#2006-0027)
17. Before commencing any clearing or grading of the site, the applicant shall hold a meeting with all adjoining property owners and Civic Association to review the hauling routes, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. Copies of plans showing the hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor before they commence work on the project. (P&Z) (DSUP#2003-0021)
18. **[REVISED CONDITION]** As part of the request for a certificate of occupancy permit, the applicant shall submit a final location survey to the Department of P&Z for all site improvements. The applicant shall also submit a certification of height for the building as part of the certificate of occupancy for each building. The certification shall be prepared and sealed by a registered architect and shall state that the height of the building complies with the height permitted pursuant to the approved development special use permit and that the height was calculated based on all applicable provisions of the Zoning Ordinance. for the buildings prior to issuance of a certificate of occupancy permit. (P&Z)
19. **[NEW CONDITION]** The applicant shall submit a wall check to the Department of Planning & Zoning prior to the commencement of framing for the building(s). The building footprint depicted on the wall check shall comply with the approved final site plan. The wall check shall also provide the top-of-slab and first floor elevation as part of the wall check, shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the City prior to commencement of framing.

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20. All driveway entrances and sidewalks in public ROW or abutting public ROW shall meet City standards. (T&ES) (DSUP#2003-0021)
21. Residents of this development shall not be eligible to receive residential permit parking permits. (T&ES) (DSUP#2003-0021)
22. Applicant shall provide a shared parking arrangement so that all parking spaces will be usable by any resident, visitor or patron of the development. (T&ES) (DSUP#2003-0021)
23. The applicant shall not utilize the City right-of-way for loading and delivery purposes and confine these activities to areas of the parking lot. (T&ES) (DSUP#2003-0021)
24. The applicant shall provide adequate storage space for trash and recycling bins to the satisfaction of the Director of T&ES. (T&ES) (DSUP#2003-0021)
25. Provide screening for proposed solid waste enclosure. Provide details on plans. (T&ES) (DSUP#2003-0021)
26. Show all existing and proposed easements, both public and private. (T&ES) (DSUP#2003-0021)
27. Replace existing curb and gutter, sidewalks, and handicap ramps that are in disrepair or broken. (T&ES) (DSUP#2003-0021)
28. Provide City standard pavement for emergency vehicle easements. (T&ES) (DSUP#2003-0021)
29. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging. (T&ES) (DSUP#2003-0021)
30. All Traffic Control Device design plans, Work Zone Traffic Control plans, and Traffic Studies shall be sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES) (DSUP#2003-0021)

General

31. The easements depicted on the subdivision shall be revised to coincide with the parking lot and drive aisle depicted on the final site plan. The final subdivision plan shall be consistent with the final site plan, Section 11-1700 of the Zoning Ordinance, and shall be approved and recorded prior to the release of the final site plan. (P&Z) (DSUP#2003-0021)

32. **[CONDITION AMENDED BY PLANNING COMMISSION]:** Provide wheel stops for ~~all the parking spaces, not just the spaces~~ adjacent to the ~~building~~ landscaped portion of the parking lot. (P&Z) (DSUP#2003-0021) (PC)
33. Redesign the proposed refuse locations, to the satisfaction of the Director of Planning and Zoning. (P&Z) (PC) (DSUP#2003-0021)

Stormwater

34. All downspouts must be connected to a storm sewer by continuous underground pipe. Show location and alignment of roof drains for front portion of proposed building. (T&ES) (DSUP#2003-0021)
35. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES) (DSUP#2003-0021)
36. Developer to comply with the peak flow requirements of Article XIII of AZO. This project is located in the Four Mile Run watershed thus storm water quantity controls shall be designed to demonstrate that post development storm water runoff does not exceed the existing runoff quantities for the 2, 10 and 100 year storm events. (T&ES) (DSUP#2006-0027)
37. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of Article XIII of AZO shall be met. (T&ES) (DSUP#2003-0021)
38. Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfall is available to the site. If adequate outfall is not available, developer is to design and build any on or off- site improvements to discharge to an adequate outfall. (T&ES) (DSUP#2003-0021)
39. 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) (DSUP#2003-0021)

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40. T&ES recommends that the proposed 15" storm sewer along Raymond Avenue be relocated into the street for maintenance purposes and to avoid conflict with the proposed street trees. However, T&ES will evaluate other locations within the public right of way if the applicant demonstrates that it cannot be located in the street. This portion of the storm sewer will be publicly maintained. (T&ES) (PC) (DSUP#2003-0021)
41. Provide a separate sanitary sewer lateral connection to existing main for each unit or add a note to the plans indicating that the proposed sanitary main serving the site shall be privately owned and maintained. (T&ES) (DSUP#2003-0021)
42. Prior to release of final site plan, applicant shall submit an agreement for maintenance of proposed storm water management facilities, sanitary sewer main, if applicable, and parking lot to be reviewed and approved by the Director of T&ES and the City Attorney. The agreement must be submitted with the second final site plan submission. (T&ES) (DSUP#2003-0021)
43. Applicant shall provide \$1,000 to the Director of T&ES for the purchase and installation of one (1) City standard street can along the public street. (T&ES) (DSUP#2006-0027)
44. The developer agrees to deliver all solid waste, as defined by the Code of the City of Alexandria, to a refuse disposal facility designated by the Director of T&ES. The developer further agrees to stipulate in any future lease or property sales agreement that all tenants and/or property owners shall also comply with this requirement. The applicant shall work with the Director of T&ES to determine if city collection of refuse is feasible. (T&ES) (PC) (DSUP#2003-0021)
45. Correct spelling mistakes on sheet 3 under Stormwater & Best Management Practice Narrative. (DEQ) (DSUP#2003-0021)
46. The drainage area map on sheet 5 indicates that the northwest section of the parking lot does not flow towards the BMP. The drainage area map also indicates that the front section of the roofs drain towards Mount Vernon Ave., but it is uncertain how this drainage gets into the storm sewer system and BMP. (DEQ) (DSUP#2003-0021)
47. Sand filter designs are recognized to be 60% efficient rather than 65% efficient. Worksheet C should be amended to reflect this rating. (DEQ) (DSUP#2003-0021)
48. Project discharges into Four Mile Run before flowing into the Potomac River. (DEQ) (DSUP#2003-0021)
49. Sheet 6 indicates that the total site area is 0.302 acres and sheet 7 indicates that the total site area is 0.298 acres. (DEQ) (DSUP#2003-0021)

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50. The City of Alexandria encourages the use of green building technology. Provide specific examples where this development will incorporate this technology, including low impact development, green roofs, and energy efficient materials, into its design. (DEQ) (DSUP#2003-0021)
51. The storm water collection system is part of the Four Mile Run watershed. All on-site storm water curb inlets and public curb inlets within 50 feet of the property line shall be duly marked to the satisfaction of the Director of T&ES. (DEQ) (DSUP#2003-0021)
52. Project lies entirely within an area described on historical maps as containing marine clays. Construction methodology and erosion and sediment control measures must account for this. (DEQ) (DSUP#2003-0021)
53. The City's storm water management regulations in terms of water quality are two-fold: phosphorus removal requirements and water quality volume default. Compliance with the phosphorus requirements does not relieve the applicant from the water quality default requirement. The water quality volume from the site's proposed impervious area must be treated in a Best Management Practice storm water facility. Any deviation from this requirement must be addressed through a formal exception letter to the City as discussed in Memorandum to Industry #2002-0001. (DEQ) (DSUP#2003-0021)
54. Provide complete pre and post development drainage maps including areas that contribute surface runoff from beyond project boundaries: topographic information, storm drains, BMP's and either Worksheet A or B and Worksheet C if applicable. Calculations as shown are incorrect and inadequate. Full explanation of stormwater treatment must be included for drainage areas 1, 2 & 3. Any combined treatment agreements with offsite properties/owners must be documented. (DEQ) (DSUP#2003-0021)
55. The storm water Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
 - a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
 - b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. (DEQ) (DSUP#2003-0021)

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56. The applicant shall submit a storm water quality BMP Maintenance Agreement with the City to be reviewed as part of the Final #2 Plan. It must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to approval of the final site plan. (DEQ) (DSUP#2003-0021)
57. The applicant shall be responsible for maintaining storm water Best Management Practices (BMPs) until activation of the homeowner association (HOA), if applicable, or until sale to an owner. Prior to transferring responsibility for the BMPs to the HOA or owner, the applicant shall execute a maintenance service contract with a private contractor for a minimum of three years and transfer the contract to the HOA or owner. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the contract shall be submitted to the City. (DEQ) (DSUP#2003-0021)
58. If the units will be sold as individual units and a home owner's association established the following two conditions shall apply:
- a. The applicant shall furnish the Homeowner 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 including mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City.
 - b. The Developer shall furnish each home purchaser with a brochure describing the storm water BMP(s) installed on the site, outlining the responsibilities of the homeowners and the Homeowner's Association (HOA) with respect to maintenance requirements. Upon activation of the HOA, the Developer shall furnish five copies of the brochure per unit to the HOA for distribution to subsequent homeowners.
- Otherwise the following condition applies:
- 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 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 including mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. (DEQ) (DSUP#2003-0021)
59. Prior to release of the performance bond, a copy of the Operation and Maintenance Manual shall be submitted to the City on a digital media. (DEQ) (DSUP#2003-0021)

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60. Prior to release of the performance bond, the applicant is required to submit a certification by a qualified professional to the satisfaction of the Director of T&ES that the existing storm water management facility adjacent to the project and associated conveyance systems were not adversely affected by the construction and that they are functioning as designed and are in a condition similar to prior to construction began. If maintenance of the facility or systems were required in order to make this certification, provide a description of the maintenance performed. (DEQ) (DSUP#2003-0021)
61. If applicable, loudspeakers shall be prohibited from the building exterior. (DEQ) (DSUP#2003-0021)
62. If a restaurant is proposed, the use of loudspeakers or musicians outside is prohibited. (DEQ) (DSUP#2003-0021)
63. If fireplaces are to be included in the development, the applicant is required to install gas fireplaces to reduce air pollution and odors. Animal screens must be installed on chimneys. (DEQ) (DSUP#2003-0021)
64. A "Certified Land Disturber" must be named on the Erosion & Sedimentation Control sheets at the pre-construction meeting prior to commencement of activity in accordance with the Virginia Department of Conservation and Recreation guidelines. (DEQ) (DSUP#2003-0021)
65. During the construction phase of this development, the site developer, its contractor, certified land disturber, or owner's other agents shall implement a waste and refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them and sanitary waste at the construction site and prevent its off site migration that may cause adverse impacts to the neighboring properties or the environment to the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be disposed off site properly in accordance with all applicable federal, state and local laws. (DEQ) (DSUP#2003-0021)
66. A security survey is to be completed for any sales or construction trailers that are placed on the site. This is to be completed as soon as the trailers are placed on site by calling the Community Relations Unit at 703- 838-4520. (Police) (DSUP#2003-0021)
67. The house numbers are to be placed on the front and back of each unit. (Police) (DSUP#2003-0021)
68. Trees are not to be planted under or near light poles. (Police) (DSUP#2003-0021)

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69. All trees are to be limbed up a minimum of 6 feet as they mature to allow for natural surveillance. (Police) (DSUP#2003-0021)
70. No shrubs higher than 3 feet are to be planted within 6 feet of walkways. (Police) (DSUP#2003-0021)
71. Any proposed shrubbery is to have a maximum height of 36 inches when it matures. (Police) (DSUP#2003-0021)
72. In reference to the Commercial Office use, the applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business. (Police) (DSUP#2003-0021)
73. In reference to the Commercial Office use, the applicant is to contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees. (Police) (DSUP#2003-0021)
74. The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "*Solid Waste and Recyclable Materials Storage Space Guidelines*", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (DSUP#2006-0027)
75. **[NEW CONDITION]** A double detector check backflow prevention device is required on all fire services. If located inside the premise, it must have a remote reading meter in a separate accessible room. (T&ES)
76. **[NEW CONDITION]** VAWC will require a copy of the Code Enforcement approved needed fire flow calculations for this project. (T&ES)
77. **[NEW CONDITION]** Hydraulic calculations (computer modeling) will be completed to verify main sizes upon final submittal of the site plan. Profiles will be required for hydraulic calculations. (T&ES)

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

1. Development Special Use Permit for form based development.
2. Modification to reduce vision clearance from 100 feet to 75 feet.

Staff Note: In accordance with Section 11-418 (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 initial planning commission approval of the plan or the development site plan shall become void.

CITY DEPARTMENT CODE COMMENTS

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

Department of Housing:

- F-1 [NEW FINDING] Should the developer wish to reconsider its previous position regarding an affordable housing contribution, a contribution of \$47,276 would be consistent with the conclusions of the Developer Housing Contribution Work Group Report (DHCWG), dated May 2005 and accepted by the Alexandria City Council on June 14, 2005.

Transportation & Environmental Services:

- C-1 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C-2 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.
- C-3 The applicant must comply with the Article XIII of the City's zoning ordinance, which includes requirements for storm water pollutant load reductions, treatment of the water quality volume default, and storm water quantity management.
- C-4 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. This includes naming a Responsible Land Disturber on the Erosion and Sediment Control sheets prior to engaging in land disturbing activities in accordance with Virginia Erosion and Sediment Control Law.
- C-5 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. This includes the new state requirement for a VPDES permit for all construction activities greater than 1 acre.
- C-6 A performance Bond to guarantee installation of the required public improvements must be posted prior to release of a development plan.
- C-7 All downspouts must be connected to a storm sewer by continuous underground pipe.

- C-8 The sanitary sewer tap fee must be paid prior to release of the plan.
- C-9 All easements and/or dedications must be recorded prior to release of the plan.
- C-10 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-11 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C-12 All utilities serving this site to be placed underground.
- C-13 Provide site lighting plan to meet minimum city standards.
- C-14 Plan shall comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control.
- C-15 Provide a phased erosion and sediment control plan consistent with grading and construction per City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4.
- C-16 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.
- C-17 The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials.(Sec. 5-1-99).
- F-1 Due to commercial use of site, solid waste pick-up is to be private.

Code Enforcement:

- C-1 An automatic sprinkler system is required for the entire project. **Condition met. Fire Lines and FDCs shown. See C-9 below for clarification on Fire Protection Plan.**
- C-2 A separate tap is required for the building fire service connection for each fire sprinkler system. **Condition met.**
- C-3 Show location of all Fire Department Connections. **Condition met.**

- C-4 A fire hydrant shall be provided on the same side of the street and within 100 feet of the FDC. **Condition met.**
- C-5 Applicant must provide Emergency Vehicle Easement on front and back side of building. An Emergency Vehicle Easement is required in the parking lot. This is required to be recorded in the land records. **Clearly delineate boundaries of emergency vehicle easement from ingress / egress utility easement on plans.**
- C-6 All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides of the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to skylights within setback distance. Openings in exterior walls between 3 and 5 feet shall not exceed 25% of the area of the entire wall surface (This shall include bay windows). Openings shall not be permitted in exterior walls within 3 feet of an interior lot line. This applies to the walls between units and the south wall that is proposed to be built on the property line.
- C-7 This structure contains mixed use groups and is subject to the mixed use and occupancy requirements of USBC. There shall be no openings between use groups. Unit D is not in compliance due to the open area between the first floor office and the second floor residence. **Condition not met.**
- C-8 Prior to submission of the Final Site Plan, the developer shall provide a fire flow analysis by a certified licensed fire protection engineer to assure adequate water supply for the structure being considered. **Fire flow shall be submitted on 8 ½ x 11 paper prior to submission of Final #1.**
- C-9 The developer shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) floor area per floor; e) fire protection plan. **Incomplete Building Code Analysis: Missing Complete Use Group, only one use shown; Incomplete Construction Type listed; missing square footage per floor; missing NFPA standard applicable to fire sprinkler system; provide Building Code Analysis as text block within plan set.**
- C-10 The final site plans shall show placement of fire easement signs.
- C-11 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). **Change Note 6 on Sheet 3 to current edition of the Uniform Statewide Building Code. The 1996 USBC has been discontinued.**
- C-12 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

- C-13 A soils report must be submitted with the building permit application.
- C-14 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0.
- C-15 Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process.
- C-16 Verify that all 1st floor entrances are handicapped accessible.
- C-17 The handicapped parking space shall be located as close as possible to the building and it's sidewalks. **Condition met.**
- C-18 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will be taken to prevent the spread of rodents from the construction site to the surrounding community and sewers.
- C-19 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-20 Permission from adjacent property owners is required if access to the adjacent properties is required to complete the proposed construction. Otherwise, a plan shall be submitted to demonstrate the construction techniques utilized to keep construction solely on the referenced property.
- R- 1 Based on a history of sound transmission complaints, it is recommended that all walls and ceilings that separate dwelling units from each other or other uses have a STC rating of at least 60.

Historic Alexandria (Archaeology):

No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Permits are non-transferable.
- C-3 Permits must be obtained prior to operation.
- C-4 Five sets of plans are to be submitted to and approved by this department prior to construction of any facility regulated by the health department.
- C-5 Plans for food facilities must comply with the Alexandria City Code, Title 11, Chapter 2. Food and Food Establishments. There is a \$135.00 fee for review of plans for food facilities.
- C-6 Personal grooming facilities must comply with Title 11, Chapter 7, Personal Grooming Establishments.
- C-7 Tanning Salons must meet State Code Title 59.1, Chapter 24.1, Tanning Facilities.
- C-8 Massage facility plans must comply with Title 11, Chapter 4.2, Massage Regulations. All massage therapists must possess a current massage therapist certification, issued by the Commonwealth of Virginia in accordance with the Code of Virginia Chapter 599, s 54.1-3029 and must possess an Alexandria Massage permit in accordance with Alexandria City Code Title 11, Chapter 4.2 prior to engaging in any massage activity.
- C-9 Coin-operated dry cleaning facility plans must comply with Title 9, Chapter 4, Coin Operated Dry Cleaning Establishments.
- C-10 Food must be protected to the point of service at any outdoor dining facility.

APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2007-0004

PROJECT NAME: THE LOFTS AT DEL RAY VILLAGE
PROPERTY LOCATION: EXIST ADDRESS: 2707 & 2711 MT. VERNON AVE. PROPOSED ADDRESS: 2707, 2709, 2711 & 2713 MT. VERNON AVE.
TAX MAP REFERENCE: 2707 = 02A.04 03 02 ZONE: CL
2711 = 02A.04 03 01
APPLICANT Name: GAVER NICHOLS, ARCHITECT, AGENT FOR NICHOLS, GRAUMANN & SNYDER OWNERS

Address: P.O. BOX 2921 ALEXANDRIA, VIRGINIA 22301 PH=7038365209

PROPERTY OWNER Name: NICHOLS, GRAUMANN & SNYDER

Address: P.O. BOX 2921 ALEXANDRIA, VIRGINIA 22301

SUMMARY OF PROPOSAL: MAJOR AMENDMENT TO APPROVED DSUP # 2003-0021
AN APPROVED DSUP MIXED USE STRUCTURE - SUBMISSION TO SHOW NEW BUILDING HEIGHT
SUBMISSION TO SHOW INCREASED FLOOR FACES ON THIRD LEVEL.

MODIFICATIONS REQUESTED: WE REQUEST A PARKING REDUCTION OF 3 SPACES - LOT D
AN INCREASE OF THE BUILDING HEIGHT TO 40 TO 42' AT ROOF TOP. 42-44' AT CHIMNEYS
WE REQUEST AN ALTERNATIVE BUILDING USE OF 3 STORY OFFICE ON LOT "D" AND A
3 SPACE PARKING REDUCTION ON LOT "D" W/O SHARED PARKING, AND WE HAVE MODIFIED
SUP'S REQUESTED: THE ROOF-3RD FLOOR LEVEL FOOTPRINTS ON ALL UNITS.
UNIT "D" HAS A MINOR ENTRY FOOTPRINT CHANGE.
SEE NARRATIVE FOR MORE DETAIL.

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of the Zoning Ordinance of the City of Alexandria, Virginia.
THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.
THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his knowledge and belief.

GAVER NICHOLS, ARCHITECT, AGENT
Print Name of Applicant or Agent

Gaver Nichols, ARCHITECT / AGENT
Signature

P.O. BOX 2921
Mailing/Street Address

703-836-5209 N/A
Telephone # Fax #

ALEXANDRIA, VA. 22301
City and State Zip Code

JAN. 16, 2007.
Date

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

Application Received: _____	Received Plans for Completeness: _____
Fee Paid & Date: \$ _____	Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

#

2007-0004

Development Special Use Permit with Site Plan (DSUP) #

All applicants must complete this form.

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

1. The applicant is the (check one):

Owner Contract Purchaser

Lessee Other: _____

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

GAVER NICHOLS - 1/3 OWNERSHIP

DANNY GRAWMANN - 1/3 OWNERSHIP

JIM SNYDER - 1/3 OWNERSHIP

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

(GAVER NICHOLS, ATTORNEY)

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

NARRATIVE DESCRIPTION

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

(*
(SEE ATTACHED LETTER)

DSUP 2007-0004

January 17, 2007

Narrative Description in support of major amendment for the Lofts at Del Ray Village – Special Use Permit Amendment and Development Site Plan Approval (DSUP 2003-0021) and (DSUP 2006-0027)

Background: This commercially zoned property has been vacant for more than 20 years. In March 2002 a Del Ray based group purchased the property from an out of town owner. The new owners quickly developed a design concept for a small infill live-work project and shared it with local residents and businesses and the planning staff. It featured an innovative architectural design approach with a live-work environment as well as locations for office and commercial uses. On June 21, 2005, the City Council unanimously approved the project under the newly adopted form based code option in the CL District.

This Special Use Permit and Site Plan approval for the Lofts at Del Ray Village (DSUP 2003-0021) was extended for an additional 18 months (DSUP 2006-0027) at the November 18, 2006 City Council meeting. This proposed amendment proposes design refinements to the originally approved plan that respond to comments by staff as well as the changing real estate market.

1. **Request to allow an all office use option for the proposed building on Lot D.** There are 2 parking spaces located on Lot D - thus technically requiring a 3 parking space reduction - however a total of 10 parking spaces - including 1 handicapped space - would be shared by the 4 buildings in support of the commercial uses, and would be available during business hours in the rear parking lot - a thus a parking reduction would not be necessary. The approved DSUP requires a shared parking plan for the project.
2. **Design refinements to the loft levels of buildings A, B, C and D include an optional mezzanine in the loft level, additional height and additional square footage (FAR) to make the loft level more usable.** The additional height will also accommodate the possibility of an optional elevator in each building.
3. **Slight change in the front entry design with a resultant very minor change in the footprint of Building D.** This would make the bay facing Mount Vernon Avenue consistent in width (from 13 feet to 15 feet) and deepen the recess on the main entrance from 3.3 feet to 4 feet deep.
4. **Widening and redesign of the buffer area to the east of the parking lot from 6 feet to 8 feet, and relocation of the trash areas.** These changes result in an increase of open space from approximately 15% to 19.3% and respond to staff comments on the original design.

The following additional information is included regarding the design modifications and refinements of the loft level described in the paragraph above. The loft level for units A, B, C and D are expanded slightly as detailed below and shown on the attached drawing.

21.35

Units A, B and C - the approved footprint of the loft area is 20 feet x 20 feet or approximately 400 square feet. The footprint is proposed to be expanded five feet to the east and five feet to the west (20' x 30') with a revised loft level footprint of 600 square feet, an increase of 200 square feet. In keeping with the loft design there may be a small mezzanine/loft area of 192 - 200 square feet offered for units A, B & C within the taller portion of the loft level. This is still being evaluated and may be done on a case-by-case basis depending on the preference of the purchaser. There will continue to be two (2) roof deck areas measuring approximately 12 feet x 20 feet on the east and west sides of the loft level.

Unit D:

This amendment requests approval of an all office use for building D. The footprint of this building has been revised slightly to widen the front bay facing Mount Vernon Avenue from 13 feet to 15 feet wide thus matching the width of the bays on units A, B, and C. In addition the recess of the corner entry way has been deepened from 3 feet to 4 feet – again to match the 4 foot recess on all of the other bays and doorways.

The approved loft level footprint for Unit D was approximately 13 feet x 52 feet (approximately 676 square feet). The redesigned loft footprint has been widened to 20' x 52' (approximately 1,020 sq ft) to be proportional with the width of the loft level on the other three units. The additional footprint is approximately 7 feet x 52 feet with a small notched section to respond to staff design comments or 340 additional square feet for a total footprint of approximately 1016 square feet. There will continue to be useable roof deck areas accessible from the east, north and west sides of the loft level. A possible mezzanine area of approximately 500 - 700 square feet would be located within the higher portion of Unit D's loft area. The total additional square footage of the changes described above is as follows:

Unit	Additional footprint square feet	Additional potential Mezzanine sq. feet	Total additional square feet
Unit A	200	192 - 200	392 - 400
Unit B	200	192 - 200	392 - 400
Unit C	200	192 - 200	392 - 400
Unit D	340	500 - 700	840 - 1040
Total	940 sq. feet	1076 - 1300 sq. feet	2016 - 2240 sq. feet

The form-based code encourages higher ceiling heights, particularly on the first floor. In revising the building design to meet the intent of the code and the various conditions of approval, the overall building height has increased from 35 feet to approximately 40 feet for Unit A to approximately - 42 feet for Unit D due to the slight downhill slope toward Raymond Avenue. Chimney heights for the project are 42 feet for Unit A to 44 feet for Unit D. The form-based code allows a 45-foot height.

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Included with this application is the most current rendering of the building's architectural design. The renderings depict the design refinements to the buildings including the loft roof and deck treatment. The third story lofts have been expanded slightly to make them more useable and marketable spaces. **The final interior designs of each unit are conceptual and may change to meet the need of the end purchaser – user. The form-based code does not consider floor area ratio (f.a.r.) - rather buildings must meet required setbacks from the street and adjacent residential properties.** The redesigned loft areas meet the form based code requirements including the 28 - degree angle setback measured from a five-foot elevation at the adjacent residential property line. The green buffer adjacent to the residential area has been expanded from 6 feet to 8 feet wide and the trash areas have been redesigned and screened from view. The form-based code requires a minimum of 15 % open space for a site of this size. The open space on the site is approximately 19.3%.

The proposed amendments will result in an improved building design that is more viable in the market. Approval will help move this project forward to construction. As the first small infill result project approved under the form based code, this project will send a signal as to the viability of the City's Mount Vernon Avenue Plan.

Sincerely,

Gaver Nichols, AIA.

Gaver Nichols Architect

36 3'

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

LOT A, B, & C REMAIN AS APPROVED - GROUND LEVEL OFFICE W/ LOFT HOUSING ABOVE
LOT "D" WE EXPECT A VERY LOW USE OFFICE OCCUPANCY FOR THE ENTIRE "D" STRUCTURE

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

EXPECTATIONS ARE OFFICE STAFF OF 2-6 PEOPLE W/ APARTMENT DENSITY OF 2 PEOPLE UNIT "D" WITH AN AN OFFICE OCCUPANCY CAN EXPECT UP TO 10 PEOPLE.

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

Day	Hours	Day	Hours
<u>M-F</u>	<u>7am-6pm OFFICE</u>		
<u>SAT-SUN.</u>	<u>CLOSED</u>		
<u>RESIDENTIAL APARTMENTS - 24HR/DAY-USE</u>			
<u>(ESTIMATED ONLY & MAY VARY)</u>			

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

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

NOISE LEVELS ARE EXPECTED TO BE THOSE FOUND IN AN OFFICE ENVIRONMENT - LIMITED AND THOSE FOUND IN A RESIDENTIAL USE - LIMITED.

B. How will the noise from patrons be controlled?

PATRONS WILL BE EITHER GUESTS OF THE RESIDENTIAL UNITS OR CLIENTS OF THE OFFICE USERS. ALL BUILDINGS WILL BE INSULATED AND CONSTRUCTED OF MASONRY.

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

WE EXPECT NO ODORS BASED UPON OUR COMMERCIAL/ OFFICE / RESIDENTIAL USERS.

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Development Special Use Permit with Site Plan (DSUP) #

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

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

WE EXPECT 1 TRASH CAN PER WEEK PER RESIDENTIAL APARTMENT
WE EXPECT 1 TRASH CAN PER WEEK PER COMMERCIAL USER
MOST WASTE WILL BE PAPER WASTE AND NORMAL HOUSEHOLD WASTE

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

WE EXPECT 2 TRASH CANS PER UNIT X 4 UNITS = 8 TRASH CANS
OF WASTE PER WEEK

C. How often will trash be collected?

TRASH IS EXPECTED TO BE COLLECTED BY ALEXANDRIA CITY
STAFF ON THEIR NORMAL WEEKLY TRASH COLLECTION RATES.

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

OUR MIXED USE OF LIGHT OFFICE/COMMERCIAL WITH A
RESIDENCE ABOVE SHOULD NOT CREATE A LITTERING
PROBLEM

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:

NOT APPLY

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:

NOT APPLY

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

THE NEW BUILDINGS ARE DESIGNED TO KEEP SIGHT LINES OPEN, AND EACH BUILDING WILL HAVE EXTERIOR LIGHTING.

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.

NOT APPLY

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?

WE PROVIDE 160 PARKING SPACES ON SITE AND MEET ALL REQUIREMENTS WITH A SHARED PARKING AGREEMENT.

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

- 5 Standard spaces
- 10 Compact spaces
- 1 Handicapped accessible spaces.
- 0 Other.

39/10

Development Special Use Permit with Site Plan (DSUP) #

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

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

NOT APPLY

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

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

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

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? NOT APPLY

- B. How many loading spaces are available for the use? 0

- C. Where are off-street loading facilities located? IN THE PARKING LOT OF THE SITE, IN THE DRIVE AISLE OR OUT FRONT ON RAYMOND OR MT. VERNON AVENUE

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

WE EXPECT MINOR NEED FOR LOADING OPERATIONS AS WE HAVE AN OFFICE USE. 7AM-5PM

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

STREET ACCESS TO THE PROPERTY IS ADEQUATE,

MINOR LOADING/UNLOADING PERHAPS - 3 TIMES/WEEK.

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?

STREET ACCESS TO THE PROPERTY IS ADEQUATE. WE

PROPOSE TO CLOSE AN EXISTING CURB CUT & CONSTRUCT A NEW ONE

4041

GAVER NICHOLS - ARCHITECT - AIA

May 1, 2007

Dear Planning Commissioners and Planning Staff

Following discussions today with Mr. Jeffery Farmer, the applicant and staff have agreed to the following changes to the May 1, 2007 conditions of approval for the Lofts at Del Ray Village.

Condition #1:

DSUP #2007-0004
THE LOFTS AT DEL RAY VILLAGE

VII. STAFF RECOMMENDATIONS/CONDITIONS:

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

Building:

January 17, 2007

1. [REVISED CONDITION] The final design for the building shall be consistent in massing, articulation, general design and the architectural styles and character as generally depicted in the architectural elevations dated ~~March 15, 2005~~, and also provide additional refinements to the satisfaction of the Director of P&Z, that shall include:
- a. ~~Resolve inconsistencies between the elevations as drawn and the axon drawing, especially on the Raymond Ave. side of the building.~~
 - b. ~~Clarify the massing of the street corner of the building especially at the loft level, and the arced roof forms. The intersection of the forms at the building corner is treated awkwardly with the addition of the small overhangs, integrate with the loft level more with the building below. This could be accomplished by extending the recess on the Raymond Ave. side of the building through the loft level.~~
 - c. ~~The details of the windows and doors need to be made more consistent throughout the building. Variations in the configuration of the windows and doors and mullion patterns might respond to the forms of the building.~~
 - d. ~~In order to better integrate the elements of the building, provide a transition from the brick walls with punched openings of the lower levels of the building, to the largely metal and glass forms of the loft level.~~
 - e. With the exception of architectural detailing and the screening for the mechanical equipment and the loft portion of the building, the materials of the entire building shall be entirely masonry (brick, precast, stone).
 - f. The material for the proposed retaining walls ~~and handicap ramp~~ shall be brick.

DSUP #2007-0004
THE LOFTS AT DEL RAY VILLAGE

1. o. The height of the building shall be limited to a maximum height of 40 feet at

(insert) the midpoint of the barrel vaulted roofs

current midpoint
at 40.5'

highest point
at 42'

highest point and the fourth level mezzanines shall be limited to a maximum of 20% of the area of the curved roof form for the building. (P&Z) (PC) (DSUP#2003-0021)

Condition #3: Landscaping

3q. Remedy site plan to eliminate conflicts between sidewalk and the 15 17 inch caliper Oak on Raymond Avenue by revising the sidewalk width to the east of the new driveway on Raymond Avenue to four (4) feet, thus matching the width of the adjacent residential sidewalk to the east.

3w. Retain the existing sidewalk (unless required by T&ES to be repaired or replaced for pedestrian safety reasons) under the drip line of the existing 17" street tree to be saved on Raymond Avenue and provide an Erosion & Sediment Control Plan, Demolition plan and Site plan that clearly identify the location and method of tree protection for Quercus palustris on Raymond Avenue and street trees to remain along Mount Vernon Avenue. >

Condition #4:

4g. The concrete pavers for the sidewalk shall be extended to include the redesigned, handicapped access ramp at the corner.

4k. Applicant shall widen the sidewalk along Raymond Avenue to provide a minimum 6' unobstructed width. Sidewalk shall be concrete to match existing. The sidewalk located to the east of the new driveway on Raymond Avenue may be reduced to four (4) feet in width in order to minimize the impact on the 17" Oak tree and to provide an appropriate transition to the adjacent residential sidewalk as described in conditions 3q and 3w. (T&ES) (P&Z) (PC) (DSUP#2003-0021)

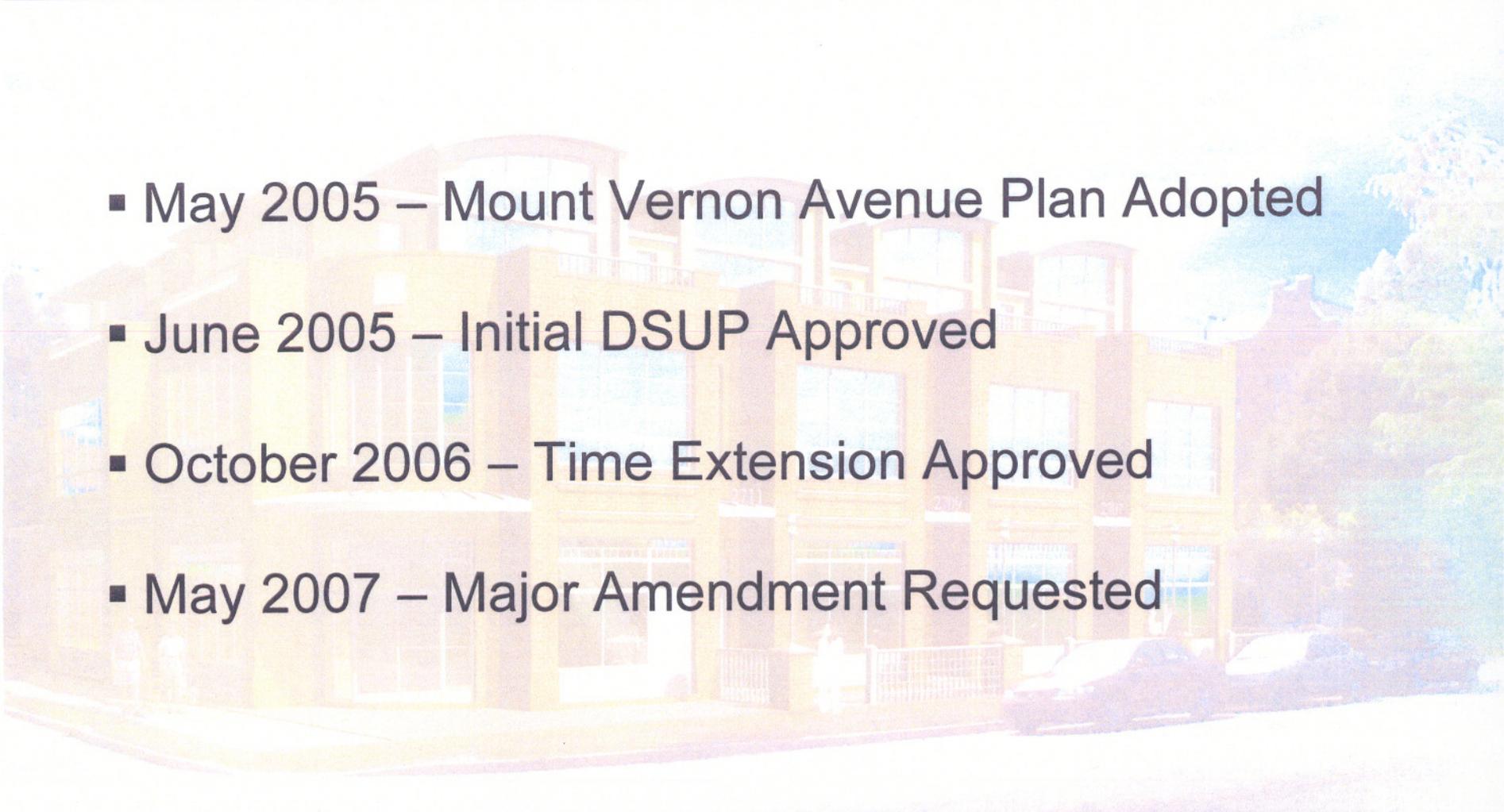
Condition #32:

32. Provide wheel stops for all the parking spaces not just the spaces adjacent to the building landscaped portion of the parking lot. (P&Z) (DSUP#2003-0021)

Approval of these revised conditions will greatly facilitate the final site plan and building review process and the ultimate construction of this project.

Lofts at Del Ray Village

8
5-12-07
DSUP 2007-0004

- 
- May 2005 – Mount Vernon Avenue Plan Adopted
 - June 2005 – Initial DSUP Approved
 - October 2006 – Time Extension Approved
 - May 2007 – Major Amendment Requested

Development Summary



- 4 Live-Work Units
- 16 parking spaces in rear
- 15% open space
- Streetscape improvements



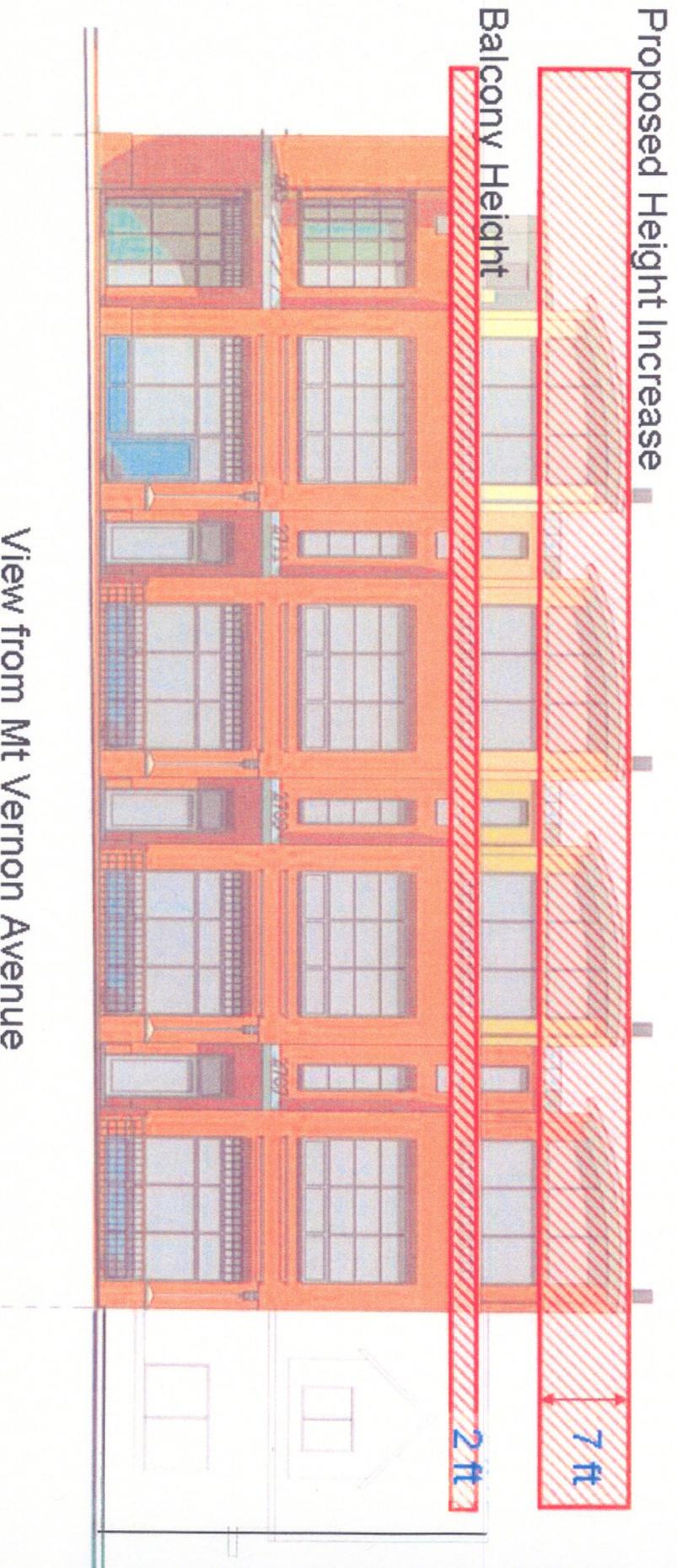
PROPOSED AMENDMENTS

- Height (from 35 to 42 ft.)
- Expansion of Third Level (+ 547 sf)
- Mezzanine Addition (+ 650 sf)
- Footprint Change
- Uses

Lofts at Del Ray Village

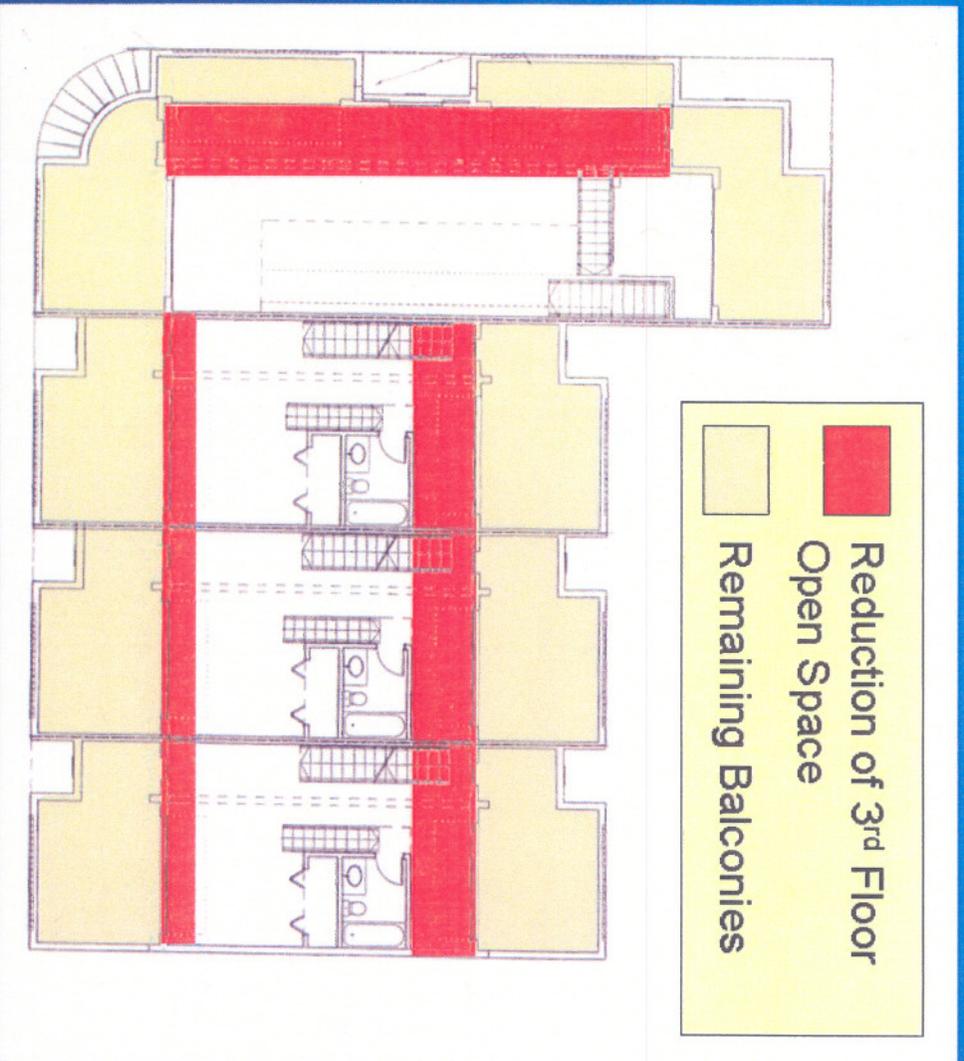
DSUP 2007-0004

HEIGHT INCREASE



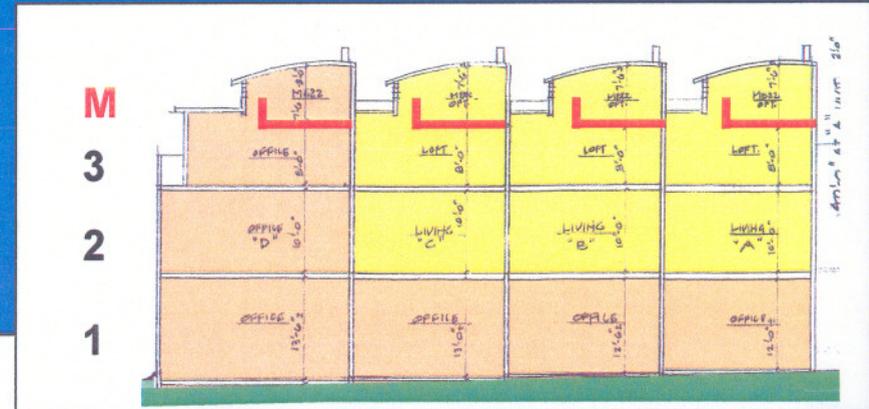
View from Mt Vernon Avenue

THIRD LEVEL EXPANSION

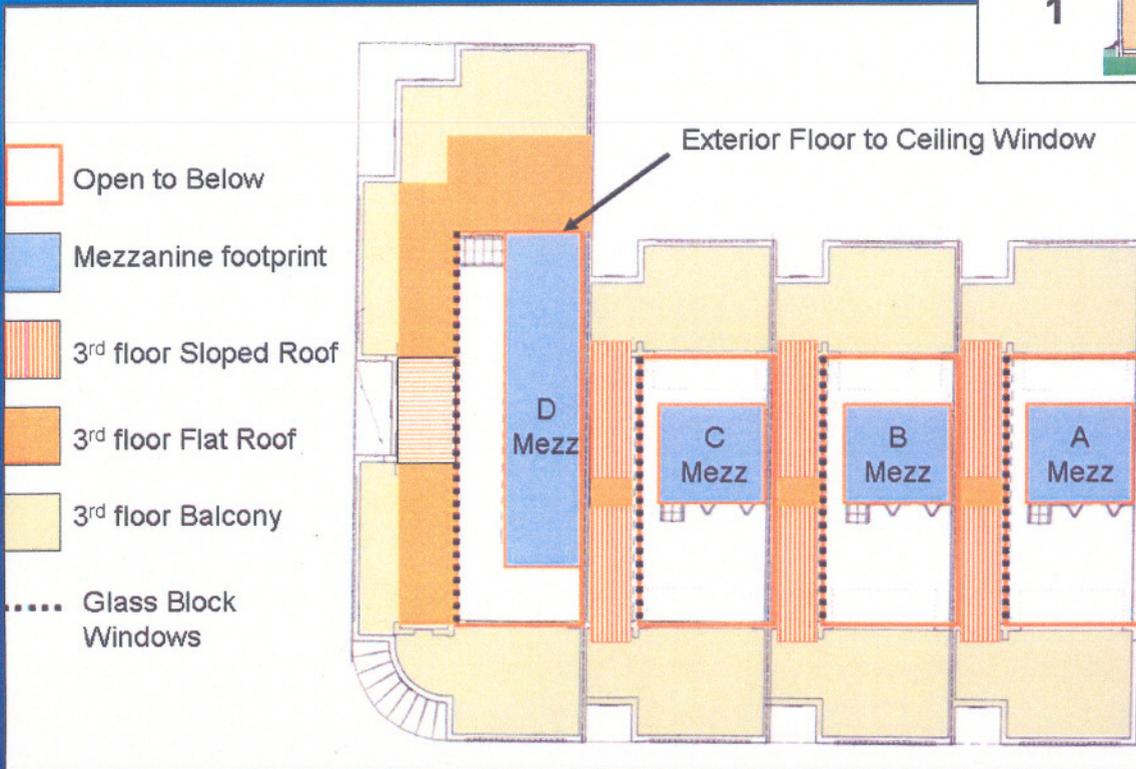


Increased from
2,343 s.f. to 2,890 s.f.
(approx. 547 s.f.)

MEZZANINE



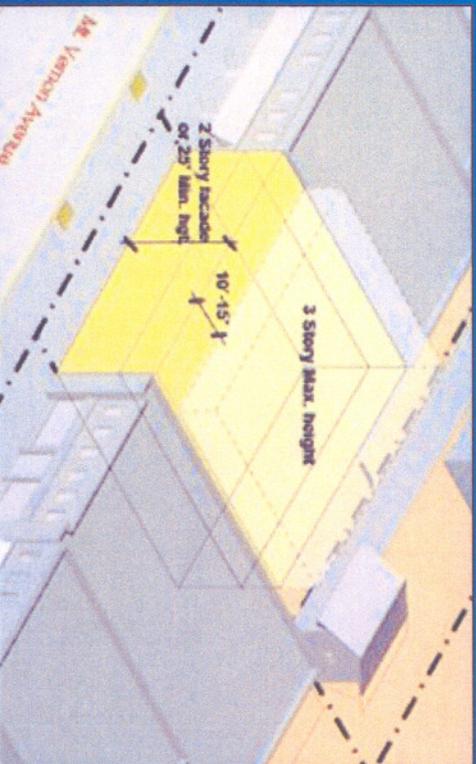
Section from Mt Vernon Ave



- 650 s.f. proposed
- Staff Recommends: 20% of roof form (approx 360 s.f.)

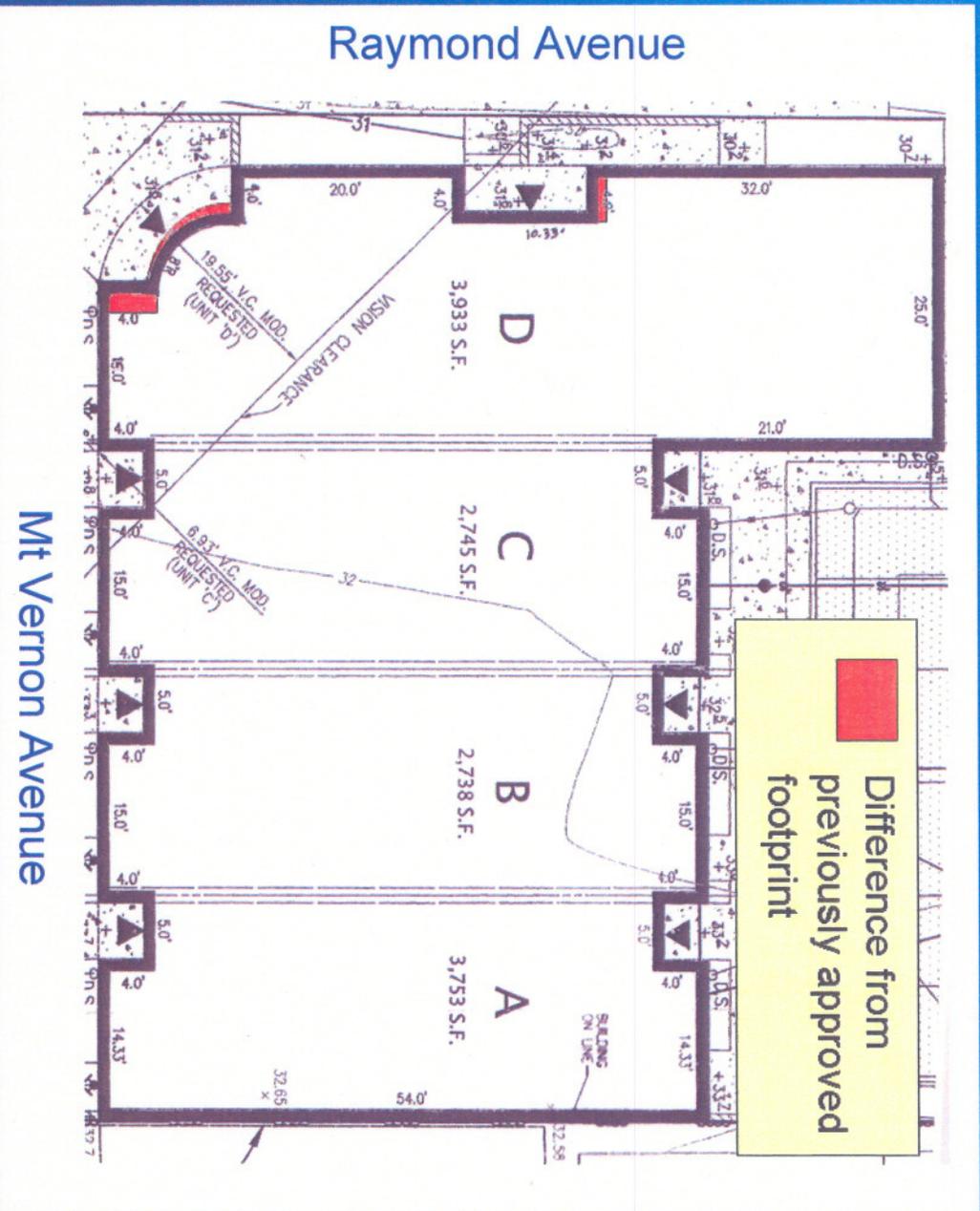
MOUNT VERNON AVENUE PLAN

“Buildings are encouraged to include 3rd floor “loft-type” space (as shown below) that are stepped back... at the second story.”



Unique roof designs on the 3rd floor (such as angled or curved trusses) which create “loft-type” volume spaces shall be no higher than 45 ft.

FOOTPRINT CHANGE



USES

- Unit D: Office on all levels
- Units A/B/C – ground-level Office, Residential above

(Personal Service Use removed from Units A/B/C due to parking limitations)

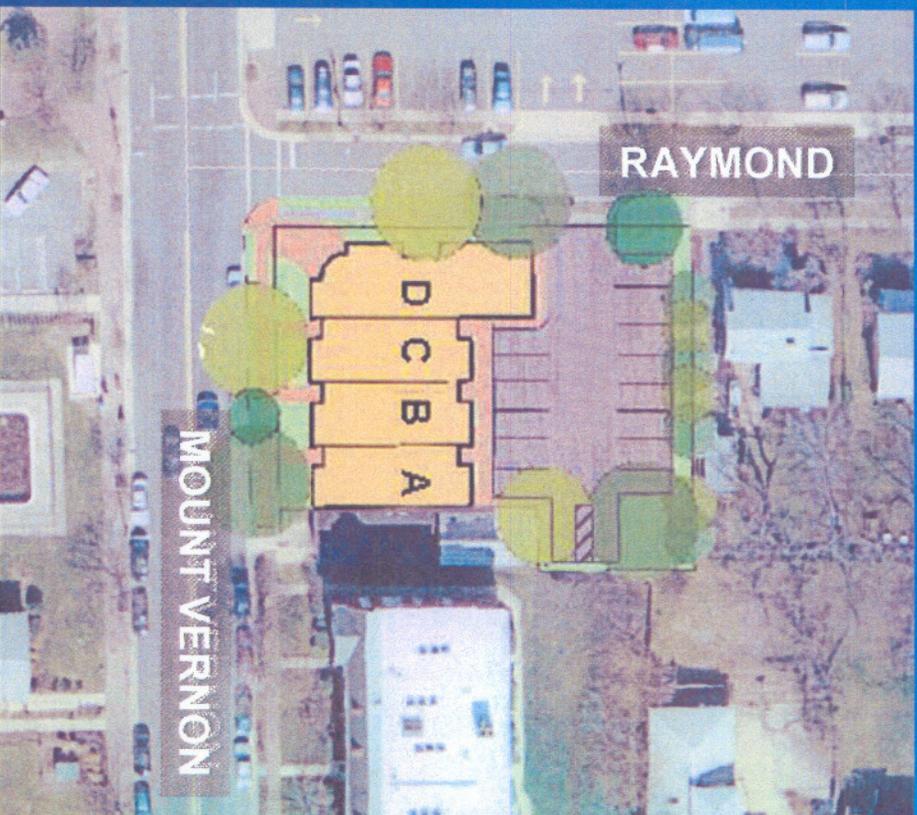
REQUIRED PARKING SPACES BY LOT

	Lot A	Lot B	Lot C	Lot D
Residential / Residential	2	2	2	2
Residential / Office	3	3	3	5
Residential / Pers Service	4	4	4	5
Office / Office	n/a	n/a	n/a	7

Lofts at Del Ray Village

DSUP 2007-0004

CONCLUSION



May 12, 2007

City Council