

EXHIBIT NO. 1

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6-26-12

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Introduction and first reading: 6/16/12  
Public hearing: 6/16/12  
Second reading and enactment: 6/26/12

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2012-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Project Name: The Delaney, 100 South Pickett Street)

Summary

The proposed ordinance accomplishes the final adoption of Master Plan Amendment No. 2012-0002 to change the land use designation of the property at 100 South Pickett Street and from General Commercial to Commercial Residential Mixed Use (Medium) with proffers and to increase the applicable height limitation from 50 feet to 77 feet.

Sponsor

Department of Planning and Zoning

Staff

Faroll Hamer, Director of Planning and Zoning  
James L. Banks, Jr., City Attorney  
Joanna C. Anderson, Assistant City Attorney

Authority

§ 9.01, Alexandria City Charter  
§ 11-900, City of Alexandria Zoning Ordinance

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachment (if any)

None

ORDINANCE NO. \_\_\_\_\_

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AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2012-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Project Name: The Delaney, 100 South Pickett Street)

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2012-0002, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on June 5, 2012 of an amendment to the Landmark/Van Dorn Small Area Plan Chapter of the Master Plan of the City of Alexandria, by changing the land use designation of the property at 100 South Pickett Street, from CG/Commercial General to CRMU-M/Commercial Residential Mixed Use (Medium) with Proffers and the height map from 50 feet to 77 feet maximum height which recommendation was approved by the City Council at public hearing on June 16, 2012;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Land Use Plan of the Landmark/Van Dorn Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by changing the land use designation of the property at 100 South Pickett Street, from CG/Commercial General to CRMU-M/Commercial Residential Mixed Use (Medium) with Proffers and the height map from 50 feet to 77 feet maximum height.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan map amendments, as part of the Landmark/Van Dorn Small Area Plan Chapter of Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Landmark-Van Dorn Small Area Plan Chapter of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

1 Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to  
2 the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the  
3 Circuit Court shall file same among the court records.  
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5 Section 6. That this ordinance shall become effective upon the date and at the time  
6 of its final passage.  
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8 WILLIAM D. EUILLE  
9 Mayor

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12 Introduction: 6/16/12  
13 First Reading: 6/16/12  
14 Publication:  
15 Public Hearing:  
16 Second Reading:  
17 Final Passage:  
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ORDINANCE NO. 4770

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2012-0002 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Project Name: The Delaney, 100 South Pickett Street)

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2012-0002, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on June 5, 2012 of an amendment to the Landmark/Van Dorn Small Area Plan Chapter of the Master Plan of the City of Alexandria, by changing the land use designation of the property at 100 South Pickett Street, from CG/Commercial General to CRMU-M/Commercial Residential Mixed Use (Medium) with Proffers and the height map from 50 feet to 77 feet maximum height which recommendation was approved by the City Council at public hearing on June 16, 2012;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Land Use Plan of the Landmark/Van Dorn Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by changing the land use designation of the property at 100 South Pickett Street, from CG/Commercial General to CRMU-M/Commercial Residential Mixed Use (Medium) with Proffers and the height map from 50 feet to 77 feet maximum height.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan map amendments, as part of the Landmark/Van Dorn Small Area Plan Chapter of Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Landmark-Van Dorn Small Area Plan Chapter of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: June 26, 2012

**PROFFER STATEMENT  
PROPOSED DEVELOPMENT CONDITION  
RZ 2012-0001**

Pursuant to the provision of §11-804 of the Alexandria Zoning Ordinance, 1992, as amended (the “**Ordinance**”), CIA-Pickett Street, LLC, a Virginia limited liability company (“**CIA-P**”), the owner of the property known as 100 South Pickett Street, Alexandria, Virginia, also known as City of Alexandria Tax Parcel Map 58.02 Block 02 Lot 01 (the “**Property**”) and the applicant requesting the rezoning of the Property from the CG/Commercial General zone classification to the Commercial Resident Mixed Use-Medium (CRMU-M) zone classification does hereby proffer in writing the provision of reasonable conditions to be applied to and be part of the rezoning.

CIA-P voluntarily and in writing prior to the scheduled public hearing proffers:

1. The redevelopment of the Property shall include the provision of on-site affordable housing dwelling units in accordance with the DSUP #2011-00007 Affordable Housing Plan dated April 25, 2012, approved by the City of Alexandria’s Affordable Housing Advisory Committee on May 2, 2012, and attached to this Proffer Statement, with the following modifications:

*Rents payable for the set-aside units shall not exceed the maximum rents (taking into account utility allowances) allowed under the federal Low Income Housing Tax Credit (LIHTC) program for households at or below 60% of the Washington DC Metropolitan Area Family Median Income. Rents shall remain at the established affordable rates for a period of 40 years or the life of the building, whichever is less ~~30 years~~ from the date of initial occupancy of each affordable unit. The owner shall re-certify the incomes of such households annually.*

*The developer shall provide the City with access to the necessary records and information to enable annual monitoring of compliance with the above conditions for the 40-year or the life of the building, whichever is less ~~30-year~~ affordability period.*

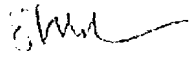
2. The redevelopment of the Property shall be in substantial conformance with the improvements depicted in DSUP 2011-00007 as approved by the Alexandria City Council, and as shown on the final site plan approved by the City of Alexandria.

3. These proffers are submitted in accord with §11-804 of the Ordinance and shall be governed and construed in accordance with §11-804 of the Ordinance.

4. Stephen A. Bannister, its Member Manager, represents that he is authorized to execute and deliver this Proffer and this Proffer is voluntarily entered into by CIA-P.

These proffers are the only proffers on this Zoning Map Amendment. In the event the rezoning is not approved and associated approvals MPA 2012-00002 and DSUP 2011-00007, these proffers shall be of no binding effect.

CIA-PICKETT STREET, LLC  
a Virginia limited liability company

By:   
\_\_\_\_\_  
Stephen A. Bannister, its Member Manager  
June 9, 2012

City of Alexandria, Virginia

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MEMORANDUM

DATE: MAY 1, 2012

TO: AFFORDABLE HOUSING ADVISORY COMMITTEE

FROM: MILDRILYN STEPHENS DAVIS, DIRECTOR, OFFICE OF HOUSING *msd*

SUBJECT: CONSIDERATION OF AN AFFORDABLE HOUSING PLAN FOR THE DELANY

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**ISSUE:**

Consideration of the Affordable Housing Plan for The Delany (Attached).

**RECOMMENDATION:**

That the Affordable Housing Advisory Committee approve the Affordable Housing Plan submitted by the Delany Applicant.

**BACKGROUND:**

The proposed site is located at 100 South Pickett Street directly west of Cameron Station (See Attached Map). The developer proposes to construct a mixed use development containing 189 dwelling units and 8,944 sq. ft. of non-residential space. The site is currently zoned CG which allows a maximum .75 FAR and will require both a rezoning and a Master Plan Map amendment to be built as proposed.

**DISCUSSION:**

The proposed project requires both additional density and height to be constructed. Section 7-700 of the City's zoning code allows a developer to obtain additional density and/or height in exchange for dedicated affordable housing units within the project. However, this zoning provision allows a density increase of no more than 20% and the additional density required for this project exceeds this limit. Section 7-700 also allows an applicant to receive additional height in exchange for affordable housing when the underlying zoning already allows height limits in addition to 50 feet which is not the case for this particular site. Therefore, the use of Section 7-700 was not an option for this particular development and the applicant will seek both a rezoning to allow additional density and a Master Plan Map amendment to allow additional height.



In exchange for the rezoning and in lieu of a monetary contribution to the City's Housing Trust Fund, the applicant has submitted an affordable housing plan that proposes to proffer twenty-three (23) housing units that would be affordable to households at or below 60% of the area median income. Table 1 estimates the value of the applicant's proposed affordable housing plan, while Table 2 shows the monetary calculation that would result if the applicant simply followed City's voluntary contribution guidelines. Staff estimates that the value of the applicant's proposed Affordable Housing Plan exceeds the voluntary monetary contribution by approximately \$2.6 million. Staff believes this additional value provides a significant community benefit in exchange for the additional density required by the applicant.

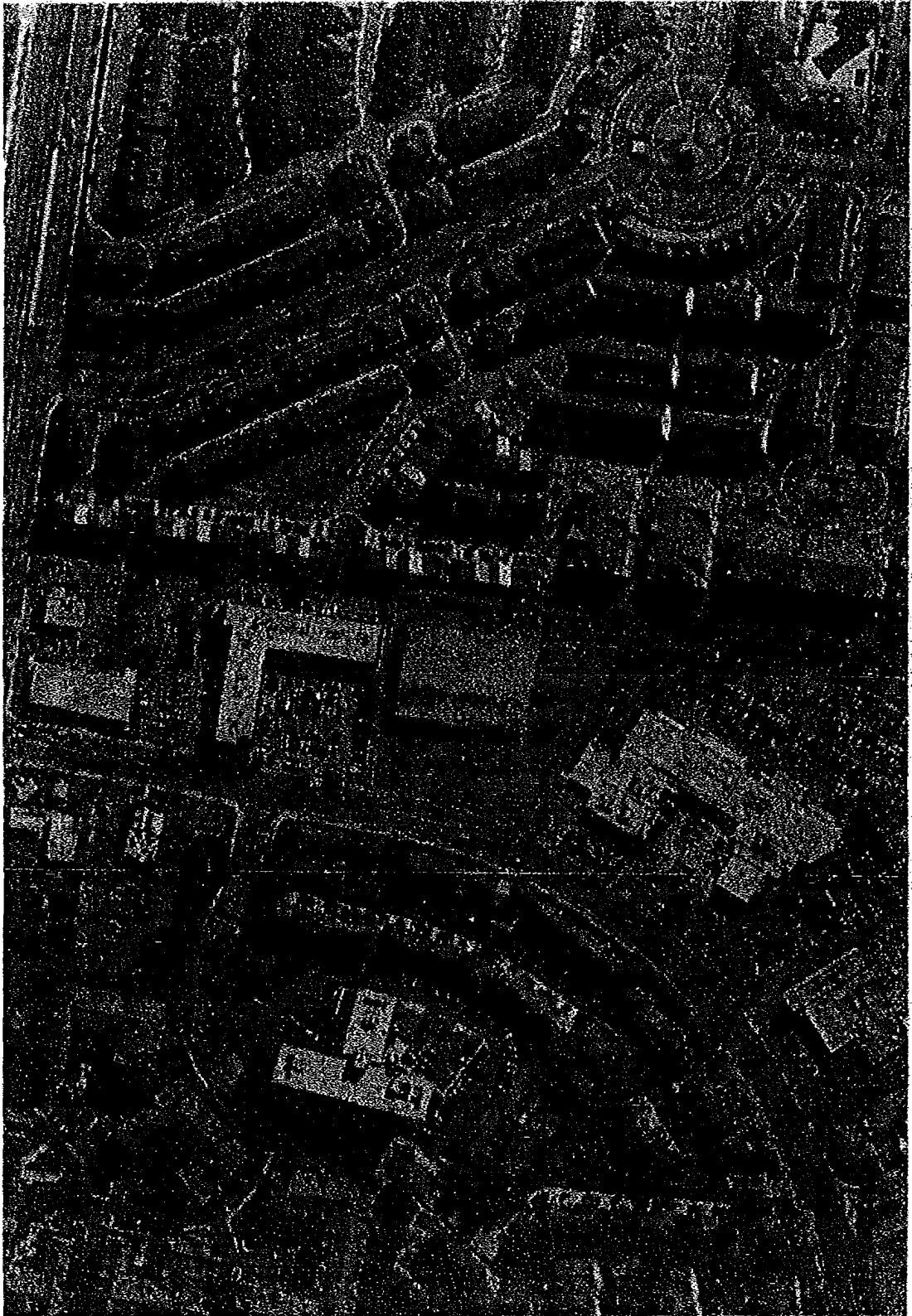
<b>Table 1: The Delany Affordable Housing Plan Value</b>						<b>Cap Rate</b>	<b>6.00%</b>
<b>Unit Type</b>	<b>Number of Units</b>	<b>Market Rent</b>	<b>Affordable Rent</b>	<b>Monthly Difference</b>	<b>Yearly Difference</b>	<b>Total Loss</b>	<b>Value</b>
<b>1BR</b>	15	\$1,800	\$1,209	\$591	\$7,092	\$106,380	\$1,773,000
<b>2BR</b>	8	\$2,350	\$1,452	\$898	\$10,776	\$86,208	\$1,436,800
<b>Total Value</b>							<b>\$3,209,800</b>

<b>Table 2: Monetary Contribution based on City's Voluntary Contribution Guidelines</b>			
<b>Development Type</b>	<b>Sq. Ft</b>	<b>\$/Sq. Ft.</b>	<b>Contribution</b>
<b>Non-Residential</b>	8,994	\$1.50	\$13,491
<b>Tier 1 Residential</b>	67,019	\$1.50	\$100,529
<b>Tier 2 Residential</b>	119,516	\$4.00	\$478,083
<b>Total:</b>	<b>195,529</b>		<b>\$592,083</b>

Another issue that must be weighed by staff is the tradeoff between hard units on the ground and monetary contributions that allow the City to run other affordable housing programs, including affordable rental housing preservation. This site is located within the Landmark/Van Dorn Small Area Plan and the within close proximity to the Landmark/Van Dorn Corridor Plan recently adopted by City Council. The Landmark Gateway project was the first redevelopment project approved within this corridor, and it has committed to a \$1,233,267 contribution to the City's Housing Trust Fund. Staff feels that this project helps to strike a balance between units and monetary cash contributions within this planning area. Furthermore, the affordable units provided in this project will be located in one of the City's high capacity transit corridors which will offer significant transportation options that could further reduce the cost to residents of the affordable units. For these reasons and the estimated value of the proposed set aside units, staff supports the applicant's proposed affordable housing plan.

The recommended conditions of affordable housing plan are as follows:

1. The developer shall provide 23 affordable set-aside rental units, with the mix of units to include an equivalent percentage of each type of unit as in the whole project to the satisfaction of the Director of Housing. The portion of the affordable units applicable to each building shall be provided as each building is occupied.
2. Rents payable for the set-aside units shall not exceed the maximum rents (taking into account utility allowances) allowed under the federal Low Income Housing Tax Credit (LIHTC) program for households at or below 60% of the Washington DC Metropolitan Area Family Median Income. Rents shall remain at the established affordable rates for a period of 30 years from the date of initial occupancy of each affordable unit. The owner shall re-certify the incomes of such households annually.
3. Once an income-eligible household moves into a unit, that unit will be considered an affordable unit until the household's income increases to more than 140% of the then-current income limit. At that time, the over income household shall be allowed to remain, but the next available unit of comparable size (i.e., with the same number of bedrooms, den space and/or approximate square footage) must be made available to a qualified household. Once the comparable unit is rented, the rent of the over-income unit may then be increased to market rate in accordance with any lease restrictions.
4. Applicants receiving Housing Choice Voucher (Section 8) assistance will not be denied admission on the basis of receiving Section 8. Section 8 payments will be treated as income for the purpose of determining minimum income eligibility.
5. The set-aside units shall be of the same size, floor plan and with the same amenities as other similar units in the development. Concentrations of affordable units will be avoided.
6. If the market rents are less than anticipated, the affordable rents as defined above (as adjusted for allowances) will continue to be used as the affordable rents; however, in the event the differential between the market rents and the affordable rents falls below \$150, the affordable rents shall be reduced to maintain a differential of at least \$150 at all times.
7. The developer shall provide the City with access to the necessary records and information to enable annual monitoring of compliance with the above conditions for the 30-year affordability period.
8. Occupants of the affordable rental units shall be charged a parking fee equivalent to no more than any commonly applied management fee for one parking space per unit. Normal charges shall apply with regard to any additional parking spaces rented by such occupant.
9. Amendments to the approved Affordable Housing Plan must be submitted to the Affordable Housing Advisory Committee for consideration, and require final approval from the City Manager.



DSUP #2011-0007  
Affordable Housing Plan  
April 25, 2012

**Project Overview**

As part of their application under DSUP # 2011-0007, for the 100 South Picket Street site, the Applicant is proposing 189 dwelling units and 8,994 sq. ft. of retail space. The applicant is requesting a rezoning for the subject site from Commercial General (CG) to Commercial Residential Mixed Use Medium (CRMU-M), along with a Master Plan Map amendment to increase the maximum development height from 50 feet to 77 feet. The applicant proposes the following Affordable Housing Plan for the Project.

**Affordable Housing Plan**

In exchange for the rezoning and in-lieu of a monetary contribution to the City's Housing Trust Fund, the applicant proposes to proffer twenty-three (23) housing units that would be affordable to households at or below 60% of the area median income. The bedroom sizes of the affordable units would be proportionate to the bedrooms sizes of the project as a whole. The applicant would abide by the conditions established by the city for the affordable housing set aside program.