



Docket Item #5 A & B

**CDD Concept Plan #2011-0002**

**TMP SUP #2011-0039**

**BRADDOCK GATEWAY CDD #15 - First Amendment**

<u>Application</u>	<u>General Data</u>	
<u>Project Name:</u> The Gateway	PC Hearing:	July 7, 2011
	CC Hearing:	September 18, 2011
	CDD Expiration	December 31, 2027
<u>Location:</u> 1200, 1200A & 1100 N. Fayette Street 1219 First Street	Zone:	Existing: CDD #15
	Proposed Use:	Mixed Use (retail, office, hotel and residential)
<u>Applicant:</u> Braddock Gateway LC, Represented by Mary Catherine Gibbs, Hart, Calley, Gibbs & Karp. LC	Small Area Plan:	Braddock Metro Neighborhood Plan

Purpose of Application

A consideration for requests to implement the following:

1. To amend the Coordinated Development District #15 (CDD) phasing plan and implementation of the associated infrastructure;
2. To delay the annual accrual of interest based upon the Consumer Price Index (CPI) for the affordable housing contribution for a period of five (5) years after this approval;
3. To revise the parking requirements for the first phase of this development to a 0.9 per residential dwelling unit ratio;
4. To allow for 40% of the requested visitor parking spaces to be permitted off the site;
5. To replace the Transportation Management Plan (TMP) Special Use Permit (SUP) TMP SUP #2007-0079 with a new TMP with more current City standards; and
6. To update/amend various conditions to the City's current standards.

Staff Recommendation: APPROVAL WITH CONDITIONS

**PLANNING COMMISSION ACTION, JULY 7, 2011:** On a motion by Mr. Dunn, seconded by Mrs. Lyman, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations. The Commission recommended that condition #41 be amended to allow for the CPI escalation to be linked with 2011 dollars and that the applicant work with staff about the actual implementation start date of the CPI escalation. The Commission further recommended that the parking spaces for the residential units remain unbundled for separate sale and/or lease.

Reason: The Commission agreed with staff's recommended conditions.

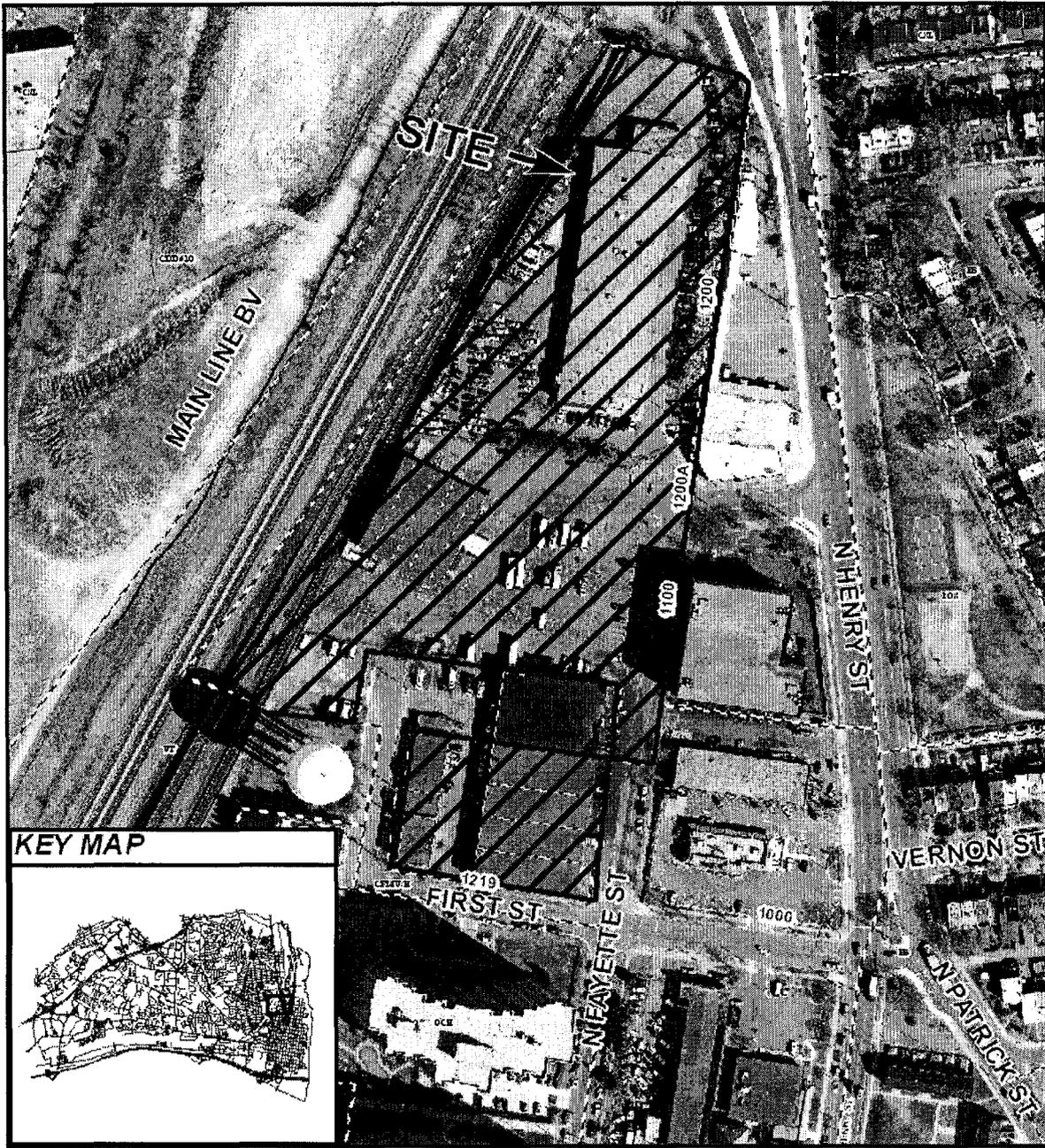
Speakers:

Mary Catherine Gibbs spoke as the attorney representing the applicant and stated that the economy of today is very different than back in 2008 and that is why the applicant is requesting to have the CPI removed. She also stated the process of just moving the CDD forward with a DSUP was a similar process that was done with this application in 2008. This process was also done for the Hoffman, Potomac Yard and Carlyle CDDs. She also stated that the unbundling of parking spaces from the residential units was a successful practice in Alexandria and other local jurisdictions.

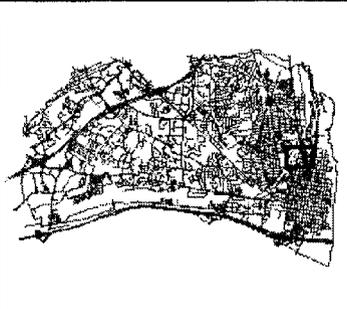
Steven Troxel had concern about unbundling the parking from the residential units because his neighborhood does not have a parking restriction and the future residents could potentially park in his neighborhood.

Sylvia Sibrover of 915 2<sup>nd</sup> Street recommended that the parking spaces should not be unbundled from the residential units and the CIP for the voluntary housing contribution should be eliminated.

Mary Ella Posey, President of the North East Citizens Association spoke in favor of the project, recommended that the CPI be removed and the 0.9 parking ratio for the residential portion of the first phase is acceptable if the parking is not unbundled from the residential units.



KEY MAP



CDD CONCEPT  
PLAN# 2011-0002  
SUP TMP# 2011-0039

7/7/2011



# **I. SUMMARY**

## ***A. Recommendation***

Staff recommends **approval** of CDD #15 – First Amendment, Concept Plan #2011 – 0002 and of the application to replace the approved Transportation Management Plan Special Use Permit (TMP SUP 2007-0079) with TMP SUP2011 – 0039, which includes the City’s most current standards. These amendments will allow for a logical progression of the proposed development and associated infrastructure from the southern portion of the property to the northern property line and update the TMP to allow for more flexibility with each phase of development.

## ***B. Summary of Issues***

The applicant/developer, Jaguar Development, LC, has submitted a request to amend various portions of the CDD #15 zoning approval. In March of 2008, the applicant requested and received approval of a rezoning from CRMU-H and OCM-50 to CDD #15, a text amendment to the City’s Zoning Ordinance, a master plan amendment, and a Special Use Permit for a Transportation Management Plan (TMP) for the subject property. Since the time of the approval, the economic climate has changed significantly resulting in a delay of the first phase of the proposed development.

The applicant is requesting some changes to the original approval in an effort to facilitate the redevelopment of this under-utilized property within close proximity to the Braddock Metro Station. While staff supports the majority of the requests, there are some proposed changes that warrant a more detailed discussion. Some of the key issues include:

The applicant’s request for:

- A waiver of the yearly adjustment to their voluntary housing contribution of \$5 million dollars based on the Consumer Price Index (CPI). The applicant requests a complete waiver of the CPI adjustments, while City staff is supporting a five year waiver only.
- A reduction of the approved parking ratio of 1.0 space per dwelling unit per the Braddock Metro Neighborhood Plan to a 0.9 parking ratio for the first phase of residential development.
- Changes to the approved phasing plan of the CDD development.
  - Reallocating the first phase of the development to the southern landbay (Landbay II) adjacent to First Street and the associated infrastructure;
  - Reallocating the landbay adjacent to the Yates property (Landbay I) to the second phase; and
  - Coupling Landbay VI – the park – with the second phase.
- Modifying the associated infrastructure improvements to the new phasing plan.

## **II. BACKGROUND**

### ***A. Site Context***

The site is surrounded by a variety of uses including warehouse facilities, an automotive service station, professional offices, a residential apartment building, a fast food restaurant, and vacant land. The mixture of residential, light industrial, and office uses has characterized the neighborhood for a number of years, with the site primarily being characterized by light industrial uses due to its location adjacent to the rail lines. In addition to the rail lines, the site is in close proximity to Route 1 and the low-scale residential neighborhoods that are positioned immediately east of this major thoroughfare. The site is divided into two areas: the northern area is approximately six acres and the southern area is approximately one acre, separated by the Yates property. The site is currently occupied by four warehouse facilities, surface parking lots, and vacant land.

### ***B. Development Approval Process***

The applicant approached the City in 2005 with a proposal for a mixed use development on the southernmost one acre portion of the property. Subsequent to the initial plan submission, the applicant acquired six additional acres north of the one-acre site. Accordingly, staff encouraged the applicant to consider a coordinated development for the overall site. During these early discussions, the Braddock Metro Neighborhood planning process commenced and the notion of increased height and density on this site, as well as the provision of a large public open space was discussed by the community. As a result of these discussions, the applicant proposed a conceptual development plan with coordinated site design, increased building heights, public open space, underground parking, and other public benefits.

CDD #15 and the Braddock Metro Neighborhood SAP were both approved at the March 2008 City Council hearing. It was agreed that the CDD complied with the new Braddock Metro Neighborhood SAP principals and policies. The CDD Concept Plan permits up to five buildings within five landbays and a central green. All of the required parking for the proposal is located within three 2-3 level underground parking garages with approximately 60 on-street parking spaces are proposed on the newly created streets.

During this review process there were several applications that were combined within the body of the staff report and the subsequent recommended conditions of approval. When the DSUP for the first phase of this project comes forward, the CDD and DSUP conditions will be separated out for clarity. This will require an additional technical amendment that will separate the CDD or zone district conditions from the conditions that are more directly related to the DSUP process. These future changes will facilitate and clarify the development process and confine any subsequent amendments to development portion of the application.

### **III. PROJECT DESCRIPTION and STAFF ANALYSIS**

CDD #15 – First Amendment consists of several changes to the CDD and TMP that will be discussed within this report individually.

#### ***A. Phasing Amendments***

The approved CDD #15 has a specific language with respect to how it was anticipated for the development to build out in each of its phases. The CDD language does allow for flexibility for an administrative review of a revised phasing plan that is required to be submitted with each DSUP application. However, if the proposed revision to the phasing plan requires a change to infrastructure improvements, the revision shall be reviewed by Planning Commission and approved by Council. In this case, the proposed revisions do require a change to the infrastructure improvements and that is why this case is coming forward at this time.

The first amendment is to revise language that requires the applicant to construct improvements on Fayette Street after three (3) years of the approval of the Concept Plan. This condition would have required this construction to have commenced this past March. The applicant is requesting that these improvements be required prior to the issuance of a Certificate of Occupancy for the first phase. Staff supports this request.

The second phasing amendment is to reorder the phases by starting construction at the southernmost portion of the development and then moving northward with the development and the associated infrastructure. The current approved first phase of development occurs in the middle of the site; it includes a residential building directly north of the Yates property and is adjacent to the central green. The thought at that time was to get some public benefit – the park – early in the development process as opposed to the later phases. Staff concurs with the applicant that it makes sense to progress from one end of the site to the other. While the park construction will be delayed under the current phasing proposal, it will not be unduly delayed and has been coupled with second phase of development, along with other associated improvements. Staff supports this revision.

The final phasing amendment relates broadly to the construction of any necessary infrastructure that would be required due to the phasing changes noted above, such as the streets that circumvent the park, installation of conduit along Route 1, etc. These improvements would be reviewed when each DSUP application is submitted. Staff supports these technical amendments.

#### ***B. Affordable Housing***

As part of the negotiations that resulted in CDD rezoning that increased the site's floor area ratio from 1.5 to approximately 2.5 FAR, the developer offered a voluntary affordable housing contribution in the amount of \$5 million. The approved CDD conditions provided a schedule for the payment of the contribution and specified that each payment would be made in 2008 dollars based on the "U.S. Bureau of Labor Statistic Consumer Price Index for All Urban Consumers, U.S. City Average, Housing Item." This amount exceeds the existing contribution formula

outlined in the “Developer Housing Contribution Work Group Report” dated May 2005, which was received by City Council in June, 2005.

Based on the existing formula the contribution amount would otherwise be \$2,349,012, as calculated below:

- \$1.50 x 81,967 s.f. of commercial space
- \$2.00 x 441,454 s.f. of residential space within 1.5 FAR<sup>[1]</sup> (Tier 1)
- \$4.00 x 335,789 s.f. of additional residential space due to 2.5. FAR (Tier 2)

The voluntary contribution ultimately approved with CDD # 15 went from the \$4 per square foot to more than \$11 per square foot on the additional square footage gained through the rezoning process. While the applicant agreed to this voluntary payment, the economic/financing environment of 2011 is much different than that of 2008 when the contribution was offered. The applicant has pursued various venues to secure financing and claims that the \$5 million for affordable housing contribution is still feasible, but contends that given the amount of the voluntary contribution, linking the contribution to the CPI is an undue burden. Therefore, the applicant is requesting relief from that portion of the approved condition. (Cond. 31-33 of CDD 2007-0002)

Staff acknowledges that the applicant has volunteered a sizeable contribution to the housing fund, but believes that this contribution was an important part of the negotiation that resulted in the rezoning of the property to the CDD #15 and that negotiation included the CPI escalation clause. Furthermore, due to the contribution amount offered by the applicant at the time of the original approval, other avenues such bonus density and/or height increases in exchange for on-site affordable units were not used. Because of the growing gap between market rate and affordable rents, particularly in transit-oriented areas, even a handful of affordable units that could have been yielded through this approach would have proved extremely valuable, perhaps exceeding the tendered \$5 million. Given the current delay of the project by three years, the timeframe for which a CDD is approved, and likelihood of project build out occurring over several years, staff has concerns that removing all CPI escalation will cause much of the value of the additional contribution yielded from the rezoning process to be lost to inflation. This would be great loss considering the demand for affordable housing units.

In an effort to reach some middle ground, staff recommends that the CPI escalation be deferred until five (5) years after the approval of this CDD amendment. This would delay CPI escalation by a total of eight (8) years from the original approval, and provide the applicant time to construct some units and create a money stream to fund the contribution. Staff’s current proposal does not in any way preclude the applicant from an early payment of the contribution to thereby avoid CPI appreciation for the entire project. Staff recommends approval of the modification to allow for a five (5) year delay of the inclusion of the CPI adjustment from the time of this CDD approval.

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<sup>[1]</sup> Please note that the 2008 calculation used a higher \$2/sf amount based on condo development (instead of \$1.50/sf for rental) because the project was originally intended to be condos. The first phase is now intended to be market rate rental.)

### ***C. Transportation Management Plan***

The previously approved Special Use Permit for a Transportation Management Plan (SUP TMP 2007- 0079) was fairly specific with the stated requirements and conditions. Since the time of the CDD's approval, the City has reviewed the TMP language and presented the new TMP concept plan to Council in a memo dated December 8, 2010 which was presented and approved at the December 14, 2010 Council hearing. The new TMP concept plan addresses the following items:

- Flexibility to evaluate and adjust TMP requirements every 2-3 years based on meeting goal objectives,
- Non-compliance fee for failure to provide mandatory TMP reporting,
- Coordinating TMP programs and resources to maximize efficiencies with adjacent neighboring developments,
- Providing for a consistent application of a fee structure, and
- Providing discounts for projects within close proximity to metro.

The revision to replace the previously approved Transportation Management Plan with the more updated TMP language is staff initiated and supported.

### ***D. Parking***

#### ***Ratio of 0.9 Spaces per Residential Unit***

The applicant is requesting that the current approved parking ratio of 1.0 parking space per residential unit pursuant to the Braddock Metro SAP be reduced to 0.9 parking space per residential unit. The applicant contends that given the close proximity to the Braddock Metro station and City's "green" policies that the reduction is justified and warranted. The applicant provided staff with a parking study performed by Grove Slade, which demonstrated that similar high rise developments in the area have a surplus of parking with an average parking occupancy ratio of 0.87 spaces per residential unit, including visitor parking. The total proposed parking ratio, including the proposed 15% visitor parking, is 1.03 spaces per residential unit. With convenient non-car based methods of transportation, including Metro, the proposed Route 1 BRT line, local DASH bus service, and the Landbay K bike trail with linkages to both the Mt. Vernon Trail and the Four Mile Run Trail, staff believes the proposed ratio of 0.9 spaces per residential unit with an additional 15% visitor parking, will provide adequate parking to serve this phase of development.

#### ***Off-site Visitor Parking***

The applicant is requesting to provide 23 visitor parking spaces on site and 14 parking spaces off-site on Landbay V which is approximately 85 feet from the proposed development within Landbay I. While visitor parking spaces are not required by the City's Zoning Ordinance, it has been a standard procedure to request a minimum of 15% on-site parking for the development's visitors. This parking strategy is further documented within the Braddock Metro Neighborhood SAP.

Staff has concerns about not providing on-site visitor parking within the first phase of development. The CDD's first phase is physically separated from the remaining portion property by the Yates parcel. And while providing parking in a later phase may meet the intent of the City's parking strategy, the spaces are not located on an immediately an adjacent property. Another concern is that the proposed Phase I is the largest building with potentially the greatest parking demand which could possibly burden the later phases of the CDD.

In an effort to balance the requested reduction of on-site visitor parking with the applicant's desire use parking that current exists within close proximity to the site and the parking space ratio reduction to 0.9 spaces per residential unit, staff requests that a minimum of 60% of the visitor parking be located on-site with the remaining spaces to be located on Landbay V.

### ***E. Update conditions to meet current City standards.***

As indicated earlier in the report, the review in 2008 that resulted in the CDD rezoning included a series of conditions that combined not only zoning issues, but also topics that are typically addressed in DSUPs. Some of those development conditions have subsequently been changed and updated. As part of this review process, staff has made some of those changes for the following topics.

#### ***Green Building***

Since the approval of this CDD, the City has adopted a Green Building Policy that requires buildings to achieve a LEED Certification or an equivalent (under other accrediting entities such as Earth Craft, Green Globe, etc.) The level of environmental enhancements for development within this CDD was less stringent than today's policy. The applicant had to achieve 26 LEED points, but was not required to have the project registered or certified by LEED. Subsequently, the LEED criteria have changed, as have the point distribution for the varying levels of LEED certification. While this requirement was appropriate during the 2008 review prior to the City's adoption of its Green Building Policy, staff believes that the City's current adopted policy should be met and the buildings constructed as a part of this project should be required to achieve LEED Certification for residential or LEED Silver Certification for non-residential (or the equivalent of these certifications under a different system.)

#### ***Stormwater – Sanitary Infrastructure***

During the 2008 review process, the applicant and City staff reviewed the potential impacts of the future development on the City's infrastructure. The review warranted that the applicant provide more detailed analysis of the potential impacts to infrastructure and in particular to the City's the stormwater system. Subsequently, the City has undertaken a more detailed analysis of the City's infrastructure and requires additional information and use of new technologies to help mitigate their potential impacts. The amendments and addition of the conditions in the areas of stormwater and sanitary sewer infrastructure are reflective of more specific information that aligns with the City's adoption of its Eco-City Charter.

#### **IV. COMMUNITY OUTREACH**

The applicant met with members of the community by attending the West Old Town Civic Association meeting on June 9, 2011 and held an additional community meeting on June 13, 2011 at the Charles Houston Recreation Center. At both these meetings there was discussion of the requested changes to the CDD/TMP and the community was informed that a development special use application would be submitted to the City early this fall. The community's overall response to the proposed changes was supportive. The applicant will also attend the Braddock Metro Neighborhood Plan Implementation Advisory Group on June 24<sup>th</sup> to present the proposal.

#### **V. CONCLUSION**

In conclusion, staff recommends approval of the CDD #15 –First Amendment as presented in this report and the new TMP SUP #2011-0039 to replace the previously approved Transportation Management Plan. Staff believes the proposed changes comply with City standards and policies and has included the following recommended conditions.

STAFF: Faroll Hammer, Director, P&Z  
Mildrilyn Davis, Director, Housing  
Gwen Wright, Chief, P&Z  
Eric Keeler, Chief, Housing  
Patricia Escher, Principal Planner, P&Z  
Jon Frederick, Housing Analyst, Housing  
Matthew Melkerson, Civil Engineer IV, T&ES  
Megan Cummings, Transportation Planner, T&ES

Below is a list of conditions modified by this application.

**Conditions modified by this application:**

Conditions: 2, 4,

Condition 6

Streets: a-e,

Central Open Space: a,

Gateway Open Space: b,

Off- Site Improvements: a, b

Conditions 7, 8b, 9, 10, 13, 15, 21, 27-34, 36-38, 41, 42-45

Due to the reformatting of the conditions, some of the original conditions numbers were modified.

Findings were update and amended.

A finding was added that determined that though the CDD #15 – First Amendment approval process – CDD #15, Phase 1 is considered a catalyst project pursuant to the Braddock Metro Neighborhood SAP

## VI. STAFF RECOMMENDATIONS

### A. GENERAL:

1. Any preliminary development plan(s) for the CDD, filed or pursued under § 5-605 of the Zoning Ordinance, shall be consistent with, and shall meet all requirements which are part of the Concept Plan and all applicable provisions of the City's Braddock Metro Neighborhood Master Plan. (P&Z)

2. [CONDITION AMENDED BY STAFF]

Notwithstanding any contrary provisions in the Zoning Ordinance, the Braddock Gateway CDD #15 - 1st Amendment - Concept Plan (~~CDD# 15-~~ hereby referred to as the Concept Plan), shall remain valid until December 31, 2027. (P&Z)

3. Each Landbay within the Concept Plan (Landbay I, Landbay II, Landbay III, Landbay IV, and Landbay V) and all other applicable approvals to redevelop or develop any of the landbays pursuant to the approved Concept Plan shall obtain approval of a subsequent development special use permit. The central park-open space shall require approval of a separate Landbay (Landbay VI) and shall require approval of a development special use permit. (P&Z)

### B. PHASING:

4. [CONDITION ADDED BY STAFF] The 1st Amendment to CDD #15 shall revise the proposed development phasing plan and any associated infrastructure and improvements. The proposed phasing plan associated with this amendment shall designate Building #2, located on First Street to be reassigned to the first phase, and shall be referred to as Building #1, Landbay I hereafter. The amendment shall designate the former Building #1, located south of the central open space to be referred to as Building #2, Landbay II, Phase II, hereafter.

### C. STREETS-INFRASTRUCTURE:

5. The first preliminary development special use permit that is filed for the CDD shall be accompanied by a CDD Phasing Plan, which shall be updated and amended to the extent necessary with each subsequent preliminary development plan for each of the landbay(s). A preliminary development plan shall not be approved unless the Director of P&Z and the Director of T&ES have approved the CDD Phasing Plan which accompanies the development special use plan application(s). (P&Z)

6. [CONDITION AMENDED BY STAFF] The applicant shall be responsible for dedicating all necessary right-of-way and or public access easement(s) as required herein.

Where a public access easement is provided, the easement(s) shall be a perpetual public access easement for vehicles and pedestrians, excluding the central open space which shall be a perpetual public open space easement. Construction of the infrastructure and open space improvements required herein shall be completed in accordance with the dates or events required herein unless an amendment to the CDD Phasing Plan is approved by City Council in conjunction with the approval of a preliminary development plan for the CDD. (P&Z)

## Streets

### [CONDITIONS AMENDED BY STAFF]

a. Building(s)–Landbays

The first landbay – building(s) to be constructed shall be Landbays I & VI, followed by Landbays II & VI, Landbay III, Landbay IV and finally Landbay V. An amendment to the phasing of the landbays shall require approval of an amendment to the CDD Phasing Plan. (P&Z)

b. Fayette Street Extension

All necessary right-of-way dedication plats and applicable documents shall be reviewed and approved by the City prior to the release of the first DSUP Site Plan. ~~approval of any Preliminary Plan of the landbay(s) and/or building(s). If construction does not commence within thirty six (36) months of approval of the Concept Plan.~~ The applicant shall install all pedestrian improvements depicted on the western portion of Fayette Street adjacent to Landbay I, which shall consist of the sidewalks, street trees and street lights as depicted on the approved Concept Plan prior to the first Certificate of Occupancy (CO) of Phase I. The remaining pedestrian improvements to Fayette St. shall be completed prior to 1<sup>st</sup> CO for Phase II. (P&Z)

c. Payne Street Extension

The construction and all necessary easement(s) and/or dedication of Payne Street to the west of Landbay I, and Landbay II to the southern property line of 1100 N Fayette Street and the entire perimeter of the road surrounding the central park ~~open. (including only the curb and gutter on the north side of the road surrounding the central park)~~ shall be constructed and operational prior to the first certificate of occupancy permit for the first landbay (Landbay I) and/or building(s). The construction of the street(s) shall consist of all necessary street trees, street lights, sidewalks and pedestrian improvements for the construction of the streets and other requirements as deemed necessary by the Directors of P&Z and T&ES as part of the initial preliminary development special use permit. (P&Z)

e.d. New Park Streets —

The construction of the streets other than Fayette Street and Payne as required herein which are the streets located within Landbay II, Landbay III, and Landbay

IV and Landbay VI - shall be constructed including all necessary easements and/or dedication prior to a certificate of occupancy permit for any building(s) within Landbay II, Landbay III and/or Landbay IV. (P&Z)

d.e. The following table sets forth the dimensions and elements for all streets and minimum sidewalks within the Concept Plan. All streets in the Concept Plan as required herein shall be publicly dedicated streets/sidewalks or publicly accessible streets/sidewalks through the provision of a public access easement(s), and shall be consistent with the Braddock Metro Neighborhood Plan. The following table sets forth the minimum right-of-way and/or public access easement(s).

Street Right of Way		Public Access Easement(s)	
		Access Easement Width	Private Road or Public Access Easement
Landbay I	North Payne Street shall be extended to intersect with the <u>southern property line of Land bay II. new northern most section of the park roads.</u>	Road width varies from 26' to 38'	Public Access Easement
Landbay II & Landbay VI	North Payne Street extended to northern park road. North Fayette Street shall be extended to intersect with the new northern most section of the	New ROW width 66' Road width varies from 35' to 43'	Combined Dedicated Public ROW and Public Access Easement
	2 new park roads intersecting  N. Payne and N. Fayette on the	Road width varies from 18' to 26'	Public Access Easement
	8' Wide Trail	8' wide	Public Access
	Sidewalks (except on the northern park	14' to 20' wide	Public Access Easement
Landbay III	North Payne Street and North Fayette Street	Road width varies from 18' to 24'	Public Access Easement
	8' Wide Trail	8' wide	Public Access
	Sidewalks	14' to 20' wide	Public Access
Landbay IV	22' EVE	22' wide	Public Access Easement
	8' Wide Trail	8' wide	Public Access

	Sidewalks	14' to 20' wide	Public Access
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**Open Space /Pedestrian:**

Central Open Space

- a. A preliminary development plan for the construction of the central open space – park shall be submitted with the first Landbay II. The central open space shall be a passive open-space park with a series of spaces that will provide out door rooms for recreation. The park design will receive public input from the local residents, be coordinated with City staff and contain interpretative elements recalling the history of the site. The primary purpose of this open space is to provide a passive open space area lined with street trees, a combination of grassy and hardscape areas and a focal element such as a monument or statue. The park shall be a minimum size of 29,900 +/- sq.ft. with a minimum width of 105 +/- feet and a minimum length of 285 +/- feet. Construction shall occur in conjunction with the development of Landbay-II and shall be completed prior to the certificate of occupancy for Landbay- II. The central open space shall be fully accessible to the general public through the provision of a public access easement. The applicant shall be responsible for all maintenance associated with the central open space. A structure such as a pavilion-trellis may be permitted-required within the space if approved by the City as part of the development special use permit. This space shall be designed as an area suitable to accommodate informal community gatherings and events. As one of the principal open space-parks of the Braddock neighborhood the open space shall be created with the highest quality materials, paving, design and amenities. (P&Z) (RP&CA)

Gateway Open Space

**[CONDITION AMENDED BY STAFF]** ~~In the event the property currently owned by Potomac Yard Development, LLC (TM 44.03-08-01) is acquired by the City and/or the applicant and/or an open space landscaping easement is provided for the property, the applicant shall be responsible for providing landscaping and trees for the site. The applicant shall be responsible for preparing a landscape plan for approval as part of Landbay IV. The applicant shall provide pedestrian access through and across the City property formerly known as Landbay N of Potomac Yard.~~

- b. ~~The landscaping-pedestrian trail and associated improvements shall be completed prior to the issuance of a certificate of occupancy permit for Landbay IV. The applicant and and/or sucessor's homeowner's association shall be held harmless based upon long standing practices for improvements made on City owned property. The City shall be responsible for the proper maintenance of this property. The material for the trail shall be to the satisfaction of the Director of T&ES. (P&Z, T&ES- RP&CA)~~

- c. **Powhatan Park.**
  - i. The applicant shall provide a monetary contribution for improvements/maintenance to Powhatan Park, pursuant to the Braddock Metro Neighborhood Plan, which shall be paid prior to the issuance of the first certificate of occupancy permit for the first Landbay(s) and/or building(s). The City shall be responsible for the design and installation of the improvements/maintenance which may include fencing, lighting, sidewalks and streetscape improvements adjacent to the park on Route 1, landscaping and signage which shall be designed in consultation with the adjoining community. (P&Z) (RP&CA)
  - ii. The applicant shall be responsible for pedestrian improvements at the terminus of Bashford Lane and Route 1 which shall consist of elements such as landscaping, lighting, and sidewalk improvements to -the satisfaction of the Directors of P&Z and T&ES and in consultation with the community. The improvements shall be installed prior to the certificate of occupancy permit for the first Landbay and/or building. (PC)
  
- d. **Building Courtyards**

The internal courtyards adjacent to each building(s) shall be designed to function as high-quality usable open space for the residents. The internal courtyard shall include enlarged and more detailed plan(s) of each courtyard, which may include such features and elements as seating, trash receptacles, pedestrian scale lighting, alcoves and trellis, varied and high quality paving materials, landscaping plan including deciduous, evergreen, and flowering plant materials, with irrigation systems. (P&Z) (RP&CA)
  
- e. **Sidewalks**

Sidewalks along Fayette Street shall be a minimum of 20' wide (16' unobstructed) with 4' X 10' tree wells. All other sidewalks shall be a minimum of 14' wide (10' feet unobstructed) with 4' X 10' tree wells. (Excludes railways and other paths.) (P&Z)

**Off-Site Improvements:**

- a. **Intersection of Route 1 and North Fayette Street**

The applicant shall install a traffic signal at the intersection of Route 1 and North Fayette Street to include matte finish black poles, mast arms, pedestrian countdown heads, accessible pedestrian push buttons, traffic signal heads, and controllers, etc.

The signal and associated improvements of the intersection of Fayette Street and Route 1 shall be constructed and operational prior to the first certificate of occupancy permit for the ~~first~~second Landbay(s) and/or building(s). (T&ES)

b. Improvements along Route 1

The applicant shall install one 4" conduits with pull wires, and junction boxes located at a maximum interval of 300' along Route 1. These conduits shall terminate in an underground junction boxes at the signals located at Fayette Street and First Street prior to the first certificate of occupancy permit for the ~~first~~second landbay(s) and/or building. (T&ES)

c. Intersection of Route 1 and First Street

The applicant shall provide a prorated contribution for design and construction of signal modification, pedestrian improvements and geometric improvement at the intersection of Route 1 and First Street. Signal improvements on north side of the intersection shall include countdown pedestrian signal heads, accessible pedestrian push buttons, traffic signal heads, mast arms, poles etc. The applicant shall provide prorated share for design and construction of signal modification, widening median opening, accessible ramps and crosswalk markings. (T&ES)

d. Braddock Metro Neighborhood

Streetscape Improvement Fund-- The applicant shall provide a monetary contribution to the Braddock Metro Neighborhood Streetscape Fund for pedestrian and streetscape improvements as required within the Braddock Metro Neighborhood Plan. The monetary contribution shall be evenly apportioned to the square footage with each Landbay. The monetary contribution apportioned to each Landbay-building(s) shall be shall be made prior to the release of the first certificate of occupancy for each Landbay building. (P&Z)

e. Braddock Metro Neighborhood Open Space Fund

The applicant shall provide a monetary contribution to the Braddock Metro Neighborhood Open Space Fund for open space acquisition and improvements as required within the Braddock Metro Neighborhood Plan. The monetary contribution shall be evenly apportioned to the square footage with each Landbay. The monetary contribution apportioned to each Landbay and/or building(s) shall be shall be made prior to the release of the first certificate of occupancy for each Landbay and/or building. (P&Z)

**D. USES**

7. [CONDITION AMENDED BY STAFF] The allowable gross square footage, uses and heights shall be governed by the following table, which shall also be reflected in the

approved Concept Plan and CDD zoning table.

Landbay	Retail	Office	Residential	Live Work	Total	Min. Height	Max. Height
I	5,000 sf+ 1,500 sf +		160,000 sf+ 280,000 sf +	2,000 sf+	167,000sf+ 281,500 sf+	30'	40'-145' 68''-150
II	10,000 sf+		280,00sf+ 160,000 sf+	2,000 sf+	290,000 sf+ 172,000 sf	30'	68''-150 40'- 145''
III			220,000sf+			30'	40'-130'
IV			116,000 sf+			30'	86'-105'
V		70,000 sf+			70,000 sf+	30'	82'
VI	NA	NA	NA	NA	NA	NA	NA

\* Hotel use is flexible and not tied to a specific Landbay. The office use is flexible, but at a minimum is tied to Landbay 5. Square footage of residential development will be adjusted accordingly with each DSUP submission.

8. The uses within the CDD shall consist of a mix of uses with the CDD that shall consist of residential, office, hotel and ground floor retail and public open space. The CDD shall be limited to a maximum net floor area of 770,000 sq.ft. for all of the Landbays. To achieve a mix of uses within each Landbay and within the CDD Concept Plan area, the applicant may be permitted to substitute hotel, residential or office uses within each Landbay with the approval of each development special use permit for each Landbay(s) and/or buildings and shall be subject to the following:
  - a. The substitution of uses shall maintain a mix of uses that shall be a minimum of 10 % commercial office and/or hotel use and a maximum of 40% commercial office and/or hotel use and a minimum of 60% residential uses and a maximum of 90 % residential uses. The substitutions shall also maintain an appropriate mix of uses within the Concept Plan but also an appropriate mix of uses within each portion of the Concept Plan.
  - b. The minimum ground floor retail uses and live-work uses required within each Landbay as required by the CDD table shall not be permitted to decrease below 5%, although the maximum amount of ground retail may be increased to an amount not to exceed 10 % of the total square footage of allowable retail.
  - c. Any substitution of the uses/square footage permitted within the CDD\_Concept Plan area shall occur on a one for one basis for all of the uses.
  - d. The proposed substitutions of uses are consistent with the intent of the CDD to

create a mixed-use, pedestrian-oriented transit-oriented development.

- e. A traffic and parking study shall be provided for any proposed substitutions which shall address the proposed substitution(s) and each substitution shall be responsible for addressing any impacts or changes as part of each development special use permit review(s) (P&Z)

9. **[CONDITION AMENDED BY STAFF]** A full-service restaurant with outdoor seating may be approved administratively in accordance with Sec. 11513 (L) (M).of the City's Zoning Ordinance.

~~within areas approved for ground floor retail uses by the Director of P&Z., provided that any restaurant approved under this provision complies with the conditions listed below. Restaurants that do not meet these criteria shall be subject to subsequent special use permit approval.~~

- a. ~~Restaurants shall close no later than 12:00 a.m.~~
- b. ~~All patrons shall be seated by a host or hostess, printed menus shall be provided at the tables, service shall be provided at the tables by a waiter or waitress, and tables shall be preset with non-disposable tableware and glassware.~~
- c. ~~Deliveries to the business shall not take place between the hours of 7:00 a.m. and 9:30 a.m., or between 4:00 p.m. and 6:00 p.m., Monday through Friday.~~
- d. ~~If any food delivery services are provided, they shall clearly be accessory to dine in food sales, and all deliveries shall be nonvehicular(made on foot via bicycle, etc.). Alcoholic beverages shall not be delivered off site, and delivery of nonalcoholic beverages shall only be in association with food deliveries.~~
- e. ~~Alcoholic beverages may be sold for on premises consumption only, and shall clearly be accessory to food sales.~~
- f. ~~Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.~~
- g. ~~No food, beverages, or other material shall be stored outside.~~
- h. ~~Trash and garbage shall be placed in sealed containers, which do not allow odors to escape and shall be stored inside or in a closed container, which does not allow invasions by animals. No trash or debris shall be allowed to accumulate on site outside of these containers.~~
- i. ~~Litter on the site and on public rights of way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public.~~
- j. ~~Cooking odors, smoke and any other air pollution from operations at the site shall be properly ventilated and shall not be permitted to become a nuisance to neighboring properties, as determined by the Department of T&ES.~~
- k. ~~The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and a robbery awareness program for all employees.~~
- l. ~~Outdoor dining is encouraged and may be permitted administratively by the Director of P&Z subject to the following minimum criteria and conditions:~~
  - i. ~~All outdoor dining areas shall be accessory to the indoor restaurant.~~

- ~~ii. An unobstructed pathway with a minimum width of 10 feet shall be provided at all times.~~
- ~~iii. Any permanent structures which are required for the outdoor seating area shall be subject to review by the Director of P&Z.~~
- ~~iv. Live entertainment shall be permitted in the open space plaza near the outdoor seating area provided that the applicant contacts both the adjacent residential neighbors and civic associations and obtains the approval of the Director of P&Z.~~
- ~~v. No sound amplification shall be permitted in the outdoor seating area.~~
- ~~vi. Any outdoor seating areas shall not include advertising signage. The design of the outdoor seating shall be compatible with the design of the building.~~
- ~~vii. On site alcohol service shall be permitted; no off premise alcohol sales are permitted.~~
- ~~viii. No food, beverages, or other material shall be stored outside.~~
- ~~ix.i. The applicant shall provide, at its expense, one city trash container Model SD-42 exclusively for the outdoor dining area. The trash container shall be emptied at the close of business each day. (P&Z)~~

~~9-10. [CONDITION AMENDED BY STAFF] The ground floor retail tenant spaces, as depicted within the CDD Concept Plan table and the CDD Concept Plan shall be solely utilized by retail uses including: a store engaged in the sale of goods for personal service use that shall include bakeries, barber shop/beauty salon, banks, bookstores, clothing, clothing accessories, copier/reproductions, department stores, drugstores, dry cleaners (not dry cleaning plant), florists, cigar shops, travel agencies, health and sport clubs, groceries, jewelry, coffee shops, hardware stores, toy stores and restaurants or other similar pedestrian-oriented uses as approved by the Director of Planning & Zoning. The floor-to-floor height of the retail space shall be a minimum of ~~15-20~~14 ft. (P&Z)~~

~~10-11. In the building(s) with required ground floor retail, exhaust vent shafts shall be located within the retail space to accommodate ground floor restaurant uses. (P&Z)~~

~~11-12. For the purpose of these concept conditions, "live/work" is defined to include an area of the primary residence that is an ancillary use for working professionals and artisans. The ancillary use may not exceed the total square footage of the unit by 50%. The uses shall not be detrimental to the character and livability of the surrounding neighborhood and the viability of the dwelling unit is maintained. The units may not be used for repair or assembly or manufacturing of items that would require use of hazardous materials or generate noise greater than a 50dba. The exterior of the units must remain residential in appearance and character. Any commercial deliveries to the unit shall occur between the hours of 8am to 5pm. (P&Z)~~

~~12-13. [CONDITION AMENDED BY STAFF] The existing warehouse and office building(s) presently located within the CDD Concept Plan are acknowledged and shall be treated as existing buildings and shall be subject to the existing underlying OCM-50 zoning or CRMU-H as applicable, except that commercial parking and/or vehicle storage on any of~~

the Landbays, exclusive of Landbay IV, National Car Rental System, Inc., as permitted pursuant to special use permit (~~SUP#00-0039~~SUP#2010-0028) shall be prohibited. Other use(s) that prohibit or impede the implementation of the CDD Concept Plan shall be prohibited. The existing commercial parking and storage shall cease operation prior to the commencement of construction. In addition to the preliminary development plan approval that is required for every building constructed within the CDD pursuant to an approved concept plan, any use locating within the existing building(s), which is a "special use" under the zoning regulations in effect at the time of this concept plan approval shall obtain a separate special use permit, pursuant to § 11-500 of the Zoning Ordinance. (P&Z)

**E. SITE PLAN:**

~~13.~~14. The applicant shall locate all proposed and existing above grade utility lines for each Landbay(s) within the Concept Plan below grade with the development and/or redevelopment of each Landbay(s). In addition, the applicant shall be responsible for locating the utility lines at Fayette Street and Route 1 below grade prior to the first certificate of occupancy of Landbay II. The cost of undergrounding the utilities at Fayette Street and Route One shall offset the applicant's contribution to the Braddock Metro Neighborhood Plan Implementation Fund referenced above. The cost of locating the utility lines below grade shall be the sole responsibility of the applicant and/or its successors. All proposed and existing above-grade utility lines shall be located below grade prior to the certificate of occupancy permit for each building or structure. (P&Z)

~~14.~~15. [CONDITION AMENDED BY STAFF] The names of each public street dedicated for public use ~~or a street with a public access easement~~ within the Concept Plan shall be required in Phase II and receive subsequent approval by the Planning Commission. (P&Z)?

16. The applicant shall provide more fire hydrants with a closer spacing than the 100'. (Code)

~~15.~~17. The applicant shall place all new electrical transformers in locations as generally indicated on the revised Exhibit dated the February 15, 2008 from Rust Orling and screened to the satisfaction of the Director of P&Z or in underground in vaults which shall comply with all applicable Virginia Power standards. Ventilation grates may not be located within sidewalks or within public right-of-way-public access easement between the street curb and any building. The final location of the vaults shall be approved as part of the review of the final site plan for each building-landbay. (P&Z)

18. The applicant shall investigate the feasibility of providing at no charge, a conference room to community and non-profit organizations located in the Braddock Metro neighborhood area and Alexandria City government agencies at least 24 times per year during the hours of 8:00 a.m. to 10:00 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on

Saturdays on a space-available basis. (P&Z)

~~16.19.~~ A freestanding subdivision or development sign for any of the landbay(s) and or building(s) shall be prohibited. (P&Z)

~~17.20.~~ Due to the close proximity of the site to the Metrorail and CSX tracks the following conditions shall be included in the development requirements:

- a. Applicant shall prepare a noise study identifying the levels of noise that residents of the project will be exposed to at the present time, and 10 years into the future in a manner consistent with the Noise Guidance Book used by the Department of Housing and Urban Development (HUD).
- b. Identify available options to minimize noise exposure to future residents at the site, particularly in those units closest to the Metrorail and the CSX tracks, including: triple-glazing for windows, additional wall/roofing insulation, installation of resilient channels between interior gypsum board and wall studs, and any other special construction methods to reduce sound transmission. If needed, the applicant shall install some combination of the above to the satisfaction of the Directors of P&Z and T&ES. The noise study shall be submitted and approved prior to final site plan approval for each building. (T&ES)(P&Z)

21. [CONDITION ADDED BY STAFF] Each phase of the development shall meet the provisions of the Environmental Management Ordinance (Chesapeake Bay Preservation Act) in accordance with Article XIII of the City of Alexandria Zoning Ordinance for storm water quality and quantity control. The total 7.06 acres that encompass this CDD shall meet the Virginia Storm Water Regulations to be adopted in 2011 for parcels greater than 5 acres and/or the Environmental Management Ordinance (Chesapeake Bay Preservation Act), whichever is more stringent. (OEQ and Engineering)

~~18.22.~~ Landscape plan(s) will be provided with each future submission for each block/development site and at a minimum, include the following:

- a. Landscape plan will be provided, designed, developed, detailed, executed and maintained to the satisfaction of the Directors of Planning & Zoning, Transportation & Environmental Services and Recreation, Parks & Cultural Activities.
- b. Landscape plan shall be provided in accordance with Landscape Guidelines for the City of Alexandria, Virginia and shall include:
  - i. Reference Standards and Specifications/Notes
  - ii. Protection and Preservation of Existing Vegetation
  - iii. Specification and Location of All Plant Material
  - iv. Street Trees and Plantings in Parking Areas
  - v. Crown Coverage Calculations
  - vi. Bioretention Plantings
  - vii. Maintenance Standards and Requirements
- c. Landscape plan shall comply with the most current and up to date edition of the Braddock Metro Neighborhood Plan and Design Guidelines for Braddock as produced by the City of Alexandria, Virginia.
- d. Landscape plan shall be prepared and sealed by a Landscape Architect who is

- certified and licensed to practice in the Commonwealth of Virginia.
- e. Specification and Grading of all plant material shall be in accordance with The American Standard for Nursery Stock (ANSI Z60.1)-latest and most current edition as produced by the American Association of Nurserymen; Washington, DC.
  - f. In the absence of more strenuous specifications, plantings shall be installed in accordance with Landscape Specification Guidelines as produced by the Landscape Contractors Association of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland.
  - g. Proposed plantings shall be coordinated with on-site utilities. Horizontal and vertical location of all site utilities including storm and sanitary sewer, water, electrical, gas, street lights and associated appurtenances shall be adjusted to maximize accommodation of street and on-site plantings.
  - h. Project elements associated with pedestrian areas including sidewalks, crosswalks, depressed curbs, street and site lighting, site furnishings, signals and signs shall be located and coordinated so as maximize accommodation of street and on-site plantings. Horizontal and vertical location of all associated service, footings and foundations shall be adjusted to maximize accommodation of street and on-site plantings.
  - i. All planted areas, with exception of roof areas, shall have fully external on-site building access for maintenance equipment, personnel and associated materials.
  - j. All plantings associated with surface parking areas for development sites and those associated with the Braddock Metro Station shall comply with Landscape Guidelines for the City of Alexandria, Virginia.
  - k. All planted areas shall be served by an irrigation and water management system that is designed, developed, detailed, executed and maintained to the satisfaction of the Directors of Planning & Zoning, Transportation & Environmental Services and Recreation, Parks & Cultural Activities.
  - l. Irrigation and water management plans shall be prepared and sealed by an Irrigation Designer who is class certified for work of this complexity and licensed to practice in the Commonwealth of Virginia.
  - m. Every effort to retain existing trees and vegetation shall be made dependent upon development site and specific site conditions. Preservation methods and/or removal of all existing trees and vegetation shall be performed with prior approval by the City Arborist, and in accordance with Landscape Guidelines for the City of Alexandria, Virginia. (P&Z)(RP&CA)

- 49.23. The landscape plan requires substantial enhancement including additional plantings and a greater mix of shade, evergreen and ornamental trees, shrubs, groundcovers, perennial and seasonal plantings. Provide a landscape plan that complies with City of Alexandria Landscape Guidelines as amended April, 2007 including:
- a. Required planting notes on drawings.
  - b. Crown area coverage calculations including plantings above structure
  - c. Depth of soil for street trees in tree wells.
  - d. Demonstration of an overall site strategy for plantings including phasing of construction associated with above and below grade conditions.
  - e. All utilities.

- f. Distances between street trees.
- g. Existing vegetation to be removed, including location, size, and species of all trees 6" or greater.
- h. Provide landscape plan at a scale coordinated with site plan.

20-24. The following changes are required on the landscape plan:

- a. Street trees shall be sized in compliance with Shade Tree Type II as depicted in City of Alexandria Landscape Guidelines.
- b. Provide height specification for street trees, shade trees, ornamental trees and evergreen trees.
- c. Provide height specification for ornamental trees.
- d. Provide multi-trunk or single specification for ornamental trees.
- e. Provide planting details for tree wells.
- f. Provide planting details for staking trees above structure. Staked systems are not recommended.
- g. All grass areas shall be sodded.
- h. All grassed EVE areas shall be sodded and irrigated using an automated system.
- i. Above grade planters are not permitted for street trees and in open space area

21-25. Vents for the parking garages shall not be located in the central open space and to the greatest extent possible the remainder of the open space. Actual locations for the garage vents shall be determined with each phase of the development for each landbay and will be a part of each DSUP submission. Any vent located in the open space shall not be counted as open space and shall be discretely located and screened appropriately. (P&Z)(RP&CA)

## **F. BUILDING:**

22-26. Each proposed building(s) for each Landbay(s) shall be in conformance with the exterior elevations for each of the facades as submitted with the CDD Concept Plans sealed and or dated September 28, 2007. Any changes or revisions to the architectural elevations and/or massing other than the changes required herein shall require an amendment to the CDD Concept Plan, which shall require subsequent approval by the Planning Commission and City Council. In addition each building(s) shall at a minimum be subject to the following to the satisfaction of the Director of P&Z.

- a. The materials as represented on the elevations shall be entirely metal or masonry. Masonry materials shall be limited to brick, precast, stone. These materials will be used for each elevation including lintels and sills to the satisfaction of the Director of P&Z.
- b. Each building face along Fayette Street shall provide a building shoulder that will step down from the main portion of the building. The building shoulders shall have a varied width ranging from a 7' minimum. The height of the shoulders will be in accordance with the Attachment 1, dated February 15, 2008.
- c. Each subsequent submission shall include color elevations of the appropriate

building. The elevations shall indicate building materials and colors and conform to the Braddock Metro Neighborhood Plan and the design guidelines submitted with the Concept Plan.

- d. There shall be no visible wall penetrations or louvers for HVAC equipment, to the greatest extent possible. No wall penetrations shall be allowed for kitchen vents lower than ten feet above ground. Kitchen vents above ten feet shall be integrated into the design of the façade of the building, and painted to match the exterior of the building so that they are visually minimized from the public right-of-way. Dryer and bathroom vents shall be painted to match the building, and the portion visible on the exterior wall shall be subject to review and approval by the Director of Planning and Zoning. (P&Z)

27. [CONDITION AMENDED BY STAFF] Per the City's Green Building Policy adopted April 18, 2009, achieve a green building certification level of LEED Silver / LEED Certified / Equivalent to the satisfaction of the Directors of P&Z, RP&CA and T&ES. Diligent pursuance and achievement of this certification shall be monitored through the following:

- a. Provide evidence of the project's registration with LEED with the submission of the first final site plan.\*
- b. Provide evidence of submission of materials for Design Phase credits to the U.S. Green Building Council (USGBC) prior to issuance of a certificate of occupancy.  
\*\*\*
- c. Provide evidence of submission of materials for Construction Phase credits to USGBC within six months of obtaining a final certificate of occupancy.
- d. Provide documentation of LEED Certification (Silver is applicable) from USGBC within two years of obtaining a final certificate of occupancy.
- e. Failure to achieve LEED Certification for the residential project and /or LEED Silver for the commercial project will be evaluated by City staff, and if staff determines that a good faith, reasonable, and documented effort was not made to achieve these certification levels, then any City-wide Green Building policies existing at the time of staff's determination will apply. (P&Z)(RP&CA)(T&ES)

23. ~~[CONDITION REMOVED BY STAFF] The applicant shall hire a LEED-accredited professional as a member of the design and construction team. The accredited professional shall work with the team to incorporate sustainable design elements and innovative technologies into the project; specifically, the applicant shall provide a green vegetated roof on those portions of all of the building(s) not occupied by mechanical, service and associated areas to the greatest extent possible. The consultant shall also work with the team to incorporate sustainable design elements and innovative technologies into the project and achieve 26 points towards LEED-NC certification under the U.S. Green Building Council's System. The applicant shall also work with the City for reuse of the existing building materials as part of the demolition process, leftover, unused, and/or discarded building materials. The applicant shall be responsible for compliance with the green building requirements herein. Each successive building(s) and/or Landbay shall be evaluated based on the applicable green and/or sustainable standard(s) for each building(s) and/or Landbay.(P&Z) (T&ES)~~

## G. PARKING:

24.28. [CONDITION AMENDED BY STAFF] The applicant shall prepare a parking management plan with each development special use permit to the satisfaction of the Director of P&Z and T&ES, which shall at a minimum include the following:

- a. Each building/Landbay shall contribute to and participate in the management of parking assets within the development, as appropriate for the use of the building.
- b. Depicts the reallocation of surface parking spaces and the resulting impacts on the adjoining blocks.
- c. Single occupancy vehicle (SOV) parking at fair market rates.
- d. Reserved, conveniently located, and free vanpool parking space.
- e. Reserved, conveniently located, and discounted carpool parking spaces.
- f. Planning and implementation of special strategies related to major event parking relating to the requirements of any hotels or community activities within the concept plan.
- g. Parking rates for the parking within the underground parking garages shall be consistent with market rates of comparable buildings located in adjoining developments within the City of Alexandria, except that free parking may be provided for retail patrons.
- h. All office employees shall be required to pay market rates for parking; no parking may be provided free or at reduced rates or with costs reimbursed by the employer unless that employer provides an equivalent benefit to all employees who utilize transit options to commute; i.e., if an employer provides a \$100 parking space to an employee free of cost, that employer must also offer a pretax benefit for transit of \$100 to all transit users.
- i. Spaces defined as "short-term" parking shall be solely utilized for use by visitors and retail use and shall include all appropriate signage.
- j. As part of the development special use permit the possibility of shared parking will be explored as part of each use and building to determine if the underground garage could be accessible at market rates for other users within the Braddock area.
- k. Provide a plan that acknowledges the mixture of proposed uses on the overall site and explores the potential for shared parking spaces for those uses.
- ~~l. The applicant will park the proposed uses at the parking ratios required in the Braddock Metro Neighborhood Plan.~~
- l. In locations where underground garages are proposed, indicate the location and design of ventilation shafts, egress stairs, and dumpster/service areas. (P&Z)

29. [CONDITION ADDED BY STAFF] Phase I shall be parked at a ratio of 0.9 spaces/residential unit, plus 15% residential visitor parking. A minimum of 60% of the required number of residential visitor parking spaces shall be on-site. Phase I retail parking shall be parked at the ratios contained in the Braddock Metro Small Area Plan. (P&Z) (T&ES)

25.30. [CONDITION ADDED BY STAFF] All development phases subsequent to Phase I

shall be parked at the ratios contained in the Braddock Metro Small Area Plan for residential, retail, and office uses, unless a parking study justifying a change in the ratio is provided by the applicant and approved by the Directors of P&Z and T&ES. Any parking study justifying a change in the residential parking ratio shall include parking demand and occupancy data from all previous Braddock Gateway CDD development phases (as applicable) as well as data from several other comparable residential developments per T&ES requirements. Parking studies requesting a change in the retail and/or office parking ratios shall include data from all previous Braddock Gateway CDD development phases (as applicable) as well as data from comparable retail or office developments. (P&Z) (T&ES)

## **H. TRANSIT INCENTIVES:**

31. [CONDITION ADDED BY STAFF] The applicant shall participate in the revised Transportation Management Plan. According to Article XI of the City's Zoning Ordinance, a TMP is required to implement strategies to persuade residents and employees to take public transportation or share a ride, as opposed to being a sole occupant of a vehicle. (T&ES)
32. [CONDITION ADDED BY STAFF] Any special use permit granted by the City Council under this section 11-700, unless revoked or expired, shall run with the land and shall be mandatory and binding upon the applicant, all owners of the land and all occupants and upon all of their heirs, successors and assigns. Any use authorized by a special use permit granted under this section 11-700 shall be operated in conformity with such permit, and failure to operate shall be deemed grounds for revocation of such permit, after notice and hearing, by the city council. (T&ES)
33. [CONDITION ADDED BY STAFF] Prior to any lease/purchase agreements, the applicant shall prepare appropriate language to inform tenant/owners of the transportation management plan special use permit and conditions therein, as part of its leasing/purchasing agreements; such language to be reviewed and approved by the City Attorney's office. (T&ES)
34. [CONDITION ADDED BY STAFF] The applicant shall participate in the revised Transportation Management Program when established. The revised program will include the elements outlined in the December 8, 2010 memo to City Council on the December 14, 2010 docket and approved by the Council. The revision to the program includes a periodic review of the TMP to determine if goals are being met and will provide an opportunity to adjust the rates up or down up to a percentage cap. The revised TMP program will go before the City Council for approval. (T&ES)

35. If the City establishes a special taxing district for this area the condominium association, and property owners shall be required to participate in the district, so long as the participation is uniformly applied to all owners within the new district.

26. ~~[CONDITION REMOVED BY STAFF]~~ The applicant or successors shall create a transportation program and implement incentives to encourage the use of mass transit, carpooling, teleworking, and ridesharing and discouraging the use of single occupancy vehicles by residents and employees to the satisfaction of the Directors of P&Z and T&ES. The applicant shall fund a transportation management account at an annual rate of \$200 for each residential unit, \$0.25 per net square foot of retail and \$0.11 per net square foot of office. The amount shall increase annually in an amount equal to the CPI Index to be used exclusively for the transportation activities listed below. If requested by the Directors of T&ES and P&Z, the applicant shall contribute the required transportation management plan monetary contribution to a neighborhood Braddock Metro transportation fund or City transportation management plan. If the monetary contribution is not provided to a Braddock Area or City transportation management plan, the applicant shall create a program and implement incentives to encourage the use of mass transit, carpooling, teleworking, and ridesharing and discouraging the use of single occupancy vehicles to the satisfaction of the Directors of P&Z and T&ES by providing the following:

- a. ~~Discounted bus and rail fare media shall be sold to residents of the project including during hours that are convenient for residents. The fare media to be sold will include, at a minimum, fare media for Metrorail, Metrobus, DASH and any other public transportation system fare media requested by residents, employees and/or the Office of Transit Services and Programs. A shuttle service may be permitted if approved by the Director's of T&ES and P&Z. The availability of this fare media shall be prominently advertised.~~
- b. ~~A shuttle service may be permitted if approved by the Director's of T&ES and P&Z.~~
- c. ~~The project shall have a goal of a minimum of 50% of the residents and employees using transportation other than single occupancy vehicles during the peak time periods.~~
- d. ~~A carshare program shall be established and marketed as part of the ridesharing and transit marketing efforts for all buildings. Participation fees for the residents shall be included in the sales price and/or rent for the units or the COA/HOA fees. At a minimum at least two (2) parking spaces per parking garage and vehicles shall be reserved for the location of carshare vehicles. These spaces shall be in a convenient location for employees and residents and the TMP Coordinator shall arrange with any of the carshare companies for placement of vehicles in this project. (Currently, Zipcar has vehicles in the Alexandria area.). For those individuals that take transit, carpool/vanpool, walk, or bike to work the TMP program will pay the registration and annual membership fees (not the usage fees) to use the carshare vehicles. [Note: Participation fees involve registration and annual membership fees.]~~
- e. ~~The first payment to the fund shall be made with the issuance of initial residential Certificate of Occupancy permit. Payment shall be the responsibility of the developer until such time as this responsibility is transferred by lease or other legal arrangement to the property owner and/or condominium and/or retail association.~~

- ~~f. The TMP Association shall prepare annual fund reports detailing the number of units occupied, the rate for each unit, and a disclosure of the expenses financed with the fund. The fund report should include the proper supporting documentation.~~
- ~~g. The developer and/or the TMP Association shall develop an Annual Work Plan for approval by the Office of Transit Services and Programs (OTS&P). This work plan will be due on January 15th of every year. To fund the ongoing operation and management of the TMP, the TMP Association will assess each owner of property within the development following issuance of each building's certificate of occupancy. (T&ES)~~
- ~~h. The TMP Association shall conduct an annual survey to document the modes of transportation of its residents/employees. The results of the survey and the raw data shall be submitted to OTS&P on July 15th of every year. In conjunction with the survey, the TMP Association shall provide annual reports to OTS&P, including an assessment of the effects of TMP activities on community shuttle service, carpooling, vanpooling, transit ridership and peak hour traffic. The annual report should also include the compliance status of the approved parking management program for the project. An outside independent consultant, approved by T&ES, shall perform the audit and will certify to its findings.
  - ~~i. The initial report shall be submitted 1 year from the time of 60% occupancy of Braddock Gateway, Landbay I.~~
  - ~~ii. The annual report shall identify, as of the end of the reporting period, the amount of occupied residential units.~~~~
- ~~i. The applicant shall participate and cooperate with other developments in the Braddock Neighborhood area in a mutually agreed upon cooperative planning and implementation of transportation activities.~~
- ~~j. A ridesharing program shall be established that includes not only participation in the regional Metropolitan Washington Council of Governments Commuter Connections Program, but also site specific matching efforts.~~
- ~~k. A Guaranteed Ride Home Program shall be established and promoted as part of the ridesharing and transit marketing efforts.~~
- ~~l. Information about all transit, ridesharing, and other TMP elements shall be distributed and displayed to employers, and employees including transit schedules, rideshare applications and information, incentive information, parking information, etc. This information shall be kept current. Displays of these brochures and applications shall be provided in a prominent location within each building and a web site with this information and appropriate links to transit providers will be provided and maintained.~~
- ~~m. A TMP coordinator with experience in this occupation shall be designated for the project upon application for the certificate of occupancy permit for the first building. The TMP coordinator shall have an on-site office, and the name, location and telephone number of the coordinator will be provided to the City at that time, and the City will be notified at the time of any changes. This person will be responsible for implementing and managing all aspects of the TMP and the parking management program for the project, and for providing reports to the Office of Transit and Programs in the Department of T&ES.~~
- ~~n. The applicant shall prepare, as part of its leasing/purchasing agreements, appropriate~~

~~language to inform residents of the transit incentives plan, prior to any lease/purchase agreements; such language to be reviewed and approved by the City Attorney's office.~~

- ~~e. The TMP Coordinator shall organize activities to participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by advertising such promotions in a manner and at such locations within the building acceptable to the condominium association.~~
- ~~p. Modifications to approved Transportation Management Plan activities shall be permitted upon approval by the Director of T&ES and P&Z, provided that any changes are consistent with the goals of the TMP program.~~
- ~~q. The City of Alexandria, in conjunction with the TMP Association, will identify performance standards and objectives to measure the cost effectiveness and develop methodologies to monitor the performance of each element of the TMP. The performance of the development in meeting these objectives will be evaluated in the annual report prepared by the TMP Association, and will be used in developing the Annual Work Plan for the association.~~
- ~~r. Each of the five phases of the proposed CDD is subject to a reexamination of the approved TMP to ensure that it is up to date with the City's requirements at the time of submission.~~
- ~~s. Only one parking space per unit may be sold as part of the sales price of each unit. (T&ES, P&Z)~~

## I. **STORMWATER:**

36. [CONDITION AMENDED BY STAFF] The Project lies in the Four Mile Run watershed and a Stormwater Management Plan (SWMP) shall be developed per the requirements of Chesapeake Bay Preservation Act in accordance with the City of Alexandria Zoning Ordinance Article XI and Article XIII for stormwater quality and quantity control. Since the site may have multiple outfalls, the post-development peak runoff requirements shall not exceed their respective pre-development rate at each outfall. The SWMP shall also demonstrate compliance with the City's Zoning Ordinance Article XI Section 11-410 (N) and Virginia Department of Conservation and Recreation (DCR), Erosion and Sediment Control (ESC) Regulations 4VAC50-30-40.19 Minimum Standard 19 (MS-19) and provide an adequate stormwater outfall analysis. The adequate outfall analysis for the entire site shall be completed for the ten (10) year storm rain event for the collection system and must demonstrate overland relief for the 100-year storm event. The total drainage area upstream of the receiving sewer and/or natural water resources that will serve as an outfall for the site shall be analyzed.

A known flooding problem exists in the Braddock-West watershed area, and the existing storm water collection system in the immediate vicinity of the site is known to have insufficient capacity; therefore;

The applicant shall evaluate the possibility of diverting the storm water flow to alternate storm sewer outfalls. However, any alternate outfall systems must be analyzed for the entire drainage area including proposed redevelopment within that designated drainage

shed, to the satisfaction of the Director of Transportation and Environmental Services (T&ES). It should not be assumed that any or all of the available capacity will be available to be utilized by runoff redirected from the proposed redevelopment site or other drainage sheds.

If sufficient capacity in the existing storm water collection system is not demonstrated to be available, the applicant shall design and construct on-site and/or off-site storm sewer improvements to discharge to an adequate outfall. This condition applies even if the post development storm water flow from the site is reduced from the pre-development flow. The SWMP shall be completed to the satisfaction of the Director of T&ES and demonstrate that a non-erosive stormwater outfall is present. The SWMP must be submitted and approved prior to the release of the first DSUP plan associated with this site. (T&ES)

27.37. [CONDITION AMENDED BY STAFF] Per the requirements of the City of Alexandria Zoning Ordinance (AZO) Article XIII, the applicant shall comply with the peak flow requirements and prepare a Stormwater Management Plan (SWMP) so that from the site, the post-development peak runoff rate from a two-year storm and a ten-year storm, considered individually, shall not exceed their respective predevelopment rates for each outfall. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of the Zoning Ordinance shall be met. Since the project site lies within the Braddock-West watershed then the applicant shall provide an additional 10% storage of the pre-development flows of the site that drains within Braddock-West watershed to meet detention requirements. (T&ES)

## J. SANITARY

38. [CONDITION ADDED BY STAFF] With the intent of fully complying with Alexandria's Eco-City Charter, the Applicant shall prepare a Water Management Master Plan (WMMP) that coordinates water supply, stormwater, and wastewater systems. The WMMP will integrate the management of stormwater, use of potable water, and generation of municipal wastewater that reduces the use of potable water by capturing and reusing rainwater and reducing wastewater generation through water conservation. The implementation of WMMP will minimize the negative impacts of the development on the sewer infrastructure and improve the instream habitat for Four Mile Run, the Potomac River and the Chesapeake Bay. The applicant shall use EPA-labeled WaterSense fixtures to minimize the generation of municipal wastewater from the site and explore the possibilities of adopting water reduction strategies (i.e., use of gray water system on-site) and other measures that could possibly reduce the wastewater generation from this site. The applicant will be granted a 30% reduction in the generation of municipal wastewater flow from Sewage Collection and Treatment (SCAT) regulations and Memorandum to Industry 02-07 dated June 1, 2007 for using low flow fixtures. The applicant shall monitor municipal wastewater flows generated from each phase of

development so as to be able to implement any additional improvements in the development of subsequent phases. (T&ES)

**J.K. AFFORDABLE HOUSING:**

28.39. The developer shall make a voluntary contribution of \$5,000,000.00 to the City's Affordable Housing Trust Fund. That amount is calculated as follows: \$2 per gross square foot on the gross square feet of permitted ("by right") residential development up to 1.5 FAR; \$1.50 per gross square foot on the gross square feet of permitted commercial gross floor area, and \$11.89 per square foot for the additional square footage up to 2.5 FAR. This amount exceeds the guidelines of the "Developer Housing Contribution Work Group Report" dated May 2005 and received by the Alexandria City Council on June 14, 2005.

40. The amount of the contribution shall be made in proportional amounts commensurate with the issuance of certificates of occupancy for each phase of development unless the Applicant can make alternative arrangements for an upfront payment of the contribution through its construction financing structure. Should this be infeasible, the amount pledged by the developer will maintain its total \$5,000,000.00 present value to the City's Affordable Housing Trust Fund, as described below.

41. **[CONDITION AMENDED BY STAFF AND PLANNING COMMISSION]** Prior to the release of the first certificate of occupancy for the project area, Applicant shall contribute \$1,000,000 to the City's Affordable Housing Trust Fund, with \$1,000,000 million paid as every subsequent development within the CDD area requests certificates of occupancy. At the time of each payment, the \$1,000,000 installment shall be accordingly adjusted so that it is made in constant ~~2008~~2011 dollars. Constant ~~2008~~2011 dollars shall be defined according to the Index known as the "U.S. Bureau of Labor Statistic Consumer Price Index for All Urban Consumers, U.S. City Average, Housing Item." The designated index published next before each payment shall serve as the "base index" and like data published next before each subsequent installment shall serve as the "installment index." Each installment shall be the sum of \$1,000,000 and an amount computed by multiplying the sum of \$1,000,000 by the percent change in the designated CPI index between the "base index" and the applicable "installment index." The CPI adjustment shall be waived for period of no longer than five years from the date of CDD #2011-0002 approval, after which, the CPI adjustment will be put in place and carried forth on any balance remaining until completion of the project and/or full payment of the contribution amount. Additionally, there shall be no prohibition against an early payment of this contribution to the housing fund.

**L. ARCHAEOLOGY:**  
**[CONDITIONS ADDED BY STAFF]**

Open Space

29.42. Incorporate and interpret elements of the historical character and archaeological findings

into the design of the open space and prepare interpretive signs, which shall be erected as part of the development projects.\* (Arch)(P&Z)(RP&CA)

43. If the Fendall Family Cemetery is discovered within the project area, all attempts shall be made to preserve the cemetery in place and have it incorporated into the open space design. If the preservation cannot be accomplished, the applicant shall be responsible for archaeological removal and study pursuant to the Virginia Department of Historic Resource and the City's archaeological requirements. (ARCH)

#### Archaeology

44. The developer shall hire an archaeological consulting firm to conduct additional historical research and complete Archaeological Evaluations for the development areas. If significant resources are discovered, the consultant shall complete a Resource Management Plan, as outlined in the City of Alexandria Archaeological Standards. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented. (Archaeology)

#### Archaeology Code

45. All required archaeological preservation measures shall be completed in compliance with Section 11-411 of the Zoning Ordinance.

#### Findings:

F-1 With the approval of this CDD #15 – First Amendment, the first phase of development for CDD #15 shall be considered as a catalyst project phase per the Braddock Metro Neighborhood SAP.

F-2 The Documentary Study of the Braddock Gateway Property, City of Alexandria, Virginia, prepared by Thunderbird Archaeology, indicates that the northern section of the development property was part of the Fendall Farm, bought by Philip Fendall in 1786 and leased to John Gadsby in 1806. A half-acre parcel of land on the farm served as the Fendall family cemetery. Although the exact cemetery location could not be determined from the records examined, oral history accounts suggest that the graveyard may have been located on this development property, near the terminus of North Payne Street. In addition, the 1921 Sanborn insurance map indicates that the property was the site of the Mutual Ice Co. Car Icing Plant. There is high potential for archaeological resources to be present that could provide insight into the 20th-century industrial activities on the property. There is also potential for discovery of evidence of the cemetery if it is within the development lots. While less likely given the amount of disturbance, archaeological work could yield information on rural activities of the 18th and 19th centuries and on the lives of the 20th-century workers, who lived in bunkhouses on the site.

## CITY DEPARTMENT CODE REQUIREMENTS

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

### CONDITIONS ADDED BY STAFF

C-1 The developer shall provide a separate Fire Service Plan which illustrates: a) emergency ingress/egress routes to the site; b) two fire department connections (FDC) to the building, one on each side/end of the building; c) fire hydrants located between forty (40) and one hundred (100) feet of each FDC; d) on site fire hydrants spaced with a maximum distance of three hundred (300) feet between hydrants and the most remote point of vehicular access on site; e) emergency vehicle easements (EVE) around the building with a width of eighteen (18) feet (one way) and twenty-two (22) feet for two-way traffic; f) all Fire Service Plan elements are subject to the approval of the Fire Official.

C-2 Fire Department ladder truck access is required for 48% of the perimeter of all buildings over 50 feet in height. This requires a truck to be able to position itself between 15 and 30 feet from the face of the building. All elevated structures used for this purpose shall be designed to AASHTO HS-20 loadings.

C-3 Building is over 50 feet in height and as such is required to have ladder truck access to a 48% perimeter of the buildings by public roads or recorded emergency vehicle easements (eve). For a building face to be considered accessible by a ladder truck the curb line shall be at least 15 feet and no more than 30 feet from the face of the building. The face of the building may not articulate back into the mass of the building more than 7 feet horizontally in the first 75 feet of vertical dimension of the building. Alternatives that demonstrate equivalency to this requirement will be considered on a case by case basis.

C-4 The final site plans shall show placement of fire easement signs. See attached guidelines for sign details and placement requirements.

C-5 The applicant of any building or structure constructed in excess of 10,000 square feet; or any building or structure which constructs an addition in excess of 10,000 square feet shall contact the City of Alexandria Radio Communications Manager prior to submission of final site plan. The proposed project shall be reviewed for compliance with radio requirements of the City of Alexandria to the satisfaction of the City of Alexandria Radio Communications Manager prior to site plan approval. Such buildings and structures shall meet the following conditions:

C-6 The building or structure shall be designed to support a frequency range between 806 to 824 MHz and 850 to 869 MHz.

The building or structure design shall support minimal signal transmission strength of -95 dBm within 90 percent of each floor area.

The building or structure design shall support a minimal signal reception strength of -95 dBm received from the radio system when transmitted from within 90 percent of each floor area.

C-7 The building or structure shall be tested annually for compliance with City radio communication requirements to the satisfaction of the Radio Communications Manager. A report shall be filed annually with the Radio Communications Manager which reports the test findings.

C-8 If the building or structure fails to meet the above criteria, the applicant shall install to the satisfaction of the Radio Communications Manager such acceptable amplification systems incorporated into the building design which can aid in meeting the above requirements. Examples of such equipment are either a radiating cable system or an FCC approved type bi-directional amplifier. Final testing and acceptance of amplification systems shall be reviewed and approved by the Radio Communications Manager.

F-1 FDC on West side of B3 needs to be relocated to the corner of the building. Current location on submitted plan shows the hose line going over the top of the building.

F-2 Fire Lane signs not to City Specifications (lack of directional arrows).

F-3 B4 needs an additional FDC with hydrant.

F-4 Lack of EVE signs around park.

F-5 Lack of water line sizes.

F-6 Auto-turn shows Fire Apparatus mounting curb of B2

F-7 Hydrant missing from East side of B3

**[COMMENTS AMENDED BY STAFF]** The applicant, Jaguar Development, LC has submitted various documents related to its application for approval of a concept plan for the Braddock Gateway District, These documents are considered to constitute the applicant's Proposed Concept Plan for this CDD: (1) the plan set entitled "CDD 15 – 1st Amendment Conceptual Site Plan, The Gateway, City of Alexandria," dated ~~September 27, 2007~~May 29, 2011 hereinafter referred to as the "Concept Plan", all associated applications and plans and (2) the Building Height Exhibit dated February 15, 2008. (P&Z)

The term Braddock Gateway Coordinated Development District and/or Braddock Gateway CDD shall refer to the portion of land bound by First Street to the south, 1018, 1020 and 1024 Henry Street and portion of Fayette Street to the east, WMATA, Virginia American Company and N. Payne Street to the west, Potomac Yard CDD to the north.

The applicant has acknowledged that the project site has been the location of two LUST records (PC # 2000-3320 & 1989-1447) that have been closed to the satisfaction of VDEQ. The preliminary site plan at a minimum shall contain a note detailing this site history as well as

describe the remediation steps and standards mandated by VDEQ to close the LUST cases. A site map showing the approximate location of the former leaking underground storage tank(s) shall also be included.

2-1 The term "Jaguar Development, LC or the applicant includes any successor to the applicant which makes up the Braddock Gateway Coordinated Development District. Thus, obligations imposed on Jaguar Development, LC by these conditions are also imposed on those to whom Jaguar Development, LLC conveys property within the Coordinated Development District.

**[FINDING REMOVED BY STAFF]**

~~Historical records indicate that a section of this property was part of the Fendall Farm, bought by Philip Fendall in 1786 and utilized for subsistence farming by the Fendalls until the sale of the farm to John Gadsby in 1805. A half acre parcel of land on the farm served as the Fendall family cemetery. The graveyard may have been located on this development property, near the terminus of North Payne Street. The 1921 Sanborn insurance map indicates that this property was the site of the Mutual Ice Co. Car Iceing Plant. The footprint of the extant square building on the western edge of the development lot roughly corresponds to the footprint of the ice storage facility that appears on the 1921 map. The property therefore has the potential to yield archaeological resources that could provide insight into 18th and 19th century domestic and agricultural activities and into industrial activities of the early 20th century.~~

~~**[FINDING REMOVED BY STAFF]** To comply with Section 11-411 of the Zoning Ordinance, the developer shall hire an archaeological consulting firm to research and write a Documentary Study, conduct an Archaeological Evaluation, and prepare a Resource Management Plan. The Documentary Study and Archaeological Evaluation/Resource Management Plan shall be completed and approved by the City Archaeologist prior to the submittal for preliminary review of the first Developmental Special Use Plan for any landbay within this project. The applicant shall contact Alexandria Archaeology to obtain a Scope of Work for this investigation. Additional archaeological work shall be required for the landbays, based on the recommendations in the Archaeological Evaluation and Resource Management Plan. If the Fendall Family Cemetery is discovered within the project area, all attempts shall be made to preserve the cemetery in place and have it incorporated into the open space design. If the preservation can not be accomplished, the applicant shall perform an archaeological removal and study pursuant to the Virginia Department of Historic Resource and the City's archaeological requirements. (ARCH)~~

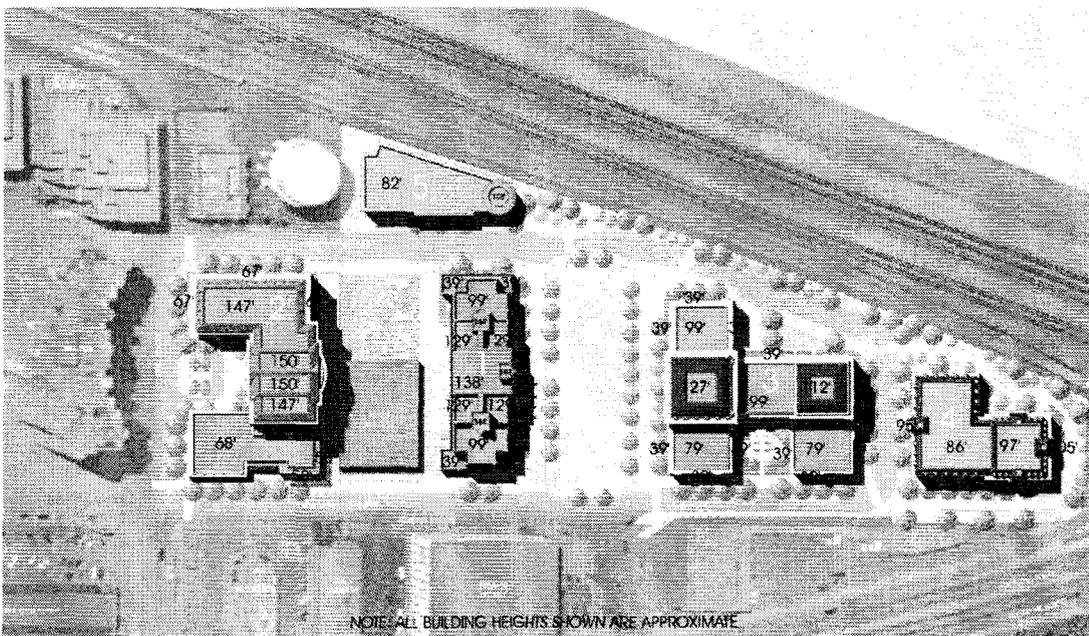


Figure 22: Proposed Building Heights

February 15, 2018  
Scale: N.T.S.

BUILDING HEIGHT EXHIBIT  
THE GATEWAY - JAGUAR

05.009  
RUST | ORLING

## **SPEAKER'S FORM**

**DOCKET ITEM NO. 13**

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

**PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.**

1. **NAME:** Mary Catherine Gibbs
  
2. **ADDRESS:** 307 N. Washington St.  
**TELEPHONE NO.** 703-836-5757    **E-MAIL:** mch.hcgk@verizon.net
  
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**  
The Applicant
  
4. **WHAT IS YOUR POSITION ON THE ITEM?**  
For
  
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,  
LOBBYIST, CIVIC INTEREST, ETC.):**  
Attorney
  
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE  
COUNCIL?**  
Yes

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

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

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

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

13(a)  
9-17-11

**Jackie Henderson**

---

**From:** Mary Catherine Gibbs <mcg.hcgk@verizon.net>  
**Sent:** Friday, September 16, 2011 3:45 PM  
**To:** William Euille; 'Kerry J. Donley'; delpepper@aol.com; Paul Smedberg; 'Rob Krupicka'; Frank Fannon; Aliciarhughes@gmail.com  
**Cc:** Jackie Henderson; Mildrilyn Davis; Eric Keeler; Patricia Escher  
**Subject:** Braddock Gateway, Docket Item 13A on September 17, 2011 Docket  
**Attachments:** Braddock Gateway.916.pdf

Mr. Mayor and Members of Council,

On behalf of the Applicant, Jaguar Development, LC, attached please find a letter memorializing our request to change one condition of Docket Item 13A, CDD 2011-0002, Condition 41. We've been able to discuss this request with most of you already, but we wanted to make sure it was put on the record.

I'd be happy to discuss any questions you may have. My cell phone number is 703-835-1922, and I'm available at your convenience.

Thanks, Mary Catherine

Hart, Calley, Gibbs & Karp, P.C.  
307 N. Washington Street  
Alexandria, VA 22314  
(703) 836-5757 (phone)  
[www.hcgklaw.com](http://www.hcgklaw.com)

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

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757

FAX (703) 548-5443

hcgk.law@verizon.net

LURAY OFFICE:

170 KIBLER DRIVE  
LURAY, VA 22835

TELEPHONE: 540-743-2922

FAX: 540-743-2422

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

ASSOCIATE  
DAVID L. CHAMOWITZ

OF COUNSEL  
CONSTANCE H. PIERCE

RETIRED  
ROBERT L. MURPHY, 2001  
CYRIL D. CALLEY, 2005

September 16, 2011

The Honorable William D. Euille, Mayor  
and Members of City Council  
c/o City Clerk and Clerk of Council  
City Hall, Room 2300  
Alexandria, VA 22314

Re: Braddock Gateway – CDD #20011-0002Docket Item 13A

Dear Mayor Euille and Member of City Council:

The Applicant appreciates all of the Staff's hard work that has gone into the processing of the applications for the Braddock Gateway project, as well as the recommendation for approval of all of the applications from the Planning Commission. The Applicant is in agreement with all but one condition in the items before you, in Docket Item 13A, Condition No. 41: the CPI increase to the \$5 million Affordable Housing contribution.

It remains the Applicant's position that economic realities require an adjustment of the CPI increase. The \$5 million contribution is more than double the contribution amount under the guidelines of the "Developer Housing Contribution Work Group". The Developer agreed to that amount in 2008 and is not asking that the amount be reduced. The Planning Commission amended Condition 41 to bring the year in which the CPI is adjusted from 2008 to 2011, and provided a waiver of the CPI for five (5) years after 2011. While the Applicant continues to believe that the CPI increase should be removed, Jaguar would suggest a compromise might be that the waiver of CPI increase be ten (10) years, not five (5).

We look forward to continuing to work towards the successful approval of the Braddock Gateway development.

Sincerely,



Mary Catherine Gibbs

cc: Ms. Mildrilyn Davis, Director, Office of Housing  
Ms. Eddy Cettina, Jaguar Development, L.L.C.

13  
9-17-11

**Jackie Henderson**

**From:** Sandy Modell <smodell@comcast.net>  
**Sent:** Saturday, September 17, 2011 8:09 AM  
**To:** William Euille; Frank Fannon; Kerry Donley; Alicia Hughes; Del Pepper; Paul Smedberg; Rose Boyd; Jackie Henderson; Elaine Scott; Rob Krupicka; Linda Owens; Elizabeth Jones  
**Subject:** COA Contact Us: Docket Item #13 - Development Special Use Permit with Site Plan # 2008-0022  
**Attachments:** ATT00001..txt

**COA Contact Us: Mayor, Vice Mayor, and Council Members**

**Time: [Sat Sep 17, 2011 08:09:04] Message ID: [33195]**

**Issue Type:** Mayor, Vice Mayor, and Council Members  
**First Name:** Sandy  
**Last Name:** Modell  
**Street Address:** 400 E. Custis Ave.  
**City:** Alexandria  
**State:** VA  
**Zip:** 22301  
**Phone:** 703-548-1737  
**Email Address:** [smodell@comcast.net](mailto:smodell@comcast.net)  
**Subject:** Docket Item #13 - Development Special Use Permit with Site Plan #2008-0022

As a resident of E. Custis for more than 27 years, I am concerned about the traffic impact caused by the alignment of Custis and Howell inside Potomac Yard with the existing two Del Ray streets. These two residential streets are each 22 feet wide and will be the only local streets that connect with this project.

Although I realize that you are not discussing how to address this issue today, staff is recommending that you approve this project based on a number of factors, including the traffic analysis. However, the traffic analysis on page 15, J, does not analyze the impact 2400 daily vehicle trips generated by this project will impact the two existing residential streets of Custis and Howell that will now be aligned with this development.

E. Custis and E. Howell Avenues have born the brunt of the traffic impacts already caused by the changed access to Monroe

Ave. I do not believe there was any traffic analysis that addressed this either.

When you approve this project later today, please take into consideration how this plan will impact and change two narrow residential streets in terms of safety and peace and enjoyment of the people who reside there. Please ensure that the City will do whatever is necessary to mitigate those traffic impacts. Thank You!

13  
9-17-11

**Jackie Henderson**

---

**From:** Kendra Jacobs  
**Sent:** Tuesday, September 13, 2011 5:05 PM  
**To:** Jackie Henderson  
**Subject:** Memo to Council regarding the Braddock Gateway docket items  
**Attachments:** DOC\_20110913165412.PDF

Jackie – Planning staff prepared the attached memo to explain the process for the Braddock Gateway docket items. We were concerned that there may be some confusion since some of the items went in July and some in September and there were numerous changes to the recommended conditions. Hopefully this memo will clear up any possible confusion. Could you please pass this on to Council and other related staff? Thank you.

*Kendra M. Jacobs*  
Supervisory Program Analyst  
703.746.3844  
[kendra.jacobs@alexandriava.gov](mailto:kendra.jacobs@alexandriava.gov)

13  
9-17-11

# City of Alexandria, Virginia

## MEMORANDUM

DATE: SEPTEMBER 12, 2011

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: FAROLL HAMER, DIRECTOR *F Hamer*  
DEPARTMENT OF PLANNING AND ZONING

SUBJECT: DOCKET ITEMS FOR BRADDOCK GATEWAY  
CDD #2011-0002 and TMP-SUP #2011-0039  
CDD #2011-0003 and DSUP #2011-0002

---

The City Council is being asked to act on four separate items related to the development of the first phase of the Braddock Gateway project. These items include both substantive and technical amendments to CDD #15, an amendment to the TMP for this CDD, and a DSUP for the first phase of the project.

A brief description of the procedural background may help to clear up any possible confusion.

- The Braddock Gateway CDD #15 was approved in 2008.
- The applicant came before the Planning Commission in July with a series of amendments to their 2008 approval. (CDD #2011-0002 and TMP-SUP #2011-0039) The requested revisions included:
  - Amending the CDD Phasing Plan, to allow the southernmost block to be the first phase
  - Delaying the Annual Accrual of the CPI for the Affordable Housing Contribution for 5 years
  - Revising the Parking Ratio to 0.9 Spaces per Residential Unit
  - Allowing for Off-Site Visitor Parking
  - Updating the TMP SUP with more current standards
  - Replacing some conditions with the more current standards

The requested amendments were substantive enough that the applicant wanted reassurance from the Planning Commission that these amendments would be viewed favorably and therefore preceded with the CDD amendment and TMP revisions prior to the submittal of their development special use permit (DSUP). The Planning Commission heard the applications in July and made a recommendation of approval.

- In September, the applicant came before the Planning Commission with the DSUP portion of the application which was accompanied by a second technical CDD amendment. (CDD #2011-

0003 and DSUP #2011-0002) The second CDD amendment is more a technical amendment to CDD #15 than a substantive change and requests the removal of the more specific DSUP conditions from the CDD zone district and amending some conditions to more general language, providing more flexibility for each phase as it comes in for development. The 2008 staff report did not clearly differentiate between CDD conditions for the entire phased project and detailed conditions associated with the design of each phase. As a result, this intertwining of the conditions would require that each phase of development submit both a CDD #15 amendment and DSUP application. The Planning Commission heard the applications on September 8th and made a recommendation of approval with the deletion of one condition from the TMP portion of the DSUP. Staff supports this revision.