

Docket Item #9 A&B

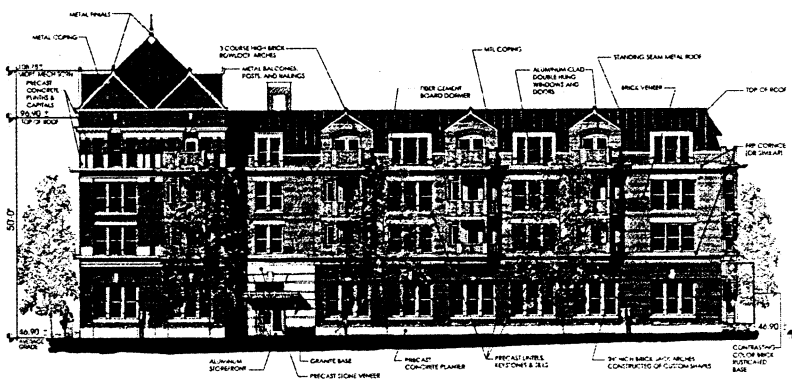
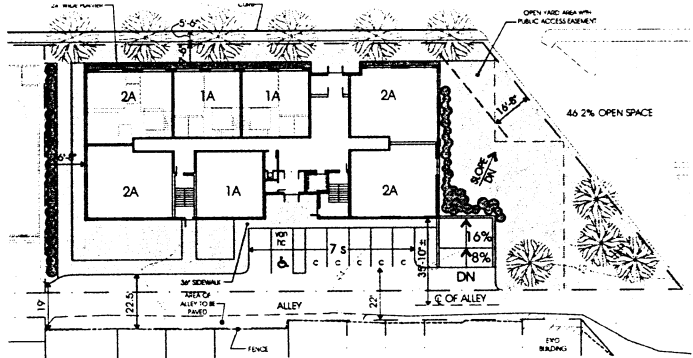
DIAMOND-SLATERS LANE 800-820 SLATERS LANE



**Development Site Plan
#2005-0002**

**Rezoning
#2005-0006**

**Master Plan Amendment
#2005-0004**



**Department of Planning and
Zoning
Planning Commission
Meeting
October 4, 2005**

Docket Item #9 A-B
MASTER PLAN AMENDMENT#2005-0004
REZONING #2005-0006
DEVELOPMENT SITE PLAN #2005-0002
DIAMOND-SLATER'S LANE

Planning Commission Meeting
October 4, 2005

ISSUE: MPA#2005-0004 Consideration of a request for an amendment to the Master Plan to change the land use designation from CSL to RC.

REZ#2005-0006 Consideration of a request for an amendment to the zoning map to change the land use designation from CSL to RC (rezoning with proffers)

DSP#2005-0002 Consideration of a request to construct a 28 unit condominium building.

APPLICANT: Diamond Slaters, LLC
by Harry P. Hart, attorney

LOCATION: 800-820 Slater's Lane

ZONE: CSL/Commercial Service Low
RC/High Density Residential (Proposed)

PLANNING COMMISSION ACTION, OCTOBER 4, 2004:

MPA#2005-0004: On a motion by Mr Leibach, seconded by Mr. Jennings, the Planning Commission voted to recommend approval of the request to amend the Northeast chapter of the Master Plan, subject to the site plan proffer. The motion carried a vote of 6 to 0. Ms. Fossum was absent.

REZ#2005-0006: On a motion by Mr. Leibach, seconded by Mr Jennings, the Planning Commission voted to recommend approval of the request to amend the Northeast chapter of the Master Plan, subject to the site plan proffer. The motion carried a vote of 6 to 0. Ms. Fossum was absent.

DSP#2005-0002: On a motion by Mr. Jennings, seconded by Mr Robinson, the Planning Commission voted to recommend approval of the request to amend the Northeast chapter of the Master Plan, subject to the site plan proffer, compliance with all applicable codes, ordinances, and staff recommendations, with amendments to Condition #8, and elimination of Condition # 9f. The motion carried a vote of 6 to 0. Ms. Fossum was absent.

Reason: The Planning Commission agreed with staff analysis and found the rezoning and Master Plan amendment request appropriate to the change of character in the area, and, found the proposed development proffered to the change request consistent with the context and use of the neighborhood.

Speakers:

Harry P. Hart, attorney for the applicant spoke in support of the applications.

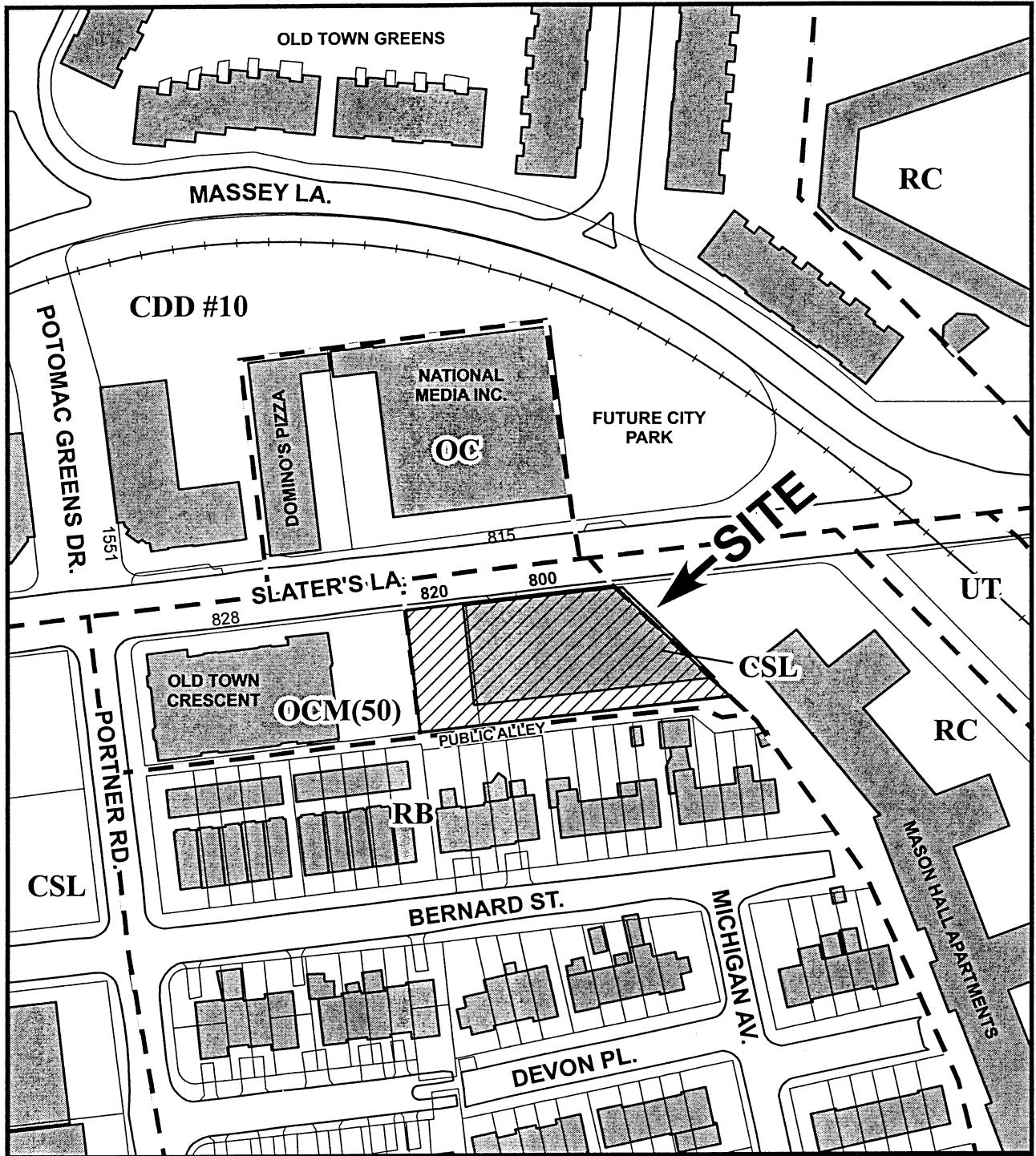
Nicholas Panos, Resident, Old Town Crescent Home Owner Association Chairman, spoke in concern of the alley to the south being utilized by the proposed residential development, as well as the construction. Mr. Panos stated preference for an alternative access for the proposal, as well as for construction. Mr. Panos also expressed concern for the costs of maintenance of the alley.

Paul Hertel, Resident, Spoke in support of the proposal and the proposed architecture. Mr. Hertel also spoke in support of the closing of the curb cut to Slater's Lane.

Larry Grossman, resident of Northeast area and representing Bike Walk Alexandria spoke in support of the proposal. Mr. Grossman also spoke in concern of the safety of pedestrian access along the sidewalk on the south side of Slater's Lane.

Mariella Posey, resident, 915 Second Street, Chairman, Northeast Citizen's Association, spoke in support of the proposal with the exception of the concern for open balconies on the north side of the building.

Fernando Alvarez, 731 Bernard Street, Spoke in support of the proposal



DSP #2005-0002
MPA #2005-0004
REZ #2005-0006

10/04/05



I. IMPACT/BENEFIT:

IMPACT/BENEFIT	COMMENTS
Consistency with Strategic Plan	<ul style="list-style-type: none"> • The proposal represents redevelopment of a scale and character that is consistent with the Slater's Lane neighborhood and the City vision for the area • The development provides publicly accessible open space with amenities • The building orientation and wide sidewalks provide a pedestrian-oriented streetscape
Use	<ul style="list-style-type: none"> • Residential condominium use, 9 one-bedroom units, 19 two-bedroom units
OpenSpace/Streetscape	<ul style="list-style-type: none"> • 9,137 sq.ft. of open space/ 40.7 % • Publicly accessible open space courtyard • Street trees and landscaping
Pedestrian	<ul style="list-style-type: none"> • 8' pedestrian brick sidewalk along the site, and off site improvements crossing • Undergrounding of utilities • Crosswalks and pedestrian countdown signal
Building Compatibility	<ul style="list-style-type: none"> • 50ft tall building, with tower element • Building will be similar in scale to existing Slater's Lane buildings • Building will be constructed of high quality materials
Affordable Housing	<ul style="list-style-type: none"> • Voluntary contribution of approximately \$ 4.47 per square foot of net floor area
Traffic/Transit	<ul style="list-style-type: none"> • A Transit Incentive Program account to be funded annually at a rate of \$120 per occupied residential unit • Goal of promoting transit and ridesharing and discouraging the use of single occupancy vehicles
Parking	<ul style="list-style-type: none"> • 47 parking spaces are provided in the underground garage • 7 spaces, (15%) are provided on-site at grade
Environment	<ul style="list-style-type: none"> • Incorporation of sustainable building technology to the equivalent of a LEED Silver -rating • Proposal reduces the amount of impervious surface on the site by 9,137 sq. ft.

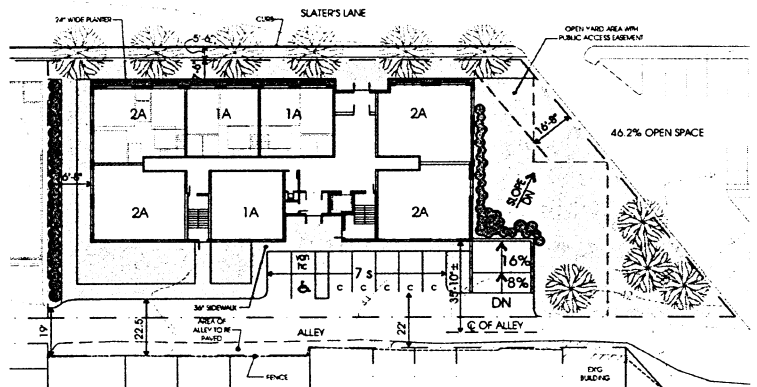
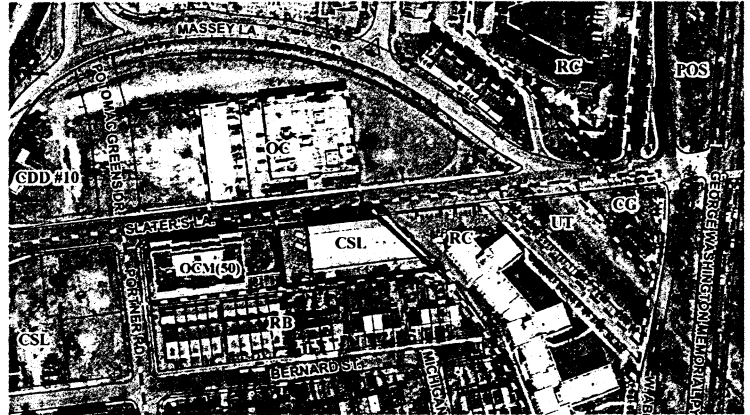
II. EXECUTIVE SUMMARY:

The applicant is requesting approval of a rezoning with a proffer to the approved site plan, a Master Plan amendment and approval of a site plan to construct a 28 unit residential condominium building. The proposed rezoning from CSL Commercial Service Low to RC High Density Apartment will increase in the floor area ratio from .75 to 1.25. The site is located on Slater's Lane, just west of the George Washington Memorial Parkway, which provides an opportunity to eliminate one of the last remnant commercial-industrial uses and enable an extension of the pedestrian-oriented and urban development pattern that is occurring with the ongoing redevelopment of Slater's Lane.

Redevelopment of the site will also allow incorporation of LEED technology to provide a more environmentally sound development than the existing. The proposed redevelopment of the site presents several challenges and opportunities that include:

Challenges

- Rezoning and Master Plan amendment;
- Providing an appropriate mass, scale and design for this visually prominent site; and
- Minimizing traffic and parking impacts.



Opportunities

- Pedestrian and streetscape improvements;
- Affordable housing;
- Providing significant “green”-environmentally friendly and sustainable elements;
- High quality building design and materials;
- Ground-level open space, “openness”;
- Publically accessible open space;
- Underground parking; and
- Redevelopment of a remnant commercial-industrial use within a primarily residential neighborhood.

The proposed redevelopment of this commercial-industrial (Nordic Press) infill site will reinforce the emerging character of Slater's Lane as an urban street with high quality buildings, a mix of uses, pedestrian amenities and open space. The proposed residential use will be more compatible with the adjoining residential use to the east, south and west of the site than the existing use or many of the potential commercial use permitted by the current zoning.

Staff recommends approval of the rezoning, Master Plan amendment and site plan. The applicant has worked extensively with the City and community to make revisions to the plan, mass and scale, open space, streetscape and parking to bring forward a plan that proposes a use and scale that are compatible with the character of the neighborhood. In addition, the proposal provides considerable public benefit which include:

- The first large-scale residential development to provide a building and site elements that will enable a “green” building to achieve a silver LEED certification;
- A voluntary offer of \$125,000 for an on-site affordable unit or cash equivalent;
- High quality building design and materials;
- Locating the overhead utilities on Slater's Lane below grade;
- Pedestrian, sidewalk and landscaping improvements on Slater's Lane, including off-site improvements;
- A publically accessible open space and courtyard on the eastern portion of the site; and
- Underground parking.

A. Rezoning - Master Plan Amendment:

It has been the general practice of the City that rezonings and Master Plan amendments should:

- occur generally as part of a long-range planning effort ex. Eisenhower East;
- consider any significant change in the character of the neighborhood;
- be compatible with the character of the neighborhood;
- provide a clear public benefit; and
- be consistent with City policies.

While this application is occurring outside a long-range planning study, there have been other recent rezoning approvals such as Samuel Madden and Beasley Square that have been approved outside of long-range planning efforts. While the number of rezonings (outside of long-range planning efforts) is limited, rezonings such as Beasley Square have been approved through findings that the proposals are compatible with the character of the neighborhood and provide public benefit.

Change in Character of the Neighborhood:

Since the adoption of the Master Plan in 1992, the character of Slater's Lane has changed dramatically and will continue to change with the projects that are now under construction. The change has been primarily due to the approval of the Potomac Yard Concept Plan and CDD zoning in 1999. The Potomac Yard approvals have changed the vision for Slater's Lane to a more pedestrian-oriented mixed-use street that links Route 1 and the George Washington Parkway. As a result of the



Potomac Yard approval, residential, office and retail redevelopment has occurred on Slater's Lane primarily within the last five years. The projects that have been completed (Old Town Crescent,

Potomac Plaza) and the Fairchild project under construction, incorporate generous brick sidewalks, more urban buildings, underground parking, underground utilities and a higher quality of building design consistent with the City's vision for this corridor.

B. Compatibility with the Character of the Neighborhood:

With a prominent location on Slater's Lane that will be visible from the Parkway, larger buildings on Slater's Lane and the smaller scale buildings to the south, the site is an important transition point among different scale buildings. The applicant has worked with the City and community to revise the proposal to achieve a site plan and building mass with extensive architectural detailing that respects the context and meets the challenges of a complex site. The site layout, scale, building massing and open space were influenced by the following:

- The need to provide a "gateway" element for this corridor near the Parkway;
- The scale and character of Slater's Lane;
- Provision of publically accessible and visible ground-level open space on the eastern portion of the site that would visually connect to the future parkland on the north side of Slater's Lane; and
- Provision of a considerable setback for the townhouses abutting to the south.

C. Community:

The applicant and staff conducted numerous community meetings for this project with the North East Civic Association. Meetings were also held with adjoining neighbors and neighborhood groups including Old Town Greens, Mason Hall residents, and representatives of Old Town Crescent. The proposed project has been positively received, and the community input has helped to considerably improve the proposal. Issues identified by the community have included:

- Minimizing the parking impacts;
- Making Slater's Lane more pedestrian friendly;
- Ensuring publically visible and ground-level open space;
- Making the development scale compatible with the neighborhood;
- High quality building design;
- Parking; and
- Shared access and maintenance of the Alley.

To address these concerns, staff has included recommendations requiring a public easement for the ground-level open space, 8 ft. wide unobstructed sidewalks with street trees and landscaping on Slater's Lane, and high quality building materials. Additionally, the applicant has provided the required parking and visitor parking and staff has recommended a shared maintenance agreement with the adjoining property to resolve maintenance issues for the alley.

D. Conclusion:

Staff supports the proposed rezoning and Master Plan amendment with a proffer to the accompanying proposed site plan. The rezoning is reasonable because of the significant change in the character of the street since the approval of Potomac Yard in 1999. The proposal is consistent with the change in the character of Slater's Lane to an urban street that functions as an important visual connection between the George Washington Memorial Parkway and Route 1. The plan, as proposed, has achieved compatibility with the scale and development pattern on Slater's Lane, and will support the desired character and pedestrian orientation envisioned for the neighborhood. Additionally, the proposal will contribute significant public amenities including public open space, a much improved pedestrian streetscape, pedestrian crossings, affordable housing, green building elements and a "gateway" building for the street.

III. BACKGROUND

A. Site Description:

The rectangular shaped site consists of three parcels totaling 22,463 sq. ft with frontage on Slater's Lane. The site currently contains a one to two level printing (Nordic Press) building and surface parking lot on the southern and western portion of the site. The site is essentially flat and almost entirely covered with impervious surfaces. The property is zoned CSL/Commercial Service Low. The site is surrounded by a variety of two to four-story buildings that consist of a mix of residential (multi-family and townhouses), office, and retail uses.



Old Town Crescent

The uses to the north include an office building, a future 1.5 acre public park and the 15,000 sq.ft. Potomac Plaza retail center that is nearing completion. The blocks to the south and east consist of well established residential townhouses and apartments that range in height from 20 ft. to 30 ft. The adjoining property to the west is the four-story (50 ft.) tall Old Town Crescent condominium building. Additional townhomes are under construction at the intersection of Slater's Lane and Portner Road.



JR Office building to the north

Because a portion of the site is located within 500 feet of the Parkway, demolition of the 1950s 16,500 sq.ft. warehouse will require subsequent review and approval by the Board of Architectural Review. Consistent with the City's policy on a fundamental land-use question such as a rezoning, the application is reviewed by the Planning Commission and City Council prior to review by the Board of Architectural Review as discussed in more detail below.



Existing alley behind Nordic Press

B. The Proposal:

The applicant is requesting approval of a rezoning, Master Plan amendment and a site plan to construct a 28-unit residential condominium building that will consist of 9 one-bedroom units and 19 two-bedroom units. The units will range in size from 784 sq.ft. to 1,317sq.ft. A two-level below grade parking garage will provide a total of 47 parking spaces and will incorporate the required residential parking (45 spaces). In addition, the applicant is providing 7 (15%) visitor parking spaces that will be provided at grade adjacent to the alley. Controlled access will be provided for the underground garage.

A 12-15 ft. wide public alley exists on the southern portion of the site. The applicant is proposing to widen the alley to 22 ft. through the provision of public access easements. The construction of the alley will result in the removal of two trees. The construction of a 22.ft wide alley on the Nordic Press site will provide a continuous 22 ft. wide alley from Portner Road to the eastern portion of the Nordic Press site, which also serves the townhouses on Bernard Street. As part of the approval of the adjoining Old Town Crescent building, the City anticipated that the Nordic Press building would redevelop in the future and required that the Old Town Crescent site provide a public access easement for the alley to enable future alley access for the Nordic Press site.

The primary entrance for the building will be on Slater's Lane with a secondary entrance at the rear of the building near the visitor parking. All of the building faces are articulated in a series of vertical bays, with portions of the buildings setback providing visual interest and additional areas for landscaping. The building is located on the western portion of the site, allowing the eastern portion of the site to be a consolidated open space courtyard, which serves as part of the required 40% ground-level open space. The location of the eastern open space area will visually connect to the future public park on the north side of Slater's Lane. The open space also serves as a buffer between the proposed condominiums and the adjoining Mason Hall parking lot.

C. Evolution of the Plan:

The project has evolved significantly since the initial proposal by the applicant. Most notably, the applicant has worked with staff and the community to provide an increased setback along Slater's Lane allowing for significant pedestrian improvement such as wide brick sidewalks, pedestrian scale street lights and street trees within a planting strip. The site plan was revised to add consolidated public open space on the eastern portion of the site. Additionally, the applicant has worked to revise the proposed building, creating a slightly taller and more prominent tower element on the northeast corner of the building. The applicant has worked with the City to provide a considerable setback for the townhouses on Bernard Street which is 90ft. or 35 ft. more than the

adjoining building. The tower will be visible from the George Washington Parkway and will establish a "gateway" to the residential neighborhood of Slater's Lane, Portner Road, and Powhatan Street.

IV. ZONING:

The property is zoned CSL/Commercial Service Low. The applicant is requesting approval to rezone the property to RC High Density Apartment and an accompanying Master Plan Amendment and a proffer to the proposed site plan. The zoning characteristics of the proposed development are summarized in the table below:

Property address:	800 Slater's Lane		
Total Site Area:	22,463 sq. ft.		
Existing Zoning:	CSL/ Commercial Service Low		
Proposed Zoning:	RC/High Density Apartment		
Current Use:	Industrial/Commercial		
Proposed Use:	Multi-family Residential		
	<u>CSL existing</u>	<u>RC proposed</u>	<u>Proposed</u>
FAR	.75	1.25	1.25
Lot Area	N/A	800sq.ft./unit	802 sq. ft./unit
Setbacks			
front yard	N/A	N/A	9.5 ft
side yard	N/A	1:3/16 ft. min.	13.75 ft. (modification request)
rear yard	N/A	1:1/25' min.	30 ft. (modification request)
Building Area	16,847 sq.ft.	28,008	27,957 sq. ft.
Open Space	N/A	40%	40.7%
Height	50 feet	50 feet	50 feet

V. STAFF ANALYSIS

The proposed redevelopment of this commercial/warehouse site presents an opportunity to provide a use that will be more compatible with the adjoining primarily residential neighborhoods and be more consistent with the more mixed-use pedestrian-oriented environment for this visually prominent site adjacent to the George Washington Memorial Parkway. The current 1950s commercial-light industrial use on the site is a remnant of the industrial uses once typical of this area and oriented to vehicles rather than pedestrians.

Redevelopment of this site requires a balance between mass, scale, height and site design. The location is on a prominent street and will be highly visible. The proposed residential use and scale are consistent with the adjacent uses on Slater's Lane. The improved streetscape, landscaping and useable consolidated public open space-courtyard are amenities that will help to reinforce the residential character of the street.

In addition to working with the applicant and community on the building and the site plan, staff has added conditions to ensure that the overall design and materials of the building, open space and streetscape improvements are of the highest quality, responding to the proximity to the George Washington Memorial Parkway and the building's visually prominent location on Slater's Lane.

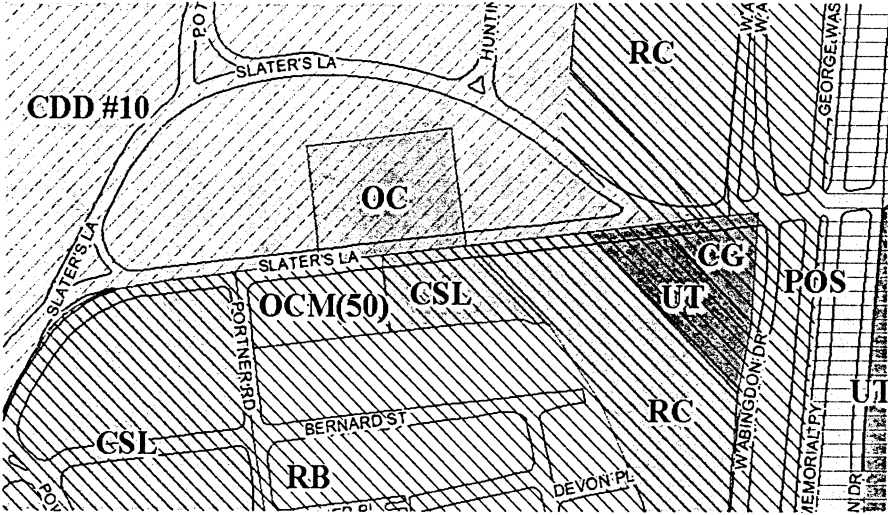
VI. REZONING- MASTER PLAN AMENDMENT:

The applicant is requesting approval of an amendment to the North East Small Area Plan chapter of the Master Plan to change the zoning designation of the subject property from CSL Commercial Service Low to RC High Density Residential with a proffer to the proposed development plan for the site. The applicant is requesting an increase in FAR from .75 to 1.25 more than the current zoning.

The Master Plan is the primary guide for the future development of the City. Since its original adoption in 1992, the plan has been updated and periodically amended to more clearly reflect the intended use of a particular area. The Plan may be amended either as part of a long-term planning process for a designated area or as a result of an individual request for a specific change.

Recently, it has been the practice of the City that rezonings are generally not supported outside of the approved or on-going long-range planning studies. While this has been the general practice, the City has approved several rezonings in the past couple years such as Samuel Madden(Chatham Square), Beasley Square and Quaker Ridge. In these instances, staff, the Planning Commission, and

City Council have evaluated the rezonings based on compatibility of the use, mass and scale with the adjoining neighborhood and change in character of the area.



The table below provides a comparison of the existing CSL zone and the proposed RC zone and the adjoining OCM zone of the adjoining Old Town Crescent condominium building.

	CSL (Existing)	OCM 50 (Old Town Crescent)	RC (Proposed)
FAR	.75	1.5	1.25
Maximum height	50 ft	50 ft	50 ft
Maximum number of units	27	54.45	54.45
Minimum Open Space	40%	40%	40%

A. Existing Zoning:

The property is surrounded by a variety of zones, including RC High Density Apartment, CDD# 10 (Potomac Yard), OC Office Commercial, OCM-50 Office Commercial Medium, CSL Commercial Service Low, and RB-Townhouse. These FAR for these zones ranges from .75 to 1.5 with the overall height of the buildings limited to 50 ft. The CSL zone is a Commercial-Service zone, which is primarily intended for service and commercial uses, although residential uses are permitted.

B. Change in The Character of The Neighborhood:

One of the elements to consider with each rezoning is the change in the character of the neighborhood to an extent which justifies the proposed amendment. Since the adoption of the Master Plan in 1992 there has been a considerable change in the zoning and character of the area of the proposed site. In 1992, Slater's Lane consisted almost entirely of light industrial uses and industrial-commercial buildings. In 1999, the City approved the Concept Plan for Potomac Yard, which envisioned the industrial-commercial uses on Slater's Lane to be converted to a more urban mix of residential and retail uses. Through the approval of the Potomac Yard Plan, the City set a clear policy direction for Slater's Lane and the adjoining Potomac Yard. Recent approvals along Slater's Lane illustrate this trend, including: the Fairchild development, Potomac Plaza, Old Town Crescent, and the public open space, as previously mentioned.

The existing CSL Commercial Service Low zoning of the proposed project site permits uses that are inconsistent with the vision for the area, and encourages development which would be inconsistent with the development pattern and pedestrian orientation of the neighborhood that is being developed along Slater's Lane. The request for a rezoning to RC High Density Apartment is consistent with the zoning of the adjacent Mason Hall property.

Staff is supporting this rezoning and Master Plan amendment because the proposed project will bring significant benefit to the City and the adjoining neighborhoods. In addition, the rezoning proposes less density than is permitted within the adjacent zone, and the rezoning is proffered to the approved site plan. More specifically, the project provides:

- Redevelopment of an incompatible commercial-industrial site within a neighborhood of primarily residential, office and retail uses;
- A high quality of architectural design in an urban form that reinforces the intent and character of Slater's Lane to reinforce existing residential neighborhoods;
- Consistency with the Slater's Lane including the provision of underground parking and access for parking from internal alleys;

- An enhanced streetscape along the public street frontages, including wider brick sidewalks, street trees and underground utilities; and
- The addition of consolidated, publicly accessible neighborhood open space.

VII. Issues Addressed By Staff Recommendation:

A. Pedestrian - Streetscape Improvements:

The sidewalk along the south side of Slater's Lane in front of the property is a challenge for pedestrians. The existing concrete sidewalk is only about 4 ft. wide and adjacent to the curb, which also contains utility poles creating a less than ideal environment for pedestrians. The proposed residential development at the site will enhance the pedestrian environment along Slater's Lane by providing ground floor details of the building designed with pedestrian scale in mind, a wide brick sidewalk and street trees. Staff has recommended considerable on and off-site pedestrian improvements that include:

- An 8 ft. wide brick sidewalk and 4 ft. wide landscape strip adjacent to the curb on Slater's Lane;
- Sidewalk extension beyond the frontage of the site east to the rail lines on Slater's Lane;
- Continuous row of street trees on Slater's Lane;
- Decorative pedestrian lighting on Slater's Lane;
- A pedestrian planter-seating adjacent to Slater's Lane;
- Relocating the existing above grade utilities below grade;
- A pedestrian countdown signal and sidewalk improvements at the intersection of the George Washington Memorial Parkway and Slater's Lane; and
- A pedestrian cross walk to the future City park on the northern portion of Slater's Lane.



B. Green Building:

At the direction of City Council, the Planning Commission and the Strategic Plan, staff has been incorporating various green and sustainable site and building elements into each development proposal in the past couple years. This approach has been very effective in providing considerable benefit to the City. In discussions with the applicant, staff strongly encouraged that the applicant incorporate site and building elements that would enable the building to achieve the points necessary for a silver rated LEED certified building. Staff is excited that this application will be the first large scale, private development project that will provide building and site elements that will enable the proposal to meet the LEED silver-level rating for Green buildings. The Leadership in Energy and Environmental Design (LEED) building rating system represents the U.S. Green Building Council's effort to provide a national standard for what constitutes a "green building."

Projects are evaluated using a point system, earning one or more points toward certification by meeting or exceeding each credit's technical requirements. Points add up to a final score that relates to one of four possible levels of certification: Certified (26-32 points), Silver (33-38 points), Gold (39-51 points), and Platinum (52-69 points). The system allots points for environmentally beneficial building materials and design in the following specific categories: Sustainable Sites; Water Efficiency; Energy and Atmosphere; Materials and Resources; Indoor Environmental Quality; and Innovation and Design Process.

Features of the building will include:

- Increased use of natural daylight.
- Recycled building materials.
- Water efficiency.
- Light colored roofs or reflect solar energy.
- Reduction in energy usage.
- Use of materials with recycled content.
- Use of carpets with no formaldehyde outgassing.

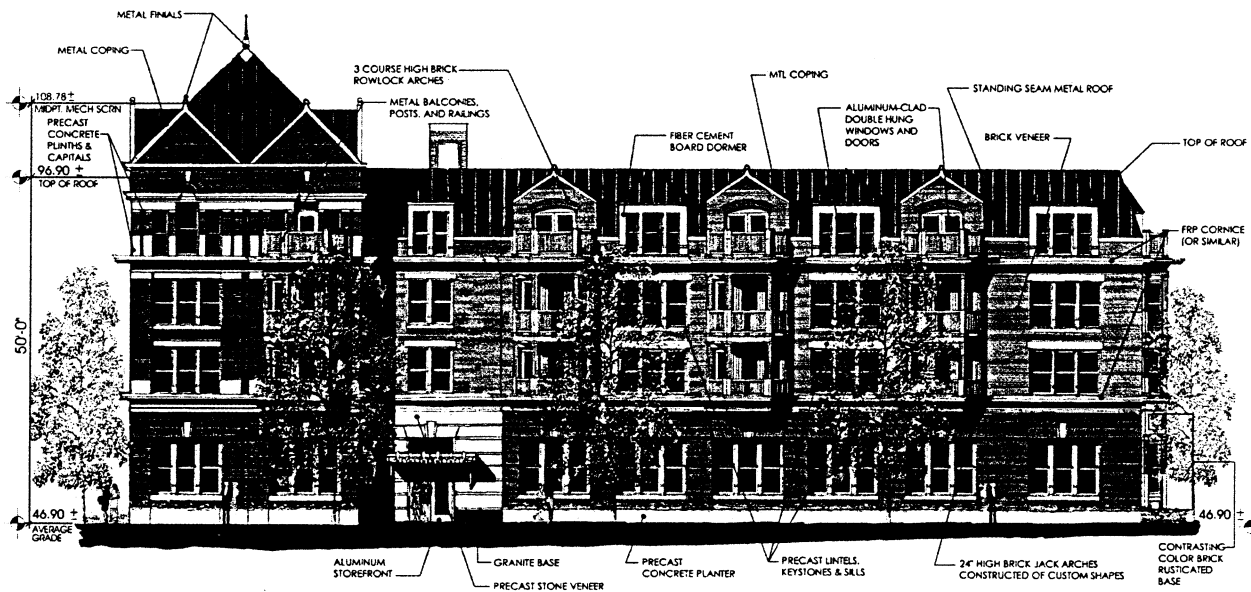
The combination of elements such as those outlined above will enable the building to provide the elements equivalent of a silver LEED certification.

As a "green" building there will be many benefits to the City and future residents, including: reduced air and water pollution, reduction in solid waste creation, and minimized depletion of natural resources, reduced operating costs and optimized economic performance over the life of the building, better indoor air quality, and decreased harmful pollutants indoors and out. The City has been encouraging applicants to incorporate green technology into both site and building design and the applicant has worked with the City to achieve this first and exciting milestone for a development project.

C. Building Mass and Scale:

The applicant has worked with the City and community to provide articulation of the building facades and lowering of the roofline to reduce the perceived scale of the building. Bays and recesses have been added and refined to “break down” the frontage along Slater’s Lane, as well as along the rear elevation of the building. The proposed height is four stories, meeting the Master Plan’s 50 ft height limit for the area. This height is consistent with the height of the adjacent Old Town Crescent building and the Fairchild development. The applicant has incorporated a change in materials and architectural details such as contrasting banding to further reduce the vertical height of the building.

A high level of detail has been proposed including an architecturally prominent tower element on the northeast portion of the building that will serve as a “gateway” feature to the neighborhood. The tower and the building are also visible from the George Washington Parkway, and the community felt it was important to achieve an architecturally appropriate building for the site.

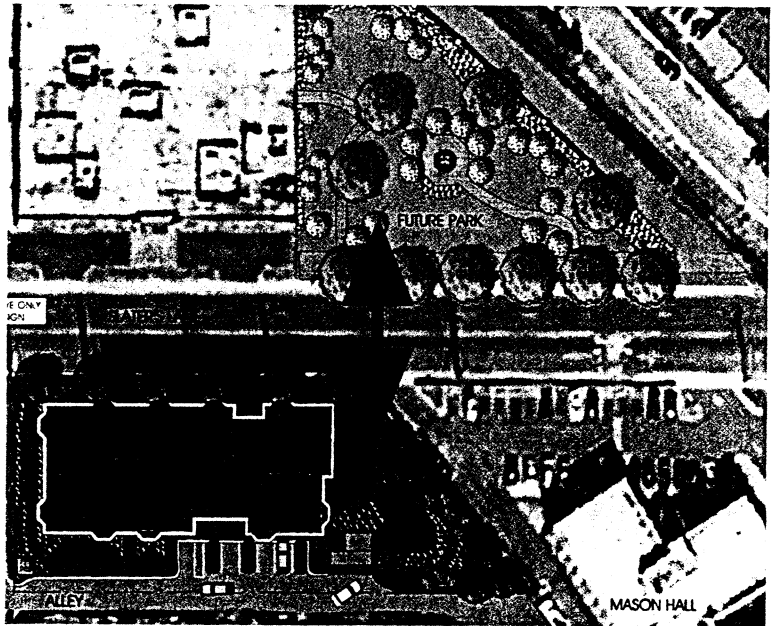


D. Demolition of the Nordic Press Building:

The proposal requires that the existing Nordic Press building be demolished as part of the proposed redevelopment of the site. Because a portion of the building is within 500 feet of the George Washington Parkway, the demolition of the building requires demolition approval by the Board of Architectural Review. The commercial warehouse building, was constructed in the 1950's and has no architectural or historical significance. Consistent with the City's process for development cases where there is a fundamental land use decision such as a rezoning, the applications are first reviewed by the Planning Commission and City Council with subsequent approval of the demolition by the Board of Architectural Review.

E. Open Space:

The ground-level open space is accessible and visible from Slater's Lane and consists of a mixture of an eastern courtyard, outside seating, benches, and landscaping. At the request of the City, the applicant has agreed to provide a public access easement for the open space on the eastern portion of the site to function as a public pocket park. The proposed open space will visually connect to the future public park on the north side of Slater's Lane. While this ground-level open space is not large, the overall effectiveness of this space as a pocket park for the community will depend on the quality of the courtyard design, materials, maintenance, and amenities within the space. To address these issues, staff is recommending the following:



Open Space is visually linked to the future park

- A focal element such as sculpture or water feature;
- Additional landscaping;
- Amenities such as benches;
- Pedestrian scale lighting;
- Irrigation; and
- Decorative paving.

F. Affordable Housing:

In discussions with the applicant, it was the desire of the applicant to provide one on-site affordable unit. Therefore, the applicant has made a voluntary contribution of \$125,000 to the City's Affordable Housing Trust Fund. This amount voluntarily offered by the applicant was based on the anticipated selling price of a one-bedroom unit. According to the applicant the one-bedroom units will sell for \$300,000. The current rate for a one-bedroom unit within the City is \$175,000. Therefore, the difference between the market and affordable unit is \$125,000, which is what has been voluntarily offered by the applicant.

G. Traffic - Transit:

To promote the City's policy of encouraging the use of mass-transit and discouraging the use of single occupancy vehicles, this development will support a variety of transit options through the creation of a Transit Incentives Program which would be funded at a rate of \$120/residential unit specifically for the purpose of supporting mass-transit, ridesharing, and teleworking. The goal of this fund will be to promote these for at least 20% out of the total number of residents of the development during the peak commuting hours. The program will be used exclusively for discounts on the cost of bus and transit fare for residents. The discounts could be used for elements such as Metrorail, Metrobus, DASH and any other public transportation system fare media. The fund would also be used to subsidize application fees for carshare vehicles and participation with adjoining transportation management plans.

A traffic impact study was performed by Gorove/Slade Associates Inc. The study analyzed a number of scenarios, including existing traffic conditions, future traffic conditions without the development, and future traffic conditions with the development. A future build-out year of 2007 was evaluated, which included traffic projections for the nearby Potomac Greens and Potomac Plaza developments. Approved future roadway improvements are also included as part of the future traffic network.

A total of 19 morning and 21 afternoon peak hour trips will be generated by the site. While minor changes to the final report are recommended, staff concurs with the overall report findings that the traffic impacts of this development will be minimal. Additionally, the primary access point for the development will be the signalized intersection of Slater's Lane and Portner Road. This intersection is currently well under capacity and can easily accommodate this modest increase in demand.

In the analysis of existing conditions, the traffic impact study found a few intersection approaches within the analyzed network below desirable levels of service (LOS). A desirable LOS is considered "D" or better. These particular movements operate at a LOS "E". During the AM peak, these approaches consist of the westbound approach at the intersection of Slater's Lane and E. Abingdon Drive, the eastbound approach at Slaters Lane and W. Abingdon Drive, and the northbound approach

at Washington Street and Slaters Lane. During the morning peak hours, these three approach consists of the high volume of commuter traffic traveling north towards Washington D.C from the northern City limits. During the PM peak hours, these approaches consist of the westbound approach at Washington Street & Slaters Lane and the eastbound approach at Washington Street and Bashford Lane. Again, these conditions reflect the large volume of commuter traffic entering and exiting the City near its jurisdictional borders.

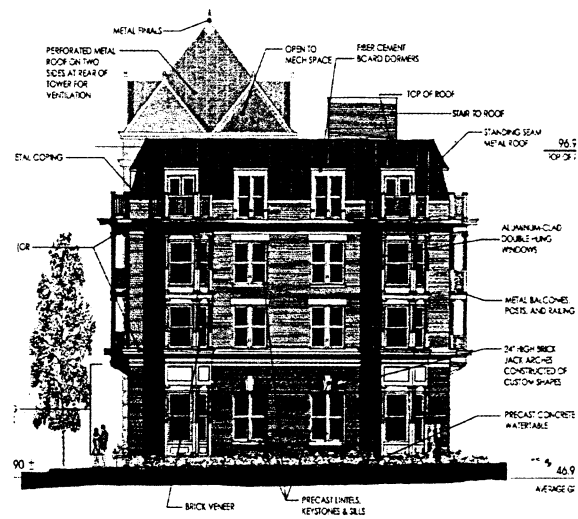
Despite these levels of service, the report showed that each of these undesirable levels of service may be mitigated by modest traffic signal timing adjustments. Furthermore, the analysis of 2007 build-out conditions showed that these acceptable levels of service can be maintained for all movements, given the limited traffic impact of the development.

H. Modifications requested by the Applicant

The applicant is requesting modifications from the setback requirements of the Zoning Ordinance. The modifications include the following:

- Modification to reduce the required rear yard setback from 50ft. to 29.94ft.
- Modification to reduce the required side yard setback (west side) from, 16.67 ft. to 13.75 ft.

While the project does require two modifications to the Zoning Ordinance, staff does not believe these modifications are significant, nor do we believe they serve to allow the developer to reach a density of development that would otherwise be unattainable. Staff supports the modifications requested because they allow some of the numerous creative site and design features that were incorporated, such as the addition of bays to enhance the building on the west side, and a consolidated open space. The rear setbacks allow for a 90 ft. separation between the proposed building and the adjacent residents to the south, which provides a 35 ft addition. Similar modifications to the setback requirements for the rear and side yards were granted to the adjacent Old Town Crescent condominium development in 2000.



WEST ELEVATION APPROVED
 Bays added to the west facade

VIII. CONCLUSION:

Staff recommends **approval** of the rezoning and associated master plan amendment with a proffer to the proposed site plan subject to the conditions within this report.

STAFF: Eileen Fogarty, Director, Planning and Zoning
Jeffrey Farner, Chief, Development;
Lucia deCordre, Urban Planner;
Rebeccah Ballo, Urban Planner.

IX. STAFF RECOMMENDATION:

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

PEDESTRIAN AND STREETScape:

1. The applicant shall provide pedestrian streetscape improvements that at a minimum shall provide the level of improvements depicted on the preliminary site plan and shall also provide the following:
 - a. The sidewalk on Slater's Lane shall be an 8 ft. wide brick sidewalk with a minimum 4 ft. wide landscape strip adjacent to the curb, and a continuous row of street trees shall be planted 25 ft. on-center between the curb and the sidewalk.
 - b. Decorative pedestrian scale black Virginia Power colonial light poles shall be provided along Slater's Lane. Decorative pedestrian scale lighting shall also be for the on-site walkways.
 - c. The planter adjacent to Slater's Lane shall be designed in a manner to function as a "seat wall" for pedestrians. The materials for the planter wall shall be brick and precast stone.
 - d. A pedestrian countdown signal shall be provided for the pedestrian crossing at the intersection of the George Washington Memorial Parkway and Slater's Lane. The applicant shall also construct the sidewalks at this pedestrian crossing to 6 ft. wide brick sidewalks.
 - e. A pedestrian cross walk and signage across Slater's Lane west of the railroad crossing to the future City park on the northern portion of Slater's Lane.
 - f. A continuous brick sidewalk to the rail road crossing within the existing City right-of-way on the southern portion of Slater's Lane on the eastern portion of the site. The brick sidewalk shall continue over both curb cuts for Mason Hall on Slater's Lane to provide a continuous uninterrupted brick sidewalk.
 - g. All sidewalks for the development shall be red brick and shall comply with City standards.
 - h. All internal sidewalks shall be 6 ft. wide wherever possible.
 - i. Wheel stops shall be provided for the parking spaces on the southern portion of the building to maintain an unobstructed sidewalk.
 - j. All streetscape improvements and the monetary contribution shall be completed prior to the issuance of a certificate of occupancy permit. (P&Z)

2. A perpetual public ingress/egress easement shall be granted for the portion of the sidewalk on Slater's Lane sidewalk not located within the public right-of-way. All easements and reservations shall be depicted on the plat of consolidation and shall be approved by the City prior to the release of the final site plan. (P&Z)
3. The surface for the surface parking and garage entrance shall be a decorative brick or comparable material to the satisfaction of the Director of P&Z to reduce the perceived expanse of the alley pavement. (P&Z)
4. The existing overhead electrical/telephone lines and four poles on the frontage and to the east of the property on Slater's Lane shall be located underground. All utility lines on Slater's Lane shall be located away from the proposed landscaped areas to minimize the impact upon the proposed landscaping. Any switch boxes or transformers that are a result of the undergrounding on Slater's Lane be located adjacent to the alley on the southern portion of the site. (P&Z) (T&ES)
5. The vents for the parking garage shall not exhaust onto sidewalks at the pedestrian level. Landscaping shall be provided to screen the vents. (P&Z)

OPEN SPACE:

6. The open space area on the eastern portion of the site shall provide the level of detail and amenities depicted on the preliminary plan and shall also provide amenities such as special paving surfaces, materials, benches, trash receptacles, landscaping, etc. to encourage its use. In addition the open space shall be revised to provide the following to the satisfaction of the Director of P&Z and RPCA to provide:
 - a. A perpetual public access easement shall be granted for the eastern open space to enable the area to serve as public open space. The easement and reservations shall be depicted on the plat of consolidation and shall be approved by the City prior to the release of the final site plan.
 - b. The eastern open space shall be fully open to the public following the hours and guidelines established by the Department of Parks, Recreation and Cultural Activities during hours normally associated with residential uses.
 - c. The walkways for the internal sidewalks and courtyard shall generally be the same brick as used adjacent to Slater's Lane to reinforce the public nature of the open space.
 - d. A public focal element such as a sculpture or fountain, that is an appropriate scale for the space shall be provided and permanently mounted within the open space.
 - e. Provide, at a minimum, two decorative benches and one trash receptacle in the courtyard open space area of the site.

- f. Shrub plantings shall provide seasonal color and be arranged to provide visual interest and harmony within the public space as well as be complimentary to the design of the public space and its proposed use.
 - g. A decorative pedestrian scale sign shall be added to the open space near Slater's Lane to identify the open space as public open space.
 - h. The parking garage vents shall be located at grade and be of a size and type to minimize the impact on open space.
 - i. Low scale pathway or bollard lighting.
 - j. Where walls or planters are necessary they shall be brick or stone.
 - k. No shrubs higher than three feet shall be planted within six feet of walkways.
 - l. All landscaping shall be maintained in good condition and replaced as needed.
 - m. The applicant shall provide a curb at the east end of the alley to prevent access between the proposed site and the Mason Hall parking Lot, and minimum 4 ' wide planting strip with shrub planting shall be provided as a buffer between the end of the alley and the Mason Hall Parking lot. (P&Z) (RPCA)
7. A final landscape plan shall be provided with the final site plan to the satisfaction of the Director of P&Z and RP&CA. The plan shall include the level of landscaping depicted on the preliminary landscape plan and shall at a minimum also provide:
- a. Provide 3-4 additional shade and or columnar trees adjacent to the alley on the southern portion of the site.
 - b. London Plane street trees on Slater's Lane approximately 25 ft. on-center.
 - c. All trees shall be a minimum 3.5 to 4 inches caliper at the time of planting.
 - d. Irrigation shall be provided for landscaped and open space areas.
 - e. The planter adjacent to Slater's Lane shall provide shade tolerant plants and shall be irrigated. Provide minimum 22 inches clear, continuous interior dimension for the planter and provide drainage using an internal system without drainage onto the adjacent sidewalk.
 - f. Provide significantly enhanced planting within the planters including seasonal color near the entrance.
 - g. Provide details for the planter including material, drainage, irrigation and soil depth as well as cross sections.
 - h. The planting depth on top of the parking deck shall be a minimum of 2 ft. for the shrubs and groundcover and a minimum of 4 ft. of soil depth for trees with adequate drainage to support the trees. Raised planters shall not be provided on the external portion of the building, other than the raised planter on Slater's Lane.
 - i. Utility lines such as water, storm sewer and electric lines shall be located to minimize impacts on proposed street trees and open space
 - j. The location of all light poles shall be coordinated with the street trees.

- k. The maximum height for the shrubs is 36 inches.
 - l. Landscaping shall be maintained by in good condition and replaced as needed.
 - m. All plant materials and specifications shall be in accordance with the current and most up to date edition of the American Standard for Nursery Stock (ANSI Z60.1) as produced by the American Association for Nurserymen, Washington, D.C.
 - n. All trees to be limbed up a minimum of 6 ft by condominium association as they mature to allow for natural surveillance.
 - o. Trees are not to be planted under or near light poles.
 - p. The landscape plan shall be prepared and sealed by a certified landscape architect
 - q. The landscape plan with all building entrances and the proposed utilities as well as the proposed BMP vault. Utility lines such as water, storm sewer and electric lines shall be located to minimize impacts on proposed street trees and open space
 - r. Landscaping notes and graphic symbols for trees are to be provided in accordance with City of Alexandria Guidelines.
 - s. All lawn areas to be identified as planted with sod grass.
 - t. Provide correct botanical name for street trees and provide City of Alexandria Street Tree Planting detail.
 - u. Eliminate conflict between street trees and site utilities along Slater's Lane.
 - v. Provide note on drawings which indicates that in the absence of more strenuous specifications, plantings will be installed in accordance with the latest and most current edition of Landscape Specification Guidelines, as produced by the Landscape Contractors Association (LCA) of Maryland, District of Columbia and Virginia, Gaithersburg, Maryland. (P&Z) (RP&CA)
8. **CONDITION AMENDED BY PLANNING COMMISSION:** The building shall incorporate the use of green building and sustainable techniques for the site and building systems, specifically the building shall provide all site and building elements necessary to achieve the appropriate score to achieve a ~~silver~~ LEED rating. The architect shall provide a checklist, specific examples and certify the implementation of these measure necessary to achieve a score to achieve a ~~silver~~ LEED rating prior to the release of a building permit, to the satisfaction of the Director. 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.(T&ES)(P&Z)(PC)
9. **CONDITION AMENDED BY PLANNING COMMISSION:** The final architectural elevations shall be consistent with the level of quality and detail provided in the preliminary architectural elevations dated 9/12/05. In addition, the applicant shall provide additional refinements to the satisfaction of the Director of P&Z that shall at a minimum include: The building design and materials shall be revised to the satisfaction of the Director of P&Z to provide the following.

- a. The facade materials of the entire building, shall be entirely masonry (brick, precast, stone), including lintels and sills.
 - b. The entrance and watertable for the building shall be precast stone.
 - c. The base and tower brick color and mortar shall be different than the body of the building.
 - d. The base for the building shall be a rusticated brick base.
 - e. A standing seam metal roof shall be provided for entire mansard roof, dormers and tower element. The color of the roof shall be compatible with the colors of the building.
 - f. ~~The open balconies on Slater's Lane shall be eliminated and revised to be bay windows with a balcony on the fourth level similar to the balconies on the eastern and western portion of the building. The balconies on the tower element on Slater's Lane shall be eliminated.~~(PC)
 - g. Through-the-wall HVAC vent grills shall be prohibited unless an alternative design is approved by the Director of P&Z.
 - h. Color building elevations shall be submitted with the final site plan. (P&Z)
 - i. The entrance canopy shall be a high quality metal as generally depicted on the preliminary plans
 - j. Architectural elevations shall be submitted with the final site plan. Each elevation shall indicate the average finished grade line to ensure compliance with all applicable height requirements
 - k. The base shall provide low-level lighting as an integral part of the facade design to add nighttime visual interest to the buildings. Accent lighting is encouraged. (P&Z)
10. The structure shall be equipped with a full NFPA 13 automatic fire suppression system. Acknowledged, however the plans reflect an NFPA 13R system for the entire structure. NFPA 13R is not applicable to the underground parking structure. Revise references by adding NFPA 13 system for garage. (Code)
 11. Based on a history of sound transmission complaints all dwelling units shall have a STC rating of at least 60, or the applicant shall demonstrate through sufficient construction methods that similar sound attenuation measures can be taken within the building to the satisfaction of the Director of Code Enforcement (Code)
 12. Sheeting and shoring shall not extend beyond the property line; except when the developer has obtained a written release from adjacent property owners which has been recorded in the land records; or through an approved encroachment process. (Code) or firefighting reasons one stair shall extend thru the roof so that door access to the roof is provided Roof stairwell provided.the same location(s) as on the approved site plan. (Code)

13. 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:
- a. 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 a minimal signal transmission strength of -95 dBm within 90 percent of each floor area.
 - b. 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. 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.
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. (Code)

AFFORDABLE HOUSING:

14. The applicant will make a voluntary contribution of \$3.20 per square foot of gross floor area permitted (38,623 sq.ft.) for a total voluntary contribution of \$125,000 to the City's affordable Housing Trust Fund. The applicant will pay the contribution to the city prior to the certificate of occupancy. The City may alternatively use the contribution as an offset in the payment of the purchase price for one (1) unit at the Slaters Lane project. (Housing)

PARKING:

15. Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z)

16. A minimum of 47 parking spaces, as represented on the preliminary plan, shall be located in the underground garage for residents. At visitor spaces shall be reserved for visitor use and shall be located adjacent to the south side of the building as indicated on the preliminary plans. The applicant shall install "Visitor Parking Only" markings and/or signs for the visitor spaces. A minimum of one space for each unit shall be provided within the garage as part of the purchase price for each unit. (P&Z)
17. Provision shall be made within the underground garage for the adequate storage of refuse and recycling to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
18. The applicant shall provide off-street parking for all construction workers without charge. For the construction workers who use Metro, DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be based on a plan, which shall be submitted to the Department of P&Z and T&ES prior to the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit. The plan shall also provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes. If the plan is und to be violated during the course of construction, a correction notice will be issued to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. (P&Z)
19. The applicant shall provide controlled access into the underground garage. The controlled access to the garage shall be designed to allow convenient access to the underground parking for residents. (P&Z)
20. Handicap parking spaces for apartment and condominium developments shall remain in the same location(s) as on the approved site plan. Handicap parking spaces shall be properly signed and identified as to their purpose in accordance with the USBC and the Code of Virginia. Ownership and / or control of any handicap parking spaces required under the USBC or the Code of Virginia shall remain under common ownership of the apartment management or condominium association and shall not be sold or leased to any single individual. Parking within any space identified as a handicap parking space shall be limited to only those vehicles which are properly registered to a handicap individual and the vehicle displays the appropriate license plates or window tag as defined by the Code of Virginia for handicap vehicles. The relocation, reduction or increase of any handicap parking space shall only be approved through an amendment to the approved site plan. (Code)

21. The lighting for the parking garage is to be 5.0 foot-candles minimum maintained. (Police)
22. The walls and ceilings in the garage are to be painted white. (Police)

MASS TRANSIT INCENTIVES:

23. A transit incentive program account shall be funded annually at a rate of \$120 per occupied residential unit. The first payment to the fund shall be made with the issuance of initial residential Certificate of Occupancy. Payment shall be the responsibility of the developer until such time as this responsibility is transferred by lease or other legal arrangement to the condominiums. Annually, to begin one year after the initial CO is issued, the rate shall increase by an amount equal to the rate of inflation for the previous year, unless a waiver is obtained by the Director of Transportation and Environmental Services. The transit incentive program fund shall be used exclusively for these approved activities:
 - a. Discounting the cost of bus and transit fare media for on-site employees and residents. The discounted bus and rail fare media shall be sold on-site to employees/residents of the project including during hours that are convenient for residents who work. The fare media to be sold will include, at a minimum, fare media for Metrorail, Metrobus, DASH and any other public transportation system fare media requested by employees and/or the Office of Transit Services and Programs. The availability of this fare media will be prominently advertised. At a minimum, the initial discount will be 50%.
 - b. Marketing activities, including advertising, promotional events, etc.
 - c. Application fees for carshare vehicles
 - d. Any other transit incentive activities as may be proposed by the applicant and approved by the Director of T&ES as meeting goals similar to those targeted by the required TMP measures. Transit, ridesharing, staggered work hours/compressed work week and the other program elements shall be promoted to prospective residents and residents in the residential buildings. A Transit Incentive Coordinator shall be designated for condominiums on application for the certificate of occupancy permit. This person will be responsible for implementing and managing all aspects of the Transit Incentive program and the parking management program for the project, and for providing biannual reports to the Office of Transit and Programs in the Department of T&ES. The biannual reports will include an assessment of the effects of the previous six month's transit incentives on carpooling, vanpooling, and transit ridership; an accounting of receipts and disbursements for any transit incentives accounts, and a work program for the subsequent six months.
 - e. Information about all transit incentive elements shall be distributed and displayed to residents, 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

- f. A ridesharing program shall be encouraged that includes not only participation in the regional Metropolitan Washington Council of Governments Commuter Connections Program, but also site-specific matching efforts.
- g. A Guaranteed Ride Home Program shall be encouraged and promoted as part of the ridesharing and transit marketing efforts. Provide one time free SmarTrip cards to first time condominium purchasers and retail employees.
- h. 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.
- i. Modifications to approved transit incentives 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 Transit Incentives program.
- j. The Transit Incentive Coordinator shall participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by advertising such promotions in a manner and at such locations within the building acceptable to the homeowners association
- k. The applicant shall participate in any larger Transportation Management Plan and parking efforts for the area and shall participate with surrounding transportation management plans or residential associations to the satisfaction of the Directors of T&ES and P&Z.
- l. In order to promote teleworking, each of the units will be wired for high-speed and wireless internet access.
- m. This development shall have a goal of promoting transit and ridesharing and discouraging the use of single occupancy vehicles. The goal of this development shall be transit, ridesharing, and teleworking use of a minimum of 20% out of the total number of residents of the development during the peak time period. Modifications to approved Transit Incentives program 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 Transit Incentives program. (P&Z)

SITE PLAN:

24. Depict all utility structures, including transformers, on the final development plan. The transformers and all utilities shall be located on the southern portion of the site adjacent to the alley and shall not be located within the eastern open space area. The utility structures (except fire hydrants) shall be clustered where possible. (P&Z)
25. A plat of consolidation shall be submitted with the final site plan and shall be approved and recorded prior to the release of the final site plan. (P&Z)
26. The applicant shall provide a perpetual public access easement for the alley and visitor parking spaces on the southern portion of the site that are not located within the public right-of-way. The condominium association shall be responsible for maintaining the entire 22 ft. wide alley and the surface visitor parking spaces on the site. All easements and reservations shall be approved by the City Attorney prior to release of the final site plan. . The applicant shall disclose to all prospective buyer(s) through the sales literature and documents, sales contracts etc. the maintenance requirements, current and future access rights by all adjoining property owners and potential liability for the easement, and shall include the same in the Condominium Association documents. (P&Z)
27. Due to the construction with the public alley, the applicant shall re-pave or repair the existing and proposed 22 ft. alley from Portner Road to the eastern portion of the site to the satisfaction of the Director of T&ES. In addition, the applicant shall contribution \$5,000 to the Old Town Crescent Condominium Association for the future maintenance needs of the alley. In addition, the applicant and future condominium residents shall be required to participate in a proportional maintenance and liability agreement with the Old Town Crescent townhouses and Old Town Crescent condominium property owners and shall be approved to the satisfaction of the City Attorney. (P&Z)
28. The applicant shall identify a person who will serve as liaison to the community throughout the duration of construction. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Directors of P&Z and T&ES. (P&Z)
29. A temporary informational sign shall be installed on the site prior to approval of the first final site plan for the project and shall be displayed until construction is complete or replaced with a marketing sign incorporating the required information: the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project. (P&Z)

30. Temporary construction and sales trailer(s) shall be permitted and be subject to the approval of the Director of P&Z. The trailer(s) shall be removed prior to the issuance of a certificate of occupancy permit for the building. (P&Z)
31. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of P&Z and T&ES. (P&Z)
32. The rear alley shall be provided with an emergency vehicle easement, when combines with the established public alley shall measure 22 feet in length. All paved and elevated structures used for this purpose shall be designed to AASHTO HS-20 loadings. (Code)
33. A freestanding residential, development sign shall be prohibited. Temporary freestanding signs for the purpose of marketing the development shall be allowed to the satisfaction of the Director of Planning and Zoning. (P&Z)
34. Provide a lighting plan with the first final site plan to verify that lighting meets City standards. The plan shall be to the satisfaction of the Director of T&ES in consultation with the Chief of Police and shall include the following:
 - a. Clearly show location of all existing and proposed street lights and site lights, shading back less relevant information;
 - b. A lighting schedule that identifies each type and number of fixtures, mounting height, and strength of fixture in Lumens or Watts;
 - c. Manufacturer's specifications and details for all proposed fixtures; and
 - d. A photometric plan with lighting calculations that include all existing and proposed light fixtures, including any existing street lights located on the opposite side(s) of all adjacent streets. Photometric calculations must extend from proposed building face(s) to property line and from property line to the opposite side(s) of all adjacent streets and/or 20 feet beyond the property line on all adjacent properties. (T&ES)
35. The applicant shall submit a final location survey for the buildings and underground parking garage prior to issuance of a certificate of occupancy permit. (P&Z)
36. All condominium association covenants shall be reviewed by the Director of P&Z and the City Attorney prior to the first certificate of occupancy permit for the project. The association covenants shall include the conditions listed below, which shall be clearly expressed in a separate section of the covenants.
 - a. The principal use of the underground garage and parking spaces shall be for passenger vehicle parking only; storage which interferes with the use of a parking space for a motor vehicle is not permitted;
 - b. The designated visitor parking spaces shall be reserved for the use of the condominium guests;

- c. No less than one parking space shall be assigned to a specific condominium unit; all remaining unassigned spaces in the garage shall be made generally available to residents;
 - d. Public access easement is provided on the eastern portion of the site for the use of the general public. The responsibility for the maintenance of the courtyard is the responsibility of the condominium association. The hours for use by the public will be consistent with the Department of Parks, Recreation and Cultural Activities hours for public parks during hours normally associated with residential use;
 - e. All landscaping and open space areas within the development, shall be maintained by the homeowners and condominium owners;
 - f. The alley on the southern portion of the site contains a public access easement and is the responsibility of the condominium association to maintain.
 - g. No storage of furnishings, sports equipment, clothing or other items shall be allowed on the balconies. All items placed onto the balcony spaces shall be kept from view from surrounding structures. No physical changes or additions shall be made to the balcony structures. (P&Z)
37. The limit of clearing and grading is excluding the alley driveway, revise the plans to include all disturbed area. (T&ES)
38. The grading plan is omitting the handicap ramp and landing is not provided behind the ramp, please revise and ensure conformance with the ADA guidelines. (T&ES)
39. The applicant shall provide a means and method of extracting the trash from the parking garage to the satisfaction of the Director of T&ES. The applicant shall demonstrate that trash truck can make a three point turn, to the satisfaction of the Director of T&ES. (T&ES)
40. All private utilities are to be located outside of public right-of-way and public utility easements. (T&ES)
41. T&ES is concerned about the limit of excavation relative to the property line. Any structural elements that extend into right of way, including footings, foundations, etc., must be approved by the Director of T&ES. (T&ES)
42. The proposed loading and unloading area is shown in the required visitors parking spaces, please indicate the alternative location for the displaced parking spaces during loading and unloading operation. The freight loading and unloading area should be removed for sheet 11 because the hatch pattern is consistent with the one referring to the pervious area. (T&ES)

43. Provide information on the height clearance within the garage and ensure handicap van accessibility. Provide a handicap ramp at the visitor's parking spaces for a handicap person to be able to access the site and ensure compliance with the current ADA guidelines. (T&ES)
44. All Traffic Control Device design plans, Work Zone Traffic Control plans, and Traffic Studies shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)
45. In the event that Section 5-1-2(12b) of the City Code is amended to designate multi-family dwellings in general, or multi-family dwellings when so provided by SUP, as required user property, then refuse collection shall be provided by the City for the condominium portion of this plan. (T&ES)
46. The applicant shall prepare and submit a plan that delineates a detailed construction management plan for the entire project for review and approval by the Directors of P&Z, T&ES and Code Enforcement prior to the release the final site plan. Before commencing any clearing or grading of the site, the applicant shall hold a meeting with notice to all adjoining property owners to review the location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. (T&ES)
47. Applicant shall provide (4) bike racks in the garage and (2) at grade. (T&ES)(P&Z)
48. The applicant shall be allowed to make minor adjustments to the building location if the changes do not result in off-street parking or open space below that required by the Zoning Ordinance and do not result in an increase in building height or floor area ratio. (P&Z)
49. The site is located within the "City of Alexandria Brick Sidewalk Area". The applicant shall install brick sidewalks along the frontage of the property on Slaters Lane, to the satisfaction of the Director of T&ES.(T&ES)
50. A gradual transition, following ADA requirements, from the existing sidewalk to the proposed sidewalk at the southeast entrance. Provide a North point with reference to source of meridian. (T&ES)

STORMWATER - ENVIRONMENTAL:

51. Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfall is available to the site or else developer is to design and build any on or off site improvements to discharge to an adequate outfall. The plan is proposing an 18" pipe connecting to an existing 12" existing pipe, the 12" pipe should be upgraded to a 15" pipe. (T&ES)
52. The site is located in the combined sewer district, the applicant shall contribute to the capital improvement fund for the separation of the combined sewer system. The amount of the donation for a multi-family residential development is \$1,000 pe unit, payable at the approval of the final site plan. (T&ES)
53. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)
54. The minimum diameter for public storm sewers is 18-inches. The minimum diameter for public sanitary sewer is 10-inches. (T&ES)
55. The storm water collection system is located within the Potomac River watershed. All on-site storm water curb inlets and public curb inlets within 50 feet of the property line shall be duly marked using standard City markers, or to the satisfaction of the Director of T&ES. (T&ES)
56. The City of Alexandria's storm water management regulations regarding water quality are two-fold: first, phosphorus removal requirement and second, water quality volume default. Compliance with the phosphorus requirement does not relieve the applicant from the water quality default requirement. The water quality volume determined by the site's proposed impervious area shall be treated in a Best Management Practice (BMP) facility. Any deviation from these requirements must be addressed by the submission of a formal exception letter to the City of Alexandria as described in Memorandum to Industry #2002-0001. (T&ES)
57. Provide BMP narrative and complete pre and post development drainage maps that include areas outside that contribute surface runoff from beyond project boundaries to include adequate topographic information, locations of existing and proposed storm drainage systems affected by the development, all proposed BMP's and a completed Worksheet A or B and Worksheet C, as applicable. Computations and narrative provided do not indicate

how the Water Quality Volume is to be treated for the site. Complete the narrative to indicate how the WQV is treated. As per previous comment, use of a vault is not acceptable for treatment. (T&ES)

58. The storm water Best Management Practices (BMPs) required for this project shall be constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:
 - a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
 - b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. (T&ES)
59. Surface-installed storm water Best Management Practice (BMP) measures, i.e. Bio-Retention Filters, Vegetated Swales, etc. that are employed for this site, require installation of descriptive signage to the satisfaction of the Director of T&ES. (T&ES)
60. The Applicant shall submit a storm water quality BMP Maintenance Agreement with the City to be reviewed as part of the Final #2 Plan. It must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to approval of the final site plan. (T&ES)
61. The Applicant shall be responsible for maintaining storm water Best Management Practices (BMPs) until activation of the homeowner's association (HOA), if applicable, or until sale to a private owner. Prior to transferring maintenance responsibility for the BMPs to the HOA or owner, the Applicant shall execute a maintenance service contract with a qualified private contractor for a minimum of three years, and transfer the contract to the HOA or owner. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the maintenance contract shall be submitted to the City. (T&ES)
62. If units will be sold as individual units and a homeowner's association (HOA) established the following two conditions shall apply:
 - a. The Applicant shall furnish the Homeowner's Association with an Owner's Operation and Maintenance Manual for all Best Management Practices (BMPs) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including any mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement

with the City.

- b. The Developer shall furnish each home purchaser with a brochure describing the storm water BMP(s) installed on the site, outlining the responsibilities of the homeowners and the Homeowners Association (HOA) with respect to maintenance requirements. Upon activation of the HOA, the Developer shall furnish five copies of the brochure per unit to the HOA for distribution to subsequent homeowners.

Otherwise the following condition applies:

The Developer shall furnish the owners with an Owner's Operation and Maintenance Manual for all Best Management Practices (BMPs) on the project. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. (T&ES)

63. Prior to release of the performance bond, a copy of the Operation and Maintenance Manual shall be submitted to the City on digital media. (T&ES)
64. Prior to release of the performance bond, the Applicant is required to submit a certification by a qualified professional to the satisfaction of the Director of T&ES that any existing storm water management facilities adjacent to the project and associated conveyance systems were not adversely affected by construction operations and that they are functioning as designed and are unaffected by construction activities. If maintenance of the facility or systems were required in order to make this certification, provide a description of the maintenance measures performed. (T&ES)
65. Due to historic uses at the site and potential for contamination, the following condition shall be included: The Applicant shall design and install a vapor barrier and ventilation system for buildings and parking areas in order to prevent the migration or accumulation of methane or other gases, or conduct a study and provide a report signed by a professional engineer showing that such measures are not required to the satisfaction of Directors of T&ES and Code Enforcement. (T&ES)
66. Due to the close proximity of the site to airport traffic, the following conditions shall be included in the development requirements:
 - a. Applicant shall prepare a noise study identifying the levels of noise 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 airport traffic, which may include: 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.
 - c. A noise study shall be submitted and approved prior to final site plan approval. (T&ES)
67. Applicant shall present a disclosure statement to potential buyers disclosing the following to the satisfaction of the Director of P&Z and the City Attorney: Railway operations are located within the immediate vicinity of the project, are permitted to continue indefinitely, and will generate truck traffic, including empty garbage trucks emanating odors, on the public streets surrounding the project. (T&ES)
68. If fireplaces are utilized in the development, the Applicant is required to install gas fireplaces to reduce air pollution and odors. Animal screens must be installed on chimneys. (T&ES)
69. The Applicant shall control odors and any other air pollution sources resulting from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Director of Transportation and Environmental Services. (T&ES)
70. A "Certified Land Disturber" shall be named on all Erosion & Sedimentation Control sheets prior to the pre-construction meeting or commencement of demolition or construction activity in accordance with the Virginia Department of Conservation and Recreation guidelines. (T&ES)
71. During the construction phase of this development, the site developer, their contractor, certified land disturber, or owner's other agent shall implement a waste and refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them, and all sanitary waste at the construction site and prevent offsite migration that may cause adverse impacts to neighboring properties or to the environment to the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be properly disposed offsite in accordance with all applicable federal, state and local laws. (T&ES)

ADDITIONAL CITY DEPARTMENT CODE COMMENTS

Legend: C - Code Requirement R - Recommendation S - Suggestion F - Finding

Transportation & Environmental Services

- C-1 A performance Bond to guarantee installation of the required public improvements must be posted prior to release of a development plan.
- C-2 All downspouts must be connected to a storm sewer by continuous underground pipe.
- C-3 The sanitary sewer tap fee must be paid prior to release of the plan.
- C-4 All easements and/or dedications must be recorded prior to release of the plan.
- C-5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.
- C-6 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.
- C-7 All utilities serving this site to be placed underground.
- C-8 Provide site lighting plan to meet minimum city standards.
- C-9 Plan shall comply with the Chesapeake Bay Preservation Act in accordance with Article XIII of the City's zoning ordinance for storm water quality control.
- C-10 Provide a phased erosion and sediment control plan consistent with grading and construction per City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4.
- C-11 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-12 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.

- C-13 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.
- C-14 The applicant must comply with the Article XIII of the City of Alexandria Zoning Ordinance, which includes requirements for storm water pollutant load reduction, treatment of the water quality volume default, and storm water quantity management.
- C-15 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. This includes naming a Responsible Land Disturber on the Erosion and Sediment Control sheets prior to engaging in land disturbing activities in accordance with Virginia Erosion and Sediment Control Law.
- C-16 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. This includes the state requirement for a VSMP permit for land disturbing activities greater than 2500 SF.

Code Enforcement

- C-1 Required exits, parking, and facilities shall be accessible for persons with disabilities. Surface handicap parking does not show a curb cut for handicap access to the sidewalk. **Curb cut provided, however location impacts upon pedestrian walking surface.**
- C-2 A soils report must be submitted with the building permit application. Acknowledged.
- C-3 Prior to submission of the Final Site Plan #1, the developer shall provide a fire flow analysis by a certified licensed fire protection engineer to assure adequate water supply for the structure being considered. Fire Flow shall be prepared on 8 ½ x 11 paper and may be submitted separately if desired. See attached fire flow requirements. **Acknowledged, not provided.**
- C-4 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). Shown as note on Sheet 2, condition met.
- C-5 The developer shall provide a building code analysis with the following building code data on the plan: a) use group; b) number of stories; c) type of construction; d) floor area per floor ; e) fire protection plan. Revise analysis to include use group, construction type and fire protection system design standard for garage. **Condition met, corrections made.**
- C-6 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 within on 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 twenty-two (22) foot minimum width; f) all Fire Service Plan elements are subject to the approval of the Director of Code Enforcement. **Acknowledged need for rear hydrant, but not shown on plans.**

- C-7 The final site plans shall show placement of fire easement signs. See attached guidelines for sign details and placement requirements. **Add 3 additional signs; one across alley from proposed sign; two additional signs on either side of alley just prior to garage entrance.**
- C-8 This structure contains mixed use groups [R, Residential; S-2, Low-Hazard Storage (public garage, group 2) and is subject to the mixed use and occupancy requirements of USBC 302.3. Acknowledged.
- C-9 The public parking garage (Use Group S-2) is required to be equipped with a sprinkler system (USBC 903.2.11). Acknowledged.
- C-10 The public parking garage floor must comply with USBC 406.2.6 and drain through oil separators or traps to avoid accumulation of explosive vapors in building drains or sewers as provided for in the plumbing code (USBC 2901). This parking garage is classified as an S-2, Group 2, public garage. Acknowledged.
- C-11 Enclosed parking garages must be ventilated in accordance with USBC 406.4.2. Show vent locations on plans. Condition met.
- C-12 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers. Note provided on Sheet 2, condition met.
- C-13 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property. Acknowledged.
- C-14 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0. Acknowledged.

APPLICATION for DEVELOPMENT SITE PLAN

DSP # 2005-0002

PROJECT NAME: Diamond- Slaters Lane

PROPERTY LOCATION: 800-820 Slaters Lane

TAX MAP REFERENCE: 44.02-02-05 and 44.02-02-06 ZONE: RC (Proffered)

APPLICANT Name: Diamond Slaters, L.L.C.

Address: 3919 Old Lee Highway, Suite 82A, Fairfax, VA 22030

PROPERTY OWNER Name: Nelson Thomas B & Perry & Co N V C/O Perry & Co Inc

Address: 9404 Gunston Cove Rd., Lorton, VA 22079-2314

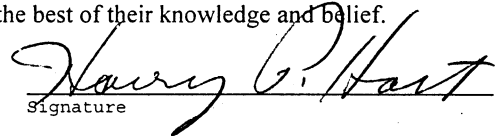
DEVELOPMENT SITE PLAN PROPOSAL: Request to develop a 28 unit condominium building.

THE UNDERSIGNED hereby applies for Development Site Plan approval in accordance with the provisions of Title 7, Chapter 5 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notices on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Harry P. Hart
Print Name of Applicant or Agent


Signature

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

(703) 836-5757
Telephone Number

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

June 29, 2005
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

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

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

ACTION - PLANNING COMMISSION: _____

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

1. The Applicant is the (check one)

Owner Contract Purchaser

Lessee or Other: _____

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

Ahmed Al-Mutawakil, 3919 Old Lee Hwy, Suite 82A, Fairfax, VA 22030 - 25%

Ahmed Y. Al-Hussein, 3919 Old Lee Hwy, Suite 82A, Fairfax, VA 22030 - 25%

Al-Husain Y. Al-Hussain, 3925 Old Lee Hwy, Suite 100, Fairfax, VA 22030 - 25%

Yahya M. Al-Hussain, 3925 Old Lee Hwy, Suite 100, Fairfax, VA 22030 - 25%

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

Yes. Provide proof of current City business license.

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

APPLICATION FOR:

MASTER PLAN AMENDMENT
Zoning Ordinance Section 11-900

MPA# 2005-0004

ZONING MAP AMENDMENT
Zoning Ordinance Section 11-800

REZ# 2005-0006

ProjectName: Diamond- Slaters Lane
[use black ink or type]

APPLICANT:

Name: Diamond Slaters, L.L.C.
Address: 3919 Old Lee Highway, Suite 82A, Fairfax, VA 22030

Interest in property: **Owner** **Contract Purchaser**
 Developer **Lessee** **Other** _____

If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor, or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria, VA:

- yes: If yes, provide proof of current City business license.**
- no: If no, said agent shall obtain a business license prior to filing application.**

The undersigned certifies that the information supplied for this application is complete and accurate, and, pursuant to Section 11-301B of the Zoning Ordinance, hereby grants permission to the City of Alexandria, Virginia, to post placard notice on the property which is the subject of this application.

Name of Owner or
Authorized Agent: Harry P. Hart **Phone:** 703-836-5757

Signature: *Harry P. Hart* **Date:** June 29, 2005

SUBJECT PROPERTY:

Provide the following information for each property for which an amendment is being requested.
(attach separate sheets if needed)

FOR CITY STAFF USE ONLY:

Date application received: _____ **Fee Paid: \$** _____

Date application complete: _____ **Staff Reviewer:** _____

Planning Commission Date _____ **Action:** 44

City Council Date _____ **Action:** _____

JUSTIFICATION FOR AMENDMENT:**(attach separate sheets if needed)**

1. Explain how and why any proposed amendment(s) to the Master Plan are desirable, beneficial to surrounding properties, in character with the applicable Small Area Plan and consistent with City policies:

The proposed amendment to the Master Plan is for residential use, not commercial as is its existing designation. It is desirable and beneficial to the surrounding properties by ensuring the viability of this residential neighborhood in providing high quality residential living, including units within walking distance of the retail niche being constructed across Slater's Lane. It is also beneficial in that it removes the commercial/industrial use from this site and removes the curb-cut on Slaters Lane and undergrounds the utilities along Slaters Lane that abut the property. It further will provide a continuation of the park area that is planned across Slater's Lane by providing a publicly accessible open space area on the east side of the project that lines up visually with the park across the street. Further, it is a continuation of the high quality living that has been the hallmark of this area in the North East Civic area as well as in the Old Town Greens/Potomac Greens neighborhoods across Slaters Lane and provides more than the zoning code required parking spaces by providing all of its residential parking below grade in an underground parking garage plus 15% visitor parking in seven spaces on the surface to the rear of the building. The amendment also is in keeping with the residential areas that surround it including the condominium building immediately to the west of the property and with the multi-family residential to the east and south of the property.

2. Explain how and why the proposed amendment to the Zoning Map(s) is consistent with the proposed amendment to the Master Plan, or, if no amendment to the Master Plan is being requested, how the proposed zoning map amendment is consistent with the existing Master Plan:

The proposed amendment to the Zoning Map is consistent with the proposed amendment to the Master Plan as it mirrors the Master Plan Amendment request and proffers to limit any development on the properties to the proposed development for a four story condominium building with a height of 50 feet and with an F.A.R. of 1.25.

3. Explain how the property proposed for reclassification will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire, drainage structures, refuse disposal, water and sewers, and schools.

The proposed development will be served adequately by essential public facilities based upon its close proximity to the George Washington Parkway and the Route One corridor, as well as by the Braddock Road Metro Station. In addition, it provides more than the zoning code required parking spaces by providing all of its residential parking below grade in an underground parking garage plus 15% visitor parking in seven spaces on the surface to the rear of the building. In addition, the proposal provides more than adequate storm water management facilities, water and sewers, as well as for private pick-up of refuse for its disposal.

4. If this application is for conditional zoning approval pursuant to Section 11-804 of the Zoning Ordinance, identify all proffered conditions that are to be considered part of this application (see Zoning Ordinance Section 11-804 for restrictions on conditional zoning):

This amendment is proffered for approval subject to the particular development plan submitted for the construction of a four story, 50 foot high condominium building, subject to any and all reasonable conditions recommended by the City Staff, the Planning Commission and City Council.

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MPA # 2005-0004REZ # 2005-0004

Address Tax Map-Blk-Lot	Land Use Existing / Proposed	Master Plan Designation		Zoning Designation		Front- age (feet)	Land Area (acres)
		Existing	Proposed	Existing	Proposed		
1 <u>44.02-02-05</u>	<u>Commercial/Residential</u>	<u>CSL/RC</u>		<u>CSL/RC</u>			<u>17,388</u>
2 <u>44.02-02-06</u>	<u>Commercial/Residential</u>	<u>CSL/RC</u>		<u>CSL/RC</u>			<u>5,075</u>
3 _____	_____	_____		_____			<u>.5 acre</u>
4 _____	_____	_____		_____			

PROPERTY OWNERSHIP:

Individual Owner Corporation or Partnership Owner

Identify each person or individual with ownership interest. If corporation or partnership owner, identify each person with more than 10% interest in such corporation or partnership.

1 Name: Ahmed Al-Mutawakil Extent of Interest: 25%

Address: 3919 Old Lee Hwy, Suite 82A, Fairfax, VA 22030

2 Name: Ahmed Y. Al-Hussein Extent of Interest: 25%

Address: 3919 Old Lee Hwy, Suite 82A, Fairfax, VA 22030

3 Name: Al-Husain Y. Al-Hussain Extent of Interest: 25%

Address: 3925 Old Lee Hwy, Suite 100, Fairfax, VA 22030

4 Name: Yahya M. Al-Hussain Extent of Interest: 25%

Address: 3925 Old Lee Hwy, Suite 100, Fairfax, VA 22030

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RESOLUTION NO. MPA 2005- 0004

WHEREAS, under the Provisions of Section 9.05 of the City Charter, the Planning Commission may adopt amendments to the Master Plan of the City of Alexandria and submit to the City Council such revisions in said plans as changing conditions may make necessary; and

WHEREAS, an application for amendment to the **Northeast Small Area** chapter of the 1992 Master Plan was filed with the Department of Planning and Zoning on **August 19th, 2005** for changes in the land use designations to the parcels at **800-820 Slater's Lane**; and

WHEREAS, the Department of Planning and Zoning has analyzed the proposed revision and presented its recommendations to the Planning Commission; and

WHEREAS, a duly advertised public hearing on the proposed amendment was held on **4th 2005** with all public testimony and written comment considered; and

WHEREAS, the Planning Commission finds that:

1. The proposed amendment is necessary and desirable to guide and accomplish the coordinated, adjusted and harmonious development of the **Northeast Small Area** section of the City; and
2. The proposed amendment is generally consistent with the overall goals and objectives of the 1992 Master Plan and with the specific goals and objectives set forth in the **Northeast Small Area** chapter of the 1992 Master Plan; and
3. The proposed amendment shows the Planning Commission's long-range recommendations for the general development of the **Northeast Small Area Plan**; and
4. Based on the foregoing findings and all other facts and circumstances of which the Planning Commission may properly take notice in making and adopting a master plan for the City of Alexandria, adoption of the amendment to the **Northeast Small Area** chapter of the 1992 Master Plan will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the residents of the City;

RESOLUTION NO. MPA 2005-0004

Page 2

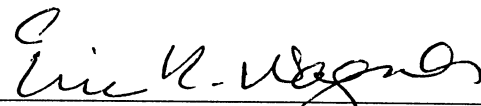
NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Alexandria that:

1. The following amendment is hereby adopted in its entirety as an amendment to the **Northeast Small Area** chapter of the 1992 Master Plan of the City of Alexandria, Virginia in accordance with Section 9.05 of the Charter of the City of Alexandria, Virginia:

Change the designation of parcels at **800-820 Slater's Lane**
from **CSL/ Commercial Service Low** to **RC/ High Density Apartment**.

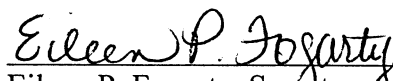
2. This resolution shall be signed by the Chairman of the Planning Commission and attested by its secretary, and a true copy of this resolution forwarded and certified to the City Council.

ADOPTED the **4th day of October, 2005**.



Eric Wagner, Chairman
Alexandria Planning Commission

ATTEST:


Eileen P. Fogarty, Secretary

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

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443
hcgk.law@verizon.net

OF COUNSEL
CYRIL D. CALLEY

RETIRED
ROBERT L. MURPHY, 2001

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

September 21, 2005

Ms. Eileen Fogarty, Director
c/o Ms. Lucia DeCordre, Urban Planner
Department of Planning & Zoning
City Hall, Room 2100
Alexandria, Virginia 22314

Re: 800-820 Slaters Lane
Redevelopment of the Nordic Press Site

*PC Docket Item # 9A-B
DSP 2005-0002
MPA 2005-0004
REZ 2005-0006*


Dear Ms. DeCordre:

As stated in our application for a master plan amendment and rezoning of the above-referenced property, the applicant, Diamond Slaters, L.L.C. proffers the following condition pursuant to Section 11-804 of the Zoning Ordinance:

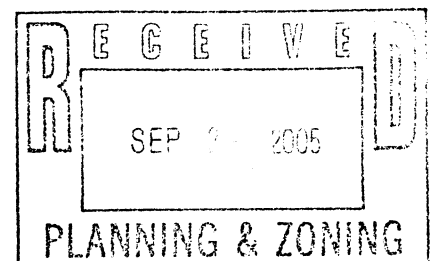
"This amendment is proffered for approval subject to the particular development plan submitted for the construction of a four story, 50 foot high condominium building, subject to any and all reasonable conditions recommended by the City Staff, the Planning Commission and City Council."

Please feel free to contact me with any additional questions. We look forward to continuing to work with you towards the successful completion of this project.

Very truly yours,


Harry P. Hart

cc: M.O. Ibrahim, Diamond Properties, L.L.C.



*Copies to: Jeff, Lucia, Rebecah
Kendra*

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

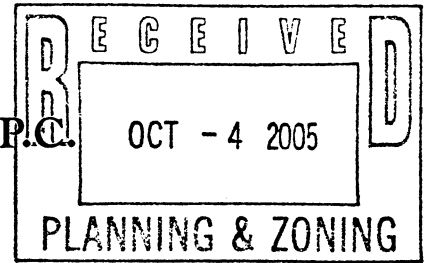
ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757

FAX (703) 548-5443

hcgk.law@verizon.net



OF COUNSEL
CYRIL D. CALLEY

RETIRED
ROBERT L. MURPHY, 2001

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

October 4, 2005

Ms. Eileen Fogarty
Director, Planning & Zoning
City Hall
301 King Street
Alexandria, VA 22314

*PC Docket Item 9A+B
/*

Re: Docket Item #9 A&B - 800-820 Slaters Lane
October 4, 2005 Planning Commission Meeting

Dear Ms. Fogarty:

This letter is to confirm that Staff agrees to the elimination of Condition #9F with respect to balconies on Slaters Lane. While we believe that Staff may prefer the elimination of those balconies, we appreciate their agreement to delete that particular condition.

Very truly yours,

Harry P. Hart

HPH/eah

cc: M. O. Ibrahim

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

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443
hcgk.law@verizon.net

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

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

October 4, 2005

Ms. Eileen Fogarty
c/o Valerie Peterson
Planning & Zoning
City Hall
301 King Street
Alexandria, VA 22314

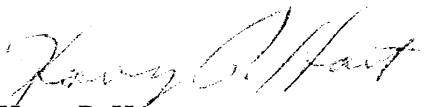
Re: Docket Item #9 - 800-820 Slaters Lane
October 4, 2005 Planning Commission Meeting

Dear Ms. Fogarty:

We have submitted an earlier letter regarding deletion of Condition #9F. Pursuant to our conversation this afternoon, we submit the following amendment to Condition #8 to which you have indicated you are in agreement:

The building shall incorporate the use of the green building and sustainable techniques for the site and building system, specifically the building shall provide all site and building elements necessary to achieve the appropriate score to achieve a ~~silver~~ LEED rating. The architect shall provide a checklist, specific examples and certify the implementation of these measures necessary to achieve a score to achieve a ~~silver~~ LEED rating prior to the release of a building permit, to the satisfaction of the Director. 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.

Very truly yours,


Harry P. Hart

HPH/eah

cc: M. O. Ibrahim

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APPLICATION FOR:

[X] MASTER PLAN AMENDMENT
Zoning Ordinance Section 11-900

MPA# 2005-0004

[X] ZONING MAP AMENDMENT
Zoning Ordinance Section 11-800

REZ# 2005-0006

ProjectName: Diamond- Slaters Lane
[use black ink or type]

APPLICANT:

Name: Diamond Slaters, L.L.C.
Address: 3919 Old Lee Highway, Suite 82A, Fairfax, VA 22030

Interest in property: Owner Contract Purchaser
 Developer Lessee Other _____

If property owner or applicant is being represented by an authorized agent such as an attorney, a realtor, or other person for which there is some form of compensation, does this agent or the business in which they are employed have a business license to operate in Alexandria, VA:

- yes: If yes, provide proof of current City business license.
- no: If no, said agent shall obtain a business license prior to filing application.

The undersigned certifies that the information supplied for this application is complete and accurate, and, pursuant to Section 11-301B of the Zoning Ordinance, hereby grants permission to the City of Alexandria, Virginia, to post placard notice on the property which is the subject of this application.

Name of Owner or
Authorized Agent: Harry P. Hart Phone: 703-836-5757

Signature: *Harry P. Hart* Date: June 29, 2005

SUBJECT PROPERTY:

Provide the following information for each property for which an amendment is being requested.
(attach separate sheets if needed)

FOR CITY STAFF USE ONLY:

Date application received: _____ Fee Paid: \$ _____
Date application complete: _____ Staff Reviewer: _____

Planning Commission Date 10/4/05 Action: MPA Approved/ REZ Recommended approval 6-0

City Council Date 10/15/05 Action: CC approved MPA and REZ recommendation w/ amendments 7-0 (see attached)

44

City Council approved the Planning Commission recommendation, with an amended condition #17 to read as follows: The convenience store shall be accessed from inside the building only unless the applicant agrees in writing to prohibit the sale of alcohol from the store.

Council Action: _____

13. MASTER PLAN AMENDMENT #2005-0004
REZONING #2005-0006
800 AND 820 SLATERS LANE
DIAMOND-SLATERS LANE

Public Hearing and Consideration of a request for an amendment to the master plan and zoning map to change the land designation from CSL/Commercial Service Low to RC/Residential; zoned CSL/Commercial Service Low. Applicant: Diamond Slaters, LLC by Harry P. Hart, attorney

PLANNING COMMISSION ACTION: MPA #2005-0004 Recommend Approval 6-0

REZONING #2005-0006 Recommend Approval 6-0

City Council approved the Planning Commission recommendation for the amendment to the master plan to change the land use designation of the site, to accept the consideration of the request for an amendment to the rezoning map to change the land use designation of the site, and consideration of a request to construct a 28 unit condominium building, with an amendment to condition #27, as submitted by the applicant in the letter dated October 14, 2005.

Council Action: _____

13
10-15-05

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

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443
hcgk.law@verizon.net

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

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

October 14, 2005

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

Re: Docket Item No. 13, MPA #2005-0004, Rezoning #2005-0006
DSP # 2005-0002

Dear Mr. Mayor and Members of City Council:

Based on the request of the president of the Old Town Crescent Unit Owners' Association, the Applicant submits the following amended language for Condition No. 27, to which the Staff has no objection:

"Due to the anticipated use of the public alley by vehicles designed or otherwise dedicated to facilitate the construction on 800-820 Slaters Lane, the applicant shall re-pave the existing and proposed 22 ft. alley from Portner Road to the eastern portion of the site to the satisfaction of the Director of T&ES. The re-paving will be completed prior to issuance of the first certificate of occupancy before any of the future condominiums located at 800-820 Slaters Lane are occupied by any owners or tenants in lieu of owners. In addition, the applicant shall contribute \$5,000 to the Old Town Crescent Unit Owners Association for their capital reserves prior to issuance of the first certificate of occupancy upon receiving approval from City Council. In addition, the applicant and future condominium residents shall be required to participate in a proportional maintenance and liability agreement, drafted to meet the satisfaction and approval of the City Attorney, with the Old Town Crescent Townhome Association and Old Town Crescent Unit Owners Association for which each unit in 800-820 Slaters Lane shall be assessed an annual fee of at least \$160.00, such an amount to be explicitly noticed in the Condominium documents as approved by the City Attorney prior to the issuance of the first certificate of occupancy. The applicant further agrees to pay an additional \$5,000 to the Old Town Crescent Unit Owners Association for the first year of the in which \$4,333 will be placed in

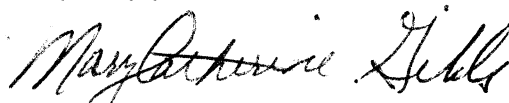
The Honorable William D. Euille, Mayor
and Members of City Council
October 14, 2005
Page 2 of 2

~~escrow upon receiving approval from City Council to pay the first \$4,333 of the applicant's and future residents' pro rata share of the annual maintenance needs, exclusive of re-paving, associated with the existing public alley prior to issuance of the first certificate of occupancy. The pro rata share for each year thereafter shall be determined annually in March and shall be paid within thirty days of the date proof of actual costs paid for the prior year is provided to the future condominium unit owners' association."~~

In addition, the Applicant submits for the record that it has agreed to add Old Town Crescent Unit Owners Association as an additional insured on the future condominium association's liability policy so long as Old Town Crescent Unit Owners Association reciprocates, to which their president has agreed. Finally, the Applicant has agreed to add Old Town Crescent Unit Owners Association as an additional insured to its general liability and comprehensive damage policy for the excavation and construction of the project. As a result, this resolves all of the outstanding issues with respect to the applicant and the proposed site plan that were raised in the letter from the president of the Old Town Crescent Unit Owners Association dated October 13th.

The Applicant looks forward to continuing to work with the community and the City towards the successful completion of this project and respectfully requests your approval of its applications at the Public Hearing on October 15, 2005. We're available to answer any questions or comments you may have.

Very truly yours,



Mary Catherine Gibbs

cc: M.O. Ibrahim, Diamond Properties
Eileen Fogarty, Director, Department of Planning and Zoning
Mr. Nicholas Panos, President, Old Town Crescent Unit Owners' Association

13
10-15-05



"Mary Catherine H. Gibbs"
<mcg.hcgk@verizon.net>

10/14/2005 02:05 PM

Please respond to
"Mary Catherine H. Gibbs"
<mcg.hcgk@verizon.net>

To <alexvamayor@aol.com>, "Del Pepper" <DELPepper@aol.com>, <councilmangaines@aol.com>, <council@krupicka.com>, <MacdonaldCouncil@msn.com>, <PaulCSmedberg@aol.com>, <jackie.henderson@alexandriava.gov>, cc <lucia.deCordre@alexandriava.gov>, "Panos, Nicholas" <PanosN@SEC.GOV>
bcc
Subject Docket Item No. 13, MPA #2005-0004, Rezoning #2005-0006, DSP # 2005-0002

The following letter is being delivered to Council Chambers this afternoon:

Dear Mr. Mayor and Members of City Council:

Based on the request of the president of the Old Town Crescent Unit Owners' Association, the Applicant submits the following amended language for Condition No. 27, to which the Staff has no objection:

"Due to the anticipated use of the public alley by vehicles designed or otherwise dedicated to facilitate the construction on 800-820 Slaters Lane, the applicant shall re-pave the existing and proposed 22 ft. alley from Portner Road to the eastern portion of the site to the satisfaction of the Director of T&ES. The re-paving will be completed prior to issuance of the first certificate of occupancy before any of the future econdominiums located at 800-820 Slaters Lane are occupied by any owners or tenants in lieu of owners. In addition, the applicant shall contribute \$5,000 to the Old Town Crescent Unit Owners Association for their capital reserves prior to issuance of the first certificate of occupancy upon receiving approval from City Council. In addition, the applicant and future condominium residents shall be required to participate in a proportional maintenance and liability agreement, drafted to meet the satisfaction and approval of the City Attorney, with the Old Town Crescent Townhome Association and Old Town Crescent Unit Owners Association for which each unit in 800-820 Slaters Lane shall be assessed an annual fee of at least \$160.00, such an amount to be explicitly noticed in the Condominium documents as approved by the City Attorney prior to the issuance of the first certificate of occupancy. The applicant further agrees to pay an additional \$5,000 to the Old Town Crescent Unit Owners Association for the first year of the in which \$4,333 will be placed in escrow upon receiving approval from City Council to pay the first \$4,333 of the applicant's and future residents' pro rata share of the annual maintenance needs, exclusive of re-paving, associated with the existing public alley prior to issuance of the first certificate of occupancy. The pro rata share for each year thereafter shall be determined annually in March and shall be paid within thirty days of the date proof of actual costs paid for the prior year is provided to the future condominium unit owners' association."

In addition, the Applicant submits for the record that it has agreed to add Old Town Crescent Unit Owners Association as an additional insured on the future condominium association's liability policy so long as Old Town Crescent Unit Owners Association reciprocates, to which their president has agreed. Finally, the Applicant has agreed to add Old Town Crescent Unit Owners Association as an additional insured to its general liability and comprehensive damage policy for the excavation and construction of the project. As a result, this resolves all of the outstanding issues with respect to the applicant and the proposed site plan that were raised in the letter from the president of the Old Town Crescent Unit Owners Association dated October 13th.

The Applicant looks forward to continuing to work with the community and the City towards the successful completion of this project and respectfully requests your approval of its applications at the Public Hearing on October 15, 2005. We're available to answer any questions or comments you may have.

Very truly yours,

Mary Catherine Gibbs

Hart, Calley, Gibbs & Karp, P.C.
307 N. Washington Street
Alexandria, VA 22314
(703) 836-5757 (phone)
(703) 548-5443 (fax)

NOTICE: Unless otherwise specified, the contents of this transmission are strictly confidential. They may involve privileged attorney-client communications or work product and are intended to be received by the recipient(s) specified above, and no one else. The receipt, appropriation, or use of the information transmitted above by anyone other than the designated recipient(s) is unintended and strictly forbidden. If this message reaches anyone other than the intended recipient(s), or his/her/their authorized representative(s), we request that you notify us of the error immediately at (703) 836-5757 and ask for instructions concerning its proper disposition.

----- Original Message -----

From: Mary Catherine H. Gibbs

To: alexvamayor@aol.com ; Del Pepper ; councilmangaines@aol.com ; council@krupicka.com ; MacdonaldCouncil@msn.com ; PaulCSmedberg@aol.com ; council@joycewoodson.net

Cc: jackie.henderson@alexandriava.gov ; Mike Bushkoff ; Katrina.Newtson@alexandriava.gov

Sent: Wednesday, October 12, 2005 4:31 PM

Subject: Docket Item No. 12, SUP # 2005-0077

Mr. Mayor, Madam Vice-Mayor and Members of City Council,

I'm writing on behalf of the applicant, Paradigm Development Co., with regard to the above-referenced docket item for a convenience store at the Meridian at Braddock Station. In response to a concern with nuisance related crimes from off-premises alcohol sales at other convenience stores in the area, the applicant agreed at the Planning Commission hearing to limit the access to the proposed convenience store from the inside only. To further address that concern, but also to give the applicant a little flexibility in finding a tenant for the store, the Applicant would like to request that condition no. 17 be amended to read:

"The convenience store shall be accessed from inside the building only unless the applicant agrees in writing to prohibit the sale of alcohol from the store."

I have spoken with Staff in this regard, and Staff believes this is a reasonable request because the concern raised by the citizen at the Planning Commission was with the sale of alcohol at all. Planning Commission crafted a compromise to permit a limited sale of alcohol only from access within the building. The applicant is simply looking for flexibility if a vendor agrees to rent the space without selling alcohol, but would need outside sales to ensure the success of the business. In that respect, an outside entrance should be permitted as the concern of the community would be eliminated.

I'd be happy to answer any questions if you have them with regard to this amendment and the entire application.

Thank you in advance for your consideration,

Mary Catherine Gibbs

Hart, Calley, Gibbs & Karp, P.C.
307 N. Washington Street
Alexandria, VA 22314
(703) 836-5757 (phone)
(703) 548-5443 (fax)

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DOCKET ITEM #13 –
DIAMOND/SLATER'S CONDO
DEVELOPMENT

SUPPORT MATERIALS FOR
TESTIMONY OF LARRY
GROSSMAN

REPRESENTING BIKE/WALK
ALEXANDRIA



SLATER'S LANE MASON HALL
FRONTAGE
(looking east)



MASON HALL PARKING LOT



SLATER'S NEAR GW PARKWAY
(looking west)



CROSSING SLATER'S AT RR
TRACKS
(looking north)



North Side Slater's
Potomac Plaza/Domino's Pizza
(looking east)

13

10-15-05

October 12, 2005

Via e-mail Lucia.deCordre@AlexandriaVA.Gov and U.S. Mail

Lucia deCordre
Urban Planner, Department of Planning & Zoning
P.O. Box 178
City Hall – 301 King Street
Alexandria, VA 22314

RE: Diamond – Slaters Lane DSP # 2005-0002; 11/15/05 City Council Meeting

Dear Ms. deCordre:

On behalf of the Old Town Crescent Unit Owners Association, I wish to thank you for making time to previously discuss the concerns we have regarding the builder's intentions with respect to the above-captioned Developers Special Use Permit. We wish to direct your immediate attention to building condition number 27. We find this condition to be vague, open to interpretation, and unenforceable. We would like the condition to be redrafted to affirmatively indicate:

Due to the anticipated use of the public alley by vehicles designed or otherwise dedicated to facilitate the construction on 800-820 Slaters Lane, the applicant shall re-pave the existing and proposed 22 ft. alley from Portner Road to the eastern portion of the site to the satisfaction of the Director of T&ES. The re-paving will be completed before any of the future condominiums located at 800-820 Slaters Lane are occupied by any owners or tenants in lieu of owners. In addition, the applicant shall contribute \$5,000 to the Old Town Crescent Unit Owners Association for their capital reserves upon receiving approval from City Council. In addition, the applicant and future condominium residents shall be required to participate in a proportional maintenance and liability agreement, drafted to meet the satisfaction and approval of the City Attorney, with the Old Town Crescent Townhome Association and Old Town Crescent Unit Owners Association in which \$4,333 will be placed in escrow upon receiving approval from City Council to pay the first \$4,333 of the applicant's and future residents' pro rata share of the annual maintenance needs, exclusive of re-paving, associated with the existing public alley.

We respectfully request the City Council representatives responsible for the final approval of DSP #2005-002 to evaluate these necessary changes to condition # 27. As you will observe, the vote taken by the Planning Commission approved a DSP#2005-002 that included a condition which contained typographical errors, no deadlines by which payments would be made, and no strict undertaking to re-pave the public alley given the more builder-preferable language of "repair" that was included in the condition. Our Unit Owners Association wishes to learn in writing of the City's findings and what action, if any, the City may take to correct this condition or postpone final approval of this DSP#2005-002. The City should also impose restrictions on the times at which construction-related vehicles can enter the alley.

In addition to the request to have this building condition redrafted to meet our concerns, we have nine additional inquiries that we would like answered by the City:

- 1) The Plat that was filed as Exhibit "D" to the declaration filed with Old Town Crescent, DSP#2000-0008, shows that the "Public Alley" extends for 10'. Because the Planning Commission approved a building condition that ostensibly permits the indiscriminate use of the alley behind our residences by construction vehicles, please advise us of the authority upon which the City has apparently relied to conclude that the balance of the alley is NOT privately owned.
- 2) To the extent that the City has concluded that the land beyond the "10' Public Alley" shown in our Plat is privately owned, please advise us of the authority upon which the City has concluded that it has an easement over or other interest in such property and may lawfully authorize the use of such property by third parties planning to develop a property abutting our land.
- 3) If only 10' of the alley can be characterized as being public according to the Plat, please advise us why the City has not participated in the annual snow removal and sanding, plus sand removal, of the area designated as being public. In addition, please advise us what plans, if any, the City has to budget or otherwise contribute funds to the re-paving of the portion of the alley considered as being public.
- 4) Because the Planning Commission has apparently approved the use of the alley behind our building by construction vehicles and future condominium residents of 800-820 Slaters Lane, its decision will indisputably accelerate the exhaustion of the useful life of the pavement in the alleyway while contemporaneously introducing noise, pollution, and the risk of vibration-induced structural damage to our building. Traffic accidents resulting from the blind exit from our garage are now considerably foreseeable. Please advise us what consideration the City has given to declaring the balance (the non-10' portion) of the alley a public thoroughfare where the City will be responsible for the maintenance and pavement resurfacing costs. In addition, please advise us why approval of this permit does not, in and of itself, create a public thoroughfare that should now be adopted and maintained by the City as a matter of law.
- 5) Due to the exponential increase in traffic risk posed by the planned development at 800-820 Slaters Lane, advise us what consideration City officials have given to visiting our property and attempting a blind exit uphill into the alley from our underground garage by vehicle.
- 6) Due to the exponential increase in traffic accident risk posed by the planned development, advise us what consideration the City will give to including a condition that will require the applicant to carry insurance in which our Unit Owners Association is named as an additional insured and/or beneficiary for liabilities and damage associated with the applicant's future use of our alley.

- 7) Due to the exponential increase in risk of damage and leaks posed to our underground parking garage by the planned development, advise us what consideration the City will give to including a building condition that will require the applicant to carry insurance in which Old Town Crescent Unit Owners Association is named as an additional insured and/or beneficiary for liabilities and damage associated with the applicant's planned excavation activity.
- 8) Because a curb cut will continue to exist that grants vehicle access from Slaters Lane to the Mason Hall property that abuts the opposite end of the property to be developed by the applicant, it appears the applicant could access the construction site through a widening of that entrance. In addition, future residents could have access to 800-820 Slaters Lane via a widening of that curb cut and future driveway entering that property and circling to the rear of that property. Please provide us with an explanation for why the City has elected to risk our safety, marginalize our privacy and compromise our quality of life with noise and pollution by forcing us to share the alley instead of entertaining the opposite end of the planned development as a point of entry for construction and future resident vehicles.
- 9) Please advise us whether or not the applicant is going to be required to post a bond that will be released by the City only upon inspection by City officials of the applicant's compliance with the conditions set forth in DSP#2005-0002, and, if so, the amount of the bond. In addition, please advise us what rights, if any, Old Town Crescent Unit Owners Association may have to request that funds posted in the bond be redirected to our association in the event of builder default or non-compliance with condition # 27 or any new conditions that are introduced as the result of this letter.

Please provide the Old Town Crescent Unit Owners Association with a written response to these nine questions. Alternatively, please postpone the approval of the DSP#2005-0002 and/or strike the matter from the City Council meeting to be held on Saturday, October 15, 2005 at 9:30 a.m.

With kind regards,

/s/Nicholas P. Panos
President and Treasurer, OTCUOA
828 Slaters Lane, Unit # 303
Alexandria, VA 22314
NicholasPanos@Netscape.Net

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 Street
TELEPHONE NO. 703-836-5757 **E-MAIL:** mcg.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.