

EXHIBIT NO. 1

18
9-15-07

Docket Item #19
DEV. SPECIAL USE PERMIT #2007-0023

Planning Commission Meeting
September 6, 2007

ISSUE: Consideration of a request for an amendment to allow information and sales trailers and a request for an amendment to permit additional roof decks and garage decks in Landbay H and partial Landbay I, and to revise condition #1E regarding pedestrian crossings.

APPLICANT: Potomac Yard Development, LLC
by M. Catharine Puskar

LOCATION: 2300, 2301, 2600 and 2601 Main Street

ZONE: CDD-10/Coordinated Development District

PLANNING COMMISSION ACTION, SEPTEMBER 6, 2006: On a motion by Mr. Jennings, seconded by Mr. Robinson, the Planning Commission unanimously voted to recommend **approval** of the development special use permit and voted to allow information and sales trailers and additional roof decks and garage decks in Landbay H and partial Landbay I, and to revise condition #1e to relocate the pedestrian crossing across Main Street from the Watson Street intersection to the McCarty Square intersection.

Reason: The Planning Commission discussed the general consistency of the proposal with the previously approved Development Special Use Permit for Landbay H and Partial I (DSUP 2004-0048). Staff clarified and the Commission members agreed that the crossing across Main Street was more appropriate at McCarty Square than Watson Street since Landbay I adjacent to Watson Street was not currently approved for development. The crosswalk across Main Street at Watson Street would be revisited with the Landbay I approval.

Speakers:

Mr. Duncan Blair, attorney, represented the applicant.

Amy Slack, representing the Del Ray Land Use Committee spoke stating that she had been concerned about the roof decks but after reviewing the staff report, did not see any reasons to object to the proposal.

I. PROPOSAL

This is a request by the applicant, Potomac Yard Development LLC, to amend the approval conditions of DSUP#2004-0048 to permit:

- a) clarification of where rooftop decks/garage terraces are permitted for the townhouse units;
- b) temporary sales trailers for Landbay H / I; and
- c) relocation of the pedestrian crosswalk at Main Street and Watson Street to Main Street and McCarty Street.

A. Roof-Top Decks – Garage Terraces:

Roof-Top Decks

Condition 17 of the Landbay H/I approval specifies particular townhouse lots that are permitted to have roof-top decks and are required to comply with the following:

- a. Rooftop projections shall not be visible from any of the adjoining public streets, parks and or sidewalks. Cross-sections shall be submitted and reviewed prior to release of the final site plan for applicable units/lots to ensure compliance.
- b. Rooftop projections shall not be located at the front of units.
- c. The railing for the roof-top deck shall be set back or incorporated as part of the parapet so that the railing is not visible from the adjoining streets.
- d. The lighting for the roof-top open space shall be pedestrian scale lighting and shall not be visible from adjoining streets.
- e. The open space shall be designed to function as high-quality usable open space for the residents.

Through the final site plan review process, staff has identified that out of the 23 townhouses permitted to have roof-top decks, only 9 of these units are able to meet all the criteria of condition #17. However, it was also identified as part of the review process that some of the lots not permitted to have roof-top decks could comply with the provisions of condition #17. Rather than a reference to permitting roof-top decks on specific lots, which may or may not be an option selected by the applicant or future homeowners, the applicant has requested that the lots have options as long as they comply with condition #17. Staff finds that eliminating specific references to individual lots is acceptable as long as each lot where a roof top deck is proposed complies with the requirements of condition #17. The applicant will be responsible for submitting all necessary documentation to ensure compliance with condition #17 as part of the final plan review and approval.

Garage Terraces

As part of the final site plan review, the applicant proposed adding a deck/porch over the garages. Staff supports this proposal, because the terrace/porches will provide additional open space for the individual townhouses, but will also enhance the pedestrian environment by activating the alley entrances off the streets and the building design of each unit. The rear terraces/porches have historic precedent (unlike the roof-top decks), therefore, unlike the roof terraces, staff does not have concern about the visibility of these garage decks from the street or public areas.

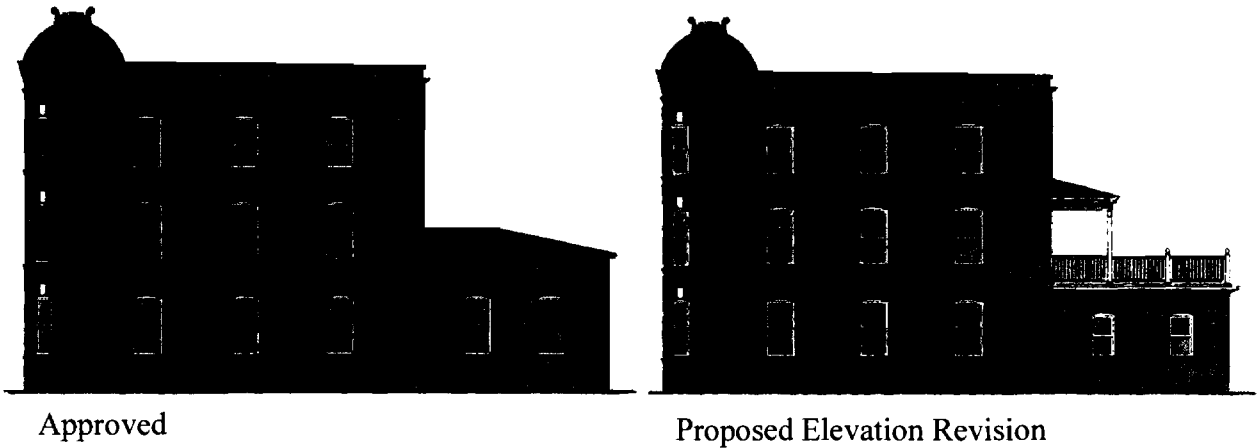


Figure 1. Comparison of Approved and Revised Garage

Similar to the roof terraces, high quality materials and design will be required for these garage terraces, especially because they are visible from the street. But unlike the roof terraces, which are discouraged to be located on units visible from the streets, the garage decks are encouraged to be visible from the streets since these add people activity and architectural interest within the alleys or for some of the corner units. There are six locations where this condition will be possible. The same lighting condition required of the roof terraces will apply to the garage decks.

B. Temporary Sales Trailers

The applicant is requesting approval of three temporary trailers to conduct sales activities and distribute information to customers. One will be used for information distribution and two will be used for sales operations. The sales trailers will be 1,440 sq.ft. each and the information trailer will total 2,160 sq.ft.

The daily operating hours of the trailers will be from 9:00 am to 7:00 pm. Seven people will be employed in the trailers and will service between 25-30 clients daily. The area selected for the trailers is located at the corner of Swann Avenue and Route 1. Access to the site will be from Swann Avenue. An outdoor seating and a paved parking lot of twenty eight spaces are proposed as part of the development. The proposed sales trailers require 11 parking spaces, the applicant is proposing a 28 space temporary surface parking lot. In addition, there will be on-street parking available on Main Street adjacent to the proposed sales trailers.

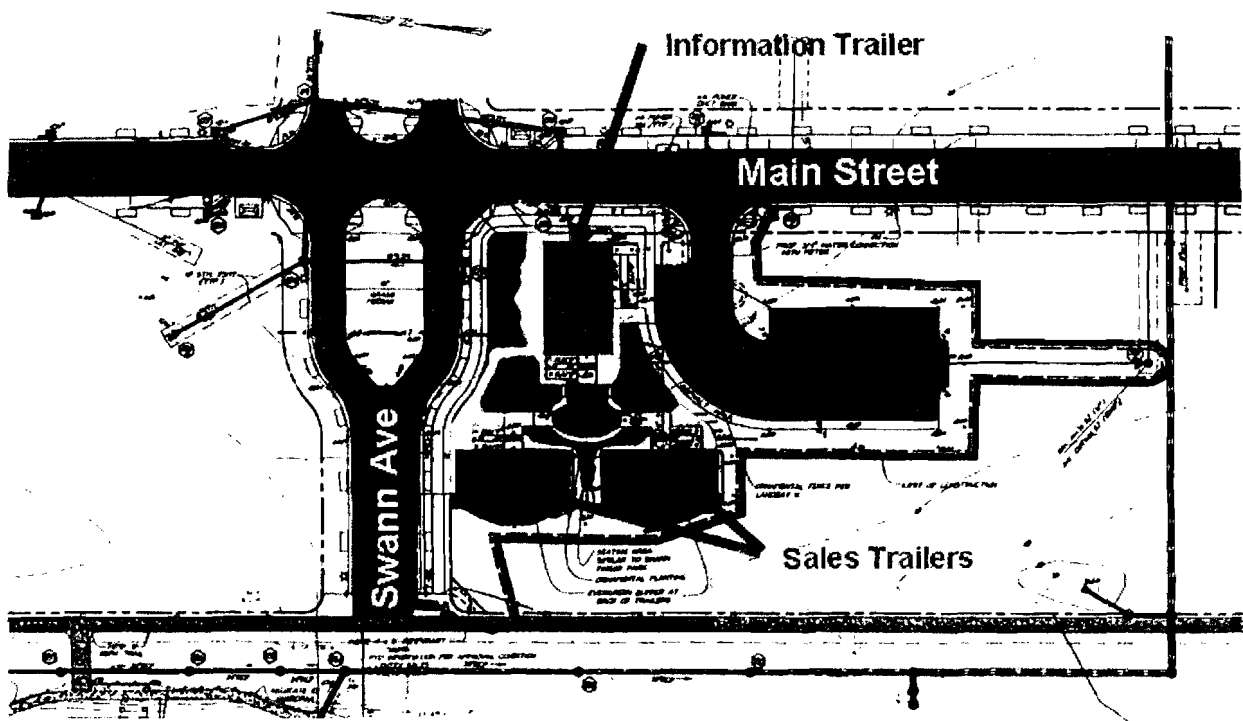


Figure 2: Temporary Information and Sales Trailers

Staff is recommending approval of the temporary sales trailers, which are necessary for a project of this size predicated on the following:

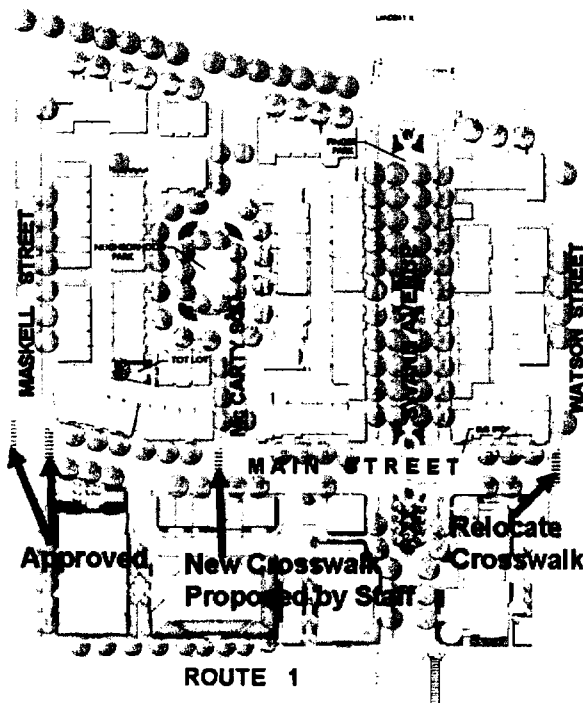
- a. The trailers be permitted for a maximum of 20 months from the date of the final site plan approval;
- b. The proposed size, location and design of the signage for the sales trailer and freestanding signage shall be to the satisfaction of the Director of P&Z.
- c. Landscaping be provided adjacent to the trailers and evergreen shrubs to screen the surface parking.

The applicant has stated that the trailers are temporary and that the sales offices will eventually be relocated to townhouse units are completed. The applicant anticipates the first townhouse units to be ready for occupancy by the Summer/Fall of 2008.

C. Crosswalks on Main Street

On October 4, 2006, during the public hearing for the Landbay H/Partial I DSUP, the Planning Commission added a condition for additional stamped and colored asphalt east-west crosswalks on Main Street at Maskell and Watson Streets. As part of the final site plan process, staff has evaluated the proposed crossings and proposes to relocate the crosswalk from Watson Street to McCarty Square for the following reasons:

- a. to provide a better connection to the neighborhood park on McCarty Square; and
- b. The block adjacent to Watson Street is primarily undeveloped.



While a connection and crosswalk at Watson Street may be necessary at a future date, this is something that can be evaluated when the future uses, streets and buildings are identified as part of the upcoming Landbay-I review process. Relocation of the crossing from Watson Street to McCarty Square maintains the same number of east-west crossings requested by the Commission and enhances the pedestrian crossing to the neighborhood open space. Therefore, staff is recommending that the applicant be required to install the crosswalk at McCarty Square rather than Watson Street.

Figure 3: Crosswalks on Main Street

II. Recommendations:

Staff recommends approval to amend three conditions (1e, 17 and 56) for Landbay H, Partial I (DSUP#2004-0048) to revise the pedestrian crossings, roof decks and permit temporary sales trailers.

(New text is underlined, strikethrough for existing text to be deleted.)

I. PEDESTRIAN IMPROVEMENTS:

1. **(REVISED CONDITION)** The applicant shall provide pedestrian improvements that at a minimum shall provide the level of improvements depicted on the preliminary plan and shall also provide the following to the satisfaction of the Director of P&Z and T&ES.
 - a. The sidewalks on Swann Avenue, Main Street, the neighborhood park and Swann Finger Park shall be brick and shall comply with City standards. The brick sidewalks shall be constructed in a basket weave pattern and the brick walks on Swann Avenue and Main Street shall return on the concrete sidewalks approximately 35 ft. as depicted in the Design Guidelines.
 - b. The remainder of the sidewalks shall be concrete, shall conform to City Standards and shall include “lamp black” color additive.
 - c. The sidewalk configuration shall consist of the following:
 - i. Residential Street #1 and Residential Street #3 - shall consist of 10 ft. wide concrete sidewalks with 4 ft. x 10 ft. tree wells and a 6 ft. wide unobstructed sidewalk.
 - ii. Residential Street #2 - shall consist of a 6 to 10ft. wide unobstructed sidewalk and a continual 4 ft. wide landscape strip adjacent to the curb.
 - iii. Swann Avenue, Potomac Avenue and Main Street - shall consist of 14 ft. wide sidewalks with 4 ft. x 10 ft. tree wells and a 10 ft. wide unobstructed sidewalk, with the exception of the sidewalk in front of units 87 through 100, which may be 6 ft. wide unobstructed.
 - iv. Route 1- shall consist of a minimum 6 ft. wide sidewalk with street trees, grass and groundcover between the sidewalk and Route 1 and landscaping adjacent to the residential buildings. The sidewalk shall be adjacent to the commercial-mixed use building.
Note: Sidewalks shall be approximately 6 ft. wider where bulb-outs are provided.
 - v. ADA ramps shall be provided at all alleys, streets and drive aisles that cross the sidewalks in the public right-of-way. All materials for the ADA ramps shall be brick or concrete in keeping with the adjoining sidewalk. The brick sidewalks on Main Street shall continue over the curb cuts between Building A and unit 99/100

- and between Building E and unit 87/88 to provide an uninterrupted brick sidewalk. All ramps shall include detectable warnings in the form of truncated domes in accordance with Americans with Disabilities Act (ADA) requirements in the current Americans with Disabilities Act Accessibility Guidelines (ADAAG).
- vi. The concrete sidewalks shall continue over the proposed alley curb cuts to provide continual uninterrupted concrete sidewalks.
 - vii. The applicant shall construct a 10 ft. wide temporary asphalt sidewalk on the northern portion of Residential Street # 1 (Landbay G) and the southern portion of Residential Street # 3 (Landbay I). The sidewalks shall be temporary until the permanent sidewalks for each of these streets are constructed.
 - viii. The sidewalks for the north-south mid-block pedestrian connections shall be 4 ft. wide brick sidewalks, in a running bond perpendicular to the street. Stamped asphalt consistent in color with the brick color of Swann sidewalks shall be provided at the pedestrian crossing with each of the alleys to the satisfaction of the Directors of P&Z, T&ES and Code Enforcement.
 - ix. The Swann Avenue sidewalk for Building F east of the central entrance on Swann Avenue shall be extended to the building for future possible ground floor retail uses.
 - x. The Swann Avenue sidewalk for Building D (except for the recessed area) and Building E shall be extended to the building for possible future ground floor retail uses.
 - xi. The sidewalk on the northern and western portion of Building E shall be brick.
 - xii. The sidewalks for the east-west mid-block pedestrian connections shall be a minimum of 4 ft. wide. brick running bond.
 - xiii. The stamped asphalt treatment shall be provided at the pedestrian crossing within the alley next to the tot lot, to the satisfaction of the Directors of P&Z, T&ES, and Code Enforcement.
- d. The internal "street" between Main Street and Route 1 shall provide decorative brick pavers in the same color and basket weave pattern as the Main Street sidewalks. The proposed bollards shall be decorative, black and pedestrian scale. The "street" shall also include the decorative pedestrian scale street lights.
 - e. The applicant shall provide brick paver, street print pavers or comparable material for the pedestrian crosswalks at the Swann Avenue and Main Street intersection, and across Main Street, Maskell Street (~~Residential Street #1~~) and ~~Watson Street (Residential Street # 3)~~ McCarty Square.

- f. The street light detail for each of the streets shall be black pedestrian scale acorn lights. The streetlights on Route 1 shall be “Carlyle” double acorn black pedestrian scale lights.
 - g. A bulb-out shall be provided on Residential Street #1, Residential Street #2, Swann Avenue and Residential Street #3 as generally depicted in *Attachment #1* to provide an enhanced pedestrian crossing at each street for the mid-block pedestrian connection.
 - h. Intake or exhaust vents for the underground parking shall not be located within the sidewalks and shall be of a size and type to minimize the impact on open space.
 - i. All pedestrian improvements for each street shall be completed prior to the issuance of a certificate of occupancy permit for each street. All pedestrian improvements shall be completed prior to the last certificate of occupancy permit (P&Z)(T&ES)(PC)
2. The applicant shall provide bus shelters, bicycle racks, street signs, stop signs, mast arms and pedestrian count down signals which shall consist of the following to the satisfaction of the Directors of T&ES and P&Z.
 - a. The bus shelters on Main Street shall be the “Carlyle” shelters which shall be black with a copper roof.
 - b. The mast arms for each signalized intersection shall be City Standard black mast arms.
 - c. Pedestrian count down signals shall be provided at each signalized intersection. Install PRISMA DAPS accessible buttons on all pedestrian crossings.
 - d. Signposts shall be 2" diameter galvanized poles painted black; signs shall be Highway C aluminum, 0.080 gauge blank, 3M VIP sheeting.
 - e. The applicant shall provide one (1) City standard black decorative street trash can per each intersecting street.
 - f. All appropriate on-street parking signage and any other signage for control of pedestrians and vehicles adjoining the site shall be in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), latest edition to the satisfaction of the Director of T&ES, depicted on the final site plan and installed by the developer and consistent with the Potomac Yard Urban Design Guidelines. (T&ES) (P&Z)
3. A continual pedestrian public access easement shall be provided for the north-south mid-block pedestrian connections. The easement shall be 14 ft. wide (22 ft between lots 110 and 111) and shall be approximately 130 feet in length to connect the adjoining public streets. The lots for the units adjacent to the connection shall be increased to the centerline of the sidewalk to increase the number of windows permitted on the side of each unit. The public access easement shall also be provided for the internal alleys. The

easement shall be recorded as part of the subdivision plat, prior to the release of the final site plan. (P&Z)

4. A continual pedestrian public access easement shall be provided for the east-west mid-block pedestrian connections between Main Street and Route 1. The easement between Building A and Building B shall be approximately 30 ft. x 210 ft. to connect the Main Street right-of-way and the Route-1 right-of-way. The easement shall be recorded as part of the subdivision plat, prior to the release of the final site plan. (P&Z)
5. Curb ramps shall be installed along the walkway at the residential streets. (T&ES)
6. The applicant shall provide bicycle parking in an amount consistent with the approved transportation management plan or an amount as determined by the Director of T&ES. The design of the bicycle parking shall be consistent with the Potomac Yard Urban Design Guidelines. The location shall be to the satisfaction of the Director of T&ES.
 - a. For the retail spaces, the applicant shall provide two visitor/customer space per 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one space for every 12,500 square feet, or portion thereof, of additional retail floor area and one employee space for every 25,000 square feet, or portion thereof, of retail floor area on the surface to the satisfaction of the Director of T&ES.
 - b. For the multi-family buildings, the applicant shall provide one space per every 10 residential units, or portion thereof, and one visitor space for every 50 residential units, or portion thereof on the surface to the satisfaction of the Director of T&ES. The applicant shall provide one space per every 10 residential units, or portion thereof, and one visitor space for every 50 residential units, or portion thereof on the surface to the satisfaction of the Director of T&ES. (T&ES)

II. OPEN SPACE AND LANDSCAPING:

7. A revised landscape plan shall be provided with the final plan submission to the satisfaction of the Directors of P&Z and RP&CA. At a minimum the plan shall provide the amount, location and quantity of landscaping depicted on the preliminary landscape plan and shall also provide the following:
 - a. The street trees shall be shade trees (non columnar) and shall consist of the following:
 - i. Main Street - Acer sp. - Maple.
 - ii. Potomac Avenue - Quercus phellos - Willow Oak.

- iii. Route 1 - *Ulmus Parvifolia* - Chinese Elm.
- iv. Residential Street # 1 - *Zelkova Serrata* Sp. - Japanese Zelkova.
- v. Residential Street # 2 - *Tilia Tomentosa* Sp. - Silver Linden.
- vi. Residential Street # 3 - *Zelkova Serrata* Sp. - Japanese Zelkova.
- vii. Swann Avenue - *Acer* Sp. - Maple.
- b. Revise the configuration, location and amount of street trees to provide the following in compliance with all applicable site plan requirements.
 - i. Residential Street # 1 - An additional street tree adjacent to each of the following units 101, 117 and 118.
 - ii. Residential Street # 2 - An additional street tree adjacent to each of the following units 129 and 169.
 - iii. Swann Avenue - An additional street tree adjacent to each of the following units 174, 202, 157 and 187. An additional street tree adjacent to Building D and units 60 -86.
 - iv. Residential Street # 3 - An additional street tree adjacent to each of the following units 192, 210 and 217.
 - v. Potomac Avenue - An additional tree between units 118 and 129. An additional tree adjacent to unit 174. An additional tree adjacent to units 207/208.
 - vi. Main Street - An additional tree adjacent to Building A, units 87-99 and units 60-61.
- c. Foundation plantings for each street and typical foundations plantings for each unit type.
- d. The applicant shall install shrubs, groundcover and trees in the side yards adjacent to each alley where feasible.
- e. The areas within the alleys shall provide plantings, shrubs, groundcover and trees to the extent possible. The utilities within the alleys shall be screened to the satisfaction of the Director of P&Z and RP&CA.
- f. The north-south mid-block pedestrian connection shall include foundation plantings, shrubs and columnar trees to the extent feasible. The landscaping shall be consistent the length of the pedestrian connection.
- g. The east-west pedestrian connection shall provide landscaping.
- h. The tree wells shall be 4 ft. x 10 ft. with aeration, and drainage.
- i. The continual landscape grass strips for trees for Residential Street # 2 shall be 4 ft. wide.
- j. The tree wells shall be planted with an evergreen ground cover such as lirioppe.
- k. The size of the street trees shall be 3 - 3½ inch caliper at the time of planting.

- l. The landscape area and streetscape area from the curb to the buildings for the Route 1 frontage of Landbay H, I shall be irrigated.
- m. The developer shall be responsible for the installation and maintenance of trees adjacent to the public streets through bond release for Landbay H/Partial I. This maintenance shall include, but not be limited to, pruning, watering, pest control, and removal and replacement of street trees.
- n. Utility lines such as water, storm sewer and electric lines shall be located to minimize impacts on proposed street trees and open space.
- o. The location of all light poles shall be coordinated with the street trees.
- p. The plan shall be prepared and sealed by a Landscape Architect certified to practice in the Commonwealth of Virginia.
- q. All plantings on top of the parking structure shall provide a minimum continuous depth of 3 ft for shrubs and other plantings and 5 vertical feet of soil depth for trees without the use of raised planters. A typical section drawing that demonstrates the proposed soil depth shall be provided on the final landscape plan.
- r. A detailed section and plan drawings of tree wells showing proposed plantings and associated materials, adjacent curb/pavement construction-including edge restraint system, dimensions, drainage, metal grates, coordination with site utilities.
- s. Specify turf areas as grass or sod. Indicate limits of grassing operations and limits of work.
- t. Provide specifications for plantings in accordance with the current and most up to date edition of ANSI-Z60.1, The American Standard for Nursery Stock as produced by the American Association of Nurserymen; Washington, DC.
- u. Provide a note on drawings that indicates: "All landscape related work shall be installed and maintained in accordance with the current and most up-to-date edition (at time of construction) of Landscape Specification Guidelines as produced by the Landscape Contractors Association of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland."
- v. Provide location of conduit routing between site lighting fixtures. Locate to avoid conflicts with street trees. Provide sleeving for conduit beneath paved surfaces.
- w. Provide clarification of requirement for separate ballast or splice box for each light fixture. Ensure that proposed fixture does not require separately located ballast or splice box.
- x. Remove all references to pathways, earthwork, plantings and other items in Landbay K and the Route 1 median.
- y. Provide specifications and details for all site lighting, including landscape lighting, pedestrian area and security lighting.

- z. Coordinate the site locations of utilities for individual buildings and units, including utility service and meter/valve connections, water crocks, valve boxes - so as to minimize conflicts with proposed plantings.
 - aa. Locate and specify all site furnishings. Depict the scale, massing and character of each, including benches, trash receptacles, signs and other associated site features.
 - bb. Provide note on drawings that indicates: "Prior to commencement of landscape installation/planting operations, a pre-installation/construction meeting will be scheduled with the City's Arborist and Landscape Architects to review plant installation procedures and processes."
 - cc. Provide note on drawings demonstrating that the applicant is presently making suitable arrangements for preselection tagging, precontract growing or undertaking specialized planting stock development with a nursery or grower that is conveniently located to the project site.
 - dd. Trees shall be limbed up to 6 ft as they mature to allow natural surveillance.
 - ee. The proposed shrubs shall be a maximum height of 3 ft to allow natural surveillance. (P&Z) (RP&CA) (Police)
8. The applicant shall provide and implement a landscape irrigation and water management system(s) to the satisfaction of the Director of RP&CA that shall include external water hose bibs on front and rear of individual townhouse units, and at least one accessible external water hose bib on all building sides at a maximum spacing of 90 feet apart for commercial or multi-family buildings. (RP&CA)
9. The "tot-lot" shall be located between units 143 and 144. The tot lot shall include all necessary equipment and materials including play surfaces and other items such as fencing or landscaping as deemed necessary by the Department of RP&CA and P&Z. The maintenance for the on-site recreational equipment shall be the responsibility of the Homeowners Association. All equipment and other improvements shall be installed and approved prior to the release of the last certificate of occupancy permit for the block. The tot-lot shall include an external water hose bib for maintenance to be located as approved by the Directors of P&Z and RP&CA. (P&Z) (RP&CA)

Neighborhood Park:

10. The neighborhood park shall be revised to provide the following to the satisfaction of the Directors of RP&CA, and P&Z.
- a. A perpetual public access easement, which shall be depicted on the subdivision plat and shall be approved and recorded prior to the release of the final site plan.

- b. The neighborhood park shall be privately maintained by the applicant to the satisfaction of the Directors of P&Z, T&ES, and RP&CA, until conveyance to the Homeowners Association (HOA). Conveyance procedures shall be outlined in the HOA documents to the satisfaction of the Directors of P&Z, T&ES, RP&CA, and the City Attorney.
- c. The design of the park shall be reconfigured as generally depicted in *Attachment #2* to increase the usability of the space and increase the amount of green area.
- d. Freestanding signage shall be prohibited.
- e. The caliper of the trees shall be 3.5 to 4.0 inch caliper at the time of planting.
- f. Seat walls/benches and bike racks shall be provided within the park.
- g. Decorative trash receptacle(s) shall be provided within the park.
- h. Fences shall not be permitted.
- i. The park shall be irrigated. The applicant shall provide and implement a landscape irrigation and water management system(s) to the satisfaction of the Directors of RP&CA that shall include:
 - i. Location and type of heads/emitters, water delivery systems, sleeving beneath pavement/roads/sidewalks, controller(s), backflow preventer(s) and system monitoring device(s).
 - ii. The plan shall be prepared and sealed by an irrigator with certification at a level commensurate to this project and licensed to practice in the Commonwealth of Virginia.
- j. All lawn areas shall be sodded.
- k. All landscaping shall be maintained in good condition and replaced as needed.
- l. The park shall be fully open to the public following the hours and guidelines established by the Department of Parks, Recreation and Cultural Activities.
- m. Decorative pedestrian scale acorn streetlights shall be provided on the perimeter of the park, as necessary based on photometric study.
- n. The park and all improvements shall be completed prior to the last certificate of occupancy permit for Residential Street # 2. (RP&CA)(P&Z)

Swann Finger Park:

- 11. The Swann Finger Park shall be revised to provide the following to the satisfaction of the Directors of RP&CA, and P&Z.

- a. The park shall be revised as generally depicted in *Attachment #3* to increase the usability of the space and increase the amount of green area.
- b. The caliper of the trees shall be 3.5 to 4.0 inch caliper at the time of planting.
- c. Decorative trash receptacle(s) shall be provided within the park.
- d. Fences shall not be permitted.
- e. The park shall be irrigated. The applicant shall provide and implement a landscape irrigation and water management system(s) to the satisfaction of the Directors of RP&CA and T&ES that shall include:
 - i. Location and type of heads/emitters, water delivery systems, sleeving beneath pavement/roads/sidewalks, controller(s), backflow preventer(s) and system monitoring device(s).
 - ii. The plan shall be prepared and sealed by an irrigator with certification at a level commensurate to this project and licensed to practice in the Commonwealth of Virginia.
- f. All lawn areas shall be sodded.
- g. All landscaping shall be maintained in good condition and replaced as needed.
- h. The park shall be fully open to the public following the hours and guidelines established by the Department of Parks, Recreation and Cultural Activities.
- i. Decorative pedestrian-scale acorn streetlights shall be provided in the perimeter of the park, as necessary, based on photometric study and approved lighting plan.
- j. Freestanding signage shall be prohibited.
- k. The park and all improvements shall be completed prior to the last certificate of occupancy permit for Swann Avenue.
- l. A landscape maintenance bond in an amount determined by the City shall be held for 24 months following the release of the performance bond.
- m. The park shall be maintained by the applicant, to the satisfaction of the Directors of P&Z, T&ES and RP&CA, until it is accepted by the City. The park shall not be accepted by the City until issuance of the last certificate of occupancy for the last building in Landbay H, and approval by the City that all park improvements have been completed to the satisfaction of the Directors of P&Z, T&ES and RP&CA. Upon acceptance, the park shall be dedicated to the City by recordation of the subdivision plat. (RP&CA) (P&Z).

III. AFFORDABLE HOUSING:

12. The applicant has indicated its willingness to make a voluntary affordable housing contribution to the City, through the provision of onsite housing units, up to a value commensurate with a cash contribution consistent with the level contemplated in the “Developer Housing Contribution Work Group Report” dated May 2005 and accepted by the Alexandria City Council on June 14, 2005. The estimated value of the total voluntary affordable housing contribution for the redevelopment of all the landbays in Potomac Yard is \$10.5 million, although the full amount of the actual contribution will depend on the total amount and type of development achieved in the Project. To fulfill the applicant’s anticipated voluntary affordable housing contribution at Potomac Yard, in Land Bay H & I the applicant shall:

- a. Convey to the City of Alexandria, or its designee, the Alexandria Housing Development Corporation (AHDC), title to four (4), two-bedroom, two-bath condominium dwelling units located on the second and third floors of a mixed-use retail and residential building designated Building E on the development plan for the Project. The units shall be approximately 1,000 square feet each, and will have amenities that meet “builder grade” specifications. Each unit shall have two underground parking spaces.

The total value of approximately \$1,248,588 for the four affordable housing units with two underground parking spaces to be constructed in Land Bay H & I will be credited towards the applicant’s overall contribution. Alternatively, if the City amends the Zoning Ordinance at a subsequent date to permit a parking reduction for affordable units within CDD# 10 to permit one parking space for each unit of the four affordable housing units to be constructed in Land Bay H & I, \$1,080,588 will be credited toward the applicant’s overall contribution.

In the event a fire station is constructed as described herein, approximately 60 affordable dwelling units shall be provided as part of the fire station approval. The cost of the affordable units shall be funded through the developers voluntary affordable housing contribution and/or other funds or financing obtained by the City.

The Developer has agreed to credit back to the City, the estimated value of the land for each unit of affordable housing contribution (estimated at \$70,000 per unit), in the event that it is allowed to achieve the maximum number of market rate residential units approved in the CDD Concept Plan in future landbays. The total value of this credit can be applied towards the \$10.5 million voluntary contribution for affordable housing.
(Housing)

IV. PARKING:

13. The design and allocation of parking shall be subject to the following and to the satisfaction of the Directors of P&Z, T&ES and Code Enforcement:
 - a. The stacked townhouse garages shall contain a minimum unobstructed interior dimension of 18 ft. x 18.5 ft. to enable two adjacent parking spaces, excluding units with tandem parking which may have a dimension of 10 ft. x 18.5 ft in the garage space and 9 x 18.5 ft. for the driveway parking spaces. Each of the townhouse garages shall also provide a sufficient area for a City standard trash can and recycling bins exclusive of the area required for the parking space. The parking space dimensions shall not include columns, walls or obstructions. Provide dimension lines for interior garages for each of the unit types.
 - b. All spaces defined as “retail” spaces shall be reserved for retail uses, be provided in convenient locations and be provided at no cost to retail patrons for short-term retail use. Fees may be charged to discourage long-term commuter or visitor parking. The retail parking shall include all applicable signage.
 - c. Parking rates for the office parking within the parking structure shall be consistent with market rates of comparable buildings located in adjoining developments within the City of Alexandria. All employees shall be required to pay market rates for parking. If parking is provided free or at reduced rates for employees with costs reimbursed by the employer, the employer shall be required to provide an equivalent benefit to all employees who utilize transit options to commute; i.e., if an employer provides a \$100 parking space to an employee free of cost, that employer must also offer a pretax benefit for transit of \$100 to all transit users.
 - d. Parking spaces shall be made available in the office parking garage evenings and weekends, for potential retail parking if requested by the Directors of P&Z and T&ES.
 - e. The applicant shall provide controlled access into the underground garages. The controlled access to the garage shall be designed to allow convenient access to the underground parking for retail patrons, residents and visitors.
 - f. All parked vehicles shall be prohibited from encroaching on the proposed streets, pedestrian walkways or emergency vehicle easements, and all purchasers shall be notified of this prohibition.
 - g. Residents shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F.
 - h. Provision shall be made within the underground garage for the adequate storage of refuse and recycling.

- i. For the multifamily units, a minimum of one space for each unit shall be provided within the underground garage as part of the purchase price for each unit.
- j. The applicant shall provide on-site parking for all construction workers without charge. The location of the parking shall be designated on the final site plan. 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 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.
- k. 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.
- l. The lighting for the underground parking garage is to be 5.0 foot-candles minimum maintained. The walls and ceilings in the garage are to be painted white, unless a photometric plan shows that the lighting is sufficient.
- m. The applicant shall demonstrate to the satisfaction of the City Attorney the shared use of the underground parking garage.

- n. In locations where underground garages are proposed, indicate location and design of ventilation shafts, egress stairs and dumpster/service areas. (RP&CA)(P&Z) (T&ES) (Code) (Police)

V. BUILDING:

- 14. The final architectural elevations of the townhouses and urban lofts shall be consistent with the level of quality and detail provided in the preliminary architectural elevations with the Potomac Yard Pattern Book prepared by Rust, Orling Architects and dated September 20, 2006. In addition, the applicant shall also provide the following to the satisfaction of the Director of P&Z.
 - a. The materials for each unit shall be limited to masonry, precast, stucco, concrete, wood or cementitious siding as generally depicted on the preliminary building elevations.
 - b. Porches shall be wood, brick or cementitious or composite wood, and stoops shall be brick, stone or metal.
 - c. Porch railings (all components) shall be a single material, either wood, composite wood, or metal.
 - d. Chimney enclosures shall be brick or stone. Chimneys shall be provided as generally depicted on the preliminary elevations in the Pattern Book referenced above.
 - e. Fireplace vents, flues, vent stacks and other similar protrusions shall not be permitted on any building frontage. Furnace vents shall discharge through the roof, and not into side or rear alleys. Per the Potomac Yard Urban Design Guidelines, mechanical or HVAC vents, units or associated elements may not be visible from the street. Roof penetrations shall be confined to the rear slopes of roofs, and located to minimize their visibility from any public right-of-way. The HVAC units and mechanical appurtenances shall be located on the roof-tops, recessed and screened from view from the public streets. Details on the screening methods shall be provided on the final site plan.
 - f. Pitched roofs shall be standing seam metal (painted, galvanized, or terne coated), composite shingles shall be limited to architectural grade shingles such as CertainTeed Grand Manor or comparable.
 - g. The units shall provide varying roof color.
 - h. Decks, canopies and bays are not permitted to encroach in the EVE. No overhangs (bays, balconies, decks, architectural projections, etc.) shall protrude into the alleys, emergency vehicle easements, or ingress/egress easements. No vertical support posts and other impediments shall impede garage entrances.
 - i. Final architectural color elevations (front sides, and rear) shall be submitted with the first final site plan submission. Each elevation shall

indicate the average finished grade line along all faces of each building to ensure compliance with all applicable height requirements.

- j. Fences located within the front yards shall be made of painted metal in accordance with the Potomac Yard Urban Design Guidelines, 30" to 42" high, with a minimum of 50% openness to the satisfaction of the Director of P&Z. Fences within the front or side yards shall be limited to the fences depicted on the preliminary plan. Submit fence details with final site plan.
 - k. The proposed screen walls for the alleys as depicted on the preliminary site plan shall be brick or stone and shall be 3.5 ft. tall and shall be a maximum height of 6 ft. tall if necessary to provide adequate screening. The details of all walls shall be provided on the final site plans.
 - l. Ground-mounted HVAC and utility boxes shall be screened to full height of the equipment, with long-lasting, low-maintenance material consistent with the main buildings adjacent to them. Screening not located in alleys shall also be provided with a trellis or horizontal roof covering, to the satisfaction of the Directors of P&Z and RP&CA. Locations of these ground-mounted HVAC and utility boxes shall be determined to the satisfaction of the Directors of P&Z, T&ES and RP&CA. (P&Z)
15. Buildings A, B, D, E and F shall comply with the following to the satisfaction of the Director of P&Z.

Building A

- a. The projecting bays for each facade shall project as shown on the plans.
- b. The projection of the architectural embellishment at the top shall be three dimensional with a return to read as a solid element.
- c. Balconies shall have finished surfaces, i.e. smooth soffit or metal or comparable material.
- d. The windows shall be simulated divided light metal or metal clad casement windows.
- e. The proposed canopy shall be a decorative metal canopy.
- f. The base shall provide low-level lighting as an integral part of the facade design to add nighttime visual interest to the building. Accent lighting is encouraged; however, exterior lighting shall not create glare or spill over to neighboring properties.
- g. Integrate the proposed stair/intake vent pavilion into the building. Eliminate the adjoining freestanding pavilion building.

Building B:

- h. The building shall be revised as generally depicted in the revised architectural drawing dated June 8, 2006 - *Attachment # 4*.

Building D:

- i. The building shall add rustication to the base, add contrasting color in elements such as windows and trim elements.

Building E:

- j. The building shall be revised as generally depicted in the revised architectural drawing dated August 12, 2006 (*Attachment #5*). In addition, the following changes must be made at the Final Site Plan phase:

- i. The windows of the second and third floor shall turn the corners with a steel angle corner post instead of brick, as is typical of buildings of this style and period, if permitted by applicable building codes.
- ii. The casement window panels shall be divided into 4 horizontal sections of glass (or 3 horizontal muntins).
- iii. Three single brick course rustications (1" in depth) shall be provided in the brick panels of the second and third floors, the centerline of which should align with the horizontal muntins in the windows.
- iv. The storefront windows of the first floor shall be divided into two horizontal sections. The lower of the two glass sections will be the height of the entrance door.
- v. A single brick course rustication (1" in depth) shall be provided in the brick panel of the first floor, the centerline of which will align with the horizontal muntins of the storefront window panels.
- vi. The height of the polished granite base shall be determined at the final site plan phase to the satisfaction of the Director of P&Z.

Buildings A to F:

- k. Mechanical equipment screening for the multi-family building(s) and the office building shall be designed as an integrated part of the building or roof-forms.
- l. Ground-mounted HVAC and utility boxes shall be screened to full height of the equipment, with long-lasting, low-maintenance

material consistent with the main buildings adjacent to them. Screening not located in alleys shall also be provided with a trellis or horizontal roof covering, to the satisfaction of the Directors of P&Z and RP&CA. Locations of these ground-mounted HVAC and utility boxes shall be determined to the satisfaction of the Directors of P&Z, T&ES and RP&CA. (P&Z)

16. The applicant shall have a LEED certified consultant as a member of the design and construction team. Buildings A, B, D, E and F shall incorporate sustainable design elements and innovative technologies outlined below into the project with the goal of achieving 20 points under the U.S. Green Building Council's System. The architect(s) shall provide a checklist and specific examples prior to the release of a building permit for each building to the satisfaction of the Director of P&Z and T&ES. The scorecard shall indicate the specific items utilized within each building. The townhouses and stacked townhouses shall incorporate the use of green building and sustainable techniques for the site and building systems to the satisfaction of the Directors of P&Z and T&ES. (P&Z)(T&ES)

17. **(REVISED CONDITION)** Roof decks may be permitted for units (~~101, 102, 127, 128, 129, 130, 131, 132, 144, 145, 146, 149, 150, 188, 189, 191, 192, 198, 199, 209, 213, 216, and 217~~) if the applicant can demonstrate, as part of the final site plan process, that the decks comply with the following to the satisfaction of the Director of P&Z. All other units shall not be permitted to have roof decks. The units which comply with the criteria as outlined below shall be depicted on the final site plan.
 - a. Rooftop projections shall not be visible from any of the adjoining public street(s), parks and/or sidewalk(s). Cross-sections shall be submitted and reviewed prior to release of the final site plan for the applicable units/lots to ensure compliance;
 - b. Rooftop projections shall not be located at the front of units;
 - c. The railing for the roof-top deck shall be set back or incorporated as part of the parapet so that the railing is not visible from the adjoining streets;
 - d. The lighting for the roof-top open space shall be pedestrian scale lighting and shall not be visible from the adjoining streets; and
 - e. The open space shall be designed to function as high-quality usable open space for the residents.
 - f. Garage decks shall be permitted if the applicant can demonstrate the following to the satisfaction of the Director of P&Z.
 - i. The garage deck is designed as an integral part of the main architecture, and shall include a roof for a portion of the deck that extends from the exterior wall of the main structure.

- ii. The deck is constructed of high quality materials and decorative details, including columns and railings, consistent with the architectural style of the main structure.
 - iii. Paint colors shall use the same palette of the main structure.
 - iv. If outdoor lighting is to be installed, it shall be pedestrian-scale, and located such that no glare or light spills onto the adjacent right-of-way or private properties. (P&Z)
18. The 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). The applicant shall identify available options to minimize noise exposure to future residents at the site, particularly in those units closest to Route 1 including: triple-glazing for windows, additional wall/roofing insulation, installation of resilient channels between interior gypsum board and wall studs and any other special construction methods to reduce sound transmission. If needed, the applicant shall install some combination of the above to the satisfaction of the Directors of Code Enforcement and T&ES. The noise study shall be submitted and approved prior to final site plan approval. (T&ES)
19. All exterior building mounted loudspeakers are prohibited. (T&ES)
20. If fireplaces are utilized in the development, gas fireplaces shall be installed to reduce air pollution and odors. Animal screens must be installed on chimneys. (T&ES)
21. All dwelling units shall have a STC rating of at least 60. Alternatives that demonstrate equivalency to this requirement will be considered on a case-by-case basis and are subject to the approval of the Director of Code Enforcement. (Code)
22. 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.
 - b. The building or structure design shall support a minimum signal transmission strength of -95 dBm within 90 percent of each floor area.

- c. 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.
- d. 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)

- 23. For firefighting reasons it is recommended that all stairs extend thru the roof on structures over 50 feet in height so that door access to the roof is provided. All stair towers must be treated to the satisfaction of the Director of P&Z. (Code) (P&Z)
- 24. The house numbers shall be placed on the front and back of each home. (Police)

VI. RETAIL USES:

- 25. The colors and materials of the retail tenant signs shall be designed of high quality materials and shall be designed as an integral part of the building that shall relate in materials, color and scale to the remainder of the building to the satisfaction of the Director of P&Z and shall comply with the following:
 - a. Sign messages shall be limited to logos, names and street address information.
 - b. Illuminated or non-illuminated parapet signs or wall signs above the first level for retail and/or residential uses are prohibited.
 - c. Signs applied to storefront windows shall cover no more than twenty percent of the glass.
 - d. Box signs shall be prohibited.
 - e. Any exterior decorative exterior banners/flags shall be deducted from the overall permitted sign area. Permanent or temporary advertising banners shall be prohibited.
 - f. Display cases, storage, carts or other obstructions shall not be designed to be temporarily or permanently located adjacent to the retail windows. Tables and other active uses adjacent to the window are encouraged.

- g. No freestanding signs, with the exception of traffic signage shall be permitted. (P&Z)
26. The designated retail space shall be solely utilized by retail uses as defined in the Zoning Ordinance and any similar uses deemed by the Director of P&Z to provide an active pedestrian-oriented retail use. Any use locating within one of the buildings which is a special use permit within the underlying zone shall obtain a separate special use permit, pursuant to Sec 11-500 of the Zoning Ordinance. (P&Z)
27. The retail square footage shall consist of the following:
- a. A minimum of approximately 15 ft. floor to floor heights.
 - b. A minimum depth of 50 ft, exclusive of Building E.
 - c. The retail space shall be designed to not preclude the provision for retail and/or restaurant uses. (P&Z) (PC)
28. The ground floor on Building D and Building F, exclusive of retail square footage, shall be designed with a minimum of approximately 13 feet floor to floor heights and in a manner to not preclude the future use of this space for retail uses. The use of this space for retail beyond the maximum square footage permitted by the CDD Concept Plan will require subsequent approval by the Planning Commission and City Council. (P&Z) (PC)
29. The applicant shall present a disclosure statement to all renters, and/or condominium owners and office tenants signed prior to signing any lease or contract of purchase. The statement shall disclose the following:
- a. That retail uses including but not limited to restaurants, bakeries, banks, bookstores, clothing, clothing accessories, drugstores, dry cleaners, florists, groceries, jewelry, restaurants and any similar use deemed by the Director of Planning & Zoning shall occur within the first floor retail spaces and that outdoor dining will likely be associated with any restaurants and the retail uses will generate noise and truck traffic on the adjoining public and internal streets surrounding the project and may have extended hours of operation.
 - b. The specific language of the disclosure statement to be utilized shall be provided to the City for approval prior to release of any certificate of occupancy permit. (P&Z)

VII. STREETS:

30. All streets within the project shall be dedicated to the City as public streets. The east-west streets shall not be accepted until the completion of the landbay and determination by the City that the streets comply with all applicable codes and standards. Potomac Avenue and Main Street shall not be accepted by the City until the completion of construction within Potomac Yard or a date determined by the Director of T&ES. (T&ES)

31. The applicant shall dedicate 85 ft. from the existing centerline of Route 1 to the proposed right-of-way. The right-of-way may in the future be used to accommodate future transit improvements including but not limited to dedicated transit lanes. The right-of-way shall be dedicated to the City prior to the release of the final site plan. (T&ES) (P&Z)
32. All driveway entrances, sidewalks, curbing, etc. in public ROW or abutting public ROW shall meet City design standards. (T&ES)
33. All private alleys must comply with the Potomac Yard Urban Design Guidelines and/or the City's Minimum Standards for Private Streets and Alleys. (T&ES)
34. All alleys shall provide public access easements to include EVE, to be recorded with the subdivision plat. All alleys shall be privately maintained. (T&ES) (Code Enforcement)
35. Alleys shall be clear of obstructions for the entire 24' width at all times (P&Z) (T&ES)
36. The following street names are recommended for new public streets within the project: Residential Street-1 -Maskell Street; Residential Street-2 - McCarty Square; Residential Street-3 - Watson Street; Street between Buildings B and C- Van Valkenburgh Lane. These streets shall be shown on the final site plan (*Attachment #6*). (P&Z) (PC)

VIII. FIRE

37. If the applicant and the City agree that a fire station is to be constructed within Potomac Yard, a separate development special use permit and all necessary applicable approvals shall be considered by the Planning Commission and Council no later than March 1, 2007 with conditions acceptable by the applicant and the City, the applicant shall dedicate the land and construct a building containing a fire station, affordable housing and accessory uses which shall provide the following to the satisfaction of the Alexandria Fire Chief and Director of Code Enforcement:
 - a. The fire station shall be located within the southwestern portion of Landbay-G and the necessary land area to be dedicated to the City.
 - b. Upon conveyance to the City, the fire station shall be a "turn key" building.
 - c. The building in which the fire station is located shall have a footprint of approximately 25,000 sq.ft., including the accessory uses such as possible community rooms and/or retail uses.
 - d. Parking for the building shall be located below grade.
 - e. The applicant, in conjunction with the City shall prepare all applicable plans and documents necessary for the conveyance of the land, design and construction of the station, underground garage and elements typically associated with a fire station.

- f. All necessary emergency vehicle easements in Landbay G, as well as constructing access roads for emergency vehicles in Landbay G to allow emergency vehicles to reach Landbay H, Potomac Avenue, Main Street and Route 1 – Jefferson Davis Highway. (Code)(Fire)
- 38. All buildings shall be equipped with an approved automatic fire sprinkler system, which shall provide at least the following minimum requirements to the satisfaction of the Director of Code Enforcement. (Code)
- 39. Townhomes - Each unit shall be equipped with an enhanced NFPA 13D sprinkler system above the basic 13D requirements will require sprinklering the garage, closet space and bathroom; backflow protection; and a water flow switch tied to alarms that will sound throughout the unit. (Code)
- 40. Multi-family Dwellings - Each building shall be equipped with an enhanced NFPA 13R above the basic 13R requirements will require closet space, and bathroom protection. (Code)
- 41. Commercial buildings and tenant spaces - An enhanced automatic fire sprinkler system shall be designed to NFPA 13 design standards to include the installation of quick response sprinkler heads in all areas and a system design which proves sufficient fire flow availability calculated for 1500 sqft. in most remote area of coverage. (Code)
- 42. All structures requiring automatic fire sprinkler systems shall show location and sizes of all fire lines, where required by Code. (Code)
- 43. Fire Department ladder truck access shall be provided for two sides/ ends of all buildings over 50 feet in height by public roads or recorded emergency vehicle easements (EVE). For a building face to be considered accessible by a ladder truck the curb line shall be at least 15 feet and no more than 30 feet from the face of the building. The face of the building may not articulate back into the mass of the building more than 7 feet horizontally in the first 75 feet of vertical dimension of the building. All elevated structures used for this purpose shall be designed to AASHTO HS-20 loadings. (Code)
- 44. Prior to submission of the Final Site Plan, the developer shall provide a fire flow analysis by a certified licensed fire protection engineer to assure adequate water supply for the structure being considered. (Code)
- 45. Alternatively, if the applicant or City decides a fire station is not constructed, the applicant shall revise the site plan as generally depicted in the plan prepared by Christopher Consultants dated 9-12-06 and shall comply with the following to the satisfaction of the Directors of P&Z and Code Enforcement:
 - a. The proposal shall include the elimination of four units (lots as generally depicted in the 9-12-06 plan)

- b. The proposal shall be revised to provide the following:
 - i. Lot 107 and lot 116, Lot 210 and lot 217 shall provide a 3-5 ft. tall brick and metal garden wall on the side of each unit.
 - ii. Lot 159 and lot 167 shall be shifted approximately 15 ft. to the north.
 - iii. The lots for each of the units shall be located closer to the curb to increase the number of windows for the side elevations.
- c. The elevations which changed in width from 20 feet to 24 feet, shall be revised to maintain the original proportions of the fenestrations and window-to-wall ratio, as depicted in the Pattern Book prepared by Rust & Orling Architects and dated September 20, 2006, to the satisfaction of the Director of P&Z.
- d. All buildings shall be subject to the sprinkler requirements as outlined within conditions 38-41 as outlined above. (Code) (P&Z)

IX. SITE PLAN:

- 46. Bulb-outs shall be provided at each street intersection of a street where on-street parking is provided similar to Residential Street # 3 to the satisfaction of the Directors of P&Z, Code and T&ES. (P&Z)
- 47. Decorative mailboxes shall be provided, and locations shown on the final site plan, to the satisfaction of the Directors of P&. (P&Z)
- 48. The applicant shall submit a wall check to the Department of Planning & Zoning prior to the commencement of framing for the townhouses, stacked townhouses, multi-family or office building(s). The building footprint depicted on the wall check shall comply with the approved final site plan. The wall check shall also provide the top-of-slab or first floor elevation as part of the wall check. The wall check shall be prepared and sealed by a registered engineer or surveyor. The wall check shall be approved by the City prior to commencement of framing. (P&Z)
- 49. As part of the request for a certificate of occupancy permit, the applicant shall submit a building and site location survey to the Department of Planning & Zoning for all site improvements, including the below grade garage for Buildings A-F. The applicant shall also submit a certification of height for the building as part of the certificate of occupancy for each building and/or unit. The certification shall be prepared and sealed by a registered architect and shall state the height of the building complies with the height permitted pursuant to the approved development special use permit and that the height was calculated based on all applicable provisions of the Zoning Ordinance. (P&Z)

50. All existing and proposed utility poles and overhead electrical/telephone lines for Landbay H/Partial I shall be located underground and the cost of such undergrounding shall be the sole responsibility of the developer. (P&Z)
51. Depict and label all utilities and the direction of service openings on above grade utilities such as transformers, telephone, HVAC units and cable boxes. Specifically indicate perimeter clearance/safety zones on plan drawings for utilities requiring perimeter safety zones, such as transformers. Pursuant to the Potomac Yard Urban Design Guidelines, all utilities including but not limited to transformers, telephone and cable boxes shall be located in alleys. Alternate locations necessitated by utility company requirements must be screened to the satisfaction of the Director of P&Z and RP&CA. As part of the final site plan, the applicant shall coordinate with all applicable utility companies the amount, type and location of all utilities on the final site plan. (P&Z) (RP&CA)
52. A freestanding subdivision or 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 P&Z. (P&Z)
53. 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 streetlights 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. Show existing and proposed street lights and site lights. Provide manufacturer's specifications for and installation schedule indicating the number of each fixture to be installed. Provide lighting calculations and photometric plan to verify that lighting meets City Standards. Lighting plan to cover site, adjacent right-of-way and properties.
 - e. Lighting fixtures shall be setback two feet from back of curb. Provide detailed information indicating proposed light pole and foundation in relationship to adjacent grade or pavement. Street light foundations shall be concealed from view.
 - f. All exterior light fixtures shall be provided with full cut-offs or refractor lenses to ensure that glare and light spillage do not occur to neighboring properties. (P&Z) (T&ES) (RP&CA)

54. Before commencing any clearing or grading of the site, the applicant shall hold a meeting with all a newly created Potomac Yard Construction Outreach Team to review the hauling routes, location of construction worker parking, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. Copies of plans showing the hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor before they commence work on the landbays. (P&Z)
55. 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)
56. **(REVISED CONDITION)** A temporary sales trailer (limited to a maximum of three trailer(s)) and accessory surface parking shall be permitted as generally depicted in the site plan dated May, 2007 prepared by Christopher Consultants and shall be subject to the following:
- a. The trailers shall be temporary structures and shall be permitted for a maximum period of 20 months from the approval of the final site plan approval for the sales trailer(s).
 - b. The proposed size, location and design of the signage for the sales trailer and freestanding signage shall be to the satisfaction of the Director of P&Z. The freestanding signage shall include a temporary informational sign shall be installed on the site prior to the approval of the 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.
 - c. The applicant shall be responsible for preparing a landscape plan to the satisfaction of the Directors of RP&CA and P&Z that shall consist of the following:
 - i. A combination of deciduous and evergreen shrubs adjacent to the trailers for the Route 1 and Swann frontage.
 - ii. Evergreen shrubs for screening of the surface parking from Route 1.
 - iii. Include specifications for site furnishings, paving, fences and site lighting
 - iv. The landscape plan shall be prepared and sealed by a landscape architect certified to practice in the Commonwealth of Virginia.
 - v. Provide landscape breaks in parking areas in compliance with City of Alexandria Landscape Guidelines, as updated April 2007.

- vi. All landscaping shall be installed prior to issuance of a certificate of occupancy permit for the trailer(s)
 - d. The applicant shall submit a phasing plan ensuring that Swann and Main Streets and the associated sidewalks and lighting for these be operable prior to issuance of a certificate of occupancy permit for the sales trailer(s).
 - e. The proposed construction shall conform with the Virginia Uniform Statewide Building Code. Handicapped accessibility shall be provided to the trailers. The trailers shall bear a seal showing compliance with the Virginia Industrialized Building Code. A building permit is required for the proposed work. Submit five sets of drawings with the permit application. (P&Z) (RP&CA) (Code)
57. 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)
 58. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging. (T&ES)
 59. Show all existing and proposed easements, both public and private. (T&ES)
 60. Provide City standard pavement for emergency vehicle easements. All private street signs that intersect a public street shall be marked with a fluorescent green strip on the street signs to notify the plowing crews, (both City and contractor), that they are not to plow those streets. (T&ES)
 61. Provide proposed elevations (contours and spot shots) in sufficient details on grading plan to clearly show the drainage patterns. (T&ES)
 62. Provide turning movements for all streets and alleys, entrances into underground garages, and for the attached and detached garages and adjacent units. Show turning movements of standard vehicles in the parking structure and/or parking lots. Turning movements shall meet AASHTO vehicular guidelines and shall be to the satisfaction of the Director of T&ES. (T&ES)
 63. At alleys, the setback between the buildings and the drive aisles shall be a minimum of 2 feet to provide adequate turning movements. Driveway lengths shall be 5 feet or less or 18 feet or greater, while maintaining the front setback depicted on the preliminary plan for each unit, to the extent possible, with necessary adjustments to the front setbacks to the satisfaction of the Directors of T&ES and P&Z. (P&Z) (T&ES) (PC)
 64. Identify type and location of solid waste collection for multi family buildings. (T&ES)

65. Provide volume of traffic at entrances and exits of Residential Street-1, Residential Street-2 and Residential Street-3 on Sheet 7. (T&ES)
66. Downspouts must be piped to the public storm sewer. (T&ES)
67. All private utilities are to be located outside of public right-of-way and public utility easements. (T&ES)
68. No major construction staging shall be allowed along Route 1. The applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities. (T&ES)
69. Provide slopes for all ramps within the garages of multi-family buildings. Note that exterior entrance ramps shall not exceed 10%. (T&ES)
70. 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)
71. Solid waste services shall be provided by the City for townhouse units. The developer must provide adequate space within each unit to accommodate a City Standard super can and recycling container. The containers must be placed inside the units or within an enclosure that completely screens them from view. The developer must purchase the standard containers from the City or provide containers that are compatible with City collection system and approved by the Director of Transportation and Environmental Services. The proposed development must have adequate curb return radius on all alleys to accommodate City solid waste vehicles within their lanes without running over the curb or solid waste pickup shall be from public streets only. (T&ES)
72. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Director of P&Z and T&ES. (P&Z)
73. A "Certified Land Disturber" (CLD) shall be named in a letter to the Division Chief of C&I prior to any land disturbing activities. If the CLD changes during the project, that change must be noted on a letter to the Division Chief of C&I. A note to this effect shall be placed on the Phase I Erosion and Sedimentation Control sheet of the Site Plan. (T&ES)
74. 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)
75. 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)
 76. Construction staging of materials shall remain clear of emergency vehicle easements, hydrants and fire department connections at all times. (Code)
 77. Historical maps indicate that a turning basin for the Alexandria Canal was present in this location. Archaeological work is required to recover information about his important feature of the City's past. (Arch)
 78. The applicant must hire an archaeological consultant to conduct an Archaeological Evaluation. Contact Alexandria Archaeology to obtain a scope of work for this investigation. If significant resources are discovered, the consultant must complete a Resource Management Plan, as outlined in the City of Alexandria Archaeological Standards. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented. (Arch)
 79. The General Notes of the Preliminary and Final Site Plans must include the following statements so that on-site contractors are aware of the requirements. Additional statements to be included on the Final Site Plan will be determined in consultation with Alexandria Archaeology. (Arch)
 - a. All archaeological preservation measures must be completed prior to ground-disturbing activities (such as coring, grading, filling, vegetation removal, undergrounding utilities, pile driving, landscaping and other excavations as defined in Section 2-151 of the Zoning Ordinance). To confirm, call Alexandria Archaeology at (703) 838-4399. (Arch)
 - b. Call Alexandria Archaeology immediately (703-838-4399) if any buried structural remains (wall foundations, wells, privies, cisterns, etc.) or concentrations of artifacts are discovered during development. Work must cease in the area of the discovery until a City archaeologist comes to the site and records the finds. (Arch)
 80. Certificates of Occupancy will not be issued for this property until the final archaeological report has been received and approved by the City Archaeologist. (Arch)

81. The developer will design and install an interpretive marker on the property to the satisfaction of the Directors of P&Z, RP&CA and Archaeology. The marker will highlight the historical and archaeological significance of the property. (Arch) (RP&CA) (P&Z)
82. The developer will produce a booklet for the public on the history and archaeology of the property, according to specifications provided by Alexandria Archaeology. (Arch)
83. Historical study and archeological investigations shall occur prior to issuance of the grading permit and shall be carried out in accordance with the City of Alexandria Archaeological Standards, and is subject to the approval of the City Archaeologist. (Arch)(T&ES)
84. The applicant shall consult the Crime Prevention Unit of the Alexandria Police Department regarding locking hardware and alarms for the homes. (Police)
85. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department as soon as the sales trailer is placed on site to complete a security survey for the trailer. (Police)

X. SPECIAL TAXING DISTRICT:

86. If the City establishes a special service tax district for this area to raise funds to finance transit capital projects or transit operating programs and services which would serve, in part, Landbay H (such as but not limited to, assisting the financing of a new BRT system along the Route 1 Corridor between Crystal City and the Braddock Metro, or a new Metrorail, all owners of property within this development, including fee-simple owners, condominium owners and the HOA or other applicable associations shall be required to participate in this district. (P&Z)

XI. SUBDIVISION/EASEMENTS/PROCEDURAL:

87. The subdivision plats, easements and/or dedication may be submitted earlier than, but in no event later than submission for the second final site plan and shall be approved and recorded prior to the release of the final site plan. (P&Z)
88. Prior to the release of the first certificate of occupancy for the project, the City Attorney shall review and approve the language of the Homeowner's Agreement to ensure that it conveys to future homeowners the requirements of this development special use permit, including the restrictions listed below and other restrictions deemed necessary by the City Attorney. The applicant shall present a disclosure statement to potential buyers disclosing the following conditions to the satisfaction of the Directors of P&Z, T&ES and the City

Attorney. The language shall establish and clearly explain that these conditions cannot be changed except by an amendment to this special use permit approved by City Council.

- a. Neighboring uses surrounding the site include the Metro operations and other heavy railway operations, and the nearby Reagan National Airport and its associated flight paths, including a flight path directly over the Potomac Yard site. These uses are located within the immediate vicinity of the project and are permitted to continue indefinitely.
- b. Prior history of the Potomac Yard has created environmental hazards, conditions, related studies and past or on-going remediation efforts. Past use of the Potomac Yard site includes disposal of fly-ash and dredge spoilings.
- c. Individual townhouse garages may be utilized only for parking; storage which interferes with the use of the garages for vehicle parking is prohibited.
- d. Vehicles shall not be permitted to park on sidewalks, in driveways which obstruct sidewalks, on any emergency vehicle easement, or on any portion of the interior alley. The Homeowner's Association shall maintain a contract with a private towing company to remove any vehicles violating this condition.
- e. No decks shall be permitted, except those depicted on the approved site plan.
- f. The applicant, and its successors and assigns, shall have the right to perform ordinary maintenance, including repair and replacements of architectural features, designs and materials (including colors) which are consistent with the provisions in the Potomac Yard Urban Design Guidelines and specifically set forth as "Architectural Standards" and "Materials and Architectural Elements" for each permitted building type and the typical building facades shown in the Pattern Book prepared by Rust and Orling Architects dated September 20, 2006. Substantial changes to the approved architectural design of buildings and structures, such as building additions, including decks not show on the final development plans, deletion of architectural details including shutters, cornices or similar exterior architectural elements from the Pattern Book and replacement of building materials with ones not approved or compliant with the Potomac Yard Urban Design Guidelines shall require the approval of the City Council or the Director of Planning & Zoning, as determined by the Director."
- g. No overhangs (bays, balconies, decks, architectural projections, etc.) shall protrude into the alleys, emergency vehicle easements, or ingress/egress easements. No vertical support posts and other impediments shall impede garage entrances.
- h. All landscaping, irrigation and screening shown on the final landscape plan shall be maintained in good condition and the amount and location, type of plantings and topography on the landscape plan shall not be

- altered, reduced or revised without approval of City Council or the Directors of P&Z and RP&CA, as determined by the Directors.
- i. The Homeowners Association documents shall disclose to all prospective buyer(s) through the sales literature and documents, sales contracts etc. that the internal open space areas not dedicated to the City for public parkland and the mid-block pedestrian connections will be owned and maintained by the HOA, although the spaces are encumbered by public access easements and are accessible to the residents of the community and general public.
 - j. The applicant shall notify prospective buyers, in its marketing materials and homeowner documents, that the townhouse access is a private alley and that storm sewers located within the site are private. (T&ES)
 - k. A parcel to the east of the site has been dedicated to the City for a possible WMATA Metrorail station rail station at Potomac Yard in accordance with CDD #99-01.
 - l. A future pedestrian bridge may be located to the east of the site. A bridge will be constructed by the current owner of Potomac Yard, or their successors, after 1,000,000 sq. ft. of development in Potomac Yard as specified in the CDD conditions of approval.
 - m. If the City establishes a special taxing district for this area for a transit improvement project to raise funds to finance transit capital projects or transit operating programs and services which would serve, in part, Landbay H, I, in accordance with the TMP for Potomac Yard, all owners of property within this development, including fee-simple owners, condominium owners and the HOA shall be required to participate in the district.
 - n. The approved Potomac Yard Concept Plan permits 1,900,000 square feet of office space, a 625 room high-rise hotel, approximately 1,500 additional residences, and 135,000 square feet of retail development, in addition to the existing 600,000 square foot Potomac Yard Shopping Center adjacent to Landbay H, I. The buildings closest to Landbay H are permitted to rise to heights of 110 feet. Additionally, the leases with the Potomac Yard Shopping Center expire around the year 2018. It is anticipated that the shopping center site will redevelop at higher density, similar to Potomac Yard.
 - o. On-site affordable dwelling units are located within the Landbay and will be maintained as affordable housing.
 - p. The applicant or its agent shall furnish each prospective buyer with a statement disclosing the prior history of the Potomac Yard site, including previous environmental conditions and on-going remediation measures. Disclosures shall be made to the satisfaction of the Director of Transportation and Environmental Services. (T&ES)(P&Z)

XII. STORMWATER - UTILITIES:

89. The developer shall comply with the peak flow requirements of Article XIII of the Alexandria Zoning Ordinance. (T&ES)
90. All stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures shall be signed and sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)
91. Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfall is available to the site or the developer is to design and build on-site or off-site improvements to discharge to an adequate outfall. (T&ES)
92. The developer agrees to deliver all solid waste, as defined by the Code of the City of Alexandria, to a refuse disposal facility designated by the Director of T&ES. The developer further agrees to stipulate in any future lease or property sales agreement that all tenants and/or property owners shall also comply with this requirement. (T&ES)
93. The City Attorney has determined that the City lacks the authority to approve the gravity fed sanitary sewer systems which serve over 400 persons. Accordingly, the overall sanitary sewer system for the proposed development must be submitted for approval by the Virginia Department of Health (VDH). Both City and VDH approval are required, though City approval may be given conditioned upon the subsequent issuance of VDH approval. Should state agencies require changes in the sewer design, these must be accomplished by the developer prior to the release of a certificate of occupancy for the units served by this system. Prior to the acceptance of dedications of the sewers by the city or release of any construction bonds, the developer must demonstrate that all necessary state agency permits have been obtained and as-built drawings submitted to the City that reflect all changes required by the state. (T&ES)
94. Provide a narrative describing how the project will comply with the stormwater quantity and quality requirements of Article XIII of the Zoning Ordinance. Provide pre and post development, two and ten year storm water computations for the entire site. (T&ES)
95. 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)
96. The applicant shall maintain a "running log" of impervious surface development within each land bay(s) and subsequently to each BMP to keep the applicant and staff apprized of the remaining capacity of all BMPs as the property develops. The applicant is aware that development of impervious surface above that approved within the master plan will not be grounds for water quality or quantity waivers, exceptions, or grounds for

exercising the option to contribute to the water quality improvement fund during the later stages of Potomac Yard development. (T&ES)

97. 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)
98. Surface-installed storm water Best Management Practice (BMP) measures, i.e. Bio-Retention Filters, Vegetated Swales, Stormwater Management Ponds, etc. that are employed for this site, require installation of descriptive signage to the satisfaction of the Director of T&ES. (T&ES)
99. 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)
100. 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)
101. 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 (BMP's) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including 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 Homeowner's Association (HOA) with respect to maintenance requirements. Upon activation of the HOA, the Developer shall furnish five copies of the brochure per unit to the HOA for distribution to subsequent homeowners. (T&ES)

Otherwise the following condition applies:

- a. 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)
102. Prior to release of the performance bond for Landbay H/Partial I, a copy of the Operation and Maintenance Manual shall be submitted to the City on digital media. (T&ES)
103. Performance bond for BMP's shall not be released until all drainage area flowing into the BMP is developed. Prior to release of the performance bond the applicant(s) 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(s) 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)
104. Applicant has submitted and overall risk assessment and soil management plan. It is known that there are contaminated soils on this property and several evaluations have occurred for the Potomac Yards site in general. Applicant shall narrow the focus of the site assessment specifically to the property included in this submission. The applicant shall, prior to final site plan approval:
- a. Submit a Site Characterization Report/Extent of Contamination Study detailing the location, applicable contaminants, and the estimated quantity of any contaminated soils and/or groundwater at or in the immediate vicinity of the site.

- b. Submit a Risk Assessment indicating any risks associated with the contamination.
 - c. Submit a Remediation Plan detailing how any contaminated soils and/or groundwater will be dealt with, including plans to remediate utility corridors. Clean backfill shall be used to fill utility corridors. The remediation plan must be included in the Final Site Plan
 - d. Submit a Health and Safety Plan indicating measures to be taken during remediation and/or construction activities to minimize the potential risks to workers, the neighborhood, and the environment. Applicant shall submit 5 copies of the above.
 - e. Prior to the issuance of any certificate of occupancy and after development and stabilization, the exposed soil shall be sampled and tested to confirm any fill is deemed suitable for residential use. (T&ES)
105. Hydraulic calculations (computer modeling) will be completed to verify main sizes upon final submittal of the site plan. Profiles will be required for hydraulic conditions. (VAWC)
106. VAWC will require a copy of the Code Enforcement approved needed fire flow calculations for this project. A double detector check backflow prevention device is required on all fire services. If located inside the premise, it must have a remote reading meter in a separate accessible room. (VAWC)
107. Maintain a 10' horizontal separation between water and sewer mains. Provide a 10' water line easement for mains and hydrants out of the public right-of-way. Water mains need to be located at a minimum of 10' from homes. Avoid locating water mains under curbs, gutters, planters, stairs, transformers, etc. There needs to be a minimum of two valves at each tee. Show the proposed domestic services on the site utility plan. There are currently no fire or domestic services shown going to the middle building on sheet 12 of 22. (VAWC)

XIII. TRANSIT INCENTIVES:

Landbay H is subject to the following conditions imposed by TMP SUP#99-0020. The following modifications and additions will apply to Landbay H:

108. The applicant shall fund, or shall require that individual builders and owners within the project fund a transportation fund, at an annual rate of \$0.12 per net square foot of occupied retail/commercial space and \$71.96 per occupied residential unit, as calculated in accordance with condition #5 of SUP 99-0020. First payment to fund shall be made with the issuance of initial Certificate of Occupancy (or when first tenant/owner moves in). The rate shall increase annually by an amount equal to the rate of inflation for the previous year unless a waiver is obtained from the Director of T&ES. First payment to the TMP fund shall be made prior to issuance of the certificate of occupancy for the first building. (P&Z) (T&ES)

109. For the office building, bicycle racks shall be provided in quantities sufficient to meet demand. The developer will encourage tenants to include personal amenities (showers, lockers etc.) in their suites for those who wish to walk, run, or bike to work. The following accommodations shall be made for bicyclists: (Condition 10 from TMP)
- a. One employee bicycle parking space shall be provided for every 7,500 sq.ft., or portion thereof, of office floor area, and one visitor space for every 20,000 sq.ft., or portion thereof.
 - b. One shower shall be provided per gender for every 50,000 sq.ft., or fraction thereof, of office gross floor area, up to a maximum of three showers per gender.
 - c. One clothes storage locker per gender shall be installed for every required employee bicycle parking. (P&Z) (T&ES)
110. Upon application for the initial building permit, the applicant shall designate a TMP Coordinator to implement the conditions of the approval special use permit.

STAFF: Faroll Hamer, Director, Planning & Zoning;
Jeffrey Farner, Chief, Development;
Amy Tarce, Principal Planner; and
Matt North, Urban Planner.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

CITY DEPARTMENT COMMENTS

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

Transportation and Environmental Services:

- C-1. Bond for the public improvements must be posted prior to release of the plan. (T&ES)
- C-2. All downspouts must be connected to a storm sewer by continuous underground pipe. (T&ES)
- C-3. All easements and/or dedications must be recorded prior to release of the plan. (T&ES)
- C-4. 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. (T&ES)
- C-5. All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval. (T&ES)
- C-6. All utilities serving this site to be underground. (T&ES)
- C-7. Provide a site lighting plan. (T&ES)
- C-8. All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval. (T&ES)
- C-9. 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. (T&ES)
- C-10. 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. (T&ES)
- C-11. 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. (T&ES)
- C-12. 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. (T&ES)

- C-13. The minimum diameter for public storm sewer mains is 18-inches. The minimum size for catch basin leads is 15-inches. (T&ES)
- C-14. The minimum diameter for public sanitary sewer is 10-inches. (T&ES)
- C-15. Sheet 13, BMP Treatment Schedule: BMP Device must explicitly state which approved device the water quality volume is flowing into. "Other BMP Structure" is insufficient detail. (T&ES)
- C-16. Sheet 13, BMP Treatment Schedule: Total Impervious Area Allowed to BMP should match that listed in the Worksheet C: Compliance document under Impervious Area column unless justified through calculations in the stormwater master plan. (T&ES)
- R-1. The applicant shall maintain a "running log" of impervious surface development within each land bay(s) and subsequently to each BMP to keep applicant and staff apprized of the remaining capacity of all BMPs as the property develops. The applicant is aware that development of impervious surface above that approved within the master plan will not be grounds for water quality or quantity waivers, exceptions, or grounds for exercising the option to contribute to the water quality improvement fund during the later stages of Potomac Yard development. (T&ES)
- F-1. Sheet 13, BMP Notes and Computations: Applicant states that all water quality volume is being treated (under miscellaneous). If this is so then the impervious area listed under the project description block (14.2 acres) should be the same as that listed under the Best Management Practice (BMP) Narrative (presently states 13.683 acres). (T&ES)
- F-2. Watershed for this particular land bay(s) is Potomac River Watershed. This should be corrected in the Miscellaneous block. (T&ES)
- F-3. Sheet 13, BMP Treatment Schedule: None of the figures listed in the column "Remaining Impervious Area Capacity in BMP" are correct. Revise as appropriate. NOTE: It is clear that the applicant has made an initial attempt to deal with the BMP sizing issue. However, there is little agreement among the information supplied and that brings the accuracy of the information into question. Because this is the first land bay being developed, it is acceptable for this plan to go to planning commission even given the errors it contains. Final plan approval shall not be given nor further land bay plans forwarded to planning commission prior to accurate data being provided. (T&ES)
- F-4. Revise the parking garage geometry for units 156 and 203/204 to provide more maneuvering room for ingress and egress. With the current configuration, it will be impossible for two cars to use these garages. On sheets 21 & 22, revise the Design Vehicle for the turning paths in the garage to a AASHTO Passenger Car (P) design vehicle (19 foot long). The geometry of the parking garage needs to be revised to provide more maneuvering room for cars accessing the end parking spaces. (T&ES)

Code Enforcement:

- F-1. Building Code Analysis is incomplete. Data is not provided for use group; number of stories; floor area per floor; and fire protection plan.
- F-2. All Building Entrances and Exits are not shown on site plan drawings.
- F-3. All firelines are not shown for structures (mixed use, multifamily, and lofts) that require sprinkler protection.
- F-4. Fire Department Connections are not shown on plans.
- F-5. Hydrants are not provided on site plan. Hydrants are on utility plan, however, they need to be shown on site plan (geometry plan) as well.
- F-6. Sheets 7 & 8 - Emergency Vehicle easements provided to not meet minimum turning radii of R-25. Emergency vehicle easements are show as 24 feet wide but have encroachments. No encroachments shall be located within the emergency vehicle easements.
- F-7. Sheet A-1, Groups 1 and 3: four story units exceed height and area limitations per the USBC. An automatic fire sprinkler system is required for the proposed increase in height. Fire lines and fire department connections must be depicted on site plans.
- F-8. Sheet A-2, Groups 4 and 5: four story units exceed height and area limitations per the USBC. An automatic fire sprinkler system is required for the proposed increase in height. Fire lines and fire department connections must be depicted on site plans.
- F-9. Sheet A-3, Group 6: four story units exceed height and area limitations per the USBC. An automatic fire sprinkler system is required for the proposed increase in height. Fire lines and fire department connections must be depicted on site plans.
- F-10. Sheet A-7, Group 18: four story units exceed height and area limitations per the USBC. An automatic fire sprinkler system is required for the proposed increase in height. Fire lines and fire department connections must be depicted on site plans.
- F-11. Sheet A-8, Group 19: four story units exceed height and area limitations per the USBC. An automatic fire sprinkler system is required for the proposed increase in height. Fire lines and fire department connections must be depicted on site plans.
- F-12. Sheet A-10, Groups 21 and 22: Height of retail, commercial and multi-family dwellings is exceed 50 feet above average grade plan. In several instances, mid line of roof element is between 60 to 65 feet above average grade. Buildings over 50 feet in height shall conform to ladder truck accessibility requirements listed below. For a building face to be considered accessible by a ladder truck the curb line shall be at least 15 feet and no

more than 30 feet from the face of the building. The face of the building may not articulate back into the mass of the building more than 7 feet horizontally in the first 75 feet of vertical dimension of the building. Alternatives that demonstrate equivalency to this requirement will be considered on a case-by-case basis.

- F-13. Sheet A-20, Detail G, Building C: 1st floor plan is missing details for Units 3, 5 and 11. **Issue resolved.**
- F-14. Building F: Relocate handicap parking next to elevator lobby on same side of travel aisle in Garage. Handicap individuals must cross traffic lanes under current design. **Issue resolved, spaces relocated.**
- F-15. Driving surfaces over underground parking will require H-20 loading. **Issue resolved.**
- F-16. Internal hydrant spacing shall be a maximum of 300 feet from the hydrant to the most remote structure served, as measured along the vehicle travel way. Hydrants must be within 100 feet of each FDC as measured along the vehicle travel way and hydrants shall not be located closer than 40 feet to the structure. **Hydrant spacing relating to FDCs does not meet this requirement. Sheet 11 shows a hydrant in the middle of the alley roadway near Potomac Avenue and Residential Street #2. Relocate hydrant.**
- C-1. Provide two Siamese connections located to the satisfaction of the Director of Code Enforcement. **Siamese (FDC) connections are located on same side of each structure. In these instances, one FDC shall be relocated to another side of the structure and shall not exceed the 100-foot distance to a fire hydrant.**
- C-2. A separate tap is required for the building fire service connection. **Applicant refers to Note 2 on Sheet 19. Note 2 not provided. All fire lines have not been provided.**
- C-3. New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4. 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. **Fire protection plan incomplete. Design standard(s) not provided.**
- C-5. 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. **EVEs are not labeled on Fire Service Plan. FDC distance to hydrants not compliant.**

- C-6. The final site plans shall show placement of fire easement signs. **Acknowledged.**
- C-7. A soils report must be submitted with the building permit application. **Condition met, shown as Note 16 on Sheet 2.**
- C-8. 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. **Acknowledged, not provided.**
- C-9. A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 119.0. **Shown as note 22 on Sheet 2. Condition met.**
- C-10. All exterior walls within 5 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2-hour firewall may be provided. **Applicant indicates a willingness to work with code enforcement on this requirement. Issues shall be resolved prior to preliminary review.**
- C-11. Multi-family and Commercial structures contain mixed-use groups and are subject to the mixed use and occupancy requirements of USBC. **Acknowledged by applicant.**
- C-12. Required exits, parking, and accessibility within the multifamily and commercial buildings for persons with disabilities must comply with USBC Chapter 11. **Acknowledged by applicant.**
- C-13. The public parking garage (Use Group S-2) is required to be equipped with a sprinkler system (USBC 903.2.11). **Acknowledged by applicant.**
- C-14. 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.
- C-15. Enclosed parking garages must be ventilated in accordance with USBC 406.4.2. Show vent locations on plans. **Vent locations provided, condition met.**
- C-16. 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. Provide note on plans. **Shown as Note 23 on Sheet 2, condition met.**
- C-17. Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property. **Shown as Note 24 on Sheet 2, condition met.**

Police

The following comment was not included as a recommendation because the condition is inconsistent with the Potomac Yard Urban Design Guidelines.

- R-1. It is recommended that the park benches have seat dividers to discourage long-term usage such as sleeping or skateboarding.

**APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2007-0023**

PROJECT NAME: _____

PROPERTY LOCATION: LandBay H/Partial I - Potomac Yard

TAX MAP REFERENCE: Lot 504, 505, 506, 507 ZONE: CDD-10

APPLICANT Name: Potomac Yard Development LLC

Address: _____

PROPERTY OWNER Name: Potomac Yard Development LLC

Address: 2403 Jefferson Davis Hwy, Alexandria, VA 22301

SUMMARY OF PROPOSAL: Request for temporary information center and sales

trailers & amendment to Condition #17 of DSUP 2004-0048 to permit additional

roof decks in Landbay H/I subject to the criteria in the Condition.

MODIFICATIONS REQUESTED: None

SUP's REQUESTED: Request for temporary informaton center and sales trailers and
amendment to Condition #17 as described above.

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of the Zoning Ordinance of the City of Alexandria, Virginia.

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

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

M. Catharine Puskar, Attorney/Agent
Print Name of Applicant or Agent
WALSH, COLUCCI, LUBELEY, EMRICH & WALSH
2200 Clarendon Boulevard, Suite 1300

Mailing/Street Address
Arlington, VA 22201

City and State Zip Code

M. Catharine Puskar, by em
Signature

(703) 528-4700 (703) 525-3197
Telephone # Fax #

July 18, 2007
Date

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

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

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

Development Special Use Permit with Site Plan (DSUP) # 2007-0023

All applicants must complete this form.

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

1. The applicant is the (check one):

Owner Contract Purchaser

Lessee Other: _____

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

Potomac Yard Development, LLC is a Delaware limited liability company.
Pulte Homes Corporation and Centex Homes are the sole members of Potomac
Yard Development, LLC. Pulte and Centex are publicly traded on the
New York Stock Exchange.

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? N/A

Yes. Provide proof of current City business license

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

NARRATIVE DESCRIPTION

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

The Applicant, Potomac Yard Development LLC, requests approval of a temporary information center and two temporary sales trailers for Landbay H/Partial Landbay I. The Information Center will be used to greet patrons and introduce them to Potomac Yard. The individual sales trailers will promote the homes being built by Centex Homes and Pulte Homes Corporation within Landbay H/Partial I, which were approved in DSUP 2004-0048.

In addition, the Applicant requests approval to amend condition #17 of DSUP 2004-0048 to permit additional rooftop decks so long as the decks comply with the criteria outlined in the condition. During final design development, the Applicant has determined that it can provide more rooftop decks for the townhouses than originally envisioned. The rooftop decks will enhance the community by providing additional private amenity space for the homeowners to enjoy in addition to the proposed public open spaces.

Development Special Use Permit with Site Plan (DSUP) # 2007-0023

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

25-30 per day

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

Approximately 7 employees at any one time

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

Day	Hours	Day	Hours
<u>Daily</u>	<u>9am - 7pm</u>		

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

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

N/A

B. How will the noise from patrons be controlled?

N/A

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

N/A

Development Special Use Permit with Site Plan (DSUP) # 2007-0023

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

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

Normal office trash.

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

1 cubic yard per week.

C. How often will trash be collected?

Once per week.

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

Staff will monitor the site for trash.

9. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

10. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

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

Applicant will contact Crime Prevention Unit to conduct security survey.

ALCOHOL SALES

12. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

13. Provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

1 space/220 square feet = 23 spaces

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

26 Standard spaces

 Compact spaces

2 Handicapped accessible spaces.

 Other.

Development Special Use Permit with Site Plan (DSUP) # 2007-0023

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

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

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

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

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

- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? N/A

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

- C. Where are off-street loading facilities located? 0

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

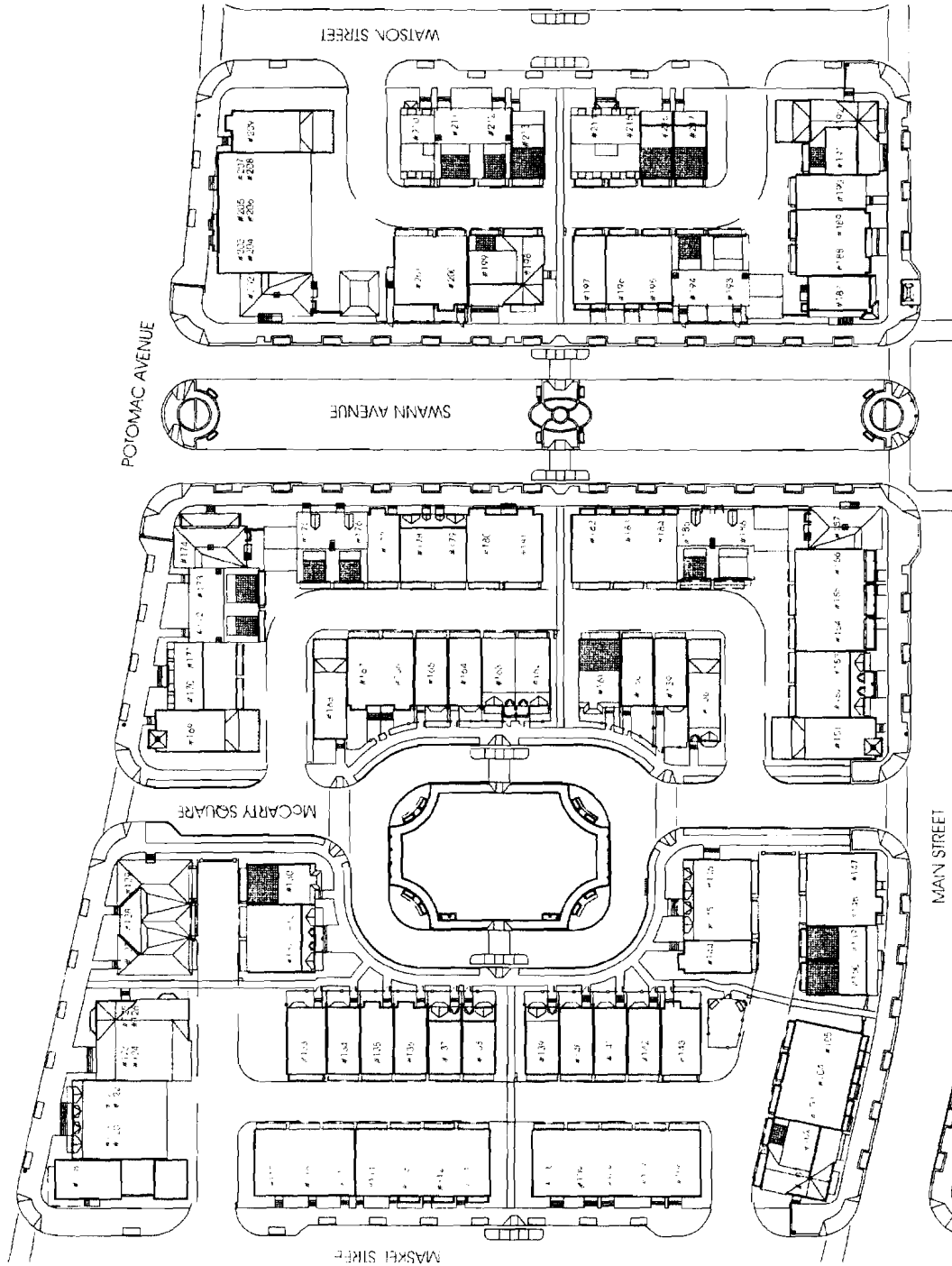
N/A

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

N/A

15. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Access to occur from streets constructed per the approved infrastructure plan.



ROOFTOP TERRACE
GARAGE TERRACE

APPROVED ROOF DECKS
 102, 130, 149, 150, 191, 192, 199, 209,
 213, 216, 217

NEW DECKS:
 151, 158, 161, 168, 169, 172, 173, 175,
 176, 185, 194, 211, 212

FOR ILLUSTRATIVE PURPOSES ONLY

TOWNHOUSE AND URBAN LOFT ROOF PLANS
 SCALE: 1/8" = 1'-0"

APPLICATION for
DEVELOPMENT SPECIAL USE PERMIT with SITE PLAN
DSUP # 2007-0023

PROJECT NAME: _____

PROPERTY LOCATION: LandBay H/Partial I - Potomac Yard

TAX MAP REFERENCE: Lot 504, 505, 506, 507 ZONE: CDD-10

APPLICANT Name: Potomac Yard Development LLC

Address: _____

PROPERTY OWNER Name: Potomac Yard Development LLC

Address: 2403 Jefferson Davis Hwy, Alexandria, VA 22301

SUMMARY OF PROPOSAL: Request for temporary information center and sales

trailers & amendment to Condition #17 of DSUP 2004-0048 to permit additional
roof decks in Landbay H/I subject to the crietria in the Condition.

MODIFICATIONS REQUESTED: None

SUP's REQUESTED: Request for temporary informaton center and sales trailers and
amendment to Condition #17 as described above.

THE UNDERSIGNED hereby applies for Development Site Plan, with Special Use Permit, approval in accordance with the provisions of the Zoning Ordinance of the City of Alexandria, Virginia.

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

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

M. Catharine Puskar, Attorney/Agent
Print Name of Applicant or Agent
WALSH, COLUCCI, LUBELEY, EMRICH & WALSH
2200 Clarendon Boulevard, Suite 1300

Mailing/Street Address
Arlington, VA 22201

City and State *Zip Code*

M. Catharine Puskar, by em
Signature

(703) 528-4700
Telephone #

(703) 525-3197
Fax #

July 18, 2007
Date

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

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

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: Recommended approval 7-0 9-6-07

ACTION - CITY COUNCIL: 9/15/07 - CC approved PC recommendation 7-0

SPEAKER'S FORM

DOCKET ITEM NO. 18

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: M Catharine Puskar
- 2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl VA 22201
TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: cpuskar@arl.thelandlawyers.com
- 3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Potomac Yard Development LLC
- 4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: AGAINST: _____ OTHER: _____
- 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 NO _____

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.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- (a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.
- (b) No speaker will be allowed more than three minutes; 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 during the public discussion period 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.
- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.