STAFF RECOMMENDATIONS FOR CDD #22

A. GENERAL

1. The Applicant(s) shall comply with the following: the Coordinated Development District (CDD) Approvals: 1) the CDD Conceptual Design Plan (CDD Concept Plan) prepared by Walter L. Phillips, Inc. and dated February 21, 2013; 2) the conditions contained herein; and, 3) the Beauregard Urban Design Standards and Guidelines prepared by Duany Plater-Zyberk and Company and Dover Kohl Partners, dated March 18, 2013. (P&Z)

2. All conditions, requirements, and standards herein shall have full and equal applicability and enforceability against the Applicant(s), except where the condition, requirement, or standard is expressly stated as applicable to a particular neighborhood or parcel, or by its context is clearly inapplicable. (P&Z)

3. Each block(s) and/or park(s) and/or building(s) shall obtain approval of a Development Special Use Permit (DSUP) and any other applicable approval(s). A DSUP may be submitted for a portion of a block when an Applicant(s) can provide sufficient information regarding the location, approximate size, type, uses, open space, parking, loading access and additional information as needed for the remainder of the block and adjoining blocks, streets and open space to the satisfaction of the Directors of P&Z and T&ES. (P&Z)(T&ES)

4. All rights-of-ways, easements, open spaces, developer contributions, and all other applicable requirements of these conditions specified to be provided by the Applicant(s) shall be provided at no cost to the City. (P&Z)(T&ES)

5. Neighborhoods, as referenced herein, shall be the boundaries depicted on the CDD Concept Plan. (P&Z)

6. The conditions, requirements, and standards herein are expressly enforceable against all persons or entities and their successors and assigns owning real property located within CDD #22.

   a) If any such person or entity comprising the Applicant(s) fails to perform its obligations as required herein for its particular neighborhood, the City shall be entitled in its sole discretion to withhold all applicable approval(s) for New Development including but not limited to preliminary DSUP(s), final site plan(s) and building permits for the person or entity directly responsible for such default. The determination of whether or not a particular action, dedication, or easement should affect the issuance of permits shall be made by the Directors of P&Z and T&ES.
   b) If any such person or entity comprising the Applicant(s) fails to perform its obligations as required herein for the Ellipse and/or the Transitway, regarding the provision of right of way and/or easements, including all applicable construction and access easements, the City shall be entitled in its sole discretion to withhold

all applicable approval(s) for New Development including but not limited to preliminary DSUP(s), final site plan(s) and building permits for all Applicant(s) within CDD # 21 and CDD# 22. The determination of whether or not a particular action, dedication, or easement should affect the issuance of permits shall be made by the Directors of P&Z and T&ES.

c) Without limiting the generality of the foregoing statements, the City shall have available to it all rights and remedies set forth in the City of Alexandria Zoning Ordinances or other City laws and ordinances, or as available at law or in equity. Any express or implied obligations of the City as set forth herein are subject to the legislative discretion of the City Council. (CAO)(P&Z)(T&ES)

7. Notwithstanding any contrary provisions in the Zoning Ordinance, the Beauregard CDD Conceptual Design Plan (CDD #22), shall remain valid until April 13, 2038. (P&Z)

8. The Directors of T&ES, RP&CA and P&Z may require that infrastructure, open spaces, land uses and other matters adjacent to a subject neighborhood deemed necessary to review a preliminary DSUP application also be shown in the application. (P&Z) (T&ES) (RP&CA)

9. The Applicant(s) shall coordinate, to the extent necessary, with other property owners and Applicant(s) within CDD #22 on the design of streets, parks-open spaces, sewer systems and other related infrastructure and construction. (P&Z) (RP&CA) (T&ES)

10. If a dedication required herein results in a use, lot, or structure being no longer in conformity with applicable zoning requirements, such lot or structure shall be treated as noncomplying. (P&Z)(T&ES)

B. DEFINITIONS

11. For purposes of the conditions herein, the following definitions shall apply:

a) **Existing Development To Be Demolished:** The square footage of any building or structure in existence within CDD #22 as of the date of City Council's initial approval but which will be demolished in accordance with the provisions and requirements within CDD # 22.

b) **New Development:** Any new square footage that is constructed in accordance with the provisions and requirements within CDD # 22.

c) **Net New Development:** The square footage of any new development (as defined herein) in excess of the Existing Development To Be Demolished in accordance with the provisions and requirements within CDD #22. (New Development - Existing Development To Be Demolished = Net New Development).

d) **Square Footage:** Shall be equivalent to floor area as defined by the Zoning Ordinance in effect as of the date of these conditions, except that the following shall not be counted for purposes of square footage;

i. Above grade parking structures, constructed in accordance with the conditions herein and the Beauregard Urban Design Standards and Guidelines;
ii. Loading areas required for retail uses;
iii. The fire station, the Hillwood and Lynbrook buildings to be dedicated to the City for affordable housing, child care facilities, and other public buildings.

e) **CPI-U**: The Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as reported by the United States Department of Labor, Bureau of Labor Statistics. (P&Z)(CAO)

12. As part of each preliminary DSUP within a neighborhood, the Applicant(s) shall provide a table including the following information for development associated with the preliminary DSUP and for the cumulative approved development within that neighborhood as of the date of the DSUP application:
    a) The square footage of total Existing Development
    b) The square footage of Existing Development To Be Demolished as part of the preliminary DSUP and cumulative to date.
    c) The square footage of New Development and cumulative.
    d) The square footage of Net New Development and cumulative. (P&Z) (T&ES)

C. DEVELOPER CONTRIBUTIONS

13. The Applicant(s) shall make a monetary contribution to a dedicated Beauregard Implementation Fund to be established by the City to account for the developer contributions required pursuant to the conditions required herein (hereinafter "Developer Contributions"). Developer contributions shall be provided for all New Development within CDD #21 and CDD #22, and shall be paid prior to the release of the first Certificate of Occupancy for each building within CDD #21 and CDD #22. The Developer Contribution rates and Total Contribution rates are as of the date of approval of CDD #21 and CDD #22, and shall escalate annually hereafter on January 1 of each year hereafter starting on January 1, 2014 in accordance with increases in prior years in the CPI-U as defined herein. The resulting adjusted Developer Contribution per square foot of New Development shall be in effect for that calendar year. Interest earned on any funds deposited by any Applicant(s) will be invested by the City as per Code of Virginia investment laws for short-term investments. Interest accrued shall remain in the fund to be utilized as provided herein. The Developer Contributions are comprised of the Base Contribution and Neighborhood contributions which together shall comprise the Total Contribution as required herein.

    A. **BASE CONTRIBUTION**: A base contribution of Ten Dollars and Thirty Eight Cents ($10.38) in 2013 dollars per square footage of floor area of New Development shall be made for all New Development within CDD #21 and CDD #22. Included in this Base Contribution is an amount equal to $0.03 per square foot in 2011 dollars ($301,179 total in 2011 dollars) which the City may use for water quality and storm water management

improvements or enhancements within or benefiting CDD#21 and CDD #22.

B. **NEIGHBORHOOD CONTRIBUTION:** An additional contribution shall be provided for each Neighborhood within CDD #21 and CDD #22, which shall consist of the following:

Table #1: Neighborhood Contributions

Neighborhood	NEIGHBORHOOD Contribution Per Square Footage of New Development (2013 dollars)
Greenway	$2.96
Garden District	$3.14
Town Center	$2.82
Adams	$1.57
Upland Park	$3.42
Southern Towers	$1.57
Seminary Overlook	$3.33

C. **TOTAL CONTRIBUTION:** All New Development within CDD #21 and CDD #22 shall be subject to the total Developer Contributions as required herein. The total contribution shall be the sum of the base contribution and the neighborhood contribution set forth in the preceding sections (Base Contribution + Neighborhood Contribution = Total Contribution). No reference to CDD #22 in these Conditions shall obligate any Applicant(s) within CDD #21 for the performance of any condition, including any Developer Contribution, required by conditions for CDD#22). The total Developer Contribution for each neighborhood shall consist of the following:

Table #2: Total Developer Contributions

Neighborhood	TOTAL Contribution Per Square Footage of New Development (2013 dollars)
Greenway	$13.34

Garden District	$13.52
Town Center	$13.20
Adams	$11.95
Upland Park	$13.80
Southern Towers	$11.95
Seminary Overlook	$13.71

Note: The amount of development has been reduced by 75,000 square feet due to the fact that TM parcel #0.10.04-03-19 is not participating in CDD #21. Any subsequent revisions to the existing zoning of parcel #0.10.04-03-19 will require approval of a subsequent rezoning(s) and Developer Contributions.(CAO)

14. Implementation of the Public Benefits as generally depicted within "Table 2: Public Benefits" of the staff report as of the date of approval by City Council of these conditions and comparable improvements consistent with the intent of the Beauregard Small Area Plan will be phased based on the funds available from time to time in the Beauregard Implementation Fund. Funds available after completion of the fire station or transportation category depicted in Table 2, unless Council directs otherwise, shall be reallocated to the Affordable Housing Trust Fund for housing. All other improvements, other than those listed within the staff report and required by the CDD zoning, CDD Concept Plan, these Conditions, the Beauregard Urban Design Standards and Guidelines, and as required as part of the DSUP process, shall be the sole responsibility of the Applicant(s). (CAO)(P&Z)(T&ES)(City Council)

15. While the City will proceed in good faith to design and construct the Ellipse, the Transitway, and other Transportation Improvements being funded through the Developer Contributions required herein, the City is not obligated to approve development applications, DSUPs, and/or permits in excess of amounts allowed pursuant to various conditions herein due to delays in the implementation of the Ellipse or the Transitway and other transportation improvements to be constructed by the City. Alternatively, if agreed upon by the Applicant(s) and City Council, the Applicant(s) may be permitted to construct the Ellipse, Transitway and any other Transportation Improvements. In such event the actual cost of the design and construction shall be credited against the Developer Contributions required to be made by the Applicant(s) constructing such Improvements. (CAO)(P&Z)(T&ES)

16. The City will provide an inception-to-date type update on the amount of Developer Contributions received, as part of the preliminary DSUP process. In addition, at the expense of the Beauregard Implementation Fund, the City will create and provide a publicly available annual report to City Council showing the sources and uses of all such funds. (CAO)(P&Z)

D. CDD CONCEPT PLAN

17. The Applicant(s) shall submit a revised CDD Concept Plan within ninety (90) days from final approval(s) by the City Council for administrative review and approval by the City. The CDD Concept Plan shall be reviewed and approved by the City prior to any demolition, construction, and/or DSUP submission. The CDD Conceptual Design Plan shall be revised to:
    a) All the sheets for CDD 21 and CDD 22 Tile Blocks need to reference the CDD Special Use Permit/Rezoning. Include the correct application number; and
    b) The CDD Concept Plan shall be revised to incorporate all exhibits referenced herein. (P&Z)

E. INFRASTRUCTURE PHASING

18. **Development Preceding the Construction of the Dedicated Transitway:** Prior to release of a final site plan for greater than 1,500,000 sq. ft. of New Development within CDD #21 and/or CDD #22 the Transitway shall be operational. An operational Transitway is defined as providing enhanced bus service within the Beauregard Small Area Plan area as determined by the Director of T&ES. The enhanced bus service includes greater passenger capacity, enhanced headways, more frequent service and greater reliability than currently exists in the Beauregard Corridor. (T&ES)

19. **New Development Preceding the Ellipse at the intersection of Seminary Road and Beauregard Street:** Prior to the release of a final site plan for more than 2,400,000 square feet of net new development within the CDD #21 and/or CDD #22, the Ellipse shall be constructed and operational. (T&ES)

20. In the event that redevelopment sites other than properties fronting onto the Ellipse (EXHIBIT 1) exceed 2,400,000 sq. ft. of Net New Development, and thereby necessitate design, construction, and operation of the Ellipse, as depicted in the CDD Concept Plan, the Ellipse shall be constructed and operational prior to the release of a final site plan for more than 2,400,000 square feet of Net New Development within CDD #21 and/or CDD #22. (T&ES)

21. **Transitions.** For roadways, sidewalks, or trails to be provided by the Applicant(s), pursuant to the conditions herein, the Applicant(s) shall coordinate with the adjacent property owner(s) to build any necessary transition(s) from the street cross section pursuant to the Beauregard Urban Design Standards and Guidelines to the existing street on the adjacent property owner(s)'s land. In the event the adjacent property owner does not cooperate through granting easements or otherwise, the Applicant(s) shall build the transition on the Applicant(s)'s land. If this occurs and the transition was built on the original Applicant(s)'s property, at the time the adjacent property redevelops, the final street cross-section as depicted in the Beauregard Urban Design Standards and Guidelines shall be completed by the new Applicant(s). (T&ES)

F. INFRASTRUCTURE PLAN AND REQUIRED DEDICATIONS AND EASEMENTS

22. The framework streets depicted on the CDD Concept Plan shall be constructed in the general locations depicted within the Concept Plan. The cross-sections for the framework streets shall be consistent with the Beauregard Urban Design Standards and Guidelines. The location of the non-framework streets shall be determined by the required block sizes and applicable provisions of the Beauregard Urban Design Standards and Guidelines and the conditions herein.(T&ES)(P&Z)

23. The Applicant(s) shall be responsible for dedicating all necessary rights-of-way and/or public access easement(s) as required herein and as required by the Beauregard Urban Design Standards and Guidelines. Where a public access easement is provided for streets and/or sidewalks, the easement(s) shall be a perpetual public access easement for vehicles and pedestrians. Prior to the issuance of the first Certificate of Occupancy for the final building in the New Development south of existing Kenmore Avenue, the Applicant shall dedicate existing Kenmore Avenue from back of curb to back of curb to the City. The existing parking spaces on the Seminary Towers lot shall satisfy the parking requirements for the existing Seminary Towers buildings to remain. The new road section connecting existing Kenmore Avenue to Seminary Road shall be dedicated pursuant to the street cross-sections depicted in the Beauregard Urban Design Standards and Guidelines. Any remaining streets shall have public access easements as shown in Figure 7A of the Beauregard Urban Design Standards and Guidelines. If street layout is revised during the DSUP process, all streets shall be public unless otherwise determined by the Director of T&ES. (T&ES)(P&Z)(PC)

24. All streets within CDD #22 shall be public dedicated streets or public access easements as depicted in Diagram 7A of the Beauregard Urban Design Standards and Guidelines. As part of the preliminary DSUP process, the Director of T&ES may permit some of the public streets to be public access easements. However, no block shall be served solely by public access easements (T&ES)

25. The Applicant(s) shall submit a CDD Infrastructure Phasing Plan with the first preliminary DSUP for each neighborhood and shall update the Infrastructure Phasing Plan concurrently with each subsequent preliminary DSUP submission. The Plan shall include the following:
    a) Provide a general outline and the up-to-date projection of the dates when construction of the different land uses (i.e., office, retail, hotel, residential, open space parks and community facilities) for each neighborhood and/or block shall commence;
    b) Provide the general location and layout of the major components of infrastructure, and the projected dates when construction of the infrastructure shall commence (provided, that the projected dates for the commencement of construction of these components shall be consistent with the conditions required herein) and required as part of the development review process. The information shall include:

i. The street layouts;
ii. Transitway corridors and stations;
iii. Sidewalk/trail connections – circulation; and

The conceptual locations of:

iv. Bicycle connections – circulation;
v. The sanitary sewer system and associated facilities;
vi. The storm water management system and ponds;
vii. The utility systems to be constructed within the CDD (e.g., electricity, water, gas, phone communications and cable); and
viii. Park-open spaces. (T&ES)(P&Z)(RP&CA)

G. BEAUREGARD URBAN DESIGN STANDARDS AND GUIDELINES

26. The Beauregard Urban Design Standards and Guidelines, dated March 5, 2013, shall be revised as follows within thirty (30) days of the approval(s) by City Council, which shall incorporate the following:

a) Chapter 6 – Parking, standard (2) shall be revised to be revised to state: "Each building is required to provide a minimum of one level of parking below the building. The underground parking need not be entirely under the building as long as it complies with the following:
   i. The configuration is a result of dimensional requirements of typical parking bays;
   ii. Does not decrease the amount of permitted development;
   iii. Increases the amount of open space – courtyards that do not have underground parking below the open space -courtyards; and
   iv. Increases the total amount of ground level open space. (P&Z)

27. All applications subject to the provisions and requirements of CDD #22 shall be reviewed by a Design Advisory Committee which shall be established by the City. The purpose of the Advisory Committee is to review applications required herein for compliance with the applicable Beauregard Urban Design Standards and Guidelines and to make recommendations on such applications to the Planning Commission and City Council through the Director of Planning and Zoning. All applications are expected to comply with the applicable standards. To the extent a modification from the standards is required, the Advisory Committee shall forward a recommendation on any modification from a standard and how the modification is consistent with the intent of the Beauregard Small Area Plan. Any modification from the standards shall also be approved by the Planning Commission and City Council as part of the preliminary DSUP. (P&Z)

H. PARKING

a) The maximum parking ratios for New Development within CDD #22. shall comply with the applicable requirements herein:

Table #3: Maximum Parking Ratios

Land Use	Phase I: Prior to Operational Dedicated Transit	Phase II: Operational Dedicated Transit
Residential (Multi-Family)	1.75 sp/unit	1.3 sp/unit
Residential(Affordable Housing)	1.0 sp/unit	0.75 sp/unit

(P&Z)(T&ES)

28. In addition to the maximum parking ratios herein, parking within CDD #22 shall be subject to the following:
    a) Provision of parking below 20% of the parking maximums shall be justified through the provision of a parking study as part of the preliminary DSUP.
    b) Additional residential visitor parking may be required, up to 15 % of the provided parking as part of the preliminary DSUP. On-street parking on new or reconfigured public streets (dedicated and/or public access easement) within each neighborhood may be considered when determining the amount of on-site visitor parking. (P&Z)(T&ES)

29. The Applicant(s) shall develop a parking management plan for each neighborhood which includes mechanisms for market-rate parking, on-street parking and unbundled residential parking (the cost to purchase or lease a parking space is separate from the cost to purchase or lease a residential unit)
    a) Unbundled Parking: All residential parking shall be unbundled (i.e., the cost to purchase or lease a parking space is separate from the cost to purchase or lease the residential unit). Unbundled parking for all other uses is encouraged and shall be explored as part of the Plan. (P&Z)(T&ES)

30. All the parking for the blocks within CDD #22 as generally shown in BSAP Figure 32A (EXHIBIT 5) shall be located below grade. Alternatively, above grade structured parking may be permitted subject to the following:

    a) Where structured parking is provided, a minimum of one level of underground parking (as defined herein) shall be provided.
    b) The total amount of ground level open space (east of Kenmore Avenue), in existence as of the date of the initial City Council Approval, shall be increased by a minimum of 30%, compared to the illustrative Plan (Figure 40), depicted in the Beauregard Small Area Plan.
    c) The central ground level open space (east of Kenmore Avenue) shall be increased from a minimum size of 17,000 square feet to 34,000 square feet and shall be consolidated useable ground level open space, within the central portion of the site.
    d) Any above-grade parking structures shall be wrapped with active uses on all four sides of the structure. (P&Z)(T&ES)(PC)

31. Adequately sized loading docks based upon use shall be provided and potential noise impacts associated with truck loading should be mitigated. (T&ES)

I. LAND USE

The allowable land uses, density, building type, open space, heights, and parking shall be governed by the following, in addition to the conditions contained herein.

Table #4: Development Summary Table

Neighborhood	Seminary Overlook	TOTAL
Principal Land Use(s)	Residential	--
Land Area (±Acres)	±22.26	±22.26
Public Open Space (Acres)	0.52	0.52
Open Space (%)	20%	--
Maximum Building Height	45-60	--
Required Parking	See table #3	--
Existing Units	547	547
Multi-Family Units (maximum)	925	925

Note: The existing 6,072 square feet of commercial within the existing Seminary Towers buildings may remain.

a. Land area is approximate based on the CDD Concept Plan.
b. Public open space acreage identified as part of the CDD Concept Plan is the minimum required publicly accessible open space. The open space/parks shall be public open space through the provision of a public access easement as required herein.
c. In addition to the public open space, the open space percentages required pursuant to Table #4 herein shall be provided within CDD #22. A maximum of 50% of the open space percentage may be permitted to be roof-top open space; the remainder shall be located at grade level. This percentage of open space shall exclude public right-of-ways, streets with public access easements, and required public open spaces reflected in the CDD Concept Plan. The ground level open space may be required to provide a public access easement if deemed appropriate as part of the preliminary DSUP process.
d. The units within CDD #22 is a maximum subject to compliance with the Beauregard Small Area Plan, the Beauregard Urban Design Standards and Guidelines, the CDD conditions required herein, and applicable requirements of the Zoning Ordinance, except as provided below.
e. The number of dwelling units (Table#4) is the maximum number of dwelling units unless additional dwelling units are permitted pursuant to § 7-700 of the Zoning Ordinance. (P&Z)

J. PARKS - OPEN SPACE

32. With the first preliminary DSUP, the Applicant(s) shall submit a Comprehensive Open Space Programming Plan identifying the required parks-open spaces and character for each park-open space. At the request of the Director of RP&CA, this plan shall be amended if necessary with subsequent DSUP applications. The following amenities shall be required within the Comprehensive Open Space Programming Plan:
    a) A minimum of one tot-lot/children's play area shall be provided within the neighborhood;
    b) The planned programing for the required 0.52 acre minimum public park (EXHIBIT 2);
    c) Community gardens are encouraged within the neighborhood; and
    d) Additional elements deemed necessary within the neighborhood as part of the development review process. The remaining open space programming within each neighborhood will be required as part of the comprehensive open space plan for each neighborhood. (RP&CA)

33. All public parks-open space shall be designed by the Applicant(s) as part of the preliminary DSUP process and shall be constructed by the Applicant(s) in accordance with the timing set forth in the applicable DSUP. (RP&CA)

34. The minimum 0.52 acre public open space within the central portion of the neighborhood shall be constructed concurrently with the blocks fronting onto the open space. A perpetual public access easement shall be provided for the minimum 0.52 acre open space. Maintenance for the privately owned public open space shall comply with the City of Alexandria Landscape Guidelines as amended. (RP&CA)

35. Roof-top open space shall be designed as high-quality open space with active and/or passive uses for residents and building tenants. Amenities such as swimming pools, exercise facilities, or comparable amenities are encouraged as part of each building or block. (RP&CA)(P&Z)

36. CDD #22 shall provide 40% tree canopy. In no case, shall tree canopy coverage be less than the applicable City requirements and provisions at the time of the approval for each redevelopment area. To the extent that the tree canopy cannot be accommodated on-site, tree canopy may be provided off-site within the Plan area, Dora Kelley Park, and/or other nearby areas as determined by staff and supported by the Planning Commission and City Council. (RP&CA)

37. At the time of DSUP approval, the Applicant(s) for CDD #22 should consider pre-contracting with a licensed tree grower for dedicated stock so as to ensure the size and health of the stock to be planted. (RP&CA)

38. Private storm water management structures (at grade or below grade), other than the streetscape-storm water elements permitted by the Beauregard Urban Design Standards and Guidelines and required herein, shall be prohibited with<u>in</u> (TYPO

CORRECTED, 6/25/2013) the required public parks-open spaces that will be dedicated to the City permitted herein. Storm water structures may be permitted within the required public parks-open spaces that are privately owned with a public access easement, providing that any such structure does not limit the public use of that open space. (RPCA)(P&Z)(T&ES)

39. As part of each preliminary DSUP, the Applicant(s) for each neighborhood shall incorporate the on and off-street bicycle network as depicted in the Beauregard Urban Design Standards and Guidelines. All bicycle signage, consistent with the proposed bicycle system and required herein, shall be installed prior to the issuance of Certificate of Occupancy for each building and/or block. (RP&CA)(T&ES)(P&Z)

K. URBAN ECOLOGY AND SUSTAINABILITY

40. The Applicant(s) shall, submit a comprehensive neighborhood Storm Water Master Plan prior to, or as part of the first DSUP for the neighborhood to address storm water quality and quantity to the satisfaction of the Director of T&ES. The neighborhood Storm Water Master Plan shall be updated with each DSUP within that neighborhood. (T&ES)

41. New Development within each neighborhood shall meet the Virginia Storm Water Regulations and/or the provisions of the Environmental Management Ordinance (Chesapeake Bay Preservation Act) as adopted by the City of Alexandria. There shall be no grandfathering. At the time of the first DSUP in a neighborhood, the Applicant shall provide a storm water management plan for such neighborhood complying with the aforementioned standards, and shall construct neighborhood storm water management improvements consistent with such plan. The stormwater master plan shall be amended with each subsequent DSUP should it be necessary. Once storm water management improvements are constructed for a neighborhood, subsequent changes in law or regulations shall not require reconstruction of built infrastructure, unless the reconstruction of previously approved and constructed storm water management infrastructure is mandated by state or federal law. However, changes in applicable law or regulations for storm water management will be applicable to newly constructed buildings or parcels and there shall be no grandfathering of individual buildings or parcels by virtue of previously constructed neighborhood storm water management improvements. (T&ES)

42. Each individual parcel shall, at a minimum, be in compliance with the aforementioned water quality standards at the time of development unless the regulated nutrients are compensated for by another BMP within the neighborhood as evidenced by the stormwater master plan, subject to the approval of the Director of Transportation and Environmental Services. (T&ES)

43. The water quality volume from impervious surfaces within new public rights-of-way shall receive treatment from storm water Best Management Practice (BMP) facilities in accordance with Memo to Industry #01-2012 or applicable City policy at the time

of approval. Under the conditions outlined, such facilities may be located within the right-of-way. (T&ES)

44. Sidewalk BMP planters may be placed in all rights-of-way that are composed of at least 14 feet of width for planting areas and sidewalks combined, or alternative roadway storm water treatment. Other measures that might be employed to reduce runoff and improve water quality could be (but are not limited to) permeable paving, disconnected pavement sections, green screen/green wall irrigated with street or building roof runoff, conveying street runoff to constructed wetlands within floodplain and RPA areas, and other new techniques that evolve. (T&ES)(P&Z)

L. GREEN BUILDING REQUIREMENTS

45. The Applicant(s) shall submit a Sustainability Plan with the submission of the first preliminary DSUP within the neighborhood, which shall identify common environmental elements to be utilized throughout a neighborhood that can be used to help individual parcels satisfy the requirements of the City's most recent green building policy. Elements that should be addressed within the Sustainability Plan shall be in conformity with the Urban Ecology and Sustainability goals of the Beauregard Small Area Plan and include, but not be limited to, the key areas given below.
    a) Overall neighborhood sustainability plans shall:
        i. Include a commitment to achieving LEED-ND certification where applicable, in addition to the City’s Green Building Policy in effect at the time of preliminary DSUP;
        ii. Design new public streets to include emerging best practices for stormwater management and green infrastructure;
        iii. Specify LED or comparably efficient lighting throughout the neighborhood including lighting for public streets; and,
        iv. The Sustainability Plan is encouraged to incorporate the aspirational goals of the Beauregard Small Area Plan such as energy utilization and conservation measures throughout the neighborhood including on-site energy generation and use of renewable energy sources such as geothermal or solar where feasible, and cogeneration and district energy systems.
    b) Non-neighborhood related sustainability items identified in the Beauregard Small Area Plan shall be addressed during individual DSUP applications. These items include the following:
        i. New Development shall be subject to the City's Green Building Policy at the time of preliminary approval of each Development Special Use Permit.
        ii. Designing roof areas for use as multi-purpose spaces that could include open space, green roofs and/or power generation;
        iii. Utilizing building footprints and ceiling heights that encourage different uses over the lifespan of the building; and
        iv. Utilizing low or ultra-low flow plumbing.

v. The Applicant(s) are encouraged to incorporate aspirational sustainability goals identified in the Beauregard Small Area Plan including:
   (a) Use of photovoltaics;
   (b) Rainwater capture;
   (c) Grey water use; and
   (d) Green building requirements consistent with Eco-City goals. (T&ES)(P&Z)(PC)

M. SEWER

46. Sanitary sewer collection system capital improvements shall be required and paid for by individual development projects as needed to provide adequate conveyance capacity and demonstrate adequate outfall for proposed development as per the standards applicable at the time of approval of each DSUP. (T&ES)

47. The Applicant(s) shall submit a letter to the Director of Transportation & Environmental Services prior to release of the final site plan acknowledging that this property will participate, if the City adopts a plan prior to release of the building permit, to require equal and proportionate participation in an improvement plan to provide additional capacity in the Holmes Run Trunk Sewer sanitary sewer shed. (T&ES)

N. AFFORDABLE HOUSING

48. Prior to the submission of the first preliminary DSUP within each neighborhood, the Applicant(s) shall submit an affordable housing plan for the entire neighborhood reflecting the proposed distribution of affordable and workforce units within the neighborhood. This plan shall reflect at least 10% of the total new units to be developed and 10% of the existing units within Seminary Towers Building in order to achieve the goal of 800 units set forth in the BSAP within CDD#21 and CDD #22. This plan shall be amended with subsequent DSUPs, as necessary, to reflect any revisions to the plan. (Housing)

49. Unless otherwise mutually agreed by the Applicant(s) and the City, the Applicant(s) shall:

   a) Allow the City to buy down up to 15% of the units in any new building developed within the CDD.
   b) Upon approval of the first DSUP within either CDD#21 or CDD#22, allow the City to buy down up to 10% of the existing units within the Seminary Towers buildings.
   c) The buy-down methodology used to determine the cost of affordable and workforce housing units shall be consistent with the formula set out in the Beauregard Affordable Housing Buy-Down Formula, which may be amended from time to time, as mutually agreed by the City and the Applicant(s).
   d) The City and the Applicant for the Seminary Overlook neighborhood may negotiate a mutually agreed upon alternative to the 10% buy down in the existing

Seminary Towers Buildings to maximize availability of affordable units during the first phases of redevelopment. Such an agreement may include, but is not limited to, providing additional units for a shorter time at a discounted buy down price or potentially no buy down price to the City. If an alternative plan that is mutually agreed upon by the City and the Applicants is not finalized within one year of the approved CDD zoning, the City shall have the ability to proceed with the buy down of 10% of the existing units subject to other conditions herein.

e) The buy-down of affordable and workforce housing units within the existing Seminary Towers Building, within the Seminary Overlook Neighborhood may occur prior to the start of new development.

f) The number, unit mix, and levels of affordability for affordable and workforce units to be bought down within new buildings shall be determined as part of the DSUP approval, taking into consideration the timetable and phasing of development for such DSUP. If sufficient funds are not available prior to the issuance of the final certificate of occupancy for the building, the Applicant(s) shall permit the City to buy down the affordable and workforce housing units consistent with the approval and subject to the buy-down formula as of the date of the actual buy-down for a period of time extending for fifteen (15) years after the completion of the Ellipse and Transitway improvements identified in Beauregard Small Area Plan.

g) The buy-down shall be made using resources from the Beauregard Implementation Fund and/or other resources provided by or leveraged by the City and its partners for the purpose of creating dedicated affordable and workforce housing.

h) The dedicated affordable and workforce housing units shall be dispersed throughout each neighborhood within the CDD boundaries and shall include a variety of unit sizes consistent with the market rate mix, unless otherwise mutually agreed upon by the Applicant(s) and the City, as well as a mix of affordability levels (i.e., various ranges of incomes). Specifically, dedicated units shall be priced to serve households with incomes ranging from 40% AMI to 75% AMI in accordance with the proportions established at the time of the rezoning, and as may be amended over time. No one project should include a disproportionate share of any income range or any bedroom size, with the understanding that the general income mix in existing units to be bought down or dedicated may differ from that in new units, and that the mix of affordable unit sizes may vary based on the unit sizes available in a particular project.

i) The Applicant(s) agree to coordinate with the City, if requested during the DSUP process, to make a good faith effort to include three bedroom dedicated affordable and workforce units within projects that would not typically include three bedroom units. Provision of such three bedroom units shall not require larger units than those contemplated in the market rate unit mix.

j) All dedicated affordable and workforce housing units within the CDD shall remain affordable for a minimum of 40 years. (Housing)

50. Any Applicant(s) obtaining a DSUP for development which necessitates demolition of existing units shall abide by the provisions of the Beauregard Tenant Assistance

and Relocation Plan in effect as of the date of this approval, which may be amended from time to time, as mutually agreed by the City and the Applicant(s). (Housing)

51. Residents of committed affordable and workforce units within the Plan area who receive Housing Choice Voucher assistance (or any future equivalent) shall not be denied admission on the basis of receiving this assistance. Minimum income requirements shall not be applied to Voucher holders who are otherwise qualified based on other selection criteria. (Housing)

52. Residents of affordable housing units shall not be precluded from obtaining parking in the same manner which is available to market rate households. (Housing)

53. If mutually agreed upon by the City and the Applicant(s), resources from the Beauregard Implementation Fund and/or other resources provided by or leveraged by the City and its partners may be used to acquire sites or parcels for affordable and/or mixed income development and/or to develop and construct units above public structures if/when feasible. (Housing)

54. If mutually agreed upon by the City and the Applicant(s), land for the purposes of construction of dedicated affordable and workforce housing may be donated in lieu of a monetary contribution. (Housing)

55. In the event of an acquisition of land through purchase or donation for an affordable housing project, the contract between the Applicant and the City or its designee shall include terms detailing the allocation of units to be developed that will count toward the percentage goal of affordable units for that neighborhood. (Housing)

O. TRANSPORTATION MANAGEMENT PLAN

56. All development in CDD #22 shall require a Transportation Management Plan Special Use Permit (TMP SUP) to implement strategies to encourage residents and employees to take public transportation or share a ride, as opposed to being a sole occupant of a vehicle. The details of each TMP shall be included in the general staff conditions of each TMP SUP associated with this CDD. (T&ES)

57. Two TMP Associations shall be established: a North TMP Association will include all properties north of Seminary Road within the CDD, and the South TMP Association shall include all properties south of Seminary Road within the CDD. All development shall integrate into one of these two neighborhood Transportation Management Plan Associations when the districts are organized. The objective of these Associations is to make optimum use of transportation resources for the benefit of residents and employees within these Associations through economies of scale. No increase or decrease in TMP contributions will be required as a result of participation in the TMP Associations. (T&ES)

58. An annual Beauregard TMP fund rate shall be established and included in each TMP SUP. The base Beauregard TMP fund rate for each development from July 1, 2012 to

June 30, 2013 shall be $80.00 per residential unit, $0.20 per square foot of retail space, $0.25 per square foot of commercial, $40.00 per hotel room, and $0.10 per square foot of industrial or warehouse space. The rate for uses not listed will be determined during the preliminary site plan review process. The Beauregard TMP rate shall escalate annually hereafter on July 1 of each subsequent fiscal year in accordance with increases in prior years in the CPI-U as defined herein. The rate for each TMP-SUP will be determined by the current Beauregard TMP fund rate at the date of request for the initial certificate of occupancy. (T&ES)

59. The TMP fund shall be used exclusively for the approved transportation activities as set forth in the TMP SUP. (T&ES)

60. Each TMP SUP shall participate in the revised Transportation Management Program when established. The revised program will include the elements outlined in the December 8, 2010 Docket Memorandum entitled "Consideration of Transportation Management Plan (TMP) Policy Review Changes" that was presented to, and approved by, the City Council. The revised TMP program will go before the City Council for approval. The revision to the Program includes a periodic review of the TMP to determine if goals are being met. Fund rates and adjustments shall be consistent with the revised TMP program when it is established. Participation in the Program will not initially increase the base contribution established in this SUP; however, the base contribution would be subject to adjustment up or down, up to a percentage cap, based on the final revised TMP program language. (T&ES)

P. UTILITIES

61. No transformers or switch gears shall be installed in the Public Right-of-Way, streets, or streets with a public access easement. All electrical transformers and associated utilities shall be located within the central portion of the blocks and alley(s), and screened to the satisfaction of the Directors of P&Z and T&ES, or provided in underground vaults which shall comply with all applicable Dominion Virginia Power (DVP) standards. Ventilation grates shall not be located within dedicated open space, sidewalks or streets - public right-of- way. The final location of the transformers and/or vaults shall be approved as part of the preliminary DSUP review for each building/block. (P&Z) (T&ES)

62. All existing and new utilities along the frontage of the property extending to the nearest power poles on each side beyond the frontage within each DSUP shall be located below grade at the cost of Applicant(s). All utilities, with the exception of those having a franchise agreement with the City, shall be located outside the public right-of-way, unless for the conveyance of stormwater and approved by the Director of T&ES. (T&ES)

Q. PUBLIC ART

63. All New Development, subject to the provisions of CDD# 22, shall be subject to the City's Public Art Policy and the Public Art Master Plan, at the time of preliminary DSUP. (RP&CA) (RP&CA)

R. ARCHAEOLOGY

64. The Applicant(s) shall hire a consultant to complete a Documentary Study and Archaeological Evaluations for projects within the each neighborhood, as part of the first preliminary DSUP for each neighborhood. If significant resources are discovered, the consultant shall complete a Resource Management Plan, as outlined in the City of Alexandria Archaeological Standards. Preservation measures presented in the Resource Management Plan, as approved by the City Archaeologist, will be implemented. (Archaeology)

65. The Applicant(s) shall explore incorporation and interpret elements of the historical character and archaeological findings into the design of the open space and other aspects of development. Themes that could be explored include: Native American use of the area; plantations, tenants and enslaved African Americans; smaller farms, agriculture, and tobacco, wheat, livestock; Civil War, regimental campsite nearby; 20th-century transportation history, Shirley Highway. Incorporation of these themes could be reflected in:
    a) Use of streams as the focal point of interpretation of natural environment and Native Americans;
    b) Creation of roads and trails following the historic roadways (and streams) that are evident on Civil War period maps;
    c) Use of architectural and hardscape materials that reflect the historical character, for example, river cobbles used by Native Americans to make tools, earthenware showing surface treatments on Indian pottery, wood/logs to reflect architecture of small tenant houses; and,
    d) Use of the names of enslaved African Americans, which are known from wills and other documents. (Archeology)

66. If this project is a Federal undertaking, requires Federal permits, or involves the use of any Federal funding, the applicant shall comply with Federal preservation laws, in particular Section 106 of the National Historic Preservation Act of 1966. The applicant will coordinate with the Virginia Department of Historic Resources and the Federal agency involved in the project, as well as with Alexandria Archaeology and other City staff.(Archeology)

S. NEIGHBORHOOD REQUIREMENTS

SEMINARY OVERLOOK

67. Prior to the approval of the first certificate of occupancy for New Development within CDD #22, the Applicant(s) shall relocate existing Kenmore Avenue to the east

so that the relocated Kenmore Avenue aligns with the intersection of Seminary Road and Library Lane at the eastern terminus of Kenmore Avenue. The western terminus of Kenmore Avenue shall continue to intersect Van Dorn Street in the existing intersection location. The intersection of Seminary Road and Library Lane/realigned Kenmore Avenue shall be modified from an existing exclusive pedestrian phase to a pedestrian phase with a leading pedestrian interval for pedestrians crossing Seminary Road. The relocation of Kenmore Avenue will require the closure of the existing Hammond Middle School driveway immediately to the east of Kenmore Avenue (relocated). The Applicant(s) shall be responsible for the design and construction of the following as generally depicted in the CDD Concept Plan.

a) A one-way (westbound) road connection between the existing school parking lot and the realigned Kenmore Avenue;
b) Creation of new parking spaces to replace the ones eliminated with the closing of the driveway to Seminary Road and new connection to Kenmore Avenue; and
c) Sidewalks to facilitate pedestrian access to the school along the newly constructed roadways.

The improvements for the adjoining Francis Hammond School as required herein shall be completed prior to the issuance of the first certificate of occupancy permit for New Development. Coordination with ACPS on the improvements that impact the school site shall be required. (T&ES)(ACPS)

68. **Seminary Overlook Off-Street Bicycle Facility.** The Applicant(s) shall be responsible for the design and construction of the 10’ minimum wide (exact width to be determined at the time of preliminary DSUP) multi-use trail along the east side of Library Lane and the Small Area Plan boundary to connect from Seminary Road to the Parkside Condominiums neighborhood. The multi-use trail shall be complete and operational prior to the first certificate of occupancy permit associated with the DSUP. If analysis during the DSUP determines that the entire trail cannot be completed at the time of the first certificate of occupancy, the trail may be constructed in phases. (T&ES)

T. CDD CONCEPT PLAN FINDINGS: TRANSPORTATION AND ENVIRONMENTAL SERVICES FINDINGS

F-1 Provide information on public and private utilities in the site plan along with the ownership of the utilities. For sanitary and storm sewers, show the pipe size, material, slope, and direction of flow in plan view. (Engineering)