

ORDINANCE NO. 3603

AN ORDINANCE to amend and reordain the Potomac Yards/Potomac Greens Small Area Plan chapter of the of the 1992 Master Plan of the City of Alexandria by adopting and incorporating therein revised CDD guidelines to provide for an increase in the amount of the development permitted with a CDD special use permit from 2.75 to 3.75 million square feet of office space, from 3,500 to 4,500 residential units, and from 300,000 to 425,000 square feet of retail space.

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

1. On September 30, 1992, city council adopted Resolution No. 1617, referring to the planning commission certain amendments to the Potomac Yard/Potomac Greens chapter of the 1992 Master Plan of the City of Alexandria, Virginia, to increase the amount of development permitted with a CDD special use permit from 2.75 to 3.75 million square feet of office space, from 3,500 to 4,500 residential units, and from 300,000 to 425,000 square feet of retail space.

2. The planning commission conducted a public hearing on the proposed amendments on October 29, 1992, and, on November 5, 1992, by resolution, adopted and certified such amendments to the city council for adoption as amendments to the 1992 Master Plan of the City of Alexandria, Virginia, as evidenced by Exhibit A attached hereto.

3. City council has heretofore conducted an informational public hearing on the said small area plan amendments, as certified by the planning commission, and for the reasons stated in the record of such public hearing, and for the reasons stated in Resolution No. 1617, attached hereto as Exhibit B, has approved the said amendments.

4. Based upon the foregoing findings and all other facts and circumstances of which city council may properly take notice in its capacity as the legislative body of the City of Alexandria, adoption of this ordinance is necessary and desirable to protect the public health, safety and general welfare of the residents of the City of Alexandria; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the findings and conclusions expressed by the planning commission in its resolution adopting the aforesaid amendments to the Potomac Yard/Potomac Greens Small Area Plan chapter of the 1992 Master Plan of the City of Alexandria, and the findings and conclusions expressed by city council in Resolution No. 1617 are ratified, confirmed and adopted by the city council.

Section 2. That CDD Guideline No. 4, of the CDD guidelines for Potomac Yards/Potomac Greens, of the Potomac Yard/Potomac Greens Small Area Plan chapter of the 1992 Master Plan of the City of Alexandria, Virginia, be, and same hereby is, amended and reordained to read as follows:

4. The total amount of development allowed on this site shall be as follows:

- 1) 3.75 million square feet of office space;
- 2) 625 hotel rooms;
- 3) 425,000 square feet of retail space;
- 4) 4,500 residential units.

The City Council acknowledges the right of the owner of the site, or a successor in interest, to apply for an amendment to this plan and to the City's zoning code which would increase the amount of development permitted on the site pursuant to a CDD plan. Council also acknowledges that a future city council may look favorably on such an amendment if the then existing development on the site and the proposed increase in development has not caused, and is not expected to cause, adverse impacts on the overall character of and quality of life in the City, and in particular the residential neighborhoods that are near the site and are affected by the vehicular traffic traveling to and from the site.

Section 3. That this ordinance shall become effective at such time as all of the following events have occurred: (1) city council shall have adopted, by ordinance, an amendment to Section 5-602(A), CDD No. 10, of the Zoning Ordinance of the City of Alexandria, Virginia, which implements the master plan amendments made by Section 2 of this ordinance; (2) the pending litigation with the RF&P Railroad Company and related parties over the city's 1987 decision to reject a site plan application for the development of Potomac Greens shall have been dismissed with prejudice, the district court's final order of April 3, 1991, shall have been vacated and the court's memorandum opinion of February 27, 1991, shall have been withdrawn; (3) all pending litigation with the RF&P Railroad Company and related parties over the city's 1992 decision to rezone the Potomac Yard and Potomac Greens shall have been dismissed with prejudice; and (4) the city attorney shall have certified the occurrence of events (2) and (3) to the city clerk.

Section 4. That, upon the occurrence of the events specified in Section 3, the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit

Court of the City of Alexandria, Virginia, and that said Clerk of the Circuit Court shall file same among the court records.

PATRICIA S. TICER
Mayor

Final Passage: November 24, 1992

RESOLUTION NO. MPA-92-2

WHEREAS, under the provisions of Section 9.05 of the City Charter, the City Planning Commission may adopt amendments to the 1992 Master Plan of the City of the City of Alexandria, Virginia, and may submit such amendments to the City Council as changing conditions may make necessary; and

WHEREAS, the City Council has deemed it necessary and desirable to amend the Potomac Yard/Potomac Greens Small Area Plan chapter of the 1992 Master Plan by increasing the square feet of office and retail space and the number of residential units that are permitted for the Potomac Yard and the adjacent Potomac Greens site under the CDD guidelines contained in said chapter of the 1992 Master Plan; and

WHEREAS, the City Council has concluded that this amendment to the Potomac Yard/Potomac Greens Small Area Plan chapter of the 1992 Master Plan is necessary and desirable in order to prevent construction of a professional football stadium at the Potomac Yard, to preclude any further proposal to construct a stadium, and to ensure that the Virginia General Assembly does not remove the City's land use, planning and zoning authority over the Potomac Yard and adjacent property; and

WHEREAS, the City Council has set out this amendment to the Potomac Yard/Potomac Greens Small Area Plan chapter of the 1992 Master Plan, as well as the basis for the amendment, in Resolution No. 1617 which Council adopted on September 30, 1992, and has in that resolution referred the amendment to the Planning Commission for its consideration under Section 9.05 of the City Charter; and

WHEREAS, the City Council has assured members of the General Assembly that a good faith effort will be made to formally adopt this amendment to the Potomac Yard/Potomac Greens Small Area Plan chapter of the 1992 Master Plan, and to formally enact all related amendments to the City of Alexandria Zoning Ordinance, by mid-December 1992; and

WHEREAS, the City Council has requested that the Planning Commission approve the amendment to the Potomac Yard/Potomac Greens Small Area Plan chapter of the 1992 Master Plan that is set out in Resolution 1617 so that the Council commitment to the General Assembly can be fulfilled; and

WHEREAS, in the course of adopting a small area plan for the Potomac Yard/Potomac Greens area in January through March 1992, the Planning Commission received, and in adopting this resolution has again received, a number of reports that analyze, from various perspectives, alternative levels of mixed-use development within the Potomac Yard/Potomac Greens area, including the infrastructure costs associated with alternative levels of development, the economic feasibility of alternative development levels, the transportation impacts associated with alternative development levels, and the fiscal effects that alternative levels of development would have upon the City; and

EXHIBIT A

WHEREAS, the Planning Commission finds that the amendment set out in Resolution No. 1617 to the Potomac Yard/Potomac Greens Small Area Plan Chapter of the 1992 Master Plan promotes the prosperity and general welfare of the City in that it will ensure that a proposal to locate a stadium at the Potomac Yard will not be put forward, it will facilitate resolution of many of the outstanding disputes over the development of the Potomac Yard and the adjacent Potomac Greens site, it will promote the commercial, residential and retail mixed-use development of the Yard and Greens sites, and it will ensure retention of the City's land use, planning and zoning authority over those sites;

NOW, THEREFORE, BE IT RESOLVED BY THE
PLANNING COMMISSION OF THE CITY OF ALEXANDRIA:

1. That the following amendment be made to CDD Guideline No. 4 on page 67 of the Potomac Yard/Potomac Greens Small Area Plan chapter of the 1992 Master Plan:

4. The total amount of development allowed on this site shall be as follows:

- 1) ~~2,75~~ 3.75 million square feet of office space;
- 2) 625 hotel rooms;
- 3) ~~300,000~~ 425,000 square feet of retail space;
- 4) ~~3,500~~ 4,500 residential units.


[~~Strike-through~~ denotes deletion of existing text; **Bold** denoted new text]

2. That this amendment is expressly conditioned on the dismissal with prejudice by the RF&P Corporation and its subsidiaries of all pending litigation over the City's 1987 Potomac Greens site plan denial, over the City's 1992 rezoning of the Potomac Yard and over the City's 1992 rezoning of the Potomac Greens site.

3. That the adoption of this resolution shall not alter any of the CDD guidelines set out in the Potomac Yard/Potomac Greens chapter of the 1992 Master Plan other than Guideline No. 4.

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

ADOPTED THE 5 TH DAY OF NOVEMBER, 1992


T. Edyard Braswell, Chairman

ATTEST:


Sheldon Lynn, Secretary

RESOLUTION NO. 1617

WHEREAS, on May 16, 1992, city council approved a revision to the city's comprehensive master plan that provided detailed land use and zoning goals, objectives and recommendations for the Potomac Yard/Potomac Greens area, located in the northeast sector of the city;

WHEREAS, on June 13, 1992, city council enacted Ordinance No. 3576 which adopted the 1992 Master Plan for the City of Alexandria that included a chapter containing the land use and zoning goals, objectives and recommendations for the Potomac Yard/Potomac Greens area that council had adopted on May 16, 1992;

WHEREAS, the land use and zoning recommendations for the Potomac Yard/Potomac Greens area enacted on June 13, 1992, as part of Ordinance No. 3576 included Coordinated Development District, or CDD, guidelines for the coordinated, mixed-use development of the Potomac Yard/Potomac Greens area that called for up to 2.75 million square feet of office space, 625 hotel rooms, 300,000 square feet of retail space, and 3,500 residential units of varying types and sizes;

WHEREAS, on June 12, 1992, a day before council's enactment of Ordinance No. 3576 and unknown to the city, the Governor of the Commonwealth, the owner of the Washington Redskins professional football franchise, and the RF&P Railroad Company, the owner of the Potomac Yard, executed an agreement that called for the construction of a new Redskins stadium at the Potomac Yard, in Alexandria, a use of the Yard that would be wholly inconsistent with the land use and zoning goals, objectives and recommendations for the Yard adopted by council on May 16, 1992;

WHEREAS, on July 7, 1992, in a conversation with the mayor and city manager, the Governor first discussed with the city the proposal to locate a new stadium for the Washington Redskins at the Potomac Yard;

WHEREAS, on July 9, 1992, the Governor and the owner of the Washington Redskins announced at a joint press conference that a new Redskins stadium would be constructed at the Potomac Yard;

WHEREAS, at a public meeting on July 9, 1992, city council found that the placement of a new Redskins stadium at the Potomac Yard would be fundamentally inconsistent with the character of the city and with the city's recently adopted land use goals and objectives for the Yard, and would impose severe and irreparable harm on the neighborhoods adjacent to the Yard and on the city in general, and for these reasons voted to oppose the stadium proposal and authorized the mayor to express the council's opposition in a letter to the Governor which was sent on July 10, 1992;

EXHIBIT B

WHEREAS, since July 9, 1992, in a variety of ways and in a variety of forums, including before the Virginia General Assembly, the city, Arlington County and numerous other local jurisdictions in Virginia, together with countless citizens from Alexandria and other localities across the state, have expressed their vigorous opposition to the location of a new Redskins stadium at the Potomac Yard;

WHEREAS, despite this opposition to the stadium proposal, the Governor has continued to advocate for the stadium's construction at the Potomac Yard and, in draft legislation, has proposed not only that the Commonwealth commit up to \$150,000,000 in state funds toward the stadium's construction, but also that the General Assembly revoke the city's planning and zoning authority over the entire Potomac Yard, all of Potomac Greens and a 28-acre parcel of land to the west of the Yard that is to be acquired in connection with the stadium;

WHEREAS, the Governor's draft legislation proposes to delegate all planning and zoning authority over the Potomac Yard, Potomac Greens and the 28-acre parcel noted above, including over land that is not even contemplated for the proposed stadium and its related parking, to a State board appointed by the Governor;

WHEREAS, while many members of the General Assembly are opposed to locating the stadium at the Potomac Yard, other members have indicated concern that the level of development permitted under the CDD guidelines for the Potomac Yard/Potomac Greens area may not be sufficient to enable the Virginia Retirement System ("VRS"), which owns over 99% of the stock of the RF&P, to earn a reasonable return on the investment that is required to install the infrastructure for, and otherwise to develop, the Yard/Greens area, and may therefore be willing to support the stadium or, irrespective of the stadium, the revocation of the city's zoning authority in order to ensure that development of the Potomac Yard will provide a greater return to the VRS than the return it would obtain from development pursuant to the current CDD guidelines;

WHEREAS, city council firmly believes that the CDD guidelines for the Potomac Yard/Potomac Greens area authorize development that will provide an adequate and reasonable return to the VRS;

WHEREAS, at the same time, city council wishes to assure members of the General Assembly that it is cognizant of concerns regarding the viability of development under the current CDD guidelines and that, in order to advance the goal of the 1992 Master Plan to provide high quality mixed-use development in the Potomac Yard/Potomac Greens area, it is willing to take additional steps to facilitate the development of a lively commercial and residential mixed-use community on the Potomac Yard and the adjacent Potomac Greens property, rather than have

the property relegated to a professional football stadium and a parking lot consisting of well over 100 acres to the severe detriment of the city, its residents and the VRS;

WHEREAS, to allay such concerns and to facilitate such development, city council is willing to initiate the process whereby the CDD guidelines for the Potomac Yard/Potomac Greens area can be revised, subject to the conditions stated below, to increase the amount of permitted office development from 2.75 to 3.75 million square feet, to increase the number of permitted residential units from 3,500 to 4,500, and to increase the amount of permitted retail space from 300,000 to 425,000, retaining the number of hotel rooms at 625 as provided in the current guidelines;

WHEREAS, it reasonably appears to the city council that an increase of this nature in the amount of development permitted under the CDD guidelines for the Potomac Yard/Potomac Greens area will result in the good faith resolution of all disputes and doubts regarding development of the area, such that the resources of the state and city governments, the VRS and the RF&P may be channeled to advance the legitimate interests of all such parties, rather than dissipated through dispute and litigation;

WHEREAS, the city is currently in litigation with the RF&P over the city's 1987 decision to reject a site plan application for the development of Potomac Greens, and over the city's 1992 decision to rezone the Potomac Yard and Potomac Greens, and the city council's willingness, noted above, to initiate the process for effecting an increase in the amount of development under the CDD guidelines for the Yard/Greens area is premised upon the dismissal, with prejudice, of all such litigation by the RF&P; and

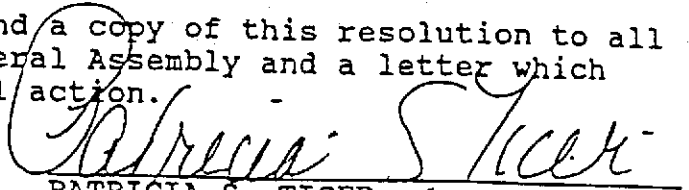
WHEREAS, the city council's willingness, noted above, to initiate the process for effecting an increase in the amount of development under the CDD guidelines for the Potomac Yard/Potomac Greens area is also premised upon the withdrawal by the Governor, or the rejection by the General Assembly, of any proposal to locate a professional football stadium at the Potomac Yard and upon the city continuing to possess the sole planning and zoning authority over all land within the City of Alexandria;

NOW THEREFORE BE IT RESOLVED
BY THE ALEXANDRIA CITY COUNCIL


1. That there be referred to the city's planning commission an amendment to the Potomac Yard/Potomac Greens small area plan chapter of the 1992 Master Plan of the City of Alexandria that provides for an increase in the amount of development permitted under the CDD guidelines for the small area plan from 2.75 to 3.75 million square feet of office space, from 3,500 to 4,500 residential units, and from 300,000 to 425,000

square feet of retail space, which increases, together with the 625 hotel rooms provided under the current guidelines, will result in total development of up to approximately 11.5 to 12 million square feet.

2. That the mayor send a copy of this resolution to all members of the Virginia General Assembly and a letter which informs them of this council action.


PATRICIA S. TICER Mayor

ATTEST:


Beverly I. Jett, CMC City Clerk