

3A  
6-11-02

## CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting  
Saturday, May 18, 2002 - - 9:30 a.m.

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Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Urban Planners Peterson and Hashemi, Planning and Zoning; Mr. Smith and Ms. Hannold, Board of Architectural Review staff; Public Information Officer Gordon; Deputy Police Chief Hilleary; and Police Lieutenant Uzzell.

Recorded by: Beverly I. Jett, City Clerk and Clerk of Council.

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### OPENING

The Meeting was called to Order by Mayor Donley, and the City Clerk called the Roll; all Members of City Council were present.

#### 2. Public Discussion Period.

(a) Kevin McDonald, 801 North Fairfax Street, Suite 402, representing the Alexandria Chamber of Commerce, spoke to the recent Public Valor Awards luncheon. This year six Alexandria public safety personnel received the valor awards. They are as follows:

Paramedic Michael Cahill -- Gold Medal  
Police Officer Peter LaBoy -- Silver Medal  
Police Officer Louis Torrez -- Silver Medal  
New Construction Supervisor William Coates -- Bronze Medal  
Fire Captain John North -- Certificate of Valor  
Deputy Sheriff Audrey Estridge -- Lifesaving Award

He also spoke to the efforts of the Police Department, Fire Department and Sheriff's Office during the aftermath of September 11.

Mr. McDonald presented each Member of Council and the City Manager with a video entitled "Alexandria's Heros" which serves as a tribute in a way not only to the public safety personnel and their efforts on 9-11, but also for the brave acts they do to protect us every single day.

Mayor Donley thanked those involved in making this event a great success and particularly, Video Solutions for producing an excellent video.

Vice Mayor Cleveland expressed his regrets that he was unable to attend the Valor Awards luncheon this year due to his job commitment.

Councilman Euille reported that the video will be promoted and shown at one of the Council Meetings prior to Council's recess. He requested that some advanced public relations be done to encourage a lot of our citizens at home to be prepared to watch this video.

(b) Mariella Posey, 915 Second Street, vice president, Northeast Citizens' Association, on behalf of the association, thanked Rich Baier and his staff for the time and diligence they put in working with them on the second phase of the traffic calming plan on Powhatan Street.

\* \* \* \* \*

**Without objection**, Mayor Donley announced that items 11, 12 and 13 dealing with the Archstone Development will be deferred, and Council will not be taking public testimony today. In addition, those items will not be returning to the Council, if they return at all, until the fall.

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## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

### **ACTION CONSENT CALENDAR (3-6) (22-23)**

#### **Planning Commission**

**Without objection**, City Council removed docket item nos. 3, 5 and 6 from the Action Consent Calendar and considered them under separate motions.

4. SPECIAL USE PERMIT #2002-0018 -- 682 N ST ASAPH ST -- SAUL CENTER -- SIZZLING EXPRESS RESTAURANT -- Public Hearing and Consideration of a request for a special use permit for additional outdoor seating for a restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Sizzling Express VII, by Kyng Ai Kim.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/18/02, and is incorporated herewith as part of this record by reference.)

#### **END OF ACTION CONSENT CALENDAR**

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR (22-23)**

#### **Planning Commission (continued)**

22. TEXT AMENDMENT #2002-0001 -- NOTICE OF APPEALS TO CITY COUNCIL -- Public Hearing and Consideration of an amendment to Section 11-300 of the Zoning Ordinance to provide for additional notice of appeals to City Council in land use cases.

COMMISSION ACTION: Deferred 7-0

23. MASTER PLAN AMENDMENT #2002-0002 -- REZONING #2002-0002 -- 2100 MT VERNON AV -- Public Hearing and Consideration of a request for a master plan amendment to change the land use designation and request for rezoning of the subject property from R-2-5/Residential to CL/Commercial Low. Applicant: Tom and Anne Welsh.

COMMISSION ACTION: Deferred (by Staff)

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved docket item no. 4 under the Action Consent Calendar as presented, noted the deferral of docket item nos. 22 and 23 under the Deferral/Withdrawal Consent Calendar, and considered docket item nos. 3, 5 and 6 under separate motions. The action of City Council follows:

- 4. City Council approved the Planning Commission recommendation.
- 22. City Council noted the deferral.
- 23. City Council noted the deferral.

The voting was as follows:

|        |       |           |       |
|--------|-------|-----------|-------|
| Euille | "aye" | Cleveland | "aye" |
| Pepper | "aye" | Eberwein  | "aye" |
| Donley | "aye" | Speck     | "aye" |
|        |       | Woodson   | "aye" |

3. SPECIAL USE PERMIT #2002-0016 -- 693 N WASHINGTON ST -- SAUL CENTER -- DEMANOS BURRITOS FRESCOS RESTAURANT -- Public Hearing and Consideration of a request for a special use permit for a restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Wilfredo Villarreal.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/18/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck raised a concern about a condition that is in docket item no. 4, but is not in this special use permit. He directed questions to the applicant and staff with respect to including a condition about providing free parking for patrons in the parking garage.

**Without objection**, City Council suspended consideration of this item so that staff could meet with the applicant to discuss a new condition similar to the one in the Sizzler Express special use permit relating to free parking for patrons.

**[Note: This was considered at the end of the meeting.]**

5. SPECIAL USE PERMIT #2002-0019 -- 1905 MT VERNON AV -- LOS AMIGOS RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to add outdoor seating for a restaurant and for a parking reduction; zoned CL/Commercial Low. Applicant: Gustavo ErosteGUI.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/18/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck raised the issue as to why condition #18 is not consistent with all of the other special use permits.

**WHEREUPON**, upon motion by Councilman Speck, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation, **and amended condition #18 to have the parking language for employees consistent with all of our other sups which reads as follows: "18. That employees who drive to work are required to use off-street parking."** The voting was as follows:

|        |       |           |       |
|--------|-------|-----------|-------|
| Speck  | "aye" | Cleveland | "aye" |
| Euille | "aye" | Eberwein  | "aye" |
| Donley | "aye" | Pepper    | "aye" |
|        |       | Woodson   | "aye" |

6. SPECIAL USE PERMIT #2002-0043 -- 2018 MT VERNON AV -- THAI PEPPERS RESTAURANT -- Public Hearing and Consideration of a special use permit review and request to extend the hours of operation for a restaurant; zoned CL/Commercial Low. Applicant: Savitri Sakulsom.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/18/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck spoke to the issue that this special use permit does not include the standard language regarding employee parking.

With respect to standard conditions that should automatically be part of a special use permit, Councilman Euille requested staff to make sure that they were contained in the special use permits before they come to Council. There should be no need for Council to be tweaking the conditions constantly at each meeting.

**WHEREUPON**, upon motion by Councilman Speck, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation, **and added the standard condition with respect to employees who drive to work which new condition #23 reads as follows: "23. That employees who drive to work are required to use off-street parking."** The voting was as follows:

|        |       |           |       |
|--------|-------|-----------|-------|
| Speck  | "aye" | Cleveland | "aye" |
| Euille | "aye" | Eberwein  | "aye" |
| Donley | "aye" | Pepper    | "aye" |
|        |       | Woodson   | "aye" |

### CONTESTED APPOINTMENTS

7. Alexandria Eisenhower Avenue-to-Duke Street Connector Task Force  
5 Citizens Residing in the Area Encompassed by the Following Civic Associations:

Seminary Hill,  
Quaker Hill,  
Clover-College Park,  
Rosemont,  
Carlyle Towers Condominium Unit Owners Association, and  
Taylor Run.

(The following persons volunteered or were recommended for appointment to the above Task Force:)

| NAME              | ENDORSED BY:                                       |
|-------------------|--|
| Micheline Eyraud  |  |
| George Foote      | Seminary Hill Assn., Inc., Board of Directors      |
| William Harvey    |  |
| Patti Hulvershorn |  |
| Ginny Hines Parry | Clover-College Park Civic Assn. Board of Directors |
| Paul Kruse        |  |
| Judith Miller     | Rosemont Citizens Assn.                            |
| Thomas Raycroft   | Taylor Run Citizens' Assn.<br>Bruce Dwyer          |
| Bryan Thompson    | Joanne Mitchell                                    |

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(Material pertaining to the above appointments is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 7; 5/18/02, and is incorporated herewith as part of this record by reference.

A copy of Councilman Euille's Transactional Disclosure Statement for this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 5/18/02, and is incorporated herewith as part of this record by reference.

A copy of Councilwoman Pepper's Transactional Disclosure Statement for this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 7; 5/18/02, and is incorporated herewith as part of this record by reference.)

Whereupon, ballots were distributed, tellers were appointed and the ballots tallied with the following results: City Council appointed George Foote, William Harvey, Ginny Hines Parry, Judith Miller and Thomas Raycroft as citizens residing in the area encompassed by the following civic associations: Seminary Hill, Quaker Hill, Clover-College Park, Rosemont, Carlyle Towers Condominium Unit Owners Association, and Taylor Run to the Alexandria Eisenhower Avenue-to-Duke Street Connector Task Force. The voting was as follows:

|           |   |  |
|-----------|---|--|
| Donley    | - | Foote, Kruse, Miller, Raycroft, Thompson |
| Cleveland | - | Foote, Harvey, Parry, Miller, Raycroft   |
| Eberwein  | - | Foote, Parry, Miller, Raycroft, Thompson |
| Euille    | - | Foote, Harvey, Parry, Miller, Raycroft   |
| Pepper    | - | Foote, Harvey, Parry, Miller, Raycroft   |
| Speck     | - | Foote, Kruse, Miller, Raycroft, Thompson |
| Woodson   | - | Foote, Harvey, Parry, Miller, Raycroft   |

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## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

### **Board of Architectural Review Parker-Gray District**

8. Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Parker-Gray District, approving, as amended, after-the-fact alterations at 307 North Fayette Street, zoned CL Commercial. Applicant and Appellant: Karen Corbett-Sanders

**BOARD ACTION:** Approved, as amended, 4-0

(A copy of the Board of Architectural Review, Parker-Gray District, report is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/18/02, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated March 12, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8; 5/18/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 8; 5/18/02, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Brenda Heffernan, 318 Commerce Street, representing the Board of Architectural Review, spoke against the appeal and gave an overview of the Board's decision;

Karen Corbett Sanders, 6405 Tenth Street, applicant and appellant, spoke in support of the appeal, against the Board's action, and expressed concerns about how her case was handled;

Daniel Sanders, 6405 Tenth Street, spoke in support of the appeal;

Todd James, 5606 Scoville Street, Falls Church, contractor, spoke in support of the appeal and responded to questions directed to him by Council;

Ronald Diehl, 1312 Princess Street, spoke against the appeal; and

Charles Trozzo, 209 Duke Street, representing the Historic Restoration and Preservation Commission, spoke against the appeal.

Members of City Council, Planning and Zoning Director Fogarty, City Attorney Pessoa, Board of Architectural Review staff Smith and Hannold, and Deputy Code Enforcement Director Hazel participated in a discussion on this item and addressed the issues raised by the appellant.

Councilman Euille indicated there is a need to improve notification to those who do live in the historic districts, and possibly, we could include something in the tax notices when they are mailed.

Councilman Speck stated that we need to challenge ourselves to look for new and additional and creative ways to be sure that no one comes here and says that they are appealing something because they didn't know they had to do something. Staff needs to look at this.

Mayor Donley noted that we have done a number of things in the past. We have had mailings that have gone out, we've held contractor conferences, and the Historic Alexandria Foundation has done seminars primarily in the Old and Historic Alexandria District. Mayor Donley suggested that this might be a good task for the Historic Alexandria Foundation to consider for the Parker-Gray District as well. Regarding Code Enforcement, he suggested maybe we need to put a sticker on every phone that says "Remember the BAR." Whatever it is, just to prompt people. It is not our job to proscribe what it is you need to do. Our job is to tell staff we need to do a better job. Your job is to do just that.

**WHEREUPON**, a motion was made by Councilwoman Eberwein, seconded by Councilwoman Pepper that City Council uphold the Board of Architectural Review decision and deny the appeal.

Councilman Speck offered a friendly amendment that the applicant be permitted an eighteen month period of time to complete the work; which friendly amendment was accepted by the maker and seconder of the motion. The amended motion now reads as follows:

**THEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council upheld the Board of Architectural Review decision and denied the appeal, **and permitted an eighteen month period of time to complete the work.** The voting was as follows:

|          |       |           |       |
|----------|-------|-----------|-------|
| Eberwein | "aye" | Cleveland | "aye" |
| Pepper   | "aye" | Euille    | "aye" |
| Donley   | "aye" | Speck     | "aye" |
|          |       | Woodson   | "aye" |

**Planning Commission (continued)**

9. SPECIAL USE PERMIT #2002-0013 -- 1001 QUEEN ST -- Public Hearing and Consideration of a request for a special use permit to operate a rooming house and for a parking reduction; zoned CL/Commercial Low. Applicant: James L. Goolsby.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/18/02, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Robert Meyers, 222 North Patrick Street, spoke to a deferment, should have been broader notification and stated that parking is an issue; and

Jim Lay, 220 North Patrick Street, spoke to a deferment, addressed the problem of parking and responded to queries directed to him by Councilman Speck.

Members of City Council, Planning and Zoning Director Fogarty and speaker Meyers participated in a discussion on this special use permit.

Mayor Donley requested staff to ask Mr. Goolsby and Mr. Holloway to change their rules and regulations a little bit for tenants. The first one says, "No persons involved with drugs, narcotics or prostitution shall not be on the premises." It is a double negative that means they can be on the premises, and please get that changed.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

|         |       |           |       |
|---------|-------|-----------|-------|
| Woodson | "aye" | Cleveland | "aye" |
| Pepper  | "aye" | Eberwein  | "aye" |
| Donley  | "aye" | Euille    | "aye" |
|         |       | Speck     | "aye" |

10. SPECIAL USE PERMIT #2001-0066 -- 518 E HOWELL AV -- Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking to allow one parking space and for a modification of the side yard setback requirement to allow a zero side yard setback adjacent to the western property line in conjunction with the construction of a single-family dwelling; zoned RB/Residential. Applicant: Eric Peterson and Joan Peterson.

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 5/18/02, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Joan Peterson, 109 East Taylor Run Parkway, applicant, spoke in support and was available for questions;

Donald R. Allen, 526 King Street, attorney representing Robert Jones, spoke against and would prefer waiting for the other lot to be developed at the same time;

Robert Jones, 516 East Howell Avenue, spoke against building the dwelling at this time and would prefer to wait until the adjoining lot is developed at the same time. Mr. Jones responded to questions from City Council;

Paul Haire, 202 East Del Ray Avenue, representing K & B Management, spoke against; and

Stephanie Dimond, 6 West Maple Street, architect representing the applicant, spoke in support and responded to questions directed to her by Members of Council.

Members of Council, Urban Planner Beeton, Architect Dimond, and Applicant Peterson participated in a discussion with respect to stacked parking and additional shutters.

**WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, **with the following additional conditions: "That two stacked parking spaces be included in the design."; and "That the west elevation have additional shutters to the satisfaction of the applicant and the staff."** The voting was as follows:

|          |       |           |       |
|----------|-------|-----------|-------|
| Eberwein | "aye" | Cleveland | "aye" |
| Pepper   | "aye" | Euille    | "aye" |
| Donley   | "aye" | Speck     | "aye" |
|          |       | Woodson   | "aye" |

11. DEVELOPMENT SPECIAL USE PERMIT #2000-0032 -- 5010 DUKE ST -- CAMERON STATION -- PHASE V -- Public Hearing and Consideration of a request for a development special use permit amendment to remove the area west of Tancreti Lane from the Phase V plan; zoned CDD-9/Coordinated Development District. Applicant: Cameron Associates LLC, by David T. McElhaney, engineer, and M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Denial 7-0

12. DEVELOPMENT SPECIAL USE PERMIT #2000-0031 -- 450 FERDINAND DAY DR -- ARCHSTONE - CAMERON STATION (Phase VI) -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct apartment buildings; zoned CDD-9/Coordinated Development District. Applicant: Archstone Communities, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Denial 7-0

13. SPECIAL USE PERMIT #2000-0085 -- 450 FERDINAND DAY DR -- ARCHSTONE - CAMERON STATION -- Public Hearing and Consideration of a request for a special use permit amendment to the Cameron Station transportation management plan (TMP) to incorporate the site area of the proposed apartment buildings; zoned CDD-9/Coordinated Development District. Applicant: Archstone Communities, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the deferral letter dated May 16, 2002, from Duncan W. Blair, Esquire, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 11, 12, and 13; 5/18/02, and is incorporated herewith as part of this record by reference.

A copy of the Planning Commission reports dated May 7, 2002, are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item Nos. 11, 12 and 13; 5/18/02, and is incorporated herewith as part of this record by reference.

Communications received are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item Nos. 11, 12 and 13; 5/18/02, and is incorporated herewith as part of this record by reference.)

Councilman Speck spoke to the process and to the theme of the communications received on these items; a copy of of Councilman Speck's remarks is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item Nos. 11, 12 and 13; 5/18/02, and is incorporated herewith as part of this record by reference.

**Without objection**, City Council noted the deferral of docket item nos. 11, 12 and 13.

14. SPECIAL USE PERMIT #2002-0004 -- 115-117 KING ST -- LANDINI BROTHERS RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to add seating and make interior alterations to a restaurant; zoned CD/Commercial Downtown. Applicant: Landini Brothers, Inc., by Franco Landini.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 5/18/02, and is incorporated herewith as part of this record by reference.)

Franco Landini, 115 King Street, applicant, was available for questions.

Councilman Speck emphasized the importance of condition #15, and encouraged the applicant to see that his employees abide by using off-street parking.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

|           |         |          |       |
|-----------|---------|----------|-------|
| Euille    | "aye"   | Eberwein | "aye" |
| Cleveland | "aye"   | Pepper   | "aye" |
| Donley    | "aye"   | Speck    | "aye" |
|           | Woodson | "aye"    |       |

15. SPECIAL USE PERMIT #2002-0020 -- 1404 KING ST -- HARD TIMES CAFE -- Public Hearing and Consideration of a request for a special use permit to extend the hours of operation of a restaurant; zoned CD/Commercial Downtown. Applicant: H T Acquisition, Inc., by James R. Parker.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 5/18/02, and is incorporated herewith as part of this record by reference.)

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

Councilman Euille disclosed that he formerly had a very, very small investment in H T Acquisition, Inc., but no longer has it.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

|           |         |          |       |
|-----------|---------|----------|-------|
| Pepper    | "aye"   | Eberwein | "aye" |
| Cleveland | "aye"   | Euille   | "aye" |
| Donley    | "aye"   | Speck    | "aye" |
|           | Woodson | "aye"    |       |

**ORDINANCES AND RESOLUTIONS**

16. Public Hearing, Second Reading and Final Passage of an Ordinance to grant a one-year extension of franchise rights to Verizon Virginia, Inc. (#25 5/14/02) **[ROLL-CALL VOTE]**

(A copy of the City Attorney's memorandum dated April 29, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 5/18/02, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

|           |       |          |             |
|-----------|-------|----------|-------------|
| Pepper    | "aye" | Eberwein | "aye"       |
| Cleveland | "aye" | Euille   | "aye"       |
| Donley    | "aye" | Speck    | out of room |
|           |       | Woodson  | "aye"       |

The ordinance finally passed reads as follows:

**ORDINANCE NO. 4249**

**AN ORDINANCE** to amend and reordain Ordinance No. 2165, as amended, to grant a one-year extension of franchise rights to Verizon Virginia, Inc., formerly known as Bell Atlantic-Virginia, Incorporated, formerly known as the Chesapeake and Potomac Telephone Company of Virginia.

WHEREAS, on March 22, 1977, the city council enacted Ordinance No. 2165 which granted a franchise to the Chesapeake and Potomac Telephone Company of Virginia and its successors and assigns for the purpose of providing a telephone and telegraph service and system within the city; and

WHEREAS, Section 17 of Ordinance No. 2165 provided that the franchise rights and privileges provided by the ordinance were to continue for a term of 20 years, from May 1, 1977 until May 1, 1997; and

WHEREAS, in order to await the resolution of issues arising from the enactment of certain state and federal legislation affecting the rights of municipalities and telecommunications providers, the city council, on October 25, 1997, enacted Ordinance No. 3961, which extended the franchise an additional two-year period until April 30, 1999, and on April 17, 1999, enacted Ordinance No. 4039, which extended the franchise until April 30, 2000 and again, on April 15, 2000, enacted Ordinance No. 4126, which extended the franchise until April 30, 2001; and on May 12, 2001, enacted Ordinance No. 4202, which extended the franchise until April 30, 2002; and

WHEREAS, the negotiation of a new franchise has been delayed due to Verizon's involvement with other ongoing business; and

WHEREAS, the city council has determined that it is in the public interest to extend for an additional one-year period the franchise granted by Ordinance No. 2165 to Verizon Virginia, Inc., as the successor to Bell Atlantic-Virginia, Incorporated, which was the successor to the Chesapeake and Potomac Telephone Company of Virginia; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to Article VII, Section 9 of the Virginia Constitution and Article 1 of Chapter 21 of Title 15.2 of the Code of Virginia, Section 17 of Ordinance No. 2165, which defines the term of the franchise granted to the Chesapeake and Potomac Telephone Company of Virginia and its successors and assigns, be, and the same hereby is, amended to set the term at 26 years, such that the franchise shall expire on April 30, 2003, unless sooner voluntarily surrendered by the franchisee with the consent of the city council, or unless sooner forfeited as provided by law.

Section 2. That Ordinance No. 2165, as amended by Section 1 of this ordinance, be, and the same hereby is, reordained.

Section 3. That this ordinance shall be effective upon the date and at the time of its final passage, and shall operate retroactively to extend the term of the franchise heretofore granted until April 30, 2003.

KERRY J. DONLEY  
Mayor

|                 |          |
|-----------------|----------|
| Introduction:   | 05/14/02 |
| First Reading:  | 05/14/02 |
| Publication:    | 05/16/02 |
| Public Hearing: | 05/18/02 |
| Second Reading: | 05/18/02 |
| Final Passage:  | 05/18/02 |

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17. Public Hearing, Second Reading and Final Passage of an Ordinance to increase the towing and storage charges for motor vehicles impounded by the City. (#26 5/14/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 5/18/02, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

**WHEREUPON**, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-1, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

|        |         |           |       |
|--------|---------|-----------|-------|
| Euille | "aye"   | Cleveland | "no"  |
| Pepper | "aye"   | Eberwein  | "aye" |
| Donley | "aye"   | Speck     | "aye" |
|        | Woodson | "aye"     |       |

The ordinance finally passed reads as follows:

**ORDINANCE NO. 4250**

AN ORDINANCE to amend and reordain Section 5-8-25 (REPOSSESSION OF IMPOUNDED VEHICLES; TOWING AND STORAGE CHARGES) of Article C (DISPOSITION OF ABANDONED, UNATTENDED AND IMMOBILE MOTOR VEHICLES), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That Section 5-8-25 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

**Sec. 5-8-25**            **Repossession of impounded vehicles; towing and storage charges.**

(a) The owner of any vehicle impounded under this article, a person duly authorized by the owner and any person possessing a security interest in the vehicle shall be permitted to repossess the vehicle up to the time of its sale by:

- (1) payment of a towing charge of \$75;
- (2) payment of a storage charge of \$30 per day;

(3) payment of a charge of \$60 to cover the administrative costs incurred by the city in impounding the vehicle, in learning the identity of the vehicle owner and the holders of a security interest in the vehicle and in conducting the sale; and

(4) in the case of vehicles identified in section 5-8-22(f), payment of the outstanding parking violation notices for which the vehicle was removed.

(b) Payment of the charges and costs identified in subsection (a) shall not operate to relieve the owner of the impounded vehicle or the owner's agent from liability for any fine or penalty.

Section 2. That this ordinance shall become effective on July 1, 2002.

KERRY J. DONLEY  
Mayor

Introduction: 05/14/02  
First Reading: 05/14/02  
Publication: 05/16/02  
Public Hearing: 05/18/02  
Second Reading: 05/18/02  
Final Passage: 05/18/02

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18. Public Hearing, Second Reading and Final Passage of an Ordinance to assess a fee of \$5 in certain court cases to fund the costs of courthouse security personnel. (#27 5/14/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 5/18/02, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

|         |       |           |       |
|---------|-------|-----------|-------|
| Woodson | "aye" | Cleveland | "aye" |
| Pepper  | "aye" | Eberwein  | "aye" |
| Donley  | "aye" | Euille    | "aye" |
|         |       | Speck     | "aye" |

The ordinance finally passed reads as follows:

**ORDINANCE NO. 4251**

AN ORDINANCE to enact new Section 3-2-52.1 (ASSESSMENT OF FEE FOR COURTHOUSE SECURITY PERSONNEL), and to amend and reordain Section 3-2-53 (COLLECTION, REMITTANCE AND APPROPRIATION) of Article E (ASSESSMENT OF COURT COSTS AND FEES), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That Chapter 2 of Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding new section 3-2-52.1 to read as follows:

Sec. 3-2-52.1      Assessment of fee for courthouse security personnel.

(a) In addition to any other fee or cost prescribed by law, there is hereby assessed a fee of \$5, for the funding of courthouse security personnel, as part of the fees taxed as costs in each criminal and traffic case in the Alexandria Circuit and General District Courts, and in each adult criminal and juvenile traffic case in the Juvenile and Domestic Relations District Court, in which the defendant is convicted of a violation of any statute or ordinance.

(b) Subsection (a) of this section 3-2-52.1 shall expire on July 1, 2004, unless the provisions of subsection (D) of Virginia Code § 53.1-120 are amended either (i) to repeal the expiration date set forth in such subsection (D), in which case such repeal shall be incorporated herein by reference and this subsection (b) shall be of no further force or effect, or (ii) to amend the expiration date set forth in such subsection (D), in which case such amendment shall be incorporated herein by reference, and the expiration date set forth in this subsection (b) shall coincide with the expiration date set forth in such subsection (D).

Section 2. That Section 3-2-53 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-53      Collection, remittance and appropriation.

(a) The assessments provided for in this article shall be charged and collected by the clerk of the court in which the action or case is filed in the same manner as other costs or fees in like actions or cases are charged and collected, and shall be remitted by the clerk to the director of finance to be held for appropriation by city council.

(b) The appropriation by city council of the fee assessed under section 3-2-51 shall be for the support of the law library as follows:

- (1) the acquisition of law books and law periodicals;
- (2) the compensation, as fixed by council, of librarians and necessary staff for the maintenance of the law library; and
- (3) the acquisition of suitable quarters for the library.

(c) The appropriation by city council of the fee assessed under section 3-2-52 shall be for the construction, renovation or maintenance of the city's courthouse, jail or court-related facilities, or to defray increases in the costs of providing heat, cooling, electricity and ordinary maintenance services to the courthouse, jail or court-related facilities.

(d) The appropriation by city council of the fee assessed under section 3-2-52.1 shall be for the funding of courthouse security personnel.

Section 3. That this ordinance shall become effective on July 1, 2002.

KERRY J. DONLEY  
Mayor

Introduction: 05/14/02  
First Reading: 05/14/02  
Publication: 05/16/02  
Public Hearing: 05/18/02  
Second Reading: 05/18/02  
Final Passage: 05/18/02

\* \* \* \* \*

19. Public Hearing, Second Reading and Final Passage of an Ordinance to require private trash haulers to report to the City solid waste and recycling tonnages collected each year. (#28 5/14/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 8, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 5/18/02, and is incorporated herewith as part of this record by reference.)

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

|         |       |           |       |
|---------|-------|-----------|-------|
| Pepper  | "aye" | Cleveland | "aye" |
| Woodson | "aye" | Eberwein  | "aye" |
| Donley  | "aye" | Euille    | "aye" |
|         |       | Speck     | "aye" |

The ordinance finally passed reads as follows:

**ORDINANCE NO. 4252**

**AN ORDINANCE to amend Article E (PRIVATE COLLECTORS) of Chapter 1 (SOLID WASTE CONTROL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Section 5-1-60 (REQUIRED REPORT).**

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That Article E of Chapter 1 of Title 5 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding thereto a new Section 5-1-50 to read as follows:

Sec. 5-1-50 Required report.

(a) Each person to whom a permit has been issued to collect, transport or dispose of solid waste, ashes, yard debris or recyclable material pursuant to this article shall annually submit to the director a report of the tonnage of such materials collected by such person within the City of Alexandria. Such report shall be submitted on a form provided by the director, and shall provide information as to the classes or categories of materials specified thereon by the director. Such report shall be filed with the director on or before March 15th of each year, for materials collected during the preceding calendar year.

(b) Any person who fails timely to file a report required by subsection (a) of this section, or who knowingly files an incomplete or erroneous report, shall be liable for a class three civil violation, as prescribed in section 1-1-11 of this code.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the date when first reports are due pursuant to the ordinance shall be March 15, 2003; and provided further that, for calendar year 2002 only, and in the absence of actual data, a person required to file a report may utilize a good faith estimate of tonnage collected for the months of January through June.

KERRY J. DONLEY  
Mayor

Introduction: 05/14/02  
First Reading: 05/14/02  
Publication: 05/16/02  
Public Hearing: 05/18/02  
Second Reading: 05/18/02  
Final Passage: 05/18/02

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20. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the Master Plan to change the land use designation of the property at 111-119 East Reed Avenue to CRMU-M/Commercial Residential Mixed Use - Medium. (#29 5/14/02) [ROLL-CALL VOTE]

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

|         |       |           |       |
|---------|-------|-----------|-------|
| Woodson | "aye" | Cleveland | "aye" |
| Euille  | "aye" | Eberwein  | "aye" |
| Donley  | "aye" | Pepper    | "aye" |
|         |       | Speck     | "aye" |

The ordinance finally passed reads as follows:

ORDINANCE NO. 4253

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2002-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2002-0001, an application has been made to amend the Potomac West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, by changing the land use designation of the property at 111-119 East Reed Avenue from CSL/Commercial Service Low and RM/Residential Medium to CRMU-M/Commercial Residential Mixed Use-Medium;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Land Use Plan Map of the Potomac West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, be, and the same hereby is, amended to change the land use designation of the property at 111-119 East Reed Avenue from CSL/Commercial Service Low and RM/Residential Medium to CRMU-M/Commercial Residential Mixed Use-Medium, as shown on sketch plan entitled "MPA #2002-0001 and REZ #2002-0001," dated April 4, 2002, attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and she hereby is, directed to record the foregoing master plan map amendment, and a conforming amendment to the proposed zoning map, as part of the Potomac West Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the Potomac West Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance, be, and the same hereby are, repealed.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That 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 the said Clerk of the Circuit Court shall file same among the court records.

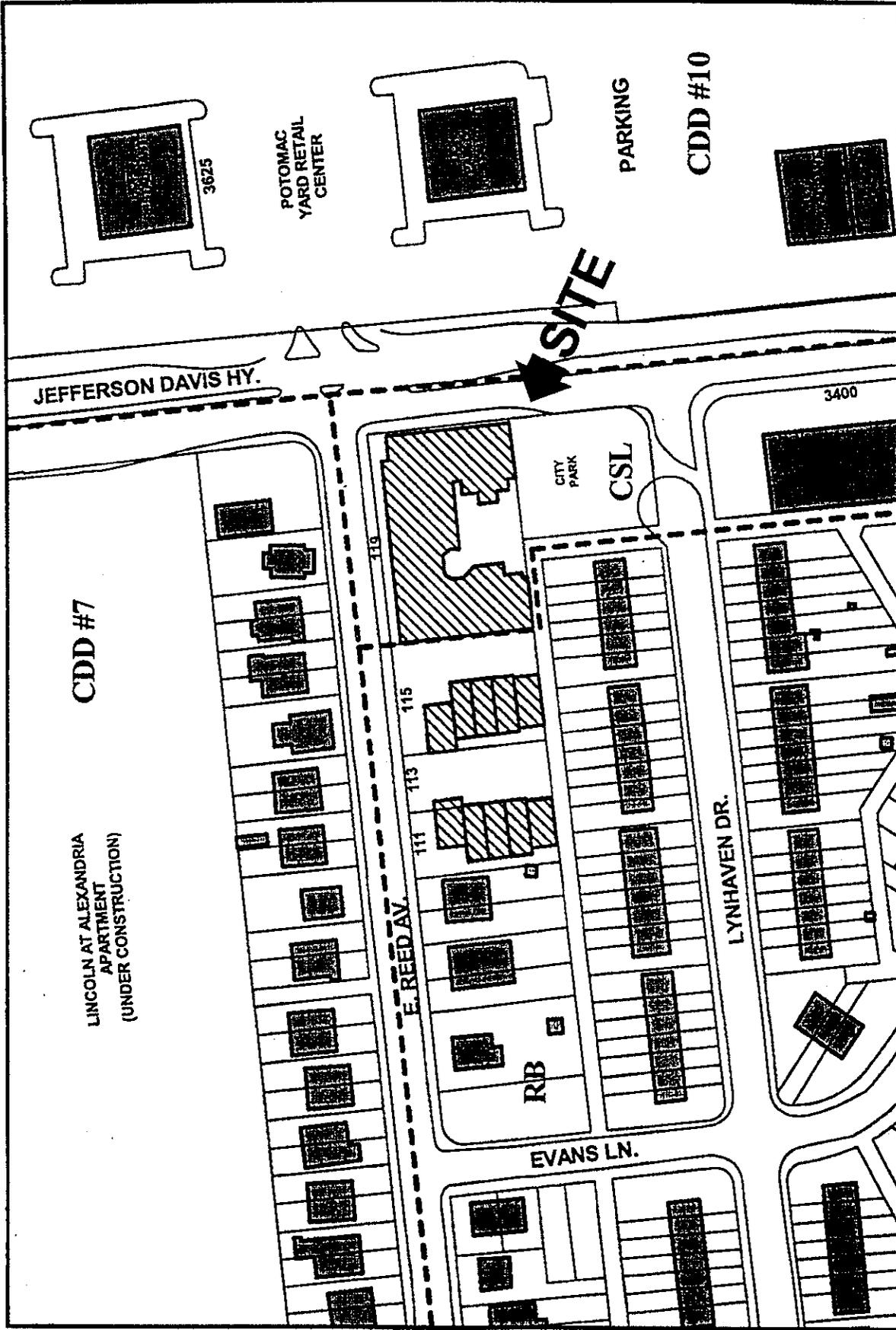
Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

Attachment

|                 |          |
|-----------------|----------|
| Introduction:   | 05/14/02 |
| First Reading:  | 05/14/02 |
| Publication:    | 05/16/02 |
| Public Hearing: | 05/18/02 |
| Second Reading: | 05/18/02 |
| Final Passage:  | 05/18/02 |

\* \* \* \* \*



04/04/02

MPA #2002-0001  
 REZ #2002-0001



21. Public Hearing, Second Reading and Final Passage of an Ordinance to rezone the property at 111-119 East Reed Avenue to CRMU-M/Commercial Residential Mixed Use - Medium Zone, subject to a proffer. (#30 5/14/02) **[ROLL-CALL VOTE]**

The City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

|         |       |           |       |
|---------|-------|-----------|-------|
| Woodson | "aye" | Cleveland | "aye" |
| Pepper  | "aye" | Eberwein  | "aye" |
| Donley  | "aye" | Euille    | "aye" |
|         |       | Speck     | "aye" |

The ordinance finally passed reads as follows:

**ORDINANCE NO. 4254**

AN ORDINANCE to amend and reordain Sheet No. 16.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 111-119 East Reed Avenue to CRMU-M/Commercial Residential Mixed Use-Medium Zone, subject to a proffer, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2002-0001.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2002-0001, an application has been made to rezone the property at 111-119 East Reed Avenue from RB/Townhouse Zone and CSL/Commercial Service Low Zone to CRMU-M/Commercial Residential Mixed Use-Medium Zone, subject to a proffer;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That Sheet No. 16.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

111-119 East Reed Avenue (Zoning Map and Tax Map Parcel Nos. 16.01-03-12, 16.01-03-13, 16.01-03-14 and 16.01-03-15), comprising 50,065 square feet of land, more or less, as shown on the sketch plan entitled "MPA #2002-0001 and REZ #2002-0001," dated April 4, 2002, attached hereto and incorporated fully herein by reference.

FROM: RB/Townhouse Zone and CSL/Commercial Service Low Zone  
TO: CRMU-M/Commercial Residential Mixed Use-Medium Zone

Subject, however, to the following proffer:

The use and development of the property shall be in accordance with Development Special Use Permit No. 2002-0001 as approved by the Alexandria Planning Commission and City Council, and in compliance with the conditions of approval therein stated and all applicable code requirements.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 16.01 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

KERRY J. DONLEY  
Mayor

#### Attachment

|                 |          |
|-----------------|----------|
| Introduction:   | 05/14/02 |
| First Reading:  | 05/14/02 |
| Publication:    | 05/16/02 |
| Public Hearing: | 05/18/02 |
| Second Reading: | 05/18/02 |
| Final Passage:  | 05/18/02 |

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04/04/02

MPA #2002-0001  
 REZ #2002-0001



2A

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At this point, City Council returned to consideration of docket item no. 3.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**Planning Commission (continued)**

3. SPECIAL USE PERMIT #2002-0016 -- 693 N WASHINGTON ST -- SAUL CENTER -- DEMANOS BURRITOS FRESCOS RESTAURANT -- Public Hearing and Consideration of a request for a special use permit for a restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Wilfredo Villarreal.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/18/02, and is incorporated herewith as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Speck, seconded by Councilwoman Eberwein and carried unanimously, City Council approved the Planning Commission recommendation, and added a new condition #22 to read as follows: "22. The applicant shall provide free parking for patrons in the parking garage accessed from North St. Asaph Street." The voting was as follows:

|          |       |           |       |
|----------|-------|-----------|-------|
| Speck    | "aye" | Cleveland | "aye" |
| Eberwein | "aye" | Euille    | "aye" |
| Donley   | "aye" | Pepper    | "aye" |
|          |       | Woodson   | "aye" |

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**New Business Item No. 1:** Councilwoman Woodson introduced her intern, Kathy Stoddard, who was present to hear Council's deliberations today. She is very much interested in civic proceedings and is a straight A student at T.C. Williams High School.

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