

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting**  
**Saturday, January 24, 2004 - - 9:30 a.m.**

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Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Mr. Jinks, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of the Planning and Zoning; Ms. Gordon, Public Information Officer; Mr. Farner, Urban Planner; Ms. Fogle, Development Division Chief, Planning and Zoning; Police Lieutenant Uzzell; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. Culpepper, Deputy Director of Transportation; Mr. Shunk, Environmental Quality Watershed Administrator; Ms. Beeton, Planner; Ms. Smith-Page, Real Estate Director; Mr. Dahlberg, Director of Code Enforcement; Mr. Eiffert, Deputy Director of Housing; Ms. Peterson, Planner; Ms. Irps, Planner; and Mr. Luebke, City Architect.

Recorded By: Jackie M. Henderson, City Clerk and Clerk of Council

## **OPENING**

1. Calling the Roll.

The meeting was called to order by Mayor Euille and the City Clerk called the roll; all members of Council were present.

2. Public Discussion Period.

(a) Robert Frederickson, 3834 Brighton Court, representing the Sunnyside Neighborhood Association, spoke about the need for trash receptacles around the City, particularly around the DASH bus stops.

Mayor Euille said staff would follow-through on the request with him and the civic association.

(b) Pat Troy, 310 Wolfe Street, thanked Council for appointing him to the Board of Governor's of the Convention and Visitors Center Bureau; the new buses on the streets are good; something needs to be done about the televising of the meetings, as the cameras views are not good; and there was only one person on Market Square today for the Farmer's Market.

Mayor Euille said they would get together with the cable television people and staff and would review the videos of the meetings.

(c) Louis Cernak, 4536 B John Marr Drive, Annandale, president, Northern Virginia Central Labor Council, spoke in support of the Alexandria United Taxi-Drivers Organization and allowing them to carry their certificate to operate a cab from job-to-job.

(d) Donna Clarke, 1225 Martha Custis Drive, Apartment 804, spoke about the problems with the DOT system and hoped Council would take a strong look at the program and make some positive changes.

(e) Evion Council, 6101 Edsall Road, #1204, spoke about the problems with the cab service since the merging of Diamond and Yellow Cab Companies, and she asked for competition in their service.

(f) Sayed Hussain, 5705 Overly Drive, a member of Alexandria United Taxi-Drivers Organization, spoke about the problems with the cab industry and the companies, and he said they want the freedom of movement to allow him to take his certificate card and go to another company.

(g) Balwinder Singh Sahi, 9507 Cherry Oak Court, Burke, an organizer for Alexandria United Taxi-Drivers Organization, spoke about the problems with drivers making money driving cabs and to ask for more dispatch service and for competition.

(h) Augustine Agbenaza, 14894 Hyatt Place, Woodbridge, a member of the Alexandria United Taxi-Drivers Organization, spoke about the certificate cards and that he is not making money due to the system and the dispatch companies, and they need to take the certificate cards from the dispatch companies and give them back to the drivers.

(i) Tesfay Berhane, 244 Stevenson Square, N., a member of the Alexandria United Taxi-Drivers Organization, said now is the time to save the industry and change the unfairly regulated City Code by letting the drivers be the owner of the certificates, to allow freedom of movement between cab companies, and the senior and DOT cab program need reformed.

(j) Gattew Teferi, 6914 Ashbury Drive, Springfield, a member of the Alexandria United Taxi-Drivers Organization, spoke about seniors getting service from Diamond Cab Company, and the monopoly has caused serious problems for the seniors, and they wish to have a voucher system to be accepted by all cab companies.

(k) William Gibson, 2120 Bladensburg Road, NE, #106, Washington, D.C., President of the Teamsters Local 96, representing the Gas Supply, Gas Transportation Customer Service Personnel, Washington Gas and Shenandoah Gas, said they support AUTO, who want to service the residents.

(l) Carolyn Greenfield, 4308 F. Evergreen Lane, Annandale, secretary-treasurer of the Communication Workers of America, Local 2222, showed support for the AUTO proposal.

(m) Stacie M. Adams, 4308 F. Evergreen Lane, Annandale, President, Local 2222, Communication Workers of America, said their members are in full support of the cab drivers.

(n) Jon Wilbor, 310 South Lee Street, spoke about the Washington Real Estate Investment Trust Project proposed for the 800 block of S. Columbus Street, and if it comes back up, Council should recast its votes to maintain the integrity of that neighborhood.

(o) Thomas Esbrook, 805 Green Street, reenforced Mr. Wilbor's remarks and said they were not completely aware of the ramifications of the project of the Washington Real Estate Investment Trust and were disappointed when the vote was made at the meeting.

(p) Jeannete Lim Esbrook, 805 Green Street, said she and her husband were disappointed in the process for the Washington Real Estate Investment Trust and were disappointed when the vote was taken after hearing from the neighbors and the architecture board. She asked that Council listen to the voices of the people and look for alternatives.

(q) Julie Crenshaw, 816 Queen Street, spoke about the State implementation plans for air quality that was brought up at the last legislative meeting, and staff sent out e-mails without the second part, the gold book, and she asked that staff send out another e-mail and put the gold book part in, as it is important to have public comment on it.

Mayor Euille said the Environmental Policy Commission should also be weighing in on it.

(r) Tom Parry, 317 Skyhill Road, spoke in support of Alexandrian's for Sensible Growth's request for an independent investigation of the Carlyle SUP process and the tunnel requirement.

(s) Amy Slack, 2307 E. Randolph Avenue, thanked Council for the support of her nomination to the Parking and Traffic Board; said she appreciated having the opportunity to hear from the cab drivers; noted that Judy Lowe, a resident of Del Ray, has been named as the 2003 recipient of the Marguerite Payez Award; and when Council deliberates on docket item #27, it should encourage people's awareness of the City process by requiring them to come to a Council meeting when they pay for their automobile decal.

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

### **ACTION CONSENT CALENDAR**

#### **Planning Commission**

3. SPECIAL USE PERMIT #2003-0103  
430 HUME AVENUE  
(Parcel Address: 426 Hume Ave)  
MOPEDLAND, INC.

Public Hearing and Consideration of a request for a special use permit to operate a moped sales establishment; zoned CSL/Commercial Service Low.  
Applicant: Bernard Gratzl

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 1/24/04, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2003-0104  
4323 UTICA AVENUE  
CHILD CARE HOME

Public Hearing and Consideration of a request for a special use permit to operate a child care home; zoned R-2-5/Residential. Applicant: Soad E. Davis

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 1/24/04, and is incorporated as part of this record by reference.)

7. SPECIAL USE PERMIT #2003-0102  
4370 KING STREET  
KING'S PIZZA AND SUBS

Public Hearing and Consideration of a request for a special use permit to

operate a restaurant; zoned OCM/Office Commercial Medium. Applicant: Maher Hanania

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 1/24/04, and is incorporated as part of this record by reference.)

- 8. SPECIAL USE PERMIT #2003-0107  
520 CAMERON STATION BOULEVARD  
(Parcel Address: 5400 Edsall Road)  
ARMISTEAD BOOTHE PARK  
Public Hearing and Consideration of a request for a special use permit to add a scoreboard, to the Armistead Boothe Park ballfield; zoned CDD/Coordinated Development District. Applicant: Department of Recreation, Parks and Cultural Activities.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 1/24/04, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded Councilwoman Woodson and carried unanimously, City Council approved the Action Consent Calendar, with the removal of items 4 and 6. The action of City Council follows:

- 3. City Council approved the Planning Commission recommendation.
- 5. City Council approved the Planning Commission recommendation.
- 7. City Council approved the Planning Commission recommendation.
- 8. City Council approved the Planning Commission recommendation.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

4. SPECIAL USE PERMIT #2003-0099  
1400 DUKE STREET  
SHILOH BAPTIST CHURCH

Public Hearing and Consideration of a request for a special use permit for a parking reduction at a church; zoned OCM/Office Commercial Medium. Applicant: Thomas Bolen

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 1/24/04, and is incorporated as part of this record by reference.)

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

Macdonald	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

6. SPECIAL USE PERMIT #2003-0106  
2000 JEFFERSON DAVIS HIGHWAY  
PRIVATE CLUB

Public Hearing and Consideration of a request for a special use permit to operate a private club; zoned CSL/Commercial Service Low. Applicant: Stepping Stones, Inc. by Harry Hart, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 1/24/04, and is incorporated as part of this record by reference.)

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

Amy Slack, 2307 E. Randolph Avenue, spoke about a Del Ray newsletter from October, 1993, on Stepping Stones issues. She noted her support of Stepping Stones in her neighborhood.

Bud Hart, attorney for the applicant, thanked Ms. Slack for her support.

Paul Haire, 202 E. Delray Avenue, K&B Management, the owner, said they support the change to the condition.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with the following condition 15: The property owner shall invest a minimum of \$2,000 to complete a landscaping improvement project on the southern 20 feet of the property by June 30, 2004. Such a project shall be designed to beautify the site using a design concept based on the WaterWise Garden at the Simpson Stadium Park. The implemented plan shall be reviewed during the one year review for this SUP. The property owner shall provide Planning and Zoning with a copy of the landscaping plan by May of 2004. The voting on the motion was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

### 9. Public Hearing on the Visitors Center Study.

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

Joan Rennor, 801 N. Fairfax Street, Suite 402, chair of the Alexandria Chamber of Commerce, asked Council to make the most of the tourism opportunities; agrees with the staff recommendation to pursue better tour bus management; to improve signage, adding kiosks, adding parking and adding more visitor information in the King Street Metrorail area; expanding the DASH About shuttle program to daily service; and the existing visitors center does not adequately serve those who use it.

Hudson Riehle, 2431 Davis Avenue, chair of the Board of Governors of the Alexandria Convention and Visitors Association, supports the recommendation that Alexandria should have a new visitors center.

Mary Anne Russell, 1900 Diagonal Road, president, the Alexandria Hotel Association, spoke in support of a new Visitors Center.

Pat Troy, 415 King Street, member of the Board of Governors for the Alexandria Convention and Visitors Bureau, spoke of the need for a Visitor's Center and asked Council to consider getting a place to lease and rent now.

Lonnie Rich, 801 N. Fairfax Street, Suite 402, vice chair of government relations of the Alexandria Chamber of Commerce, spoke in support of a new or expanded Visitor's Center.

Julie Crenshaw, 816 Queen Street, spoke about the problem with the buses and bus drivers. She suggested there is a whole other side to it than building another building when it can't support the infrastructure for the ones it has.

Linda Couture, 505 Duke Street, spoke in support of anything that would increase tourism. She suggested Starbucks moving out of their building and into the Imaginarium and the City could take over the Seaport Building again.

Sarita Schotta, 104 Prince Street, presented a petition by Mara Teorito, who had to leave, and the petition includes over 300 names and is in opposition to the Visitors Center construction on Market Square. Ms. Schotta, speaking on her own behalf, suggested that the hotels build and maintain a website and she supports the staff recommendation on not building a new visitor's center in Market Square.

H. Talmage Day, 113 N. Fairfax Street, spoke in support of many of the recommendations by staff and echoed the concerns on the construction of a Visitors Center in Market Square.

Lillian J. White, 119 W. Mason Avenue, co-president of the League of Women Voters of Alexandria, spoke in support of the economic health of the City by a Visitor's Center, and Hannelore's, at Pitt and King fits the description and they recommended installing a kiosk at King Street, working with Metro.

Poul Hertel, 1217 Michigan Court, asked Council to look into the tie-in on the location, size and missions and he strongly urged Council to discard the Market Square option, and he suggested re-doing Ramsey House.

Jon Wilbor, 310 S. Lee Street, said he agreed with Mr. Hertel, with the exception of re-doing Ramsey House and would instead move it to Pat Troy's lot across the street, and he suggested items to attract tourism.

**WHEREUPON**, a motion was made by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, to close the public hearing. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

Mayor Euille asked staff to give consideration to how it could structure the formation of a citizens work group after Council takes action January 27.

10. Public Hearing on the Proposed City Policy for Vacating City Rights-of-Way.

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

Amy Slack, 2307 E. Randolph Avenue, spoke about the determination of the market value of vacated property.

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, Council closed the public hearing. The voting was as follows:

Woodson	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"aye"	

Staff was asked to reflect on the following proposal for approval and discussion on January 27: 1. That City Council review each request for a vacation separately, in advance of any development proposal that might make use of the parcel to be vacated; and 2. That Council instruct City staff to consider the public benefits of the land, including, but not limited to, its public open space value, before determining its market value; and 3. The language Ms. Slack has made.

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

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

**(City Council heard items 11 and 12 together.)**

11. DEVELOPMENT SPECIAL USE PERMIT #2002-0038  
1897 NORTH BEAUREGARD STREET  
MARK CENTER

Public Hearing and Consideration of a request for a development special use permit amendment, with site plan, to modify the previously approved development plan to construct four office buildings instead of three buildings containing the same floor area as previously approved on Plaza IA, preliminary development plan approval for an office building (building #6) on Plaza IB and proposed street and pedestrian improvements at the intersections of Seminary Road/N. Beauregard St. and N. Beauregard Street/Mark Center Drive. Applicant: The Mark Winkler Company by J. Howard Middleton, Jr. Esq., attorney

COMMISSION ACTION: Recommend Approval 7-0

12. SPECIAL USE PERMIT #2003-0037  
1897 NORTH BEAUREGARD STREET  
MARK CENTER

Public Hearing and Consideration of a request to amend the transportation management plan for Mark Center Plaza IA and IB; zoned CDD/Coordinated Development District. Applicant: The Mark Winkler Company by J. Howard Middleton, Jr. Esq., attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 11 and 12; 1/24/04, and is incorporated as part of this record by reference.)

Planning Director Fogarty and Transportation and Environmental Services Director Baier made a presentation of the report and she, along with Deputy Director of Transportation Culpepper and Director of Code Enforcement Dahlberg answered questions of Council.

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

Howard Middleton, attorney representing the applicant, noted that present with him are Randy Tale, President and CEO of the company, Tory Winkler Thomas, chairman of the board of the Mark Winkler Company, Ward Westrick, vice president, and their consultants, and he noted that the memo passed out by staff to Ms. Fogarty is from him and is official for the record. He spoke in favor of the request and requested approval of the applications.

John Neil, 11804 Breton Court, Reston, speaking for Clenton Blount, spoke about the Winkler Botanical Preserve and the Alexandria City Public School Science Program.

Thomas Schweinefuss, 2506 N. Shelley Street, spoke against the proposed amendment to the traffic management plan.

Robert Kirk, 2507 N. Stevens Street, spoke in opposition to the transportation plan.

Sarah Johnson, 5331 E. Fillmore Avenue, gave her time to Lynn Bostain.

Fernando Guillen, 5158 Echols Avenue, gave his time to Lynn Bostain.

Lourdes Blanco, 5158 Echols Avenue, expressed concern about the parking and the traffic problems in the area.

Stacy Saunier, 2617 N. Stevens Street, expressed concerns over the lack of an independent study and she gave her additional time to Steve Dujalk.

Gerrie Sturman, 5342 Echols Avenue, gave her time to Lynn Bostain.

David Dexter, 5600 Harding Avenue, spoke about his objection to the traffic plan that will create a triple left turn from Seminary onto Beauregard and an immediate double left on N. Beauregard onto Mark Center Drive.

John L. Kenny, 2658 Foster Avenue, showed a videotape of the traffic problems in the area. (Ellen M. Kenny, 2658 Foster Avenue, not present, Peter Benavage, 5066 Fairbanks Avenue, and Eve Constantino, 5746 Echols Avenue, gave their time to Mr. Kenny.)

Lauren Kirk, 2507 N. Stevens Street, spoke about the traffic problem and asked for an independent traffic study.

Robert Bectel, 5709 Grisby Avenue, asked Council what it wants, and he asked Council to vote no on the transportation management plan.

Robin Bectel, 5709 Grisby Avenue, spoke about safety and asked Council to table a vote on the plan until they are able to put it on the books and address the concerns.

James Hurd, 2512 N. Stevens Street, gave his time to Lynn Bostain.

Harvey Perritt, 2508 St. John Place, objected not to the building but to the traffic plan.

Wilma L. Dando, 5519 Bouffant Avenue, gave her time to Lynn Bostain.

Madeline Calarese, 5614 Seminary Road, gave her time to Lynn Bostain.

Dan Dose, 5673 Rayburn Avenue, spoke in opposition to the proposal and he spoke about the transportation and the parking problem.

Randy Rockwitt, 5865 Doris Drive, gave his time to Steve Dujwalk.

Daniel A. DeSouza, 5228 Seminary Road, gave his time to Lynn Bostain.

Hilda DeSouza, 5228 Seminary Road, gave her time to Lynn Bostain.

Lynda Gallagher, 8029 Wellington Road, spoke about the exceptional educational programs offered through the Winkler Preserve.

Gwenavere E. Sears, 5663 Rayburn Avenue, gave her time to Lynn Bostain.

Sharon Jourdan, 5665 Rayburn Avenue, gave her time to Lynn Bostain.

Stephen R. Dujalk, 5820 Doris Drive, president of the Dowden Terrace Civic Association, spoke about the traffic study that was done and that it didn't look at a lot of the neighboring roads, the loss of open space, and asked Council to lower the parking ratio further.

Rodrigo A. Guajardo, 1800 N. Beauregard Street, spoke of the good things the Mark Winkler Company has done for the City, the residents and the businesses and said everyone is a part of the traffic problem.

Fran Becker, executive director of Carpenter's Homeless Shelter, spoke in favor of the request and the good work of the Mark Winkler Company in the community.

Kathy Knizner, 5901 35th Street, Arlington, speaking for John Nelson, 616 Tivoli Passage, read his statement of support for the Mark Winkler Company.

Lynn Hampton, 215 Park Road, spoke in support of the changes to the development and in support of the Winkler Company.

Katy Cannady, 20 East Oak Street, said that Frank Putzu, of 1423 Juliana Place, president of the Seminary Hill Association, was signed up but had to leave and he would have said that the Seminary Hill Association was opposed to the triple left turn. Ms. Cannady said that speaking for herself, she spoke of the parking garage for 5,000 cars and she said the transportation management plan for the project is inadequate.

Mike Anderson, of Mango Mike's Restaurant, spoke in favor of the application.

Barbara Mason, 213 W. Fairfax Street, executive director of the Child and Family Network Centers and as a resident, spoke in favor of the Mark Winkler Company.

Dick Somers, 5000 Heritage Lane, chair, community relations and legislative committee, Seminary Park Community Association, spoke in support of the proposal and recommended approval.

Brian Murphy, 405 Yale Drive, spoke in favor of the request.

Shirley Downs, 1007 N. Vail Street, spoke in opposition to the request, said her concern is traffic and safety, and said there should be an independent study.

Paol Hertel, 1217 Michigan Court, echoed the positive comments on the Winkler Corporation. He encouraged the investment in mass transit and work on the transportation management plan.

Cathy Johnson, 5379 Fillmore Avenue, spoke on the need for an independent traffic study and an independent analysis.

Jonathan Johnson, 5319 Fillmore Avenue, said the triple left turn may not be the best alternative and he spoke of an off-ramp off of I-395 directly into Mark Center.

Fernando Guillen, 5158 Echols Avenue, gave his time to Lynn Bostain.

Kathy Burns, 1036 N. Pelham, vice president of the Brookville Seminary Valley Civic Association, said they will be voting February 2 and she asked that Council hold the record open so they can submit a statement. She spoke of the density and parking problem with the development.

Denice Thomas, 2313 Sibley Street, spoke about her concerns with the three left turn lanes and the amount of room to merge and asked if there were alternatives to the three left turn lanes.

Lynn Bostain, 5695 Rayburn Avenue, speaking on behalf of the Seminary West Civic Association, spoke about the problem with the traffic solutions. She showed an aerial map of the area and noted her concern with adding lanes to already congested intersections. She said there should be a 100 percent subsidy for using Metro instead of a 20 percent subsidy to encourage people to use Metro. Ms. Bostain, speaking for herself, said she found it peculiar that she had calls yesterday and the day before from City officials and others concerning last minute agreements.

In response to a question from Councilman Macdonald with regard to the position of the civic association, Ms. Bostain said they didn't take a vote on it, but everyone in the association approves of the buildings, but would like to see something done with the traffic proposal and the left turn lanes.

Mr. Middleton, speaking in rebuttal, said the traffic studies are performed using standard methodologies, and the issue is what judgements are made and what data is obtained. He said the Seminary Road area has a lot of cars coming from Skyline in the evening and they offered to subsidize a traffic study performed by the City for that area. He noted what has changed in the last five years. He asked Council to trust its own traffic experts. He noted that the weaving on Seminary between 395, Mark Center and Beauregard is one of the problems that their plan solves. Mr. Middleton said they had an approval for the CDD density plan from 1992, approval with a special use permit for preliminary site plan for everything up to that one building, and by coming back with the three left turn lanes, they are following the condition that was imposed in 1999, which required them to come back with analysis of the transportation improvements that they were going to propose.

There were questions from Council regarding the weaving, traffic, history of the site with the triple left turn, safety for the triple left turn, roadway size, parking in similar buildings, pedestrian improvements, the transit subsidy figure, the shuttle service, the addition of a condition that required a transportation working group, and minimum parking requirements. The questions were answered by Mr. Middleton, Transportation and Environmental Services Director Baier, Deputy Director of Transportation Culpepper, Planning Director Fogarty and Urban Planner Farner.

**WHEREUPON**, a motion was made by Councilman Smedberg, seconded by Councilwoman Woodson to close the public hearing and approve the Planning Commission recommendations for items 11 and 12, with the following: As noted in the

January 22, 2004 memo by Mr. Middleton which outlines, 1. That there will be a traffic study along the important corridors in the west end, with a contribution of \$40,000 to help pay for that study; 2. That there would be some reduction in parking as outlined by the applicant; and 3. In terms of the transit subsidy and transportation improvements, that there be particular note to the condition 123, as reads, "Notwithstanding the preceding, the City may elect to utilize all or any portion of the funds otherwise made available under this Condition 123 for the design and construction of other transportation improvements in the vicinity of the Project."

**A substitute motion** was made by Councilman Macdonald to remand this back to the Planning Commission and ask not just for an independent study but more importantly an in-depth study of a number of the issues that have been raised, including, but not entirely including the safety issues related to the addition of the third left lane scenario, traffic safety issues, the impact on neighborhoods, the possibility of additional alternatives and other options, which should include a ramp, as well as the mass transit options.

The motion died for lack of a second.

The Mayor said there is a consensus of the discussion from Council that there is a given that they are committed to the things Councilman Macdonald expressed and staff has taken note of those issues. There is time to work positively and collaborately on incorporating the concerns.

The original motion carried by a vote of 5-1. The vote on the original motion was as follows:

Smedberg	"aye"	Pepper	"aye"
Woodson	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"no"	

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(City Council took a 15-minute break.)

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13. VACATION #2003-0004  
116 WEST ALEXANDRIA AVENUE  
Public Hearing and Consideration of a request to vacate a public alley; zoned R-5/Residential. Applicant: Brett Rugo by Gaver Nichols, agent

COMMISSION ACTION: Recommend Denial 5-2

At the request of the applicant, Council deferred action on this request.

City Council heard items 14, 15 and 16 together.

14. MASTER PLAN AMENDMENT #2003-0010  
3330 KING STREET  
T.C. WILLIAMS HIGH SCHOOL  
Public Hearing and Consideration of a request for an amendment to the Taylor Run/Duke Street Small Area Plan chapter of the City's Master Plan to change the land use designation for a portion of the property from P/Parks to I/Institutional. Applicant: Alexandria City Public Schools by J. Howard Middleton, Jr. Esq., attorney

COMMISSION ACTION: Recommend Approval 7-0

15. REZONING #2003-0006  
3330 KING STREET  
T.C. WILLIAMS HIGH SCHOOL  
Public Hearing and Consideration of a request to rezone a portion of the subject property from POS/Public Open Space to R-20/Residential zone. Applicant: Alexandria City Public Schools by J. Howard Middleton, Jr. Esq., attorney

COMMISSION ACTION: Recommend Approval 7-0

16. DEVELOPMENT SPECIAL USE PERMIT #2002-0044  
3330 KING STREET  
T.C. WILLIAMS HIGH SCHOOL  
Public Hearing and Consideration of a request for a development special use permit, with site plan and subdivision for a new T.C. Williams High School with increase in the floor area ratio, increase in height and placement of public school trailers and freestanding school sign and modifications; zoned R-20 and POS. Applicant: Alexandria City Public Schools by J. Howard Middleton, Jr. Esq., attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 14, 15 and 16; 1/24/04, and is incorporated as part of this record by reference.)

Deputy Director of Planning Ross made a presentation of the report and she, along with Deputy Director of Transportation Culpepper and Mr. Middleton, answered questions of Council.

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

Howard Middleton, attorney representing the applicant, introduced School Board Members Mark Wilkoff, chairman, Gwen Lewis, vice chairman, Mark Eaton, Melissa Luby and Ken Foran, and Superintendent Rebecca Perry, Assistant Superintendent Jay

Johnson, Executive Director for Secondary Education Margie Walsh, Director of Planning and Construction Mark Burke and Principal John Porter, and the architects and the engineer were also present. Mr. Middleton spoke in favor of the request and said they agree with all of the requested 90 conditions.

Peter Coppelman, 405 High Street, president of the T.C. Williams PTA, spoke in support of the requests.

Lauren Leggett, 2952 Landover Street, spoke in favor of the requests.

David Phillips, 2726 Franklin Court, spoke in support of the project, but said he had concerns about traffic and the parking garage and asked to see a formula for the school to build a back entrance into the garage on the Radford side.

Jim Kirkland, 2722 Franklin Court, secretary, Chapel Hill Homeowners Association, spoke about the design of the garage providing for an additional entrance, or the possibility of an additional entrance without having to reconstruct the garage later.

Carter Flemming, 1403 Bishop Lane, co-chair of the Seminary Hill Association Task Force for T.C. Williams, thanked those involved in the project for hearing their concerns and helping them to mitigate the project on their neighborhoods. She noted the task force support of the special use permit.

In response to a question from Councilman Gaines about ensuring the time and budget for the project, Mr. Middleton said the School Board and Superintendent have put together a team of individuals who work closely with the City staff, and he said the School staff has worked long hours to adjust to the concerns and issues and the projected expenses seem to be reasonable.

Assistant School Superintendent Jay Johnson said they have worked hard with the architects to analyze the costs and compared bids and they feel like the budget is as realistic as it can be. The Schools will also hire an on-site project manager and a contracting officer.

Questions were raised by the Mayor and Council regarding flexibility, the condition of the soil, the use of the school for emergency planning, the timetable for work and the temporary trailers. The questions were answered by Mr. Middleton, Code Enforcement Director Dahlberg, and Parks and Recreation Director Whitmore.

School Superintendent Rebecca Perry thanked the Council, City staff and the neighbors for all their work, help and input.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, the public hearing was closed and Council approved the Planning Commission recommendations for items 14, 15 and 16. The

voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

17. Public Hearing on an Appeal of the Planning Commission's Decision Denying Development Site Plan #2003-0012 Gateway Center, 621, 623 and 631 South Patrick Street and 1007 Franklin Street.

(A copy of the report dated January 6, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 1/24/04, and is incorporated as part of this record by reference.)

Planning Director Fogarty made a presentation of the report.

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

Harry P. Hart, attorney representing the applicant, spoke in favor of the appeal and spoke about the Planning Commission hearing on the item. He said the site plan meets the Code and when it meets a Code in a site plan application, it is mandatory to approve it. He noted the staff memo which spoke to Transportation and Environmental Services staff support of the access to the site with improvement to the curb cut on Patrick Street and a condition of prohibition of tractor trailer deliveries at the site. He said the heart of the case is about use and the petitions from the neighbors ask that development on the site be residential and not commercial. He asked Council to approve the site plan.

Mayor Euille noted for the record that the vote at the Planning Commission meeting was 7-0 to deny.

City Attorney Pessoa said the Planning Commission asked him at the meeting to explain the perimeters for site plan approval and he did and that included the fact that they were not to take into consideration the use. He said that while some members of the public spoke to the use, that was not the only issue before the Planning Commission and that is not the issue before the Council. He said that as staff explained, there are serious access issues at this site. To say that the record reflects that it is based on objections to the use is inadequate.

Theresa J. Edwards, 1212 Franklin Street, said Mr. Hart did not meet with and work things out with them, and she spoke of the traffic concerns with all the neighboring buildings.

Raymond T. Johnson, 505 S. Henry Street, spoke in opposition of the appeal.

Lillie Finklea, 1210 Franklin Street, spoke in opposition of the appeal.

David Lantzy, 433 Old Town Court, president, Old Town Station Owners Association, spoke in opposition of the development and asked Council to deny the appeal.

Deborah Meeson, 1112 Wilkes Street, spoke in opposition of the appeal.

Katy Cannady, 20 East Oak Street, spoke in opposition of the appeal.

Lynn Selander, 514 S. Henry Street, president of the Old Town South Homeowners Association, reaffirmed the homeowners opposition to the Gateway Center.

Julie Crenshaw, 816 Queen Street, asked Council to uphold the decision of the Planning Commission.

Mary Catherine Gibbs, 307 N. Washington Street, spoke about enforcement of a condition with regard to traffic impacts on the site.

Geary Simon, principal of the development for Gateway Center, spoke in favor of the appeal and said he would add three conditions to the access issue: 1. Add a full-time porter to the property who will restrict attempted access; 2. Install a height bar so tractor-trailers and box cars cannot access it from Route 1; and 3. The property will have a full-time liaison that will meet with the community monthly and address concerns they have regarding access, trash, light, noise or otherwise.

Mr. Hart, speaking in rebuttal, spoke of the Planning Commission action and the meetings he held with the neighbors.

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Councilwoman Woodson and carried unanimously, City Council upheld the decision of the Planning Commission based on five points: 1. The proposed restrictions on the size and/or route of delivery vehicles serving the site and on the hours during which delivery to the site would be permitted are difficult if not impossible for realistic and effective enforcement; 2. The 14-foot width of the alley access from South Patrick Street, even with the modified curb cut, is too narrow to safely accommodate the anticipated type and volume of turning movements into the site without negatively impacting traffic flow on South Patrick Street and elsewhere in the downtown area; 3. That the 14-foot width of the private alley access from South Patrick Street, even with the modified curb cut, is so narrow that delivery trucks and other vehicles would be encouraged to use Gibbon, Franklin and South Henry Streets, thus diverting traffic through the adjacent residential neighborhoods. Congestion at this intersection will be exacerbated by the diversion; 4. That diverting traffic into the adjacent residential neighborhood is injurious to the neighborhoods and is contrary to the provisions of the Southwest Quadrant Small Area Plan chapter of the Master Plan, which requires the

protection of residential areas from through traffic resulting from the redevelopment of the area; and 5. In light of the affirmation, it is clear that the proposed site plan fails to comply, as staff has pointed out in the beginning of their report, with Sections 11-410(d) and 11-410(k) of the Zoning Ordinance. The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

## ORDINANCES AND RESOLUTIONS

18. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Master Plan Amendment No. 2003-0009, to Amend the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the Master Plan by Changing the Land Use Designation of Property Adjacent to the Minnie Howard School from Parks and Open Space to Institutional. (#14, 1/13/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

### ORDINANCE NO. 4323

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. 2003-0004 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. 2003-0004, an application has been made to amend the Seminary Hill/Strawberry Hill 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 3517, 3517A, 3525, 3535, 3541 and 3551 Duke Street from RL/Residential Low to RM/ Residential Medium, and to increase the applicable height limitation from 35 feet to 45 feet.

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 and the Proposed Heights Map of the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby are, amended by changing the land use designation of the property at 3517, 3517A, 3525, 3535, 3541 and 3551 Duke Street from RL/Residential Low to RM/ Residential Medium, and to increase the applicable height limitation from 35 feet to 45 feet., as shown on the sketch plan entitled "MPA #2003-0004/REZ #2002-0005" dated November 6, 2003, attached hereto and incorporated fully herein by reference.

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

Section 3. That all provisions of the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and 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.

- 19. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Rezoning No. 2003-0005, to Rezone Property Adjacent to the Minnie Howard School From POS/Public Open Space Zone to R-12/Residential Zone. (#15, 1/13/04) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

**ORDINANCE NO. 4324**

AN ORDINANCE to amend and reordain Sheet No. 31.00 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 a portion of the Minnie Howard School property from POS/Public Open Space and Community Recreation Zone to R-12/Single-family Zone, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2003-0005.

WHEREAS, the City Council finds and determines that:

- 1. In Rezoning No. 2003-0005, an application has been made to rezone a portion of the Minnie Howard School property from POS/Public Open Space and Community Recreation Zone to R-12/Single-family Zone;

- 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. 31.00 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:

The portion of the Minnie Howard School property (Tax Map and Zoning Map Parcel No. 31.00-02-05), comprising 1.2895 acres of land, more or less, as shown on the sketch plan entitled "MPA #2003-0009/REZ #2003-0005" dated November 6, 2003, attached hereto and incorporated fully herein by reference.

FROM: POS/Public Open Space and Community Recreation Zone  
TO: R-12/Single-family Zone

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. 31.00 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.

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Master Plan Amendment No. 2003-0004, to Amend the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the Master Plan by Changing the Land Use Designation of Property at 3517 - 3551 Duke Street from Residential Low to Residential Medium, With Increased Height Limitations. (#16, 1/13/04)  
**[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20,

1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4325

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. 2003-0004 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. 2003-0004, an application has been made to amend the Seminary Hill/Strawberry Hill 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 3517, 3517A, 3525, 3535, 3541 and 3551 Duke Street from RL/Residential Low to RM/ Residential Medium, and to increase the applicable height limitation from 35 feet to 45 feet.
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 and the Proposed Heights Map of the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby are, amended by changing the land use designation of the property at 3517, 3517A, 3525, 3535, 3541 and 3551 Duke Street from RL/Residential Low to RM/ Residential Medium, and to increase the applicable height limitation from 35 feet to 45 feet., as shown on the sketch plan entitled "MPA #2003-0004/REZ #2002-0005" dated November 6, 2003,

attached hereto and incorporated fully herein by reference.

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

Section 3. That all provisions of the Seminary Hill/Strawberry Hill Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and 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.

21. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Rezoning No. 2002-0005, to Rezone Property at 3517 - 3551 Duke Street from R-8/Single Family Zone to RB/Townhouse Zone, With Proffers. (#17, 1/13/04)  
**[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4326

AN ORDINANCE to amend and reordain Sheet No. 61.01 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 3517, 3517A, 3525, 3535, 3541 and 3551 Duke Street from R-8/Single-family Zone to RB/Townhouse Zone, subject to a proffer, in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2002-0005.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2002-0005, an application has been made to rezone the property at 3517, 3517A, 3525, 3535, 3541 and 3551 Duke Street from R-8/Single-family Zone to RB/Townhouse Zone, subject to a proffer, and a protest having been filed against same, six members of the City Council voted to approve such rezoning;
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, and, provided that not less than six members of the City Council vote in favor of the passage of this ordinance at the introduction and first reading and second reading and enactment hereof; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 61.01 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:

The property at 3517, 3517A, 3525, 3535, 3541 and 3551 Duke Street(Tax Map and Zoning Map Parcel Nos. 61.01-02-19, 61.01-02-20, 61.01-02-21, 61.01-02-22, 61.01-02-23 and 61.01-02-24), comprising 2.49 acres of land, more or less, as shown on the sketch plan entitled "MPA #2003-0004/REZ #2002-0005" dated November 6, 2003, attached hereto and incorporated

fully herein by reference.

FROM: R-8/Single-family Zone  
TO: RB/Townhouse Zone

Subject, however, to the following proffer:

1. The development of the subject property shall occur in substantial conformance with the final approved development plan proposed as Development Special Use Permit No. 2002-0048, as such Development Special Use Permit may be amended by City Council.

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. 61.01 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.

22. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Zoning Text Amendment No. 2003-0005, to Allow Increases in Height and Density for Public School. (#18, 1/13/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4327

AN ORDINANCE to amend and reordain Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, by adding thereto a new Section 7-2100 (INCREASED DENSITY AND HEIGHT FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS) (TA No. 2003-0006).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article VII of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 7-2100, to read as follows:

7-2100 Increased density and height for public elementary and secondary schools.

Notwithstanding any contrary provision of this ordinance, a public elementary or secondary school, located in a residential or mixed use zone, may be constructed, expanded or reconstructed to a size which exceeds the density and height otherwise permitted by the regulations in such zone; provided, that a special use permit is approved, and, provided further, that no increase in floor area ratio greater than .60, and no increase in height greater than 60 feet, shall be approved.

Section 2. That Article VII of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after January 24, 2004, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said Ordinance.

23. Public Hearing, Second Reading and Final Passage of an Ordinance to Adopt Zoning Text Amendment No. 2003-0006, to Define, Regulate and, in Certain Zones, Prohibit and Abate Day Labor Agencies. (#19, 1/13/04) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Gaines	"aye"	Krupicka	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4328

AN ORDINANCE to amend and reordain Section 2-126 (BUSINESS AND PROFESSIONAL OFFICE) and to add a new Section 2-133.1 (DAY LABOR AGENCY) of Article II (DEFINITIONS); to amend and reordain Section 4-403 (SPECIAL USES) under Section 4-400 (CG/COMMERCIAL GENERAL ZONE), Section 4-503 (SPECIAL USES) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), Section 4-603 (SPECIAL USES) under Section 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE-OLD TOWN NORTH), Section 4-803 (SPECIAL USES) under Section 4-800 (OC/OFFICE COMMERCIAL ZONE), Section 4-903 (SPECIAL USES) under Section 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), Section 4-1003 (SPECIAL USES) under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), Section 4-1103 (SPECIAL USES) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), and Section 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE), all of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); to amend and reordain Article VII (SUPPLEMENTAL ZONE REGULATIONS) by adding thereto a new Section 7-2000 (DAY LABOR AGENCIES), and to amend and reordain Article XII (NONCOMPLIANCE AND NONCONFORMITY), by adding thereto a new Section 12-215 (ABATEMENT OF DAY LABOR AGENCIES), all of the City of Alexandria Zoning Ordinance (TA No. 2003-0006).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-126 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

2-126 Business and professional office. Any room, studio, clinic, suite, clinic, suite or building in which the primary use is the conduct of a

business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by a salesman, sales representative or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents and landscape architects but not including offices for dentists, physicians or other medical practitioners, or for day labor agencies.

Section 2. That Article II of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 2-133.1 to read as follows:

2-133.1 Day labor agency. A place where assignments for employment are made, characterized by the daily gathering of workers. A day labor agency operates a dispatch service at a location to which at least some of the workers physically report, apply and wait for work on a daily basis, and return at the conclusion of the work day to receive their pay. Day labor is labor that is occasional or irregular for which the laborer is assigned for not longer than the time period required to complete the assigned work. The majority of day laborers are not assigned to perform clerical, administrative or professional work.

Section 3. That Sections 4-403, 4-503, 4-603, 4-803, 4-903, 4-1003 and 4-1203 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by adding thereto a new subsection, the appropriate subsection heading to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

( ) Day labor agency;

Section 4. That Article VII of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 7-2000, to read as follows:

2-2000 Day labor agencies.

Any day labor agency approved under this ordinance shall, in addition to other conditions appropriate to the specific location and circumstances in a given case, be subject to the following regulations and requirements:

- (A) No such use shall be permitted within 300 feet of land in a residential or mixed use zone.
- (B) Attended indoor restrooms shall be available two hours prior to the hours of operation of the use for the benefit of laborers.

- (C) Trash receptacles shall be provided to the satisfaction of the director.
- (D) All litter on the site, on the public right-of-way, and on spaces adjacent to or within 100 feet of the premises of the use shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open.
- (E) No amplified sound shall be audible at the property line.
- (F) When deemed necessary by the director, and at the expense of the operator of the use, a private security service, or such other dedicated personnel of the operator approved by the director, shall be employed to discourage loitering, public urination, or consumption of alcoholic beverages, and to control noise associated with the congregation of laborers. This security service shall commence prior to the time laborers arrive and remain until after laborers disperse in both the morning and afternoon or evening hours.

Section 5. That Article XII of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 12-215, to read as follows:

12-215 Abatement of day labor agencies.

Any day labor agency in existence on October 7, 2003, in a zone in which such use is neither a permitted or special use permit use, or in a zone in which such use is a special use permit use but for which a special use permit has not been granted, shall be deemed a nonconforming use and shall be discontinued on or before a date 18 months from the date on which the use was first notified of its nonconforming status, unless it obtains a special use permit which authorizes its continuation subject to the following:

- (A) Promptly upon learning of the existence of a day labor agency categorized as a nonconforming use under this section, the director shall notify the property owner and, if different, the owner or operator of the nonconforming status of the use and that the use must cease operations, or if permitted by the applicable regulations of this ordinance, obtain a special use permit approval prior to the expiration of 18 months from the date of the notice.
- (B) No later than the expiration of the applicable 18 month time period, the property owner or owner or operator of any such nonconforming day labor agency may seek from city council an extension of the date by which it must come into conformity with this section 12 215 by filing with the director a petition which sets forth in detail the reasons why a fair and reasonable return on the investment in such day labor agency made by the petitioner prior to October 7, 2003, cannot be obtained prior to the expiration of the 18

month period.

- (C) Council shall conduct a public hearing on any such petition, prior to which the director shall provide notice in accordance with the provisions of section 11 300 of this ordinance.
- (D) Following the hearing, council may extend the 18 month period only if it finds that a strict application of that time period will deny the petitioner the opportunity to realize a fair and reasonable return on the investment in the nonconforming day labor agency made by petitioner prior to October 7, 2003, in which case council shall extend the date to a time which it determines will provide such opportunity to the petitioner.

Section 6. That Article II; Sections 4-403, 4-503, 4-603, 4-803, 4-903, 4-1003, 4-1103 and 4-1203; Article VII and Article XII of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 7. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after January 24, 2004, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said Ordinance.

24. Public Hearing, Second Reading and Final Passage of an Ordinance to Change the Time Requirements Applicable to the Appeal of Real Estate Assessments to the Board of Equalization. (#20, 1/13/04) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 8, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 1/24/04, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 24, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council finally passed the Ordinance upon its

Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4329

AN ORDINANCE to amend and reordain Section 3-2-185 (APPEAL OF REAL ESTATE TAX ASSESSMENTS TO BOARD OF EQUALIZATION) of Division 1 (REAL ESTATE), Article M (LEVY AND COLLECTION OF PROPERTY TAXES), 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 section 3-2-185 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. 3-2-185      Appeal of real estate tax assessments to board of equalization

Any owner or lessee of real estate upon which taxes have been levied as provided by section 3-2-181 of this code who seeks to appeal such assessment shall make application to the board of equalization of the city to correct the assessed valuation on which the taxes were levied upon such real estate, provided any such application is made in writing and filed with the director of real estate assessments or presented to a member of the board of equalization by ~~July 15~~ July 1 of the year in which the taxes are levied. The board of equalization shall dispose of all such applications by ~~November 30~~ December 31 of the year in which such applications are received. An appeal from the decision of the board of equalization shall be made to the Circuit Court of the City of Alexandria.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

25. Public Hearing, Second Reading and Final Passage of an Ordinance to Approve an Encroachment into the Public Sidewalk Right-of-Way at 1700 Duke Street. (#21, 1/13/04)      **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4330

AN ORDINANCE authorizing the owner of 1700 Duke Street to establish and maintain an encroachment for two entrance canopies over the public sidewalk right-of-way at 1700 Duke Street, in the City of Alexandria, Virginia.

WHEREAS, JBG/Rockwood Duke Street, L.L.C., ("Owner") is the Owner of the property located at 1700 Duke Street, Virginia; and

WHEREAS, Owner desires to establish and maintain two entrance canopies which will encroach into the public sidewalk right-of-way at 1700 Duke Street; and

WHEREAS, the public right-of-way at that point on 1700 Duke Street will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 1700 Duke Street, in the City of Alexandria, said encroachment consisting of two entrance canopies, approximately 20 feet in length, and projecting approximately 6 feet into the right-of-way, as generally shown on the Encroachment Plan attached hereto, until the encroachment is removed or destroyed or the authorization to maintain it is terminated

by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on his part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at his own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of his obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The canopies shall have a minimum clearance of 8 feet above the sidewalk.
- (c) The design of the canopies shall be reviewed and approved by the Carlyle Design Review Board prior to installation.

- (d) The canopies shall at all times be maintained in good appearance and repair.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner's maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment caused by the removal.

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

26. Public Hearing, Second Reading and Final Passage of an Ordinance to Change the Membership of the Alexandria Community Criminal Justice Board. (#22, 1/13/04) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 7, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 1/24/04, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 26, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the

office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 26, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4331

AN ORDINANCE to amend and reordain Section 2-4-100 (CREATION, COMPOSITION AND ORGANIZATION) of Article L (ALEXANDRIA COMMUNITY CRIMINAL JUSTICE BOARD), Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-100 and Section 2-4-101 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended and reordained to read as follows:

Sec. 2-4-100      Creation, composition and organization.

(a) There is hereby established a board to be known as the Alexandria Community Criminal Justice Board.

(b) The board shall consist of 15<sup>19</sup> members to be appointed by the city council. The composition of the board shall be as follows:

- (1) one judge of the Alexandria general district court;
- (2) one judge of the Alexandria circuit court;
- (3) one judge of the Alexandria juvenile and domestic relations court;
- (4) the chief magistrate for the city;
- (5) the chief of police;

- (6) the sheriff;
- (7) the commonwealth's attorney;
- (8) the administrator of the city's community services board;
- (9) a local educator;
- (10) the chief public defender;
- (11) a person appointed by city council to serve as its representative;
- (12) the director of the city's office of adult probation and parole;
- (13) ~~two~~ four citizens; ~~and~~
- (14) the director of the city's court services unit;
- (15) one representative of the business community; and
- (16) one representative of non-profit organizations.

(c) Members of the board shall be appointed in the manner prescribed by article A of this chapter; provided, that:

(1) the member who is a local educator shall be nominated by the superintendent of schools and confirmed by city council; ~~and~~

(2) the member who is a representative of the business community shall be recommended by the Alexandria Chamber of Commerce;

(3) the member who is a representative of non-profit organizations shall be recommended by the Alexandria United Way; and

~~(2 4)~~ all members of the board, except for the citizen members, shall be exempt from the application requirement set forth in section 2-4-7(c) of this code.

(d) The citizen members and the member who is a local educator shall serve for a term of two years, except in the case of an appointment to fill the unexpired portion of a term.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

27. Public Hearing, Second Reading and Final Passage of an Ordinance to Provide For an Advanced Decal Process for Motor Vehicles Within the City, and to

Discontinue the Proration of Vehicle Decal Fees. (#28, 1/13/04)  
**[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 8, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 1/24/04, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 27, 1/24/04, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 27, 1/24/04, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Councilwoman Woodson and carried unanimously, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4332

AN ORDINANCE to amend and reordain Section 3-2-323 (APPLICATION FOR AND ISSUANCE OF LICENSE; WHEN TAX PAYABLE), Section 3-2-324 (LICENSE PERIOD; USE OF LICENSE PLATES, WINDSHIELD TAGS OR DECALS BEFORE LICENSE PERIOD), Section 3-2-325 (PAYMENT OF PERSONAL PROPERTY TAXES PRIOR TO ISSUANCE), Section 3-2-333 (REPLACEMENT OF LOST PLATES, TAGS AND DECALS), and Section 3-2-334 (PRORATION OF LICENSE TAX), all of Article R (LICENSE TAXES ON MOTOR VEHICLES, TRAILERS AND SEMITRAILERS), 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 Section 3-2-323 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. 3-2-323 Application for and issuance of license; when tax payable.

- (a) Application for the license prescribed by this article shall be made each year not later than October 5 ~~and not earlier than August 15~~ on forms prepared by the director. The license tax covered by section 3-2-321 of this code shall be due and payable to the director not later than October 5 of each license tax year ~~and may not be paid earlier than August 15~~. Upon payment of the license tax, the director of finance shall issue to the applicant an appropriate license plate or license windshield tag for such vehicle; except that decals made of reflective, waterproof material shall be issued for motorcycles, trailers and semitrailers; provided, however, that for tax years 2004 and 2005, the director may issue to an applicant, whose prior year license tax and personal property tax have been paid on all vehicles owned by such applicant and subject to such license tax and personal property tax in the City, the appropriate license plate or license windshield tag, and bill the applicant for the current year license tax. The license plate, tag or decal shall remain valid until November 15 of the following calendar year.
- (b) At the time of application for the initial city licensing of a motor vehicle, trailer or semitrailer, the applicant shall present his state registration or other proof of ownership. Such initial application and payment of the appropriate license tax, ~~which may be prorated pursuant to section 3-2-334 of this code,~~ shall be made:
- (1) upon registering and licensing any motor vehicle, trailer or semitrailer with the Virginia Division of Motor Vehicles when the registration of such a vehicle shows an address in the city;
  - (2) upon commencement of operation upon the streets of the city of any motor vehicle, trailer or semitrailer which has been in the city for a period of at least 30 days and which is registered and licensed by another state or by the Virginia Division of Motor Vehicles whose records show as an address elsewhere in Virginia; or
  - (3) upon commencement of operation upon the streets of the city of a motor vehicle, trailer or semitrailer from a place of business within the city, which vehicle is used in the conduct of any business or occupation within the city.

Section 2. That Section 3-2-324 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. 3-2-324 License period; use of license plates, windshield tags or decals before license period.

The period during which a license plate, windshield tag or decal issued under this article is valid shall run from October 5 of a calendar year through November 15 of the subsequent calendar year. ~~Nonetheless, a license plate, windshield tag or decal may be used without penalty on and after August 15 of the calendar year in which such license period begins. However,~~ In no event shall any license plate, windshield tag or decal be used beyond November 15 of the license period for which is it issued.

Section 3. That Section 3-2-325 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. 3-2-325 Payment of personal property taxes prior to issuance.

(a) No license plate or windshield tag shall be issued under this article for any motor vehicle, trailer or semitrailer unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon all motor vehicles, trailers or semitrailers owned by the applicant have been paid which have been properly assessed or are assessable against the applicant.

(b) Notwithstanding the provisions of subsection (a) to the contrary, for the 2004 and 2005 tax years, a license plate or windshield tag may be issued to an applicant before payment of the current year personal property tax on the vehicle for which application is made, provided that the prior year license tax and personal property tax have been paid on all vehicles owned by such applicant and subject to such license tax and personal property tax in the City.

Section 4. That Section 3-2-333 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. 3-2-333 Replacement of lost plates, tags and decals.

Any person losing his original license plate, license windshield tag or decal issued as provided in section 3-2-325 of this article may secure a new license plate, license windshield tag or decal by making affidavit to the director of finance that the original license plate, license windshield tag or decal has been lost ~~and the police department notified~~ and by paying a fee of \$1 to the director of finance.

Section 5. That Section 3-2-334 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. 3-2-334 ~~Proration of license tax.~~ Vehicle decal reciprocity.

- (a) ~~Three quarters of the annual license tax prescribed by sections 3\_2\_327 through 3\_2\_331 of this article shall be collected whenever any license plate, license windshield tag or decal is issued between January 1 and March 31 of a license period, one half of such license tax shall be collected whenever any license plate, license windshield tag or decal is issued between April 1 and June 30 in any license period, and one fourth of such license tax shall be collected whenever any license plate, license windshield tag or decal is issued after July 1 of a license period; provided, that the minimum prorated tax shall be \$1.~~
- (b) Notwithstanding ~~the~~ any provisions of ~~subsection (a) this article to the contrary,~~ if a license tax has been paid for a license period to the county of Arlington, Fairfax or Loudoun or the city of Fairfax or Falls Church, or the town of Herndon, jurisdictions which are participating in the Northern Virginia Local Motor Vehicle License Compact, and the vehicle relocates to the city during the period, the owner may obtain a city decal for the current license period by completing the forms prescribed by the director of finance and presenting the state vehicle registration and pieces of the previously issued license decal, accompanied by a fee of \$5.

Section 6. That this ordinance shall become effective at 12:01a.m., February 1, 2004.

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

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR (28-29)**

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

28. REZONING #2002-0004  
11-21 NORTH QUAKER LANE  
QUAKER VIEW  
Public Hearing and Consideration of a request to rezone the property to amend a proffer prohibiting residential use; zoned CL/Commercial Low. Applicant: Jade Development Company, by Duncan Blair, attorney
- COMMISSION ACTION: Deferred
29. DEVELOPMENT SITE PLAN #2002-0032  
11-21 NORTH QUAKER LANE  
QUAKER VIEW  
Public Hearing and Consideration of a request to develop eight townhouse-style condominiums with modification; zoned CL/Commercial Low. Applicant: Jade Development Company, by Duncan Blair, attorney
- COMMISSION ACTION: Deferred

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

Without objection, City Council noted the deferrals.

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Pepper, seconded by Councilwoman Woodson and carried unanimously, at 8:44 p.m., the Public Hearing Meeting of Saturday, January 24, 2004, was adjourned. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Woodson	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

**The meeting adjourned at 8:44 p.m.**

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**APPROVED BY:**

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**WILLIAM D. EUILLE      MAYOR**

ATTEST:

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Jackie M. Henderson, City Clerk

***This docket is subject to change.***

\* \* \* \* \*

***Full-text copies of ordinances, resolutions, and agenda items are available in the Office of the City Clerk and Clerk of the Council.***

\* \* \* \* \*

***Individuals with disabilities who require assistance or special arrangements to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500 (TTY/TDD 838-5056). We request that you provide a 48-hour notice so that the proper arrangements may be made.***

\* \* \* \* \*

***Individuals who require translation services to participate in the City Council meeting may call the City Clerk and Clerk of Council's Office at 838-4500. We request that you provide a 48-hour notice so that the proper arrangements may be made.***