

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, May 15, 2004 - - 9:30 a.m.

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; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Mr. Baier, Director of Transportation and Environmental Services; Mr. Dahlberg, Director of Code Enforcement; Mr. Culpepper, Deputy Director of Transportation and Environmental Services; Police Lt. Uzzell; Mr. Skrabak, Division Chief, Transportation and Environmental Services/Environmental Quality; Ms. Dupree, Urban Planner; Mr. Tate, Urban Planner; Ms. Durham, Urban Planner; Mr. Farner, Division Chief, Planning and Zoning; Ms. Irps, Urban Planner; and Ms. Peterson, Urban Planner.

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 City Council were present.

2. Public Discussion Period.

(a) Richard Stepp, 3303 B Commonwealth Avenue, spoke about an Internet Tax letter that is an Internet Fraud with his phone number on it; and about a letter he received from Code Enforcement, and he said he has never lived at any of the addresses or had any of the cars mentioned. He requested that the Mayor's office call him by Wednesday to see if they can get some resolution to the issues he is having.

(b) Lois Walker, 115 S. Payne Street, said she represents KSMET as its chair and she introduced a banner year to Alexandria. She said it is time for Alexandria to join cities all over the world who welcome visitors with banners, which indicate a route

to shops and stores. She introduced the members of her group - David Martin, Nita Tisara, and Sherry Brown, who will speak to the details of the banner program. She said they hope to get banners up this year.

Mayor Euille said he supports the requested initiative.

(c) David Martin, 1400 King Street, requested that they have banners from the Metro to the River to enhance the friendliness and attitude of Alexandria and it would beautify it and make it festive. He said KSMET is proposing 120 banners, four per block, and bids were as low as \$10,000.

(d) Nina Tisara, 1607 King Street, commended the City for the positive actions it has taken to help small businesses through the creation of the Office of the Small Business Facilitator, for the formation of the King Street Retail Task Force, and for the proclamation recognizing the importance of small business. She asked Council to take a step that visually shows their support of small businesses, and she asked for approval of the banner project and that the project not be put off, as they need it now.

Mayor Euille said he glanced at the document staff gave Council late yesterday evening on this item, and staff is making a recommendation for a pilot vertical banner program. He said Council will reflect on it and will respond to it by the first meeting in June, to attempt to move something by July 1.

(e) Sherry Brown, 115 S. Payne Street, said the banners are public art, and she counted down the top ten reasons for having banners, which are: 10. Banners enliven streets with movement and color while marking different business districts; 9. They don't require expensive electricity nor burn out so the up-front costs are pretty much the only cost; 8. When seen from the King Street Metro, for example, banners would help clue tourists and business visitors that King Street is the path to the fun side; 7. Banners make a statement that Alexandria is some place, which is where creative people, the people today's businesses seek, where creative people want to be in unique, vibrant places, not cookie-cutter communities. 6. Banners could help us build up a wardrobe that changes with events or seasons; 5. Hang banners because other vibrant places have them. The absence of banners can say as much about a community as their presence; 4. Hang banners because this is the year of the arts and our streets should prove that; 3. Say yes because the businesses want banners and Alexandria businesses need our support; 2. Banners, like hanging flower baskets, add color to our streets but don't need daily watering and don't die; and 1. Hang banners because with every design decision the City makes, we should remember that the Fun Side of the Potomac should also be the finest.

(f) Jennie Milster, 4800 Filmore Avenue, Apt. 702, a 97-year old resident of Goodwin House, entertained the Council, staff and audience with humor and entertainment. She thanked Council for its support of its seniors. She said the Virginia General Assembly has designated all of Goodwin House as tax exempt.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-13)

Planning Commission

3. SPECIAL USE PERMIT #2004-0014
25 SOUTH QUAKER LANE - FIRST FLOOR
GLOBAL HEALTH NURSE TRAINING
Public Hearing and Consideration of a request for a special use permit to operate a nursing school; zoned CSL/Commercial Service Low. Applicant: Mariatu Kargbo

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/15/04, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2004-0024
25 SOUTH QUAKER LANE - FIRST FLOOR
THE TRANSITIONAL SCHOOL
Public Hearing and Consideration of a request for a special use permit to operate a private college preparatory school; zoned CSL/Commercial Service Low. Applicant: Katherine Keith

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/15/04, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2004-0018
501 SOUTH PICKETT STREET
HERTZ CAR RENTAL
Public Hearing and Consideration of a request for a special use permit to operate a car rental establishment; zoned CG/Commercial General. Applicant: Hertz Corporation Car Rental by Ronald L. Moore

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/15/04, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2003-0119
6120 LINCOLNIA ROAD
7-ELEVEN CONVENIENCE STORE
Public Hearing and Consideration of a request for a special use permit for continuance of a nonconforming convenience store use; zoned CL/Commercial Low. Applicant: 7-Eleven Inc., by Maynard Sipe, attorney
COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/15/04, and is incorporated as part of this record by reference.)

7. SPECIAL USE PERMIT # 2003-0120
30 SOUTH REYNOLDS STREET
7-ELEVEN CONVENIENCE STORE
Public Hearing and Consideration of a special use permit for continuance of a nonconforming convenience store use; CL/Commercial Low. Applicant: 7-Eleven Inc., by Maynard Sipe, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/15/04, and is incorporated as part of this record by reference.)

8. SPECIAL USE PERMIT #2003-0121
5725 EDSALL ROAD
7-ELEVEN CONVENIENCE STORE
Public Hearing and Consideration of a request for a special use permit for continuance of a nonconforming convenience store use; zoned CL/Commercial Low. Applicant: 7-Eleven Inc., by Maynard Sipe, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/15/04, and is incorporated as part of this record by reference.)

9. ENCROACHMENT #2003-0010
2201 JEFFERSON DAVIS HIGHWAY
POTOMAC YARD - LANDBAY A
Public Hearing and Consideration of a request for an encroachment of residential lots to permit fencing, columns or a wall into the public right-of-way; zoned CDD-10/Coordinated Development District. Applicant: Potomac Greens Associates LLC., by Jonathan Rak, attorney
COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/15/04, and is incorporated as part of this record by reference.)

10. SPECIAL USE PERMIT #2004-0013
311 SWAMP FOX ROAD
TED'S MONTANA GRILL, INC.
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CDD-2/Coordinated Development District. Applicant: Leigh Morgan

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 5/15/04, and is incorporated as part of this record by reference.)

11. SPECIAL USE PERMIT #2004-0017
4913 BRENMAN PARK DRIVE
CAMERON PERKS COFFEEHOUSE
Public Hearing and Consideration of a request for a special use amendment to allow for the expansion of a restaurant and for a parking reduction; zoned CDD-9/Coordinated Development District. Applicant: Michael Fleming

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 5/15/04, and is incorporated as part of this record by reference.)

12. SPECIAL USE PERMIT #2004-0009
1301 NORTH QUAKER LANE (Parcel Address: 3425 King Street)
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial General. Applicant: Zak Driouche

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 5/15/04, and is incorporated as part of this record by reference.)

13. TEXT AMENDMENT #2004-0002
FLOODPLAIN REGULATIONS
Public Hearing and Consideration of a text amendment to Section 6-300 (Floodplain District) of the Zoning Ordinance for changes to the floodplain

regulations. Applicant: Departments of Planning and Zoning and Transportation and Environmental Services

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 5/15/04, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council removed items 6, 7, 8 and 9 from the Action Consent Calendar and considered them under separate action, as follows:

- 3. City Council approved the Planning Commission recommendation.
- 4. City Council approved the Planning Commission recommendation.
- 5. City Council approved the Planning Commission recommendation.
- 10. City Council approved the Planning Commission recommendation.
- 11. City Council approved the Planning Commission recommendation.
- 12. City Council approved the Planning Commission recommendation.
- 13. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

The following items were heard together:

- 6. SPECIAL USE PERMIT #2003-0119
6120 LINCOLNIA ROAD
7-ELEVEN CONVENIENCE STORE
Public Hearing and Consideration of a request for a special use permit for continuance of a nonconforming convenience store use; zoned CL/Commercial Low. Applicant: 7-Eleven Inc., by Maynard Sipe, attorney

COMMISSION ACTION: Recommend Approval 7-0

7. SPECIAL USE PERMIT # 2003-0120
30 SOUTH REYNOLDS STREET
7-ELEVEN CONVENIENCE STORE
Public Hearing and Consideration of a special use permit for continuance of a nonconforming convenience store use; CL/Commercial Low. Applicant: 7-Eleven Inc., by Maynard Sipe, attorney

COMMISSION ACTION: Recommend Approval 7-0

8. SPECIAL USE PERMIT #2003-0121
5725 EDSALL ROAD
7-ELEVEN CONVENIENCE STORE
Public Hearing and Consideration of a request for a special use permit for continuance of a nonconforming convenience store use; zoned CL/Commercial Low. Applicant: 7-Eleven Inc., by Maynard Sipe, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission reports dated May 4, 2004, are on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 7 and 8; 5/15/04, and are incorporated as part of this record by reference.)

Questions were asked by Council with regard to alcohol sales and with the decision on the renovation of the 7-Elevens. The questions were answered by the Department of Planning and Zoning staff and the applicant, Maynard Sipe.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendations for items 6, 7 and 8. The voting was as follows:

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

9. ENCROACHMENT #2003-0010
2201 JEFFERSON DAVIS HIGHWAY
POTOMAC YARD - LANDBAY A
Public Hearing and Consideration of a request for an encroachment of residential lots to permit fencing, columns or a wall into the public right-of-way; zoned CDD-10/Coordinated Development District. Applicant: Potomac Greens Associates LLC., by Jonathan Rak, attorney

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/15/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Macdonald and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

14. SPECIAL USE PERMIT #2004-0020
2001 LA GRANDE AVENUE (Parcel Address: 500 E. Howell Avenue)
SUBSTANDARD LOT DEVELOPMENT
Public Hearing and Consideration of a request for a special use permit to construct a single family dwelling with tandem parking on a substandard lot; zoned R2-5/Residential. Applicant: Robert and Martine Irmer by John Savage, agent

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 5/15/04, and is incorporated as part of this record by reference.)

Questions by Council were answered by Ms. Ross and by the applicant's agent, Mr. Savage.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the deletion of the second sentence in condition #5, which is, "Accessory structures shall be prohibited" and with the first sentence to read: "Additional floor area shall be prohibited, except for one outdoor shed, consistent with the Zoning Ordinance." The voting was as follows:

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

15. SPECIAL USE PERMIT #2004-0016
191 SOMERVELLE STREET
FOOD MATTERS

Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CDD-9/Coordinated Development District. Applicants: Victoria Hebert, J. Gerald Hebert, Christy Velie and Tom Przystawik

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 5/15/04, and is incorporated as part of this record by reference.)

Ms. Ross made a presentation of the report.

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

Victoria Hebert and Gerald Hebert, the owners, 5019 Waple Lane, appeared to speak in favor of the request.

In response to a question from Council, City Attorney Pessoa said the more restrictive regulations for hours - either the City's special use permit regulations or the condominium association, will take precedence.

Mona Wasfy, 4915 Kilburn Street, asked Council to limit the operation to the hours that will not annoy those next door. She said she wants the restaurant, but it should condense the hours and she asked for reassurance that the customers will not park behind her home.

LaVern Carter, 191 Somerville Street, Unit 208, spoke of her concern over the smell of food, noise and parking, and it should be taken into consideration that not everyone in the building has closed on their unit.

Michael Fleming, 4911 Brenman Park Drive, owner of Cameron Perks Coffeeshop, spoke in favor of the request.

Patricia McCombie, 5020 Waple Lane, spoke in favor of the restaurant and in support of the hours the applicant has requested.

Joseph S. Bennett, 5022 B Barbour Drive, president of the Cameron Station Civic Association, spoke in favor of the request.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with an amendment to condition #6 to read, "Provided, however, that the applicant shall comply with all the Condominium Association rules and regulations." The voting was as follows:

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

16. DEVELOPMENT SPECIAL USE PERMIT #2003-0039
2930 EISENHOWER AVENUE
PENTAGON FEDERAL CREDIT UNION HEADQUARTERS
Public Hearing and Consideration of a request for a development special use permit amendment to construct an office building; zoned OCM-100/Office Commercial Medium. Applicant: Pentagon Federal Credit Union by Deborah D. Johnson, CFM

COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 5/15/04, and is incorporated as part of this record by reference.)

Ms. Fogarty and Mr. Culpepper made a presentation of the staff report.

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

Howard Middleton, 3110 Fairview Park Drive, Falls Church, attorney representing the applicant, introduced Frank Pollack, chief executive officer, Deborah Johnson, director of facilities, and John Keegan, of Gilban Properties, that were in the audience. Mr. Middleton spoke in favor of the request.

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

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

17. TEXT AMENDMENT #2004-0004
POLITICAL SIGNS

Public Hearing and Consideration of a text amendment to Article IX of the Zoning Ordinance to amend the regulations for political signs. Applicant: Department of Planning and Zoning

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 5/15/04, and is incorporated as part of this record by reference.)

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

Katy Cannady, 20 East Oak Street, submitted a letter from the League of Women Voters and noted her support of the text amendment.

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

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

18. TEXT AMENDMENT #2004-0003
SPECIAL USE PERMIT REGULATIONS

Public Hearing and Consideration of a text amendment to Sections 11-207(C)(5) and 11-503(A) of the Zoning Ordinance to increase the fines for repeat special use permit violators and to change the special use ownership requirements. Applicant: Department of Planning and Zoning

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 5/15/04, 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 closed the public hearing and approved the Planning Commission recommendation, with a notation to start the process of moving the overall cap from \$3,000 to \$5,000. The voting was as follows:

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

19. TEXT AMENDMENT #2004-0005
 BAR PROCEDURES FOR DEVELOPMENT CASES
 Public Hearing and Consideration of a text amendment to Sections 10-104(F), 10-106(B), 10-204(F), and 10-206(B) of the Zoning Ordinance to amend the Board of Architectural Review procedures for development cases. Applicant: Department of Planning and Zoning

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 5/15/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

20. TEXT AMENDMENT #2004-0006
 CHESAPEAKE BAY REGULATIONS
 Public Hearing and Consideration of a text amendment to Article XIII of the Zoning Ordinance to comply with State regulatory requirements and to enhance the City's ability to protect water quality. Applicant: Departments of Planning and Zoning and Transportation and Environmental Services

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 5/15/04, and is incorporated as part of this record by reference.)

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

Suzanne Post, 1408 Key Drive, spoke about the designation on her property as being incorrect. She requested reconsideration of the perennial stream designation for her property.

Mayor Euille said the request will be dealt with, but not by this body in a decision that is made today, but staff will get back to her on the request.

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

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

ORDINANCES AND RESOLUTIONS

21. Public Hearing, Second Reading and Final Passage of an Ordinance to Revise the Membership of the George Washington Birthday Celebration Committee. (#11, 5/12/04) **(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, 5/15/04, 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, 5/15/04, and is incorporated as part of this record by reference.)

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

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

The ordinance reads as follows:

ORDINANCE NO. 4349

AN ORDINANCE to amend and reordain Section 2-4-114 (CREATION, COMPOSITION AND ORGANIZATION) of Article O (GEORGE WASHINGTON BIRTHDAY CELEBRATION COMMITTEE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT), of The Code of the City of Alexandria, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-114 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 2-4-114 Creation, composition and organization.

- (a) There is hereby established a standing committee to be known as the George Washington Birthday Celebration Committee.
- (b) The committee shall consist of 19 members who, other than the members identified below in paragraphs (9) and (10), shall be appointed by the city council. The composition of the committee shall be as follows:
 - (1) one member to be nominated by the American Legion;
 - (2) one member to be nominated by the Veterans of Foreign Wars;
 - (3) one member to be nominated by any other veterans organization;
 - (4) one member to be nominated the Masonic Fraternity;
 - (5) two representatives of the city's business community to be nominated by the Chamber of Commerce;
 - (6) one member to be nominated by the Alexandria Jaycees;
 - (7) one member to be nominated by the Federation of Civic Associations;
 - (8) four citizen members;
 - (9) the city manager or the manager's designee;
 - (10) the director of the transportation division of the department of transportation and environmental services;
 - (11) one member to be nominated by the Gadsby's Tavern Museum Society;
 - (12) one member to be nominated by the Friendship Veterans Fire Engine Association;
 - (13) one member to be nominated by the T.C. Williams High School Band Boosters;

- (14) one member to be nominated by the First Virginia Regiment of the Continental Line; and
 - (15) one member who attends high school in the City of Alexandria.
- (c) The members identified above in subsections (a)(9) and (a)(10) shall serve during their tenure as employees of the city. The terms of all other members shall be for two years; provided, however, that the member identified above in subsection (a)(15) shall cease to be a member upon graduation from high school.
 - (d) The committee shall receive staff support from the director of the department of recreation, parks and cultural activities.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that this ordinance shall not affect the current appointment or current term of any member serving on the George Washington Birthday Celebration Committee on the effective date.

22. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish the Affordable Homeownership Preservation Grant Program (AHOP) (#12, 5/12/04) **(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, 5/15/04, 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, 5/15/04, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, 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. 4350

AN ORDINANCE to amend and reordain Article L (REAL ESTATE TAX RELIEF), of Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Division 2 (AFFORDABLE HOMEOWNERSHIP PRESERVATION PROGRAM).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article L, Chapter 2, Title 3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by adding thereto a new Division 2 to read as follows:

Division 2
Affordable Homeownership Preservation Program

Sec. 3-2-171 Definitions.

The following words and phrases shall, for the purposes of this division, have the following respective meanings, except where the context clearly indicates a different meaning:

- (1) Applicant. Any natural person who applies for a grant under section 3-2-173.
- (2) Dwelling. The building, or portion of a building, which is owned, at least in part, by an applicant, which is the sole residence of the applicant and which is a part of the real estate for which a grant is sought pursuant to this division.
- (3) Grant. A grant in aid of payment of taxes owed for the year as provided under section 3-2-175.
- (4) Net combined financial worth of applicant. The value of all assets of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling, calculated as of December 31 of the calendar year immediately preceding the taxable year; provided, that the value of the applicant's dwelling, of household furnishings in the dwelling, of up to one acre of the land on which the dwelling is situated, of qualified retirement plans of any person whose assets are included hereunder, and of motor vehicles for the personal use of any such person, shall be excluded.
- (5) Spouse. The husband or wife of any applicant who resides in the applicant's dwelling.

- (6) Taxes owed for the year. The amount of real estate taxes levied on the dwelling of the applicant for the taxable year.
- (7) Taxable year. The current calendar tax year for which a grant is applied.
- (8) Household income of applicant. The adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, of the applicant, of the applicant's spouse, of any relative of the applicant who resides in the dwelling, and of any other person who is an owner of and resides in the applicant's dwelling. The city manager shall promulgate regulations for the determination of the income of such persons for whom no federal income tax return is required to be filed.

Sec. 3-2-172 Grant– provided.

There is hereby provided to any natural person, at such person's election, a grant for affordable homeownership preservation in aid of payment of the taxes owed for the taxable year on real property in the city which is owned, in whole or in part, and is occupied by such person as his or her sole dwelling. The grant provided for in this section shall be subject to the restrictions, limitations and conditions prescribed by this division.

Sec. 3-2-173 Same– eligibility, restrictions generally.

A grant under this division in any taxable year shall be subject to the following restrictions and conditions:

- (1) The household income of the applicant shall not exceed \$61,000.
- (2) The assessed value of the real estate owned by the applicant shall not exceed \$362,000.
- (3) The net combined financial worth of an applicant shall not exceed \$50,000.
- (4) The applicant and/or the applicant's spouse shall own at least 50 percent interest in the real estate.
- (5) As of January 1 of the taxable year, the applicant must occupy the real estate for which the grant is sought as his or her sole residence and must be expected to so occupy the real estate throughout the year; provided, that an applicant who is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care shall be deemed to meet this condition so long as the real estate is not being used by or leased to another for consideration.

- (6) An applicant shall file the affidavit or written statement required by section 3-2-175 no later than September 1 of the taxable year.
- (7) An applicant for a grant provided under this division shall not participate in the real estate tax exemption or deferral program for the elderly or permanently and totally disabled provided under division 1 of this article, and no grant shall be applied to real estate taxes on property subject to such exemption or deferral program.
- (8) An applicant for a grant provided under this division shall not be delinquent on any portion of the real estate taxes to which the grant is to be applied.

Sec. 3-2-174 Same--administration by city manager.

The grant program provided under this division shall be administered by the city manager according to the provisions of this division. The city manager is hereby authorized and empowered to prescribe, adopt, promulgate and enforce such rules and regulations in conformance with the provisions of this division, including the requirement of answers under oath, as may be reasonably necessary to determine eligibility for a grant. The city manager may require the production of tax returns to establish household income and the status of any person claimed as a dependent.

Sec. 3-2-175 Same--procedure for application.

- (a) Commencing with taxable year 2004, and not later than September 1 of the taxable year, any applicant for a grant under this division shall file with the city manager, in such manner as the manager shall prescribe and on forms to be supplied by the city, an affidavit or written statement providing the following:
 - (1) the name of the applicant;
 - (2) the address of the real estate for which the grant is to be applied against the tax liability;
 - (3) the names of all persons who reside in the applicant's dwelling;
 - (4) the household income of the applicant as defined in section 3-2-171(9);
 - (5) the net combined financial worth of the applicant as defined in section 3-2-171(5);
 - (6) such additional information as the city manager reasonably determines to be necessary to determine eligibility for a grant pursuant to this division.

- (b) If, after audit and investigation, the city manager determines that the applicant is eligible for a grant, the manager shall so certify to the director, who shall implement the grant as a prepayment on the applicant's real estate tax bill due on November 15 of the taxable year.
- (c) Any provision of this division to the contrary notwithstanding, the director may declare eligible to apply for a grant any person filing the affidavit or written statement required by subsection (a), after September 1 but before November 15 of the taxable year, provided good cause is shown for the failure to file the affidavit or statement on or before September 1 of the taxable year.

Sec. 3-2-176 Same--amount; limitation.

The amount of each grant under this division shall be \$250.00.

Sec. 3-2-177 Change in status.

Changes in household income, ownership of property, or other factors occurring after the application deadline but before the end of the taxable year for which an affidavit has been filed shall not affect a grant which has been certified pursuant to section 3-2-175(b).

Sec. 3-2-178 Penalty for violation of division.

Any person willfully making a false statement in applying for a grant under this division shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25 nor more than \$500 for each offense.

Sec. 3-2-179 Sunset date.

No grant pursuant to section 3-2-172 shall be permitted in any taxable year which commences after December 31, 2004.

Section 2. That this ordinance shall become effective January 1, 2004, *nunc pro tunc*.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (23-27)

Planning Commission (continued)

23. SPECIAL USE PERMIT #2004-0015
3400 & 3402 COMMONWEALTH AVENUE
MARTIAL ARTS ACADEMY
Public Hearing and Consideration of a request for a special use permit to operate a martial arts school; zoned CSL/Commercial Service Low. Applicant: Kwang Weon Woo, by James C. Pan, agent
- COMMISSION ACTION: Deferred
24. SPECIAL USE PERMIT #2004-0026
315 MADISON STREET
A LA LUCIA
Public Hearing and Consideration of a request for a special use permit amendment to change the hours of operation of a restaurant; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: Mehran Nayeri
- COMMISSION ACTION: Deferred
25. SPECIAL USE PERMIT #2004-0028
1950 DUKE STREET
CARLYLE DEVELOPMENT
Public Hearing and Consideration of a request for an amendment to the current special use permit conditions to revise the definition of retail; zoned CDD-1/Coordinated Development District. Applicant: Carlyle Development Corporation & LCOR Ballenger Ave., LLC by Jonathan P. Rak, attorney
- COMMISSION ACTION: Deferred
26. SPECIAL USE PERMIT #2003-0115
301 LAVERNE AVENUE
SUBSTANDARD LOT DEVELOPMENT
Public Hearing and Consideration of a request for a special use permit to construct a single family dwelling on a substandard lot and for a parking reduction; zoned R/Residential. Applicant: Brett D. Rice
- COMMISSION ACTION: Deferred
27. DEVELOPMENT SITE PLAN #2000-0043 -- 1710 PRINCE STREET OFFICE BUILDING -- Public Hearing and Consideration of an appeal from a decision of the Planning Commission, on November 9, 2000, imposing as conditions to its approval of Applicant's site plan, certain requirements, numbered 10, 22, 30, and 34, for a development site plan amendment for construction of an office building with structured parking on the property located at 1710 Prince Street, zoned OCH/Office Commercial High. Applicant and Appellant: Duke Enterprises, Inc., by Robert L. Calhoun, attorney.

COMMISSION ACTION: Approved 7-0
(The applicant, Duke Enterprises, Inc., has withdrawn this appeal and requests dismissal.)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously, the public hearing meeting of May 15, 2004, was adjourned at 12:51 p.m. The voting was as follows:

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

* * * * *

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jackie M. Henderson, City Clerk