

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting**  
**Saturday, November 13, 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; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Caton, Legislative Director; Ms. Fogarty, Director of Planning and Zoning; Mr. Phipps, Division Chief, Planning and Zoning; Mr. Farner, Division Chief, Planning and Zoning; Mr. Cole, Director of Information Technology Service (ITS); Mr. Baier, Director of Transportation and Environmental Services; Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Mr. Owens, Communications Officer; Ms. Davis, Director of Office of Housing; Mr. Eiffert, Deputy Director, Office of Housing; Mr. Fifer, E-Government Manager, ITS; Mr. Colon, ITS; Mr. Pecor, ITS; Ms. Santos, Division Chief, ITS; Mr. Brooks, ITS; Ms. Smith-Page, Real Estate Assessments; Ms. Peterson, Urban Planner, Planning and Zoning; Ms. de Corde, Urban Planner, Planning and Zoning; Ms. Durham, Urban Planner, Planning and Zoning; Mr. Luebke, City Architect, Planning and Zoning; Mr. Farid, ITS/Communications; and Police Lt. Uzzell.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council

## **OPENING**

**New Business Item #1:** Shelly Santos, Division Chief, ITS, briefed Council on the new laptop computers at the seats for use during the Council meetings.

1. Calling the Roll.

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

2. Public Discussion Period.

(a) Annabelle Fisher, 6161 Edsall Road, spoke about the increase in the rates for Comcast services and requested that Council consider allowing other cable

companies to compete for customers in Alexandria.

(b) Shanna Gerlach, a first grade student at Mount Vernon Community School, thanked City Council for approving the School's Budget, which included money for improvements to the playground at Mount Vernon Community School.

(c) Christopher Gerlach, a fourth grade student at Mount Vernon Community School, read a thank you letter to Council for the improvements to the playground at Mount Vernon Community School and presented City Council with letters from his classmates.

(d) Charniele Herring, 715 North Ashton Street, spoke on behalf of the Commission on Women and requested that City Council reconsider including \$20,000 in the current budget to complete the Needs Assessment project.

Councilwoman Woodson requested that the consideration of granting \$20,000 to the Commission on Women be docketed for the next regular legislative meeting in November.

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

### **ACTION CONSENT CALENDAR (3-11)**

#### **Planning Commission**

3. ENCROACHMENT #2004-0008  
335 NORTH PATRICK STREET  
FENCING  
Public Hearing and Consideration of a request for an encroachment of a picket fence into the public right-of-way; zoned RB/Residential. Applicant: David and Sarah Goldstein.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 11/13/04, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2004-0079  
4551 DUKE STREET- FOXCHASE CENTER (Parcel Address:4513 Duke Street)  
RESTAURANT  
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CG/Commercial. Applicant: Kuang Hui Li.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 11/13/04, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2004-0080  
300 MONTGOMERY STREET  
THE MONTGOMERY CENTER  
Public Hearing and Consideration of a request for a special use permit amendment to change the allowable square foot area for restaurants, personal service uses and new businesses; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: MRE Properties by Bruce Machanic.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 11/13/04, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2004-0085  
820 SOUTH PICKETT STREET  
RESTAURANT  
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned I/Industrial. Applicant: Golden Lilly Foods Corp. by Cam T. Luu

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 11/13/04, and is incorporated as part of this record by reference.)

7. SPECIAL USE PERMIT #2004-0086  
105 SOUTH UNION STREET  
FIREHOOK BAKERY  
Public Hearing and Consideration of a request for a special use permit amendment to add seating and extend the hours of operation; zoned CD/Commercial Downtown. Applicant: Firehook of Union, Inc., by Duncan Blair, attorney.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 11/13/04, and is incorporated as part of this record by reference.)

8. SPECIAL USE PERMIT #2004-0088

2615 MT VERNON AVENUE  
LOS TIOS RESTAURANT

Public Hearing and Consideration of a request for a special use permit for an expansion of a restaurant; zoned CL/Commercial Low. Applicant: Meija Brothers, Inc. by Mariela Vado.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 11/13/04, and is incorporated as part of this record by reference.)

9. SPECIAL USE PERMIT #2004-0084  
3108 MOUNT VERNON AVENUE (Parcel Address 3110 Mt. Vernon Ave)  
RESTAURANT  
Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CRMU-M/Commercial Residential Mixed Use. Applicant: Vo Thin by Thuy Le.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 11/13/04, and is incorporated as part of this record by reference.)

10. SPECIAL USE PERMIT #2004-0087  
2609 & 2611 MT VERNON AVENUE  
CURVES FOR WOMEN  
Public Hearing and Consideration of a request for a special use permit to operate a fitness studio; zoned CL/Commercial Low. Applicant: Curves for Women by Jim Gasson.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 11/13/04, and is incorporated as part of this record by reference.)

11. SPECIAL USE PERMIT #2004-0057  
2108 MOUNT VERNON AVENUE  
7-ELEVEN, INC.  
Public Hearing and Consideration of a request for a special use permit to operate a nonconforming convenience store use; zoned CL/Commercial Low. Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 11/13/04, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously, City Council approved the action consent calendar, with the removal of items #3, #5, #8 and # 11, which were considered under separate motions. The action of City Council follows:

- 4. City Council approved the Planning Commission recommendation.
- 6. City Council approved the Planning Commission recommendation.
- 7. City Council approved the Planning Commission recommendation.
- 9. City Council approved the Planning Commission recommendation.
- 10. City Council approved the Planning Commission recommendation.

The voting was follows:

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

- 3. ENCROACHMENT #2004-0008  
335 NORTH PATRICK STREET  
FENCING

Public Hearing and Consideration of a request for an encroachment of a picket fence into the public right-of-way; zoned RB/Residential. Applicant: David and Sarah Goldstein.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 11/13/04, 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 closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

5. SPECIAL USE PERMIT #2004-0080  
300 MONTGOMERY STREET  
THE MONTGOMERY CENTER

Public Hearing and Consideration of a request for a special use permit amendment to change the allowable square foot area for restaurants, personal service uses and new businesses; zoned CRMU-X/Commercial Residential Mixed Use. Applicant: MRE Properties by Bruce Machanic.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 11/13/04, 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 closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

8. SPECIAL USE PERMIT #2004-0088  
2615 MT VERNON AVENUE  
LOS TIOS RESTAURANT

Public Hearing and Consideration of a request for a special use permit for an expansion of a restaurant; zoned CL/Commercial Low. Applicant: Meija Brothers, Inc. by Mariela Vado.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 11/13/04, and is incorporated as part of this record by reference.)

**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 with the amendment to the hours during which the restaurant is open to the public shall be restricted to between 7:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 7:00 a.m. and 12:00 Midnight on

Friday and Saturday. Hours of operation for the outdoor dining area shall be limited to between 8:00 a.m. to 10:00 p.m., daily. The outdoor dining area shall be cleared of all diners by 10:00 p.m. and the area cleaned and washed by 10:30 p.m. The voting was as follows:

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

11. SPECIAL USE PERMIT #2004-0057  
2108 MOUNT VERNON AVENUE  
7-ELEVEN, INC.

Public Hearing and Consideration of a request for a special use permit to operate a nonconforming convenience store use; zoned CL/Commercial Low. Applicant: 7-Eleven, Inc. by Maynard Sipe, attorney.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 11/13/04, 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 with the addition of two conditions: (1) establish a community liaison to work with the community and (2) the monitoring of a gate behind the building to prevent unwanted activity in the alley. The voting was as follows:

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

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

12. Public Hearing To Consider the City's Legislative Package for the 2005 General Assembly Session. (#15, 10/26/04)

(A copy of the City Manager's memorandum dated October 20, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 11/13/04, 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 closed the public hearing and

scheduled adoption of the Legislative Package for Tuesday, November 23, following Council's work session with the General Assembly delegation. The voting was as follows:

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

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

### Planning Commission (continued)

13. TEXT AMENDMENT #2004-0001

POTOMAC YARD DESIGN ADVISORY COMMITTEE

Public Hearing and Consideration of an amendment to Section 5-602 of the Zoning Ordinance to change the required composition of the Potomac Yard Design Advisory Committee. Applicant: Department of Planning and Zoning.

PLANNING COMMISSION ACTION: RECOMMEND REJECTION OF THE TEXT AMENDMENT 7-0

(A copy of the Planning Commission report dated March 2, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13, 11/13/04, and is incorporated as part of this record by reference.)

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

(a) Duncan Blair, 524 King Street, attorney representing Potomac Yard Development, stated that their desire was to meet often with staff and the community. Mr. Blair pointed out that the composition of the Potomac Yard Design Advisory Committee should be a manageable number to retain the small working group setting.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council held the public hearing, reversed the recommendation of the Planning Commission and recommended an amendment to Section 5-602 of the Zoning Ordinance to change the required composition of the Potomac Yard Design Advisory Committee to include a two representatives from Potomac East (Northeast and Inner City). The voting was as follows:

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

14. TEXT AMENDMENT #2004-0007

AMENDMENT TO FLOOR AREA RATIO IN THE CD-X ZONE

Public Hearing and Consideration of a text amendment to the Zoning Ordinance to amend the permitted floor area ratio for buildings and structures in the CD-X zone, excluding those within the Old and Historic District. Applicant: Department of Planning and Zoning.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14, 11/13/04, and is incorporated as part of this record by reference.)

Director Fogarty gave an overview of the proposed text amendment to Council and an overview of the proposed development project for docket item #15.

The following persons participated in the public hearing:

(a) Howard Middleton, 3110 Fairview Park Drive, attorney representing the applicant, spoke in favor of the text amendment. Mr. Middleton noted the memorandum he submitted to Council requesting a change to Section 4-600(B)(2)(ii) as follows: *No residential parking reduction shall be granted and all residential parking shall be located below grade* in order to permit more flexibility for retail in the future.

(b) Harry P. Hart, 307 North Washington Street, attorney, spoke in favor of the text amendment and requested that his client, MetroStage and Mariana's Cafe, be included as part of the property considered for rezoning.

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

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

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried 6-1, City Council approved the recommendation of the Planning Commission with the following changes: (1) Section 4-600 (B)(2)(b)(ii) include defining words "residential" and "office/commercial" for underground parking requirement; and (2) Section 4-606 (B)(2)(b)(vi) change last sentence to read "Mews units are discouraged." The voting was as follows:

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

Macdonald "no"

15. DEVELOPMENT SPECIAL USE PERMIT #2002-0043  
1000-1027 NORTH ROYAL STREET & 329 and 327 FIRST STREET  
POSTMASTERS PROPERTY

Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications to construct a multi family condominium building; zoned CD-X/Commercial Downtown. Applicant: The Holladay Corporation by J. Howard Middleton, Jr., attorney.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 6-1

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15, 11/13/04, and is incorporated as part of this record by reference.)

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

(a) Howard Middleton, 3110 Fairview Park Drive, attorney representing the applicant, spoke in favor of the proposed development and responded to some of the neighborhoods concerns, including noise from the construction and communication between the community and the developer. Mr. Middleton noted that he submitted a memorandum to Council dated November 13, 2004, offering revisions to conditions that would be amendable to the applicant.

(b) Ted Boling, 1223 Tudor Place, expressed concern about the noise that would be produced from the construction affecting the students at St. Anthony's Day School. Mr. Boling submitted some proposed amendments to the site plan to address the noise and emissions from the construction site, as well as hauling routes.

(c) Sean Flynn, 5309 Chieftan Circle, President of the Board of Directors for the St. Anthony's Parents Association, expressed concern about the noise that would be produced from the construction and the hours of the construction affecting the St. Anthony's Day School. Mr. Flynn stated conditional support for the project if there were modifications to address noise and emissions from the construction site.

(d) Jennifer L. Bright, 734 South Lee Street, expressed concern about the noise from the construction site affecting St. Anthony's Day School. Ms. Bright stated her support for the addition of traffic markings to ensure that the haul routes are safe.

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

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"

Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried 6-1, City Council approved the recommendation of the Planning Commission with the following amendments: (1) include language in Condition #64 that gives staff the option of allowing the developer to make a monetary contribution of \$5 per gross square foot to the Housing Trust Fund; (2) include language in Condition #76 from the Howard Middleton memorandum dated November 12, 2004 stating, "the applicant shall identify a person who will serve as liaison to the community throughout the duration of construction. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Directors of P&Z and T&ES. *The liaison shall meet with community representatives on a monthly basis, if necessary.*" Condition #76 should also include an additional line stating, "*The applicant shall develop a plan of communication with the community in consultation with the Departments of Planning and Zoning and Transportation and Environmental Services ;*" (3) include language in Condition #87 from the Howard Middleton memorandum dated November 12, 2004 stating, "The applicant shall attempt to minimize construction noise, especially pile driving, during the hours between 1:00 p.m. and 3:00 p.m. EST, on school days. *In general, the applicant shall comply with applicable provisions of the Noise Control Ordinance, including Section 11-5-4 and Section 11-5-5 (related to noise levels for motorized construction devices);*" (4) modify Condition #90 to read as follows: "Prior to issuance of a demolition permit for existing structures on the site, the applicant shall submit an asbestos removal and fugitive dust control plan to the Code Enforcement Division;" (5) modify Condition #85(a) to read as follows: "Construction trucks removing debris shall arrive and depart from the site via North Royal Street unless directed otherwise by the Director of T&ES;" (6) include in condition #22 a noise suppression plan to be determined by the Director of Transportation and Environmental Services; and (7) encourage the applicant to work with Habitat for Humanity Restore program for reuse of leftover building materials. The voting was as follows:

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

16. DEVELOPMENT SPECIAL USE PERMIT #2003-0019  
 1180 & 1100 PENDLETON STREET, 1121 & 1101 ORONOCO STREET AND  
 511 N. FAYETTE STREET.  
 THE MONARCH (HENNAGE PROPERTY)  
 Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications to construct a residential building with ground floor retail; zoned CRMU-H/Commercial Residential Mixed Use High.  
 Applicant: Diamond Alexandria, LLC by Harry P. Hart, attorney

## PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 6-1

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16, 11/13/04, and is incorporated as part of this record by reference.)

Director Fogarty gave an overview of the proposed development project to Council describing the residential and retail aspects, as well as the underground parking requirement.

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

(a) Harry P. Hart, 207 North Washington, Street, attorney representing the applicant, showed Council a model of the plan and spoke in favor of the proposed project. Mr. Harry noted that Mark Orling and John Rust, the developers, were present to answer any questions from Council.

(b) Katy Cannady, 20 East Oak Street, reported on the restaurant use that was part the proposed project. Ms. Cannady stated that the restaurant should go through the special use permit process and not be part of the proposed project.

(c) Deborah Plunkett, 534 North Columbus Street, spoke in opposition to the proposed project.

(d) Corrine J. Dixon, 1009 Woods Place, spoke in opposition to the proposed project because of the mass and scale.

(e) Charlotte Landis, 433 North Patrick Street, stated that she would support the project with staff recommendations but she opposed the project as the developer originally submitted it.

(f) Michael Hobbs, 419 Cameron Street, spoke in favor of the proposed project. Mr. Hobbs expressed concerns about the mass of the buildings and the inclusion of the restaurant application in the project proposal.

(g) Mary MacGregor, 1121 Wythe Street, spoke in favor of the proposed project.

(h) Debra Sabourin, 1212 Princess Street, thanked Council for listening to the citizens and spoke in favor of the proposed project.

(i) Sarah Becker, 1200 Princess Street, addressed the issue of inclusion of the restaurant use in the project proposal and reminded Council that the project was in advance of the review of the Braddock Road Small Area Plan.

(j) Amy Harris-White, 621 North West Street, spoke on behalf of the Inner City Civic Association, in favor of the proposed project. Ms. Harris-White offered a correction to the staff report stating that the Inner City Civic Association were not in support of the staff recommended changes.

(k) J. Glenn Hopkins, 1224 Princess Street, spoke in favor of the proposed project.

(l) Larry Grossman, 1123 Powhatan Street, spoke in favor of the proposed project. Mr. Grossman requested that Council include more of a commitment to achieve a green building and include more bicycle racks underground and at grade. Mr. Grossman also requested that the type and amount of public art not be limited in the proposed development.

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

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

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the recommendation of the Planning Commission with the following modifications: (1) the addition of condition #101 stating, "the applicant shall relocate 2-3 units that are recommended to be eliminated to minimize the perceived mass and scale on North Henry Street to the satisfaction of the Director of Planning and Zoning;" (2) to include language in condition #16(2) concerning additional bike racks stating, "the applicant shall reserve additional spaces for expansion to the satisfaction of the Director of Transportation and Environmental Services;" (3) include language in condition #85 that gives staff the option of allowing the developer to make a monetary contribution of \$1 million to the Housing Trust Fund in lieu of the 5 affordable units; (4) remand the restaurant special use permit back to the Planning Commission for public hearing and public comment; (5) modify the language in condition 17(j) to state, "A public art feature that is an appropriate scale for the space shall be provided and permanently mounted within the public pocket park, located in consultation with the Director of Planning and Zoning and the Arts Commission;" (6) include language in condition #40 stating, "the applicant shall develop a plan of communication with the community in consultation with the Departments of Planning and Zoning and Transportation and Environmental Services;" and (7) encourage the applicant to work with Habitat for Humanity Restore program for reuse of leftover building materials. The voting was as follows:

Gaines	"aye"	Krupicka	"aye"
Pepper	"aye"	Macdonald	"aye"

Euille "aye" Smedberg "aye"  
Woodson "aye"

17. TEXT AMENDMENT #2004-0008

AMENDMENT TO NONCOMPLYING USE REGULATION APPLICABLE TO  
COAL FIRED POWER PLANTS

Public Hearing and Consideration of a request for a text amendment to the Zoning Ordinance to revoke the noncomplying use status of coal fired power plants, which was granted in 1992, and to categorize such plants as nonconforming uses, subject to abatement. Applicant: City of Alexandria, City Attorney's Office.

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17, 11/13/04, and is incorporated as part of this record by reference.)

City Attorney Pessoa gave Council a brief summary of the proposed text amendment.

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

(a) Katy Cannady, 20 East Oak Street, speaking on behalf of the Rosemont Civic Association, spoke in favor of the text amendment.

(b) Michael E. Hobbs, 419 Cameron Street, spoke in favor of the text amendment.

(c) Jim Butler, 406 Skyhill Road, spoke in favor of the text amendment.

(d) Lillian J. White, 119 West Mason Avenue, spoke in favor of the text amendment.

(e) Sheila A. Foote, 307 Yoakum Parkway, #1020, spoke in opposition to the text amendment.

(f) Elizabeth Chimento, 1200 North Pitt Street, spoke in favor of the text amendment.

(g) Victoria R. Gross, 3217 Kingsway Road, Fort Washington, Maryland, spoke in opposition to the text amendment.

(h) Dexter J. Hansford, 6213 Lee Place, Capital Heights, Maryland, spoke in opposition to the text amendment.

(i) Roger Waud, 501 Slaters Lane, #1203, spoke in favor of the text amendment.

(j) Poul Hertel, 1217 Michigan Court, spoke in favor of the text amendment.

(k) Craig Glazer, Suite 600, 1200 G Street, NW, Washington, DC, spoke in opposition to the text amendment. Mr. Glazer, representing PJM, stated that there would be reliability implications that would result from Council closing the Mirant Plant. Mr. Glazer answered questions and participated in a discussion with Council.

(l) Lee Davis, 605 Fontaine Street, Vice President Mirant Mid-Atlantic, spoke in opposition of the text amendment.

(m) David Kramer, 1300-1400 North Royal Street, Group Leader Air Management Services for Mirant, spoke in opposition of the text amendment.

(n) Hula Edmonds, 1300-1400 North Royal Street, Director of General Operations, Potomac River Power Plant, spoke in opposition of the text amendment.

(o) Harry P. Hart, 307 North Washington Street, attorney representing Mirant, spoke in opposition to the text amendment. Mr. Hart noted the submission of letters from employees speaking in opposition to the text amendment.

(p) Julie Crenshaw, 816 Queen Street, spoke in favor of the text amendment and briefed Council on some of the alternatives power sources that could be used in place of the Mirant plant.

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

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

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

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

18. VACATION #2004-0001

700 SOUTH LEE STREET

Public Hearing and Consideration of a request for a vacation of a public right-of-way; zoned RM/Residential Medium. Applicant: Ruby R. Schropp (Deferred from the 9/21/04 meeting)

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

(A copy of the Planning Commission report dated September 9, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No 18, 11/13/04, 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 closed the public hearing. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation. The following viewers were appointed: Rodger Digilio, Gila Harris and John Hines. The voting was as follows:

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

19. 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 (Deferred from the 9/21/04 and 10/16/04 meetings)

PLANNING COMMISSION ACTION: RECOMMEND DENIAL 7-0

(A copy of the Planning Commission report dated November 4, 2004, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No 19, 11/13/04, and is incorporated as part of this record by reference.)

Director Fogarty gave a brief overview of the proposed project and responded to questions from Council.

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

- (a) Duncan Blair, 524 King Street, attorney for the applicant, spoke in favor of the request and gave a brief history of the property and explained how the applicant had improved the plans since presentation to the Planning Commission. Mr. Blair also answered questions from Council.
- (b) Brett Rice, 301 Laverne Avenue, spoke in favor of the project.
- (c) Victor Bonomi, 303 Laverne Avenue, spoke in favor of the project.
- (d) James Peoples, 400 Clifford Avenue, spoke in favor of the project.
- (e) Sarah S. Pearson, 210 Laverne Avenue, spoke in opposition of the project.
- (f) Ed McDermott, 210 Laverne Avenue, spoke in opposition of the project.
- (g) Jack Williams, 211 Laverne Avenue, spoke in opposition of the project.

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

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

**A MOTION WAS MADE** by Councilwoman Woodson and seconded by Councilman Smedberg, to reverse the Planning Commission recommendation and approve the Special Use Permit request.

**WHEREUPON**, a substitute motion was made by Councilman Krupicka, seconded by Councilman Gaines and carried 4-3, to upheld the recommendation of denial by the Planning Commission. The vote to accept the substitute motion was as follows:

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

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried 5-2, City Council upheld the Planning Commission recommendation

for denial. The voting was as follows:

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

## ORDINANCES AND RESOLUTIONS

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Convert Four Designated Positions on the Sister Cities Committee For Representatives From the Police Department, Fire Department, Alexandria Convention and Visitors Association and the School Board to Four Citizen Voting Members. (#15, 11/9/04)(**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, 11/13/04, 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, 11/13/04, and is incorporated as part of this record by reference.)

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

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

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll call vote, City Council passed the ordinance to convert four designated positions on the Sister Cities Committee for representatives from the Police Department, Fire Department Alexandria Convention and Visitors Association and the School Board to four voting members. The voting was as follows:

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

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

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR (21-22)**

**Planning Commission (continued)**

21. SPECIAL USE PERMIT #2004-0089  
1300 & 1400 NORTH ROYAL STREET  
MIRANT POTOMAC RIVER GENERATING STATION  
Public Hearing and Consideration of a request for the revocation of Special Use Permit #2296, granted in 1989, which approved the construction and use of 18,000 square feet of administrative offices, laboratories, conference, training and other space at the Mirant Potomac River Generating Station. Applicant: City of Alexandria, City Attorney's Office.

PLANNING COMMISSION ACTION: DEFERRED

22. SPECIAL USE PERMIT #2004-0090  
1300 & 1400 NORTH ROYAL STREET  
MIRANT POTOMAC RIVER GENERATING STATION  
Public Hearing and Consideration of a request for the revocation of Special Use Permit #2297, granted in 1989, which approved the Transportation Management Plan required for the Mirant Potomac River Generating Station. Applicant: City of Alexandria, City Attorney's Office

PLANNING COMMISSION ACTION: DEFERRED

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

City Council noted the deferrals.

23. Receipt of Report on the Transportation Management Plan (TMP) and Guest Parking for the Park Tower Condominium Located at 4380 King Street.

**WHEREUPON**, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper and carried unanimously, City Council received the report on the Transportation Management Plan (TMP) and Guest Parking for the Park Tower Condominium located at 4380 King Street. The voting was as follows:

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

**New Business Item #2: WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, City Council adopted a resolution to come out of the executive session meeting held this week for conducting follow-up interviews with candidates for City Manager. The voting was as

follows:

Woodson	"aye"		
Smedberg	"aye"		
Euille		"aye"	

**RESOLUTION NO. 2123**

**WHEREAS**, at its regular meeting held on the 9th day of November, 2004, City Council moved to convene a subcommittee thereof designated by the Mayor in closed executive session from time to time, at the call of the Mayor, and within 15 days of that date, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, for the purpose of conducting follow-up interviews for the position of city manager, pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the subcommittee members that such closed executive sessions were conducted in accordance with Virginia law;

**NOW THEREFORE, BE IT RESOLVED** that the City Council subcommittee does hereby certify that, to the best of subcommittee member's knowledge, only public business matters that were identified in the motion by which the closed executive sessions were convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by the subcommittee during the closed executive sessions, and

**BE IT FURTHER RESOLVED** that the City Clerk include this resolution in the record of said meeting.

**New Business Item #3:** WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Smedberg and carried unanimously, City Council adopted a motion for the City Council to convene in closed executive session, Saturday, November 20, 2004 at 8:00 a.m., pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, for the purpose of discussing the appointment of the new City Manager. The voting was as follows:

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

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**WHEREUPON**, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously, City Council adjourned the meeting at 5:15 p.m. The voting was as follows:

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

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APPROVED BY:

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**WILLIAM D. EUILLE, MAYOR**

ATTEST:

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Gloria A. Sitton      Deputy City Clerk