

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, April 22, 2006 - - 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. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Johnson, Director, Office of Management and Budget (OMB); Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Mr. McCobb, Transportation and Environmental Services; Mr. Neckel, Director, Finance; Mr. Farner, Planning and Zoning; Mr. Phipps, Planning and Zoning; Ms. Peterson, Urban Planner, Planning and Zoning; Mr. Smith, Planning and Zoning; Ms. Ballo, Planning and Zoning; Mr. Webb, Planning and Zoning; Mr. Mason, Acting Public Information Officer /Special Assistant to the City Manager; Ms. Davis, Director, Office of Housing; Ms. Smith-Page, Director, Real Estate Assessments; Police Lt. Uzzell; and Mr. Lloyd.

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 the Members of City Council were present.

2. Public Discussion Period.

(a) Susan Crabtree, 15 Sunset Drive, spoke of damage to her and her neighbor's property with the City's assessment division and a government contractor's insurance company over its failure to compensate them for sewer line breakage that created a back-up in their homes at 15 and 11 Sunset Drive, in Rosemont, which caused \$8,000 to \$10,000 damage to each of the households. One of the sub-contractors for AT&T fiber-optic lines, JC Roman Construction Company, was

granted the right to bore under their homes and the City secured a bond for the job. Ms. Crabtree said the City and JC Roman are washing their hands of it and are refusing to take responsibility for the damage. She noted that she sent a detailed accounting of the problem to the Mayor and Council.

City Attorney Pessoa noted that this was not a City contractor - it was a private/public utility that had their contractor in the right-of-way, they did have a permit from the City with two bonds, in the amount of \$5,000 each, to make sure they closed up the street after they were through. Under the City Code, the laterals, which is the part of the sewer line that was damaged, is the responsibility of the homeowner to maintain, but the City did hire and pay a company to make the repairs to the line because of the circumstances. He said the City has no liability, but does have a license agreement with the telecom provider and he would pursue using that license agreement to ensure that the telecom provider makes these people whole, as they were the responsible party who hired the contractor who caused the sewer disruption to the properties. He said that learning from this experience, they will put in a provision to deal with damage to adjacent private property.

Mayor Euille suggested that all parties get together to talk out the impacts and try to come up with a win-win solution.

Mr. Pessoa said he would sit down to try to resolve the issue, along with the Risk Manager and someone from Transportation and Environmental Services.

(b) Edithann Jennings, 11 Sunset Drive, said she is encouraged that the City Attorney is willing to discuss the problem with JC Roman. Since the City granted the work to be done, she thought the City should stand up and protect her as it should stand up for any citizen. The companies - JC Roman and Woodlawn Construction - may do work in the City again and harm other citizens. She said the two companies should not be allowed to work in the City again until they pay for the damages they have caused.

(c) Jim Hurysz, 127 S. Fairfax Street, spoke about Earth Day concerns and the environment, of the U.S. Congress's 2005 Energy Policy Act, energy conservation and tax credits.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-6)

Planning Commission

3. SPECIAL USE PERMIT #2006-0009
3575 JEFFERSON DAVIS HIGHWAY
REGAL ENTERTAINMENT GROUP
Public Hearing and Consideration of a request for a special use permit to amend

the hours of a movie theater; zoned CDD-1/Coordinated Development District.
Applicant: Regal Entertainment Group by John H. Boggs

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 4/22/06, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2006-0011
5416 EISENHOWER AVENUE (Parcel Address: 5400 Eisenhower Ave.)
YOGA STUDIO
Public Hearing and Consideration of a request for a special use permit to operate a yoga studio (commercial school); zoned OCH/Office Commercial High.
Applicant: James Ambrogi

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 4/22/06, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2005-0137
3912 ELBERT AVENUE
COMMUNITY LODGINGS
Public Hearing and Consideration of a request for a special use permit for a community center and not-for-profit facility and for a parking reduction; zoned RA/Residential. Applicant: Community Lodgings, Inc., by Bonnie Baxley

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 4/22/06, and is incorporated as part of this record by reference.)

6. VACATION #2006-0001
100 UHLER TERRACE
Public Hearing and Consideration of request for a vacation of public right-of-way; zoned R-8/Residential. Applicant: Cynthia Caples Trust by John Thorpe Richards, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 4/22/06, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Macdonald, seconded by Councilman Smedberg and carried unanimously, City Council approved the action consent calendar, with the removal of items #3 and 6, as follows:

- 4. City Council approved the Planning Commission recommendation.
- 5. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

- 3. SPECIAL USE PERMIT #2006-0009
3575 JEFFERSON DAVIS HIGHWAY
REGAL ENTERTAINMENT GROUP
Public Hearing and Consideration of a request for a special use permit to amend the hours of a movie theater; zoned CDD-1/Coordinated Development District.
Applicant: Regal Entertainment Group by John H. Boggs

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 4/22/06, and is incorporated as part of this record by reference.)

Councilman Krupicka asked questions about the opening hours and the additional staff request of the applicant, which were answered by Ms. Peterson.

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

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

- 6. VACATION #2006-0001
100 UHLER TERRACE
Public Hearing and Consideration of request for a vacation of public right-of-way;

zoned R-8/Residential. Applicant: Cynthia Caples Trust by John Thorpe Richards, attorney.

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 4/22/06, and is incorporated as part of this record by reference.)

Councilman Smedberg asked about the financial aspect of this and how they would be assessed, which was addressed by Real Estate Director Smith-Page.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with the stipulation that if the Norway Pine does not make it, the owner would plant a native tree acceptable to the City Arborist and at least 15 feet in height, and with an additional condition to require the payment of the designated fee as stated by the Assessor. The voting was as follows:

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

Mayor Euille appointed the following viewers for this property: Katrine Fitzgerald, Judy Lowe and Kellie Meehan (chair.)

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

7. Public Hearing on the City's FY 2007 Draft One-Year Action Plan for Housing and Community Development.

(A copy of the City Manager's memorandum dated April 18, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 4/22/06, and is incorporated as part of this record by reference.)

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

(a) Michelle L'Heureux, 1120 S. Alfred Street, Apt. 203B, said members of the Alexandria Affordable Housing Advisory Committee support the draft of the Plan.

(b) Nancy Carson, 301 W. Masonic View, representing Housing Action, said their efforts to produce a comprehensive plan have been joined by 26 groups, and she complimented the Department of Housing and the Director, Ms. Davis, for coming up with a fine consolidated Plan and said they look forward to working with the City.

(c) Katy Cannady, 20 E. Oak Street, complimented the work of the people that devoted a lot of time on this and said they need more affordable housing.

WHEREUPON, upon motion by Councilman Gaines, seconded by Councilwoman Woodson and carried unanimously, City Council held the public hearing, accepted the report and asked that there be a work session before the end of the fiscal year on the Plan. The voting was as follows:

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. MASTER PLAN AMENDMENT #2005-0006
POTOMAC YARD
FOR THE PROPERTIES BOUNDED BY FOUR MILE RUN, JEFFERSON DAVIS HIGHWAY, BRADDOCK ROAD, SLATERS LANE AND THE GEORGE WASHINGTON MEMORIAL PARKWAY
Public Hearing and Consideration of a request for: (1) a revision to the transportation chapter of the City's Master Plan to designate Route 1-Jefferson Davis Highway as the route for transit-bus rapid transit (2) amendment to the City of Alexandria Zoning Ordinance to revise the CDD Zone regulations, Section 5-600, to designate Route 1- Jefferson Davis Highway as the route for transit-bus rapid transit. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION Recommend Approval as Amended
6-0

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8, 4/22/06, and is incorporated as part of this record by reference.)

Mr. Culpepper and Mr. Phipps made a presentation of the staff report and responded to questions of Council.

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

(a) Katy Cannady, 20 E. Oak Street, said she supports BRT everywhere in the City where it can be placed, but Route 1 is not the place. The BRT needs to be where the development is and where it is envisioned to be in the 1999 Potomac Yard Plan. Ms. Cannady said there needs to be as much segregation between major traffic and the BRT lines as it can get.

(b) David Fromm, 2307 E. Randolph Avenue, spoke of the maps he passed out to Council, the ridership numbers, the character of Main Street, and using circulator buses.

(c) Amy Slack, 2307 E. Randolph Avenue, co-chair of the land use committee of the Del Ray Citizens Association, said Potomac Yard was intended to be a mass-transit oriented and pedestrian friendly community and widening Route 1 would not help the transition between the communities and help to divide rather than unite them. She asked if a parking district would be considered and would the cost of enforcing it be off-set by the increase in ridership.

(d) Boyd W. Walker, 922 Cameron Street, said he is against the proposal as the transit corridor should be on Main Street in Potomac Yard. He said the issue is not where to build it, but when it will be built and it will be built sooner if it can get the developer to put the infrastructure in the Yard. He said there is not community consensus that it should be on Route 1.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Krupicka, City Council closed the public hearing. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Krupicka and carried 6-0, City Council approved the Planning Commission recommendation, with the inclusion of language on exclusive transit use, which will come back in the ordinance language. The voting was as follows:

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

9. MASTER PLAN AMENDMENT #2006-0003
REZONING #2006-0001 (OLD AND HISTORIC ALEXANDRIA DISTRICT MAP AMENDMENT)
1500, 1502, 1504, 1506, 1508, 1510, 1512, 1514, 1518, 1520, 1522, 1524, 1600, 1602, 1604, 1606, 1608, 1610, 1612, 1614 King Street 101,103, 105 South Peyton (zoned KR/King Street Urban Retail Zone)
1602, 1604 DeChantal Street (zoned OCH/Office Commercial High)
Public Hearing and Consideration of a request (a) to amend the City's Master Plan, adopting the new boundaries of the Old and Historic Alexandria District,

and (b) an amendment to the City of Alexandria zoning map to reflect the new boundaries of the Old and Historic Alexandria District. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION:

MPA#2005-0004 Recommend Approval 6-0
REZ#2005-0006 Recommend Approval 6-0

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 4/22/06, and is incorporated as part of this record by reference.)

Mr. Phipps and Ms. Ballo of the Office of Planning and Zoning made a presentation of the staff report and answered questions of Council.

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

(a) Katy Cannady, 20 E. Oak Street, Upper King Street Preservation Group member, said she is in favor of saving the buildings from the 30's and 20's and they are historic, and it is a shame it wasn't recognized a long time ago, or at least a few years ago.

(b) Boyd W. Walker, 922 Cameron Street, said he is also a member of the Upper King Street Preservation Group, and he noted the other members of the Group. He said it is good to do the expansion quickly, as they have already lost 1514 and 1516 King Street and most of 1600 and 1602 King Street. He said he hoped there would be money in the budget to do the survey of Parker-Gray and Old and Historic District, and he said when the book is re-written, he hoped they include the other districts throughout the City.

(c) Lillian J. White, 119 W. Mason Avenue, said Alexandria would be less interesting, charming and unique without its historical and cultural experiences, and it offers a range of historical and architectural structures that house the residents and businesses, particularly along King Street, including the 100 year old buildings at 1500 King Street, the Coca-cola plant and the row houses along King Street. Ms. White spoke about National Preservation Month in May.

(d) Lee Quill, 206 East Spring Street, said he is a resident and an architect for a project at 1604-1614 and noted items about the project and design and alterations to the project.

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

Krupicka "aye" Pepper "aye"

Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

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"	

Board of Architectural Review

- Public Hearing and Consideration of an Appeal of the Board of Architectural Review for Case No. BAR-2006-0001, an Appeal of the Board's decision approving demolition/encapsulation and for Case No. BAR 2006-0002, a decision approving alterations and construction of an addition at 809 S. Lee Street, zoned RM Residential. Applicant: Michael and Allyson Hazzard. Appellant: Gina Moran, on behalf of petitioners.

(A copy of the Planning Commission report dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 4/22/06, and is incorporated as part of this record by reference.

A copy of the appeal is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10, 4/22/06, and is incorporated as part of this record by reference.)

Mr. Phipps, along with Mr. Webb, made a presentation of the staff report and responded to questions of Council. Mr. Oscar Fitzgerald, representing the Board of Architectural Review, spoke in support of the applicant and the BAR's decision.

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

- Lonnie Rich, attorney representing the appellants, Rich and Gina Moran, spoke in support of the appeal.
- Glenn Sandlin, 204 Jefferson Street, spoke in support of the appeal.
- Kim Stamatina, 208 Jefferson Street, spoke in support of the appeal.
- Megan Dowler, 204 Jefferson Street, read a letter from her neighbors Linda and Dave Signori of 210 Jefferson Street, in support of the appeal and said she herself is also in support of the appeal.

- (e) Julie Guiffre, 212 Jefferson Street, spoke in support of the appeal.
- (f) Tom Downey, 823 S. Lee Street, spoke against the appeal.
- (g) Kay Downey, 823 S. Lee Street, spoke against the appeal.
- (h) Teresa Miller, 808 S. Lee Street, spoke as a board member of the civic association, said the association did not take a position on this as the association does not to take positions on individual property disputes and only to take positions on issues that are of unanimous agreement in the neighborhood. Ms. Miller said that speaking as a neighbor, she is opposed to the appeal.
- (i) Tara Moran, 206 Jefferson Street, spoke in support of the appeal.
- (j) Gina Moran, 206 Jefferson Street, spoke in support of the appeal.
- (k) Rebecca Bostick, 1819 Drury Lane, architect for Mike and Allyson Hazzard, spoke against the appeal.
- (l) John Wilson, 819 S. Lee Street, spoke against the appeal.
- (m) Paul Miller, 800 S. Lee Street, spoke against the appeal.
- (n) Eve Capps, 824 S. Lee Street, spoke against the appeal.
- (o) Mike Hazzard, 809 S. Lee Street, spoke against the appeal.
- (p) Allyson Hazzard, 809 S. Lee Street, spoke against the appeal.
- (q) Ted Mannon, 831 S. Lee Street, spoke against the appeal.
- (r) RaeAnn Miller, 800 S. Lee Street, spoke against the appeal.
- (s) Judith Shehan, 720 S. Lee Street, spoke against the appeal.
- (t) Robert Shehan, 720 S. Lee Street, spoke against the appeal.
- (u) Yvonne Weight Callahan, 735 S. Lee Street, spoke against the appeal.
- (v) Rich Moran, 206 Jefferson Street, spoke in favor of the appeal.
- (w) Duncan Blair, 524 King Street, spoke against the appeal.

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

was as follows:

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

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried 6-1, City Council upheld the decision of the Board of Architectural Review and denied the appeal. The voting was as follows:

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

City Attorney Pessoa noted that the Charter and Zoning Ordinance provide that if Council makes written findings, that those are conclusive in any judicial review of Council's decision, and he said he would bring written findings back on April 25, reflecting the discussion today and Council can then adopt those. (The April 25, 2006, memo is incorporated into this record by reference.)

ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading and Final Passage of an Ordinance Making Supplemental Appropriations for FY 2006. (#16, 4/11/2006) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 04/22/06, 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. 11; 04/22/06, 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. 11; 04/22/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council closed the public hearing and passed an ordinance making supplemental appropriations for FY 2006. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4440

AN ORDINANCE making supplemental appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2006.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2006, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2005, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2006, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office on Women	\$ 2,022
Commonwealth Attorney	<6,071>
Fire	60,198
Police	666,130
Housing	1,210,953
Human Services	1,683,086
Recreation	1,405
Total Estimated Revenue	<u>\$ 3,617,723</u>

APPROPRIATION:

Office on Women	\$ 2,022
Commonwealth Attorney	<6,071>
Fire	60,198
Police	666,130
Housing	1,210,953
Human Services	1,683,086
Recreation	1,405
Total Appropriations	<u>\$ 3,617,723</u>

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

12. Public Hearing and Second Reading of an Ordinance to Increase the Real Estate Tax Exemption Available to Elderly or Disabled Residents. Adoption is scheduled for April 24, 2006. (#17, 4/11/2006)

(A copy of the City Manager's memorandum dated April 4, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 04/22/06, 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. 12; 04/22/06, 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. 12; 04/22/06, and is incorporated as part of this record by reference.)

Mayor Euille asked staff to clarify the documents that were sent to Council last evening.

Mr. Jinks said there is information for both this item and item #13, and he explained the changes in income eligibility, benefits and the asset limit, and increases in deferral income ceiling, which were funded in the base budget. In the add-delete

discussions to date, Council has added an additional \$175,000 in regard to the asset ceiling, because as of next January, the asset ceiling would go to \$540,000.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried unanimously, City Council closed the public hearing and noted adoption is scheduled for April 24, 2006. The voting was as follows:

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

13. Public Hearing and Second Reading of an Ordinance to Increase the Real Estate Tax Assistance Available to Limited Income Residents. Adoption is scheduled for April 24, 2006. (#18, 4/11/2006)

(A copy of the City Manager's memorandum dated April 8, 2004, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 04/22/06, 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. 13; 04/22/06, 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. 13; 04/22/06, and is incorporated as part of this record by reference.)

Mr. Jinks said that two years ago, Council became the first jurisdiction in the State to establish a real estate tax relief through providing grants on tax bills to low and moderate income households. Last year, he said, the benefits of that was increased as well as the program has been benchmarked at the average real estate assessment for the average house. That also went up last year. This year, he said, what is proposed is approximately doubling of the program in regard to the cost of it, and that does a number of things - increases the maximum for an eligible house from \$442,000 to \$527,000, and then it increases the maximum credits. He said the budget memo sent out yesterday explains what the legal authorities are and aren't, as well as what the upper end limits of the program could be - the income ceilings could be higher if Council so wished to fund that.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper, City Council closed the public hearing and noted adoption is scheduled for April 24, 2006.

Councilman Krupicka said he didn't want to make any additional changes, but he

suggested that they put together, after the budget process is over, a small committee of people, maybe some Councilmembers and staff, to look into additional things they could request from the General Assembly in order to expand or modify the tax rebate and other programs. He said he is sensitive to pushing the limits on what the state law currently lets them do without having a specific plan in place.

Councilwoman Woodson said it would appear the State Law allows them to go to this amount, and if they are looking to make these kind of opportunities available for the largest number of residents who need tax relief, then this is an opportunity to put their money where their mouth is. She said she is not sure that there is any reason not to allow staff to go ahead and do what is necessary to bring it as an option on Monday.

Council asked staff to work out options for allocation of monies and leaving a cushion in the fund balance, to be considered April 24, 2006.

The motion carried unanimously and is as follows:

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

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the CDD Zone Regulations Applicable to the Realigned Monroe Avenue Bridge. (#19, 4/11/2006) **(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. 14; 04/22/06, 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. 14; 04/22/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council passed the ordinance to amend the CDD zone regulations applicable to the Realigned Monroe Avenue Bridge. 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. 4441

AN ORDINANCE to amend and reordain Section 5-605 (PRELIMINARY DEVELOPMENT PLAN APPROVAL), under Section 5-600 (CDD/COORDINATED DEVELOPMENT DISTRICT) of the City of Alexandria Zoning Ordinance, by adding thereto a new Subsection (M) (SPECIFIC EXCEPTIONS TO COMPLIANCE WITH APPROVED CONCEPT PLANS), in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2005-0008.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2005-0008, the planning commission recommended against an application to revise the CDD Zone regulations to allow for a revised Monroe Avenue connection for the realigned Monroe Avenue Bridge, and
2. On March 14, 2006, the City Council by seven votes determined to proceed with adoption of Text Amendment No. 2005-0008, as amended by council, for the reasons stated in the record, and
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 Section 5-605 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding there to a new Subsection (M), to read as follows:

5-605 Preliminary development plan approval.

(M) Notwithstanding the provisions of subsection (J) of this section and of any approved conceptual design plan, the following required and permitted changes from an approved conceptual design plan shall be required or permitted, as as hereinafter expressly provided. Such required or permitted changes shall apply to the approval of a preliminary development plan or site plan subject to such conceptual design plan, which is approved on or after the effective date as prescribed below:

1. Reserved.
2. (a) (1) Within CDD No. 10 (Potomac Yard/Potomac Greens) the vehicular and pedestrian Monroe Avenue connection to Route 1-Jefferson Davis Highway shall be constructed as depicted in the Alternative Concept Plan, approved by city council in 2003, which design accommodates, should the city council and school board later determine that a need exists, sufficient

land as a site for a public elementary school in general conformity with the school depicted in the Potomac Yard Site Analysis, Alexandria City Public Schools, Option 1(A), prepared by Grimm + Parker, Architects, dated February 7, 2006.

(2) Notwithstanding subparagraph (a) (1), sufficient land area shall be reserved to permit the reconstruction of such connection to conform to the design as generally depicted in Option 2 (two-way slip ramp), as prepared by Christopher Consultants, dated December 19, 2005; provided, however, that such reservation to permit the construction of the two-way slip ramp shall not be effective in the event that city council actually authorizes and funds the construction of a public elementary school, the site layout and design of which would conflict with or preclude such reservation of land.

(b) Should city council subsequently approve the reconstruction (two-way slip ramp) depicted in Option 2, as described in subparagraph (a)(2) above, then and in such an event, and as a condition precedent to the approval of such reconstruction—the city council, in coordination with the school board, shall identify, reserve and keep available an adequate and equivalent land area in and around CDD No. 10 for the construction, should council authorize and fund such construction, of a public elementary school comparable in function to the school as depicted in the Potomac Yard Site Analysis, Alexandria City Public Schools, Option 1A, as prepared by Grimm + Parker, Architects, dated February 7, 2006.

(c) In connection with the activities described in subparagraph (b) above, the city council may consider the redesign of Simpson Park, additional density within CDD No. 10, and/or the reallocation of approved density within said CDD, to the extent reasonably necessary to secure such land area for a public elementary school, and to secure separate open space areas which are in reasonable conformity with guidelines adopted by the city and state, including without limitation the Potomac Yard Urban Design Guidelines, and accommodate the population growth anticipated with the CDD, in addition to the land area for such elementary school.

(d) This paragraph (2) shall be effective April 22, 2006. Plans referenced in this paragraph are included in the record of Docket Item No. 6, at the February 25, 2006 public hearing meeting of city council.

Section 2. That Section 5-605, 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 on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning

Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, 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 the Zoning Ordinance.

- 15. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the CDD Zone Regulations to Establish the Eisenhower East Design Review Board, and Provide For Board Review of Development in CDD No. 2 and CDD No. 11 and Under the Carlyle SUP. (#20, 4/11/2006) **(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. 15, 4/22/06, 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. 15, 4/22/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed the ordinance to amend the CDD zone regulations to establish the Eisenhower East Design Review Board, and provide for Board review of development in CDD No. 2 and CDD No. 11 and under the Carlyle SUP. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4442

AN ORDINANCE to amend and reordain Section 5-600 (CDD/COORDINATED DEVELOPMENT DISTRICT of the City of Alexandria Zoning Ordinance, by adding thereto a new Section 5-611 (EISENHOWER EAST DESIGN REVIEW BOARD), and to make conforming amendments to Table 1 (COORDINATED DEVELOPMENT DISTRICTS) of Section 5-602(A), in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2005-0006.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2005-0006, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, on its own motion initiated an amendment to the Zoning Ordinance to implement the Eisenhower East Design Review Board, in accordance with the Eisenhower East Small Area Plan;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

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 Section 5-600 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding there to a new Section 5-611, to read as follows:

Section 5-611 Eisenhower East Design Review Board.

- (A) There is hereby established by ordinance the Eisenhower East Design Review Board.
- (B) The Eisenhower East Design Review Board shall consist of five members selected as follows: (1) one member of city council, selected by the council following a council election for a three-year term, (2) the city manager or designee, (3) one citizen member residing in the area served by the board, and selected annually by the council, and (4) two qualified professionals skilled in architecture or urban design, who shall be selected annually by the foregoing three members.
- (C) The purpose of the Eisenhower East Design Review Board is to review applications under this ordinance, within CDD No. 2 (Eisenhower Avenue Metro) and CDD No. 11 (South Carlyle), and for properties in CDD No. 1 (Duke Street) on which development is governed by any special use permit which authorizes or requires design review by the Carr/Norfolk Southern (Carlyle) Design Review Board. Applications within CDD No. 2 and CDD No. 11 are to be reviewed for compliance with the Eisenhower East Small Area Plan and the Eisenhower East Design Guidelines, as adopted by the planning commission. Applications within CDD No. 1 are to be reviewed for compliance with the applicable urban design guidelines therein. The board will make recommendations on such applications to the planning commission and city council through the director.
- (D) The director shall send to the board a copy of any application subject to its review, and the board shall send its comments to the director in time to be

sent to the planning commission together with the staff report on the application. Each applicant shall discuss their application with the board prior to filing.

- (E) The board and director shall establish a regular schedule which provides for meeting at least once per calendar quarter. Additional meetings may be called by the chair of the board and the director.
- (F) The Eisenhower East Design Review Board shall assume and perform all the functions of the Carr/Norfolk Southern (Carlyle) Design Review Board.

Section 2. That Table 1 of Section 5-602(A) be, and the same hereby is, amended to by adding the following language to CDD No. 2, Eisenhower Avenue Metro, under the heading "Maximum F.A.R. and/or Development Levels:

All proposed development shall be reviewed for compliance with the design guidelines by the Eisenhower East Design Review Board.

Section 3. That Table 1 of Section 5-602(A) be, and the same hereby is, amended to by adding the following language to CDD No. 11, South Carlyle, under the heading "Maximum F.A.R. and/or Development Levels:

All proposed development shall be reviewed for compliance with the design guidelines by the Eisenhower East Design Review Board.

Section 4. That Section 5-600, as amended by this ordinance be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That the members of the Carr/Norfolk Southern (Carlyle) Design Review Board in office on the effective date of this ordinance shall continue in office for the balance of their respective terms, as the members of the Eisenhower East Design Review Board.

Section 6. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, 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 the Zoning Ordinance.

16. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Article XIII, Environmental Management, of the Zoning Ordinance. (#21, 4/11/2006) **(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. 16, 4/22/06, 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. 16, 4/22/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed an ordinance to amend Article XIII, Environmental Management, of the Zoning Ordinance. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4443

AN ORDINANCE to amend and reordain Article XII (CHESAPEAKE BAY ENVIRONMENTAL MANAGEMENT) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2006-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2006-0001, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, on its own motion initiated an amendment to the Zoning Ordinance to bring the City's Chesapeake Bay regulations into full compliance with current state law;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated, and

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 Article XII of the City of Alexandria Zoning Ordinance be,

and the same hereby is, amended to read as shown on Attachment 1, incorporated herein fully by reference.

Section 2. That Article XII, 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 on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, 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 the Zoning Ordinance.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (17)

Planning Commission (continued)

17. SPECIAL USE PERMIT #2006-0007
1561 POTOMAC GREENS DRIVE
JW SALONS AND DAY SPA, LLC
Consideration of a request for a special use permit to operate a massage therapy facility within a salon and spa; zoned CDD-10/Coordinated Development District. Applicant: John W. Hall

PLANNING COMMISSION ACTION: Deferred

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, the public hearing meeting of April 22, 2006, was adjourned at 1:43 p.m. The voting was as follows:

Krupicka
Pepper
Euille

"aye"
"aye"
"aye"
Woodson

Gaines "aye"
Macdonald "aye"
Smedberg "aye"
"aye"

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson, CMC City Clerk