

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, April 14, 2012 - - 9:30 a.m.**

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia R. Hughes, Redella S. Pepper and Paul C. Smedberg.

Absent: Member of Council K. Rob Krupicka.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Johnson, Chief of Staff, City Manager's Office; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Police Captain Ogden; Fire Chief Thiel; Ms. Taylor, Assistant Director, Office of Management and Budget; Ms. Triggs, Acting Chief Financial Officer; Ms. Hamer, Director, Planning and Zoning; Ms. Wright, Division Chief, Planning and Zoning; Mr. Wagner, Planning and Zoning; Ms. McVary, Planning and Zoning; Mr. Geratz, Planning and Zoning; Mr. Catlett, Director, Office of Code Administration; Ms. Harris, Communications Officer, Office of Communications; Ms. Baker, City Engineer, Transportation and Environmental Services; Mr. Melkerson, Transportation and Environmental Services; Ms. Davis, Director, Office of Housing; Mr. Keeler, Office of Housing; Ms. Bryan, ITS; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council.

OPENING**1. Calling the Roll.**

Mayor Euille called the meeting to order and the City Clerk called the roll. All the members of Council were present, with the exception of Councilman Krupicka, who had an excused absence. (Councilwoman Hughes arrived at 9:40 a.m.)

2. Public Discussion Period.

(1) Kathleen Pepper, 5320 Thayer Avenue, chair, Alexandria Archeological Commission, spoke in support of the Waterfront Committee's proposal to change their status to that of a commission instead of a committee.

(2) John Long, 801 N. Fairfax Street, president/CEO, Alexandria Chamber of Commerce, introduced himself to Council and said he is pleased to work with the City. He said on the budget, they ask that Council consider rebalancing the real estate base

to 50 percent residential and 50 percent commercial. He suggested they look at the expansion of the tax base in different ways to be able to do that and the Chamber would be pleased to work with Council.

(3) Bert Ely, 200 S. Pitt Street, said he was a member of the Waterfront Plan Workgroup and is involved with the Citizens for an Alternative Alexandria Waterfront Plan and helped to gather signatures for the protest against the W1 zoning change. He said he was ecstatic yesterday when the Board of Zoning Appeals ruled that the Planning Director had improperly denied the zoning protest. He said he was pleased that the BZA recognizes the protest rules are far too ambiguous and too easily sidestepped by City staff and adopted a motion recommending that Council create a workgroup to develop recommendations for clarifying and improving the zoning protest procedures. He urged Council to accept the BZA ruling and to not appeal to the Circuit Court.

(4) Andrew Macdonald, 217 N. Columbus Street, said a shot was heard around Alexandria at 1 a.m. on Friday morning when the BZA did the right thing to vote for due process and affirmed the rights of citizens to have a fair and open engagement in City processes. The BZA said that in cases where it has enormous rezoning changes, there should be a right to require a super majority vote on the City Council. The decision halts redevelopment of the Alexandria waterfront. He said citizens didn't have due process and the BZA halted the development of the waterfront, not just for good public process but also because the plan is bad. Mr. Macdonald said lots of money has been spent on the planning process, but it hasn't accomplished very much. He asked how much money has been spent fighting the taxpayers of Alexandria. He said he hoped Council would say they need to go about doing this differently.

(5) Van Van Fleet, 26 Wolfe Street, said he would like to join with the remarks of Bert Ely and Andrew Macdonald. He asked Council to direct the City Attorney and the Planning Director to stop litigating for broader zoning changes. Any changes to the small area plan can be brought forth on an individual basis. Its time to turn the heat down and stop spending taxpayer dollars to satisfy ones ego. He asked that they all work together to ensure the waterfront is maintained and improved upon to the satisfaction of all. He recommended that Council not address the issue in closed session, as there is no reason why Council cannot discuss the issue in full view of the public.

(6) Katy Cannady, 20 E. Oak Street, said she rarely disagrees with Andrew Macdonald but she will today. There is a lot of unused density on the waterfront in the 1992 plan. Somehow, despite it being a property rights state, the majority of Council decided that the landowners of big pieces of property had more rights than the land owners of smaller pieces of property, but that is not the way Virginia sees things. She asked that no more money be spent on this. The BZA's motion was drafted by a member of the BZA who is a partner in a D.C. law firm. She asked that they develop the waterfront under the 1992 plan which has plenty of development rights that are unused today.

(7) Poul Hertel, 1217 Michigan Court, said what is proposed for the George Washington Memorial Parkway is far worse than he described in the *Gazette*. Not only is there a proposal to move the tracks closer to the Parkway and to create a construction zone on the Parkway and build a right in and right out for trucks and mechanical equipment to use, they are also talking about taking down the vegetation and to take one of the GW Parkway lanes and use it for truck traffic only. He said staff is turning into an advocacy group for turning that part of the GW Parkway into a designated truck route and construction zone for a metro station serving Potomac Yard. He said he found it disturbing that the sub total of outreach by the City has been so sporadic. Mr. Hertel said that for 80 years the Parkway has been an integral part of the park system, and he asked why staff is ignoring that in every brief they give.

(8) Jack Sullivan, 4300 Ivanhoe Place, spoke to the use of the George Washington Parkway as a staging area for the construction of the proposed new metro stop. He said for Council to contemplate such a step is highly problematic. Not only would it involve tearing down a significant number of trees and piercing the Parkway with a truck intersection, it would mean turning a significant portion of the Parkway into a truck route. Trucks are not allowed on the Parkway today and why trash it up for an expediency. Mr. Sullivan said in the late 1980's, there was a plan by the prior Council to build a right in right out intersection from Potomac Greens to the Parkway, and it was fought successfully then. He said Council can expect a renewal of that fight that took more than ten years to resolve. He said if the City should wait for a decade to resolve where a metro stop is to be built and how, and where the staging should be, then Council should push forward on breaching the Parkway. Otherwise, tell the Transportation Director and staff to find another solution.

(9) Eyob Abay, 3414 Chelsea Drive, said he works for Alexandria Yellow Cab and spoke of the credit card machines in the cab and they are being charged five percent for every charge, although the banks are charging 2.5 percent. He said they are losing money and are struggling and are tired of working with Alexandria Yellow Cab.

(10) Daniel Berhane, 5340 Holmes Run Parkway, said he is a Yellow Cab driver. He said they are an independent contractor and should have a right within the system. He said his issue is that the new credit card machines have put advertisements on the machines which are interfering with passengers. He said the price increase is not right because with gas being high and expenses with the cab business, it is hard to make a living. He said they have arranged a meeting with the Councilmembers.

(11) Randy Stephens, 5610 Bloomfield Drive, said he is a driver of Yellow Cab and they are independent contractors. He said the system is unfair and they have asked Council to change it. He said the trolley going on Mt. Vernon Avenue will take business out of their pocket. He said they are tired of coming back to Council and he asked Council to fix it to make it fair to everyone so they don't have to keep coming

back to Council.

(12) Thomas Williamson, 205 Tennessee Avenue, representing the Warwick Village Citizens Association, spoke about Hillside Park and the illegal activities in the park, primarily drinking but also drug use and sexual activities. He said they have good support from the Alexandria Police Department and the Parks and Recreation Department, and as a result, last fall Park and Recreation submitted a \$40,000 program for improving the lighting. That project did not make it into the capital improvement plan. Mr. Williamson asked Council's consideration in getting the project into the plan at the earliest year possible.

Vice Mayor Donley asked for a budget memo on the project.

(13) Dino Drudi, 315 N. West Street, thanked the Vice Mayor for his forthrightness regarding the Superintendent of Schools and to urge Council to seriously consider going back to an appointed School Board. What Council has to do is have a School Board that answers to Council, and not Council that answers to the School Board. The problem with the Superintendent is not a defective character, but it is because he is in over his head. Mr. Drudi said the Superintendent is not capable to ask the right questions to catch the stuff before it blows up, and Council needs to say that the Superintendent has to go.

(14) David Fromm, 2307 E. Randolph Avenue, spoke of the section of Randolph Avenue that parallels the old W&OD Railroad right of way, and in the late 1960's/70's, the City acquired it to be a park, unfortunately, part of it was built on. A portion was developed into the Mount Jefferson Park and Greenway, but the remainder was closed for over 30 years. A couple of years ago, part of it was opened without any notification to the residents and Police and Fire and no signage, so it is disconcerting that now, this fall, the Parks and Recreation Commission received and approved a citizen request that will open up the end at Route 1. It is looking at spending \$10-20,000 to do it and potentially \$200,000 to work on the trail. Mr. Fromm said there is no plan revision for this portion of the park. He said they object to the money being spent when there are unfinished projects like the small park at 1 and 7 E. Del Ray.

Mayor Euille asked the City Manager to look into the matter and to ask the Park and Recreation Department to slow the process down and get Council on board.

(15) Kathryn Papp, 504 Cameron Street, commended the Board of Zoning Appeals for what was a picture perfect meeting - the Board managed the process so well, the key issues were surfaced, the lawyers did their job, City staff did a great job, the citizens presented their appeal well, and the Board interrupted everyone's concerns in a very responsible way. She said this is a key point in the development process. She said they lose time, energy and money in tying things up in court, and everyone loses, as the waterfront remains undeveloped. She suggested finding a good mediator to work through it.

(16) Robert Pringle, 216 Wolfe Street, said it is true that rather than fighting the current battle about zoning legalities, they should accept the current zoning, which gives them plenty of room for the things they should be doing and get back to thinking and reformulating a vision which was lacking in the current process. He said they should decide what they want to do with the key components of the current waterfront. He said the core of the issue are the two *Washington Post* properties, and they should talk with the *Washington Post* about what use they will make of the two properties.

(17) Amy Slack, 2307 E. Randolph Avenue, echoed her support of the statements made by David Fromm earlier, and there are numerous residents of Randolph Avenue that would like to have come but they are busy doing clean-up. Ms. Slack said on the Del Ray trolley meeting, it was good for public comment, and part of what the community said was a lack of coordinated planning of explaining why the Del Ray trolley is part of an over-all plan by the City and that plan is in the 2008 transportation plan. She said she has served on the Traffic and Parking Board, but she will not be reapplying this year. She said they are an advisory board, and there are things they have advised that haven't been completed, and its frustrating to her. She said she is stepping off so that she can push from the other side of the bench. Ms. Slack spoke of her effectiveness in the community and help to implement what was in the 2003 parking study, the 2005 Mt. Vernon Avenue overlay, and the new Del Ray parking study.

(18) Lynn Hampton, 215 Park Road, representing the Waterfront For All group, urged the Council to appeal the decision of the Board of Zoning Appeals. She said that at the BZA meeting, it was clear that the Board was not looking at law but actually legislating and they are concerned that allowing it to move forward would put strings on all the actions of City Council and no matter what the position is, looking at that action and the precedent it would set for other actions of Council would be quite dangerous.

(19) Mark Mueller, 414 S. Royal Street, asked if anyone has been to Jones Point Park recently, as that is exciting and will be a gem on the waterfront. He said they believe the Old Town waterfront could also be a gem and its why so many citizens spoke in opposition to the waterfront plan. The BZA has spoken loud and clear. He said they are prepared to fight this to the Supreme Court of the State if that is necessary, but prefer not to and want to work with Council. He asked that they work together on the waterfront plan that they can be proud of. He encouraged Council to ask staff to look at options which involve doing a plan but maintaining the current zoning.

(20) Alex Garcia, 251 Tennessee Avenue, next to Hillside Park, said that for the last three years, he has been working with the Police, Parks and Recreation, citizens association, the church that borders the park, and his neighbors to mitigate illicit activity at Hillside Park in the Capital Improvement Plan for FY13. He said he has witnessed over 130 activities, either on-going or evidence of activities, and last week five persons were cited. There is also a day-time issue at the park with truancy or underage drinking.

(21) Vanessa Rodriguez, 1136 N. Pitt Street, spoke about the homeownership assistance program, noting that it's been in the City for about 30 years. She said it has proven to be one of the most effective programs in the area and in the state, providing thousands of Alexandrians with purchase education and foreclosure prevention counseling, making Alexandria's low and moderate income buyers some of the best educated consumers in the area. She said hundreds and possibly thousands of homeowners who have used the program remain happy and safe in their homes. She asked Council to not eliminate the programs altogether, but to alter them, leaving the door open to leverage City money with funding from other sources.

(22) John Chapman, 112 W. Taylor Run Parkway, spoke about the homeowners assistance program, stating that he was disappointed to see that the program was to be cut drastically. He said he is one of the recipients of that program and it is a program that provides a gap that is necessary for someone like him. Programs like this help make a buffer for young professionals to be able to afford a home in Alexandria, and the program is needed.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

3. DEVELOPMENT SPECIAL USE PERMIT #2011-0024
1261 MADISON STREET - BRADDOCK METRO PLACE
Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a multifamily residential building with underground parking with special use permits for an increase to the floor area ratio allowed in the zone, bonus height for affordable housing per section 7-700 and a parking reduction, and a modification of the allowable height to street centerline distance required by section 6-403(A); zoned CRMU-H/Commercial Residential Mixed Use (High). Applicant: Braddock Place Investors, LLC represented by Harry Hart, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

4. Consideration of an Amendment to the Agreement of Sale of the Parker Gray School Site Dated May 7, 1982, as Amended, To Revise the Development Plan in the Agreement From the 62,800 Square Feet of Commercial Development to Residential Development Consistent With That Approved in DSUP 2011-0024 on 1261 Madison Street.

(A copy of the Planning Commission report dated April 14, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 4/14/12, and is incorporated as part of this record by reference.

A copy of the City Manager's memorandum dated April 9, 2012, is on file in the

Office of City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/14/12, and is incorporated as part of this record by reference.)

Mr. Geratz, Planning and Zoning, Ms. McVary, Planning and Zoning, Mr. Keeler, Office of Housing, and Mr. Melkerson, Transportation and Environmental Services, made a presentation of the staff report and they, along with Ms. Wright, Planning and Zoning, and Ms. Hamer, Director, Planning and Zoning, responded to questions of City Council.

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

- (1) Andrew Macdonald, 217 N. Columbus Street, spoke in opposition to the request.
- (2) Harry P. Hart, 307 N. Washington Street, attorney representing the applicant, spoke in support of the request and responded to questions of City Council.
- (3) Ken Howard, 6106 Stegen Drive, law enforcement consultant, spoke in support of the request.
- (4) Greg Leisch, 500 Montgomery Street, Suite 600, founder and chairman, Delta Associates, a commercial research firm, spoke in support of the request.
- (5) Charles E. "Tony" Gee, 930 Oronoco Street, spoke in support of the request.
- (6) Karleen Hagan, 1200 Braddock Place, spoke in support of keeping the plan at 77 feet.
- (7) William Bradford, 1200 Braddock Place, #705, president, Braddock Place Condominium Association, spoke of their concerns with parking, suggest going with option B, and having an engineering firm be required to look at the viability of building such a building on the property.
- (8) Nancy Hughes, 1253 Madison Street, spoke in support of option B.
- (9) Glenn Hopkins, 1224 Princess Street, spoke in support of the project.
- (10) Michelle Saylor, 113 Wythe Street, spoke in support of the project.
- (11) Salenda Zellers, 1122 Madison Street, spoke in support of the project.
- (12) Matthew Pfeiffer, 1200 Braddock Place, requested deferral of the request to allow for the developer to work with the community for a better project.
- (13) Poul Hertel, 1217 Michigan Court, spoke of the sense of character, noting

that this is a golden opportunity to tell staff that this is the time for a well designed public space.

In response to a question from Council, Mr. Scott Fleming, architect with John Rust, spoke about the square on the parcel, which is an egress from the garage and also serves as garage air exhaust. He said it turns on rarely.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council closed the public hearing and adopted the Planning Commission recommendation for option A, with the following amendments:

1. Condition 47A, residents of the building shall not be eligible to apply for permits under the City's residential parking district program, however, visitors and guest parking passes are permitted.
2. New condition 69M that the applicant shall work with Planning and Zoning staff and Code Administration staff in order to find an alternative location for the parking stairwell and exhaust system away from the nearby townhouses to the south of the site.
3. Condition 72A to delete the word "office" from the first line.

The voting was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	absent
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council authorized the City Manager to execute an amendment to the 1981 agreement of sale to reflect the land use goals and zoning restrictions that were applied to this site subsequent to the original agreement, which were reconfirmed in the 2008 Braddock Metro Neighborhood Plan, and which are consistent with the Council's 2012 actions on DSUP 2011-0024. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	absent
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

5. SPECIAL USE PERMIT #2012-0006
 Carlyle (area bounded by Duke Street, Holland Lane, Eisenhower Avenue and Mill Road), 1900 Jamieson Avenue and 1920 Ballenger Avenue
 Carlyle Retail Amendments
 Public Hearing and Consideration of a request for amendments to the Carlyle

Special Use Permit to permit office and retail uses on the first floor on Blocks G and K and to permit second floor retail uses in ground floor retail space; zoned CDD#1/Coordinated Development District #1. Applicant: Carlyle Community Council (CCC), 1900 Ballenger Ave, LLC, Carlyle Lane CFRI Venture II, LLC and 1900 Duke Street LP; represented by Kenneth Wire, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 14, 2012 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 4/14/12, and is incorporated as part of this record by reference.)

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

Smedberg	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

ORDINANCES AND RESOLUTIONS

6. Public Hearing on an Ordinance to Establish the Real Estate and Personal Property Tax Rates for Calendar Year 2012 (Fiscal Year 2013.) Adoption is Scheduled for May 7, 2012. (#18, 3/13/12)

(A copy of the City Manager's memorandum dated March 7, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 4/14/12, 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. 6; 4/14/12, 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. 6; 4/14/12, and is incorporated as part of this record by reference.)

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

1. Carl Glad, 129 N. Payne Street, spoke in opposition to any increase in the real estate tax.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman

Smedberg and carried unanimously by voice vote, City Council closed the public hearing and noted that adoption will be May 7, 2012. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

7. Public Hearing on the Draft Fiscal Year 2013 Action Plan for Housing and Community Development.

(A copy of the City Manager's memorandum dated April 9, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 4/14/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and noted that adoption will be May 8, 2012. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

ORDINANCES AND RESOLUTIONS (continued)

8. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Article E (Alexandria Waterfront Committee) of Chapter 4 (Committees, Boards and Commissions) of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 1981, as Amended. (#10, 4/10/12) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated April 4, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 4/14/12, 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. 8; 4/14/12, 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. 8; 4/14/12, and is incorporated as part of this record by reference.)

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

1. Nathan Macek, 724 Franklin Street, representing the Waterfront Committee, spoke in support of the ordinance change.
2. Murney Keleher, 308 N. Royal Street, representing the Historic Alexandria Foundation, spoke in support of the request from Historic Alexandria Foundation to have a seat on the Waterfront Commission.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance on the Alexandria Waterfront Committee, with the following amendment: to include a member from the Historic Alexandria Foundation on the Commission with a cap of 21 members. The voting was as follows:

Smedberg	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	absent	

The ordinance reads as follows:

ORDINANCE NO. 4757

AN ORDINANCE to amend and reordain Article E (ALEXANDRIA WATERFRONT COMMITTEE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article E of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Article E: Waterfront ~~Committee~~ Commission

Sec. 2-4-51 - Established.

There is hereby established a standing committee to be known as the Waterfront ~~Committee~~ Commission (the "commission") which shall replace the Waterfront ~~Task Force~~ Committee established by city council on ~~June 29, 1988~~ May 23, 1989.

Sec. 2-4-52 - Composition.

The ~~Committee~~ commission shall consist of ~~45~~ 21 members appointed by the City Council. The composition of the ~~Committee~~ commission shall be as follows:

- (a) one representative from the Alexandria City Council;
- (a.1) one representative from the Alexandria Commission for the Arts;
- (b) one representative from the Alexandria Convention and Visitors Association;
- (c) one representative from the Alexandria Parks and Recreation Commission;
- (c.1) one representative from the Alexandria Planning Commission;
- (c.2) one representative from the Historic Alexandria Foundation;
- (d) one citizen representative from the Old Town Civic Association;
- (e) one citizen representative from the Founders' Park Community Association;
- (f) one citizen representative who resides east of Washington Street and south of King Street;
- (g) one citizen representative who resides east of Washington Street and north of King Street;
- (h) one citizen representative who resides east of Washington and north of Pendleton Street;
- (i) from the Old Town Business Association;
- (j) one representative from the Alexandria Chamber of Commerce;
- (k) one representative from the owners of pleasure boats leasing space at the Alexandria Marina;
- (l) one representative from the Alexandria Archaeological Commission;
- (m) one representative from the Alexandria Environmental Policy Commission;
- (n) one representative from the Alexandria Seaport Foundation; ~~and~~
- (n.1) one citizen representative from Park Planning District I;
- (n.2) one citizen representative from Park Planning District II;
- (n.3) one citizen representative from Park Planning District III; and
- (o) one at-large citizen representative other than from any group or area listed above except n.1, n.2, or n.3.

Sec. 2-4-53 - Appointment.

Members of the ~~committee~~ commission shall be appointed in the manner prescribed in title 2, chapter 4, article A of the City Code; provided, however, that members who are a representative of an organization shall be nominated by their organization and confirmed by city council.

Sec. 2-4-54 - Functions.

The functions of the ~~committee~~ commission shall be to advise city council, the city manager, and appropriate city departments on matters pertaining to:

- the use of the Alexandria Waterfront by commercial and private vessels; and

implementation of the Waterfront Small Area Plan.

For purposes of this article, the term "Alexandria Waterfront" shall include the area within the boundary of the Waterfront Small Area Plan and shall include all waters of the Potomac River located within the boundaries of the city and all piers, docks and other structures located on such waters which are or may be used for the docking of commercial or private vessels.

Sec. 2-4-55 - Coordination with other public advisory bodies

The ~~committee~~ commission shall coordinate its activities with those of other relevant public advisory bodies within the city.

Section 2. That Article E as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

9. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain the Master Plan of the City of Alexandria, Virginia, By Adopting and Incorporating Therein the Amendments Heretofore Approved By City Council to the Eisenhower East Small Area Plan Chapter of Such Master Plan as Master Plan Amendment No. 2009-0002 and Master Plan Amendment No. 2011-0005 and No Other Amendments, and To Repeal All Provisions of the Said Master Plan As May Be Inconsistent With Such Amendment. (Project Name: Hoffman Blocks 11 and 12 and Block 8) (#9, 4/10/12) **[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. 9; 4/14/12, 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. 9; 4/14/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4758

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendments heretofore approved by City Council to the Eisenhower East Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2009-0002 and Master Plan Amendment No. 2011-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Project Name: Hoffman Blocks 11 and 12 and Block 8)

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

1. In Master Plan Amendment No. 2009-0002 the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on April 6, 2010 of an amendment to the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, by increasing the maximum height shown in Figure 4-9 of the Eisenhower East Small Area Plan for Block 11 and Block 12, which recommendation was approved by the City Council at public hearing on April 17, 2010;

2. In Master Plan Amendment No. 2011-0005 the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 7, 2012 of an amendment to the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, by transferring allowable gross floor area from Blocks 2 and 3 to Block 8 as shown in Figure 4-9 of the Eisenhower East Small Area Plan, which recommendation was approved by the City Council at public hearing on February 25, 2012;

3. The said amendment has heretofore been approved by the Planning Commission and City Council after full opportunity for comment and public hearing.

4. 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 Figure 4-9 entitled "Development Controls CDD #2" of the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by making the following changes to the table shown in strikethrough and underline:

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Property Name/Owner	Block	Net Development Site Area*	Principal Use	Allowable Gross Floor Area	Building Height (Stories)	Maximum Tower Height (in Feet)	Ground Floor Retail**
Hoffman	11	66,600	Residential	626,456	15-25-20-35	<u>250-370</u>	50,000
Hoffman	12	48,300	Residential	545,762	15-25-20-30	<u>250-339</u>	15,000

Section 2. That Figure 4-9 entitled "Development Controls CDD #2" of the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by making the following changes to the table shown in strikethrough and underline:

Property Name/Owner	Block	Net Development Site Area*	Principal Use	Allowable Gross Floor Area	Building Height (Stories)	Maximum Tower Height (in Feet)	Ground Floor Retail**
Hoffman	2	168,400	Office	454,452 <u>351,959</u>	10-15	210	
Hoffman	3	98,700	Office	290,367 <u>187,873</u>	10-15	210	
Hoffman	8	59,200	Office	492,430 <u>697,417</u>	20-25	250	31,000

Section 3. That the Director of Planning and Zoning be, and hereby is, directed to record the foregoing master plan map amendments, as part of the Eisenhower East Small Area Plan Chapter of Master Plan of the City of Alexandria, Virginia.

Section 4. That all provisions of the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 5. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 6. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 7. That this ordinance shall become effective upon the date and at the time of its final passage.

- 10. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 4-702 (Permitted Uses) of Section 4-700 (CR/Commercial Regional Zone) of Article IV (Commercial, Office and Industrial Zones) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved By City Council as Text Amendment No. 2012-0001. (#11, 4/10/12) [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. 10; 4/14/12, 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. 10; 4/14/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance. The voting was as follows:

Pepper	"aye"	Donley	"aye"
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4759

AN ORDINANCE to amend and reordain Section 4-702 (PERMITTED USES) of Section 4-700 (CR/COMMERCIAL REGIONAL ZONE) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2012-0001.

WHEREAS, the City Council finds and determines that:

- 1. In Text Amendment No. 2012-0001, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on March 8, 2012 of a text amendment to the Zoning Ordinance to add the public school use to the list of permitted uses in the CR/Commercial Regional Zone, which recommendation was approved by the City Council at public hearing on March 17, 2012;

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 4-702 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown in underline:

4-702 - Permitted uses.

The following uses are permitted in the CR zone:

- (A) Amusement enterprise;
- (A.1) Day care center;
- (B) Health and athletic club;
- (C) Light auto repair or drive through facility located in a freestanding building not part of an integrated and connected complex of structures;
- (D) Motor vehicle parking or storage;
- (E) Personal service establishment;
- (E.1) Pets supplies, grooming and training business with no overnight accommodation;
- (E.2) Private school, commercial;
- (E.3) Public school;
- (F) Restaurant;
- (G) Retail shopping establishment;
- (H) Utilities, as permitted by section 7-1200
- (I) Accessory uses, as permitted by section 7-100

Section 2. That the Director of Planning and Zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 6-300, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance 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.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations For the Support of the City Government For Fiscal Year 2012. (#17, 4/10/12) **[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. 11; 4/14/12, 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. 11; 4/14/12, and is incorporated as part of this record by reference.)

Ms. Taylor, Acting Director, Management and Budget, responded to questions of City Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance. The voting was as follows:

Pepper	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	absent
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4760

AN ORDINANCE making supplemental appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2012.

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 are required to defray certain expenditures and liabilities of the city for fiscal year 2012, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2011, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2012, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

J&DR Court Service Unit	\$31,250
Community and Human Services	982,240
Alexandria Health Department	20,000
Planning and Zoning	52,440
Fire	433,384
Transportation and Environmental Services	2,599,720
Police	<u>44,275</u>
Total Appropriation	<u>\$ 4,163,309</u>

APPROPRIATION:

J&DR Court Service Unit	\$31,250
Community and Human Services	982,240
Alexandria Health Department	20,000
Planning and Zoning	52,440
Fire	433,384
Transportation and Environmental Services	2,599,720
Police	<u>44,275</u>
Total Appropriation	<u>\$4,163,309</u>

Section 2. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2012, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2012, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	<u>\$14,596,675</u>
Total Estimated Revenue	<u>\$14,596,675</u>

APPROPRIATION:

Capital Projects	<u>\$14,596,675</u>
Total Appropriation	<u>\$14,596,675</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

APPROPRIATION:

Emergency Communications	\$258,000
Police	75,000
Housing	270,000
Non-Departmental	(534,000)
Police	<u>(69,000)</u>
	<u>\$ 0</u>

Section 4. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2012, the source of such amount being General Fund Real Property Tax Revenue, that the Council does hereby allot the amount so appropriated for fiscal year 2012, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Real Property Tax	<u>\$317,102</u>
Total Estimated Revenue	<u>\$317,102</u>

APPROPRIATION:

Office of Housing	<u>\$317,102</u>
Total Appropriation	<u>\$317,102</u>

Section 5. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2012, the source of such amount being Transfers in from the General Fund in support of the Housing Fund, that the Council does hereby allot the amount so appropriated for fiscal year 2012, as follows:

AFFORDABLE HOUSING FUND

ESTIMATED REVENUE:

Transfers in from General Fund	<u>\$587,102</u>
Total Estimated Revenue	<u>\$587,102</u>

APPROPRIATION:

Affordable Housing Fund	<u>\$587,102</u>
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Total Appropriation \$587,102

Section 6. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2012, the source of such amount being Bond Proceeds generated from the March 2012 Bond Refunding, that the Council does hereby allot the amount so appropriated for fiscal year 2012, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Bond Proceeds	<u>\$73,454,827</u>
Total Estimated Revenue	<u>\$73,454,827</u>

APPROPRIATION:

Payment to Refunding Bond Escrow	<u>\$73,454,827</u>
Total Appropriation	<u>\$73,454,827</u>

Section 7. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2012, the source of such amount being General Fund Balance, that the Council does hereby allot the amount so appropriated for fiscal year 2012, as follows:

GENERAL FUND

ESTIMATED REVENUE:

General Fund Balance	<u>\$995,391</u>
Total Estimated Revenue	<u>\$995,391</u>

APPROPRIATION:

Human Resources	\$25,000
Community and Human Services	56,607
Transportation and Environmental Services	471,429
Police	132,355
Cash Capital	300,000
Non Departmental	<u>10,000</u>
Total Appropriation	<u>\$995,391</u>

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

12. SPECIAL USE PERMIT #2011-0087
2216 & 2218 Mount Vernon Avenue (Parcel Address: 2216 Mount Vernon Avenue)
Del Ray Pizzeria
Public Hearing and Consideration of a request for a physical expansion, amendments to allow increased seating and a parking reduction; zoned CL/Commercial Low. Applicant: Del Ray Pizzeria, LLC by Duncan Blair, attorney
PLANNING COMMISSION ACTION: Deferred 5-2

City Council noted the deferral.

EXECUTIVE SESSION

13. Consideration of Convening a Closed Meeting for the Purpose of Consultation with Legal Counsel for Legal Advice.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council convened in closed executive session at 1:46 p.m., pursuant to the Code of Virginia, for the purpose of consultation with counsel and briefing by staff pertaining to actual or probable litigation. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council reconvened in open session at 2:29 p.m. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2497

WHEREAS, the Alexandria City Council has this 14th day of April 2012, recessed into executive session 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 city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was 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 council during the executive session.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting of April 14, 2012 at 2:30 p.m. The voting was follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	absent
	Pepper	"aye"	

APPROVED BY:

WILLIAM D. EUILLE

MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council