

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Public Hearing Meeting  
Saturday, January 24, 2009 - - 9:30 a.m.**

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Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Timothy B. Lovain, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Spera, Acting City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Mason, Special Assistant to the City Manager; Ms. Blackford, Communications Officer, City Manager's Office; Police Captain Ogden; Ms. Hamer, Director, Planning and Zoning; Mr. Josephson, Deputy Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Ms. Wright, Planning and Zoning; Mr. Wagner, Planning and Zoning; Mr. Bray, Planning and Zoning; Ms. Parker, Planning and Zoning; Mr. Canfield, Planning and Zoning; Mr. Hunt, Code Administration; Mr. Blakeley, Deputy Director, Recreation, Parks and Cultural Activities; Mr. Kagawa, Recreation, Parks and Cultural Activities; Ms. Boyd, Director, Citizen Assistance; Fire Chief Thiel; Mr. Penn, Emergency Management Coordinator; Mr. Baier, Director, Transportation and Environmental Services; Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Mr. Skrabak, Director, Office of Environmental Quality; Ms. David, Director, Office of Housing; and Mr. Lloyd.

Recorded by: Jacqueline 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 Council were present.

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Mayor Euille expressed condolences to the family of Khalil Siddiqi, the Yellow Cab taxi driver who was murdered while on duty last Sunday. He noted that donations are being taken for his family.

Mayor Euille noted that a new retail business that has opened at 210 King Street,

Le Tache, that sells sexual apparel. He said the City Attorney and City Manager's offices have checked that the process was followed. He said the business is not appropriate for the Old and Historic District and the owner of the business will be meeting with him, the Planning Director, Code Administration Director and City Manager on what they could do to make the business more appropriate for the old and historic district.

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2. Public Discussion Period.

(a) Alice Kale, 221 Mt. Ida Avenue, spoke about senior art at the Mt. Vernon Recreation Center, noting that they were notified that the program would be cut by 50 percent, along with all the other senior programs at Mt. Vernon. She spoke of the revised schedule being implemented and said a 25 percent cut would be reasonable, and the difference in cost is only \$975 a year. She said there should be a qualitative analysis of the programs to be cut.

(b) Lynn Dutton, 2121 Jamieson Avenue, spoke about the senior art program at the Mt. Vernon Recreation Center and said she appreciates the opportunity to participate in the wonderful program.

(c) Gary Carr, 216 Aspen Street, spoke about building a running track at Frances Hammond and George Washington Middle Schools. He said Hammond should be restored this year as an asphalt track, leveling the field and re-seeding it addresses the deplorable situation. He asked that they call a meeting of all the groups who are interested in running tracks.

(d) Sandra Cope, 626 N. Washington Street, spoke in response to Mr. Josephson's letter to City Council of December 12 regarding her BAR appeal at 714 Wythe Street, Sophie Development, and the parking maneuverability on her property and her neighbors properties. She said that while Sophie has the right to stop leasing parking spaces, the City is not required to make special exceptions for a developer who will be adding to the parking problems that already exist. She said she would have to consider moving from the commercial space if the project goes forward.

Mayor Euille asked that Mr. Josephson and the Planning Director meet with Ms. Cope and the other business owners to resolve the matter.

(e) Colonel Dan Koslov, 1219 Queen Street, commended the City for the wonderful transformation that was completed at the Helen Miller playground at Queen and Fayette Streets. Colonel Koslov spoke about the human blight that exists at that intersection, noting that there is an open drug market and loitering problem there, which he has personally noticed. He said they are fortunate to have a community officer like Mike Spragg from the Police Department, but he can't get it done alone. He invited Council to come to the park at about 4:00 p.m. and listen and see what everyone else sees at that playground.

(f) Leslie Zupan, 1309 Queen Street, president, Inner City Civic Association, said the association looks forward to working with the Planning Director and the Braddock Implementation Group on the proposed park on Wythe Street and refining the community vision for that park. Ms. Zupan also spoke of crime in the inner City and the recent murder of Khalil Siddiqi, the taxi driver, which is reminiscent of the pizza delivery man who was murdered at Queen and Fayette and the other crimes that have happened recently. Ms. Zupan said they need a day-time police presence, would like to get the second police officer position filled, and they need to pursue City policies that do not encourage people to come in from other jurisdictions to Alexandria to commit crime.

(g) Ferdinand T. Day, 4017 Fort Worth Avenue, spoke of the reappointment of Melvin Miller to the Alexandria Redevelopment and Housing Authority (ARHA) Board and asked Council to reconsider its action of January 13. Mr. Day said he was hopeful Mr. Miller would receive a vote of confidence from City Council.

(h) Gwendolyn Menefee, 3835 Duke Street, spoke of the reappointment of Melvin Miller to the ARHA Board. She said Mr. Miller is a mentor to her and he is caring and honest and cares about people, and Council needs to be careful about the information Council hears.

(i) Dianiacia Brooks, 39 S. Bragg Street, president, Alexandria Resident Council, spoke to the reappointment of Melvin Miller to the ARHA Board. She said the decision Council made to not reappoint Mr. Miller has betrayed them and if Mr. Miller is gone, they will lose their only voice.

(j) Alice P. Morgan, 1513 Dogwood Drive, spoke of reappointment of Melvin Miller to the ARHA Board, and she asked Council to reappoint Mr. Miller to a four-year term.

(k) Reverend Lee A. Earl, 1429 Duke Street, NAACP, senior pastor, Shiloh Baptist Church and president-elect of the local branch of the NAACP, spoke of the reappointment of Melvin Miller to the ARHA Board and said he didn't think a person of Mr. Miller's caliber can be left out of the discussion of the reevaluation of how it approaches affordable housing in the City. He also noted he was offended by the remark made earlier about the human blight that exists.

(l) James E. Henson, Sr., 607 S. Pitt Street, spoke of the reappointment of Melvin Miller to the ARHA Board, and he asked Council to reconsider its decision on the reappointment and give a clear message on how it values the service that Mr. Miller has paid to the Alexandria community.

(m) Charlotte Landis, 433 N. Patrick Street, member of the executive board of the Inner City Civic Association, spoke about neighborhood crime in the City and the assaults and use of handguns. She asked what the City is doing that invites the crime into their neighborhood and where is the Braddock Plan missing the boat and what will

they try to do to discourage this.

(n) Melissa Luby, 312 1/2 N. Henry Street, spoke of her concern of the crime in the inner City and noted that they have had an armed robbery on her block. She said she hopes Council will commit the resources and work with the civic association.

(o) Dino Drudi, 315 N. West Street, spoke of the crime problem in the City and noted that right before he moved to Alexandria, an armed robbery took place two doors away. Alexandria should not hesitate to tap into its rainy day fund for important services, such as crime control and they will need to examine the cost of services, revenues generated and social costs associated with persons who are not legally in this country. He said the City should conduct a bona-fide economical and fiscal impact analysis on illegal immigration.

(p) Kevin Beekman, 3905 Elbert Avenue, spoke of #8 on the docket on the feasibility of the redeveloping of the Safeway site at Mt. Vernon and West Glebe Road. Mr. Beekman spoke of the timing of the redevelopment and he didn't see that timing. Regarding the expansion at Four Mile Run Park, the report says it is in progress, but they have not heard of it, and what has become a great success of the plan has become a blight. He said the report refers to the zoning regulations to provide clarity to small businesses, but he has been hearing that the clarity hasn't yet been achieved. He spoke to the streetscape improvements and said they have not yet gotten an official reason why the benches were removed and there is also \$.5 million in the CIP budget for streetscape improvements. Mr. Beekman said he objects to the characterization of the problems and responses to the rodent infestation at Presidential Greens.

(q) Tyneka Monroe, 12327 Antietam Road, Woodbridge, a member of the Alexandria Chapter of Zeta Phi Beta Sorority, spoke in support for the Office on Women for its outstanding work in their community and urged Council to continue to provide adequate funding for their domestic violence and sexual assault prevention programs.

(r) Allyson Ruzicka, 319 N. West Street, spoke of crime in the City, and noted that as a single person walking through the neighborhood, it can be daunting, whether she has her big dog with her or not, noting that there are open containers, spiting, urination on public and private property, and the on-going drug trade. She said there are several properties on West Street that have become beyond an eyesore.

(s) Ramona Hatten, 4652 Kirkpatrick Lane, representing the Alexandria Black and Hispanic Concerned Women, said it is important for the people just coming to the City to do some research on people who have been actively involved in the City prior to them coming to the City. She spoke of the reappointment of Melvin Miller to the ARHA Board and said she served as a Commissioner on the ARHA Board for seven to eight years and Mr. Miller has brought an enormous amount of expertise to that Board.

(t) Ed Ablard, 18 W. Del Ray Avenue, spoke about an article in the *Washington Post* on campus kitchens, where parents can pick up a meal for their family

when they pick up their children from school, so they can feed their children at home instead of at a soup kitchen. He said it might be a good idea for City Council and the School Board to work together on for the working poor.

(u) Todd R. Foust, 1311 Queen Street, spoke of crime in the Parker Gray area and said it seems like its an imported problem, as there are whiskey bottles in the area and there is nowhere to buy that in that area.

(v) N. V. Fitton, 311 N. Fayette Street, spoke of the crime and drug enforcement at Queen and Fayette Streets and said they have made the same call about noise over and over again. She seconded Colonel Koslov's suggestion of visiting the neighborhood on Friday or Saturday afternoon.

(w) Saedah Tyler, 487 N. Pickett Street, liaison member of the Alexandria Resident Council Community, spoke of the reappointment of Melvin Miller to the ARHA Board and said it is upsetting news, as Mr. Miller is known to be a trusted administrator that has worked tirelessly on the Board and he has their support.

(x) Cathy Puskar, 215 E. Oak Street, chair, Alexandria Chamber of Commerce, thanked Council for its efforts with the Chamber of Commerce and other business organizations in Alexandria, noting they are happy with the trolley, with the decision to not increase the commercial tax rate, and look forward to working to achieve the goals of the Economic Sustainability Task Force to support the businesses. She thanked the City, ACVA, AEDP and the Small Business Development Center and the Chamber for working together to promote their businesses for Buy Alexandria. She thanked Council for starting the Waterfront Plan and the Landmark Van Dorn plan, and she invited Council to their Gala on February 7 at 6:00 p.m. at the Mark Center Hilton.

There was discussion among City Council of the appointment of Melvin Miller to the ARHA Board and the rescission of the motion made on January 13, 2009 and bringing it back up for discussion at the January 27 meeting.

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

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

#### **Planning Commission**

3. SPECIAL USE PERMIT #2008-0068  
917 PRINCESS STREET  
AMERICAN DAY SCHOOL  
Public Hearing and Consideration of a request for an amendment to increase the hours of operation and the number of children allowed at a child care center; zoned RB/Townhouse Residential. Applicant Maria Bustinza

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 12/24/09, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

Councilman Wilson disclosed that his children attend this school, and the City Attorney has advised him that it does not represent a conflict and he has no financial interest in the application, so he would participate in the item.

Councilman Smedberg asked that in the future, the Planning Office have a check off or comment from the Department of Human Services saying they have reviewed the request and feel it is proper.

There was discussion from Council regarding the new condition for the outside monitors being monitored by staff with the applicant and the neighbors, and if it makes sense to make adjustments to it, the Planning Director has the authority to do that, as this was one of the main concerns of the neighbors.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried 6-0, City Council adopted the consent calendar as follows:

- 3. City Council approved the Planning Commission recommendation.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	absent
	Wilson	"aye"	

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

- 4. Public Hearing on Phase I Environmental Action Plan for the Eco-City Alexandria Project. (#20, 1/13/09)

(A copy of the City Manager's memorandum dated January 8, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 4; 1/24/09, and is incorporated as part of this record by reference.)

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

- (a) Susan McLaughlin, 609 Little Street, spoke about the absence of any mention of invasive species/exotics in the plan and she requested that a statement of preventive action be included in the plan.

(b) Ed Ablard, 18 W. Del Ray Avenue, spoke about proposed bills in the legislature that would take away City powers in the water resources section, and also to bringing cisterns back and to see if the fee is appropriate.

Director of Environmental Services Skrabak made a presentation of the plan and responded to the comments of the speakers.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Krupicka and carried 6-0, City Council adopted the Phase I Environmental Action Plan for the Eco-City Alexandria project and thanked the Commission members for their work. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Lovain	absent
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

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

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

Items 5 and 6 were heard together:

5. CDD CONCEPT PLAN #2008-0003(A)  
MASTER PLAN AMENDMENT #2008-0007(B)  
REZONING #2008-0002(C)  
DEVELOPMENT SPECIAL USE PERMIT #2006-0021(D)  
TRANSPORTATION MANAGEMENT PLAN SUP #2008-0070(E)  
STREET NAME #2008-0004(F)  
520 SOUTH VAN DORN STREET AND 631, 641 SOUTH PICKETT STREET  
Public Hearing and Consideration of a request for: approval of a concept development plan for a coordinated development district; an amendment to the City's Master Plan to change the land use designation to CRMU and amend height limits; a rezoning from Industrial and Commercial General to CDD; a development special use permit, with site plan, for a residential and retail mixed use development; a request for a parking reduction; approval of a transportation management plan; and an approval of a new street name. Zoned I/Industrial and CG/Commercial General. Applicant: Green City Development, LLC by J. Howard Middleton

#### **PLANNING COMMISSION ACTION:**

CDD Recommend Approval 7-0  
MPA Adopted 7-0  
REZ Recommend Approval 7-0  
DSUP Recommend Approval w/ amendments 7-0

TMP SUP Recommend Approval 7-0  
SN Approved 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/24/09, and is incorporated as part of this record by reference.)

6. TEXT AMENDMENT #2008-0009  
ADDITION OF CDD #17

Public Hearing and Consideration of a text amendment to the City's Zoning Ordinance to include CDD #17. Staff: City of Alexandria, Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/24/09, and is incorporated as part of this record by reference.)

Planning Director Hamer, along with Ms. Wright, Mr. Wagner, Ms. Parker and Mr. Canfield made a presentation of the staff report. Housing Director Davis also made a presentation of the report and all responded to questions of City Council.

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

(a) Howard Middleton, 3110 Fairview Park Drive, Falls Church, attorney representing the applicant, spoke in favor of the application.

(b) Mindy Lyle, 5235 Tancreti Lane, speaking on behalf of the Cameron Station Civic Association, spoke in favor of the request.

(c) Richard Ward, 4806 Peacock Avenue, spoke in support of the request but also with a concern about the Virginia Paving Plant.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Smedberg and carried 6-0, City Council closed the public hearing. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Smedberg	"aye"	Krupicka	absent
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried 6-0, City Council approved the Planning Commission recommendation for item #5, with a correction to condition #94.c to delete the words "in



the first instance and \$1,337,539 in the second (with \$180,107 of this total going to an infrastructure fund)" at the end of the sentence, and approved the Planning Commission recommendation for item #6. The voting was as follows:

Pepper	"aye"	Krupicka	absent
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

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(City Council took a 20 minute break for lunch.)

(Councilman Smedberg left at this time 12:30 p.m.)

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- 7. DEVELOPMENT SPECIAL USE PERMIT #2007-0022  
ENCROACHMENT #2008-0003  
COORDINATED SIGN PROGRAM SUP #2008-0090  
2801 MAIN STREET AND 2900 MAIN STREET  
POTOMAC YARD - TOWN CENTER (LANDBAY G)

Public Hearing and Consideration of a request for: (A) a development special use permit, with site plan and modifications, for development of the Potomac Yard Town Center to include various residential, hotel, office and retail uses, as well as, requests to allow a grocery store and fitness center/spa over 20,000 square feet each, sales trailers, an increase in penthouse height, a parking reduction, and approval to convert office square footage to retail square footage; (B) a request to allow encroachments into the public right-of-way; (C) a request for a coordinated sign program; zoned CDD-10/Coordinated Development District. Applicant: RP MRP Potomac Yard, LLC by M. Catharine Puskar, attorney

**PLANNING COMMISSION ACTION:**

DSUP Recommend Approval w/amendments 7-0  
ENC Recommend Approval 7-0  
SUP Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/24/09, and is incorporated as part of this record by reference.)

Planning and Zoning Division Chief Farner made a presentation of the staff report and he, along with Deputy Director of Transportation and Environmental Services Culpepper, responded to questions of City Council.

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

(a) M. Catharine Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington, attorney representing RP MRP Potomac Yard, LLC, spoke in support of the project and noted amendments to the conditions that will need to be made.

(b) David Fromm, 2307 E. Randolph Avenue, spoke about the curb cut exceptions.

(c) Mr. Jonathan Rak, 1750 Tysons Blvd., #1800, McLean, attorney representing CPYR, owner of Potomac Yard Retail Center, spoke in support of the project and the relationships between the properties.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Gaines and 6-0, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	absent
	Wilson	"aye"	

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried 6-0, City Council approved the Planning Commission recommendation, with the following amendments: noting the changes received from the applicant on January 23, 2009. Also, to add the language with regard to the parking meters, condition #9e, "The applicant shall install conduit and base for City standard parking meters along all public streets that include on-street parking in Landbay G at the discretion of the director of T&ES. The applicant shall contribute \$90,000 to the City as a contribution to the cost of the parking meters prior to approval of final plans for Main Street. The location and detail of the conduit and base shall be approved prior to release of the final site plan for the particular block." For condition #32, the last sentence would state that the applicant shall be responsible for design and construction of the Main Street connection and such construction shall be completed prior to the release of the first certificate of occupancy, and to the extent they don't reach agreement, it will be dealt with at a later time. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	absent
	Wilson	"aye"	

8. 221 WEST GLEBE ROAD

Report on the feasibility of redeveloping the old Safeway site located at the intersection of Mt. Vernon Avenue and West Glebe Road, 221 West Glebe Road. Staff: City of Alexandria, Department of Planning and Zoning

**(THIS ITEM IS NOT SET FOR PUBLIC HEARING BUT IS FOR CITY COUNCIL'S INFORMATION ONLY - NO APPROVAL IS NECESSARY.)**

(A copy of the Planning Commission report dated December 23, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/24/09, and is incorporated as part of this record by reference.)

Ms. Sarah Woodworth, consultant with W-ZHA, LLC, made a presentation of her report and responded to questions of City Council.

Ms. Weissberg, representative of the owner of the old Safeway property, spoke about the plan.

Deputy Director of Planning and Zoning Josephson noted that this project will be back before Council for public hearing in February.

City Council received the report and noted that it would be set for public hearing in February.

**ORDINANCES AND RESOLUTIONS**

- 9. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Zoning Ordinance to Allow Public Recycling Centers in the Industrial Zone as a Permitted Use. (#11, 1/13/09)

(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; 1/24/09, 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; 1/24/09, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried 6-0 by roll-call vote, City Council adopted the ordinance to amend the Zoning Ordinance to allow public recycling centers in the industrial zone as a permitted use. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	absent
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4576

AN ORDINANCE to amend and reordain Section 4-1202 (PERMITTED USES), under Section 4-1200 (I/INDUSTRIAL ZONE), of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES) of the City of Alexandria Zoning Ordinance, to allow public recycling centers as a permitted use on land zoned I/Industrial (TA No. 2008-0008).

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2008-0008 the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, initiated and approved amendments to the Zoning Ordinance to allow public recycling centers in industrial zones as a permitted use;

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 4-1202 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended to read as follows:

4-1202 Permitted uses. The following uses are permitted in the I zone:

Ambulance service;

(B) Animal shelter or kennel;

(C) Automobile service station;

(D) Bottling plant;

(E) Building materials storage and sales;

(F) Business office accessory to and on the same site as an industrial use;

(G) Catering operations;

(H) Drive through facility;

(I) [*Reserved* ];

- (J) Funeral home;
- (K) Glass shop;
- (L) Ice and cold storage facility;
- (M) Laundry, dry cleaning operations;
- (N) Light automobile repair;
- (O) Machine shop;
- (P) Manufacturing;
- (Q) Medical laboratory;
- (Q.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (R) Parcel delivery;
- (S) Pet supplies, grooming and training, with no overnight accommodation;
- (T) Printing and publishing facilities;
- (U) Radio or television broadcasting office and studio;
- (V) Research and testing laboratory;
- (V.1) Retail;
- (W) Sheet metal shop;
- (X) Stone monument works;
- (Y) Storage buildings and warehouses;
- (Z) Utilities, as permitted by section 7-1200;
- (AA) Wholesale businesses;
- (BB) Accessory uses, as permitted by section 7-100;
- (CC) Public Recycling Center.

Section 2. That Section 4-1202 of the City of Alexandria Zoning Ordinance,

as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 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 may be filed on or after January 24, 2009, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said Ordinance.

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish a "do-not-deliver" List of Addresses at Which the Owner or Resident Has Elected Not to Receive Unsolicited Newspaper Deliveries; To Regulate the Delivery of Such Newspapers to Addresses on the List, and To Prohibit Delivery Contrary to the Regulations. (#23, 1/13/09, #25, 6/17/06 and #21, 6/13/06)

(A copy of the City Manager's memorandum dated June 7, 2006 is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 10; 1/24/09, 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. 10; 1/24/09, 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. 10; 1/24/09, and is incorporated as part of this record by reference.)

Acting City Attorney Spera made a presentation of the report and he, along with Director of Citizen Assistance Boyd responded to questions of City Council.

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

(a) Jerry Vernon, 111 Waynewood Blvd., with the Alexandria Gazette Packet, spoke about the ordinance and noted that he didn't want his papers to go to people who didn't want them.

(b) Brendon Orsinger, 442 N. Armistead Street, spoke in favor of the ordinance.

(c) Laurie Stearns, 502 S. Pitt Street, spoke in favor of the ordinance.

(d) Peter Labovitz, Wolfe Street, president of the company that owns the

Alexandria Gazette Packet, spoke about sharing the concerns of the Council and noted they don't want to deliver papers to people who don't want them.

(e) David Fromm, 2307 E. Randolph Avenue, spoke about the intent and noted that civic associations publish and hand deliver their newsletter throughout their neighborhood and wanted to be sure it wouldn't have an impact.

It was noted to Mr. Fromm that this ordinance applied to newspapers with news, editorials and advertising.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilmember Lovain and carried 6-0, City Council closed the public hearing. The voting was as follows:

Wilson	"aye"	Pepper	"aye"
Lovain	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	absent	

Councilman Wilson said he would offer a couple of amendments to the ordinance: the first is to make the ordinance effective on April 1 instead of as it states now that it would become effective on the date and time of final passage, and that the do not deliver list established shall first be published and become effective on July 1, 2009.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilmember Lovain and carried 6-0, City Council deferred adoption of the ordinance to the February 21, 2009 public hearing meeting to establish a do-not-deliver list of addresses at which the owner or resident has elected not to receive unsolicited newspaper deliveries, to regulate the delivery of such newspapers to addresses on the list, and to prohibit delivery contrary to the regulations, and to direct the city attorney to take the public comments and the comments from the Council today and look at ways to revise and amend the ordinance, and that they also request the industry provide any additional thoughts or comments they have on the ordinance before Council, and for consultation with outside counsel about the first amendment issues to be sure they are comfortable with everything. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Lovain	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	absent
	Wilson	"aye"	

It was noted that this was not to come back as a public hearing item on February 21, as the public hearing has been closed.

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

## DEFERRAL/WITHDRAWAL CONSENT CALENDAR

### Planning Commission (continued)

11. CDD CONCEPT PLAN #2008-0004  
CDD #10 AMENDMENTS- POTOMAC YARD  
LANDBAYS E AND K  
Potomac Yard is generally bordered by the Arlington County line to the north, Jefferson Davis Hwy to the east, George Washington Parkway to the west and Braddock Road to the south.  
Consideration of request to amend the conditions of CDD #10 to permit alterations to Landbay E consistent with the Four Mile Run Master Plan and to revise the timing and construction for the pedestrian bridge in response to the Metro Feasibility Task Force studies; zoned CDD-10/Coordinated Development District Applicant: Potomac Yard Development, LLC by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Deferred

12. DEVELOPMENT SPECIAL USE PERMIT #2006-0018(A)  
COORDINATED SIGN PROGRAM SUP #2008-0089(B)  
2001 MAIN STREET AND 2301 MAIN STREET  
POTOMAC YARD - LANDBAYS I AND J  
Consideration of a request for a development special use permit, with site plan, for a residential development, temporary sales trailer, and a temporary coordinated sign program within Potomac Yard; zoned CDD-10/Coordinated Development District. Applicant: Potomac Yard Development, LLC by Duncan Blair, attorney

PLANNING COMMISSION ACTION: Deferred

13. MASTER PLAN AMENDMENT #2008-0008  
LANDMARK/VAN DORN SMALL AREA PLAN  
LANDMARK/VAN DORN CORRIDOR PLAN  
Consideration of a request for a revision of, supplement to, and an amendment of the Landmark/Van Dorn Small Area Plan to include the Landmark/Van Dorn Corridor Plan.

PLANNING COMMISSION ACTION: Deferred

### END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferrals.

### OTHER



14. Consideration of a Resolution Confirming the Declaration of Emergency for the City's Provision of Support for the Presidential Inauguration. [**ROLL-CALL VOTE**]

(A copy of the City Manager's memorandum dated January 22, 2009, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 14; 1/24/09, and is incorporated as part of this record by reference.

**WHEREUPON**, upon motion by Vice Mayor Pepper, seconded by Councilmember Lovain and carried 6-0 by roll-call vote, City Council adopted the resolution confirming the declaration of an emergency for the City's provision of support for the Presidential Inauguration. The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Lovain	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	absent
	Wilson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2316

WHEREAS, the City Manager, as the Director of Emergency Management of the City of Alexandria, has found that the City of Alexandria faces potential emergency conditions of peril to life and property due to the Presidential Inauguration of January 20, 2009, and made a Declaration of Local Emergency on January 15, 2009; and

WHEREAS, state law and the city code require that such Declaration be approved and confirmed by the Council of the City of Alexandria, Virginia, as the governing body of the City of Alexandria, Virginia;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA that the Declaration of Local Emergency, dated January 17, 2009, attached hereto and incorporated herein by reference, be, and the same hereby is, approved and confirmed.

\* \* \* \* \*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilmember Lovain, seconded by Councilman Gaines and carried 6-0, the City Council public hearing meeting of January 24, 2009 was adjourned at 3:18 p.m. The voting was as follows:

Lovain	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"

Euille            "aye"  
                     Wilson  
Smedberg    absent  
                     "aye"

APPROVED BY:

\_\_\_\_\_  
WILLIAM D. EUILLE    MAYOR

ATTEST:

\_\_\_\_\_  
Jacqueline M. Henderson, CMC, City Clerk