

**CITY COUNCIL OF ALEXANDRIA, VIRGINIA****Regular Meeting****Tuesday, June 22, 2010 - - 7:00 p.m.**

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

Absent: Member of Council Alicia Hughes.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. O'Donnell, Assistant City Attorney; Ms. Evans, Deputy City Manager; Mr. Castrilli, Communications Director, City Manager's Office; Mr. Gates, Assistant City Manager, City Manager's Office; Mr. Caton, Legislative Director; Mr. Trobridge, Director, Information Technology; Ms. Santos, Information Technology; Ms. Smith-Page, Director, Real Estate Assessments; Mr. Johnson, Chief Financial Officer; Mr. Stewart, Office of Management and Budget; Mr. Touhill, Office of Management and Budget; Mr. Routt, Office of Management and Budget; Mr. McPike, Deputy Director, General Services; Ms. Triggs, Director, Finance Office; Mr. Bland, Pension Administrator, Office of Finance; Ms. Colton, Recreation, Parks and Cultural Activities; Ms. Carrel, Recreation, Parks and Cultural Activities; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Police Captain Ogden; Mr. Catlett, Director, Office of Code Administration; Ms. Collins, Assistant City Manager/Director, Human Services; Mr. Frazier, Human Services; Ms. Orr, Director, Human Resources; Ms. Davis, Director, Office of Housing; Ms. Seau, Office of Housing; Ms. Hamer, Director, Planning and Zoning; Ms. Contreras, Planning and Zoning; Mr. Mortiz, Deputy Director, Planning and Zoning; Ms. Ross, Deputy Director, Planning and Zoning; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Mr. Maslanka, Transportation and Environmental Services; Mr. Lambert, Transportation and Environmental Services; Mr. Skrabak, Director, Office of Environmental Quality; Mr. Tran, Office of Environmental Quality; and Mr. Lloyd.

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

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City Council held a work session with the School Board on the Jefferson Houston Development Proposal at 5:30 p.m.

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**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, with the exception of Councilwoman Hughes, who was absent.

- 2. Moment of Silence and Pledge of Allegiance.

City Council observed a moment of silence and recited the Pledge of Allegiance.

- 3. Reading and Acting Upon the Minutes of the Following Meeting of City Council:

(a) The Regular Meeting Minutes of June 8, 2010.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council approved the regular meeting minutes of June 8, 2010. The voting was as follows:

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

**RECOGNITION OF YOUTH BY MEMBERS OF CITY COUNCIL**

Mayor Euille recognized Scott Liam McCormack, from Troop 680, St. Louis Church, who was in the audience working on his merit badge.

- 4. Recognition of T. C. Williams Girls Crew First Varsity 8, Winners of the Canadian Secondary Schools Rowing Championship, and Coach Jon Schildknecht.

City Council recognized the T.C. Williams girls crew first varsity 8 team.

- 5. Recognition of T. C. Williams Girls Crew Second Varsity 8, Winners of the Scholastic Rowing Association National Championship (US) and the Virginia Rowing Championship, and Coach Mercedes Kiss.

City Council recognized the T.C. Williams girls crew second varsity 8 team.

**PROCLAMATIONS**

None.

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

### **CONSENT CALENDAR (6-9.1)**

#### **(Resignations and Uncontested Appointments)**

6. Receipt of the Following Resignations From Members of Boards, Commissions and Committees:
  - (a) Commission on Persons with Disabilities  
Fred Scheigert
  - (b) Park and Recreation Commission  
Matthew Coda
  - (c) Potomac Yard Design Advisory Committee  
Stephen W. Koenig

(A copy of the above resignations is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 6 (a-c); 6/22/10, and is incorporated as part of this record by reference.)

7. Uncontested Appointments to Boards, Commissions and Committees:
  - (a) Alexandria Gang Prevention Community Task Force  
1 Representative of the Interfaith Community
  - (b) Alexandria Transportation Commission  
1 Member From the Environmental Policy Commission, Nominated By the Commission
  - (c) Commission on HIV/AIDS  
1 Commission for Women Representative  
1 Citizen Member
  - (d) Community Services Board  
3 Consumers (Current or Former Direct Recipient of Public or Private Mental Health, Mental Retardation, or Substance Abuse Treatment Rehabilitation Services) or Family Members (Immediate Family Member or the Principal Caregiver Who Is Not Paid) of Consumer
  - (e) Convention & Visitors Association Board of Governors  
1 Attraction Representative

1 Historic/preservation Representative  
1 At-large Representative

- (f) Environmental Policy Commission  
1 Member From the Field of Environmental Sciences (e.g., Environmental/Sanitary Engineering, Ecology, Geology, Botany, Hydrology, Chemistry) or Who Have Alexandria Waterfront Expertise, Provided That at Least Four Members Shall Have Scientific Expertise
- (g) Historic Alexandria Resources Commission  
1 Historic Alexandria Foundation Representative
- (h) Northern Virginia Community College Board  
1 Member Appointed by City Council

(A copy of the above appointments is on file in the Office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 7 (a-h); 6/22/10, and is incorporated as part of this record by reference.)

**(Reports and Recommendations of the City Manager)**

8. Receipt of the Report on Fair Housing Testing Results.

(A copy of the City Manager's memorandum dated June 9, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 6/22/10, and is incorporated as part of this record by reference.)

9. Transfer of Funds from Contingent Reserve for Sister Cities Program Activities.

(A copy of the City Manager's memorandum dated June 11, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 6/22/10, and is incorporated as part of this record by reference.)

- 9.1 Consideration of Application for ARRA/Stimulus Grant Funds for the Head Start Program at the Campagna Center.

(A copy of the City Manager's memorandum dated June 16, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9.1; 6/22/10, and is incorporated as part of this record by reference.)

**END OF CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the consent calendar. The City Manager's recommendations were as follows:

6. City Council accepted the following resignations with regret: (a) Fred Scheigert, Commission on Persons with Disabilities; (b) Matthew Coda, Park and Recreation Commission; and (c) Stephen W. Koenig, Potomac Yard Design Advisory Committee.

7. City Council made the following appointments to boards and commissions: (a) appointed Tai Smith as the representative of the Interfaith Community to the Alexandria Gang Prevention Community Task Force; (b) appointed Philip Voorhees as the one member from the Environmental Policy Commission to the Alexandria Transportation Commission; (c) appointed William Smith as the one Commission for Women representative and LaDonna Sanders as the one citizen member to the Commission on HIV/AIDS; (d) reappointed Dana Payne, Doris Stanley and Mary Anne Weber as the two consumers (current or former direct recipient of public or private mental health, mental retardation, or substance abuse treatment rehabilitation services) or family members (immediate family member or the principal caregiver who is not paid) of consumer to the Community Services Board; (e) reappointed Tara Zimnick-Calico as the one attraction representative and appointed Christopher Jones as the one historic/preservation representative and Rob Kaufman as the one at-large member to the Convention & Visitors Association Board of Governors; (f) appointed Rebecca Jablon as the one member from the field of environmental sciences (e.g., environmental/sanitary engineering, ecology, geology, botany, hydrology, chemistry) or who have Alexandria waterfront expertise, provided that at least four members shall have scientific expertise to the Environmental Policy Commission; (g) reappointed Osborne Mackie as the one Historic Alexandria Foundation representative to the Historic Alexandria Resources Commission; and (h) reappointed Jason Middough as the one member appointed by City Council to the Northern Virginia Community College Board.

8. City Council accepted the results of fair housing tests conducted in Fiscal Year 2010 for discrimination in rental housing on the basis of disability.

9. City Council approved the transfer of \$7,000 of the \$11,160 allocated in Council's FY 2010 Contingent Reserves account to cover the costs of Sister Cities program and activities in FY 2010.

9.1 City Council authorized submission of a grant application (due July 19, 2010) to the U.S. Department of Health and Human Services for up to \$225,000, which will be used to hire three to four persons as temporary staff at the Campagna Center to serve as early learning resource coaches for the Center's Head Start teachers.

The voting was as follows:

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

Smedberg "aye"

The following item was heard out of turn:

18. Oral Report on Base Realignment and Closure (BRAC-133) Project at Mark Center and the Beauregard Corridor Small Area Plan Process.

(A copy of the City Manager's memorandum dated June 16, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 6/22/10, and is incorporated as part of this record by reference.)

Deputy Director of Transportation and Environmental Services Lerner, along with Director of Transportation and Environmental Services Baier, made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council authorized the Mayor to sign the proposed letter to the Chairman of the Fairfax County Board of Supervisors. The voting was as follows:

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

19. Receipt of City Staff's After-Action Review of 2009-10 Snow Emergencies and Implementation Plan for 2010-11 Winter Preparedness.

(A copy of the City Manager's memorandum dated June 11, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 6/22/10, and is incorporated as part of this record by reference.)

City Manager Hartmann, along with Director of Transportation and Environmental Services Baier and Principal Planner Lambert, made a presentation of the report and responded to questions of City Council.

Vice Mayor Donley asked that the City Attorney bring Council an amended snow clearing ordinance that ties to the three levels of preparedness: if there is a level one event, that is a 24-hour clearance; if it has a level two event, that it consider 48 hours; and level 3 is 72 hours.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council received the report. The voting was as follows:

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

**CONTESTED APPOINTMENTS**

10. Real Estate Assessment Review Board  
3 Citizen Members

(The following person volunteered for appointment to the above Commission)

NAME:

ENDORSED BY:

James Brennen  
Michael Campagna  
Lisa Edouard  
Dennis Flood

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 6/2210, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed James Brennen and Michael Campagna to three year terms as two of the three citizen members to the Real Estate Assessment Review Board. No one individual received a majority vote for the two-year term; therefore, they had to be a second balloting. The voting was as follows:

Euille	-	Brennen, Campagna
Donley	-	Brennen, Campagna
Fannon	-	Brennen, Campagna
Hughes	-	absent
Krupicka	-	Flood, Campagna
Pepper	-	Brennen, Campagna
Smedberg	-	Brennen, Campagna

**WHEREUPON**, ballots were again distributed, tellers were again appointed and the ballots again tallied with the following results: City Council appointed Dennis Flood to a two-year term as one of the three citizen members to the Real Estate Assessment Review Board. The voting was as follows:

Euille	-	Flood
Donley	-	Flood
Fannon	-	Flood
Hughes	-	absent
Krupicka	-	Flood

Pepper - Edouard  
Smedberg - Flood

Councilman Smedberg suggested that applicants not list the director of offices or divisions for those boards that they would have oversight on.

11. Board of Architectural Review - Old and Historic District  
1 Citizen Member  
2 Architect Members

(The following person volunteered for appointment to the above Commission)

NAME:

ENDORSED BY:

1 citizen member:  
Arthur Keleher  
Billie Schaeffer  
Elizabeth Spar

2 architect members:  
Chip Carlin  
Chris Hubbard  
Purvi Irwin  
Wayne Neale

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 6/2210, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council reappointed Arthur Keleher as the one citizen member and reappointed Wayne Neale and appointed Chip Carlin as the two architect members to the Board of Architectural Review - Old and Historic District. The voting was as follows:

Euille - Keleher, Carlin, Neale  
Donley - Keleher, Carlin, Neale  
Fannon - Keleher, Carlin, Hubbard  
Hughes - absent  
Krupicka - Keleher, Carlin, Neale  
Pepper - Keleher, Carlin, Hubbard  
Smedberg - Keleher, Carlin, Neale

12. Board of Architectural Review - Parker-Gray District  
2 Citizen Members



(The following person volunteered for appointment to the above Commission)

NAME:

ENDORSED BY:

Douglas Meick  
Philip Moffat  
Joyce Putnam

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 6/2210, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council reappointed Douglas Meick and Philip Moffat as the two citizen members to the Board of Architectural Review - Parker Gray District. The voting was as follows:

Euille	-	Moffat, Meick
Donley	-	Putnam, Meick
Fannon	-	Moffat, Meick
Hughes	-	absent
Krupicka	-	Moffat, Meick
Pepper	-	Moffat, Meick
Smedberg	-	Moffat, Meick

13. Budget and Fiscal Affairs Advisory Committee  
1 Member Designated by Councilman Fannon

(The following person volunteered for appointment to the above Commission)

NAME:

ENDORSED BY:

Joshua Krantz  
John Renner  
Kenneth Taylor

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 6/2210, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed John Renner as the one member designated by Councilman Fannon to the Budget and Fiscal Affairs Advisory Committee. The voting was as follows:

Euille	-	Renner
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Donley	-	Renner
Fannon	-	Renner
Hughes	-	absent
Krupicka	-	Renner
Pepper	-	Renner
Smedberg	-	Renner

14. Community Services Board  
1 Citizen Member

(The following person volunteered for appointment to the above Commission)

NAME:

ENDORSED BY:

Roger Blevins  
Elizabeth McNally  
Roy Shannon

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 6/2210, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council reappointed Roy Shannon as the one citizen member to the Community Services Board. The voting was as follows:

Euille	-	Shannon
Donley	-	Shannon
Fannon	-	Blevins
Hughes	-	absent
Krupicka	-	Shannon
Pepper	-	Shannon
Smedberg	-	Shannon

15. Convention and Visitors Association Board of Governors  
2 Restaurant Owner/Managers Representatives  
1 Hotel Manager/Owner Representative  
1 At-large Member

(The following person volunteered for appointment to the above Commission)

NAME:

ENDORSED BY:

2 restaurant owner/manager representatives:  
Troy Clayton  
John Manor

1 hotel owner/manager representative:  
Michael Wilson

1 at-large member:  
Willem Polak

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 6/2210, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council waived the residency requirements and appointed Troy Clayton and John Manor as the two restaurant owner/manager representatives, Michael Wilson as the one hotel owner/manager representative, and Willem Polak as the one at-large member to the Convention & Visitors Association Board of Governors. The voting was as follows:

Euille	-	Clayton, Manor, Wilson, Polak
Donley	-	Clayton, Manor, Wilson, Polak
Fannon	-	Clayton, Manor, Wilson, Polak
Hughes	-	absent
Krupicka	-	Clayton, Manor, Wilson, Polak
Pepper	-	Clayton, Manor, Wilson, Polak
Smedberg	-	Clayton, Manor, Wilson

16. Environmental Policy Commission  
1 Citizen Member

(The following person volunteered for appointment to the above Commission)

NAME:

ENDORSED BY:

Patrick Brennan  
Wade Eyerly  
James Spencer  
Mara Zimmerman

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 6/2210, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council appointed Patrick Brennan as the one citizen member to the Environmental Policy Commission. The voting was as follows:

Euille	-	Brennan
Donley	-	Spencer
Fannon	-	Brennan
Hughes	-	absent
Krupicka	-	Brennan
Pepper	-	Spencer
Smedberg	-	Brennan

17. Local Emergency Planning Committee  
 1 Owner and Operator of Facilities Subject to Federal Emergency  
 Planning Requirements of Superfund Amendments and  
 Reauthorization Act of 1986 (SARA)

(The following person volunteered for appointment to the above Commission)

NAME:

ENDORSED BY:

Charles Oliver

(Material pertaining to the above appointment is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 6/2210, and is incorporated as part of this record by reference.)

**WHEREUPON**, ballots were distributed, tellers were appointed and the ballots were tallied with the following results: City Council waived the residency requirement and appointed Charles Oliver as the one owner and operator of facilities subject to the federal emergency planning requirements of Super Fund Amendments and Reauthorization Act of 1986 (SARA) to the Local Emergency Planning Committee. The voting was as follows:

Euille	-	Oliver
Donley	-	Oliver
Fannon	-	Oliver
Hughes	-	absent
Krupicka	-	Oliver
Pepper	-	Oliver
Smedberg	-	Oliver

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER FOR DISCUSSION**

20. Consideration of the City of Alexandria Strategic Plan. (#16, 5/25/10 and #7, 6/12/10).

(A copy of the City Manager's memorandum dated June 18, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20;

6/22/10, and is incorporated as part of this record by reference.)

Assistant City Manager Gates made a presentation of the Strategic Plan and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council adopted the City of Alexandria 2010 Strategic Plan. The voting was as follows:

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

21. Consideration of Proposed Policy and Criteria for Consideration of Individual Zoning Cases Without Master Plan Study.

(A copy of the City Manager's memorandum dated June 15, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 6/22/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried unanimously, City Council deferred this to the first public hearing meeting in September in order to hold a public hearing on the item. The voting was as follows:

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

22. Consideration of Draft Phase II Project Report (Stack PM2.5 Emission Controls) as Part of the City/Mirant Settlement Agreement and Mirant Monitoring Group Recommendations.

(A copy of the City Manager's memorandum dated June 9, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 6/22/10, and is incorporated as part of this record by reference.)

Director of Environmental Quality Skrabak made a presentation of the staff report and he responded to questions of City Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council received the draft Phase II project prepared by the Engineer Worley Parsons and endorse MCMG's recommendations made at the MCMG meeting on May 13, 2010, as follows: 1.

support the conclusion by the Engineer Worley Parsons that the baghouse is the preferred technology for stack fine particulate (PM 2.5) emissions control, and that the City/Mirant proceed pursuant to the settlement agreement with steps to install it on as many boilers as possible within the Phase II project budget; 2. should the final report on the Phase II Project be significantly different than the current draft report under consideration by the MCMG and City Council (e.g., different control technology recommendations for boilers #3, 4 and 5), direct that staff hold another meeting with MCMG to consider a new course of action; 3. based on the Engineer's budgetary cost estimate for the Phase II project of \$32 million and the revised and more accurate installed cost for the wind screens of \$1.02 million, which is higher than previously estimated, that the installation of the wind screens and the drip pans (two Phase I projects previously approved by City Council) be deferred until the cost for the Phase II project have been determined accurately. The voting was as follows:

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

23. Consideration of Authorization of Recommended Capital Project Allocations and Planned Expenditures.

(A copy of the City Manager's memorandum dated June 15, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 6/22/10, and is incorporated as part of this record by reference.)

Chief Financial Officer Johnson, Director of Transportation and Environmental Services Baier, and Deputy Director of General Services McPike responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried unanimously, City Council authorized \$71,942,521 for capital project allocations and planned expenditures for the capital projects as detailed in the Capital Improvement Expenditure Summary. The voting was as follows:

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

24. Consideration of Washington Metropolitan Area Transit Authority (WMATA) Interjurisdictional Capital Funding Agreement.

(A copy of the City Manager's memorandum dated June 17, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 6/22/10, and is incorporated as part of this record by reference.)

Chief Financial Officer Johnson, along with Mr. Routt, Office of Management and Budget, made a presentation of the report and they, along with City Manager Hartmann, responded to questions of City Council.

Mayor Euille asked his colleagues to authorize a letter from the City supporting the Northern Virginia delegation to NVTC's opposing the Governors request that the Commonwealth of Virginia/Governor appoint two of the four members of the WMATA Board without picking up the entire cost. He noted that Fairfax County is voting on this issue this evening to also authorize a letter to the Governor opposing his request.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council authorized the City Manager to execute, on behalf of the City, the Capital Funding Agreement among Northern Virginia jurisdictions, the State of Maryland, the District of Columbia and the Washington Metropolitan Area Transit Authority in substantially the form presented to Council, with such changes as are approved by the City Manager and the City Attorney. The execution of this document by the City Manager shall constitute conclusive evidence of his approval, and that of the City Attorney, of any and all changes from the documents made available to the Council. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council also authorized the Mayor to sign a letter from the City supporting the Northern Virginia delegation to the Northern Virginia Transportation Commission's position in opposition to the Governor's request to WMATA with regard to the structure of the Metro Board that the Governor appoint two of the four Virginia members of the Board. The voting was as follows:

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

25. Consideration of Request from the Early Childhood Commission and the Youth Policy Commission to Establish a Work Group to Consider the Realignment of Youth and Family Related Council Appointed and City Supported Boards, Commissions and Committees.

(A copy of the City Manager's memorandum dated June 15, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 6/22/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council: 1. received the resolution from the Early Childhood Commission and the Youth Policy Commission, and thanked the members for their efforts; and 2. established jointly with the School Board a work group to make a proposal to City Council regarding the realignment of youth-related boards, commissions and committees. The voting was as follows:

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

26. Receipt of Final Report on the Activities of the Complete Count Committee for the 2010 U.S. Census.

(A copy of the City Manager's memorandum dated June 9, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 6/22/10, and is incorporated as part of this record by reference.)

Director of Planning and Zoning Hamer, along with Deputy Director Mortiz, responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried unanimously, City Council received the final report of the Alexandria Census 2010 Complete Count Committee and commended the members of the committee and the Complete Count Partners for their work on behalf of the City. The voting was as follows:

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

27. Receipt of a Status Report and Discussion Draft of a Proposed Public Art Funding Policy.

(A copy of the City Manager's memorandum dated June 16, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 6/22/10, and is incorporated as part of this record by reference.)

Ms. Carrel, Parks, Recreation and Cultural Affairs, responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council: 1. received the discussion draft of



the Public Art Funding Policy; and 2. directed staff to continue to discuss this policy draft with stakeholders with the goal of presentation for Council adoption in September, 2010. The voting was as follows:

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

28. Consideration of Pay Philosophy for City Employees.

(A copy of the City Manager's memorandum dated June 16, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 6/22/10, and is incorporated as part of this record by reference.)

Director of Human Resources Orr made a presentation of the report and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council adopted the revised City Employee Compensation Policy as recommended by the City Employee Project Team of over 40 employees representing various City Departments and employee labor groups, with an amendment that it read, on page 6, under "exceptions" - "as with all budget decisions, merit increases, market rate adjustments and funds for other employee benefits are subject to annual appropriation." The voting was as follows:

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

29. Receipt of Annual Reports from Alexandria Boards and Commissions.

(A copy of the City Manager's memorandum dated June 15, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 29; 6/22/10, and is incorporated as part of this record by reference.)

Councilman Krupicka said he and Councilman Smedberg submitted a memo months ago asking to take a look at how the boards and commissions function as relates to the strategic plan, providing regular updates to Council on an annual basis on their activities, and they would like to participate with staff over the summer as they go through the review of the boards and commissions that have not yet responded and bring back to Council recommendations for ways to better align the boards and commissions with the strategic plan.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman

Smedberg and carried unanimously, City Council received the reports and thanked the groups for their hard work over the past year. The voting was as follows:

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

## **REPORTS AND RECOMMENDATIONS FROM BOARDS, COMMISSIONS AND COMMITTEES**

**None**

### **ORAL REPORTS BY MEMBERS OF CITY COUNCIL and ORAL PRESENTATIONS BY MEMBERS OF CITY COUNCIL**

(a) Councilwoman Pepper said she co-chairs the group that is monitoring Norfolk Southern, and the case of Norfolk Southern Railroad versus the City of Alexandria was recently argued in 4th Circuit Court, having to do with the truck haul route ordinance, and the City lost its case.

(b) Councilwoman Pepper said one of the things Council had requested from staff was to come back with a policy statement for how the various historical BAR's would judge what would be appropriate use of modern and sustainable materials for the historical properties, and they received an update. The tension between the historic properties and how they can be renovated or upgraded or repaired has concerned her ever since they began the eco-city activities and became aware of the fact that there could be that sort of attention. For the last two months, the staff has formed a modern materials ad-hoc work group that has held a number of meetings, and the two BAR's, Historic Alexandria Resources Commission and the Old Town Civic Association have been involved and held nine meetings. Hopefully by the Fall they will bring a report to the boards for their approval.

(c) Councilman Krupicka said it held the Teen Pregnancy Committee meeting today and went through large statistics on how Alexandria compares to the region and the rest of the State as it relates to adolescent pregnancy. The good news is they are not seeing dramatic increases but the bad news is they aren't seeing the level of decreases they would like to see. It had a discussion on setting a new goal for teen pregnancy reduction in the City and setting themselves on a process to achieve that higher threshold.

(d) Councilman Krupicka said that two years ago, he and Councilman Smedberg, brought up the same issue as related to window frames and board materials that were being used in Old Town. It is an important element of eco-city Alexandria is how to mesh the City's commitment to environmental stewardship with its commitment

to preservation. He said he is pleased to see the great work staff is doing in that regard and is optimistic that Alexandria will be a national leader when it comes to finding the balance between those things. The Old Town Historic Sign Ordinance that he and Councilman Smedberg had proposed 12-18 months ago is doing gangbusters in reducing the workload of the BAR, improving efficiency of staff, making it easier for businesses to get businesses up in Old Town in record time, and its been so successful that the members of the BAR are looking for other ways to take advantage of the model and apply it to other routine BAR requests that they can create a set of standards around, reduce the fees and speed of the processing time.

(e) Councilman Krupicka said the City received a notice yesterday from the Campagna Center about the Scottish Christmas Walk, saying that given the realities of the economy, the Campagna Center is thinking hard about whether the Walk is core to their mission as an organization. The Walk doesn't put kids in preschool, doesn't help kids learn how to read, they make no money off of it and if anything, takes up an enormous amount of resources to no benefit to them. He asked staff to work with the Campagna Center and get input from Council over the summer to bring back recommendations to address the situation.

(f) Councilman Smedberg spoke of the transition from AMTRAK to Keolis as relates to the Virginia Railway Express. He noted that things are progressing nicely and full service implementation will take place July 8.

(g) Councilman Fannon thanked everyone who came out this past Saturday for a private/public partnership for Clean Beautiful Alexandria, where it planted 250 tree-wells on King Street, and he thanked City Manager Hartmann, Mr. Alton Weaver, Mr. Arial and Mr. Rob Kauffman, who helped head it up.

(h) Councilman Fannon congratulated the graduates of T.C. Williams who graduated last week and wished them the best of luck. The Scholarship Fund of Alexandria provided hundreds of thousands of dollars in scholarships to seniors to attend college.

(i) Mayor Euille extended congratulations and appreciation to the Superintendent and staff for the community outreach to share the facts as to the challenges and identify the corrective measures and response to ensure the success of the High School. The School was tagged with a label as a persistently lowest achieving school, and that affects and impacts less than 20 percent of the students. There is a commitment to make changes and that transformation model was recently approved by the School Board as a plan of action to move forward. Mayor Euille said he met with the new Principal and there are high expectations from students, parents and faculty.

(j) Mayor Euille said today was the last day of school in Alexandria, and he said he spoke with a fifth grade class at Mount Vernon Elementary School. He asked everyone to be extra cautious and be on the lookout for the kids and youth as they are out and about this summer.

(k) Mayor Euille said that on Saturday, July 26 from 11:00 to 3:00, the Parker-Gray Community Work Group will have a community day celebration at Charles Houston Rec Center, and it is a day of fun and activities.

**ORAL REPORT FROM THE CITY MANAGER**

None.

**ORDINANCES AND RESOLUTION**

30. Consideration of Resolution Establishing the Virginia Retirement System Employee Contribution Rate for City Employees Employed July 1, 2010 and Beyond. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 17, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 30; 6/22/10, and is incorporated as part of this record by reference.)

Legislative Director Caton and Human Resources Director Orr responded to questions of City Council.

**A MOTION WAS MADE** by Councilman Fannon, and which failed for lack of a second, to take no action so that there will be a five percent employee paid contribution rate for City employees employed July 1, 2010 and beyond for the Virginia Retirement System.

**WHEREUPON**, upon motion by Councilman Fannon, seconded by Vice Mayor Donley and carried 5-1 by roll-call vote, City Council adopted a resolution establishing a four percent employee paid contribution rate for City employees employed July 1, 2010 and beyond for the Virginia Retirement System. The voting was as follows:

Fannon	"aye"	Hughes	absent
Donley	"aye"	Krupicka	"aye"
Euille	"no"	Pepper	"aye"
	Smedberg	"aye"	

The resolution reads as follows:

**RESOLUTION NO. 2407**

**Authorization to Pick-up the Employee's Contribution to VRS  
Under § 414(h) of the Internal Revenue Code For Plan 2 Employees**

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1,

2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the City of Alexandria to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the City of Alexandria desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 1% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA

1. That effective July 1, 2010, the City of Alexandria shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 1% of creditable compensation subject to the terms and conditions described above; and
  2. That such contributions, although designated as member contributions, are to be made by the City of Alexandria in lieu of member contributions; and
  3. That nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the City of Alexandria directly instead of having them paid to VRS.
31. Consideration of a Resolution to Establish the Torpedo Factory Art Center Governing Board. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 15, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 31;

6/22/10, and is incorporated as part of this record by reference.)

Assistant City Manager Gates made a presentation of the staff report and responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Krupicka and carried 6-0 by roll-call vote, City Council adopted the resolution to establish the Torpedo Factory Art Center Board for the purpose of providing oversight and management of the Torpedo Factory Art Center facility, with an amendment to add a section (d) to the first primary section to indicate that ex-officio will be voting members, and to move the next to the last "whereas" further up in the resolution. The voting was as follows:

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

The resolution reads as follows:

**RESOLUTION 2408**

**RESOLUTION ON THE ESTABLISHMENT OF THE TORPEDO FACTORY ART CENTER BOARD (TFACB)**

Whereas, the Alexandria City Council desires the Torpedo Factory Art Center to continue its integral role in the economic, cultural and educational framework of the City; and

WHEREAS, the Torpedo Factory Art Center is an internationally recognized art center important to the cultural, educational and economic vitality of the City of Alexandria; and

WHEREAS, for more than 35 years, the Torpedo Factory Art Center has been an important part of the arts community and attracted thousands of visitors to the City; and

WHEREAS, the Torpedo Factory Art Center has brought notice and acclaim to the City, first as an inventive re-use of a building and later as a proud reflection of a community's commitment to its quality of life; and

WHEREAS, the considerable reputation of the Torpedo Factory results from the commitment, dedication and hard work of the many artists who have contributed their time, talent and artistic energy to the development of the facility as a premier art center; and

WHEREAS, the Torpedo Factory Art Center seeks to provide residents and visitors with opportunity to engage renown artists, learn of the process for creating fine art, and experience the intersection of art and community; and

WHEREAS, the Torpedo Factory Art Center is strategically located on the Alexandria waterfront where it serves as both a gateway for visitors and a threshold for residents; and

WHEREAS, the Torpedo Factory Art Center performs a critical role in supporting the City of Alexandria's economic well being, drawing visitors and residents to our streets and our retail and commercial establishments; and

Whereas, managing the operations of the Torpedo Factory Art Center and insuring its ongoing success requires a broad range of expertise and community based citizen support.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA THE FOLLOWING:

1. A Torpedo Factory Art Center Board (TFACB), consisting of twelve members, shall be created and charged with responsibility for the management and operational oversight of the Torpedo Factory Art Center and subject to the proceeding provisions:
  - a. The Board shall be legally incorporated as a non-profit entity and in such a manner as necessary to permit the raising and generation of funds for support of Torpedo Factory Art Center and affiliated operations. The City Attorney shall draft Articles of Incorporation to establish the TFACB as described.
  - b. The Board shall consist of nine members appointed by City Council serving three year staggered terms and three ex-officio members serving indefinite terms and be composed in the following manner:
    - i. Five members appointed at large and representing a diversity of expertise which may specifically include marketing, retail/commercial facility management, public relations, arts management, or other knowledge, skill or ability as City Council may from time to time deem appropriate;
    - ii. Three members representing the Torpedo Factory Artists Association (TFAA), such members to be endorsed by the TFAA governing body prior to consideration of appointment by City Council;
    - iii. One member representing the Art League;

- iv. One ex-officio member representing the Alexandria Convention and Visitors Association;
  - v. One ex-officio member representing the Alexandria Commission for the Arts;
  - vi. One ex-officio member representing the City Manager's Office.
- c. The Alexandria Archaeology Commission (AAC) may designate a Commission member to serve as an "Invited Participant" to the proceedings of the TFACB, however the AAC designee shall be non-voting.
  - d. Ex-officio members of the TFACB shall be full participating members and shall have the power to vote on all matters of Board consideration.
2. The TFACB shall have responsibility for the effective and efficient operation of the Torpedo Factory Art Center and their authority shall include:
- a. Determining the facility's hours of operation including having the ability to alter hours of opening and closing when determined to be in the best interest of the facility operation except that the TFACB shall not have authority to determine the hours of operation for any given artist studio, gallery or other leaseholder of the Torpedo Factory Art Center, such determinations to be made by the TFAA or negotiated between the TFACB and the TFAA as part of a leaseholder agreement.
  - b. Recruiting, selecting, supervising and managing a Chief Executive Officer who shall execute Board policies and directives related to the administration and management of the TFAC. The process for recruitment and selection of the CEO should include the advice of the TFAA however the TFACB shall have sole authority for any selection.
  - c. Delegating operational authority to the CEO as is determined to be in the best interest of facility operations.
  - d. Marketing and promotion of the TFAC as a premier art center destination and coordinating the marketing and promotion of the TFAC with other marketing efforts of the City and specifically those of the Alexandria Convention and Visitors Association (ACVA), such responsibility not to extend to the promotion and marketing of any individual artists work or the TFAA as a membership organization.



- e. Determining the most effective utilization of TFAC space, negotiating and executing agreements for use of TFAC common space including all space employed for special events, private engagements, public purposes or other uses not related to artist studios, negotiating a lease agreement with the TFAA for use of artist studios and gallery space, and determining the annual lease rate and any ancillary expenses (ie., utilities) as warranted. Lease agreements negotiated by and between the TFACB and the TFAA shall be subject to approval by the City of Alexandria. Space determinations affecting the Alexandria Archaeology Museum shall be subject to approval by the City of Alexandria.
  - f. Producing on an annual basis and upon the recommendation of the CEO, a budget for operation of the TFAC. The budget shall include a detailed report of revenue and spending necessary for the proper operation of the TFAC.
  - g. Providing for the regular maintenance and security of the TFAC, ensuring the availability of all utilities and services necessary for utilization of the facility and generally insuring the facility is a safe, clean, attractive, and enticing environment for tenants, visitors, and renters.
  - h. Establishing those rules necessary for the effective and efficient operation of the TFAC provided those rules are not in conflict with any requirement, rule or directive of the City of Alexandria or inconsistent with any conditions expressed in an executed lease agreement. The rule making authority of the TFACB may include defining standards for the contribution of facility-housed artists to the TFAC mission as a premier art center, visitor destination, educational institution and economic generator of the City.
  - i. Establishing measures of performance which shall include identifying, collecting and regularly reporting on metrics describing the economic, cultural and educational quality of the TFAC.
3. The Torpedo Factory Artists Association, in order to fulfill their responsibilities to the cultural and educational mission of the Torpedo Factory Art Center, shall, irrespective of the TFACB responsibilities, have the authority to:
- a. Govern and administer the TFAA according to the by-laws of the member organization, elect individuals to head the organization, convene committees and groups of members as it determines appropriate and in the best interest of the organization and to generally

work to promote the artistic endeavors of its membership.

- b. Define standards of artistic quality and employ the means deemed appropriate, including jurying or other discriminating processes of selection, for determining the suitability of artwork to be displayed and marketed in association with the Torpedo Factory Art Center.
  - c. Make, alter and amend those rules deemed necessary for the efficient and effective operation of the TFAA organization and in the best interest of the TFAA membership.
  - d. Determine the basis upon which an artist may be admitted to the membership organization and become eligible for Torpedo Factory Art Center studio space, except that determinations of eligibility for admission shall not be a guarantee of space. The utilization of Torpedo Factory Art Center space and the assignment of that space shall remain the purview of the TFACB who shall consult with the TFAA and consider artist and media space need requirements when making space allocations.
  - e. Advise the TFACB on matters of importance to the proper functioning of the Torpedo Factory Art Center including: 1) recommending participants and/or the staffing of TFACB created committees, 2) providing recommendations on employment of Torpedo Factory Art Center staffing, 3) assisting in the definition of standards for artist contribution to the Torpedo Factory Art Center mission, and 4) serving as advisor on any other issue or matter of importance as requested by the TFACB.
  - f. Organize, produce, and determine the standard of quality for any exhibits, displays, openings, presentations or other similar demonstrations of artistic work within the Torpedo Factory Art Center facility including its galleries, except that demonstrations of artistic work or performance requiring use of the Torpedo Factory Art Center common space is subject to scheduling by the TFACB.
  - g. Define and ensure the educational mission of the Torpedo Factory Art Center including the performing of educational outreach efforts.
  - h. Market and promote individual artists and artistic works and work cooperatively with the TFACB to market and promote the Torpedo Factory Art Center.
32. Consideration of Resolutions (1) to Initiate the Environmental Review Process for the Proposed Potomac Yard Metrorail Station, and (2) to Reallocate State Urban

Funds for that Purpose. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 16, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 32; 6/22/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council adopted the two resolutions requesting that: 1. the Washington Metropolitan Area Transit Authority, in coordination with the City of Alexandria, begin the environmental review process for the proposed Potomac Yard Metrorail Station; and 2. the Virginia Department of Transportation establish this environmental review process as a VDOT recognized project and reallocate \$1 million in State Urban Funds for the Potomac Yard Metrorail Environmental Impact Statement Study. The voting was as follows:

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

The resolutions read as follows:

**RESOLUTION NO. 2409**

WHEREAS, the City Council established the Potomac Yard Metrorail Station Feasibility Work Group in October 2008;

WHEREAS, the Work Group analyzed, examined and evaluated: (a) the financial tools, risks and fiscal impacts of funding the Metrorail station; (b) concept refinement and constructability of a new Metrorail station, to review construction costs; and (c) potential ridership; and

WHEREAS, guidance recommended by the Work Group was presented to the Potomac Yard Planning Advisory Group, the Planning Commission and the City Council as it relates to station location, relationship between station construction and proposed development, and funding and financial risk; and

WHEREAS, the City Council, the Planning Commission and the Potomac Yard Planning Advisory Group has considered all such matters; and

WHEREAS, the Planning Commission recommended and the City Council approved the North Potomac Yard Small Area Plan on May 15, 2010; and

WHEREAS, the Planning Commission recommended and the City Council approved the North Potomac Yard Coordinated Development District (CDD #19) on June 12, 2010; and

WHEREAS, the North Potomac Yard Small Area Plan and the related CDD #19 include a new Potomac Yard Metrorail Station as a key transportation element of the Potomac Yard development plans; and

WHEREAS, the undertaking of an Environmental Impact Statement study process is necessary due to the federal interests impact, as well as to help make this project eligible for possibly receiving future federal funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA THAT:

The City of Alexandria requests that the Washington Metropolitan Area Transit Authority begin the environmental review process for the proposed Potomac Yard Metrorail Station.

#### RESOLUTION NO. 2413

WHEREAS, in accordance with Virginia Department of Transportation (the "Department") construction allocation procedures, it is necessary that a request by City Council resolution be made in order that the Department program an urban highway project in the City of Alexandria;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA THAT:

The City Council of the City of Alexandria, Virginia requests the Virginia Department of Transportation to establish an urban project for the environmental review process of a Potomac Yard Metrorail Station and reallocate \$1 million from the Clermont Avenue project (UPC 52175) to this project.

BE IT FURTHER RESOLVED, that the City Council of the City of Alexandria, hereby agrees to pay its share of the total cost for preliminary engineering, right of way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City of Alexandria subsequently elects to cancel this project, the City of Alexandria hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

33. Consideration of Resolution to Amend the City of Alexandria Firefighters and Police Officers Pension Plan. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 9, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 33;

6/22/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried 6-0 by roll-call vote, City Council adopted the resolution regarding the proposed First Amendment to the Plan. The changes in this amendment are necessary to: make technical corrections, such as modifications and clarifications, to plan language; comply with the Federal Pension Protection Act of 2006; comply with the Federal Heroes Earnings Assistance and Relief Act signed by Congress in June 2008; comply with the Federal Age Discrimination in Employment Act of 1967, as amended; and facilitate the Plan's compliance with court-ordered decrees (divorce and child support payments.) The voting was as follows:

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

The resolution reads as follows:

#### RESOLUTION NO. 2410

WHEREAS, the City of Alexandria maintains the "City of Alexandria Firefighters and Police Officers Pension Plan" (the "Plan"); and

WHEREAS, the City of Alexandria desires to adopt and incorporate certain amendments to the Plan as set forth in the Plan attached hereto; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA THAT the Alexandria City Council does hereby recognize, adopt, amend, and approve the Plan to incorporate the amendments attached hereto and incorporated fully herein by reference; and

BE IT FURTHER RESOLVED THAT, this Resolution shall be effective immediately; provided however, that the amendments hereby approved shall be effective as stated in the Plan

34. Consideration of a Resolution to Amend the City of Alexandria Supplemental Retirement Plan Changing Some of the Provisions of the Plan. **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 9, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 34; 6/22/10, and is incorporated as part of this record by reference.)

Director of Finance Triggs responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council adopted the resolution changing the provisions of the Plan. The changes in this amendment are necessary: 1. to vest participants in their accrued benefit if they become disabled before accruing five years of service as was intended in the original plan design; 2. to allow participants with less than five years of service whose benefit is vested due to disability to receive a monthly benefit; 3. to establish that an employee who is receiving disability benefits under the City of Alexandria Firefighters and Police Officers Pension Plan (Fire and Police Plan) will not also receive disability benefits from this Plan; and 4. to establish that an employee terminated due to dishonesty, malfeasance, or misfeasance in office shall forfeit the right to receive a monthly benefit payable under this Plan, but will have the right to appeal the denial of benefits. The voting was as follows:

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

The resolution reads as follows:

#### RESOLUTION NO. 2411

WHEREAS, the City of Alexandria maintains the "City of Alexandria Supplemental Retirement Plan" (the "Plan"); and

WHEREAS, the City of Alexandria desires to adopt and incorporate certain amendments to the Plan as set forth in the Plan attached hereto; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA THAT the Alexandria City Council does hereby recognize, adopt, amend, and approve the Plan to incorporate the amendments attached hereto and incorporated fully herein by reference; and

BE IT FURTHER RESOLVED THAT this Resolution shall be effective immediately; provided however, that the amendments hereby approved shall be effective as stated in the Plan.

35. Second Reading and Final Passage of the Ordinance to Increase Residential Parking Permit Fees (#19, 6-12-10). **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandums dated June 17, 2010, and May 26, 2010 are on file in the Office of the City Clerk and Clerk of Council, marked Exhibits No. 1 of Item No. 35; 6/22/10, and are incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council adopted the ordinance as proposed with the fees established in the FY 2010 approved budget and consider any further changes in residential parking permit fees during the FY 2012 budget deliberations. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4676

AN ORDINANCE to amend and reordain Article F (PERMIT PARKING DISTRICTS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article F, Chapter 8 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 5-8-74 to read as follows:

Sec. 5-8-74 Parking permits; issuance.

Except as provided in subsection (6), the city manager shall, upon payment of the fee provided for by this article, issue permits to natural, but not corporate, persons who reside in a dwelling located within the boundaries of a permit parking district authorizing the parking of motor vehicles in such district for more than the consecutive hour limitation in effect in the district, as follows:

(1) to persons who reside in a permit parking district or to persons who both reside in a dwelling located on a block adjacent to an existing permit parking district where parking on said block is controlled by time limits set by official signs or metered parking and lack adequate alternative nearby parking facilities available to them, as determined by the city manager or the manager's designee:

(a) one permit for each vehicle belonging to such persons for which the persons have paid all personal property taxes imposed thereon by the city and which displays a valid license windshield tag issued pursuant to the provisions of section 3-2-321 et seq. of this code. Such permits shall be valid from July 1 or, if later, the date of issuance through November 15 of the following year. Applicants for permits issued

pursuant to this subsection shall provide proof of residence and, for each vehicle for which a permit is sought, a motor vehicle registration card issued by the division of motor vehicles and proof of payment of all personal property taxes and license taxes imposed thereon by the city; and

(b) one permit per residence for a health care provider providing health care services at the residence. Permits issued under this paragraph (b) are not vehicle specific and may be transferred to different vehicles, but the use of such permits other than by persons providing health care services at the residence or other than during such times as they are providing health care services at the residence (or are in the immediate process of coming or going from the residence in connection with providing health care services at the residence) is prohibited. Such permits shall be valid for up to one year and will expire on October 5, annually. Applicants for permits issued pursuant to this paragraph (b) shall provide proof of residence, a notarized certification that a permanent resident is receiving health care services at the residence, and a written statement from a licensed medical professional that a permanent resident is receiving health care services at the residence. The provisions of this paragraph (b) shall expire on June 30, 2006, and no permit issued hereunder shall be valid after such date.

For permits issued to a person or renewed pursuant to paragraph (a) of this subsection, there shall be imposed a fee of \$30 for the first vehicle, \$40 for the second vehicle, and \$100 for each additional vehicle. Any person who has been issued a permit for a vehicle pursuant to paragraph (a) of this subsection may obtain a replacement permit for use on another vehicle registered in such person's name, upon application on forms furnished by the city manager and presentation of the registration card for the vehicle for which the replacement permit is sought and pieces of the previously issued permit as proof that it was removed from the vehicle for which the fee was previously paid, accompanied by a fee of \$1. For permits issued to a person or renewed pursuant to paragraph (b) of this subsection, there shall be imposed a fee of \$50 per permit.

(2) to persons who are visitors at a residence within a permit parking district on the application of the resident, one permit for any vehicle used by such person during the visit, which permit shall be valid for a maximum of 30 days but shall not be renewed; provided, that permits may be issued to no more than two visitors to the same residence at the same time. A \$5 fee shall be charged for any permit issued pursuant to this subsection for a period of more than seven days.

(3) to persons who are guests at a residence in a permit parking district on the application of the resident, one permit for any vehicle used by such person while a guest at the residence, which permit shall be valid for a date certain or portion thereof; provided that the number of permits issued under this subsection shall not at any time exceed 50 percent of the number of parking spaces in which they are valid; provided further, that no permit shall be issued under this subsection except upon a showing by the resident making application therefor that during the hours for which the permit is to be issued this residence will be used and occupied in a manner which is both lawful and



not inconsistent with the residential character of the permit parking district in which it is located, and unless it shall be found that the issuance of the permit or permits will not unduly impair traffic safety during the time of their validity; provided further, that, notwithstanding any provision of this subsection to the contrary, up to 10 self-validating guest permits shall be issued in any calendar month for the guests of any residence located in a permit parking district upon the application of a person residing in the residence. Any permit issued pursuant to this subsection may be limited to certain streets or portions thereof in the permit parking district for which the permit is issued.

(4) to persons doing business with a resident of a permit parking district on the application of the resident, one permit for the vehicle used while doing business in the permit parking district; provided, that such permits may be issued to no more than three persons doing business at the same residence at the same time. No permit shall be issued pursuant to this subsection for a period longer than the time estimated by the resident to be required for completing the business transaction for which the permit is sought, and in no event shall any permit be valid for more than 30 days.

(5) whenever a holder of a permit issued under this section is no longer qualified to possess the permit, the permit shall be invalid and shall be returned to the director of finance.

(6) permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, to the extent the residents, visitors, guests or business-invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described above in subsections (1), (2), (3) or (4).

Section 2. That this ordinance shall become effective July 1, 2010.

36. Public Hearing, Second Reading and Final Passage of an Ordinance Implementing an Amendment of the City's Zoning Ordinance Regulations Related to Small Businesses, as Recommended By The Planning Commission on June 3, 2010 and Approved by the Council On June 12, 2010. (#26, 6/12/10)  
**[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. 36; 6/22/10, 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. 36; 6/22/10 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried 6-0 by roll-call vote, City Council adopted the ordinance

implementing an amendment of the City's Zoning Ordinance regulations related to small businesses, as recommended by the Planning Commission on June 3, 2010, and approved by City Council on June 12, 2010. The voting was as follows:

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

The ordinance reads as follows:

#### ORDINANCE NO. 4677

AN ORDINANCE to amend Section 1-400 (INTERPRETATION OF ORDINANCE) to Article I (GENERAL REGULATIONS), Article II (DEFINITIONS), Sections 4-100 (CL/COMMERCIAL LOW ZONE), 4-200 (CC/COMMERCIAL COMMUNITY ZONE), 4-300 (CSL/COMMERCIAL SERVICES LOW ZONE), 4-400 (CG/COMMERCIAL GENERAL ZONE), 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE (OLD TOWN NORTH)), 4-700 (CR/COMMERCIAL REGIONAL ZONE), 4-800 (OC/OFFICE COMMERCIAL ZONE), 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), 4-1200 (I/INDUSTRIAL ZONE), and 4-1400 (NR/NEIGHBORHOOD RETAIL ZONE) to Article 4 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Sections 5-100 (CRMU/COMMERCIAL RESIDENTIAL MIXED USE (LOW)), 5-200 (CRMU-M/COMMERCIAL RESIDENTIAL MIXED USE (MEDIUM)), 5-300 (CRMU-H/COMMERCIAL RESIDENTIAL MIXED USE (HIGH)), and 5-400 (CRMU-X/COMMERCIAL RESIDENTIAL MIXED USE (OLD TOWN NORTH) ZONE) to Article 5 (MIXED USE ZONES), Sections 6-600 (MOUNT VERNON AVENUE URBAN OVERLAY ZONE) and 6-700 (KR/KING STREET URBAN RETAIL ZONE) to Article VI (SPECIAL AND OVERLAY ZONES), Section 8-100 (OFF STREET PARKING REQUIREMENT) to Article VIII (OFF STREET PARKING AND LOADING), and Section 11-500 (SPECIAL USE PERMITS) to Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2010-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2010-0001, 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 June 3, 2010 of a text amendment to the Zoning Ordinance to adopt amendments related to small businesses, which recommendation was approved by the City Council at public hearing on June 12, 2010;

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 1-400 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

1-400 Interpretation of ordinance.

(B) *Interpretation of zone regulations.*

(3) Maximum floor area ratio and maximum density shall be calculated as follows:

(f) When calculating the floor area of an office, multifamily or mixed use building constructed after June 22, 2010, space devoted to day care facilities and programs offering early childhood education, elder care and other related services shall not be calculated as floor area, provided:

(1) a maximum of 10,000 square feet of floor area may be excluded under this provision;

(2) space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education, elder care and other related services unless a special use permit is approved for alternative community facilities or civic functions, including public schools; community arts exhibition or performance space; private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.

Section 2. That Article II of the Zoning Ordinance be, and the same hereby is, amended by inserting new language, as shown:

2-190.1 Restaurant, accessory. A use involving the sale or presentation of food and beverages which is clearly subordinate in area, extent, and purpose to an approved principal use and which is customarily found in connection with and serving that principal use. Typically, an accessory restaurant is not larger than 33% of the floor area of the entire business; does not offer table or delivery service; does not have hours of operation longer than the principal use; and does not have a separate entrance.

- 2-190.2 Restaurant, nightclub. A restaurant where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising.
- 2-190.3 Restaurant, coffee or ice cream shop. A small restaurant, typically no more than two thousand square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

Section 3. That Sections 4-100, 4-200, 4-300, 4-400, 4-500, 4-600, 4-700, 4-800, 4-900, 4-1000, 4-1100, 4-1200, and 4-1400 of the Zoning Ordinance be, and the same hereby are, amended by deleting and inserting new language, as shown:

Sec. 4-100 CL/Commercial low zone.

- 4-102.1 *Administrative special uses.* The following uses may be allowed in the CL zone with administrative approval, subject to section 11-513 of this ordinance:
- (A) Restaurant;
  - (B) Massage establishment;
  - (C) Outdoor garden center;
  - (D) Outdoor food and crafts market;
  - (E) Outdoor dining;
  - (F) Overnight pet boarding if located in a shopping center;
  - (G) Valet parking.
- 4-103 *Special uses.* The following uses may be allowed in the CL zone pursuant to a special use permit:
- (G.1) *Delete in entirety.*

Sec. 4-200 CC/Commercial community zone.

- 4-202.1 *Administrative special uses.* The following uses may be allowed in the CC zone with administrative approval, subject to section 11-513 of this ordinance:
- (A) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-203 *Special uses.* The following uses may be allowed in the CC zone pursuant to a special use permit:  
 (K.1) *Delete in entirety.*

Sec. 4-300 CSL/Commercial service low zone.

4-302.1 *Administrative special uses.* The following uses may be allowed in the CSL zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-303 *Special uses.* The following uses may be allowed in the CSL zone pursuant to a special use permit:  
 (P.1) *Delete in entirety.*

Sec. 4-400 CG/Commercial general zone.

4-402.1 *Administrative special uses.* The following uses may be allowed in the CG zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-403 *Special uses.* The following uses may be allowed in the CG zone pursuant to a special use permit:

(R.1) *Delete in entirety.*

Sec. 4-500 CD/Commercial downtown zone.

4-502.1 *Administrative special uses.* The following uses may be allowed in the CD zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining (beyond the boundaries of the King Street Outdoor Dining Zone);
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-503 *Special uses.* The following uses may be allowed in the CD zone pursuant to a special use permit:

(O.1) *Delete in entirety.*

Sec. 4-600 CD-X/Commercial downtown zone (Old Town North).

4-602.1 *Administrative special uses.* The following uses may be allowed in the CD-X zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-603 *Special uses.* The following uses may be allowed in the CD-X zone pursuant to a special use permit:

(N.1) *Delete in entirety.*

Sec. 4-700 CR/Commercial regional zone.

4-702.1 *Administrative special uses.* The following uses may be allowed in the CR zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;

- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-703 *Special uses.* The following uses may be allowed in the CR zone pursuant to a special use permit:

- (I) Reserved

Sec. 4-800 OC/Office commercial zone.

4-802.1 *Administrative special uses.* The following uses may be allowed in the OC zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-803 *Special uses.* The following uses may be allowed in the OC zone pursuant to a special use permit:

- (S.1) *Delete in entirety.*

Sec. 4-900 OCM(50)/Office commercial medium (50) zone.

4-902.1 *Administrative special uses.* The following uses may be allowed in the OCM (50) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-903 *Special uses.* The following uses may be allowed in the OCM(50) zone pursuant to a special use permit:

(S.1) *Delete in entirety.*

Sec. 4-1000 OCM(100)/Office commercial medium (100) zone.

4-1002.1 *Administrative special uses.* The following uses may be allowed in the OCM (100) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

4-1003 *Special uses.* The following uses may be allowed in the OCM(100) zone pursuant to a special use permit:

(S.1) *Delete in entirety.*

Sec. 4-1100 OCH/Office commercial high zone.

4-1102(E.3) Health and athletic club located in a shopping center, hotel, industrial or flex space building or office complex.

4-1102.1 *Administrative special uses.* The following uses may be allowed in the OCH zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

4-1103 *Special uses.* The following uses may be allowed in the OCH zone pursuant to a special use permit:

- (L) Health and athletic club other than as a permitted or



administrative SUP use

(Q.1) *Delete in entirety.*

Sec. 4-1200 I/Industrial zone.

- 4-1202 *Permitted uses.* The following uses are permitted in the I zone:
- (A) Ambulance service;
  - (B) Animal shelter or kennel;
  - (C) Automobile service station;
  - (D) Bottling plant;
  - (E) Building materials storage and sales;
  - (F) Business or professional office\_
  - (G) Catering operations;
  - (H) Drive through facility;
  - (I) [*Reserved* ];
  - (J) Funeral home;
  - (K) Glass shop;
  - (L) Health and athletic club
  - (L.1) Ice and cold storage facility;
  - (M) Laundry, dry cleaning operations;
  - (N) Light assembly and crafts
  - (N.1) 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) Personal service establishment
  - (S.1) 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) Restaurant located within a shopping center or hotel;
  - (V.2) 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.

4-1202.1 *Administrative special uses.* The following uses may be allowed in the I zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (G) Valet parking.

4-1203 *Special uses.* The following uses may be allowed in the I zone pursuant to a special use permit:

- (A) Asphalt plant;
- (A.1) Amusement enterprise;
- (B) Automobile and trailer rental or sales area;
- (C) Business offices other than those listed in section 4-1202(F);
- (D) Bus shelter on private property;
- (E) Concrete mixing and batching plant;
- (F) Convenience store;
- (F.1) Day labor agency.
- (G) Freight distribution center;
- (G.1) Fuel yard;
- (H) General automobile repair;
- (I) Helistop;
- (J) Homeless shelter;
- (K) Hospital;
- (L) Interstate bus station;
- (M) Junkyard;
- (N) Medical care facility;
- (O) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Motor vehicle storage yard;
- (P.1) Outdoor food and crafts market, other than pursuant to section 4-1202.2;
- (P.2) Outdoor garden center, other than pursuant to section 4-1202.1;
- (P.3) Overnight pet boarding, other than pursuant to section 4-1202.1;
- (Q) Public building;
- (R) Recycling and materials recovery facility;
- (R.1) Restaurant, other than pursuant to section 4-1202 (V.1) or 4-1202.1;
- (S) Stone crushing operation;
- (T) Vehicle towing service and associated impound lot;
- (U) Waste to energy plant;
- (V) Any other use not listed elsewhere in this ordinance.

Sec. 4-1400 NR/Neighborhood retail zone (Arlandria).

4-1403 Permitted uses. In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

- (A) Permitted ground floor uses. The following uses are permitted on the ground floor of buildings facing the sidewalk:
  - (1) Retail establishment;
  - (2) Personal service, except banks;
  - (3) Banks, business and professional offices, medical laboratory or offices and laundromats, provided:
    - (a) The business facade shall be no wider than 30 feet along the street;
    - (b) No more than two such uses or entrances shall adjoin each other.
  - (4) Restaurants, when located within a shopping center or hotel, or with administrative approval pursuant to section 4-1403.1;
  - (5) Day care center.
- (B) Permitted uses above the ground floor:
  - (1) Uses listed under section 4-1403;
  - (2) Dwelling unit;
  - (3) Office;
  - (4) Church;

4-1403.1 Administrative special uses. The following uses may be allowed in the NR zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Overnight pet boarding located in a shopping center;
- (E) Massage establishment;
- (F) Valet parking;
- (G) Outdoor dining.

4-1404 Special uses. The following uses may be allowed with a special use permit:

- (D) *Reserved.*
- (H) *Reserved.*

4-1407 Parking. The parking requirements of article XIII of the zoning

ordinance and with an administrative permit granted by the director of planning and zoning, the following provisions shall apply as to off-street parking:

- (A) In order to maintain the existing supply of private off-street parking spaces, these spaces shall be retained and may be shared until such time as centralized parking facilities are constructed. Such shared arrangements shall be reviewed and approved by the director of planning and zoning;
- (B) Existing restaurants may add up to 20 outdoor dining seats with no additional off-street parking requirement;

4-1413

Use limitations.

- (A) All operations, except those administrative uses enumerated in section 14-1103(B), (C) and (G) shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.
- (E) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to the opening of its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Section 4. That Sections 5-100, 5-200, 5-300, and 5-400 of the Zoning Ordinance be, and the same hereby are, amended by deleting and inserting new language, as shown:

Sec. 5-100 CRMU-L/Commercial residential mixed use (low).

5-102.1 *Administrative special uses.* The following uses may be allowed in the CRMU-L zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (G) Valet parking.

5-103 *Special uses.* The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-109 below:

(J.1) *Delete in entirety.*

Sec. 5-200 CRMU-M/Commercial residential mixed use (medium).

5-202.1 *Administrative special uses.* The following uses may be allowed in the CRMU-M zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-203 *Special uses.* The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-209 below:

(J.1) *Delete in entirety.*

Sec. 5-300 CRMU-H/Commercial residential mixed use (high).

5-302 *Administrative special uses.* The following uses may be allowed in the CRMU-H zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;

- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking

5-303 *Special uses.* The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-309 below:

(J.1) *Delete in entirety.*

Sec. 5-400 CRMU-X/Commercial residential mixed use (Old Town North) zone.

5-402.1 *Administrative special uses.* The following uses may be allowed in the CRMU-X zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (G) Valet parking

Section 5. That Sections 6-600 and 6-700 of the Zoning Ordinance be, and the same hereby are, amended by deleting and inserting new language, as shown:

Sec. 6-600 Mount Vernon Avenue Urban Overlay Zone

6-603 Uses.

(D) *Administrative special uses.* Notwithstanding any contrary provisions of the zoning ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513.

- (1) Restaurants, up to a maximum of 60 seats
- (2) Outdoor dining
- (3) Amusement enterprise, limited to live theater
- (4) Outdoor food and crafts markets
- (5) Neighborhood outdoor garden center, limited to a maximum size of 10,000 square feet
- (6) Outdoor display of retail goods
- (7) Massage establishment
- (8) Valet parking

6-604 *Parking requirements .* The provisions of article VIII of this ordinance shall apply within the overlay zone the following additions and modifications:

- (A) The requirements of sections 8-200(F)(1) and (2) regarding provision of parking as a result of a change of use, a significant enlargement or a significant alteration shall not apply if the use after the change, enlargement or alteration is a retail establishment.
- (B) Outdoor dining requires no parking for the first 20 seats.
- (C) Outdoor food and crafts markets shall have no parking requirement, and may, like other permitted temporary uses approved by the director, occupy areas with required parking spaces for their limited duration.
- (D) For form based development pursuant to section 6-606, parking additions or modifications are provided in that section.

[the following deletion was approved by City Council in Ordinance Number 4573 however it has not been removed from the code. The deletion is being included here again for ease of reference for the code company to implement the change.]

6-607 RESERVED [deleted in its entirety]

Sec. 6-700 KR/King Street Urban Retail Zone

6-702

*Uses.* Uses in the King Street urban retail zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

(B) *Upper floor uses.*

(1) *Permitted uses :*

- (a) Any use permitted as a ground floor use under section 6-702(A)(1);
- (b) Multifamily dwelling units or accessory apartments;
- (c) Business and professional office;
- (c.1) Day care center
- (d) Medical office;
- (e) Medical laboratory;
- (f) Personal service establishment;
- (g) Radio or television broadcasting office and studio.

(2) *Special uses:*

- (a) Any use allowed as a ground floor special use under section 6-702(A)(2);
- (b) Apartment hotel;
- (c) Catering operation;
- (d) Congregate housing;
- (e) *Reserved.*
- (f) Home for the elderly;
- (g) Fraternal or private club;

- (g.1) *Delete in entirety.*
- (h) Medical care facility;
- (i) Motor vehicle parking or storage;
- (j) Newspaper office, including printing and publishing facilities;
- (k) Private school, commercial or academic;
- (l) Rooming house;
- (m) Social service use;
- (n) Wholesale business.

(C) *Administrative special uses.* Notwithstanding any contrary provisions of this ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513 of this ordinance:

- (1) Valet parking;
- (2) Massage establishment.

Section 6. That Sections 8-100 of the Zoning Ordinance be, and the same hereby are, amended by deleting and inserting new language, as shown:

Sec. 8-100 Off-street parking requirement

(A)

- (6) *Reduction of requirement by administrative special use permit.* An administrative special use permit may be obtained pursuant to section 11-513, where sufficient parking to meet the requirement is available at all times the use is operational, despite the fact that the same parking spaces are used, dedicated or available for other uses at other times.

Section 7. That Sections 11-500 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

Sec. 11-500 Special use permits.

*11-511 Administrative Amendment to SUP.* The director is authorized to approve the following amendments to special use permits under the following circumstances and procedures.

(A) *Amendments Authorized.*

- (1) *Change in ownership.* Where an application is necessitated solely by a change in ownership of the use, the director may administratively approve such application and transfer the special use permit to the new applicant after



determining that there have been no substantiated violations of the special use permit conditions which were not corrected immediately, constitute material or repeat violations or which created a material and direct adverse impact on the surrounding community.

- (2) *Minor Amendment.* Where an application proposes a change to a City Council approved special use permit which constitutes no more than a minimal enlargement or extension, the director may administratively approve the change after determining that:
- (a) the changes are so insignificant, when the overall use is considered, that they will have little or no zoning impact on the adjacent properties or the neighborhood;
  - (b) the proposal will not change the character of the use or increase its overall intensity, including, without limitation,
    - (i) no more than the following increases which may be permitted only once over the life of the permit:
      - (a) two additional hours of operation, but not to exceed hours consistent with an established neighborhood standard;
      - (b) 20% additional restaurant seats, up to a maximum of 12 additional seats and not to exceed 100 seats maximum;
      - (c) 20% additional classroom seats;
      - (d) 20% additional equipment;
      - (e) 20% additional floor area;
      - (f) similar increases for other aspects of the use; or alternatively,
    - (ii) the proposed change is no greater than what is allowed under the standards for administrative approval for the same use under Section 11-513;
  - (c) there have been no substantiated violations of the special use permit conditions within the last five years;
  - (d) the proposed change when considered in conjunction with all amendments since City Council approval, does not exceed in the aggregate the limitations prescribed under this Section 11-511.
  - (e) the proposed change does not amend or delete conditions that were included to address community concerns.

- (3) *Special Events.* Notwithstanding any provision of this ordinance to the contrary, the director may approve a temporary extension in the hours of operation of a business subject to an approved special use permit, to coincide with the hours of operation of an event, promotional program or city-sponsored festival in which the business is participating. The procedures required under this section 11-511 shall not apply in such cases.

(C) *Procedure.*

- (1) The Director shall placard the property, cause email notice to the affected civic and business associations, send eNews or equivalent electronic notice, and prominently post a list of pending administrative applications on the department web page for review by the public. Such notice shall be given at least 30 days prior to the approval of an amendment under this section.
- (2) An application for an administrative approval under this section 11-511 which is not approved by the director shall be subject to the same procedural requirements of any other application for a special use permit.
- (3) The director is authorized to issue regulations governing administrative approvals issued under this section 11-511.
- (4) The director's decision may be appealed to the planning commission by a person affected by the decision by filing a notice of appeal with the department of planning and zoning within 30 days from the date of the decision appealed. The notice shall be a written statement specifying the grounds on which the appellant is affected and the basis of the appeal. The Planning Commission shall hold a public hearing on the appeal, with notice pursuant to section 11-300 provided, and may affirm, reverse or modify the director's decision, or vacate the decision and remand the matter to the director for further consideration.

(D) *Delete in entirety.*

(E) *Delete in entirety.*

(F) *Delete in entirety.*

(G) *Delete in entirety.*

11-513 *Administrative Special Use Permit.* An applicant may seek the director's approval of a use identified in this ordinance as one for which administrative special use permit approval is available pursuant to the standards and procedures outlined in this section.

- (A) Jurisdiction and procedures for administrative approval.

- (1) An applicant for an administrative SUP under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose. The application shall include a statement identifying the applicant as required by section 11-503 of this ordinance.
- (2) Notice of a pending administrative permit application shall be made in a newspaper of general circulation in the city, posted on the subject property, given to nearby civic and business associations by email, by eNews or equivalent electronic notice, and prominently posted on the department web page in a list of pending administrative applications for review by the public. Such notice shall be given at least 21 days prior to the approval of an amendment under this section. The public may submit comments to the director regarding the application.
- (3) The application shall be reviewed for compliance with this section 11-513 as well as with applicable provisions of section 11-500.
- (4) As an alternative to an administrative approval, an applicant may choose to seek special use permit approval pursuant to section 11-500 of the zoning ordinance.
- (5) After review the director may approve, approve with conditions, or deny the application. An approval by the director shall be deemed to have the force and effect of a special use permit, under section 11-500, except that provisions of 11-507 shall not apply.
- (6) The director may determine that administrative approval is not appropriate and that special use permit approval shall be required if the proposal will not be compatible with the adjacent and surrounding properties, if the applicant fails to meet the standards for the permit, if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the police department it is determined that there are criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator.
- (7) In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any standard of this section, the director may suspend or revoke the administrative approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant or his successor in interest may appeal this suspension or revocation pursuant to section 11-205(B) et. seq. of this ordinance, except that such appeal shall be heard by the planning commission.

(B) *Appeals.*

- (1) Any person affected by a decision of the director issued pursuant to section 11-513(A)(5) may appeal the decision to the planning commission, by filing a notice of appeal, in writing, stating the grounds on which the person is affected and the grounds of appeal, with the director within 30 days of the issuance of the decision.
- (2) The planning commission shall conduct a public hearing on any appeal filed pursuant to section 11-513(B)(1), notice for which shall be provided in accordance with the applicable provisions of section 11-300 of this ordinance. Following the conclusion of the hearing, the planning commission may affirm, reverse or modify the decision of the director, or vacate the decision and remand the matter to the director for further consideration.
- (3) Any person affected by a decision of the planning commission issued pursuant to section 11-513(B)(2) may appeal the decision to the city council, by filing a notice of appeal, in writing, stating the grounds on which the person is affected and the grounds of appeal, with the city clerk within five days of the issuance of the decision.
- (4) The city council shall conduct a public hearing on any appeal filed pursuant to section 11-513(B)(3), notice for which shall be provided in accordance with the applicable provisions of section 11-300 of this ordinance. Following the conclusion of the hearing, the council may affirm, reverse or modify the decision of the commission, or vacate the decision and remand the matter to the planning commission or the director for further consideration.

(K) *Specific standards for overnight pet boarding.*

- (1) The applicant shall comply with the Virginia Department of Agriculture and Consumer Services Division of Animal Industry Services laws and Animal Care, Control, Property and Protection Laws of Virginia regarding Boarding Establishments.
- (2) *Delete in entirety.*

(L) *Specific standards for restaurants.*

- (1) The number of seats at the restaurant may not exceed 100.
- (2) The restaurant shall offer full service, including printed menus and wait service provided at tables and preset tables with nondisposable tableware, except that this full service requirement does not apply to a coffee or ice cream shop.
- (3) The hours of operation shall be no greater than the prevailing hours of similar uses in the area, but in no event

shall the restaurant stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday, although the closing hour for indoor seating may be extended until midnight four times a year for special events.

- (4) The applicant shall post the hours of operation as well as the location of off street parking at the entrance to the restaurant.
- (5) Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.
- (6) Limited, live entertainment may be offered at the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.
- (7) Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle, with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.
- (8) Full alcohol service, consistent with a valid ABC license is permitted. No off-premise alcohol sales are permitted. Within the West Old Town neighborhood (bounded by Cameron, North West, Wythe and North Columbus Streets), no alcohol shall be served before 11:00 a.m. or after 10:00 p.m. daily. Within the Mount Vernon Avenue Overlay zone, the NR zone and the West Old town neighborhood\_areas, alcohol service is limited to table service.
- (9) No food, beverages, or other material shall be stored outside.
- (10) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (11) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- (12) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- (13) The applicant shall provide storage space for solid waste

and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: [www.alexandriava.gov](http://www.alexandriava.gov) or contact the City's Solid Waste Division at 703-519-3486 ext.132.

(M) *Specific standards for outdoor dining.*

- (1) Outdoor dining shall be accessory to an approved indoor restaurant.
- (2) Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance.
- (3) A maximum of 20 seats may be located at outdoor tables in front of the restaurant. The outdoor seats permitted are in addition to the indoor seats.
- (4) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant, unless a neighborhood standard has been established with a different time. Within the NR Zone, the Mount Vernon Avenue Urban Overlay Zone and the West Old Town neighborhood areas, outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday.
- (5) No live entertainment shall be permitted in the outdoor seating area.
- (6) Outdoor seating areas shall not include advertising signage, including on umbrellas.
- (7) On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.
- (8) A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas planters, wait stations, and other components to be located within the area, and such additional information as the Director may reasonably require.
- (9) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.
- (10) *Reserved.*
- (11) The provisions of the King Street outdoor dining overlay zone in section 6-800 apply to regulate outdoor dining within

the Central Business District.

(O) *Application to Certain Development Special Use Permits* . The provisions of this section 11-513 have no application to any CO Planned Residential/Commercial Development and shall not preempt any conditions in any DSUP or CDD Concept Plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:

(1) *Cameron Station, DSUP #2004-0026* . In the commercial space along Brenman Park Drive, the following uses shall be permitted uses and the provisions of this section 11-513(O)(1) shall preempt any conflicting provisions of DSUP 2004-0026:

- (a) Business professional offices;
- (b) Catering;
- (c) Church;
- (d) Convenience store;
- (e) Day care center;
- (f) Health and athletic club;
- (g) Massage establishment;
- (h) Medical care facility;
- (i) Medical laboratory;
- (j) Medical office;
- (k) Personal service establishments;
- (l) Pet supplies, grooming and training with no overnight accommodations;
- (m) Restaurant; and
- (n) Retail shopping establishments.

Section 8. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 9. That Section 1-400, as amended pursuant to Section 1 of this ordinance, Article II, as amended pursuant to Section 2 of this ordinance, Sections 4-100, 4-200, 4-300, 4-400, 4-500, 4-600, 4-700, 4-800, 4-900, 4-1000, 4-1100, 4-1200, and 4-1400 as amended by Section 3 of this ordinance, Sections 5-100, 5-200, 5-300, and 5-400 as amended by Section 4 of this ordinance, Sections 6-600 and 6-700 as amended by Section 5 of this ordinance, Section 8-100 as amended by Section 6 of this ordinance and Section 11-500, as amended pursuant to Section 7 of this ordinance, be, and the same hereby are, reordained as parts of the City of Alexandria Zoning Ordinance.

Section 10. 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.

37. Public Hearing, Second Reading and Final Passage of an Ordinance Implementing A) a Rezoning from CDD#10 to CDD#19; B) Consideration of Amendments to Section 5-602 of the Zoning Ordinance With Respect to a New CDD #19 and to Section 5-610 of the Zoning Ordinance With Respect to the Configuration and Role of PYDAC; C) Consideration For a Special Use Permit For a CDD Conceptual Design Plan; D) Approval of a Special Use Permit For a Transportation Management Plan; E) Approval of Street Names For Five New Streets; F) Adoption of Design Guidelines; and Authorization For The City Manager To Sign The Memorandum of Understanding for CDD#19, As Recommended By The Planning Commission on June 3, 2010 and Approved By Council On June 12, 2010. (#27, 6/12/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated June 8, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 37; 6/22/10, 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. 37; 6/22/10, 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. 37; 6/22/10 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council adopted the ordinance implementing a rezoning from CDD#10 to CDD#19, amendments with respect to a new CDD #19 and with respect to the configuration and role of PYDAC, a special use permit for a CDD conceptual design plan, approval of a special use permit for a transportation management plan, approval of street names for five new streets, adoption of design guidelines, and authorization for the City Manager to sign the Memorandum of Understanding for CDD #19, as recommended by the Planning Commission on June 3, 2010, and approved by City Council on June 12, 2010. The voting was as follows:

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



Pepper "aye"

The ordinance reads as follows:

ORDINANCE NO. 4678

AN ORDINANCE to rezone North Potomac Yard from CDD #10 to CDD #19 and to amend Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) and Section 5-610 (POTOMAC YARD DESIGN ADVISORY COMMITTEE), both of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the rezoning heretofore approved by City Council as Rezoning No. 2009-0001 and the text amendment heretofore approved by City Council as Text Amendment 2010-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2009-0001 and Text Amendment 2010-0002, 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 June 3, 2010, of a rezoning of North Potomac Yard from CDD #10 to CDD #19 and related text amendments to Sections 5-602 and 5-610 of the Zoning Ordinance, which recommendation was approved by the City Council at public hearing on June 12, 2010;
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 North Potomac Yard be, and the same hereby is, rezoned from CDD#10 to CDD #19, and that the director is directed to make all appropriate changes to the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance to reflect such rezoning.

Section 2. That Section 5-602 of the Zoning Ordinance be, and the same hereby is, amended by inserting the following new language, as shown, at the bottom of "Table 1. Coordinated Development Districts:

*[The following table entry is all new language to be inserted at the bottom of the existing table; the remainder of the table is unaltered]*

*Sec. 5-602 Coordinated development districts created, consistency with master plan,*

required approvals.

(A) The CDD districts, as shown on Table 1, are as follows:

[new inserted table section at bottom of Table 1]

CDD #	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum FAR and/or Development	Maximum Height	Uses
19	North Potomac Yard	The CSL zone regulations shall apply on the first 250 feet east of Route 1, and the I zone regulations shall apply on the remainder of the site. However, in no case shall the development exceed 600,000 square feet.	Maximum development levels will be as depicted in Table 5 of the CDD Conditions. Conversion of square footage between uses may be permitted through the development special use permit process.  Refer to Table 3 of the CDD conditions for maximum parking ratios.	Heights shall be as shown in the North Potomac Yard Design Standards dated May 24, 2010.	Mixed-use development to include office, residential, retail and personal service, hotel, parks and open spaces and community facilities.

Section 3. That Section 5-610 of the Zoning Ordinance be, and the same hereby is, amended as follows:

5-610 Potomac Yard Design Advisory Committee.

(A) There is hereby established by ordinance the Potomac Yard design advisory committee.

(B) The Potomac Yard design advisory committee shall consist of nine members appointed by the city council, pursuant to title 2, chapter 4 of the Code of the City of Alexandria, Virginia, 1981, as amended, for staggered terms of two years. The committee shall include two members representing the Potomac East area; one member with urban design or architectural experience representing the National Park Service; two members representing the Potomac West area; two members representing the Potomac Yard area; one member representing the business community, and two qualified professionals skilled in architecture or urban design.

(C) The purpose of the Potomac Yard design advisory committee is to review applications for preliminary development plan special use permit approval under this ordinance, within CDD No. 10 Potomac Yard/Greens and CDD No. 19 North Potomac Yard, for compliance with the *respective* urban design guidelines or design standards applicable therein, and make recommendation on such applications to the planning commission and city council through the director.

(D) The director shall send a copy of any proposed preliminary development plan for the CDD to the committee, and the committee shall send its comments to the director in time to be sent to the planning commission together with the staff report on the proposed plan. Each applicant for a preliminary development plan approval shall be encouraged to discuss its proposal with the committee, including prior to the filing of an application for approval of a preliminary development plan.

(E) The committee shall establish a regular schedule which provides for meetings at least once per calendar quarter. Additional meetings may be scheduled by the chair of the committee, in consultation with the director.

(F) Section 2-4-7(f) of the City Code, which prohibits a person from serving on more than one standing committee, shall not apply to service on the Potomac Yard design advisory committee; provided, however, that this subsection shall expire on December 18, 2007.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the rezoning set forth in Section 1 herein on the "Official Zoning Map, Alexandria, Virginia," and record the text amendments set forth in Sections 2 and 3 herein.

Section 5. That Sections 5-602 and 5-610, as created pursuant to Sections 2 and 3 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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 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.

**OTHER**

38. Consideration of City Council Schedule.

(A copy of the City Manager's memorandum dated June 17, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 38; 6/22/10, and is incorporated as part of this record by reference.)

Deputy City Manager Evans noted that the September public hearing will not be held on its normal Saturday because of a conflict with Yom Kippur, and the Jones Point Community Meeting is now July 13 at 7:00 p.m. at the Lee Center.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council received the updated calendar which now includes the tentative schedule of Council meetings for September - December, 2010. At the first meeting in September, Council will approve the meeting schedule for September 2010 - June 2011. The voting was as follows:

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

**EXECUTIVE SESSION**

39. Consideration of Convening a Closed Meeting for Discussion of Personnel Matters.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, at 11:16 p.m., City Council convened in executive session, pursuant to Section 2.2-3711(A)(1) of the *Code of Virginia*, for the purpose of discussing the performance reviews of the City Manager, City Attorney and City Clerk and to discuss the compensation review of the Commonwealth's Attorney. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, at 12:52 a.m., City Council reconvened the meeting. The voting was as follows:

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

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried 6-0 by roll-call vote, City Council adopted a resolution pertaining to Executive Session. The voting was as follows:

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

The resolution reads as follows:

#### RESOLUTION NO. 2412

WHEREAS, the Alexandria City Council has this 22nd day of June 2010, 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 Councilman Smedberg, seconded by Councilman Krupicka and carried unanimously, City Council adjourned the regular meeting of June 22, 2010 at 12:53 a.m. The voting was as follows:

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

APPROVED BY:

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WILLIAM D. EUILLE                      MAYOR

ATTEST:

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Jacqueline M. Henderson  
City Clerk and Clerk of Council