

# **CITY COUNCIL OF ALEXANDRIA, VIRGINIA**

**Public Hearing Meeting  
Saturday, September 25, 2010 - - 9:30 a.m.**

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

**Absent:** None.

**Also Present:** Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Gates, Assistant City Manager; Police Captain Ogden; Ms. Hamer, Director, Planning and Zoning; Ms. Wright, Planning and Zoning; Ms. Ross, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. Parker, Planning and Zoning; Mr. Catlett, Director, Office of Building and Fire Code Administration; Mr. Keeler, Office of Housing; Ms. Harris, Communications Officer, City Manager's Office; Ms. Wilkinson, Transportation and Environmental Services; and Mr. Lloyd.

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

## **OPENING**

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the members of Council were present. (Councilwoman Hughes arrived at 9:37 a.m.)

2. Public Discussion Period.

(a) Reverend Ann Herlin, pastor at the Old Presbyterian Meeting House, 53 Skyhill Road, #301, representing VOICE, Virginians Organized for Interfaith Community Engagement, spoke of their work with the residents of The Bland development over the past year, and their progress on working with the ARHA Board. She said ARHA has agreed to their demands and they are pleased.

(b) Barbara Crowder, 711 N. Columbus Street, an ARHA resident and speaking for VOICE, said she lives in James Bland and she spoke of her past problems and work with ARHA and her work with VOICE.

(c) Charlene Walker, 711 N. Columbus Street, an ARHA resident and speaking for VOICE, noted her past problems living at James Bland and she worked with clergy and leaders and told her story to ask public officials to act.

(d) Reverend Duane Kay, Ebenezer Baptist Church, 909 Queen Street, and speaking for VOICE, recognized the progress made over the past year and recognized the work of Roy Priest and the ARHA staff, Brett Libresco of the ARHA Board of Directors, Mayor Euille and City Council, Gerald Hopkins, former board chair of the Virginia Housing Development Authority, Arlington County Board Member Jay Fisette, and Delegate David Englin.

(e) Murney Keleher, 208 N. Royal Street, spoke about the Torpedo Factory now and for the past year, noting that she is asking that Council schedule a public hearing for the Torpedo Factory. She asked that the oversight board could be more equitably balanced, as of right now there are four people from the Torpedo Factory on it.

(f) Marian Van Landingham, 1100 Cameron Street, said the Economic Sustainability Work Group focused on the Torpedo Factory to see whether the operation could be more effective. She said there was no opportunity to ask the public whether they thought there were major problems with the Arts Center, and instead, after a nine month period, the City hired a consultant to look at the issues. The report came out in February and Council asked the City Manager to draw up a plan based on that, and there was then a general outline of an outside board to govern the Torpedo Factory. At the end of June, Council, without public hearing, voted to accept the new system of governance, and the composition of the board was going to be stacked heavily against the artist. Ms. Van Landingham asked Council to schedule a public hearing on the item.

(g) Patsy Ticer, 513 Prince Street, asked that there be a public hearing on the Torpedo Factory Board. She said the Torpedo Factory is a part of the fabric of the community, and there are very few places in the country where one could go and see artists working and talk with the artists.

There was discussion among City Council regarding the need for a public hearing on the Torpedo Factory item and it was noted that the intent is to hold a public hearing on October 16.

(h) Gary Carr, 216 Aspen Street, spoke as an advocate of running tracks in Alexandria, and he said combating childhood obesity should be a national priority and is a moral imperative. The answer to childhood obesity is vigorous physical activity instilled at an early age, and the answer is running, and the children need a track to run on. He said if they are serious about the fight against childhood obesity, they must build the running tracks wherever they build a field.

(i) John Gosling, 308 S. Fayette Street, Old Town Civic Association, spoke of

the need for a public hearing on the Torpedo Factory Board. He asked if the Board should also look at the operations of an arts/entertainment district that may reach up to Market Square.

(j) Nancy Jennings, 2115 Marlboro Drive, president, Seminary Hill Association, Inc., said the Beauregard Corridor Plan process should be halted until the City has funded a shovel-ready rapid transit project in the Beauregard Corridor, as they fear more gridlock like that which the Mark Center has created on Seminary Road and Beauregard. She said they don't believe there is a simple solution that a developer could implement while increasing density and that would not result in total failure and the destruction of the quality of life of current residents.

(k) Rhett Buer, 3014 Colvin Street, president, Alexandria Yellow Cab, noted how they have changed their process for how a customer orders a taxi, and he said they service all dispatched calls within 10 minutes 90 percent of the time. Mr. Buer said they are rolling out their back seat device, which is a touch screen LCD credit card processing machine that will be in every cab. He said their concern as they meet over the next few weeks is that they do have the opportunity to continue to make sure the company maintains the status-quo to provide the dispatch service.

(l) Philip G. Matyas, 219 N. Pitt Street, said he was concerned about the cell towers at the Torpedo Factory that had been approved by the BAR to go up on the roof. He commended Police Captain Ray and Officer Kipoliongo, with Parking Enforcement, as they have started to clean up Fayette Alley and Thompson Alley. He said there is still impact on the public right-of-way on the sidewalks that is questionable whether they should be storing things there, and he asked the Health Department to look at that. He noted that the alley behind O'Connell's has not improved. Mr. Matyas spoke of the additional parking spaces for the 600 new restaurant seats that had been approved from the Fish Market, Virtue and Pizza Paradisio, and he hadn't seen anything on that, and said he would like to see discussion about resident only parking from 5:00 p.m. to 8:00 a.m.

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

### **ACTION CONSENT CALENDAR (3-5)**

#### **Planning Commission**

3. SPECIAL USE PERMIT #2010-0028  
1100, 1200 & 1200A NORTH FAYETTE STREET  
ENTERPRISE CAR RENTAL  
Public Hearing and Consideration of a request to amend a special use permit for the operation of a motor vehicle parking, storage and light automobile repair facility; zoned OCM(50)/Office Commercial Medium(50) and CRMU-M/Commercial Residential Mixed Use-Medium. Applicant: Enterprise RAC Company of Maryland, LLC represented by M. Catharine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 25, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 9/25/10, and is incorporated as part of this record by reference.)

4. ENCROACHMENT #2010-0005  
1125 QUEEN STREET  
CAFE NICOLE - OUTDOOR DINING  
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for outdoor dining; zoned CL/Commercial Low. Applicant: Nicole Burlimann

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 25, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 9/25/10, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2010-0037  
902 RAMSEY STREET  
SUBSTANDARD LOT CONSTRUCTION  
Public Hearing and Consideration of a request to construct a single family dwelling on a substandard lot; zoned R2-5/Single and Two-Family. Applicant: Mike and Norma Glerum by Shawn Glerum

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 25, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 9/25/10, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council approved the action consent calendar, with the removal of item #4, which was considered under separate motion. The approval was as follows:

3. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.

The voting was as follows:

Donley	"aye"	Fannon	"aye"
Hughes	"aye"	Krupicka	"aye"

Euille "aye" Pepper "aye"  
Smedberg "aye"

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Councilman Smedberg asked for clear photos in the staff reports.

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4. ENCROACHMENT #2010-0005  
1125 QUEEN STREET  
CAFE NICOLE - OUTDOOR DINING  
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for outdoor dining; zoned CL/Commercial Low. Applicant: Nicole Burlimann

PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 25, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 9/25/10, and is incorporated as part of this record by reference.)

Questions were asked by City Council regarding provision requirements for encroachment for general liability coverage, which were answered by Deputy Director Ross, Planning and Zoning.

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

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

6. Public Hearing and Consideration of Policy and Criteria for Consideration of Individual Zoning Cases Without Master Plan Study.

(A copy of the City Manager's memorandum dated September 15, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 9/25/10, and is incorporated as part of this record by reference.)

Director of Planning and Zoning Hamer made a presentation of the staff report and she, along with Deputy Director Ross, responded to questions of City Council.

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

(a) Jack Sullivan, 4300 Ivanhoe Place, spoke of zonings in the City in 1974 and his involvement in the Seminary Hill/Strawberry Hill plan and the Alexandria West Plan in the creation of the CDD plan for the Winkler. He urged Council to look at the 1992 Beauregard Plan. He suggested that when it talks about the Beauregard Plan that it is not the small area plan and there is no reason why Council shouldn't expand the notion of that area to include the single family homes.

(b) Nancy Jennings, 2115 Marlboro Drive, president, Seminary Hill Association, said that at their meeting they asked that these not be adopted. She said personally, Lynn House, a rental apartment complex at Van Dorn and West Braddock Road, is almost finished with renovations and is at 95 percent occupancy. Meanwhile, the Seminary Gardens Apartments/Home Properties was taken out of the Seminary Hill Small Area Plan and put into the Beauregard Corridor Plan process and that has gone nowhere.

(c) Benjamin S. Webster, 2034 Eisenhower Avenue, Suite 175, president, board of directors of the Eisenhower Public Private Partnership, spoke in support of a measure that would establish any criteria to encourage individual rezoning applications to move forward without the necessity of a master plan. He said the City should approve any measure that would allow Alexandria to be nimble and encourage the private sector to work in concert with the City to attract commercial opportunities on a real time basis as they come to market.

(d) Katy Cannady, 20 East Oak Street, in Rosemont, said the small area plans are important, as it guarantees stability to a homeowner, makes the neighborhood desirable and protects the value of the homes. She said some of the criteria are specific, for example, rezoning for areas within one-half mile of a metro station or proposed metro station, and all of Rosemont is within one-half mile of a metro station, and is the only area that isn't already highly zoned. She spoke to the rapid transit lanes and there may be problems with the buy-in. She said there is a definition of blight, with no definition of what blight might be.

(e) John J. Patrick, 13A East Oak Street, said he was worried about the report for many of the reasons stated by Ms. Cannady. He said there is nothing that says what the intent is, and there is nothing that says that certain small area plans that are long established are not subject to radical change under the exceptions. He said he fears the short-circuiting of the process and said he didn't see a recommendation from the Planning Commission. He asked that Council not vote on this until it goes before the Planning Commission for its recommendation.

(f) Tom Van Wagner, 202 East Braddock Road, said he was unclear what the language was specifying, and as a general rule, he opposed a proposal to allow consideration of individual zoning cases without a master plan study. He said there is no need for undue speed in the zoning process and looked forward to on-going discussion.

(g) Mary Catherine Gibbs, 307 N. Washington Street, representing the Alexandria Chamber of Commerce, said any action should encourage a policy that recognizes that all rezoning and master plan amendment cases should be docketed in a reasonable time frame, and those time frames were removed from the Zoning Ordinance previously. The issue is not whether staff comes forward with a recommendation for approval, but whether it comes forward at all.

(h) Poul Hertel, 1217 Michigan Court, said he understood what they are trying to do, but it could throw them back to the planning system that existed prior to 1992. He said the framework provides a process for change that everyone agreed to. He said he's lived in many places and they have all changed and evolved, but few have changed as dramatically as certain parts of the City have done in the recent past. Mr. Hertel said the citizens did not buy into the changes, but were able to rely on the small area plan process and now they fear it will be taken away. He said criterions are needed, and it would be a mistake for anyone to get a rezoning without guidance on what is acceptable. He said the criteria needs to be formulated as being complimentary to the neighborhoods, the policy should not be understood to permit departures from the existing master plan, and the language in stating the goals should not amount to an elastic standard, which would initiate the intended regulatory affect.

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

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

Mayor Euille asked that members of Council submit their changes to staff, and he appointed Councilman Krupicka and Vice Mayor Donley to work with staff, revise it and bring it back to Council at the appropriate time.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously, City Council moved that Vice Mayor Donley and Councilman Krupicka work with staff to develop potential criteria to be discussed as part of a work session in November with the Planning Commission and City Council. The voting was as follows:

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

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(Councilwoman Hughes left at this time - 12:00 noon.)

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

**Planning Commission (continued)**

- 7. SPECIAL USE PERMIT #2010-0035  
 400, 418 and 418 A SOUTH WASHINGTON STREET  
 ALEXANDRIA ACADEMY  
 Public Hearing and Consideration of a request to operate a private school; zoned CD/Commercial Downtown. Applicant: Alexandria Academy represented by Richard Seltzer  
 PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated September 25, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 9/25/10, 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 closed the public hearing and approved the Planning Commission recommendation. The voting was as follows:

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

- 8. SPECIAL USE PERMIT #2010-0039  
 320 KING STREET  
 SUBWAY CAFE RESTAURANT  
 Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: King Street Subway, Inc. represented by Mary Catherine Gibbs, attorney

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 6-0

(A copy of the Planning Commission report dated September 25, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 9/25/10, and is incorporated as part of this record by reference.)

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

- (a) Mary Catharine Gibbs, 307 N. Washington Street, attorney representing



the applicant, asked Council to follow the Planning Commission recommendation.

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

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

- 9. MASTER PLAN AMENDMENT #2009-0005
- REZONING #2009-0003
- DEVELOPMENT SPECIAL USE PERMIT #2009-0006
- TRANSPORTATION MANAGEMENT PLAN #2010-0002
- VACATION #2009-0001
- 3110 MOUNT VERNON AVENUE
- THE CALVERT

Public Hearing and Consideration of requests for: A) an amendment to the Potomac West Small Area Plan of the City's Master Plan; B) a zoning map amendment to eliminate a proffer that limits commercial/residential mixed use projects; C) a development special use permit, with site plan and modifications, and ms for renovation and construction of an addition to an existing apartment building, with approval of a parking reduction and increased floor area; D) approval of a transportation management plan; E) approval to vacate a portion of the public right-of-way; zoned CRMU-M/Commercial Residential Mixed Use- Medium. Applicant: UDR Developers Inc., represented by Duncan Blair, Attorney

PLANNING COMMISSION ACTION: MPA Adopted 6-0  
 REZ Recommend Approval 6-0  
 DSUP Recommend Approval 6-0  
 TMP Recommend Approval w/amendments 6-0  
 VAC Recommend Approval 6-0

(A copy of the Planning Commission report dated September 25, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 9/25/10, and is incorporated as part of this record by reference.)

Planner Parker, Planning and Zoning, made a presentation of the staff report and she, along with Ms. Wright, Planning and Zoning, and Ms. Hamer, Director, Planning and Zoning, responded to questions of City Council.

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

(a) Duncan Blair, attorney representing the applicant, spoke in support of the project and responded to questions of City Council.

After discussion about the request from the Del Ray Civic Association to not allow resident zoned parking permits, Mr. Blair noted for the record that they agree with Del Ray Civic Association about not allowing residents to have resident zoned parking permits, and that they are not advocating one way or another, noting that the project has adequate parking.

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

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

Mayor Euille appointed Dak Hardwick, Dr. C.E. Palmer-Johnson and Ms. Sandy Murphy as viewers of the vacation of the public right-of-way for this property.

## **ORDINANCES AND RESOLUTIONS**

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the City Code to Authorize Meters on the 100 Block of King Street in the Context of Installing Such Meters on the 100 and 200 Blocks of King Street. (#9, 09/14/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated September 7, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 9/25/10, 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. 10; 9/25/10, 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. 10; 9/25/10, 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 closed the public hearing and passed the ordinance to amend the City Code to authorize meters in the 100 block of King Street and in the context of installing meters on the 100 and 200 blocks of King Street. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4681

AN ORDINANCE to amend and reordain Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), Chapter 8 (PARKING AND TRAFFIC REGULATION), Article G (PARKING METERS), Division 1 (PARKING METER ZONES), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 5, Chapter 8, Article G, Division 1 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 5-8-92 to read as follows:

Sec. 5-8-92 Parking meter zones established.

(a) The following described parts of the streets of the city are hereby established as parking meter zone 1:

- (1) both sides of the 100, 200, 300, 400, 500, 600 and 800 blocks of King Street and the north side of the 900 block of King Street.
- (2) both sides of the 100 block north and the 100 block south of Pitt Street, Columbus Street and Alfred Street.
- (3) both sides of the 100, 200 and 300 blocks of North Washington Street and the 100, 200 and 300 blocks of South Washington Street.
- (4) both sides of the 300, 400 and 600 blocks of Cameron Street, both sides of Cameron Street between Columbus and Alfred Streets, the south side of the 100 and 200 blocks and the north side of the 100 block of Cameron Street.
- (5) both sides of the 600 and 700 blocks of Prince Street.
- (6) east side of the 200 block of South Columbus Street.
- (7) both sides of the 700 block of Duke Street.
- (8) both sides of the 100 block of South Saint Asaph Street and both sides of the 100 block of North Saint Asaph Street.
- (9) both sides of the 100 block of South Royal Street.
- (10) both sides of the 100 block of South Fairfax Street and the east side of the 100 block of North Fairfax Street.
- (11) both sides of the 100 block of North Union Street and the east side of the 100 block of South Union Street and the east side of the 200 block of North Union Street.
- (12) west side of the 100 block of North Lee Street and the west side of the 100 block of South Lee Street.

- (13) both sides of the 700 block of Queen Street.
- (14) west side of the 100 block of North Henry Street and the 100 block of South Henry Street.
- (15) east side of the 100 block of North Patrick Street and the 100 block of South Patrick Street.
- (16) east side of the 100 block of The Strand for a distance of 275 feet north of the north curb line of Prince Street.
- (17) both sides of the 700 and 800 blocks of Princess Street.

(The remaining portions of Section 5-8-92 remain unchanged.)

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

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**  
**DEFERRAL/WITHDRAWAL CONSENT CALENDAR**  
**Planning Commission (continued)**

None.

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council adjourned the public hearing meeting of September 25, 2010 at 12:42 p.m. The voting was as follows:

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

APPROVED BY:

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

\_\_\_\_\_  
 MAYOR

ATTEST:

\_\_\_\_\_  
 Jacqueline M. Henderson  
 City Clerk and Clerk of Council