

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, February 24, 2001 - - 9:30 a.m.**

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: Councilman William D. Euille.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mrs. Godwin, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. McCobb, Deputy Director of Transportation and Environmental Services; Ms. Johnson, Division Chief, Planning and Zoning; Ms. Steele, Special Projects Coordinator; Mr. Smith, Principal Staff, Boards of Architectural Review; Mr. Eiffert, Director, Office of Adult Services; Chief Fire Marshal Conner; and Lieutenant Butler, Police Department.

Recorded by: Ms. Susan K. Seagroves, Deputy City Clerk and Clerk of Council.

OPENING

The Meeting was called to Order by Mayor Donley, and the Deputy City Clerk called the Roll; all Members of City Council were present except Councilman Euille.

2. Public Discussion Period.

(a) **Without Objection**, Elizabeth Barnes, 314 Prince Street, spoke on docket item no. 16 at this time. Ms. Barnes described her experiences being handicapped with multiple sclerosis and spoke against the proposed ordinance as written.

(b) Bert Ely, 200 South Pitt Street, on behalf of Coalition for a Sensible Bridge, addressed various Woodrow Wilson Bridge construction issues.

(A copy of Mr. Ely's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(b); 2/24/01, and is incorporated herewith as part of this record by reference.)

Mayor Donley advised that he and the City Manager will be taking his comments to the Woodrow Wilson Bridge group in the next few weeks.

(c) Nancy Kincaid, 400 Madison Street, #1408, from Y-ME NCA Breast Cancer Support and Information Organization, explained the Y-ME 24-hour Hope Line at (703) 461-9616 and other services provided by her organization, and she distributed materials, which include the Resource Guide for Breast Cancer Patients in the National Capital Area.

(A copy of the material is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 2(c); 2/24/01, and is incorporated herewith as part of this record by reference.)

Mayor Donley asked Ms. Kincaid to be sure to leave copies of some of the material with the Deputy City Clerk so that she can forward the booklet and the information about the hot-line to our Health Department as well as to the Office on Women, and he encouraged Y-ME to participate in the annual walk to fight breast cancer in Alexandria.

(d) Richard W. Stepp, 3303-B Commonwealth Avenue, spoke requesting an appeal process for abandoned vehicles which are towed and impounded by the City.

Mayor Donley asked the City Manager to work something out with Mr. Stepp.

(e) Julie Crenshaw, 816 Queen Street, commended the Environmental Policy Commission as a model commission. She shared her concern about maintaining the City's Victorian buildings and spoke to the possibility of the Seaport Foundation sharing a portion of the former Seaport Inn building for its museum. She distributed a brochure from the Waterfront Alliance on a proposal for a river garden.

(A copy of the brochure is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(e); 2/24/01, and is incorporated herewith as part of this record by reference.)

(f) Jorge E. Figueredo, 1200 North Howard Street, Executive Director of Hispanic Committee of Virginia, stated his case for assistance in securing in-kind or low-cost office space in the City to better serve Alexandria Hispanic families in need.

(A copy of Mr. Figueredo's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(f); 2/24/01, and is incorporated herewith as part of this record by reference.)

Mayor Donley inquired about the Hispanic Committee's applying for a grant from the Community Partnership Fund. Mr. Figueredo advised that he has been working with Human Services Director O'Regan on this, and he thanked Councilwoman Woodson for her assistance.

(g) Bud Hart, 307 North Washington Street, attorney representing Appellant York on items 10 - 13, requested deferrals so that the appellant, Dr. York, could be heard before the full City Council.

After discussion of Mr. Hart's request, City Council decided to hold the public hearing on the appeals today and defer the matter to its first legislative meeting in March for consideration.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3 - 7)

Planning Commission

Without Objection, City Council removed docket item nos. 6 and 7 from the Consent Calendar and considered them under separate motions.

3. DEVELOPMENT SPECIAL USE PERMIT #2000-0050 -- 200 NORTH QUAKER LANE -- EPISCOPAL HIGH SCHOOL -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct and reconfigure roadways and parking areas and to construct an alumni cottage for the existing private school campus; zoned R-20/Residential. Applicant: Episcopal High School, by Ronald J. Keller, R. C. Fields, Jr. Associates.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 2/24/01, and is incorporated herewith as part of this record by reference.)

4. SPECIAL USE PERMIT #2000-0158 -- 3700 JEFFERSON DAVIS HIGHWAY -- LINCOLN AT ALEXANDRIA -- Public Hearing and Consideration of a request for a special use permit for a coordinated sign program for a residential development to allow two entrance signs on Route 1; zoned CDD-7/Coordinated Development District. Applicant: EQR-Lincoln Alexandria, LLC, by Harry P. Hart, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 2/24/01, and is incorporated herewith as part of this record by reference.)

5. DEVELOPMENT SPECIAL USE PERMIT #2000-0041 -- 1605 CAMERON STREET -- OSWALD DURANT RECREATION CENTER -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of an addition to the recreation center and construction of a parking lot in the rear of the site; zoned RB/Residential and POS/Public Open Space. Applicant: City of Alexandria, Department of General Services, by Fulmer Collins.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 2/24/01, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously by all those present, City Council approved the Consent Calendar with the exception of docket item nos. 6 and 7 which were considered under separate motions. The Planning Commission recommendations were as follows:

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

END OF ACTION CONSENT CALENDAR

The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	absent
		Speck	"aye"

6. DEVELOPMENT SPECIAL USE PERMIT #2000-0049 -- 1000 ST STEPHEN'S ROAD -- ST STEPHEN'S & ST AGNES SCHOOL -- Public Hearing and Consideration of a request for a development special use permit amendment to (1) increase student enrollment, (2) relocate the chapel/performing arts center, and (3) build other on-site improvements, including parking; zoned R-8/Residential and R-12/Residential. Applicant: Church Schools in the Diocese of Virginia and St. Stephen's and St. Agnes School, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report, including a Traffic Operations Study, dated February 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 2/24/01, and is incorporated herewith as part of this record by reference.

A copy of a letter from Mr. Blair, attorney for the applicant, dated February 22, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 6; 2/24/01, and is incorporated herewith as part of this record by reference.

Correspondence received on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item No. 6; 2/24/01, and is incorporated herewith as part of this record by reference.)

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

Duncan W. Blair, 112 South Alfred Street, attorney representing the Church School Diocese of Virginia and St. Stephen's and St. Agnes School, clarified the condition agreed to in their discussions with Seminary Ridge Civic Association and stated that they continue to work with the association to address additional concerns.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council approved the Planning Commission recommendation, with the amendment to replace Condition #42 so that it now reads: **"42. Any proposed building or structure adjacent to the property lines of 3970, 4000 and 4004 Ft. Worth Avenue shall be set back a minimum of one hundred and fifty (150) feet from the property line."** The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	absent
		Woodson	"aye"

7. **SPECIAL USE PERMIT #2000-0164 -- 214 & 220 SOUTH UNION STREET -- Public Hearing and Consideration of a request for a special use permit for an art school; zoned W-1/Waterfront Mixed Use. Applicant: The Art League, Inc., by Linda Brinker Hafer.**

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 6, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 2/24/01, and is incorporated herewith as part of this record by reference.)

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

Duncan W. Blair, 112 South Alfred Street, attorney for the applicant, reported that at the Planning Commission Condition #2 was amended to limit the number of students to 72 because it was determined there could be only 36 parking spaces. Condition #6 should be changed as well to reflect the same 2-to-1 ratio as Condition #2.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council approved the Planning Commission recommendation, with the correction to Condition #6 to read **"36 parking spaces."** The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	absent
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

8. **Public Hearing and Consideration of Staff Recommendations Regarding the Planning Process for a Community Center at Cameron Station.**

(A copy of the City Manager's memorandum dated February 9, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 2/24/01, and is incorporated herewith as part of this record by reference.)

A copy of correspondence on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 8; 2/24/01, and is incorporated herewith as part of this record by reference.)

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

Converse West, 200 North Pickett Street, chairman of the Holmes Run Park Committee, which represents many civic and homeowner associations in the West End, reports it overwhelmingly approves moving forward with the community center in Ben Brenman Park, is in support with the City Manager's recommendation for a steering committee to assess community-wide needs, and that this committee should be appointed by the Council;

Lois Van Valkenburgh, 5100 Fillmore Avenue, representing the Commission on Aging, spoke in support of a multipurpose community center at Cameron Station and that there should be wide representation on the steering committee, which should be appointed by Council;

(A copy of Ms. Van Valkenburgh's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 8; 2/24/01, and is incorporated herewith as part of this record by reference.)

Joanne Tomasello, 511 North Pickett Street, speaking on her own behalf and not the Park and Recreation Commission of which she is a member, spoke in support of the community center at Cameron Station, using staff and citizen expertise to perform an assessment, and that City Council should appoint the steering committee members;

Ralph Thompson, 4800 Fillmore Avenue, addressed his concerns regarding the City Manager's memorandum and the need for a community center task force;

(A copy of Mr. Thompson's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 8; 2/24/01, and is incorporated herewith as part of this record by reference.)

Roland Gonzales, 4914 Gardner Drive, president of the Cameron Station Civic Association, spoke in support of the City Manager's setting up a steering committee including representatives of advocates as well as objectors, and that the study must include traffic and parking impacts on Cameron Station;

Councilwoman Pepper mentioned that the original concept for parking at Ben Brenman Park was for a limited amount of parking and the least amount of traffic as possible. Also, it has not been decided that there are only two possible alternatives for the connecting road. Other options will be considered, and VDOT has begun its study.

The City Manager stated they would have an Eisenhower-Duke memorandum to Council; however, he reported that VDOT has not started any work on the connector as yet.

Ellen Murray, 516 Fort Williams Parkway, representing the Park and Recreation Commission, read a letter Chair Guse-Noritake wrote to the Mayor about the planning process for a community center at Cameron Station; the Commission supports the City Manager's recommendation to defer establishing a task force to plan for a community center at Cameron Station, and instead, undertake a City-wide assessment of recreational and leisure needs;

(A copy of Ms. Guse-Noritake's letter dated February 22, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item No. 8; 2/24/01, and is incorporated herewith as part of this record by reference.)

Sanden Swanson, 5 East Chapman Street, on his own behalf and as past president of the Alexandria Soccer Association and member of the board, spoke in support the City Manager's proposal for the open space plan and comprehensive needs assessment;

Jim McIntyre, 6022 Morgan Court, chairman of the Budget and Fiscal Affairs Advisory Committee, spoke in support of the City Manager's recommendation regarding a City-wide comprehensive assessment of recreation and leisure needs and facilities;

Mark Eaton, 116 West Maple Street, representative of the Alexandria School Board, testified that if there is to be a needs assessment, the School Board would like to have a representative of the school system to participate in the planning process; and

J. Donald Edwards, 5851 Quantrell Avenue, a member of the Commission on Aging, spoke on the need to integrate all the City services offered to citizens in one location, and that this ought to be a City Council commission including representatives of the Chamber of Commerce, the business community and the Police Department.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried unanimously by all those present, City Council concluded the public hearing and docketed it for consideration on February 28, 2001. The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	absent
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Board of Architectural Review (continued)

9. CASE BAR-2000-0244 -- 216 SOUTH WASHINGTON STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on December 6, 2000, denying a request for approval of new replacement windows at 216 South Washington Street, zoned CD Commercial. APPLICANT AND APPELLANT: Downtown Baptist Church by M. Catharine Puskar, Attorney.

BOARD ACTION: Denied 5-2

(A copy of the Board of Architectural Review report dated February 24, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 2/24/01, and is incorporated herewith as part of this record by reference.

A copy of Ms. Puskar's letter dated February 23, 2001, requesting deferral, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 2/24/01, and is incorporated herewith as part of this record by reference.

A copy of the appeal dated December 20, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 9; 2/24/01, and is incorporated herewith as part of this record by reference.

Correspondence received on this item is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 4 of Item No. 9; 2/24/01, and is incorporated herewith as part of this record by reference.)

Without Objection, City Council noted the deferral to the March 17, 2001 public hearing meeting.

Without Objection, City Council held the public hearing on item nos. 10, 11, 12 and 13 together, and at the request of Mr. Hart, attorney for the appellant, deferred consideration until the full City Council is present.

10. CASE BAR-2000-0171 -- 608 CAMERON STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on November 15, 2000, denying a request for approval of a permit to demolish portions of a dwelling located at 608 Cameron Street, zoned CD Commercial. Applicant and Appellant: Richard Clausen by Harry P. Hart, attorney. (#36 12/16/00)

BOARD ACTION: Denied 4-3

11. CASE BAR-2000-0172 -- 608 CAMERON STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on November 15, 2000, denying a request for approval of an addition at 608 Cameron Street, zoned CD Commercial. Applicant and Appellant: Richard Clausen by Harry P. Hart, attorney. (#37 12/16/00)

BOARD ACTION: Denied 4-3

(A copy of the Board of Architectural Review report, dated February 24, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 10 and 11; 2/24/01, and is incorporated herewith as part of the record by reference.

A copy of the appeal dated November 21, 2000, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 10 and 11; 2/24/01, and is incorporated herewith as part of this record by reference.)

12. CASE BAR-2000-0296 -- 608 CAMERON STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on January 17, 2001, denying a request for approval of a permit to demolish portions of a building located at 608 Cameron Street, zoned CD Commercial. Applicant and Appellant: Richard Clausen by Daniel C. York, architect.

BOARD ACTION: Denied 3-2

13. CASE BAR-2000-0297 -- 608 CAMERON STREET -- Public Hearing and Consideration of an appeal of a decision of the Board of Architectural Review, Old and Historic Alexandria District, on January 17, 2001, denying a request for approval of an addition at 608 Cameron Street, zoned CD Commercial. Applicant and Appellant: Richard Clausen by Daniel C. York, architect.

BOARD ACTION: Denied 3-2

(A copy of the Board of Architectural Review report dated February 24, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 12 and 13; 2/24/01, and is incorporated herewith as part of the record by reference.)

A copy of the appeal dated January 26, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 12 and 13; 2/24/01, and is incorporated herewith as part of this record by reference.)

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

Mark Feldheim, 1215 Prince Street, on behalf of Old Town Civic Association, spoke to the appropriateness of the mass and scale of the design on this site and requested that if Council agrees that it is appropriate, to remand it back to BAR for determination of the other design issues;

Mark Allen, 301 North Pitt Street, representing Mr. and Mrs. Lloyd Flatt, the owners of 606 Cameron Street, spoke against the request;

Bud Hart, 307 North Washington Street, attorney for the applicant, distributed plans for the building which meets all the design review criteria and is recommended by staff. The mass and scale is in line with the zoning requirements.

(A copy of the proposed plans is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item Nos. 10-13; 2/24/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Pepper made inquiries of Mr. Hart and Dr. York on how the building is currently used.

Richard Clausen, 3525 Trinity Drive, project architect, explained the design and function of the building and that staff has agreed that the building, in its siting, scale and massing is architecturally appropriate for the site;

(A copy of a colored map of the surrounding buildings is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 10-13; 2/24/01, and is incorporated herewith as part of this record by reference.)

Councilwoman Eberwein and Mayor Donley directed questions to Mr. Clausen.

Arthur Keleher, 208 North Royal Street, representing the Board of Architectural Review, Old and Historic Alexandria District, stated that the mass and scale is excessive and urged Council's support of the decision of the BAR to deny the request;

Councilman Speck and Councilwoman Woodson queried Mr. Keleher. Mr. Clausen, Mr. Allen and Mr. Hart participated in the discussion on an acceptable mass and scale.

Dan York, 103 Ross Alley, applicant, read a letter of support from a neighbor, Mr. Lee, and spoke in support of the application;

(A copy of Mr. Lee's letter dated February 23, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item Nos. 10-13; 2/24/01, and is incorporated herewith as part of this record by reference.)

Members of Council participated in the discussion with Dr. York on the current and proposed use of the building.

Lisa York, 103 Ross Alley, applicant's daughter, spoke in support of the application and read a letter in support from Mr. Crutchfield;

(A copy of Mr. Crutchfield's letter dated November 13, 2000, and other letters of support, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 4 of Item Nos. 10-13; 2/24/01, and is incorporated herewith as part of this record by reference.)

Michael York, 103 Ross Alley, applicant's son, read a petition in support of the proposed plan, and he spoke in support of the application;

(A copy of the petition is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item Nos. 10-13; 2/24/01, and is incorporated herewith as part of this record by reference.)

Charles Ablard, 803 Hall Place, representing Historic Alexandria Foundation, requested that Council affirm the action of the BAR and send it back to the Board for the applicant to come up with an alternative proposal with less size and magnitude;

Timothy R. Geary, 118 North Saint Asaph Street, representing Clarke & Sampson, Inc., objected to the plan because of the size of the proposed carriage house and that none of their objections has resulted in any reduction in size; and

Engin Artemel, 120 Madison Place, representing Lloyd C. Flatt, spoke in support of the BAR's decision to deny demolition and construction of an addition to this structure.

The Members of City Council, Mr. Hart, Mr. Allen, Mr. Artemel, and Planning and Zoning Deputy Director Ross participated in the discussion on the appropriateness of the proposed addition.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously by all those present, City Council held the public hearing and deferred consideration to the first legislative meeting in March. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	absent
	Woodson	"aye"	

ORDINANCES AND RESOLUTIONS

14. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to rezone the property at 3, 5, 7 and 9 East Maple Street from R-2-5 Single and Two-family Zone to RB Townhouse Zone. (#16 2/13/01) **[ROLL-CALL VOTE]**

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	absent
	Speck		"aye"

The ordinance finally passed reads as follows:

ORDINANCE NO. 4186

AN ORDINANCE to amend and reordain Sheet No. 53.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 3, 5, 7 and 9 East Maple Street (Zoning Map and Tax Map Parcel Nos. 53.04-14-02, 53.04-14-03, 53.04-14-04 and 53.04-14-05) from R-2-5/Single and Two-Family Zone to RB/Townhouse Zone (REZ No. 2000-0005), in accordance with the said zoning map amendment heretofore approved by city council.

WHEREAS, the City Council finds and determines that:

1. An application has been submitted to rezone the properties at 3, 5, 7 and 9 East Maple Street (Zoning Map and Tax Map Parcel Nos. 53.04-14-02, 53.04-14-03, 53.04-14-04 and 53.04-14-05) from R-2-5/Single and Two-Family Zone to RB/Townhouse Zone
2. The said rezoning is in conformity with the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as amended;
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 Sheet No. 53.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

3, 5, 7 and 9 East Maple Street (Zoning Map and Tax Map Parcel Nos. 53.04-14-02, 53.04-14-03, 53.04-14-04 and 53.04-14-05), as shown on the sketch plan entitled "REZ # 2000-0005," and dated 12/5/00, attached hereto and incorporated fully herein by reference.

FROM:R-2-5/Single and Two-Family Zone

TO:RB/Townhouse Zone

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 53.04 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

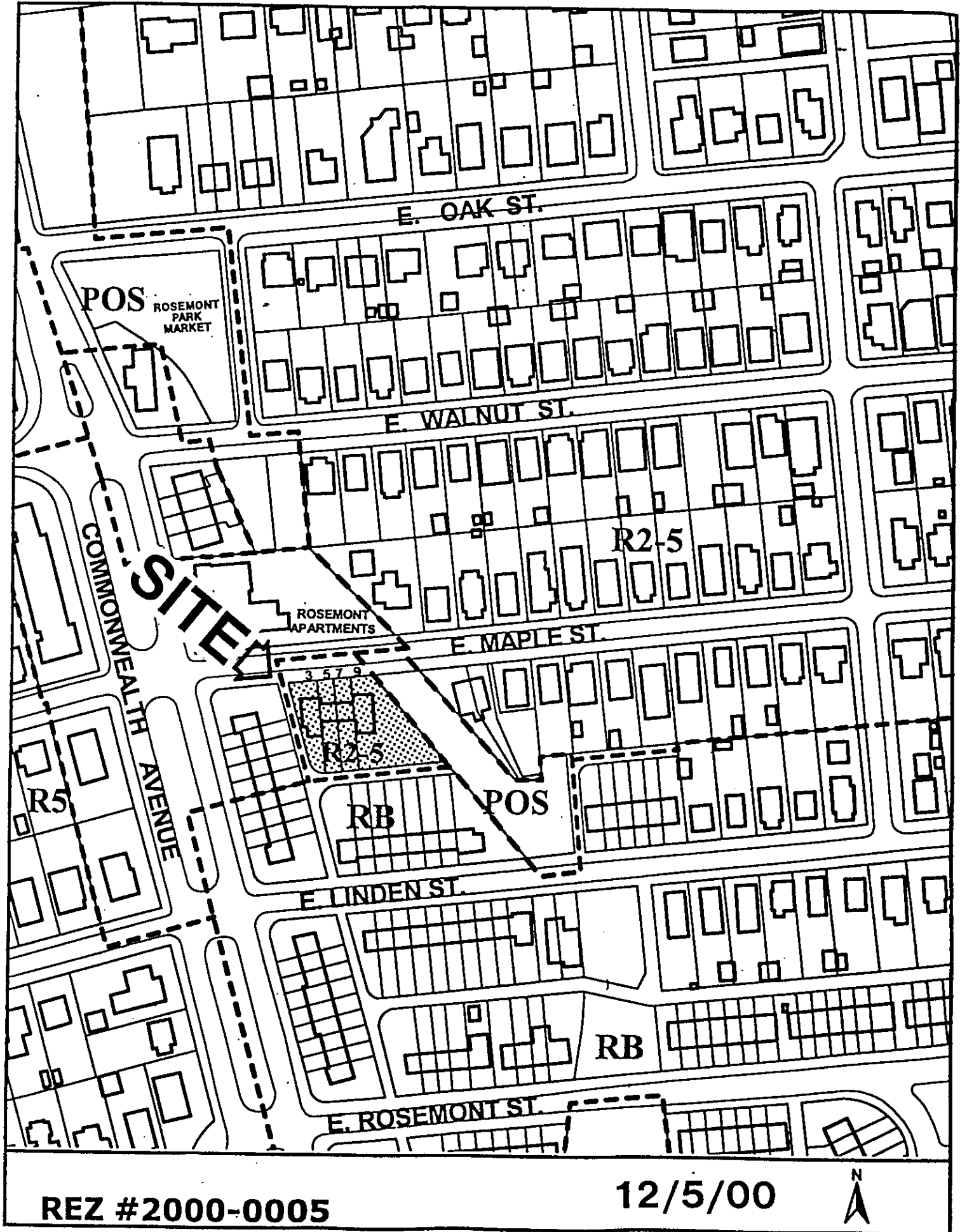
Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Attachment: Sketch plan entitled "REZ #2000-0005"

Introduction: 2/13/01
First Reading: 2/13/01
Publication: 2/15/01
Public Hearing: 2/24/01
Second Reading: 2/24/01
Final Passage: 2/24/01

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15. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to authorize an encroachment for outdoor restaurant seating at the Uptowner Cafe, located at 1609 King Street. (#17 2/13/01) **[ROLL-CALL VOTE]**

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 5-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	absent
Donley	"aye"	Speck	out of room
	Woodson	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4187

AN ORDINANCE authorizing the owner of the restaurant located at 1609 King Street to establish and maintain an encroachment into the sidewalk of the public right-of-way at 1609 King Street in the City of Alexandria, Virginia.

WHEREAS, Moon Ock Cho ("Owner") is the owner and operator of a restaurant known as the Uptowner Cafe, located at 1609 King Street in the City of Alexandria, Virginia; and

WHEREAS, owner desires to establish and maintain outdoor restaurant seating which will encroach into the sidewalk of the public right-of-way at the northeast corner of King and Harvard Streets; and

WHEREAS, the public right-of-way at such corner will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions ; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be and the same hereby is authorized to establish and maintain an encroachment into the sidewalk of the public right-of-way at the northeast corner of King and Harvard Streets in the City of Alexandria, said encroachment consisting of outdoor restaurant seating, as shown generally on the attached drawings; provided, however, that a minimum six foot wide unobstructed pathway for pedestrian access shall be maintained on the public sidewalk along Harvard Street, and a like ten foot wide pathway shall be maintained on the public sidewalk along King Street, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to

establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 4. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner's maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 5. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 6. That applicant shall timely pay to the City of Alexandria for the encroachment authorized herein the annual charge established in section 3-2-85 of The Code of the City of Alexandria, Virginia, 1981, as amended.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed within 60 days from the date of the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to

remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment caused by the removal.

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

KERRY J. DONLEY
Mayor

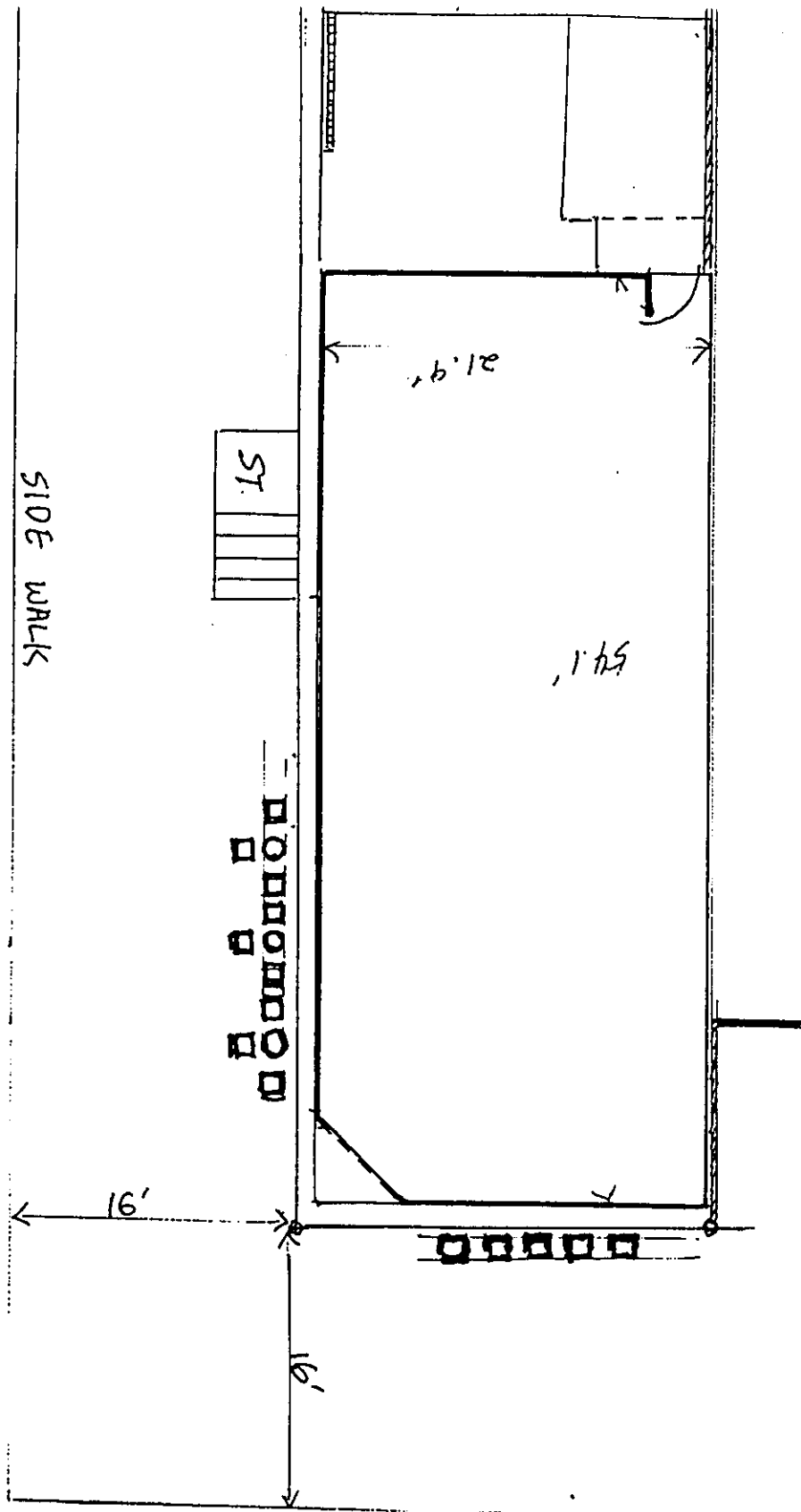
Attachment: Encroachment drawings

Introduction:	2/13/01
First Reading:	2/13/01
Publication:	2/15/01
Public Hearing:	2/24/01
Second Reading:	2/24/01
Final Passage:	2/24/01

* * * * *

ENC. 2000-0009

HARVARD STREET
60' RW



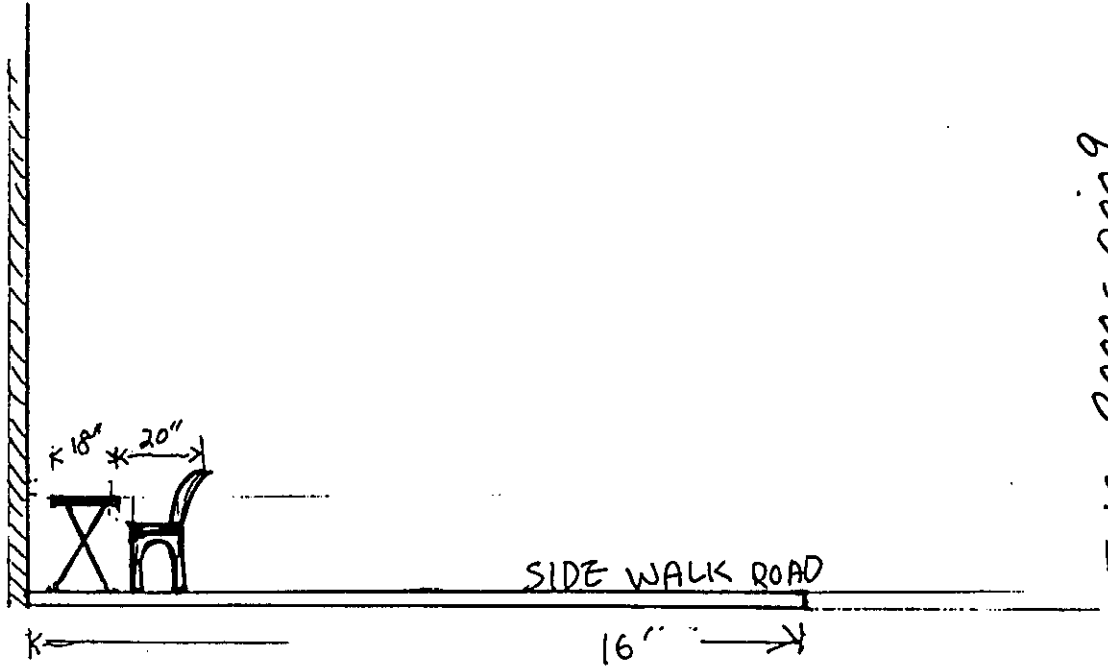
SIDE WALK

SCALE 1"=10'

KING STREET
RTE. 7 ... VARIABLE RW

4

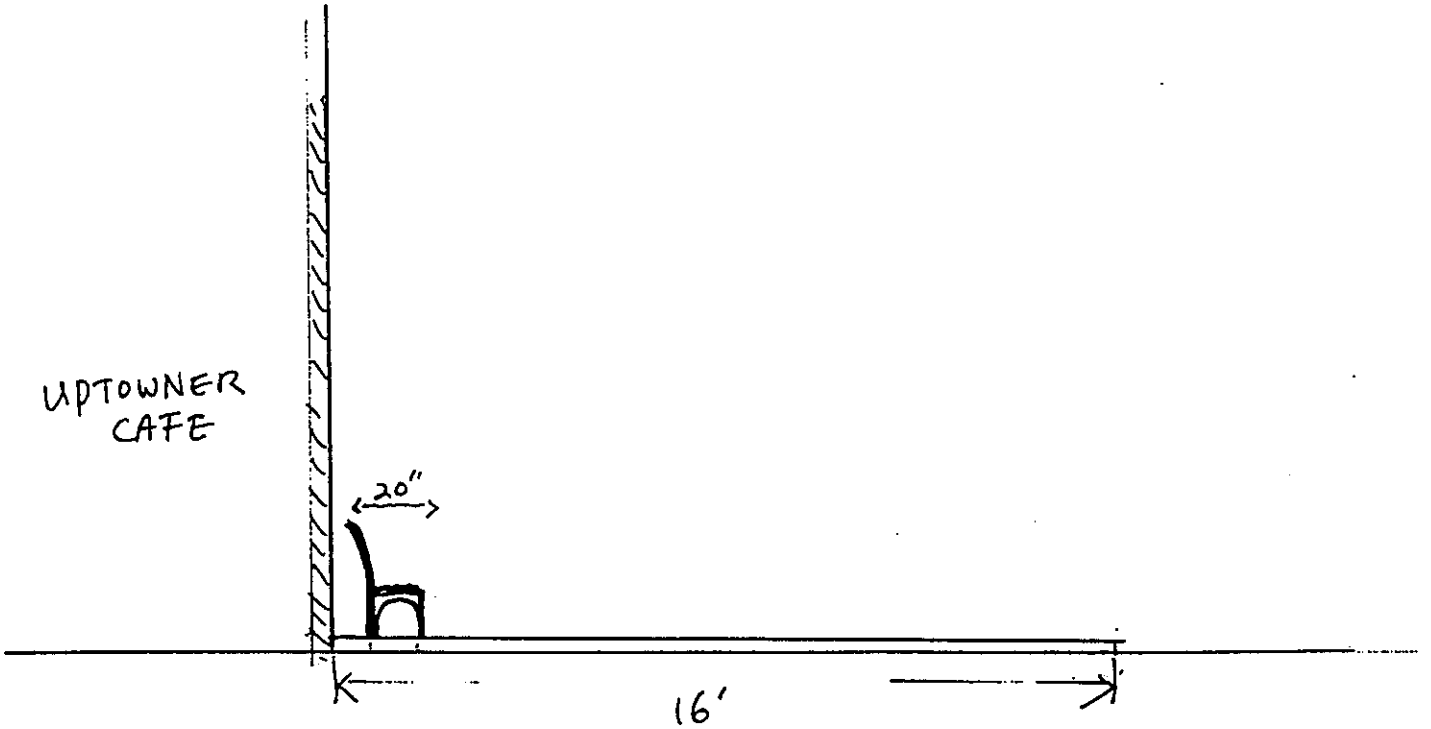
UPTOWNER
Cafe



ENC. 2000-0009

HARVARD STREET SIDE

UPTOWNER
CAFE



KING STREET SIDE

5

16. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to add a new Section 5-8-117 to the City Code to revise the procedures for the approval, in residential areas, of on-street parking spaces reserved for the use of persons with disabilities. (#18 2/13/01) **[ROLL-CALL VOTE]**

(Correspondence received on this item is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 2/24/01, and is incorporated herewith as part of this record by reference.)

The Deputy City Clerk read the docket item.

City Manager Sunderland and Special Projects Coordinator Steele spoke suggesting that Council hold the public hearing and defer action on the ordinance until staff takes up with the Commission on Persons with Disabilities and other involved groups whether the proposed standard for the block limitation is too restrictive.

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

Craig Wisooker, 314 Prince Street, spoke in opposition to the proposed ordinance; and

Councilman Speck made inquiries of Mr. Wisooker about parking space limitations.

Mayor Donley explained the background on this issue and participated in the discussion with Mr. Wisooker.

Councilman Speck stressed the need for some form of review, recertification or updating to be included in this process. Transportation and Environmental Services Director Baier reported that they are trying to make recertification as least burdensome on individuals while maintaining the integrity and review of the process to make sure the City is balancing and maintaining a public asset.

Mark Feldheim, 1215 Prince Street, on behalf of Old Town Civic Association and as the committee representative to the Task Force, stated that this ordinance is the product of much hard work by many individuals; however, if there is a way to make the proposed ordinance better, they would be happy to participate in the process.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried unanimously by all those present, City Council closed the public hearing and remanded the item back to staff for some refinements, especially in light of some of the comments Council received today relative to a specific issue, particularly with the committee that was set up as well as the Commission on Persons with Disabilities, and return to Council in April with a substitute ordinance. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	absent
		Woodson	"aye"

17. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to amend Section 2-4-71 of the City Code to revise the membership of the Affordable Housing Advisory Committee. (#19 2/13/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated February 7, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 2/24/01, and is incorporated herewith as part of this record by reference.)

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Woodson	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	absent
	Speck	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4188

AN ORDINANCE to amend and reordain Section 2-4-71 (CREATION; COMPOSITION AND ORGANIZATION) of Article H (AFFORDABLE HOUSING COMMITTEE) Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-71 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended and reordained to read as follows:

Sec. 2-4-71 Creation, composition and organization.

(a) There is hereby established a committee known as the Affordable Housing Advisory Committee.

(b) The voting membership shall consist of twelve citizen members who shall be appointed by city council. The composition of the voting membership shall be as follows:

- (1) one commissioner from the Alexandria Redevelopment and Housing Authority;
- (2) one licensed and practicing attorney;
- (3) one builder or developer of residential property;

(4) one real estate professional with knowledge and experience in residential real estate;

(5) one financial professional with knowledge and experience in the field of finance as it relates to residential housing;

(6) one landlord of residential property in the city;

(7) one residential tenant in the city;

(8) one homeowner in the city;

(9) one representative of the city's faith community;

(10) one representative of a civic association in the city;

(11) one representative who is employed by or affiliated with an organization that promotes and maintains affordable housing; and

(12) one representative of an employer in the city who employs at least 100 employees.

(c) The non-voting membership of the committee shall consist of three representatives of the city who will serve in an advisory capacity. The city representative members shall consist of one representative of each of the following city departments:

(1) the office of housing;

(2) the department of planning and community development; and

(3) the department of human services.

(d) Voting members of the committee shall be appointed in the manner prescribed in article A of this chapter. Such members shall be appointed to three-year staggered terms and shall be eligible for reappointment. One-third of the initial appointments shall be for a one year term, one-third of the initial appointments shall be for a two-year term, and one-third of the initial appointments shall be for a three-year term. Initial terms of office shall be determined by lot at the first committee meeting. Non-voting members shall be appointed by the city manager.

Section 2. Notwithstanding the amendment to the composition of the Affordable Housing Advisory Committee made by this ordinance, members of the committee serving on February 24, 2001 shall continue to serve the balance of their terms of office.

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

KERRY J. DONLEY
Mayor

Introduction: 2/13/01
First Reading: 2/13/01
Publication: 2/15/01
Public Hearing: 2/24/01
Second Reading: 2/24/01
Final Passage: 2/24/01

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18. Public Hearing, Second Reading and Final Passage of AN ORDINANCE to amend Section 12-13-2 of the City Code to revise the membership of the Youth Policy Commission. (#20 2/13/01) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 24, 2001, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 2/24/01, and is incorporated herewith as part of this record by reference.)

The Deputy City Clerk read the docket item.

It was noted that there were no speakers on this item; therefore, the public hearing was concluded.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a ROLL-CALL vote of 6-to-0, City Council finally passed the Ordinance on its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Eberwein	"aye"
Cleveland	"aye"	Euille	absent
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4189

AN ORDINANCE to amend and reordain Section 12-13-2 (COMPOSITION; APPOINTMENT; TERMS; CHAIRPERSON AND OFFICERS; COMMITTEES), to Chapter 13 (YOUTH POLICY COMMISSION), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-13-2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended and reordained to read as follows:

Sec. 12-13-2 Composition; appointment; terms; chairperson and officers; committees.

(a) The commission shall consist of 20 members, 19 of whom shall be voting members and one a non-voting member. Ten of the voting members shall be citizens, two shall be from community non-profit agencies that have an interest in youth issues, four shall be from the public sector, and three shall be from city boards or commissions or other organizations which have an interest and involvement with youth. The majority of the members of the commission shall not be elected officials or employees of a public or private service agency that provides services to the city's youth. The non-voting member shall be a judge from the juvenile and domestic relations court, as determined by the chief judge of that court.

(1) Citizen members. These ten members shall be appointed by city council and shall be city residents. They shall consist of: three parents of children 18 years of age or younger, one of whom shall be a resident of school board election District A, one of whom shall be a resident of District B and one of whom shall be a resident of District C (see section 12-1-4); two individuals younger than 18 years of age; two representatives of the business community; two members of professions which require special training or knowledge in issues affecting youth; and one individual who has an interest in issues affecting youth in the city. The terms of the citizen members shall be three years and shall be staggered; except the terms of the citizen members younger than 18 years of age shall be one year. The members younger than 18 years of age may be reappointed by city council as long as they will be younger than 18 years of age during their reappointment.

(2) Community non-profit agency members. These two members shall be appointed by city council and shall be city residents. They shall represent non-profit community agencies that have an interest in youth issues. The terms of these members shall be three years and shall be staggered.

(3) Public sector members. These four members shall be the mayor, the commonwealth's attorney, a member of the school board designated by the board, and a member of the public health advisory commission designated by the commission. The mayor and the commonwealth's attorney shall serve on the commission for so long as he holds office. The other two public sector members shall serve terms of three years which shall be staggered.

(4) Members from city boards or commissions or other organizations. These three members shall be appointed by city council, and shall be residents of the city. Two of the members shall be members of city boards or commissions, or of other organizations, which, in the course of performing their duties and functions, come into significant contact with the city's youth or which otherwise have an interest in youth issues. The third member shall be a member of the Park and Recreation Commission. The terms of these members shall be three years and shall be staggered.

(b) The commission shall elect from among its voting members a chairperson and such other officers as it deems necessary.

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

KERRY J. DONLEY
Mayor

Introduction: 2/13/01
First Reading: 2/13/01
Publication: 2/15/01
Public Hearing: 2/24/01
Second Reading: 2/24/01
Final Passage: 2/24/01

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (19-23)

Planning Commission (continued)

19. DEVELOPMENT SPECIAL USE PERMIT #2000-0030 -- 400 CAMERON STATION BOULEVARD -- HALLMARK - CAMERON STATION (Phase VII) -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a senior housing and assisted living high-rise building; zoned CDD-9/Coordinated Development District. Applicant: KG Virginia-CS, LLC, by Erika L. Byrd, attorney.

COMMISSION ACTION: Deferred 7-0

20. SPECIAL USE PERMIT #2000-0084 -- 400 CAMERON STATION BOULEVARD -- HALLMARK - CAMERON STATION -- Public Hearing and Consideration of a request for a special use permit amendment to the Cameron Station transportation management plan (TMP) to incorporate the site area of the proposed senior housing and assisted living development into the existing Cameron Station TMP; zoned CDD-9/Coordinated Development District. Applicant: Cameron Associates, LLC and KG Virginia-CS, LLC, by Erika L. Byrd, attorney.

COMMISSION ACTION: Deferred 7-0

21. SPECIAL USE PERMIT #2000-0152 -- 4500 WHEELER AVENUE -- Public Hearing and Consideration of a request for a special use permit expansion to allow the following uses: contractor's storage yard, motor vehicle parking for more than 20 vehicles and/or motor vehicle storage yard; zoned I/Industrial. Applicant: AMT, LLC, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Deferred 7-0

22. SPECIAL USE PERMIT #2000-0159 -- 3014 JEFFERSON DAVIS HIGHWAY -- Public Hearing and Consideration of a request for a special use permit for expansion of a noncomplying automobile repair facility to include automobile sales; zoned CSL/Commercial Service Low. Applicant: Ajmal Ghani, by William C. Thomas, Jr., attorney.

COMMISSION ACTION: Deferred (Applicant's request)

23. VACATION #2000-0008 -- 2513-2603 RANDOLPH AVENUE -- Public Hearing and Consideration of a request for vacation of a portion of the public right-of-way property located between 2513 and 2603 Randolph Avenue, at the terminus of Stewart Avenue; zoned R-2-5/Residential. Applicant: Thomas W. Reichard, by Lonnie Rich, attorney, and appointment of viewers for same.

COMMISSION ACTION: Deferred 7-0

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without Objection, City Council noted the deferrals.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Councilwoman Woodson and carried unanimously by all those present, at 12:35 p.m., the Public Hearing Meeting of Saturday, February 24, 2001, was adjourned. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	absent
	Speck	"aye"	

KERRY J. DONLEY

MAYOR

ATTEST:

Susan K. Seagroves, Deputy City Clerk