

EXHIBIT NO. 1

25
6-15-02

Docket Item # 26
SPECIAL USE PERMIT #2002-0042

Planning Commission Meeting
June 4, 2002

ISSUE: Consideration of a request for a special use permit to operate a private marina.

APPLICANT: New Harborside Yacht Club, LLC
by Duncan W. Blair, attorney

LOCATION: 2A Wolfe Street, waterfront

ZONE: W-1/Waterfront Mixed Use

PLANNING COMMISSION ACTION, JUNE 4, 2002: On a motion by Mr. Robinson, seconded by Ms. Fossum, the Planning Commission voted to recommend approval of the request subject to compliance with all applicable codes, ordinances and staff recommendations. The motion carried on a vote of 5-0-2. Mr. Dunn and Mr. Gaines abstained from voting

Reason: A majority of the Commission agreed with the staff analysis. Mr. Dunn stated his concern about making a decision given the late hour.

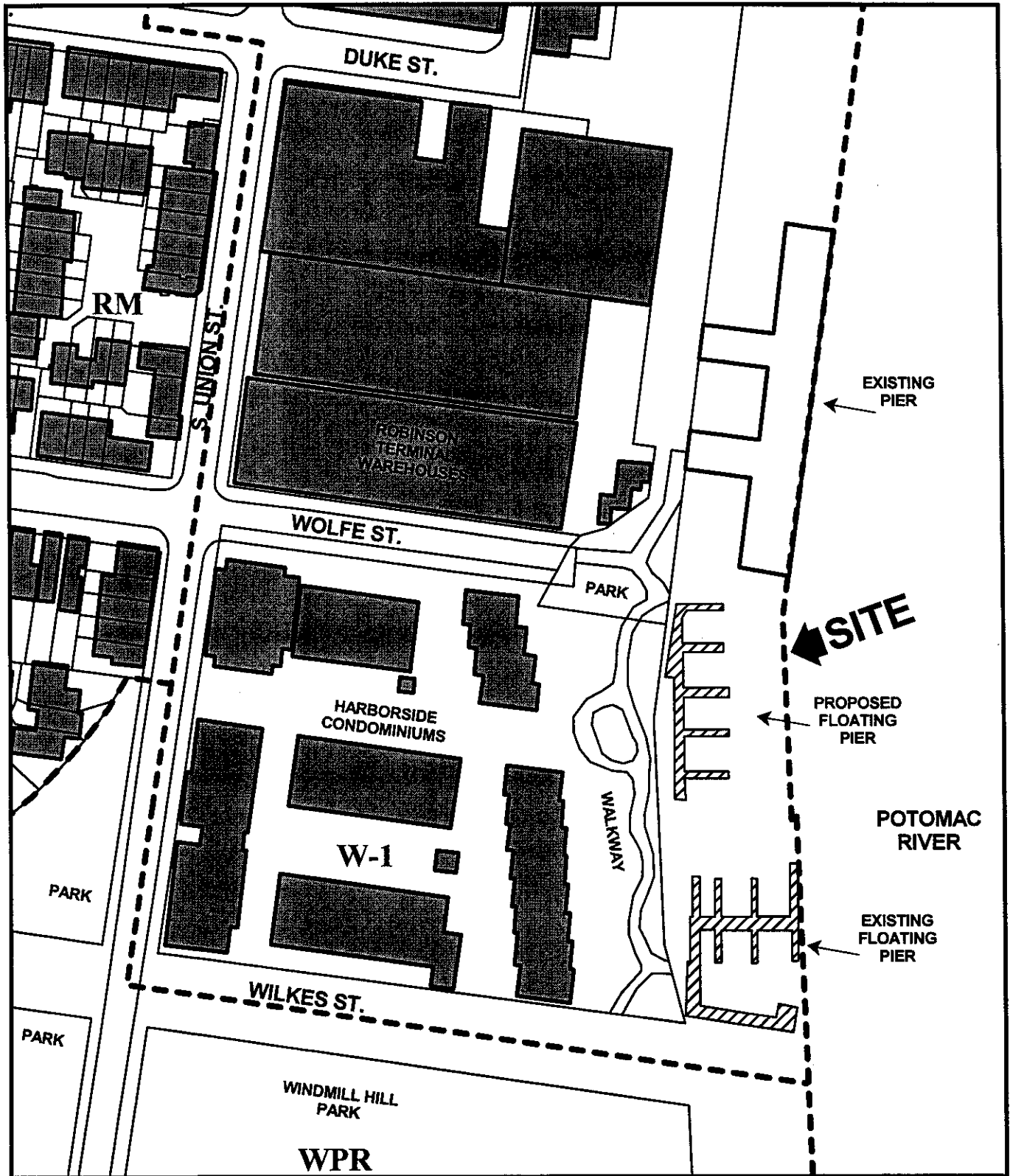
Speakers:

Duncan Blair, attorney, represented the applicant.

Windsor Demain, 8 Harborside, spoke for four neighbors whose homes face the proposed area for the marina. They support the marina, but would like to see it operate under the same regulations as the existing Harborside marina.

Danny Smith, 401 S. Lee Street, opposes the idea of a marina restricted to Harborside residents only.

Poul Hertel spoke in opposition.



SUP #2002-0042

06/04/02



STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The number of boat slips of the Phase II portion of the marina shall be limited to nine and shall be located generally as depicted in the plan submitted with the application. (P&Z)
2. The design and construction plans for the proposed marina shall be in compliance with the City's Flood Plain Ordinance and with existing alignment of bulkhead as required by U.S. War Department on July 23, 1939. (T&ES)
3. Boat owners using the slips shall be limited to residents of the Harborside condominium development. (P&Z)
4. Approval of this special use permit is contingent upon review and approval by the Board of Architectural Review. (P&Z)
5. All necessary state and federal permits must be obtained prior to commencing work. Copies of those permits must be filed with all relevant city agencies. (T&ES)
6. The applicant shall provide a plot plan for approval showing all site improvements/alterations related to marina construction. (T&ES)
7. An erosion and sediment control plan must be approved by the Director of Transportation and Environmental Services prior to commencing work. (T&ES)
8. Owners must maintain an environmental spill kit on-site for emergency use. (T&ES)
9. The entrance to the open space area at Wolfe Street shall be relandscaped consistent with its function as an entrance for the public. A plan for the revised landscaping shall be submitted to and approved by the Director of Parks, Recreation and Cultural Activities prior to installation.

Staff Note: In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

DISCUSSION:

1. The applicant, New Harborside Yacht Club, LLC, requests special use permit approval for the operation of a private marina located at 2A Wolfe Street.
2. The proposed marina is located on the Potomac River behind the Harborside condominium development which is bounded by Wolfe, Union and Wilkes Streets. It will be built adjacent to the existing eleven slip marina that projects away from the shoreline. North of the condominium development is the Robinson Terminal building. To the south is Windmill Hill Park. At the end of Wilkes Street, just outside the southern boundary of the condominium development, an existing boat ramp is located for the unloading and loading of boats. A floating platform with a gazebo, bench, and public access pier is located adjacent to the existing marina to the south.
3. The Harborside condominium development was approved on June 29, 1988, for 74 residential units. (Site Plan #87-038.) It was followed on June 17, 1989, by City Council's approval of a 26 slip private marina for the condominium development. (SUP #2263)
4. The original 26 boat slip marina approved in 1989 was only partially completed. The existing 11 slip marina, which was part of City Council's original marina approval, was built with permits from the Virginia Marine Resources Commission and the U.S. Army Corps of Engineers. (See attached chronology.) Only the first phase of the construction of the marina was completed; according to the applicant, the second phase of the marina was not built because of slow sales of the Harborside units and boat slips.
5. This special use permit seeks to complete the marina, but with fewer slips than originally approved. The proposal is for nine new slips, for a total of 20 private boat slips, behind the Harborside development. While within the original number of slips approved by special use permit in 1989, that special use permit has expired as to the unconstructed portion of it. Therefore, new SUP approval is required.
6. The marina will be limited to the mooring of private boats for the residents of the Harborside development, as is true of the existing marina.
7. The proposed nine slips collectively will be 174.5 feet wide and installed along the existing bulkhead. The proposed nine slips are not connected to the existing eleven slips. The marina will have five floating finger piers to define the slip spaces which project out from the floating collector pier adjacent to the bulkhead. A gangway path with handrails is proposed to connect the floating collector pier to the shore and will have a security gate with lock. (See attached plans.) No buildings are proposed as part of this application.

8. The existing eleven slips (Phase I) are owned by the Harborside Condominium Unit Owners Association. The proposed nine slips (Phase II) will be owned by the applicant, New Harborside Yacht Club, LLC, whose membership consists of Harborside condominium owners. The applicant has suggested a merger of the management of the two marinas as a possibility in the future.
9. The applicant has obtained approval from the National Park Service and the Army Corps of Engineers to construct the nine slips. (See attached permits.) Dredging work for the Phase II marina has already been performed under the Army Corps of Engineers permit and in conjunction with the Department of Transportation and Environmental Services contract work for the City.
10. On April 15, 1992, with reapproval on June 4, 1997, the Board of Architectural Review approved a Certificate of Appropriateness to construct a private 22 boat slip marina as well as the floating public platform with gazebo adjacent to the boat slips. Because the BAR approval expires after one year, the 1997 approval has expired as to the uncompleted portion of the marina. The applicant will therefore be required to reapply to the BAR for approval of the nine slip Phase II marina.
11. The proposed marina, as well as the Phase I existing marina, are being built on submerged lands in the ownership of the federal government and managed by Audrey Calhoun, the Superintendent of the George Washington Parkway, a component park within the National Park Service, National Capital Region Parks division. The submerged lands as well as the adjacent open space area and the Harborside development are all part of the waterfront settlement agreements entered into in the early 1980s by the United States, the City of Alexandria, and the private parties claiming ownership. This proposal is consistent with those agreements.
12. Consistent with the waterfront settlement agreements and with the city's waterfront zoning, a public park open space easement (roughly 0.81 acres of open space), which includes a public walkway and bike path along the waterfront between the Harborside development and the marina, was dedicated to the public and developed by the developers of Harborside. The open space area is landscaped and maintained by the management of the Harborside residential development pursuant to agreement with the City.
10. Zoning: The subject property is located along the W-1/Waterfront mixed use zone. Section 5-503 (C) of the zoning ordinance allows a private marina in the W-1 zone only with a special use permit.
11. Master Plan: The proposed use is consistent with the Old Town small area plan of the Master Plan which designates the property for waterfront mixed use.

STAFF ANALYSIS:

Staff does not object to the proposed nine slip private marina located between Wolfe and Wilkes Streets. The marina adds to active uses along the waterfront. Although the marina is private, public access is maintained along the waterfront with a gazebo and park easement where the walkway and bike path have been developed. In addition, both the National Park Service and the U.S. Army Corps of Engineers have issued permits to construct the marina. The marina is part of a previously approved, larger marina contemplated by the developers of the Harborside development, but never completed.

Because it is a private marina and ownership is limited to Harborside residential owners, staff finds that the use will not generate excessive traffic or parking problems in the area. Staff recommends that the users of the marina be limited to residents of Harborside at Old Town as agreed to by the applicant.

Finally, staff is recommending one improvement to the open space area that borders the proposed marina: the relandscaping of the northern entrance at Wolfe Street. The pedestrian path at the entryway turns abruptly from the public sidewalk creating an entrance that is less than welcoming to the public. As the area as a whole and the path in particular are meant to provide access to the public, the northern entrance should be redesigned, in conjunction with Parks, Recreation and Cultural Activities staff, to be more welcoming.

Staff recommends approval of the special use permit with the recommended conditions.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Barbara Ross, Deputy Director;
Valerie Peterson, Urban Planner.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 All necessary state and federal permits must be obtained prior to commencing work. Copies of those permits must be filed with all relevant city agencies.
- R-2 Provide a plot plan for approval showing all site improvements/alterations related to marina construction.
- R-3 The design and construction plans for the proposed marina shall be in compliance with City's Flood Plain Ordinance and with existing alignment of bulkhead as required by U.S. War Department on 7/23/39.
- R-4 A erosion and sediment control plan must be approved by the Director of Transportation and Environmental Services prior to commencing work.
- R-5 Owners must maintain a environmental spill kit on-site for emergency use.

Code Enforcement:

- F-1 No comments.

Health Department:

- C-1 An Alexandria Health Department Permit is required for all regulated facilities.
- C-2 Five sets plans are to be submitted to and approved by this department prior to construction. Plans must comply with the provisions of Section 32.1-246 of the Code of Virginia . Information to be included in the plans submittal is to be as required by the Code of Virginia.
- C-3 Permits must be obtained prior to operation.

Police Department:

- F-1 No objections.

VMP
APPLICATION for SPECIAL USE PERMIT # 2002-0042

[must use black ink or type]

#2 WOLFE ST
PROPERTY LOCATION: Adjacent to Harborside Condominium

TAX MAP REFERENCE: Adjacent to 75.03 0A ZONE: W-1 Waterfront Mixed Use

APPLICANT Name: New Harborside Yacht Club, LLC
Address: One Wilkes Street, Alexandria, Virginia 22314

PROPERTY OWNER Name: United States of America, Department of Interior, National
Park Service, National Capitol Region
Address: Turkey Run Park, Mclean, Virginia 22101

PROPOSED USE: Completion of Private Marina authorized by Special Use Permit 2263.

use is private marina

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire
Print Name of Applicant or Agent


Signature

524 King Street
Mailing/Street Address

(703) 836-1000 (703) 549-3335
Telephone # Fax #

Alexandria, Virginia 22314
City and State Zip Code

E-Mail: dblair@landclark.com
March 26, 2002
Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL:

All applicants must complete this form. Supplemental forms are required for child care facilities, restaurants, automobile oriented uses and freestanding signs requiring special use permit approval.

1. The applicant is (*check one*) the Owner Contract Purchaser
 Lessee or Other: **Permittee/United States Department of Interior** of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

New Harborside Yacht Club, LLC is a Virginia limited liability company. Brian Buzzell is the Applicant's Managing partner. The members of the Applicant are: Portifino, LLC, Mindano 45, LLC and Hanover Management Group, LLC.

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

- Yes. Provide proof of current City business license
 No. The agent shall obtain a business license prior to filing application, if required by the City Code.

2. Submit a floor plan and a plot plan with parking layout of the proposed use. One copy of the plan is required for plans that are 8½" x 14" or smaller. Twenty-four copies are required for larger plans or if the plans cannot be easily reproduced. The planning director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver. This requirement does not apply if a Site Plan Package is required.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use, including such items as the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, and whether the use will generate any noise. (A t t a c h additional sheets if necessary)

New Harborside Yacht Club, LLC, a Virginia limited liability company (the Applicant”) is requesting approval to complete the private marina approved by Special Use Permit 2263.

The Developer of Harborside constructed the first phase of the private marina consisting of Eleven (11) slips as part of the development of the project. The remaining Fifteen (15) authorized slips were not constructed.

The Applicants, owners of units in Harborside, have obtained approval from the Developer, the Condominium Association, the Department of Interior and the Army Corps of Engineers to complete the marina. The number of slips to be constructed has been reduced from Fifteen (15) to Nine (9).

USE CHARACTERISTICS

4. The proposed special use permit request is for: *(check one)*
- a new use requiring a special use permit,
 - a development special use permit,
 - an expansion or change to an existing use without a special use permit,
 - expansion or change to an existing use with a special use permit,
 - other. Please describe: **Continuation of existing SUP.**
5. Please describe the capacity of the proposed use:
- A. How many patrons, clients, pupils and other such users do you expect? Specify time period (i.e., day, hour, or shift).
Nine (9) slips.
 - B. How many employees, staff and other personnel do you expect? Specify time period (i.e., day, hour, or shift).
No charge from SUP 2263.
6. Please describe the proposed hours and days of operation of the proposed use:
- Day: _____ Hours: _____
- No change from SUP 2263.**
7. Please describe any potential noise emanating from the proposed use:
- A. Describe the noise levels anticipated from all mechanical equipment and patrons.
No change from SUP 2263.
 - B. How will the noise from patrons be controlled?
No change from SUP 2263.
8. Describe any potential odors emanating from the proposed use and plans to control them:
No change from SUP 2263.
9. Please provide information regarding trash and litter generated by the use:
- A. What type of trash and garbage will be generated by the use?
No change from SUP 2263.
 - B. How much trash and garbage will be generated by the use?
No change from SUP 2263.
 - C. How often will trash be collected?
No change from SUP 2263.

D. How will you prevent littering on the property, streets and nearby properties?

No change from SUP 2263.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

Yes. No.

If yes, provide the name, monthly quantity, and specific disposal method below:

12. What methods are proposed to ensure the safety of residents, employees and patrons?

No change from SUP 2263.

ALCOHOL SALES

13. Will the proposed use include the sale of beer, wine, or mixed drinks?

Yes. No.

If yes, describe alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales. Existing uses must describe their existing alcohol sales and/or service and identify any proposed changes in that aspect of the operation.

PARKING AND ACCESS REQUIREMENTS

14. Please provide information regarding the availability of off-street parking:

A. How many parking spaces are required for the proposed use pursuant to section 8-200 (A) of the zoning ordinance?

No change from SUP 2263.

B. How many parking spaces of each type are provided for the proposed use:

_____ Standard spaces

_____ Compact spaces

_____ Handicapped accessible spaces.

_____ Other.

C. Where is required parking located? on-site off-site (*check one*)

If the required parking will be located off-site, where will it be located:

Pursuant to section 8-200 (C) of the zoning ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- D. If a reduction in the required parking is requested, pursuant to section 8-100 (A) (4) or (5) of the zoning ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.
15. Please provide information regarding loading and unloading facilities for the use:
- A. How many loading spaces are required for the use, per section 8-200 (B) of the zoning ordinance? **None**
- B. How many loading spaces are available for the use? **No change from SUP 2263.**
- C. Where are off-street loading facilities located? **No change from SUP 2263.**
- D. During what hours of the day do you expect loading/unloading operations to occur?
No change from SUP 2263.
- E. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
No change from SUP 2263.
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?

Yes.

SITE CHARACTERISTICS

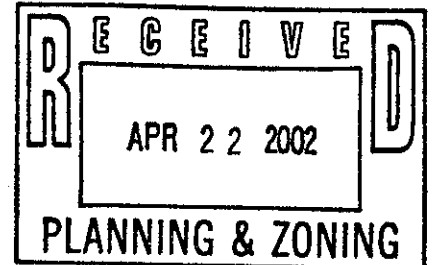
17. Will the proposed uses be located in an existing building? Yes No
Do you propose to construct an addition to the building? Yes No
How large will the addition be? _____ square feet.
18. What will the total area occupied by the proposed use be?
N/A sq. ft. (existing) + _____ sq. ft. (addition if any) = _____ sq. ft. (total)
19. The proposed use is located in: (check one)
- a stand alone building a house located in a residential zone a warehouse
- a shopping center. Please provide name of the center: _____
- an office building. Please provide name of the building: _____
- other, please describe: **Waterfront Marina.**

SUP 2002-0042

NEW HARBORSIDE YACHT CLUB, L. L. C.

April 22, 2002

Ms. Barbara Ross
Deputy Director
Department of Planning & Zoning
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314



In re: Special Use Permit to Complete Marina

Dear Barbara,

At a meeting on 16 April 2002 in your office you requested New Harborside Yacht Club, L.L.C. (NHYC) provide additional background information in order for your staff to prepare the Staff Report for a Planning Commission hearing on 4 June. Specifically, you requested a chronological outline of key dates and events with respect to the original construction of the existing Harborside Marina and the process to date to complete the originally approved project. Secondly, you asked for more detailed engineering drawings of the surrounding area at Harborside and how the additional 9-boat slips would appear after construction.

Enclosed is a chronological list of key events as background information. Additionally, two engineering drawings are attached. The original city approved Harborside 22-boat slip marina and the revised Harborside 20-boatslip marina. They are identical with the exception that there are 2 less boatslips in the proposed new marina design.

If you have any questions, please do not hesitate to call either Duncan Blair or myself.

Sincerely,

Brian Buzzell

Brian Buzzell
Managing Partner, NHYC

Enclosure: Chronological List of Key Dates and Events
(2) Engineering Drawings

Chronological List of Key Dates and Events

HARBORSIDE AND NEW HARBORSIDE MARINA

- June 12, 1989 Planning Commission grants 400 South Union Street Joint Venture permission to construct an operate a 26-slip marina in conjunction with the development of Harborside contingent upon the approval by the U.S. Army Corps of Engineers. SUP #2263
- December 11, 1989 Virginia Marine Resources Commission grants a permit for a 26-slip marina. VMRC #89-1458-8 Note: In a letter dated March 19, 2002, VMRC declares the Harborside marina ...”does not fall under the jurisdiction of the Marine Resources Commission. Therefore, no authorization will be required from this agency”...to add the additional 9-boat slips.
- August 12, 1991 U.S. Army Corps of Engineers issues a permit to dredge and construct a marina. Project Number: 89-1458. The permit was modified on April 27, 1992 to reflect a reduction in boat slips from 26 to 22.
- April 15, 1992 Board of Architectural Review approves a plan to construct a public access pier with a gazebo as a condition for the construction of a 22-boat slip marina at Harborside. Note: Final approval for the construction of the gazebo was at a BAR hearing on June 4, 1997.
- May 18, 1992 Director of Planning approves the final site plan that depicts a 22-boat slip marina with 2 separate dock structures.
- August 17, 1992 National Park Service issues a permit to construct and operate a marina at Harborside. Permit No. 6:800:0340
- Fall 1992 - summer 1993 Begin dredging and construction of an 11-boat slip marina and public dock. Note: Due to the slow sales of Harborside Units and boat slips, the developer does not construct the second 11-slip dock. The gazebo is placed on the Public dock – summer 1997.
- July 30, 1993 In the “Fifth Amendment to the Condominium Instruments for Harborside Condominium Adding Additional Land” the existing Harborside 11-boatslip marina is transferred by deed to the Harborside Condominium Unit Owners Association from the developer. The developer splits the submerged land, Parcel A, into

2 pieces: Phase 11-A the existing marina and Phase 11, the submerged land North of the existing marina to Wolfe Street extended. Phase 11 does not convey and remains under ownership of the developer, Dominion Lands.

1993-1998

All the Harborside Units are sold as well as boat slips. Non-slip owners, Harborside Unit owners begin to ask the Harborside Board about construction of the remaining 11-boatslips. It was discussed at that time by the Board that Dominion Lands had failed to convey Parcel 11 to the Association. Due to ongoing legal disputes and warranty issues between the Association and the developer it was not practical to ask Dominion Lands to convey Parcel 11 to the Association.

July 2000

Harborside Board indicates to a group of boat owners that the board would not object to a group of Harborside residents completing the original marina. The Association, however, was not going to participate in this initiative.

September 2000

Several Harborside residents form a partnership, New Harborside Yacht Club, L.L.C. with the specific purpose of completing the 11-boatslip marina at Harborside. Negotiations with Dominion Lands, Inc. to purchase the right to complete and operate a marina commence. NHYC begins to work with the National Park Service and Army Corps of Engineers to secure permits to pull submerged pilings, maintenance dredge and construct a 9-boatslip dock. The reductions in 2-boatslips from the original project reflect lessons learned from operating the existing marina.

10 October 2001

Dominion Lands Quitclaim Deed to NHYC.

October 2001

NHYC meets with TE&S personnel to discuss using the city's dredging and piling contractors to do the work at Harborside pending permit approval from National Park Service and Army Corps of Engineers.

January 24 2002

Army Corps of Engineers issues permit to dredge the existing marina and the submerged lands with pilings. Project Number: 02-N0010

5 March 2002

City of Alexandria Department of Transportation and Environmental Services and Harborside Condominium Unit Owners Association sign acknowledgement forms' for pulling of submerged pilings, dredging and construction of a 9-boatslip

marina at Harborside. Note: This was part of the VMRC permit process that was subsequently voided. See note above.

March 8 2002

National Park Service issues a permit to dredge and build and operate a marina in accordance with the original permit #6:800:0340.

March 26 2002

NHYC files an application for Special Use Permit with the City of Alexandria.

April 16 2002

Army Corps of Engineers permit issued to construct a 9-boatslip marina at Harborside. Project Number: 02-V0400



LAND, CLARK, CARROLL, MENDELSON & BLAIR, P.C.

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April 1, 2002

DELIVERED BY HAND

Ms. Barbara Ross
Deputy Director
Department of Planning & Zoning
301 King Street
City Hall, Room 2100
Alexandria, Virginia 22314

In re: Special Use Permit to Complete Marina

Dear Barbara:

Pursuant to our discussions on Friday, March 29, I enclose the following documents to supplement the Special Use Permit Application filed on March 26, 2002 requesting the completion of the Harborside Marina:

1. United States Department of Interior National Park Service Special Use Permit No. NCR GWMP 5700-01-117 authorizing Brian Buzzell, Managing Partner, New Harborside Yacht Club to perform dredging operations and to build and to operate a marina in accordance with original Permit No. 6:8:0340.
2. Basic Application Form - Joint Permit Application For Activities In Waters and WETLANDS of The Commonwealth of Virginia. My understanding is that the Army Corps of Engineers will issue the dredging permit on April 12, 2002.

As we discussed at the meeting, you indicated will review the file on this matter and the enclosed documents to determine if, in fact, a Special Use Permit is required. The original Special Use Permit did not limit it to a particular business entity or person. Additionally, since the establishment of the original marina and its continued operation, the intent to complete the marina in accordance with the original approvals was not abandoned although there has been a passage of time since the last construction activities and the proposed construction. Note also that the proposed marina is less intense than that originally approved.

If you have any questions, please do not hesitate to call.

Very truly yours,



Duncan W. Blair

Enclosures

cc: Brian V. Buzzell
Managing Partner

DWB:bart\RossLtrApr1

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service

George Washington Memorial Parkway Turkey Run Park McLean, Virginia 22101

Special Use Permit

Name of Use: Temporary Construction

Date Permit Reviewed 2002 2/4,
Reviewed 20
Reviewed 20
Expires 2003 2/3.

Long Term

Permit #: NCR GWMP 5700-01-110
Region Park Type No. #

Short Term

National Capital Region
Bed of the Potomac River
Name of Area

Brian Buzzell, Managing Partner
New Harborside Yacht Club (NHYC)
Permittee

One Wilkes St.
of Alexandria, Virginia 22314 (703) 836-1000
Address Phone

is hereby authorized during the period from ~~(Time 1200 day 4 Month February 2002)~~ through ~~(Time 1200 day 3 Month February 2003)~~
to use the following described land or facilities in the above named area: Reservation #: 404V, V

Bed of the Potomac River, at Harborside Yacht Club

For the purpose(s) of:

Performing dredging operations and to build and operate a Marina in accordance with original permit # 6:800:0340

Authorizing legislation or other authority (RE - RM-53 Appendix 1): 16 U.S.C. 1a-1

NEPA Compliance: CATEGORICALLY EXCLUDED EA/FONSI EIS OTHER APPROVED PLANS

PERFORMANCE BOND: Required Not Required Amount \$

LIABILITY INSURANCE: Required Not Required Amount \$ see conditions

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Dept. of the Interior, National Park Service of the sum of \$ N/A.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE: Brian V. Buzzell Signature 8 MAR 2002 Date

Authorizing Official Tony R. Carleton Signature Regional Director 3/6/02 Date

Additional Authorizing Official _____
(if Required) Signature Title Date

CONDITIONS OF THIS PERMIT

1. The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area.
2. Damages - The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.
3. Benefit - Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefits to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.
4. Assignment - This permit may not be transferred or assigned without the consent of the Superintendent, in writing.
5. Revocation - This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.
6. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation [Re: 36 CFR 2.32(4)].
7. Permittee will comply with applicable public health and sanitation standards and codes.
8. The Permittee shall maintain liability insurance in full force during the entirety of the period covered by this agreement. The Permittee agrees to be fully responsible for the management, performance, use and safety within the park hereby agrees to accept responsibility and assume liability for any and all tort claims arising from the actions or omissions of its representatives or employees directly or indirectly connected with the work performed, the maintenance of, or the use of this facility, to the greatest extent permitted by law. The Permittee shall:
 - a) Procure public and employee liability insurance from responsible companies with a minimum limitation of \$1,000,000 (one million dollars) per person for any one claim and an aggregate limit of \$3,000,000 (three million dollars) for any number of claims arising from any one incident or the minimum required by law, if any, whichever amount is greater. The United States of America shall be named as an additional insured on all such policies. The permit number will be included on said policy. Said policy shall specify that the insured shall have no right of subrogation against the United States for payments of any premiums or deductibles thereunder, and such insurance policies shall be obtained by, be for the account of, and be at the insured's sole risk. Note: A copy of the Certificate of Insurance evidencing proper insurance coverage and the certificate shall be returned to NPS with the executed permit to:

Department of the Interior
Khabira Al-Muhyee Etaji
Right-of-Way Permit Coordinator
National Park Service
George Washington Memorial Parkway
Turkey Run Park
McLean, VA 22101
 - b) Pay the United States the full value for all damages to the lands or other property of the United States caused by the Permittee or by the Permittee's employees, contractors, or employees of the contractors.

Indemnify, save and hold harmless and defend the United States against all fines, claims, damages, losses, judgements and expenses rising out of, or from any omission or activity in connection with activities under this permit.

Conditions specific to this permit

9. All dredging work is to be done in conjunction with the dredging operation already scheduled by the City of Alexandria.
10. Any variations to the operation outside the previously approved work and work approved by the Virginia Marine Resources Commission (VMRC) as well as the U.S. Army Corps of Engineers must be submitted to the NPS for approval.
11. At the completion of the project, the NPS requests a set of complete drawings and maps depicting the "as built" status of the Bed of the Potomac and the yacht club. Electronic versions are preferred.
12. Spills or unauthorized releases of any material must immediately be contained and managed by the contractor. Emergency situations are to be reported to the U.S. Park Police at 202-619-7300 and the U.S. Coast Guard.
13. The permittee shall provide a schedule of work to the NPS.
14. The NPS representative will be Jim Culver He can be reached at 703-289-2514. The permittee must identify a person responsible to the project. That person's name is: _____ . Their telephone number is: # _____ .



Project Number: 02-N0010

Waterway: Potomac River

1. Participant:
Harborside Condominium
52 Wolfe Street
Alexandria, Virginia 22314
Attn: Brian Buzzell

2. Authorized Agent:
None

3. Address of Job Site:

The site is located in the Potomac River between Wolfe Street and Wilkes Street, in Alexandria, Virginia.

4. Project Description:

The project consists of maintenance dredging an existing marina. Approximately 3400 cubic yards of material will be removed and placed in an upland area.

5. Findings

This is regarding your request to perform work in the waters of the United States, as described in part 4 above. This activity has been reviewed and found to satisfy the criteria contained in the Corps Nationwide Permit (35), attached. (The Corps Nationwide Permits were published in the Federal Register (61 FR 65874) on December 13, 1996 and the regulations governing their use can be found in 33 CFR 330 published in Volume 56, Number 226 of the Federal Register dated November 22, 1991.)

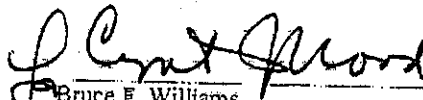
Provided the enclosed conditions are met, an individual Department of the Army Permit will not be required. In addition, the Virginia Department of Environmental Quality has waived 401 certification for Nationwide Permit Number 35. However, a permit may be required from the Virginia Marine Resources Commission and/or your local wetlands board, and this verification is not valid until you obtain their approval, if necessary. You may contact the Virginia Marine Resources Commission at (757) 247-2200 for further information concerning their permit requirements.

Enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation (see nationwide permit condition number 14). Your signature on this form certifies that you have completed the work in accordance with the nationwide permit terms and conditions.

This verification is valid until February 11, 2002 unless the Norfolk District Engineer uses discretionary authority to modify, suspend or revoke this verification. However, if you have commenced or are under contract to commence the work, you will have twelve months from the date of that permit change to complete the activity. Activities completed under the authorization of a nationwide permit which was in effect at the time the activity was completed continue to be authorized by that nationwide permit.

It is your responsibility to remain informed of changes to the nationwide permits. We will issue a special public notice announcing any changes to the nationwide permits when they occur.

6. Corps Contact: Cynthia J. Wood at (703) 221-6967


Bruce F. Williams
Chief, Northern Virginia Regulatory

BASIC APPLICATION FORM

**Joint Permit Application For Activities In
Waters AND WETLANDS Of The Commonwealth Of Virginia**

PLEASE PRINT OR TYPE ALL ANSWERS:

If a question does not apply to your project please print N/A (not applicable) in the block or space provided. If additional space is needed, attach extra 8-1/2" x 11" sheets of paper. If you are unsure of a particular term, please refer to the definitions section.

1a. **Applicant's name and complete address:**

Mr. Mrs., Ms. (circle one)
New Harborside Yacht Club, LLC
c/o Mr. Brian Buzzell
One Wilkes Street
Alexandria, VA 22314

Telephone numbers:
Home (A/C 703) 304-0721
Work (A/C 703) 836-6098

1b. **Property Owner's name and complete address:
(if different from above)**

BOAT SLIPS & NORTHERLY DREDGING
New Harborside Yacht Club, LLC
c/o Mr. Brian Buzzell
One Wilkes Street
Alexandria, VA 22314

SOUTHERLY DREDGING ONLY
Harborside Condominium Assoc.
53 Wolfe Street
Alexandria, VA 22314

Telephone numbers:
Home (A/C 703) 836-4098
Work (A/C 703) 836-6098

**Authorized agent's name
and complete address (if applicable):**

Mr. Brian Buzzell
Creative Team Concepts, LLC
One Wilkes Street
Alexandria, VA 22314

Telephone numbers:
Home (A/C 703) 304-0721
Work (A/C 703) 836-6098

3. **Have you obtained a contractor for the project?** Yes No **If your answer is "yes" complete the remainder of this question and submit the Applicant's and Contractor's Acknowledgement Form on page 47 with your application.**

Contractor's name and complete address:

DREDGING ONLY
Lake Services, Inc.
c/o Mr. Martin J. Firth
2951 Jefferson Drive, Stafford, VA 22554

Telephone numbers:
Home (A/C)
Work (A/C 540) 658-0101

4. **List the name, address, and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay Local and State processing.**

Name and complete address:

Washington Post
1150 15th Street, N.W.
Washington, D.C. 20071

Telephone number:
(A/C 202) 334-7025

5. Please give the name of the waterbody at the project site, the county or city the project is located in, and directions to the site:

Potomac River a tributary to Chesapeake Bay

located in Alexandria
County/City

Give descriptive directions to the project site from the nearest intersection of two state roads within that county or city and visible points of reference :

At intersection of Union Street & Wolfe Street in City of Alexandria. Follow Wolfe Street east to River. Site is on the right

IF THE PROJECT SITE IS LOCATED IN AN UNDEVELOPED SUBDIVISION OR PROPERTY, CLEARLY STAKE AND IDENTIFY PROPERTY LINES AND LOCATION OF PROPOSAL. A SUPPLEMENTAL MAP THAT SHOWS HOW THE PROPERTY IS TO BE DIVIDED SHOULD ALSO BE PROVIDED

6. State the project purpose and provide a brief description of the project:

Construction of 9 boat slips utilizing floating piers and dredging by mechanical means to -6' MLW to provide boating access and dockage for residents on the property. Prior to dredging, approximately 234 decayed piles need to be removed at the northerly end of the project site. The primary purpose of the project is to provide a safe area for navigating the river and mooring boats at the site. These additional 9 boat slips will complete

7. Please place a checkmark next to as many of the following that describe your project site:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Tidal waters | <input checked="" type="checkbox"/> 100 year floodplain | <input checked="" type="checkbox"/> Natural |
| <input type="checkbox"/> Tidal wetlands | <input type="checkbox"/> Lake or Pond | <input type="checkbox"/> Man-made |
| <input type="checkbox"/> Nontidal waters | <input type="checkbox"/> Mudflats | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Nontidal wetlands | <input checked="" type="checkbox"/> River | |
| <input type="checkbox"/> Vegetated Shallows | | |
| <input type="checkbox"/> Other (explain - e.g. Intermittent stream, vernal pool, etc.) | | |

8. Proposed use (check one):

- | | | |
|---|-------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> Private | <input type="checkbox"/> Community | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Industrial | <input type="checkbox"/> Government | |
| <input type="checkbox"/> Other (explain): | | |

** a previously approved/constructed marina at Harborside.

9. Will the project impact (flood, drain, excavate, dredge, fill, shade, etc.) wetlands?
 Yes No Uncertain

If your answer is "YES", please indicate:

- A. vegetated wetlands area(s) to be impacted?
tidal 0 square feet nontidal 0 square feet
- B. nonvegetated tidal wetlands area(s) to be impacted? + 2,400 square feet
- C. Subaqueous: ± 23,000 square feet.

10. Will the project be located at the site of any historic property? (Note: historic properties include but are not limited to archeological sites, Civil War earthworks, graveyards, buildings, bridges, canals, etc.)
 Yes No If "Yes", please provide a map showing the location.

11. Have you previously contacted the Department of Historic Resources concerning this project?
 Yes No If "Yes", please provide the following information:
a. VDHR file number: _____
b. Response date: _____
c. Type of response (no effect/no adverse effect, additional information requested, survey requested, further consultation needed): _____

12. Is your project located within a historic district? Yes No Uncertain
If "Yes", please indicate which district: _____

13. Has a survey to locate archeological sites and/or historic structures been carried out on the property?
 Yes No If "Yes", please provide the following information:
a. Date of survey: _____
b. Name of firm: _____
c. Is there a report on file with the Virginia Department of Historic Resources? _____
d. Was any historic property located? _____

14. Have you previously had a site visit, applied to, or obtained a permit from any agency (Federal, State, or Local) for any portion of the project described in this application or any other project at the site?
 Yes No If your answer is "Yes", provide the following information:

Name of Representative: _____

Agency	Activity	Application Number	Action Taken (check the appropriate box)	
Planning Com.	Special Use Permit	#2263	6-12-89	Issued
	Letter Piers & Dredging	—	1989	Issued
	Permits Piers & Dredging	89-1458-8	1991	Issued
	Permit Dredging	89-1458-8	10-12-89	Issued
	New Permit	02-N0010	1-2-02	
	New Permit	NRGMP5710-01-110		

15. a) Has any work commenced or has any portion of the project for which you are seeking a permit been completed? ___ Yes X No

b) Are you submitting this application at the direction of any state, local or federal agency? ___ Yes X No
If your answer to either question above is "YES", give details below stating when the work was completed, who performed the work, and which agency (if any) directed you to submit the application. (Please clearly differentiate on your application drawings that portion of the work which has been completed from that which is proposed.)

16. Approximately how long will it take to complete the project after all required permits have been issued?
+ 3 months

17. Approximate cost of the entire project (materials, labor, etc): \$ 400,000 Approximate cost of only that portion of the project which affects State Waters (below mean low water in tidal areas or ordinary high water in nontidal areas): \$ _____ N/A since site is located north of the Woodrow Wilson Bridge on river bottom under N.P.S. jurisdiction.

18. List the name and complete mailing address of each adjacent property owner to the project.

City of Alexandria
Department of Transportation & Environmental Services
P. O. Box 178
Alexandria, VA 22313

Harborside Condominium Unit
Owners Association
464 S. Union St.
Alexandria, VA 22314

19. List the name and complete mailing address of each waterfront property owner across the waterway from the project, if the water body is less than 500 feet wide. Also, if the project is within a cove, list the name and address of each property owner located on the cove.

N/A

20. All affected property owners must be notified of the proposed plans. If you do this yourself, it will assist us in processing your application. Have you discussed this project with all affected parties and had them sign an Adjacent Property Owner's Acknowledgement Form? ___ Yes X No If your answer is yes, the acknowledgement forms must be included with this application.

21. Check the appendices below which apply to your project. NOTE: The applicable appendices must be completed and submitted as part of your application. Additional appendices can be provided upon request. If you are proposing multiple activities, you may submit one plan view drawing provided all the required information for each activity is included (e.g. if your proposal includes a pier, boathouse and dredging, you may show all activities on a single plan view drawing). A sample drawing for each activity is located on the back of the corresponding appendix. Although the sample drawings are condensed so that the plan view, cross section, end view, and vicinity maps are all on one page, you do not have to limit your drawings to one page. Drawings submitted need not be prepared by a professional draftsman as in these samples.

LIST OF APPENDICES

<input type="checkbox"/>	Appendix A	Private Piers & Marginal Wharves
<input type="checkbox"/>	Appendix B	Boathouses
<input checked="" type="checkbox"/>	Appendix C	Marinas & Commercial Piers
<input type="checkbox"/>	Appendix D	Dolphins-Mooring Piles-Buoys Not Associated w/Piers
<input type="checkbox"/>	Appendix E	Boat Ramps
<input type="checkbox"/>	Appendix F	Bulkheads & Associated Backfill
<input type="checkbox"/>	Appendix G	Fill
<input type="checkbox"/>	Appendix H	Riprap & Associated Backfill
<input type="checkbox"/>	Appendix I	Marsh Toe Stabilization
<input checked="" type="checkbox"/>	Appendix J	Dredging/Mining/Excavating
<input type="checkbox"/>	Appendix K	Groins & Jetties
<input type="checkbox"/>	Appendix L	Breakwaters
<input type="checkbox"/>	Appendix M	Beach Nourishment
<input type="checkbox"/>	Appendix N	Intake - Outfall Structures
<input type="checkbox"/>	Appendix O	Stream Channel Modifications
<input type="checkbox"/>	Appendix P	Impoundments/Dams
<input type="checkbox"/>	Appendix Q	Utility Crossings
<input type="checkbox"/>	Appendix R	Road Crossings (Bridges-Tunnels-Culverts)
<input checked="" type="checkbox"/>	Addendum	Department of Environmental Quality Additional Requirements

ALL APPLICANTS MUST SIGN

I hereby apply for all necessary permits for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions.

I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge.

Brian V. Buzzell

APPLICANT'S SIGNATURE

BRIAN V. BUZZELL

APPLICANT'S NAME (PRINTED/TYPED)

5 MAR 02

DATE

REMINDER: BE SURE TO COMPLETE THE APPENDICES YOU CHECKED ABOVE AND SUBMIT WITH THE BASIC APPLICATION FORM (PAGES 3-7). MAIL ALL INFORMATION TO:

Virginia Marine Resources Commission
 Habitat Management Division
 P. O. Box 756
 Newport News, Virginia 23607

APPENDIX C - MARINAS AND COMMUNITY PIERS

PLEASE COMPLETE THE CHECKLIST AND ANSWER THE QUESTIONS. THE DRAWINGS MUST CONTAIN THE FOLLOWING INFORMATION OR THEY WILL BE RETURNED AS INCOMPLETE:

Plan View Drawing

- X north arrow
- X waterway name
- X existing structures
- X benchmarks showing distances to fixed points of reference
- X mean low water and mean high water lines (tidal)
- N/A ordinary high water line (nontidal)
- NONE location of vegetated wetlands at the project site
- X shoreline, property lines, and location of adjacent property owners (if in a cove or the waterway is less than 500 feet wide, also show the location of the property owner across from the site)
- X width of the waterway (measuring from mean high water to mean high water (tidal) or ordinary high water to ordinary high water (nontidal))
- X ebb and flood (tidal) or direction of flow (nontidal)
- X location and distance from existing channels
- X channelward encroachment (including mooring piles) relative to mean high and mean low water lines
- X length, width and other pertinent dimensions of the structures
- X distance between the structures and mooring piles
- X soundings taken at mean low water (tidal) or at ordinary high water (nontidal) at 10-foot intervals
- N/A proposed structures for collection and handling of hazardous material (include settling tanks for collection of travel lift washdown water, paint chips, etc.)
- N/A location of gasoline storage tanks

Cross Section Drawing

- N/A dimensions of covered structures including roof height above mean high and mean low water level
- X material to be used for construction
- X existing contours of the bottom
- X mean high and mean low water levels (tidal)
- N/A ordinary high water level (nontidal)
- X height above mean high/mean low/ordinary high water line
- X height of structure(s) over the bottom or marsh peat surface

Vicinity Map The name of the map from which the vicinity map was taken and the exact location of the project site must be included (U.S.G.S. quad sheet, street map, or county map is preferred).

1. Have you obtained the State Health Department's approval for sanitary facilities? Yes X No
(You are required to obtain this approval or a variance before a VMRC permit can be issued.)
2. Will petroleum products or other hazardous materials be stored or handled at the facility?
 Yes X No If your answer is yes, please include your spill contingency plan
3. Will the facility be equipped to offload sewage from boats? Yes x No
4. Indicate the number and type of slips:

	Wet Slips	Dry Storage
Existing	0	0
Proposed	9	0

THE DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIRES APPLICANTS TO SUBMIT THE ADDENDUM LOCATED AT THE END OF THIS APPLICATION

APPENDIX J - DREDGING/MINING/EXCAVATING

EASE COMPLETE THE CHECKLIST AND ANSWER THE QUESTIONS. THE DRAWINGS MUST CONTAIN THE FOLLOWING INFORMATION OR THEY WILL BE RETURNED AS INCOMPLETE:

Plan View Drawing

- north arrow
- waterway name
- existing structures
- width of the waterway, measuring from mean high water to mean high water (tidal) or ordinary high water to ordinary high water (nontidal)
- ebb and flood (tidal) or direction of flow (nontidal)
- location and dimensions of area proposed to be dredged
- benchmarks showing distances to fixed points of reference
- mean low water and mean high water lines (tidal), or ordinary high water line (nontidal)
- location and aerial extent of vegetated wetlands at the project site
- shoreline, property lines, and location of adjacent property owners
- location of existing channels
- location of dredged material disposal area if located on-site**
- location and dimensions of buffer zone between dredge cut and vegetated wetlands
- existing depths in the project area based on mean low water (tidal) or ordinary high water (nontidal)

Cross Section Drawing for Dredge Area

- existing contours of the bottom
- dredge cut - slopes, average depth, bottom & top width
- existing depths based on mean low water (tidal)
- existing depths based on ordinary high water (nontidal)
- proposed project depths (after dredging)

Cross Section Drawing for Disposal Area

- proposed berms
- proposed spillways
- ponding depth of dredged material

Vicinity Map The name of the map from which the vicinity map was taken and the exact location of the project site must be included (U.S.G.S. quad sheet, street map, or county map is preferred).

**For off-site disposal areas provide a drawing that includes the location, dimensions, benchmarks, berms and/or spillways, and how the material will be transported.

1. How many cubic yards of material will be dredged by/from:

NEW (NEW HARBORSIDE Y.C.)

	Hydraulic	Dragline	Clamshell	Other
Vegetated Wetlands	0	0	0	0
Non-Veg. Wetlands	0	600	0	0
Subaqueous Lanc	0	1,600	0	0
Total	0	2,200	0	0

(HARBORSIDE CONDO. ASSOC.)

MAINTENANCE

Hydraulic	Dragline	Clamshell	Other
0	0	0	0
0	0	0	0
0	± 1,400	0	0
0	± 1,400	0	0

2. State the composition of the material (e.g. clay 25%, sand 25%, silt 50%): ± 80% Silt; ± 20% Sand
3. How will the dredged material be retained to prevent re-entry into the waterway? BARCE
4. Will the dredged material be used for any commercial purpose? Yes No
5. For mining projects: a. Explain the operation plans on a separate sheet of paper. e.g. frequency (e.g. every 6 wks), duration (Apr - Sep), cubic yards to be removed per operation, temporary storage, handling of dredged material, how equipment will access the dredge site. N/A
 b. have you applied for a permit from the VA Dept of Mines, Minerals, & Energy? Yes No
6. What is the approximate drainage area and average stream flow? 25 square miles cfs
 If maintenance dredging, when was dredging last performed? 1992 (provide documentation).

THE DEPARTMENT OF ENVIRONMENTAL QUALITY REQUIRES APPLICANTS TO SUBMIT THE ADDENDUM LOCATED AT THE END OF THIS APPLICATION

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

City of Alexandria

I, Department of Transportation & Environmental Services, own land next to or across the water from
(ADJACENT PROPERTY OWNER'S NAME PRINTED)

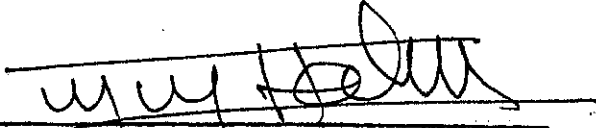
the land of New Harborside Yacht Club, LLC. I have reviewed the applicant's project drawings dated
(APPLICANT'S NAME)

March 2002 to be submitted for all necessary Local, State, and Federal permits.
(DATE)

I HAVE NO COMMENT DO NOT OBJECT DO OBJECT to the project.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, please be sure you have checked the appropriate box above.)


ADJACENT PROPERTY OWNER'S SIGNATURE

2/5/02
DATE

NOTE: IF YOU OBJECT TO THE PROPOSAL - THE REASONS YOU OPPOSE THE PROJECT MUST BE SUBMITTED TO VMRC IN WRITING. An objection will not necessarily result in denial of the project, but, valid complaints will be given full consideration during the permit review process.

NOTE: Please photocopy this form if additional copies are needed.

ADJACENT PROPERTY OWNER'S ACKNOWLEDGEMENT FORM

Harborside Condominium Unit
I, Owners Association

own land next to or across the water from
(ADJACENT PROPERTY OWNER'S NAME PRINTED)

the land of New Harborside Yacht Club, LLC. I have reviewed the applicant's project drawings dated
(APPLICANT'S NAME)

March 2002 to be submitted for all necessary Local, State, and Federal permits.
(DATE)

I HAVE NO COMMENT DO NOT OBJECT DO OBJECT to the project.

The applicant has agreed to contact me for additional comments if the proposal changes prior to construction of the project.

(Before signing this form, please be sure you have checked the appropriate box above.)

Steve M. Knullen, President HEVOP
ADJACENT PROPERTY OWNER'S SIGNATURE

March 5, 2002
DATE

NOTE: IF YOU OBJECT TO THE PROPOSAL - THE REASONS YOU OPPOSE THE PROJECT MUST BE SUBMITTED TO VMRC IN WRITING. An objection will not necessarily result in denial of the project, but, valid complaints will be given full consideration during the permit review process.

NOTE: Please photocopy this form if additional copies are needed.

APPLICANT'S AND CONTRACTOR'S ACKNOWLEDGEMENT FORM

I, _____ have contracted _____
(APPLICANT'S NAME) (CONTRACTOR/COMPANY NAME)

to perform the work described in the application signed and dated _____
(DATE)

We will read and abide by all conditions as set forth in all Local, State, and Federal permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Local, State, and Federal statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. **SEE FEDERAL PENALTIES FOR VIOLATIONS AND RELATED STATE CODES.**

In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project site to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

APPLICANT'S SIGNATURE

DATE

CONTRACTOR'S SIGNATURE AND TITLE
(if applicable)

DATE

CONTRACTOR'S NAME (PRINTED/TYPED)
OR NAME OF FIRM

CONTRACTOR'S OR FIRM'S ADDRESS

ADDENDUM

DEPARTMENT OF ENVIRONMENTAL QUALITY ADDITIONAL INFORMATION FOR VIRGINIA WATER PROTECTION PERMITS

The following information is required for all applications unless otherwise noted:

1. § 62.1-44.15:3 of State Water Control Law requires that before the Department may consider any application for a permit to be complete, that the applicant provide the Executive Director with a notification from the local governing body of the county, city or town in which the discharge is to take place that the location and operation of the facility is fully consistent with all ordinances adopted pursuant to Chapter 11 (§ 15.1-427 et seq.) of Title 15.1. A form for local government signature is included with this appendix. Please note that the local governing body must be presented with the Joint Permit Application. Failure to fulfill this requirement will prevent processing of your application and may result in the administrative denial of your request.

2.

Latitude: 38 47 58
Longitude: 77 02 24

3.

Hydrologic
Unit Code (HUC) : _____

* This information is found on the Hydrologic Unit Map - State of Virginia published by the U.S. Geological survey.

4. Stream Classification (Check one) :

- Class I - Open Ocean
- Class II - Estuarine Waters
- Class III - Nontidal Waters
- Class IV - Mountainous Zone Waters
- Class V - Put & Take Trout Waters
- Class VI - Natural Trout Waters
- Class VII - Swamp Waters

5. Stream Drainage Area (check whichever applies) **

- a. <1 square mile
- b. <5 square miles
- c. >5 square miles

**Note: Applicants proposing impoundments and water withdrawals may be required to provide more detailed hydrologic information (see section 11)

6. Existing beneficial uses of affected waters (check all that apply)***:

- fish and wildlife habitat
- recreation
- public water supply
- agriculture water supply
- commercial/industrial supply
- waste assimilation
- navigation
- cultural value
- aesthetic value
- other (please describe)

7. Uses which may be impacted by the proposed project (check only those uses impacted) ***:

- fish and wildlife habitat
- recreation (IMPROVED)
- public water supply
- agriculture water supply
- commercial/industrial supply
- waste assimilation
- navigation (IMPROVED)
- cultural value
- aesthetic value (IMPROVED)
- other (please describe)

***Note: More detailed information on beneficial uses may be required for specific projects. Applicants will be notified, in writing, of any additional requirements.

8. Functional values assessment (wetlands only): N/A

Functional assessments are required for impacts (permanent and temporary) to all wetlands one acre or more in size. Many recognized functional assessment methodologies exist. However, the DEQ endorses no specific methodology at this time. It is suggested that an applicant or his agent select a method based upon its ease of use, ability to provide quality information, and utility in the field. Applicants are cautioned that the assessment of wetland functional value is technically complex. Persons unfamiliar with the techniques for functional assessment should use caution when attempting to utilize these methods. The functional assessment and the methodology utilized to determine functional value must be submitted to the DEQ with the application package.

9. Wetland delineation (where applicable) : N/A

All projects impacting wetlands must provide a delineation map showing the physical location and aerial extent of all wetlands on the site. All data sheets and calculations utilized to determine an area's wetland status shall be submitted with the delineation map. The currently accepted federal methodology shall be used in preparing wetland delineations.

10. Mitigation Plan (required for unavoidable wetland losses and stream modifications): N/A

The mitigation plan shall at a minimum include:

- a. Measures taken to avoid impacts to surface waters, including wetlands.

Example 1: Structures were relocated to avoid wetland/stream relocation area's identified at X and Y on the delineation map.

Example 2: The road crossing structure has been changed from a quadruple box culvert to a bridge in order to avoid fill and channel modifications in Jones Branch, a sensitive trout stream.

- b. Where impacts could not be avoided, measures taken to reduce impacts to surface waters, including wetlands.

Example 1: The slope of the road fill was reduced to x resulting in a reduction of y in wetland area impacted.

Example 2: The bridge was realigned to reduce the amount of channelization necessary to accommodate the road crossing.

- c. Where impacts could not be avoided or minimized, a mitigation plan which completely describes the type of impact to be mitigated and the means by which mitigation will be accomplished. Plans should include:

- * Location of the mitigation site, including latitude and longitude at the center of the site.
- * detailed sketches and site plans
- * any other measures designed to re-create, enhance or restore impacted beneficial uses within the proposed mitigation area.

If no replacement mitigation is planned, the applicant must include a brief statement to this effect and include a detailed explanation as to the reason no replacement mitigation is planned.

**** Note: Applicants with projects involving a water withdrawal or a FERC hydropower licensing or relicensing are required to provide the information in items 11 through 19.

11. Applicants must complete Appendix N - Stream Intakes and Outfall Structures, Appendix O - Stream Channel Modifications and/or Appendix P - Impoundments/Dams, whichever is (are) appropriate. N/A

12. What are the median monthly stream flows in cubic feet per second (cfs) at the water intake or dam site? N/A

Month	Median Flow (CFS)	Month	Median Flow (CFS)
JAN	_____	JUL	_____
FEB	_____	AUG	_____
MAR	_____	SEP	_____
APR	_____	OCT	_____
MAY	_____	NOV	_____
JUN	_____	DEC	_____

13. Describe below or on an attachment the streamflow gauges, the type of calculations used and the period of record that was used to calculate the median monthly flows in item 12, and the average flows provided in Appendices N, O and P. N/A

14. What is the maximum instantaneous withdrawal and maximum daily withdrawal at the water intake or dam site? Specify the units of measurement, e.g. million gallons per day, gallons per minute, cubic feet per second, etc. N/A

Maximum instantaneous withdrawal _____

Maximum daily withdrawal _____

15. Describe the manner in which the withdrawal of water varies over time, for example, as a function of the time of year, or time of day, or time of week. N/A

16. Describe below the amount of water that will be lost to consumptive use. For the purpose of this application, consumptive use means the withdrawal of surface waters without recycle of said waters to their source or basin of origin. Attach a map showing the location of the withdrawal and location of the return flow. N/A

17. Describe below or in a separate attachment how the amount of water to be withdrawn was calculated and any relevant assumptions made in that calculation. Also describe the proposed use of the water withdrawal. N/A

18. Describe in an attachment the existing beneficial uses of the surface water body near the proposed project site that would be affected by the withdrawal of water. Include both instream and offstream uses. For the purposes of this application beneficial instream uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, hydropower, commercial and industrial uses. Describe the streamflow necessary to protect existing beneficial uses and how the proposed withdrawal will impact existing beneficial uses. N/A

19. Describe in an attachment the aquatic life known to be present at the proposed location that will be impacted by the proposed withdrawal. Include information on the species known to be present and their habitat requirements. N/A

TO: Applicants For Virginia Pollutant Discharge Elimination System (VPDES) Permits, Virginia Pollution Abatement (VPA) Permits, Virginia Corrective Action Plan (CAP) Permits and Virginia Water Protection Permits.

Article 2, § 62.1-44.15:3 of the State Water Control Law states:

"No application for a Certificate to discharge sewage, industrial wastes and other wastes into or adjacent to state waters shall be considered complete unless the applicant has provided the Executive Director with notification from the governing body of the county, city or town in which the discharge is to take place that the location and operation of the discharging facility is consistent with all ordinances adopted pursuant to Chapter 11 (§ 15.1-427 et seq.) of Title 15.1 of the Code."
(These are local zoning and planning ordinances)

In accordance with this section, new applications for VPA permits, VPDES Permits, CAP Permits and Virginia Water Protection Permits will not be considered complete until the information below is submitted to the DEQ Regional Office or Headquarters Office in the case of the Virginia Water Protection Permits.

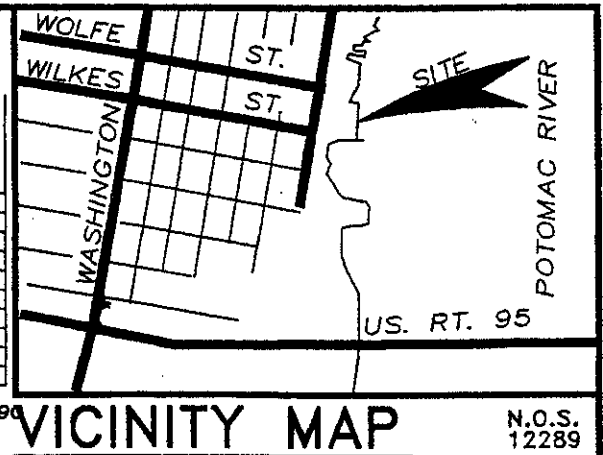
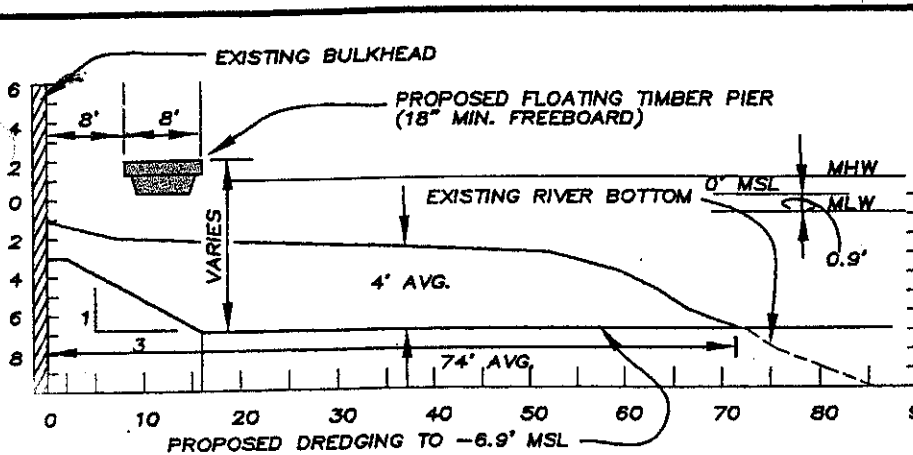
To: _____
(County, City or Town Administrator/Manager)

I am in the process of completing a DEQ application form for a permit or certificate. In accordance with Chapter 11 (§15.1-427 et seq.) of Title 15.1 of the Code of Virginia, I request that you sign one of the two statements below certifying my attached application is consistent with your local ordinances. Please return this form to:

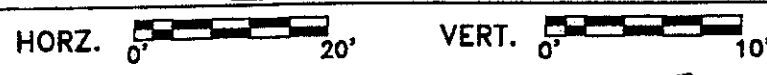
Return to: New Harborside Yacht Club, LLC
(Applicant's Name)
c/o Mr. Brian Buzzell
(Applicant's Address)
Creative Team Concepts, LLC
One Wilkes Street, Alexandria, VA 22314

I hereby certify,
_____ (1) that the proposed location and operation of the facility is consistent with all ordinances adopted pursuant to Chapter 11 (§15.1-427 et seq.) of Title 15.1 of the Code of Virginia or
_____ (2) That no local ordinances are in effect pursuant to Chapter 11 (§15.1-427 et seq.)

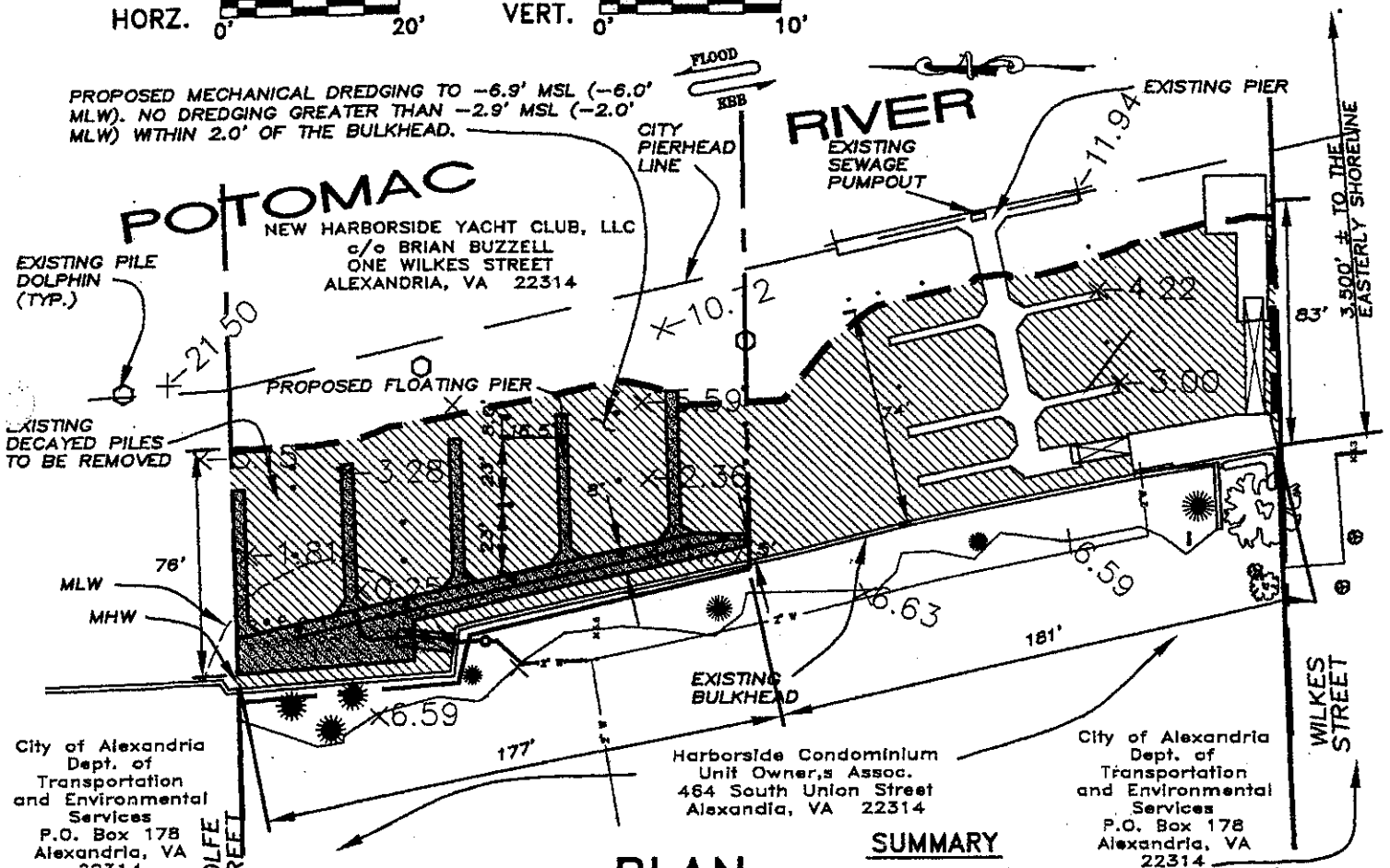
_____ Signature	_____ Title
_____ Print name	_____ Date



TYPICAL SECTION



PROPOSED MECHANICAL DREDGING TO -6.9' MSL (-6.0' MLW). NO DREDGING GREATER THAN -2.9' MSL (-2.0' MLW) WITHIN 2.0' OF THE BULKHEAD.



PLAN

SUMMARY

- Slips : 9 (11 Previously approved)
- Mooring Piles : 15
- Dredging : 3,600 Cu. Yds. Total
- Harborside Condominium Unit Owner's Assoc. = ±1,400 c.y.
- New Harborside Yacht Club
- Subaqueous = ±600 c.y.
- Non-Veg. Wetlands = ±1,500 c.y.

NOTES

1. TIDAL RANGE IS 2.8 FEET.
2. SOUNDINGS ARE IN FEET & REFER TO MSL.
3. APPROX. 3,600 CU. YDS. OF SAND, SILT AND CLAY ARE TO BE MECHANICALLY DREDGED TO -6.0' MLW.
4. INSTALLATION OF A FLOATING PIER SYSTEM TO INCLUDE 5 - 50'X4' WIDE FINGER PIERS AND 1,900 SQ. FT. OF COLLECTOR PIER.
5. MECHANICALLY DREDGED MATERIAL IS TO BE TRANSPORTED BY BARGE/TRUCK TO POSSUM POINT POWER STATION IN STAFFORD, VIRGINIA.
6. THESE DRAWINGS ARE FOR OUTLINE PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

SHEET 1 OF 1

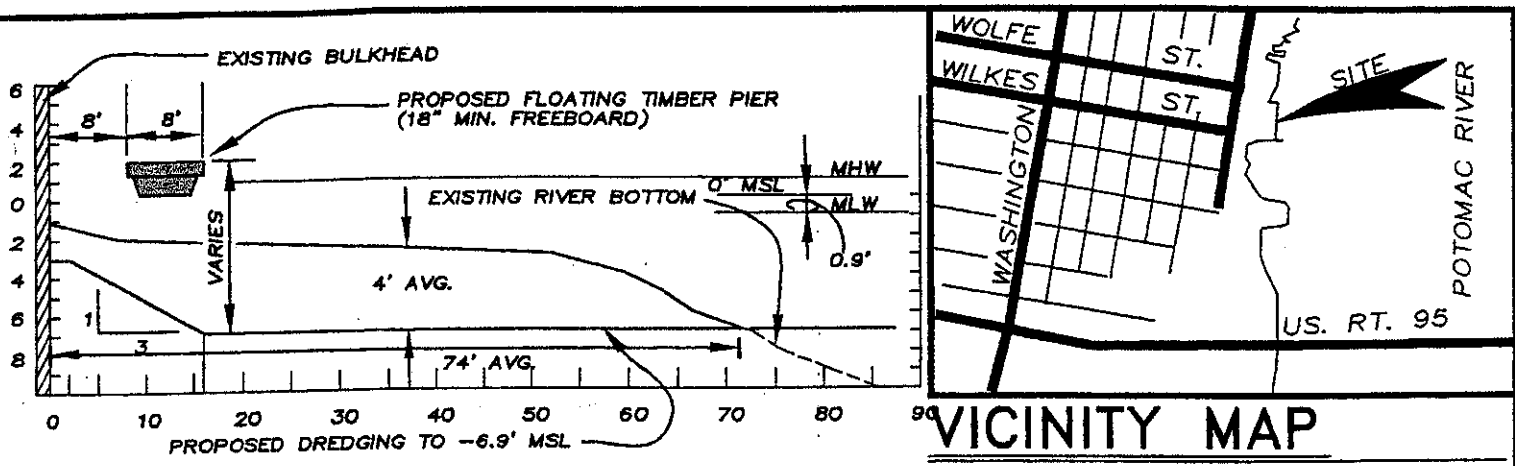
PROPOSED BOAT SLIPS & DREDGING.

IN: POTOMAC RIVER
 AT: ALEXANDRIA, VIRGINIA
 APPL. BY: NEW HARBORSIDE YACHT CLUB, LLC

DATE: MARCH 2002

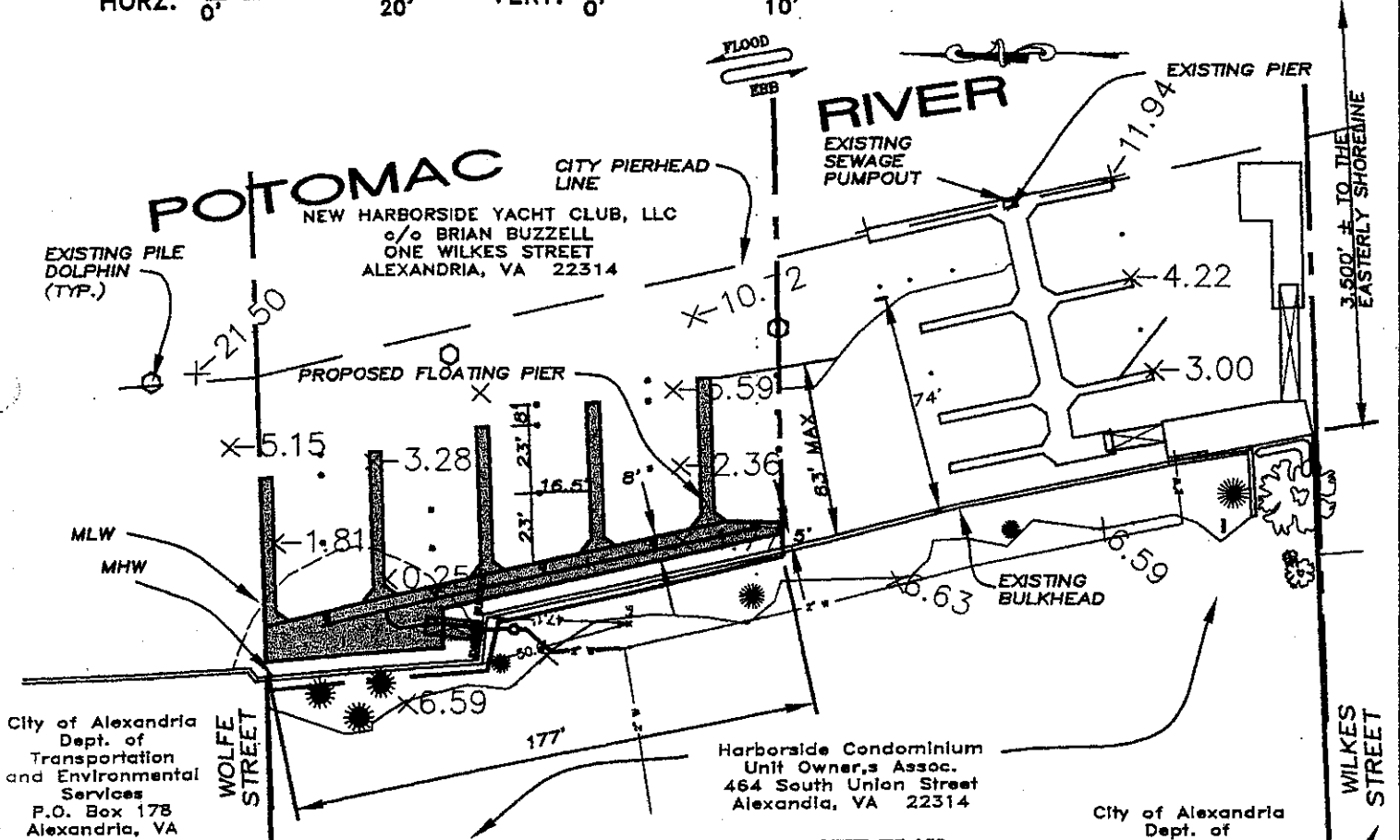
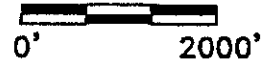
L.B.B.

40



TYPICAL SECTION

VICINITY MAP



PLAN



NOTES

1. TIDAL RANGE IS 2.8 FEET.
2. SOUNDINGS ARE IN FEET & REFER TO MSL.
3. INSTALLATION OF A FLOATING DOCK PIER SYSTEM TO INCLUDE 5 - 50'x4' WIDE FINGER PIERS AND 1,900 SQ. FT. COLLECTOR PIER.
4. THESE DRAWINGS ARE FOR OUTLINE PURPOSES ONLY. DESIGN DRAWINGS ARE TO BE PROVIDED SEPARATELY.

SUMMARY

Slips : 9 (11 Previously approved)
Mooring Piles : 15

**SHEET 1 OF 1
PROPOSED BOAT SLIPS
IN: POTOMAC RIVER
AT: ALEXANDRIA, VIRGINIA**

APPL. BY: NEW HARBORSIDE YACHT CLUB, LLC
DATE: MARCH 2002

41

(Joan Herbick 2 Wolfe Street) Harborside
Philip Rogers 2 Wolfe Street)

We are strongly against the building
of a ~~port~~ Boat Slip at Harborside
for 3 reasons:

aesthetics

investment

monitoring & maintenance

destruction of open spaces along
the waterfront

There are 2 other locations for
boats within a 4 mile ~~in~~ proximity
1.0 Potomac landing.

boat
The slip is being built to accommodate
bigger boats

Bigger is not Better

Bigger = means more noise

Bigger = means more pollution

Bigger - means destruction of
Potomac views

Do we really need another ~~port~~ boating
club or more open spaces along the Potomac. 42
We urge you to block the building of this boating
club.

EMAIL CITY OFFICIALS

Email for: Eileen Fogarty

First Name: Peter

Last Name: Kilcullen

464 S. Union St.

Street Address:

City: Alexandria

State: VA

Zip: 22314

Email Address: pkilcullen@kilcullenlaw.com
(Required)

Comments/Text:


RE: SUP 2002-0042 (Docket Item 26 for June 4, 2002)

As president of the Harborside Condominium Unit Owners Association, I wish to express the opinion of the Board that it does not oppose the above-referenced SUP application. It is a completion of the original plan for Harborside which the Board has not been able to carry forward itself.

I would have appeared on behalf of the Association this evening; but have a previous family engagement.

Thank You

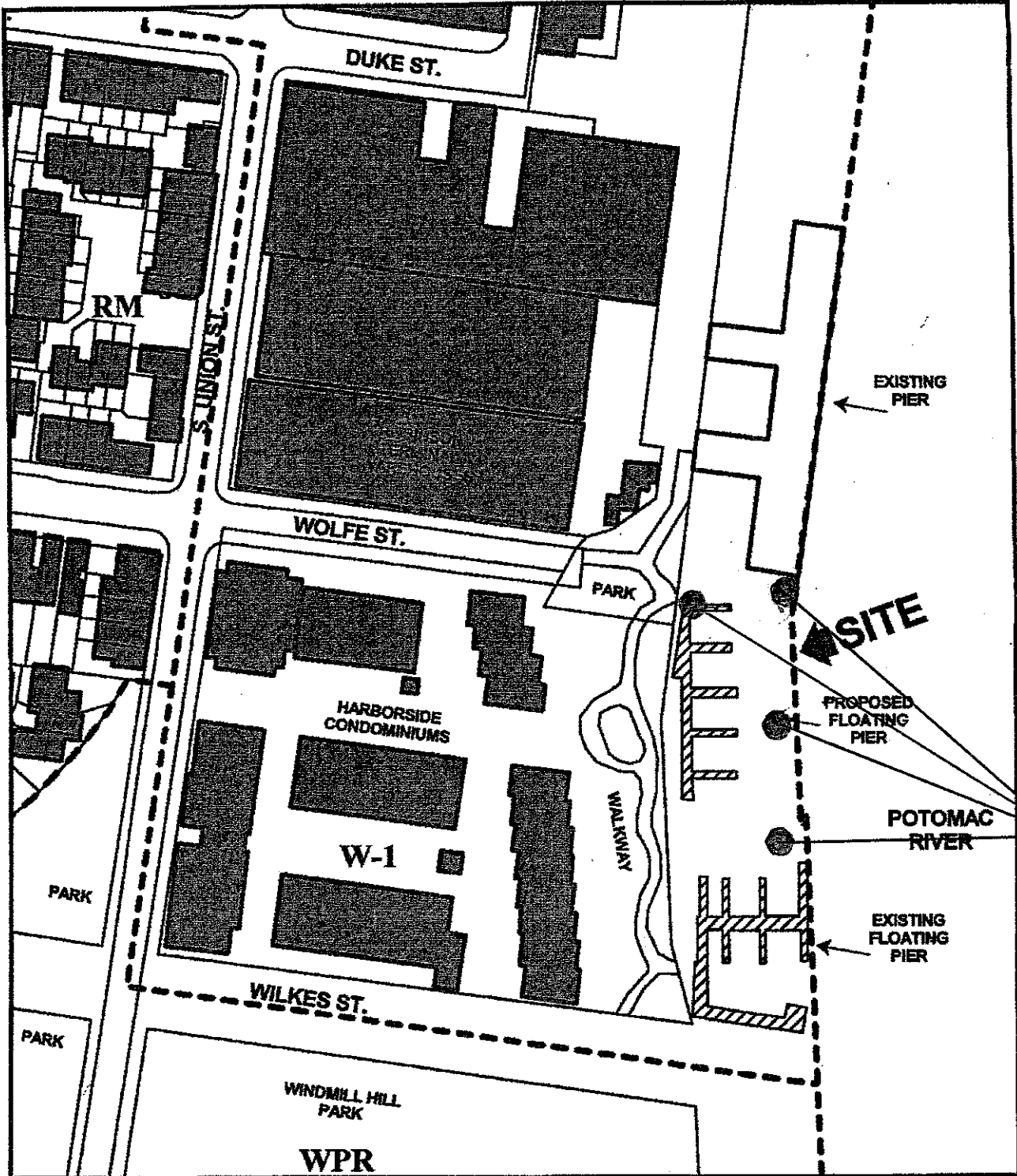
Peter M. Kilcullen
President

 To send mail to City Council, other elected city officials and individual City departments, click here.
 General City Mail: CityMail@ci.alexandria.va.us
 Use the [Site Feedback](#) form for technical questions or comments regarding this web site.

HANDED OUT
By Mr. Taylor
of ROBINSON TERMINAL

EXHIBIT NO. 2

25
6-15-02



EXISTING DOLPHINS AT ROBINSON TERMINAL



SUP #2002-0042

06/04/02



25
6-15-02

SPEAKER'S FORM

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK BEFORE YOU SPEAK ON A DOCKET ITEM.

DOCKET ITEM NO. 25

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. **NAME:** Duncan W. Blair

2. **ADDRESS:** 524 King Street, Alexandria, VA

3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**
New Harborside

4. **WHAT IS YOUR POSITION ON THE ITEM?**
For

5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):**
Attorney

6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?**
Yes

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. **If you have a prepared statement, please leave a copy with the City Clerk.**

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public

APPLICATION for SPECIAL USE PERMIT # 2002-0042

25

[must use black ink or type]

#1 WOLFE ST

PROPERTY LOCATION: Adjacent to Harborside Condominium

TAX MAP REFERENCE: Adjacent to 75.03 0A

ZONE: W-1 Waterfront Mixed Use

APPLICANT Name: New Harborside Yacht Club, LLC

Address: One Wilkes Street, Alexandria, Virginia 22314

PROPERTY OWNER Name: United States of America, Department of Interior, National Park Service, National Capitol Region

Address: Turkey Run Park, Mclean, Virginia 22101

PROPOSED USE: Completion of Private Marina authorized by Special Use Permit 2263.

use is PRIVATE MARINA

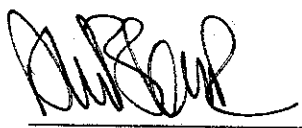
THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Land, Clark, Carroll, Mendelson & Blair, P.C.
Duncan W. Blair, Esquire

Print Name of Applicant or Agent



Signature

524 King Street

Mailing/Street Address

(703) 836-1000

Telephone #

(703) 549-3335

Fax #

E-Mail: dblair@landclark.com

Alexandria, Virginia 22314

City and State

Zip Code

March 26, 2002

Date

=====DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY=====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 6/04/02 RECOMMEND APPROVAL (Dunn and Gaines abstained)

5-0-2)

ACTION - CITY COUNCIL: 6/15/02PH-- SEE ATTACHED

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

24. SPECIAL USE PERMIT #2002-0038
2401-2407 MT VERNON AV
Public Hearing and Consideration of a request for a special use permit to operate a restaurant and request for a parking reduction; zoned CL/Commercial Low. Applicant: Neighborhood Restaurant Group, by Stephanie W. Babin.

COMMISSION ACTION: Recommend Approval 7-0

In response to Councilwoman Woodson's inquiry about no loading and unloading on Oxford and Mt. Ida Avenues, Ms. Babin represented that they had agreed to this prior to the Planning and Zoning hearing, and have no problem with this.

City Council approved the Planning Commission recommendation, **with the following amendments: amended condition #12 by deleting the words "acoustic, non-amplified."; and with the modification to condition #23 as follows: "23. The Director of Planning and Zoning shall review the special use permit six months after operation....."**

Council Action: _____

- ~~25~~ SPECIAL USE PERMIT #2002-0042
2A WOLFE ST
NEW HARBORSIDE YACHT CLUB
Public Hearing and Consideration of a request for a special use permit to operate a private marina; zoned W-1/Waterfront Mixed Use. Applicant: New Harborside Yacht Club, LLC, by Duncan W. Blair, attorney.

COMMISSION ACTION: Recommend Approval 5-0-2

City Council closed the public hearing, deferred consideration of this item to the June 25, 2002 legislative meeting with the request for additional information.

We will try to get some answers, with staff input, to the issues raised by Robert Taylor from Robinson Terminal that their ship(s) will cause turbulence which can cause damage to the boats as well as block Harborside boats. Mayor Donley requested that Mr. Blair have the marine architect work with Mr. Taylor to resolve the issues.

Councilman Speck has no idea what the consequence of this matter is in terms of how it affects the boats, but it's a material piece of information which we didn't have. What Mr. Speck doesn't want to do is come back on the 25th and have folks on one side say everything's fine, and the folks on the other side, no it's not. He stated that he thinks we need to be sure that we've had staff counsel on this and give us some advice to be sure that this material information is not impacting either side adversely.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

25 (continued)

Councilwoman Eberwein noted that this application is from the new Harborside Yacht Club, LLC. We have had assurances from Attorney Blair that only owners who reside at Harborside are investors or are involved in that. She sees no documentation to verify that, and she thinks that this application since we're essentially doing away with the public parking requirements in order to limit it to the residents of Harborside, we are saying that they do not have to meet the parking requirements, therefore, it is incumbent upon the applicant to show who the investors are in something other than just a verbal assurance. If there are any other kinds of organizations that are involved in here that are not individuals, we would like to know who is behind them. Additionally, it seems to her we need to see some sort of answer to the question of this leasing. She would like to see the condition that you have in here, and perhaps Attorney Blair can come up with some kind of documentation that will satisfy the staff as to how that would be phrased. Ms. Eberwein thinks this is quite frankly a simple sentence in here, and it is not strong enough particularly when it raises issues of who guests are. She believes one of the speakers spoke about how we might want to lease it, and then it was couched as we might want to have guests, and then it was couched as we would only lease it to Harborside people but the guests might be from someplace else. It is fuzzy enough that she thinks that it is incumbent upon you to come back with an agreement that satisfies the rest of her colleagues since she will not be here.

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER (continued)

26. Public Hearing and Consideration of Staff Recommendations on the Installation of a Traffic Signal at the Intersection of West Glebe Road and Old Dominion Boulevard. (#12 5/28/02)

City Council authorized staff to install a traffic signal at the intersection of West Glebe Road and Old Dominion Boulevard.

Council Action: _____

27. Public Hearing and Consideration of the Relocation Assistance Plan for the Samuel Madden Homes (Downtown).

City Council: (1) held the public hearing; (2) approved the relocation **payment** plan for Samuel Madden Homes (Downtown) with the understanding that it may be revised by the U.S. Department of Housing and Urban Development (HUD), and with the clarification, confirmed by ARHA staff at the Landlord-Tenant Relations Board public hearing on this matter, that relocation assistance is not contingent upon good behavior or yard maintenance and **with a request for an explanation with respect to the State promulgated table and schedule of payments and what that really means**; and (3) authorized the City Manager to execute all legal documents.

Council Action: _____