

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, November 16, 2002 - - 9:30 a.m.

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

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Public Information Officer Gordon; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Code Enforcement Director Dahlberg; Mr. Howard, Director of Personnel Services; and Police Lieutenant Uzzell.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

OPENING

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

2. Public Discussion Period.

(a) Cathleen Curtin, 412 Wilkes Street, spoke against the approved plan for Windmill Hill Park. She requested that the volleyball court and the dog exercise area be left where they are, and asked Council's consideration in reopening the Windmill Hill Park discussions.

(b) Jack Sullivan, 4300 Ivanhoe Place, spoke to the cancellation of the public hearing on the Connector. Many believe that the Council and City staff would benefit from hearing their vision for the west end of Eisenhower Valley, and their views on its future. They believe that the testimony should proceed, not follow, the current staff study; however, since that is not likely to happen and three minutes of open mike are not sufficient for the import of what they have to say, he stated they will wait for another day. He let Council know and communicated to those who might be watching on television that the "Yes to Neighborhoods/No to Connectors" signs will be taken off the public right-of-way in the next few days. In addition, he requested that the signs relating to the recent election be taken down. Mr. Sullivan reported homeowners are also being asked to take in the signs on their private property and to store them away in a safe place.

(c) Jonathan Wilbor, 310 South Lee Street, spoke to the Windmill Hill Park plan. He requested that everyone work together on the portions of the plan upon which everyone agrees, and work out any differences later.

(d) Bert Ely, 200 South Pitt Street, representing the Coalition for a Sensible Bridge (CSB), urged Council to reconsider its support of the 12-lane Wilson Bridge project in light of Virginia's fiscal crunch and the defeat of the sales tax referendum.

(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(d); 11/16/02, and is incorporated herewith as part of this record by reference.)

(e) David Fromm, 2307 East Randolph Avenue, expressed gratitude for the sponsorship that the City, together with Potomac West Business Association, provided for the Halloween Parade in Del Ray on the last Sunday in October. It was quite a success. He thanked the Police, the Fire Department, and particularly, the staff at the Mount Vernon Recreation Center who came out and did a tremendous amount of work with having to reposition the event because of being in the shadows of the snipers. Next year, the parade will be returned to the street where it rightfully belongs.

(f) Chris Hamilton, 2912 Hickory Street, president, Warwick Village Citizens Association, and representing a wonderful group of people from the Upper Potomac West Community, i.e., the Arlandria Business Association, the Potomac West Business Association, Saint Rita's, Arlandria, Hume Springs, Lynhaven, Mount Jefferson, and Warwick Village Civic Associations, Auburn Village, Brighton Square, Lennox Place, many individuals and our good friends in Del Ray, stated that all of them collectively have worked together over the past few years on an experiment in pro-active community planning to strengthen and revitalize the Arlandria commercial corridor. They wanted to take this public opportunity to say thank you to Code Enforcement Director Dahlberg and staff; Fire Chief Hawkins and staff; Police Chief Samarra and staff; Assistant Commonwealth's Attorney Cullen; Transportation and Environmental Services Director Baier, Deputy Director McCobb, and Division Chief Garbacz; Planning and Zoning Director Fogarty, Deputy Director Ross, Division Chief Fogle, Urban Planner Beeton and P&Z's entire team of staff and consultants; City Manager Sunderland; and the Mayor and City Council. He thanked them for improving the Arlandria area over the past two years and supporting the planning work that has resulted in the Arlandria Plan document. In addition, Mr. Hamilton thanked the City for demolishing the Datatel building for redevelopment.

Councilwoman Woodson reported that the Tenants' and Workers' Support Committee has a very interesting concept plan for youths at the Datatel site for a community center that would be a wonderful adjunct to other kind of things that the City has planned for that community, and perhaps would make better use of the location in the interim until the triangle area there, including the Safeway site, is then built out, perhaps not exactly the way Council envisioned it, but something like the way Council envisioned it. This would fit right into it and would go ahead and serve the community that is living there right now. She encouraged the organizations represented here that it's worthy of consideration, and it's worthy of Council's consideration.

(g) Julie Crenshaw, 816 Queen Street, reported on some research she has done in relation to the Potomac River and fecal coliform with respect to Windmill Hill Park. She stated that Council needs to have a public hearing and reconsider the issue of moving the volleyball court and the dog park.

(Information submitted by Ms. Crenshaw is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(g); 11/16/02, and is incorporated herewith as part of this record by reference.)

(h) C. Peter Schumaier, 2403 Leslie Avenue, spoke against moving the volleyball court from its present location in Windmill Hill Park.

(i) Ruth Walker, 611 South Alfred Street, representing day care providers, spoke in support of providing health insurance for the day care providers.

Councilman Euille reported that City Council is waiting for a report from the Budget and Fiscal Affairs Advisory Committee on this subject.

(j) Theresa Edwards, 1212 Franklin Street, representing the Tenants' and Workers' Support Committee's Education Committee and also the day care providers, requested that the City provide a multi-cultural youth facility for all of the citizens of Alexandria, a health care clinic for the citizens of Alexandria who do not have health insurance, and consider providing health insurance for the day care providers.

(k) Clifford Temes, 8321 Cherry Valley Lane, questioned the City Council about the three vacant buildings at King and Union Streets.

Mayor Donley and Councilman Speck provided Mr. Temes with a status report on what is taking place at these three properties which staff have been providing to the Council at its legislative meetings.

(l) Frances Hallihan, 104 Pommander Walk, spoke to Windmill Hill Park and to the relocation of the volleyball park and the dog park.

(m) Carolyn Merck, 324 North Royal Street, president, Old Town Civic Association, reported that it is surveying its entire membership to determine how best we might proceed to achieve a more satisfactory resolution to some key issues regarding the design of Windmill Hill Park than seen in the Council-approved plan including, for example, the proximity of the children's play space and the dog exercise area. Based on the analysis of the issues, OTCA will prepare a proposal to Council for addressing park problems in need of resolution.

Ms. Merck left Council with two questions as follows: Have you actually looked at "The Hat" recently? And, do we really have to rebuild the "Bus Barn?"

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-8)

Planning Commission

3. SPECIAL USE PERMIT #2002-0089 -- 701 S WASHINGTON ST -- CHICKEN OUT RESTAURANT -- Public Hearing and Consideration of a request for a special use permit for a reduction of off-street parking for a restaurant; zoned CL/Commercial Low. Applicant: URS Corporation, by Jason Baer.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/16/02, and is incorporated herewith as part of this record by reference.)

4. SPECIAL USE PERMIT #2002-0090 -- 210 WESMOND DR -- Public Hearing and Consideration of a request for a special use permit for a child care home; zoned RB/Residential. Applicant: Darnella and James M. Shelby, Sr.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/16/02, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2002-0091 -- 4001 MT VERNON AV -- EXXON-MOBIL STATION -- Public Hearing and Consideration of a request for a special use permit to change the ownership of an automobile service station; zoned CL/Commercial Low. Applicant: Exxon-Mobil Oil Corporation, by John R. Cahill.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/16/02, and is incorporated herewith as part of this record by reference.)

6. SPECIAL USE PERMIT #2002-0092 -- 1306 DUKE ST -- THRIFTY RENT-A-CAR -- Public Hearing and Consideration of a request for a special use permit to change the ownership of an automobile rental business; zoned OC/Office Commercial. Applicant: Thrifty Rent-A-Car System, Inc., by Steve Percefull.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/16/02, and is incorporated herewith as part of this record by reference.)

7. SPECIAL USE PERMIT #2002-0094 -- 901 N WASHINGTON ST -- SUBWAY SANDWICH SHOP -- Public Hearing and Consideration of a request for a special use permit for a restaurant and for a reduction of off-street parking; zoned CD/Commercial Downtown. Applicant: Subway Real Estate Corporation, by Daniel Lombroia.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/16/02, and is incorporated herewith as part of this record by reference.)

8. SPECIAL USE PERMIT #2002-0097 -- 4001 EISENHOWER AV -- CAMERON RUN REGIONAL PARK -- Public Hearing and Consideration of a request for a special use permit to allow a 30-foot platform and water slides at the existing public park; zoned POS/Public Open Space. Applicant: Northern Virginia Regional Park Authority, by Todd E. Hafner.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/16/02, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried unanimously, City Council approved the Action Consent Calendar as presented. The action of City Council follows:

3. City Council approved the Planning Commission recommendation.

4. Councilwoman Pepper expressed concern about the size of the playground in the backyard. She indicated that she hopes that whoever is going to be licensing that home that they take a very good look at that. It is true that there are other parks in the area and that makes it possible for this home to be licensed, but if they are counting on the backyard, there is just not enough room there, or if so, they would have to move some of their cars.

City Council approved the Planning Commission recommendation.

5. City Council approved the Planning Commission recommendation.

6. City Council approved the Planning Commission recommendation.

7. City Council approved the Planning Commission recommendation.

8. City Council approved the Planning Commission recommendation.

END OF ACTION CONSENT CALENDAR

The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

9. Public Hearing on the Proposed City Legislative Package for the 2003 General Assembly Session. (#15 10/23/03)

(A copy of the City Manager's memorandum dated October 16, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 11/16/02, and is incorporated herewith as part of this record by reference.)

A copy of the City Manager's memorandum dated November 11, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 11/16/02, and is incorporated herewith as part of this record by reference.)

A copy of the City Manager's memorandum dated November 14, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 9; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Julie Jakopic, 801 North Pitt Street, chair, Hopkins House's Public Education Sub-committee, supported the Early Childhood Commission's proposals for child care funding and urged Council to ask for these changes immediately; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item; and

Carol Loftur-Thun, 202 West Rosemary Lane, Falls Church, VA, representing the Early Childhood Commission of Alexandria, spoke in support of its proposals for child care funding; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of this item.

Councilman Speck asked Council to include the specific question of a movie admissions tax in its discussion with the legislative delegation.

Councilman Speck spoke to the request for authority to increase the local recordation tax and use of the new revenue to purchase or preserve open space.

Councilwoman Woodson would like to see if the City is given the authority to increase the recordation tax to also include affordable housing so that it can be used to preserve open space and provide affordable housing. Staff could work on the language for the 26th. Councilman Speck suggested adding some type of sunset provision. Councilwoman Woodson requested that Council discuss with the delegation how this can work so that it can get both of them done at one time.

Councilwoman Eberwein stated that she is very interested in introducing something, not necessarily to this year's package, but something with regard to design standards legislation. It will allow us to introduce design standards and criteria through the zoning ordinance which could be implemented at the staff level. This could be very helpful to us in doing things like preserving a community like Lynhaven from mass infill development, and creating some design standards that would not allow enclosing porches and changing the character of these historic buildings in areas where we have no ability to govern them right now. She would like to talk about this when the Council meets with the legislative delegation on Tuesday.

(A copy of the verbatim transcript of the Council's discussion is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of Item No. 9; 11/16/02, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilman Speck and carried unanimously, City Council held and closed the public hearing, scheduled adoption of the legislative package for Tuesday, November 26, following Council's work session with the General Assembly delegation, and included in the package the three addenda, i.e., one that came from Ms. Woodson, one that came from Mr. Speck, and one that came from the Mayor. The voting was as follows:

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

10. Public Hearing to Obtain Citizen Comment Before the Preparation of the City's FY 2004 Operating Budget and FY 2004 to FY 2009 Capital Improvement Program.

(Copies of the City Manager's notifications for this public hearing are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 1 of Item No. 10; 11/16/02, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 10; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Michele Brandon, 727 Upland Place, president, Alexandria PTA Council, representing the 18 elementary and secondary schools of the Alexandria Public School system, asked the City Council to fully fund the operating and capital improvement budgets of the Alexandria Public School system for Fiscal Year 2003-2004;

Yvonne Folkerts, 4124 Fort Worth Place, vice president, Douglas MacArthur Elementary School PTA, requested support for the School Board's operating budget and capital improvement budget proposal for Fiscal Year 2004; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

Deborah L. Tillman, 5001 Seminary Road, Suite 109, board member, Alexandria Child Care Director's Association, requested that the City raise the reimbursement rate and the eligibility scale for subsidized child care; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item;

Jeannie Cummins, 4 East Oxford Avenue, representing The ARC of Northern Virginia, requested funding to support the vocational and day support services for special education graduates; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of this item;

Carlos Sanchez, 3916 Elbert Avenue, student at T.C. Williams High School, sought funding in next year's budget for students graduating to get vocational services in the community; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of this item;

Councilman Speck requested that Council be provided with a report on an estimate of the number of vocational education students that are projected to be in need of support in future years. Do we have any sense of what this is going to develop into and if we are essentially taking this on as an obligation, what it's going to begin to start costing? Mental Health, Mental Retardation and Substance Abuse Services Director Claiborn reported that staff would be glad to provide a report with the details, but basically, this is an example where the entitlement process that takes kids through school stops, and the State hasn't been able or willing to pick up on the ongoing support and care that these kids need. It becomes basically an added thing every year over time. In our case, probably on the order of \$50,000 to \$100,000 a year. It just keeps growing if the Council were to accept that as an ongoing commitment. Dr. Claiborn indicated that he will be glad to provide some information to the Manager about estimates and projections as far out as we can see them so that you get some idea about what this issue represents over the long haul.

Mulgete Yimir, 3805 Mount Vernon Avenue, representing the Tenants' and Workers' Support Committee, spoke in support of improving parent involvement in the schools, providing child-care providers with health insurance, supported taxicab drivers in obtaining more equity, providing affordable housing, and lastly, supported a multipurpose community center on half of the Datatel property; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 7 of this item;

Cheryl Bell, 3805 Mount Vernon Avenue, representing the Tenants' and Workers' Support Committee, spoke in support of improving parent involvement in the schools, providing child-care providers with health insurance, supported taxicab drivers in obtaining more equity, providing affordable housing, and lastly, supported a multipurpose community center on half of the Datatel property;

Juana Campos, 3805 Mount Vernon Avenue, representing the Tenants' and Workers' Support Committee, spoke in support of improving parent involvement in the schools, providing child-care providers with health insurance, supported taxicab drivers in obtaining more equity, providing affordable housing, and lastly, supported a multipurpose community center on half of the Datatel property;

Nina Weissberg, 1901 North Moore Street, #803, Arlington, VA, president, Weissberg Corporation, expressed sincerest gratitude to the Council Members of the City of Alexandria for the time, energy, and money invested into the Arlandria area, and requested commitment of the necessary outlay to ensure that Arlandria continues on a positive track of growth and development; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 8 of this item;

Wilma Probst, 3803 Brighton Court, representing Brighton Square Homeowners Association, enthusiastically supports the Arlandria Plan, and requested that the City budget the necessary funds for this plan; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 9 of this item;

Arlene Krohmal, 705 Beverly Drive, executive director for CrisisLink, requested an increase in the size of the Alexandria funding pool to serve clients from Alexandria;

Councilman Speck asked if there is some mechanism that allows Council to consider increasing the funding for the community partnership fund either just for this year or establishing, as we did with the Arts, a three-year schedule that has some logic to it other than we ought to put more money in there because people are asking for it. He noted there should be some basis upon which we can determine why it should be increased, and that we actually have some plan for thinking about how we want to increase that. Mr. Speck stated that this is something that we can explore in the context of not just do we do something this year, but do we create some structure that allows everyone to know what to expect on more than a one-year basis.

Councilman Euille agreed with Mr. Speck's comments, but requested staff to look at the guidelines that we created and the process established for funding the community partnership fund line item within the budget. He thought that the committee that conducts the review of the grant applications had some authority to also make a recommendation back to the Council in terms of funding. Mr. Euille asked staff to take a look at that, and, if not, he indicated he thinks Mr. Speck's suggestion is certainly reasonable.

Mayor Donley believed that the citizen review panel was just to review applications, and asked staff to explore how we can, on a recurring basis, insure that there are adequate funds and that it doesn't stay flat.

Chris Hamilton, 2912 Hickory Street, representing Warwick Village Citizens Association, requested that funding of the Arlandria Plan be a priority, that assistance be provided to market and promote the area, a commitment, over a long period of time, to a multi-million dollar CIP budget in the coming years, and that funding for the Landover pedestrian path be brought forward in 2003;

Transportation and Environmental Services Director Baier responded that lighting, benches and landscaping changes have caused increased costs and delay of the pedestrian path. Councilman Speck indicated that we may need to look at scaling back this project in terms of some of the amenities, but should at least look at providing a sidewalk and lighting. He stated that as the budget process is unfolding, he hopes to find a way to look at some funding for this. Councilwoman Eberwein suggested that this could be a phased project, and neighbors could be encouraged to raise money to help provide funding for some memorial benches and trees, particularly, as we look at budget crunches.

Stephen Weinstock, 3618 North Nelson Street, Arlington, VA, representing the Arlandria Business Association, endorsed the Arlandria Plan and submitted a petition asking for three things: (1) Department of Planning and Zoning staff time; (2) consultants/assistance to implement marketing and promotion; and (3) \$1 million per year over the next 6 years for capital outlay; a copy of his letter, together with the petition, is on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 10 of this item;

Oswaldo Salinas, 3901 Mount Vernon Avenue, representing business people in Arlandria, supported funding the Arlandria Plan;

Anna Leider, 125 North Lee Street, #401, representing the Budget and Fiscal Affairs Advisory Committee, provided BFAAC's testimony on the FY 2004 Budget outlook and made four general recommendations: (1) the City should continue to adhere to its debt-related policy guidelines as it considers solutions for next year's near-certain budget problems; (2) the City should keep one eye on the future as it works to meet next year's revenue and expenditure challenges. Decisions made in the context of FY 2004 should be sustainable in future years; (3) the City should pay close attention to employee compensation issues, which are key drivers of the City's budget; and (4) the City should explore ways to diversify its revenue sources in an equitable fashion; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 11 of this item;

John Nelson, 3846 King Street, board chair, Computer Core, requested an increase in the Community Partnership Fund for funding new initiatives; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 12 of this item;

Pam Cornelio, 4003 Featherstone Drive, representing Francis Hammond Middle School, spoke in support of full funding of the School Board's budget, assuring that personnel have competitive salaries, and to fully fund its CIP;

Joyce McAllister, 2614 Foundry Way, representing George Washington Middle School, spoke to special needs and to fully fund the School Board's budget and its CIP;

Ronnie Campbell, 5222 Maris Avenue, PTAC president-elect, spoke to special needs at John Adams School, improving its library before 2009, and in support of the School Board's budget;

Gordon Johnston, 419 East Windsor Avenue, PTA president-elect at Mount Vernon Community School, spoke to the positive things that are happening at Mount Vernon School and encouraged Council to continue to support its schools in tough budget times; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 13 of this item;

Amy Augenblick, 5249 Duke Street, representing Healthy Families Alexandria of Northern Virginia Family Service, supported continued funding of the Children's Fund, and should additional money become available, recommended the support of: (a) increased funding for the Children's Fund for new programs or growing existing programs; (b) giving TANF "graduates" additional child day care assistance; (c) revise the eligibility policies to reflect high cost-of-living in Northern Virginia, or at least to the levels in place in 1996; and (d) ensure that reimbursement rates reflect the actual child care market; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 14 of this item;

Katy Cannady, 20 East Oak Street, suggested that Council seriously think about raising taxes and rescinding last year's three-cent tax reduction in order to serve those with real needs, and money should be included in the CIP to build a modest road for public safety vehicles to get in and out of Eisenhower Valley;

Dan S. Serice, 3915 Cameron Mills Road, spoke in support of funding for mental health needs;

Judy Bliss, 725 Four Mile Road, representing Arlandria Civic Association and herself, thanked Council for its support and work on the Datatel site and urged continued support and resources for the Arlandria Plan; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 15 of this item;

Margaret Moore, 6632 Cypress Point Road, representing her son, urged funding for the Community Services Board and mental health needs;

Marlin G. Lord, 2724 Hickory Street, supported funding for the planning effort of the Arlandria Plan and a commitment to continue the operation and capital funds for this investment. He switched hats as a member of the Chinquapin Gardens Advisory Board and requested inclusion of the continuation of the water line through the gardens so that it would better serve the gardens as well as provide water for the sports areas, i.e., the basketball court, the volleyball courts and the picnic shelter;

Cindy Anderson, 2709 Valley Drive, representing George Mason Elementary PTA, requested Council to fully fund the school system's capital improvement budget and assure that the compensation packages for teachers and principals are sufficient; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 16 of this item;

Harold A. Brooks, 29 West Reed Avenue, representing Hume Springs Civic Association, spoke in support of continued funding for the Arlandria Plan;

Aaron Spevacek, 2210 Mount Vernon Avenue, representing the Non-Profit Council of Alexandria, spoke in support of the Youth Fund, Early Childhood Fund and Community Partnership Fund for Human Services;

Thomas Welsh, 2100 Mount Vernon Avenue, representing the Potomac West Business Association, spoke in support of the Arlandria Plan, continued guidance and thanked Council for demolishing the Datatel building;

Phillip Bradbury, 1250 South Washington Street, representing the Community Services Board, spoke to areas where services have been cut due to reduction in funds, and further cuts will occur;

David Fromm, 2307 East Randolph Avenue, supported funding for the undergrounding of utilities on Mount Vernon Avenue between Bellefonte and Nelson Avenues, and funding for the Arlandria Plan;

Pat Miller, 1806 North Cliff Street, representing Potomac West Business Association, supported the Arlandria Plan. The process is absolutely outstanding, and stick with the original plan to build a parking structure;

Bill Hendrickson, 304 East Spring Street, urged Council to make a strong financial commitment to implementing the top priorities of the master plan for open space, parks, and recreation, consider a bond issue to purchase key parcels of open space, supported the Arlandria Plan, and hiring an economic development specialist who can actively promote and seek independent businesses to locate in places such as Arlandria and Del Ray; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 17 of this item;

Allen Lomax, 5021 Seminary Road, #730, representing the Alexandria Economic Opportunities Commission, urged funding Human Services for both mandated and non-mandated services, and providing sufficient funding for VA CARES;

Harry P. Hart, 4604 Newcomb Place, chairman of Board of Trustees of Hopkins House, spoke in support of children's funds for Hopkins House; and

Julie Crenshaw, 816 Queen Street, spoke to the need of parks being maintained, repair of bulkheads in Windmill Hill Park, the need for a teen center and a skating rink.

Vice Mayor Cleveland indicated that he will be submitting budget memos requesting a study for a teen center in Arlandria, and requesting \$50,000 for books for the Burke Library.

City Council held and closed the public hearing.

11. Public Hearing on and Consideration of Establishment of a Capital Development Office for the City of Alexandria. (#21 9/24/02)

(A copy of the City Manager's memorandum dated November 11, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/16/02, and is incorporated herewith as part of this record by reference.

A telephone message from Ralph Thompson is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Kristin Miller, 614 Oronoco Street, executive director, Lee-Fendall House Museum, spoke in support; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

Elsie Mosqueda, 900 Pendleton Street, and Carol Loftur-Thun, 202 West Rosemary Lane, Falls Church, VA, representing the Non-Profit Council of Alexandria, spoke in opposition; a copy of their statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of this item;

George C. Berger, 105 Queen Street, spoke in opposition;

Aaron Spevacek, 2210 Mount Vernon Avenue, representing the Alexandria Volunteer Bureau, spoke in opposition;

Julie Crenshaw, 816 Queen Street, spoke in opposition;

Mel Bergheim, 4905 Maury Lane, spoke in opposition; and

Julie Jakopic, 801 North Pitt Street, spoke in opposition.

The public hearing was closed.

WHEREUPON, a motion was made by Councilwoman Pepper, seconded by Vice Mayor Cleveland, to reject this suggestion of creating this particular office; which motion FAILED on a vote of 2-to-5. The voting was as follows:

Pepper	"aye"	Eberwein	"no"
Cleveland	"aye"	Euille	"no"
Donley	"no"	Speck	"no"
		Woodson	"no"

There was a lengthy discussion by City Council on this item; a copy of the verbatim transcript of Council's discussion is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of Item No. 11; 11/16/02, and is incorporated herewith as part of this record by reference.

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Woodson and carried on a vote of 5-to-2, City Council approved the establishment of a private nonprofit capital development foundation for the City of Alexandria which will solicit private donations for City capital projects; requested the City Manager to report back as soon as possible on the specific actions needed to establish the foundation; explicit in this request is that the board that will be created will include a representative from the nonprofit organizations and that minimum contributions amounts will be established by the board when it drafts its by-laws; and finally, that the City Manager meet as soon as possible with representatives of the nonprofit community and other interested parties to discuss any other remaining issues. The voting was as follows:

Speck	"aye"	Cleveland	"no"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
		Pepper	"no"

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

12. SPECIAL USE PERMIT #2002-0096 -- 2420 OAKVILLE ST -- Public Hearing and Consideration of a request for a special use permit for a general automobile repair garage and off-street parking reduction; zoned I/Industrial. Applicant: Ti Lam.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/16/02, and is incorporated herewith as part of this record by reference.

A copy of the Del Ray Citizens Association's memorandum dated November 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

David Fromm, 2307 East Randolph Avenue, speaking on behalf of the Del Ray Citizens Association, suggested that the following condition be added: That all supply parts, materials, waste fluids and oils, leftover radiator anti-freeze, and so on, are stored inside the building and that said wastes are not to accumulate and shall be disposed of in a timely fashion.

WHEREUPON, a motion was made by Councilman Euille, seconded by Councilwoman Woodson, that City Council approve the Planning Commission recommendation.

Vice Mayor Cleveland requested the maker and seconder of the motion to add the above condition requested by the Del Ray Citizens Association. This was accepted as clarity for condition #13, which addresses the issue of waste products.

WHEREUPON, Council returned to the motion made by Councilman Euille, seconded by Councilwoman Woodson and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation, **with the additional language provided by the Del Ray Citizens Association: That all supply parts, materials, waste fluids and oils, leftover radiator anti-freeze, and so on, are stored inside the building and that said wastes are not to accumulate and shall be disposed of in a timely fashion.** The voting was as follows:

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

13. SPECIAL USE PERMIT #2002-0077 -- 107 W GLEBE RD -- Public Hearing and Consideration of a request for a special use permit for automobile storage on a church site for an automobile dealership; zoned CG/Commercial General. Applicant: Alexandria VW, by Robert J. Test, attorney.

COMMISSION ACTION: Recommend Denial 6-1

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Robert J. Test, 918 Prince Street, attorney representing the applicant, spoke in support of the application and responded to questions posed to him by Members of City Council; and

David Fromm, 2307 East Randolph Avenue, representing the Del Ray Citizens Association, spoke against this application and noted there was no parking management plan and suggested that there be a community liaison and site improvements.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Councilman Euille and carried unanimously, City Council reversed the Planning Commission recommendation and approved the staff recommendation **with a change to condition no. 4, striking the word "store" in lines 1 and 4, and adding a sentence that reads: "Employees will be required to park on the lot located at 101 Leadbeater Street except when in conflict with the church activities."** The amended condition no. 4 reads as follows: **"4. The applicant may park vehicles on the parking lot located behind the Love of Christ Church at 101 Leadbeater Street, provided that when church activities are scheduled to occur, the applicant shall reduce the number of vehicles parked on the lot to meet the Church's demand for off-street parking, and provided further that no vehicles shall park in the lot on Sundays. Employees will be required to park on the lot located at 101 Leadbeater Street except when in conflict with the church activities."** A new condition was added to read as follows: **"24. The applicant shall establish a community liaison to work with nearby neighbors on issues related to the operation of the business."** The voting was as follows:

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

14. SPECIAL USE PERMIT #2002-0079 -- 1106 KING ST -- LE GAULOIS RESTAURANT -- Public Hearing and Consideration of a request for a special use permit to change the hours of operation of a restaurant; zoned CD/Commercial Downtown. Applicant: Prince De Gaule, LC, by Robert J. Test, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Robert J. Test, 918 Prince Street, attorney for the applicant, spoke in support of the application and responded to queries asked by Members of City Council; and

Carolyn Merck, 324 North Royal Street, representing Old Town Civic Association, spoke against and expressed concern about extending hours.

WHEREUPON, a motion was made by Councilwoman Pepper, seconded by Councilman Euille, to approve the Planning Commission recommendation with a change to condition no. 11 that the outdoor seating hours remain the same as they are now, 11:30 a.m. to 10 p.m., Monday through Sunday.

THEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Eberwein and carried on a vote of 5-to-2, City Council amended the motion that's on the floor and restored the Planning Commission recommendation for condition no. 11, and deleted condition no. 19. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Eberwein	"aye"	Euille	"no"
Donley	"aye"	Pepper	"no"
	Woodson		"aye"

WHEREUPON, City Council returned to the original motion, as amended, which motion was made by Councilwoman Pepper, seconded by Councilman Euille and carried on a vote of 6-to-1, City Council approved the Planning Commission recommendation **and, in addition, deleted condition no. 19**. The voting was as follows:

Pepper	"no"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson		"aye"

15. DEVELOPMENT SPECIAL USE PERMIT #2002-0037 -- 3612-3704 MT VERNON AV -- CITY PARKING LOT -- Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a parking lot; zoned CL/Commercial Low. Applicant: City of Alexandria, Department of Transportation and Environmental Services, by Emily Baker, City Engineer, and Department of General Services, by Peter Geiling, Deputy Director.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Marlin G. Lord, 2724 Hickory Street, spoke in support; and

Chris Hamilton, 2912 Hickory Street, representing the Warwick Village Citizens Association, spoke in support.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

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

16. SPECIAL USE PERMIT #2002-0093 -- 350 HOOFF'S RUN RD -- THRIFTY RENT-A-CAR -- Public Hearing and Consideration of a request for a special use permit for expansion and change of ownership of an automobile rental business; zoned OCM-100/Office Commercial Medium. Applicant: Thrifty Rent-A-Car System Inc., by Steve Percefull.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

17. SPECIAL USE PERMIT #2002-0107 -- 400 HOOFF'S RUN DR -- CONSTRUCTION PARKING LOT -- Public Hearing and Consideration of a Request for a special use permit to install a temporary construction parking lot on a 4.0-acre site to serve contractors for the Patent and Trademark Office (PTO) project; zoned OCM-100/Office Commercial Medium. Applicant: Turner Construction Company, by Rick Bell.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 11/16/02, and is incorporated herewith as part of this record by reference.)

A copy of the Planning and Zoning Director's memorandum dated November 14, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 11/16/02, and is incorporated herewith as part of this record by reference.

A copy of Mr. Rak's facsimile dated November 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 17; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Jonathan P. Rak, 1750 Tysons Boulevard, Suite 1800, attorney for the applicant, supported the application and requested that condition no. 21 be amended to include the following sentence: "The Director of Code Enforcement may approve an alternative fire protection plan in lieu of this requirement." Staff agreed to this inclusion. Mr. Rak agreed to the conditions contained in the memorandum dated November 14, 2002, from Planning and Zoning Director Fogarty.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a vote of 6-to-0, City Council approved the Planning Commission recommendation, **as amended by incorporating the change to condition no. 21 as recommended by Mr. Rak in his facsimile dated November 15, 2002, and the additional conditions contained in the memorandum dated November 14, 2002, from Planning and Zoning Director Fogarty.** The voting was as follows:

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

18. DEVELOPMENT SPECIAL USE PERMIT #2001-0024 -- 5699 EISENHOWER AV -- KSI - VAN DORN METRO MIXED USE -- Public Hearing and Consideration of a request for a development special use permit, with site plan, for construction of a mixed use development with an increase in the floor area ratio for residential units, retail and personal service space with associated parking and Metro parking spaces, and for a temporary sales trailer; zoned OCH/Office Commercial High. Applicant: Van Dorn Metro II, LLC, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Denial 7-0

19. SPECIAL USE PERMIT #2001-0115 -- 5699 EISENHOWER AV -- KSI - VAN DORN METRO MIXED USE -- Public Hearing and Consideration of a request for a special use permit for a transportation management plan (TMP) for a proposed mixed use development; zoned OCH/Office Commercial High. Applicant: Van Dorn Metro II, LLC, by M. Catharine Puskar, attorney.

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated November 7, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 18 and 19; 11/16/02, and is incorporated herewith as part of this record by reference.

A copy of Ms. Puskar's letter dated November 14, 2002, requesting a deferral, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 18 and 19; 11/16/02, and is incorporated herewith as part of this record by reference.)

Without objection, City Council deferred these special use permits for 90 days so that the applicant can respond to issues raised by staff, the community and the Planning Commission.

ORDINANCES AND RESOLUTIONS

20. Public Hearing, Second Reading and Final Passage of an Ordinance to make a supplemental appropriation of funds for the operation of city government in fiscal year 2003. (#23 11/12/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 4, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4275

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, and for the payment of municipal expenditures by providing supplemental appropriations of amounts required to defray certain expenditures and liabilities of the city for fiscal year 2003, which began on the first day of July 2002 and ends on the thirtieth day of June 2003.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2002, but which are payable in fiscal year 2003, and for which amounts were appropriated but not expended in fiscal year 2002, and further that the council does hereby allot the amounts so appropriated to the several city departments for fiscal year 2003, as follows:

GENERAL FUND

Office on Women	\$ 4,242
Citizen Assistance	20,930
18th Circuit Court	10,378
Clerk of Courts	149,944
18th General District Court	4,555
Sheriff	17,965

Human Rights	1,022
Internal Audit	2,712
Information Technology Services	392,324
Finance	415,854
Personnel	4,632
Planning and Zoning	347,608
Registrar of Voters	17,041
General Services	47,127
Transportation and Environmental Services	982,285
Transit Subsidies	60,000
Fire	5,852
Police	192,263
Housing	1,711
Health	168,474
Human Services	33,533
Office of Historic Alexandria	\$ 50,714
Recreation and Cultural Activities	9,659
Non-Departmental	<u>176,741</u>
Total General Fund	<u>\$ 3,117,566</u>

EQUIPMENT REPLACEMENT RESERVE FUND

Sheriff	\$ 61,613
Finance	4,419
Transportation and Environmental Services	162,775
Fire	142,759
Police	528,841
Mental Health/Mental Retardation/Substance Abuse	36,625
Recreation and Cultural Activities	<u>131,212</u>
Total Equipment Replacement Reserve Fund	<u>\$ 1,068,244</u>

COMPONENT UNIT

Alexandria Transit Company	\$ <u>377</u>
Total Component Unit	\$ <u>377</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2003, the source of such amount being external grant awards for which the proceeds were received or accepted prior to June 30, 2002, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2003, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

City Manager	\$ 400,000
Office on Women	12,436
Commonwealth's Attorney	214,698
Clerk of the Court	40,324
Court Services	30,989
General Services	235,238
Transportation and Environmental Services	52,484
Fire	21,160
Police	60,072
Housing	10,413,780
Health Department	49,810
Human Services	510,828
Office of Historic Alexandria	<u>8,444</u>
Total Appropriation	\$12,050,263

SPECIAL REVENUE FUND

APPROPRIATION:

City Manager	\$ 400,000
Office on Women	12,436
Commonwealth's Attorney	214,698
Clerk of the Court	40,324
Court Services	30,989
General Services	235,238
Transportation and Environmental Services	52,484
Fire	21,160
Police	60,072
Housing	10,413,780

Health Department	49,810
Human Service	510,828
Office of Historic Alexandria	<u>8,444</u>
Total Estimated Revenue	<u>\$12,050,263</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision and appropriate to the Special Revenue Fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2003, the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2002, but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2003 as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office on Women	\$ (41,282)
Commonwealth's Attorney	(70,352)
Sheriff	636,309
General Services	2,000,000
Fire	2,350,000
Police	2,541,898
Housing	272,566
Human Services	2,160,516
Office of Historic Alexandria	135,000
Non Departmental	<u>2,588,782</u>
Total Estimated Revenue	<u>\$12,573,437</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Office on Women	\$ (41,282)
Commonwealth's Attorney	(70,352)
Sheriff	636,309
General Services	2,000,000
Fire	2,350,000
Police	2,541,898
Housing	272,566
Human Services	2,160,516
Office of Historic Alexandria	135,000

Non Departmental	<u>2,588,782</u>
Total Estimated Revenue	<u>\$12,573,437</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2003, the source of such amount being the residual balances accumulated as of June 30, 2002, in accounts for donations and activities, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2003, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office on Women	\$ 17,635
Citizen Assistance	38,981
Commonwealth's Attorney	111,810
Finance	52,342
Transportation and Environmental Services	47,754
Fire	8,452
Police	1,097,927
Health	17,815
Human Services	69,218
Office of Historic Alexandria	218,540
Recreation	<u>54,150</u>
Total Estimated Revenue	<u>\$ 1,734,624</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Office on Women	\$ 17,635
Citizen Assistance	38,981
Commonwealth's Attorney	111,810
Finance	52,342
Transportation and Environmental Services	47,754
Fire	8,452
Police	1,097,927
Health	17,815
Human Services	69,218
Office of Historic Alexandria	218,540

Recreation	54,150
Total Appropriation	\$ 1,734,624

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the General Fund the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2003, the source of such amount being undesignated General Fund Balance, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Undesignated General Fund Balance	\$ 38,537
Total Estimated Revenue	\$ 38,537

APPROPRIATION:

City Clerk and Clerk of Council	\$ 2,658
Office of Historic Alexandria	35,879
Total Appropriation	\$ 38,537

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the General Fund the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2003, the source of such amount being Charges for Services and Transfers In, and further that the Council does hereby allot the amount so appropriated for fiscal year 2003, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Charges for Services	\$ 279,500
Transfers In (from Enterprise Fund)	471,480
Total Estimated Revenue	\$ 750,980

APPROPRIATION:

Transportation and Environmental Services	\$ 750,980
Total Appropriation	\$ 750,980

ENTERPRISE FUND

ESTIMATED REVENUE:

Charges for Services	\$(279,500)
Retained Earnings	(471,480)
Total Estimated Revenue	<u>\$(750,980)</u>

APPROPRIATION:

Recycling	<u>\$(750,980)</u>
Total Appropriation	<u>\$(750,980)</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2003, the source of such amount being Designated General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Designated General Fund Balance	<u>\$ 1,375,987</u>
Total Estimated Revenue	<u>\$ 1,375,987</u>

APPROPRIATION:

Office on Women	\$ 20,500
Clerk of the Circuit Court	8,346
Information Technology Services	100,000
Finance	60,000
Personnel	59,400
Planning and Zoning	25,700
Transportation and Environmental Services	201,264
Fire	20,000
Office of Housing	204,098
Human Services	99,202
Health	74,227
Office of Historic Alexandria	15,600
Non-Departmental	<u>487,650</u>
Total Appropriation	<u>\$ 1,375,987</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts here after stated that is required to defray certain expenditures and liabilities of the city.

GENERAL FUND

APPROPRIATION:

Juvenile and Domestic Relations Court	\$ 134,117
Other Public Safety and Justice Activities	300,489
Mental Health/Mental Retardation/Substance Abuse	253,813
Human Services	83,447
Library	(39,886)
Non-Departmental	<u>(731,980)</u>
Total Appropriation	<u>\$ 0</u>

Section 9. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2003, the source of such amount being Transfers In, and further, that the council does hereby allot the amount so appropriated for fiscal year 2003 as follows:

CAPITAL PROJECTS FUND

ESTIMATED REVENUE:

Transfer In from Special Revenue Fund	<u>\$ 2,000,000</u>
Total Estimated Revenue	<u>\$ 2,000,000</u>

APPROPRIATION:

Capital Projects	<u>\$ 2,000,000</u>
Total Appropriation	<u>\$ 2,000,000</u>

Section 10. That this ordinance shall be effective on the time and upon the date of its enactment.

KERRY J DONLEY
Mayor

Introduction: 11/12/02
 First Reading: 11/12/02
 Publication: 11/14/02
 Public Hearing: 11/16/02
 Second Reading: 11/16/02
 Final Passage: 11/16/02

* * * * *

21. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 2-1-4 of the City Code to increase the compensation of the mayor and members of city council, effective July 1, 2003. (#19 11/12/02) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 5, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote of 6-to-0-to-1, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4276

AN ORDINANCE to amend and reordain section 2-1-4 (COMPENSATION OF MEMBERS) of Article A (GENERAL PROVISIONS), Chapter 1 (THE CITY COUNCIL), 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 2-1-4 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is, amended and reordained to read as follows:

Sec. 2-1-4 Compensation of members.

(a) The mayor shall receive, in full compensation for his services, the salary of \$30,500 per year.

(b) The members of city council shall receive, in full compensation for their services, the salary of \$27,500 per year.

(c) The members of city council and the mayor shall, in addition to the compensation provided above, be eligible to receive the same benefits as are provided city employees by the city, to the extent permitted by law. For the purpose of benefits for which eligibility is determined by the city, the mayor and members of city council shall be categorized as full time city employees.

(d) The rate of compensation for the members of the city council and the mayor may be changed by ordinance, except that no increase in such rate of compensation shall be made to become effective during the term of office of the members of council and the mayor in which the vote to increase the compensation is cast, and any ordinance to approve such an increase shall be adopted at least four months prior to the date for the next general election of the members of city council and the mayor.

(e) The rate of compensation of the members of city council and the mayor shall be reviewed every three years, in conformance with the time periods established in subsection (d) of this section, for the purpose of considering whether such rate should include a cost of living increase in line with cost of living increases, if any, afforded city employees since the last such review.

Section 2. That this ordinance shall become effective on July 1, 2003.

KERRY J. DONLEY
Mayor

Introduction: 11/12/02
First Reading: 11/12/02
Publication: 11/14/02
Public Hearing: 11/16/02
Second Reading: 11/16/02
Final Passage: 11/16/02

22. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the King Street/Eisenhower Avenue Small Area Plan Chapter of the Master Plan to change the land use designation of the property at 1700 Duke Street to residential and retail. (#20 11/12/02 **[ROLL-CALL VOTE]**)

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

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4277

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2002-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2002-0003, an application has been made to amend the King Street/Eisenhower Avenue Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, by changing the land use designation of the property at 1700 Duke Street from CDD/Office/First/Second Floor Retail to CDD/Office/Residential/First/Second Floor Retail.

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

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 the CDD Guidelines for CDD-1/Duke Street, of the King Street/Eisenhower Avenue Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, be, and the same hereby are, amended to change the CDD land use designation of the property on the southwest corner of Duke Street and Holland Lane from "office use with first and possibly second floor retail and restaurant uses along Duke Street and Holland Lane," to "office or residential use with first and possibly second floor retail and restaurant uses along Duke Street and Holland Lane," as shown on sketch plan entitled "MPA 2002-0003," dated September 3, 2002, attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and she hereby is, directed to record the foregoing master plan amendment, as part of the King Street/Eisenhower Avenue Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the King Street/Eisenhower Avenue Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the 1992 Master Plan (1998 ed.) of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

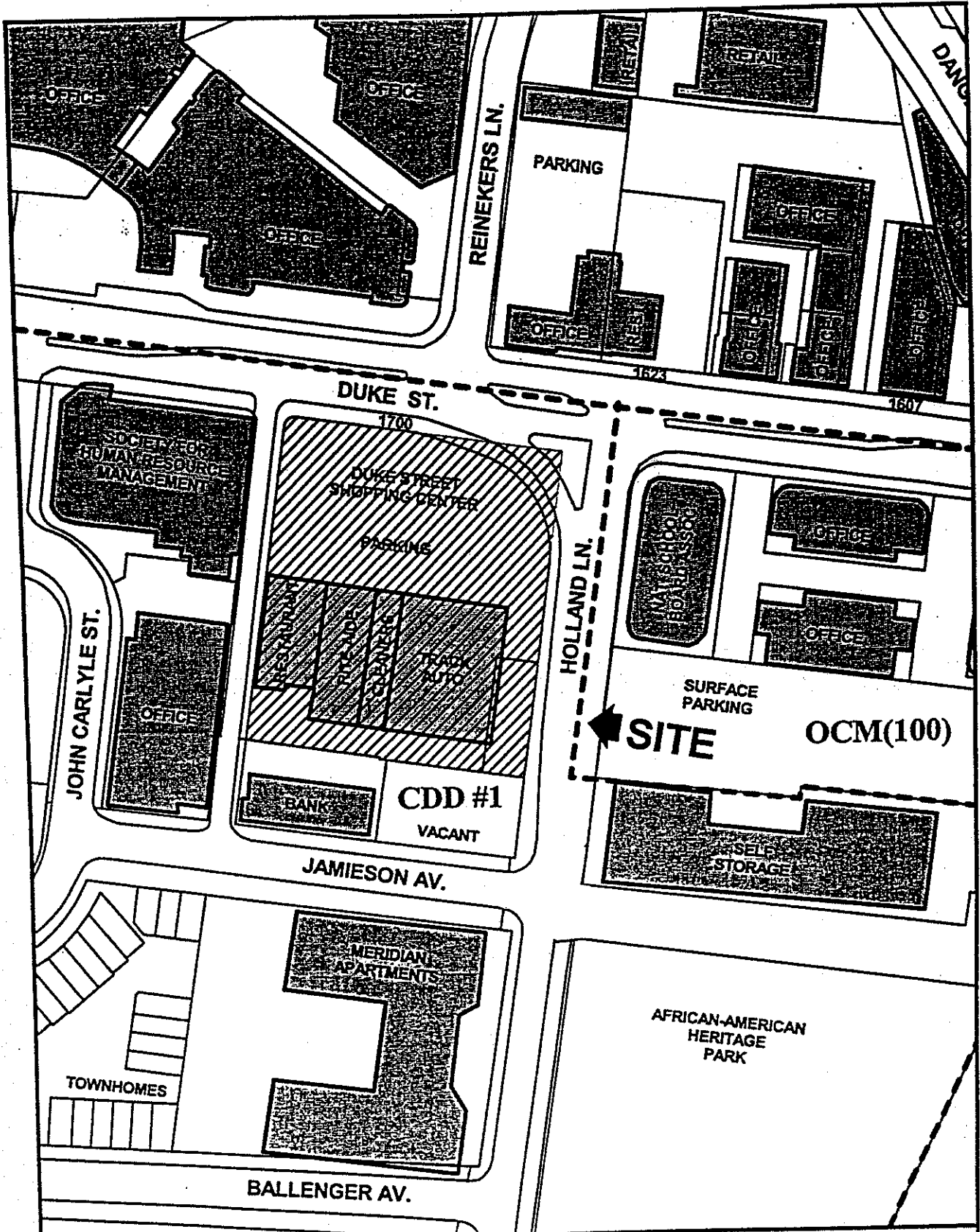
Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Attachment

Introduction:	11/12/02
First Reading:	11/12/02
Publication:	11/14/02
Public Hearing:	11/16/02
Second Reading:	11/16/02
Final Passage:	11/16/02

* * * * *



MPA #2002-0003

09/03/02



23. Public Hearing, Second Reading and Final Passage of an Ordinance to approve a vacation of a portion of the public right-of-way at 1700 Duke Street. (#21 11/12/02) **[ROLL-CALL VOTE]**

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

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4278

AN ORDINANCE to vacate a portion of the public street right-of-way at 1700 Duke Street, in the City of Alexandria, Virginia.

WHEREAS, JBG Rosenfield Duke Street, LLC ("Applicant"), the owner or contract purchaser of the property at 1700 Duke Street in the City of Alexandria, Virginia, has applied for the vacation of a triangular shaped portion of the public right-of-way adjacent to the Applicant's property, of approximately 2,606 square feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation such portion of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, Paul Smedburg, Libby Cooperman and Rodger Digilio have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that strip of the public street right-of-way to be vacated is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a triangular shaped portion of the public right-of-way of approximately 2,606 square feet adjacent to 1700 Duke Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

(2) The switching device located in the island at the intersection of Duke Street and Holland Lane shall be relocated to an enclosed location not visible from the public right-of-way, and in accordance with the requirements of Dominion Virginia Power.

(3) The Applicant shall pay the City the sum of \$181,800 for the vacated property.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the Applicant as grantee, and such recordation shall be done by the grantee at its own expense.

KERRY J. DONLEY
Mayor

Attachment: Plat of vacation

Introduction: 11/12/02
First Reading: 11/12/02
Publication: 11/14/02
Public Hearing: 11/16/02
Second Reading: 11/16/02
Final Passage: 11/16/02

* * * * *

C3	121.51'	91.00'	71.75'	76°30'19"	112.68'	S29°50'55"E
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FLOOD NOTE:

THE PROPERTY DELINEATED HEREON APPEARS TO LIE ENTIRELY WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF 500 YEAR FLOOD PLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP FOR THE CITY OF ALEXANDRIA, VIRGINIA, COMMUNITY PANEL NUMBER 515519 0005 D, DATED MAY 15, 1991.

NOTES:

- 1.) THE SUBJECT PROPERTY SHOWN HEREON IS IDENTIFIED ON THE CITY OF ALEXANDRIA, VIRGINIA TAX MAP NO. 073.02-BLOCK 09-AS PARCELS 2 AND 3 AND ARE ZONED CDD-1.
- 2.) THE SUBJECT PROPERTY SHOWN HEREON WAS ACQUIRED BY DUKE STREET ASSOCIATES, L.P. BY DEED BOOK 1128 AT PAGE 1068 AND DEED BOOK 1204 AT PAGE 738, ALL AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.
- 3.) TITLE REPORT FURNISHED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, COMMITMENT NO. 01-0653 WITH AN EFFECTIVE DATE OF OCTOBER 24, 2001 HAS BEEN INCORPORATED INTO THIS SURVEY.
- 4.) THE HORIZONTAL DATUM SHOWN HEREON, VIRGINIA STATE GRID NORTH BASED ON A PLAT ENTITLED "PLAT SHOWING VARIOUS EASEMENTS AND RESUBDIVISION OF VARIOUS LOTS, CARLYLE" PREPARED BY PATTON HARRIS RUST & ASSOCIATES AND DATE MAY 9, 1994 RECORDED IN DEED BOOK 1510 AT PAGE 160 AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.

N/F
 MAP No. 073.02-09-01
 SOCIETY FOR HUMAN RESOURCE MGMT.
 D.B. 1507 PG. 1315
 ZONE: CDD-1
 USE: OFFICE BUILDING

N/F
 MAP No. 073.02-09-06
 SOCIETY FOR HUMAN RESOURCE MGMT.
 D.B. 1707 PG. 1075
 ZONE: CDD-1
 USE: OFFICE BUILDING



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PLAT OF THE LAND ACQUIRED BY DUKE STREET ASSOCIATES, L.P. BY DEED RECORDED IN DEED BOOK 1128 AT PAGE 1068 AND DEED BOOK 1204 AT PAGE 738, ALL AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA; AND THAT PROPERTY CORNERS MARKED ○ OR □ HAVE BEEN RECOVERED OR SET AS INDICATED, BASED ON A CURRENT FIELD SURVEY.

GIVEN UNDER MY HAND THIS 22nd DAY OF April, 2002.

Robert R. Cochran
 ROBERT R. COCHRAN
 CERTIFIED LAND SURVEYOR
 VIRGINIA NO. 2012

GEORGES LANE

N08°24'14"E 278.87'
 (21' RIGHT-OF-WAY)

N81°35'46"W 120.50'

BURKE &

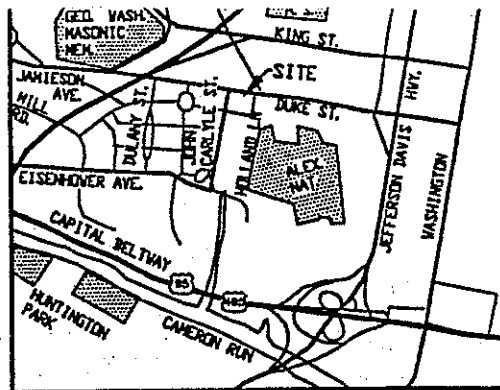
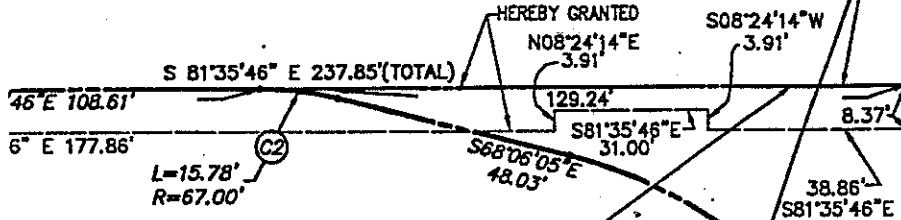
GRAPHIC



(IN FEET)
 1 inch = 25 feet

PORTION OF DUKE STREET RIGHT-OF-WAY
HEREBY VACATED (2606 SQ.FT. OR 0.05983 AC.)

PUBLIC ACCESS ESMT
HEREBY GRANTED



VICINITY MAP
SCALE: 1"=2000'

— PROPOSED SITE
(71,784 SF OR 1.64793 AC)

HEREBY DEDICATED FOR PUBLIC STREET
PURPOSES (584 SQ.FT. OR 0.01341 AC.)

#73.02 (09) - 02

THE PROPERTY OF
DUKE STREET ASSOCIATES, L.P.
D.B. 1128, PG. 1068
D.B. 1204, PG. 738
EXISTING SITE
(69,762 SF OR 1.60151 AC)

EX. TEMP. SLOPE AND
CONSTRUCTION ESMT
D.B. 1181, PG. 830

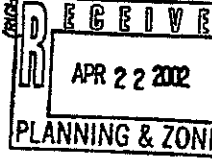
EX. TEMP. SLOPE AND
CONSTRUCTION ESMT
D.B. 1204, PG. 738

APPROXIMATE LOCATION
/L V.E.P.C.O. ESMT
D.B. 495 PG. 312

V/F
#73.02-09-07
BANK AND TRUST CO.
9, PG. 1093
ZONE: CDD-1
ANCIAL INST.

N/F
MAP No. 073.02-09-08
CARLYLE DEVELOPMENT CORPORATION
D.B. 1585, PG. 698
ZONE: CDD-1
USE: VACANT LAND

HOLLAND LANE
(RIGHT-OF-WAY VARIES)



1700 DUKE ST - Vacation at
Duke & Holland for Mixed Use Dev.
VAC #2002-0001 JF

SHEET 1 OF 1
PLAT SHOWING
VACATION & DEDICATION
OF A PORTION OF
DUKE STREET - ROUTE #236,
HOLLAND LANE,
AND VARIOUS EASEMENTS
ON THE PROPERTY OF
DUKE STREET ASSOCIATES, L.P.
DEED BOOK 1128 PAGE 1068
DEED BOOK 1204 PAGE 738
CITY OF ALEXANDRIA, VIRGINIA
SCALE: 1"=25' DATE: APRIL, 2002



VIVA
ENGINEERS & PLANNERS • LANDSCAPE ARCHITECTS & SURVEYORS • CONSTRUCTION INSPECTORS
VIVA INCORPORATED
6140 GREENBROOK DRIVE, SUITE 200 W FALLS CHURCH, VIRGINIA 22040
(703)443-7808 • FAX (703)791-8787
ALEXANDRIA, VA BALTIMORE, MD

DWG#6547600

24. Public Hearing, Second Reading and Final Passage of an Ordinance to approve the vacation of the public right-of-way easement of South Street. (#22 11/12/02) **[ROLL-CALL VOTE]**

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

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

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

The ordinance finally passed reads as follows:

ORDINANCE NO. 4279

AN ORDINANCE to vacate the public street right-of-way easement of South Street, in the City of Alexandria, Virginia.

WHEREAS, the Virginia Department of Transportation ("Applicant"), the owner of the property at 1200-1204 South Washington Street in the City of Alexandria, Virginia, has applied for the vacation of the public right-of-way easement of South Street, adjacent to the Applicant's property; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation such public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, viewers, Judy Lowe, Lee Roy Steele and Bill Brandon have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that strip of the public street right-of-way to be vacated is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the public right-of-way easement of South Street between South Washington Street and South Royal Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare and record a plat showing modifications to the existing Emergency Vehicle Easements and dedication of new Emergency Vehicle Easements to the satisfaction of the Director of Code Enforcement.

(2) The Applicant shall maintain emergency access to the Hunting Towers apartment buildings to the satisfaction of the Director of Transportation and Environmental Services.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the Applicant as grantee, and such recordation shall be done by the grantee at its own expense.

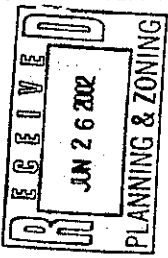
KERRY J. DONLEY
Mayor

Attachment: Plat of vacation

Introduction: 11/12/02
First Reading: 11/12/02
Publication: 11/14/02
Public Hearing: 11/16/02
Second Reading: 11/16/02
Final Passage: 11/16/02

* * * * *

1202 S Washington St / South St
 vacation of easements for I-95
 VAC #2002-0002 v m p



General Notes

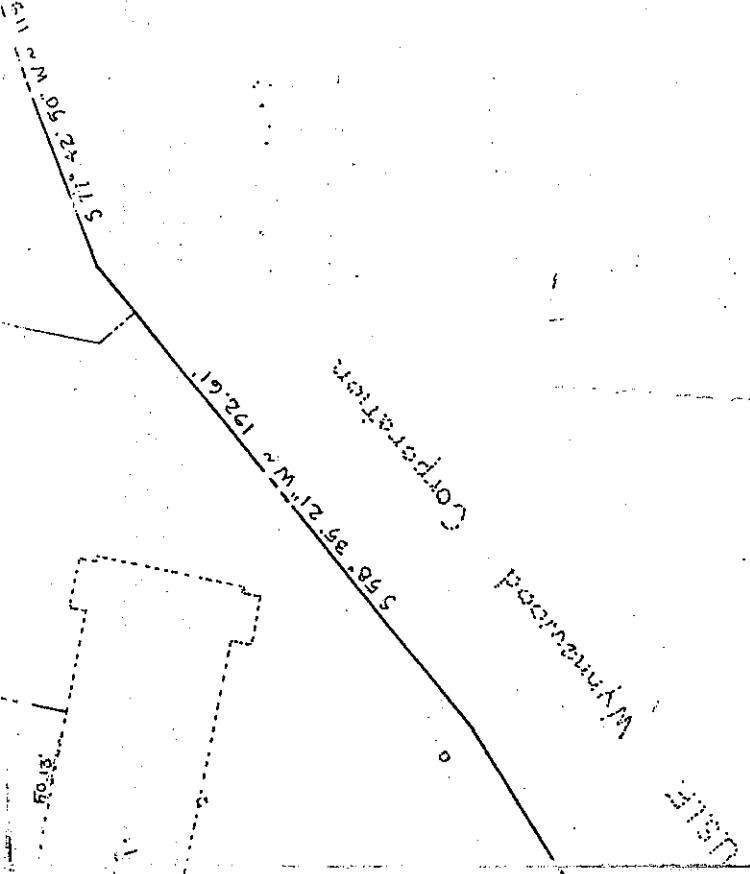
1. Denotes Emergency Vehicle Easement.

Land under lease to Hunting Towers Apts. Inc.

Pavement width is 36' for 50' R/W.

Transition shows 50' R/W to 21' pavement width.

Handwritten note: This is received with TRS
 DE-854 Rg 714-715 Rpt 716-718
 DE-851 Rg 152-153 Rpt 154-161



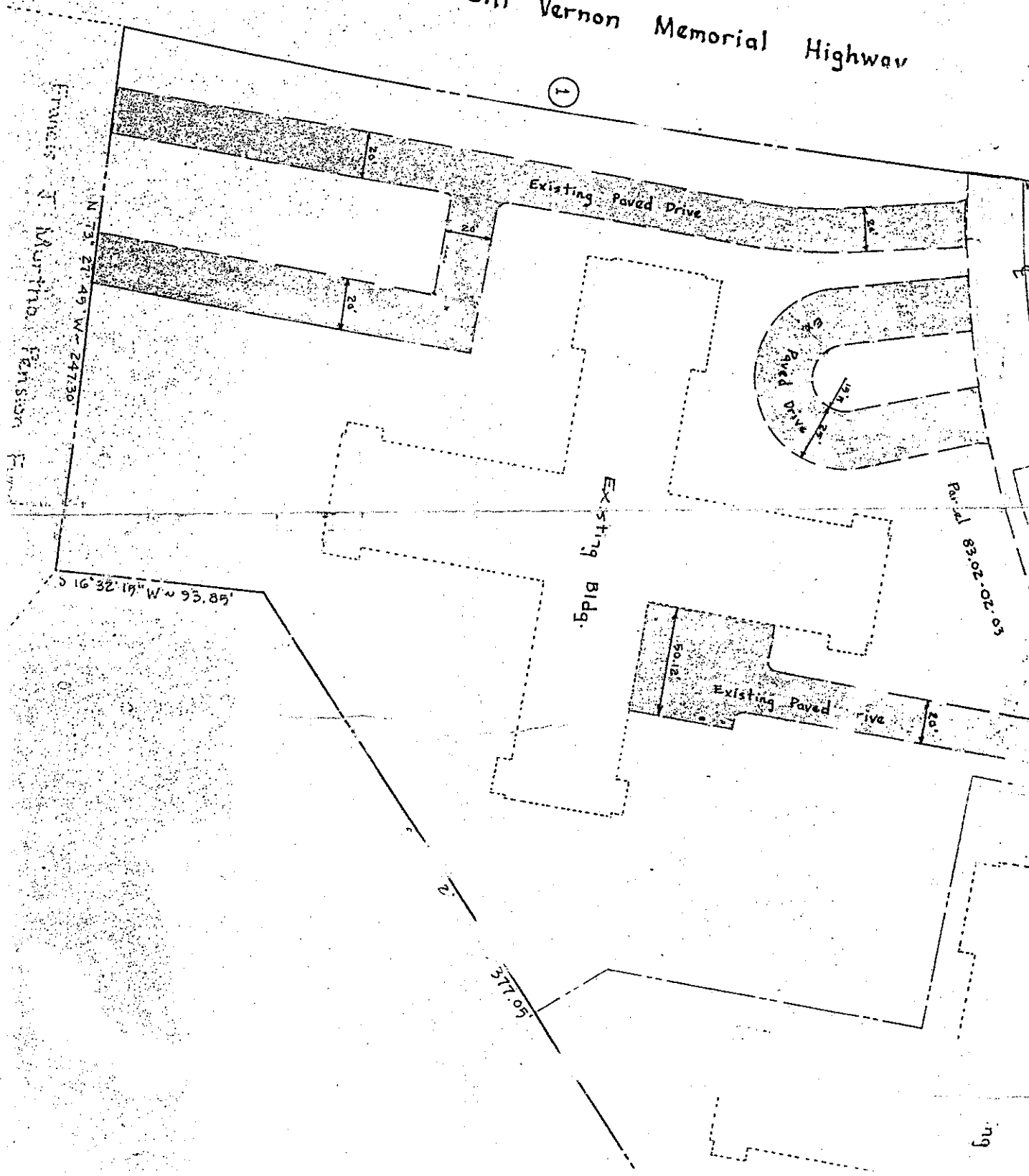
Checked out	City of Atlanta, Georgia	City Department	Date
	City of Atlanta, Georgia	City Department	7/20/02
			11/1/02

Flat 9.14.02

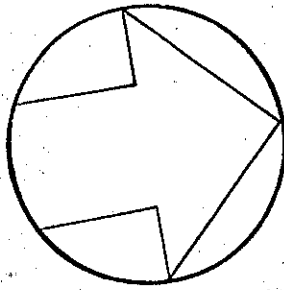
During the land required for Public Street & Emergency Vehicle Easement purposes by the City of Atlanta, Va.

Towers Insurance and Annuity Association of America
 Date: 7-19-76
 Scale: 1 inch = 46 feet

Mount Vernon Memorial Highway



2	449.00'	188.78'	95.70'	187.20'	24° 03' 23"	N 89° 26' 4"	E
3	4094.42'	24.31'	12.19'	24.31'	0° 00' 24"	S 16° 17' 2"	W
4	473.26'	287.49'	148.34'	283.09'	34° 48' 35"	N 83° 18.4"	E
5	608.30'	226.82'	114.74'	225.51'	21° 21' 51"	N 75° 13.8"	E
6	248.00'	100.86'	51.14'	100.17'	23° 18' 18"	N 52° 53.2"	E
7	20.00'	27.28'	16.22'	25.20'	78° 05' 07"	N 60° 16.5"	E
8	176.32'	31.91'	16.00'	31.87'	10° 22' 12"	S 89° 51.3"	E

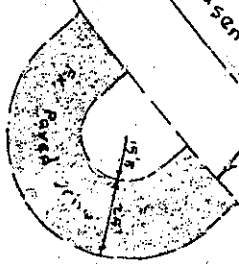


Ermer L. Hobbs Tr.

N 13° 46' 42" E ~ 293.22'

1st Ed 8302-02.04

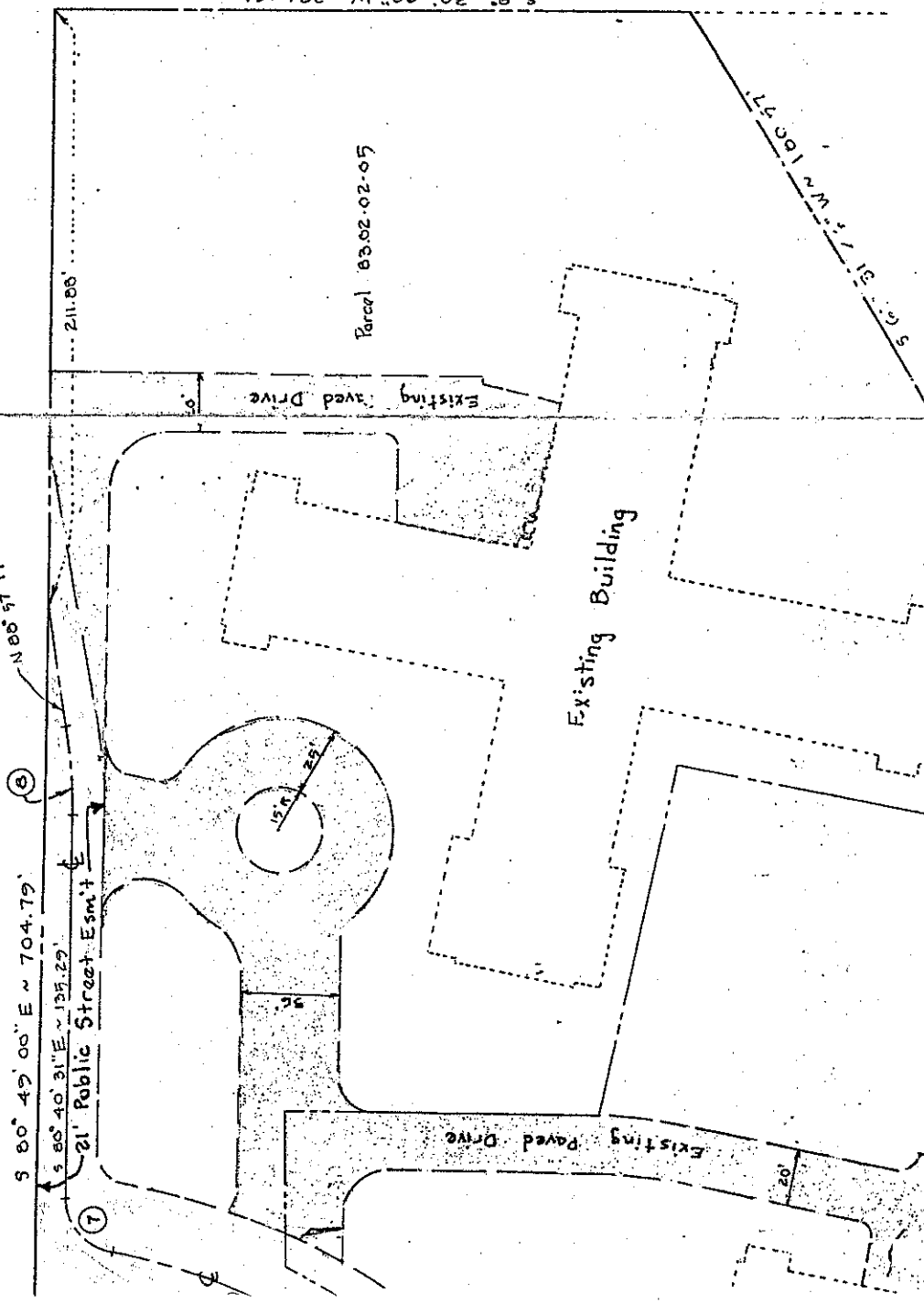
1/2" Street Easement



2

24.2'
20.00'

Capital Beltway Route 495 (115' Wide)



Royal Street (66' Wide)

25. Public Hearing, Second Reading and Final Passage of an Ordinance to amend the commercial, office, industrial and mixed use zones of the Zoning Ordinance to require a special use permit for retail uses over 20,000 square feet. (#16 11/12/02)
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 5, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 11/16/02, and is incorporated herewith as part of this record by reference.

A copy of the proposed amendment to Section 12-601(E) is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Carolyn Merck, 324 North Royal Street, representing the Old Town Civic Association, spoke in support;

Joseph S. Bennett, 5022-B Barbour Drive, representing the Cameron Station Civic Association, spoke in support;

David Fromm, 2307 East Randolph Avenue, representing Del Ray Citizens Association, spoke in support; and

Cathy Puskar, 2200 Clarendon Boulevard, Suite 1300, Arlington, VA, attorney representing Washington Real Estate Investment Trust and Home Depot, spoke to the idea of changing the grandfathering as it relates to total teardowns and rebuilds. She asked the City Attorney how that would impact, for instance, at Foxchase Shopping Center when WRIT decides to proceed with a new grocery store to replace the Magruder's and if that does involve some teardown of the shopping center itself and rebuilding, but not the entire teardown of the entire shopping center?

City Attorney Pessoa opined to Ms. Puskar's inquiry stating that the language makes clear that it's only a total teardown and replacement which curtails the grandfathered rights.

There was a discussion between Councilwoman Woodson and the City Attorney of what constitutes total teardown and what constitutes renovation. City Attorney Pessoa stated in his mind that demolition would include removal or replacement of the foundation, as well as the exterior of the building.

Ms. Puskar asked for clarification from the City Attorney that if they were to tear down a wing to then build back, i.e., Magruder's and another store that are there now got torn down, and rebuilt, then they would be grandfathered because you're not tearing down the entire structure?

City Attorney Pessoa stated that would be correct.

Councilman Speck directed questions to staff regarding the impact problems and making sure that we didn't create any loopholes. Deputy Director of Planning and Zoning Ross responded to his queries. Mayor Donley noted that at the last public hearing meeting, staff was asked to report back to Council regarding issues that might arise from this ordinance. City Manager Sunderland and City Attorney Pessoa participated in the discussion.

Councilwoman Eberwein offered the following amendment to Section 12-601(E) of the proposed ordinance:

(E) Repair and reconstruction.

- (1) The building in which the use is located may be repaired, remodeled, upgraded and maintained, except as provided in paragraph (3).
- (2) If the building in which the use is located is damaged or destroyed as the result of a casualty loss, the use may be continued in a building reconstructed to the gross square footage which existed at the time of such loss, plus an additional amount not to exceed 20,000 gross square feet, without special use permit approval.
- (3) If the building in which the use is located is demolished or removed to the foundation other than as the result of a casualty loss, the property shall thereafter conform to the regulations of the zone in which it is located, and other applicable regulations of this ordinance.

WHEREUPON, upon motion by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the ordinance upon its Second Reading and Final Passage with the addition of the substitute language for subsection (E) of section 12-601, and inserted in paragraph 3 after the word "removed" the words "to the foundation." The voting was as follows:

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

The ordinance finally passed, as amended, reads as follows:

ORDINANCE NO. 4280

AN ORDINANCE to amend and reordain Sections 4-102 (PERMITTED USES) and 4-103 (SPECIAL USES) under Section 4-100 (CL/COMMERCIAL LOW ZONE), Sections 4-202 (PERMITTED USES) and 4-203 (SPECIAL USES) under Section 4-200 (CC/COMMERCIAL COMMUNITY ZONE), Sections 4-302 (PERMITTED USES) and 4-303 (SPECIAL USES) under Section 4-300 (CSL/COMMERCIAL SERVICE LOW ZONE), Sections 4-402 (PERMITTED USES) and 4-403 (SPECIAL USES) under Section 4-400 (CG/COMMERCIAL GENERAL ZONE), Section 4-502 (PERMITTED USES) and 4-503 (SPECIAL USES) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), Sections 4-602 (PERMITTED USES) and 4-603 (SPECIAL USES) under Section 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE-OLD TOWN NORTH), Sections 4-802 (PERMITTED USES) and 4-803 (SPECIAL USES) under Section 4-800 (OC/OFFICE COMMERCIAL ZONE), Sections 4-902 (PERMITTED USES) and 4-903 (SPECIAL USES) under Section 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), Sections 4-1002 (PERMITTED USES) and 4-1003 (SPECIAL USES) under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), Sections 4-1102 (PERMITTED USES) and 4-1103 (SPECIAL USES) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE), and Sections 4-1202 (PERMITTED

USES) and 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE), all of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); and Sections 5-102 (PERMITTED USES) and 5-103 (SPECIAL USES) under Section 5-100 (CRMU-L/COMMERCIAL RESIDENTIAL MIXED-USED LOW ZONE), Sections 5-202 (PERMITTED USES) and 5-203 (SPECIAL USES) under Section 5-200 (CRMU-M/COMMERCIAL RESIDENTIAL MIXED-USE MEDIUM ZONE), Sections 5-302 (PERMITTED USES) and 5-303 (SPECIAL USES) under Section 5-300 (CRMU-H/COMMERCIAL RESIDENTIAL MIXED-USE HIGH ZONE), all of Article V (MIXED USE ZONES), and to amend and reordain Article XII (NONCOMPLIANCE AND NONCONFORMITY), by adding thereto a new Section 12-601(CERTAIN RETAIL SHOPPING ESTABLISHMENT USES DEEMED GRANDFATHERED OR CONFORMING), all of the City of Alexandria Zoning Ordinance (TA No. 2002-0006).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sections 4-102, 4-202, 4-302, 4-402, 4-502, 4-602, 4-802, 4-902, 4-1002, 5-102, 5-202 and 5-302 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by amending the several subsections thereof which establish a "retail shopping establishment" as a permitted use, the appropriate subsection heading to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

(L) Retail shopping establishment, up to 20,000 gross square feet;

Section 2. That Subsection (M) of Section 4-1102 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(M) Retail shopping establishment, on the same lot as office use, up to 20,000 gross square feet;

Section 3. That Subsection (V.1) of Section 4-1202 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows; provided, however, that the phrase "shopping establishment" shall be deemed declaratory of existing law:

(V.1) Retail shopping establishment, up to 20,000 gross square feet;

Section 4. That Sections 4-103, 4-203, 4-303, 4-403, 4-503, 4-603, 4-803, 4-903, 4-1003, 4-1203, 5-103, 5-203 and 5-303 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by adding thereto a new subsection, the appropriate subsection heading to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

(L) Retail shopping establishment, larger than 20,000 gross square feet;

Section 5. That Section 4-1103 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Subsection (X.1) to read as follows:

(X.1) Retail shopping establishment, on the same lot as office use, larger than 20,000 gross square feet;

Section 6. That Article XII of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 12-601, to read as follows:

Sec. 12-601 Certain retail shopping establishment uses deemed grandfathered or conforming.

(A) *Rules generally not applicable.* The rules in this Article XII for nonconforming and noncomplying uses shall not apply to retail shopping establishments larger than 20,000 gross square feet, which (1) are lawfully in existence on October 19, 2002, and for which no special use permit for the use has been approved prior to such date, or (2) for which a preliminary site plan, but no special use permit for the use, has been approved prior to October 19, 2002, and has not expired. Such uses shall be categorized as grandfathered uses, and shall be governed by the provisions of this Section 12-601. In case of conflict between the provisions of this section and any other provision of this ordinance, the provisions of this section shall control.

(B) *Expansion.* Physical expansion or enlargement of the use in the amount of 20,000 gross square feet or less is permitted without special use permit approval.

(C) *Intensification.* Intensification of the use not involving physical expansion or enlargement is permitted without special use permit approval.

(D) *Continuation or change in use.* The use may be continued by successive owners, and may be changed to a different retail use, without approval of a special use permit. The use may be changed to any other use permitted in the zone in which it is located; provided, however, that if a special use permit is required for such other use by the regulations of such zone, then a special use permit shall be required for such change in use.

(E) *Repair and reconstruction.*

- (1) The building in which the use is located may be repaired, remodeled, upgraded and maintained, except as provided in paragraph (3).
- (2) If the building in which the use is located is damaged or destroyed as the result of a casualty loss, the use may be continued in a building reconstructed to the gross square footage which existed at the time of such loss, plus an additional amount not to exceed 20,000 gross square feet, without special use permit approval.
- (3) If the building in which the use is located is demolished or removed to the top of the foundation or below, other than as the result of a casualty loss, the property shall thereafter conform to the regulations of the zone in which it is located, and other applicable regulations of this ordinance.

(F) *Signs, parking and use characteristics.* Notwithstanding any other provision of this section, if the characteristics of the use, such as signs, off-street parking and loading, lighting or other features pertaining to the use of land, structures and premises are inconsistent with the regulations of the zone in which the use is located or other applicable regulations of this ordinance, no change to the use or such feature (to include in the case of off-street parking or loading a change or increase in the use served) shall be made which increases the inconsistency or lack of compliance with the zone or other applicable regulations, but a change may be made which decreases such inconsistency, or which complies with the zone and other applicable regulations.

(G) *Other changes.* Any change to the use other than as expressly permitted in subsections (B) through (F) of this section, and which is otherwise permitted by this ordinance, shall require special use permit approval for the entire use.

(H) *Abandonment.* In the event that, after October 19, 2002, the use ceases actual retail operation for a period of five consecutive years or more, the grandfathered status of the use shall terminate, and the use of the property shall thereafter conform to the use regulations of the zone in which it is located.

(I) *FAR, height, etc. not affected.* Nothing in this section shall be deemed to permit any increase in floor area ratio, height or other regulation expressed as a maximum, nor to permit any reduction in required parking, setbacks, open space or other regulation expressed as a minimum, otherwise applicable to the use under this ordinance.

(J) *Site plan required.* Nothing in this section shall be deemed to excuse the requirement for a site plan pursuant to Section 11-400 of this ordinance.

(K) *Conforming uses.* Retail shopping establishments larger than 20,000 gross square feet, which (1) are lawfully in existence on October 19, 2002, and for which a special use permit for the use has been approved prior to such date, or (2) for which a special use permit for the use has been approved prior to October 19, 2002, and has not expired shall be categorized as conforming uses; shall not be subject to the provisions of this section, and shall be subject to the terms and conditions of the special use permit.

Section 7. That Sections 4-102, 4-103, 4-202, 4-203, 4-302, 4-303, 4-402, 4-403, 4-502, 4-503, 4-602, 4-603, 4-802, 4-803, 4-903, 4-1002, 4-1003, 4-1102, 4-1103, 4-1202, 4-1203, 5-102, 5-103, 5-202, 5-203, 5-302, 5-303, and Article XII of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 8. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after October 19, 2002, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of said ordinance.

KERRY J. DONLEY
Mayor

Introduction: 11/12/02
First Reading: 11/12/02
Publication: 11/14/02
Public Hearing: 11/16/02
Second Reading: 11/16/02
Final Passage: 11/16/02

26. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Articles V and XI of the Zoning Ordinance to revise the procedures for processing development plan applications. (#18 11/12/02)[**ROLL-CALL VOTE**]

(A copy of the City Manager's memorandum dated November 15, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 11/16/02, and is incorporated herewith as part of this record by reference.)

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

Carolyn Merck, 324 North Royal Street, representing the Old Town Civic Association, spoke in support.

Staff recommended technical changes to the language of section 11-409 (2) and (3). The change preserves existing law that requires that both the Director of Planning and Zoning and the Director of Transportation and Environmental Services sign a final site plan indicating its consistency with the approved preliminary plan.

WHEREUPON, upon motion Councilwoman Pepper, seconded by Vice Mayor Cleveland and carried on a unanimous ROLL-CALL vote, City Council finally passed the ordinance upon its Second Reading and Final Passage including the technical changes suggested by staff in the City Manager's memorandum dated November 15, 2002. The voting was as follows:

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

The ordinance finally passed, as amended, reads as follows:

ORDINANCE NO. 4281

AN ORDINANCE to amend and reordain Section 5-606 (FINAL DEVELOPMENT PLAN APPROVAL), under Section 5-600 (CDD/COORDINATED DEVELOPMENT DISTRICT) of Article V (MIXED USE ZONES); Section 11-303 (ADDITIONAL NOTICE REQUIRED), under Section 11-300 (NOTICE OF PUBLIC HEARINGS) of Division A (ADMINISTRATION AND ENFORCEMENT OF ORDINANCE AND NOTICE OF PUBLIC HEARINGS); Section 11-406 (CONTENTS OF PRELIMINARY SITE PLAN APPLICATIONS), Section 11-407 (PROCEDURES FOR PROCESSING SITE PLAN APPLICATION) and Section 11-409 (ACTION ON SITE PLANS), and to repeal Section 11-408 (NOTICE OF SITE PLAN COORDINATING COMMITTEE), under Section 11-400 (SITE PLAN) of Division B (DEVELOPMENT APPROVALS, all of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance (TA NO. 2002-0005).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-606 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 5-606 Final development plan approval.

- (A) The application shall be submitted, on such forms as the director may prescribe, by the owner, developer, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of such person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation, in which case only those persons owning an interest in excess of ten percent in such corporation need be identified by name, address and extent of interest. For purposes of this section 5-606(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.
- (B) Thirty-five copies of the application shall be submitted. All maps, plats or plans shall be submitted on sheets having a size of 24 inches by 36 inches. A final development plan shall be submitted for the entire district, or for such portions thereof as approved in the preliminary development plan.
- (C) The application shall include the following information and materials:
 - (1) A final site plan as specified in section 11-409(D).
 - (2) Complete architectural elevations of each proposed building or structure.
 - (3) Such additional information as the director may require, or the applicant may desire to submit, in order to facilitate review and consideration of the plan.
- (D) Upon determination by the director that the application is complete, the application shall be submitted for comment and review to appropriate city departments and agencies.
- (E) The director shall consider the final development plan and shall determine if said plan complies with all prior approvals under this section 5-600 and all other applicable provisions of law. Upon the determination that the final development plan does comply, the director shall approve the plan. Upon the determination that the plan does not comply, the director shall disapprove same, stating his reasons therefor, in which event the applicant shall be afforded reasonable opportunity to amend the plan.
- (F) Reserved.
- (G) Once a final development plan has been approved, and there is cause for amendment of the same, such amendment shall be processed as follows:
 - (1) Upon a determination by the director that the proposed amendment will result in a final development plan which is still in accordance with the prior conceptual design plan and preliminary development plan approvals, then such amendment will be processed in accordance with the provisions of this section 5-606.
 - (2) Upon a determination by the director that the proposed amendment will cause the final development plan to be not in accordance with the prior conceptual design plan and preliminary development plan

approvals, then the procedures for amendment of such prior approvals, either or both as the case may be, shall be followed, in addition to the procedures of this section 5-606.

- (H) The approval of a final development plan shall be valid for the period specified for site plans by section 11-418 and otherwise subject to the provisions of that section.

Section 2. That Section 11-303 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-303 Additional notice required.

- (A) Deferral or continuance. For hearings before the planning commission, the city council, the board of zoning appeals and the subdivision committee, if an item is deferred or continued at the time of the public hearing, then all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if it were a new item. For hearings before the board of architectural review, if an item is deferred or continued at the time of the public hearing for a period which exceeds 30 days, then all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if it were a new item.
- (B) Referral. If a zoning amendment is referred by the city council back to the planning commission, all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if the referred item were a new item.
- (C) Rescheduled hearing. If the date for a public hearing is changed after notice has been given of the original date and prior to the hearing, all notices required by this section 11-300 shall be given for the rescheduled hearing as if it were a new item.
- (D) Development site plans and development special use permits. In addition to the notice required by section 11-301, applicants for development site plans and development special use permits, as defined by the director, shall place signs along all street frontages of the development site within five working days of the director's determination that the application is complete.
 - (1) The signs will clearly indicate that an application has been filed to develop the subject property and shall include a description of the proposed development and contact information for the applicant, in such number, format and size, all as reasonably determined by the director.
 - (2) The applicant shall reasonably ensure that the required signs remain on display until the public hearings on the application.
 - (3) As part of the certification of written notice required by section 11-301(A)(3), the applicant shall submit an affidavit to the director stating (i) that the required signs have been posted, (ii) that such signs have, as of the date of the affidavit, remained on display, and (iii) that the applicant shall maintain such signs on display until the conclusion of the public hearing process.

Section 3. That Section 11-406 of the City of Alexandria Zoning ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-406 Contents of preliminary site plan application.

- (A) An application for preliminary site plan approval shall be submitted by the owner, contract purchaser, lessee or other party having a legal interest in the subject property on such forms as the director shall prescribe. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an interest in excess of ten percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-406(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.
- (B) The preliminary site plan shall be prepared under the responsible charge of a professional engineer or land surveyor duly authorized by the Commonwealth of Virginia, or, if required by the director, by both. No fewer than 20 prints of the preliminary site plan at a scale of not less than 100 feet to the inch shall be submitted with the application. Print size shall not generally exceed 24 by 36 inches.
- (C) An application for preliminary site plan approval shall include the following information and material:
 - (1) The name and address of the developers.
 - (2) The name, address, signature and registration number of the professionals responsible for preparing the plan.
 - (3) The present zoning of the site and abutting property.
 - (4) General alignment and lengths of all streets and all property lines.
 - (5) Date, scale and north point with reference to source of meridian.
 - (6) All building restriction lines, highway setback lines, easements, covenants, reservations and rights-of-way.
 - (7) The total land area.
 - (8) The topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, buildings and structures. Topography is to be shown by dashed lines illustrating two foot standard contour intervals except where in the opinion of the director of transportation and environmental services five foot intervals would be satisfactory, and by spot elevations where necessary to indicate flat areas, all based on U.S. Coast and Geodetic Survey datum, or city datum where the former are not available.

- (9) A five by seven inch space for the signed approval of the planning commission and the director and the director of transportation and environmental services.
 - (10) A location map locating the site in relation to the nearest intersection of two or more streets at a scale that can be easily traced.
 - (11) A complete narrative description of the proposed development.
 - (12) Archaeological evaluation reports and resource management plans as may be required by section 11-411.
 - (13) In the case of any land or use for which a special use permit or conditional zoning has been granted, any information reasonably necessary to demonstrate compliance with the conditions imposed as part of such approval.
 - (14) Building massing studies sufficient to show the mass and orientation of any proposed buildings and their relationship to nearby buildings and, if required by the director of planning and zoning in the following cases, a model:
 - (a) Site plans subject to the pre-application requirements of section 11-407(A); or
 - (b) Site plans which include nonresidential land which is adjacent to land zoned or used for residential use.
 - (15) In the case of any proposed building over 50 feet in height, a profile (section) drawing showing the location and height of each building in the development, as well as each building on adjacent sites.
 - (16) A list of all modifications of the applicable zone regulations which are sought as part of the application pursuant to section 11-416, the rationale for each and the features of the development which compensate for the impacts otherwise protected by said regulations.
 - (17) Any other information that may reasonably be required by the director or the director of transportation and environmental services to determine that the application is in compliance with all codes and ordinances of the city.
- (D) The preliminary site plan shall show the general location, dimensions, size and height of the following when existing:
- (1) Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.
 - (2) Buildings and structures.
 - (3) Public sewer systems.
 - (4) Slopes, terraces and retaining walls.

- (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Major trees and shrubs.
 - (8) Recreation areas and swimming pools.
 - (9) Natural and artificial watercourses and bodies of water and wetlands.
 - (10) Limits of floodplains.
 - (11) Fire hydrants, street lighting, underground conduits for street lighting and street trees on public rights-of-way immediately adjacent to site.
 - (12) Significant geological features.
 - (13) When known, areas that can reasonably be expected to or which do contain soils or materials contaminated with but not limited to heavy metals, petroleum products, PCB's, pesticides, flyash, or other toxic or hazardous materials.
 - (14) When known, underground storage tanks.
 - (15) When known, areas located within 1000 feet of a former sanitary landfill, dump or disposal area.
 - (16) When known, areas with the potential of generating combustible gases (i.e. methane).
- (E) The preliminary site plan shall show the general location, dimensions, size and height of the following regarding the proposed development:
- (1) Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.
 - (2) Buildings and structures with entrances and exits identified.
 - (3) Public sewer systems.
 - (4) Slopes, terraces and retaining walls.
 - (5) Driveways, entrances, exits, parking areas and sidewalks.
 - (6) Water mains and fire hydrants.
 - (7) Methods to control erosion on slopes of 25 percent or more.
 - (8) Recreation areas and swimming pools.
 - (9) Natural and artificial watercourses and bodies of water.
 - (10) Distances between buildings.

- (11) Calculations of the following:
 - (a) Number of dwelling units;
 - (b) Number of parking spaces;
 - (c) Number of loading spaces; and
 - (d) Square feet of floor space.
 - (12) Plans for collecting and depositing storm water and the method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any.
 - (13) A general indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations of proposed buildings and structures, shown by two foot or five foot contours, as required by the director, and approximate elevations.
 - (14) A landscape plan showing all natural or landscaped areas, including the general location, names and area coverage of trees, shrubs and ground cover to be planted, the areas to be retained in natural vegetation, noting total existing crown area of trees being retained, and means of compliance with each of the landscaping requirements of section 11-410(CC).
 - (15) Fire hydrants, street lighting, underground conduits for street lighting and street trees on public rights-of-way immediately adjacent to site.
 - (16) Any locations intended for the outdoor display or storage of goods and merchandise.
 - (17) Underground plans showing location of existing and proposed poles, transformers and switches.
 - (18) Types of materials to be used for proposed improvements within the public right-of-way.
 - (19) Plans to remediate, remove, or control on site any contaminated soils, materials, underground storage tanks, combustible gases, or old landfills, dumps or disposal areas.
 - (20) Plans for minimizing the impact on existing or developing wetlands or for the creation of new wetlands.
- (F) All documents and information submitted as part of an application for preliminary site plan approval constitute a statement by the applicant that he intends and agrees to be bound to develop in accord with such information upon approval.
- (G) The preliminary site plan shall be accompanied by the fee prescribed pursuant to section 11-104.

Section 4. That Section 11-407 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-407 Procedures for processing site plan application.

The following procedures shall govern the processing and review of applications for site plan approval.

(A) Pre-application requirements.

- (1) Conceptual review conference. The purpose of the conceptual review conference and subsequent follow-up meetings is to allow the director to ensure that the City's policies regarding land use planning and zoning, and building footprint, height, density, mass and scale, are met before an applicant prepares a specific site design for a project. No matters discussed at this meeting shall be binding on either the applicant or the city. No fewer than 90 days prior to filing an application which includes a preliminary site plan, an applicant for any of the following projects shall meet with the director to discuss the applicant's intentions with regard to the proposed development:
 - (a) a project within a coordinated development district;
 - (b) a project which requires a master plan or zoning amendment;
 - (c) a project which requires a special use permit for increased floor area ratio, density or building height;
 - (d) a project which requires a transportation management special use permit;
 - (e) a project which requires a parking or open space reduction;
 - (f) a project in a historic district, or
 - (g) a project on property which includes environmentally sensitive lands, including resource protection areas, or wooded sites or steeply sloped sites as defined by the director by general rule.
- (2) Pre-application conference. No fewer than 30 days prior to filing an application for preliminary site plan approval, an applicant shall meet with the director to discuss the applicant's intentions with regard to the proposed development and the requirements of this section 11-400, and other city requirements related to land use and site development. It is the intention of this section 11-407(A)(2) that this meeting shall be held prior to the time when the site plan and application for site plan approval are prepared. No matters discussed at this meeting shall be binding on either the applicant or the city.

- (B) Filing application.
 - (1) An application for site plan approval shall be filed with the director and shall contain the information specified in section 11-406.
 - (2) No application shall be accepted and reviewed unless determined to be complete by the director . A complete application is one which includes the minimum submission requirements expressly listed in section 11-406. Each application shall be reviewed to determine if it includes the minimum submission requirements and notice regarding the completeness of the application shall be mailed to the applicant.
- (C) Reserved.
- (D) Staff report and recommendation. The director shall prepare a staff report for the planning commission on each application which report shall include all staff comments and analysis, including any report and recommendation prepared by another department, and a recommendation for approval, for approval with conditions or for disapproval. If the director disagrees with the recommendations of another department , the report to the planning commission shall so indicate and the reasons for disagreeing shall be given.
- (E) Review by planning commission. The director shall see that all required staff and committee reviews are completed and that the application is docketed for the planning commission to act .
- (F) Changes to application. If an applicant submits materials to supplement its application prior to final action by the planning commission, the director shall review the additional material to determine whether additional staff time is necessary to assess the application. If additional time is necessary, the director may extend the review period accordingly, or, in the event of a major revision, may require that a new application be filed.

Section 5. That Section 11-408 of the City of Alexandria Zoning Ordinance be, and the same hereby is, repealed, and the section number reserved, as follows:

Sec. 11-408 Reserved

Section 6. That Section 11-409 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 11-409 Action on site plans.

- (A) Action on preliminary site plan.
 - (1) The planning commission shall hold a public hearing and act on the application for preliminary site plan approval by approving or disapproving the plan or approving it with conditions, required revisions, additions or changes. In the case of disapproval, the commission shall give its reasons therefor. Two copies of the site plan shall be returned to the applicant with the date of approval or disapproval noted thereon over the signature of the director. Any

action by the planning commission shall be entered in the minutes of the commission.

- (2) Reserved.
- (B) Standard for approval by planning commission. An applicant for preliminary site plan approval shall demonstrate to the satisfaction of the commission that:
- (1) The applicable factors of section 11-410 have been appropriately considered in the site plan;
 - (2) The development will not adversely affect the public health safety and welfare; and
 - (3) The application complies with all provisions of this ordinance and all applicable laws.
- (C) Appeal of action on preliminary site plan.
- (1) The planning commission's approval or disapproval of a preliminary site plan or combined site plan may be appealed to the city council by the applicant, by the city manager, by an owner of property located within 1,000 feet of the boundaries of the site plan property, or by a group who submits a petition signed by at least 25 property owners or residents of the city. The appeal shall be made in writing, shall state clearly the grounds of the appeal and shall be filed with the city clerk within 15 days after the decision is announced. Following the filing of such an appeal, the director shall verify that each person filing the appeal has the right of appeal as set forth in this subsection. The filing of an appeal shall stay the effect of site plan approval by the planning commission.
 - (2) Whenever an appeal is filed, the commission shall forward the record and its reasons for approval or disapproval to the city council, which may be in the form of the transcription of the public hearing, and shall designate at least one member of the commission to appear before the city council at the public hearing.
 - (3) In the event an appeal is filed, the city council shall schedule at least one public hearing on the matter. The council shall review the record, documents and actions taken by the planning commission and may take additional evidence if necessary for complete and competent review of the issues before it. The council may affirm, reverse or modify the decision of the commission or vacate and remand the matter to the commission for further consideration.
 - (4) The issues on appeal shall be limited to the grounds identified in the appeal papers filed with the city clerk. The proposed use shall not be grounds for appeal.
 - (5) The council's action on appeal may be reviewed by appeal to the circuit court to determine whether substantial evidence exists to support the decision of council provided the appeal to court is filed within 60 days of the council action.

(D) Action on final site plan.

- (1) If a preliminary site plan is approved, or approved with modifications, and no appeal as provided in section 11-409(C) is taken, the applicant shall cause a final site plan to be prepared by a professional engineer or land surveyor duly authorized by the Commonwealth of Virginia, or, if required by the director, by both, and to be submitted to the director for consideration. Final site plans shall be on reproducible permanent base material and shall be on sheets which shall not exceed 24 x 36 inches in size. The plan may show only part of the land designated on the preliminary site plan if desired. The original tracing and 20 prints of the final site plan shall be at a scale no smaller than one inch to 40 feet unless, in the opinion of the director, a one inch to 50-foot scale would be satisfactory where detail is not necessary.
- (2) The final site plan shall show all of the information required by sections 11-406(C) through (E) for preliminary site plans, but the information shown shall be specific, precise and accurate to usual and recognized professional standards and not general in nature. Calculations of storm water runoff shall be submitted. The final site plan submission shall include test borings and soil tests, when the subject property contains marine clay or fill or when otherwise found necessary by the director of transportation and environmental services, including proposals for sheeting, shoring, dewatering, excavating, foundation design and backfilling. Final site plans shall be checked for compliance with preliminary site plans previously approved and the requirements of this section 11-409(D). If the director and the director of transportation and environmental services find that a final site plan complies in all respects, they shall indicate their approval thereon and submit it to the chairman or vice-chairman of the commission for approval. The date of the final approval signature shall be noted on the plan.
- (3) If the director or the director of transportation and environmental services find that a final plan does not comply with a previously approved preliminary site plan or the provisions of this section 11-409(D), the applicant shall be so advised, and shall be allowed to either bring the final plan into compliance in all respects, submit a new preliminary site plan for processing as if no plan had been previously considered, or withdraw his application without refund of fees.
- (4) The director shall release the approved final site plan to any applicant who has complied with all applicable requirements.

Section 7. That Sections 5-606, 11-303, 11-406, 11-407, and 11-409 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 8. That this ordinance shall become effective upon the date at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance; provided, however, that the Director of Planning and Zoning shall adopt reasonable rules for the implementation of the provisions of Section 11-303(D) of the City of Alexandria Zoning Ordinance as to applications pending on the effective date, and for the implementation of Section 11-407(A)(1) of the City of Alexandria Zoning Ordinance as to applications filed within 90 days subsequent to the effective date.

KERRY J. DONLEY
Mayor

Introduction: 11/12/02
 First Reading: 11/12/02
 Publication: 11/14/02
 Public Hearing: 11/16/02
 Second Reading: 11/16/02
 Final Passage: 11/16/02

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27. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 7-1800 of the Zoning Ordinance to revise the ATM regulations in the Old and Historic Alexandria and Parker-Gray Districts. (#17 11/12/02) **[ROLL-CALL VOTE]**

(A copy of Mayor Donley's Transactional Disclosure Statement dated November 16, 2002, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 27; 11/16/02, and is incorporated herewith as part of this record by reference.)

Due to his employment with Virginia Commerce Bank, Mayor Donley abstained from consideration of this matter because it affects the nature of his employment.

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

Carolyn Merck, 324 North Royal Street, representing the Old Town Civic Association, spoke in support.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried on a ROLL-CALL vote of 5-to-1, City Council finally passed the ordinance upon its Second Reading and Final Passage. The voting was as follows:

Euille	"aye"	Cleveland	"no"
Pepper	"aye"	Eberwein	"aye"
Donley	did not participate	Speck	"aye"
	Woodson	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4282

AN ORDINANCE to amend and reordain Section 7-1800 (INSTALLATION OF ATM AND SIMILAR MACHINES ON THE EXTERIOR OF BUILDINGS IN THE HISTORIC DISTRICTS), of Article VII (SUPPLEMENTAL REGULATIONS), of the City of Alexandria Zoning Ordinance (TA NO. 2002-0004).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 7-1800 of the City of Alexandria Zoning Ordinance be, and the same hereby is, to read as follows:

Sec. 7-1800 Installation of ATM and similar machines on the exterior of buildings in the Historic Districts.

(A) Within the Old and Historic Alexandria District and the Parker Gray District, machines for dispensing money, tickets, postage, and similar paper records, and providing electronic transactions and services, but not to include the sale or provision of other products or merchandise or lottery tickets, may be installed on the exterior of a building, or as an outdoor freestanding machine, provided:

(1) The director determines that the installation is consistent with each of the following minimum criteria:

(a) No machine may be installed on the exterior of a contributing structure to the district as determined at the time of application using the Secretary of Interior's Guidelines. A list of noncontributing structures within each district is maintained by the Department of Planning and Zoning.

(b) No more than one machine may be installed per individual building.

(c) No freestanding machine may be installed outside of a completely enclosed space within the interior of a building, unless located within an open court or similar area within the footprint of a noncontributing building.

(d) No machine shall face residentially zoned land.

(e) The exterior surface of the machine shall not exceed 8.0 square feet in size.

(f) One bank identification sign shall be allowed abutting the top of the machine. The width of the sign shall not exceed the width of the machine, and the height of the sign shall not exceed one-third of the width of the machine. Backlit signs shall not be permitted.

(g) No surround shall be permitted. Network logos may be displayed provided they are contained within the borders of the machine or the bank identification sign and a monochromatic (gray scale) color scheme is used.

(h) Lighting elements shall be the minimum possible to meet safety requirements, and shall not exceed 2.0 foot candles measured at a radius of five feet from the source

(i) The building on or within the foot print of which the machine is located shall be located in a commercial zone.

(B) The installation of the machine, including without limitation its specific size and location and the extent of its signage and lighting, shall require approval by the Board of Architectural review pursuant to Articles IX and X of this ordinance.

(C) Except as provided in this section, the installation of machines for dispensing money, tickets, postage, and similar paper records, and providing electronic transactions and services, and for the sale or provision of other products or merchandise or lottery tickets, on the exterior of a building or structure, or as an outdoor freestanding machine, within the Old and Historic Alexandria District and the Parker Gray District is prohibited.

Section 2. That Section 7-1800 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, or on judicial review, shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

KERRY J. DONLEY
Mayor

Introduction:	11/12/02
First Reading:	11/12/02
Publication:	11/14/02
Public Hearing:	11/16/02
Second Reading:	11/16/02
Final Passage:	11/16/02

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (28-32)

Planning Commission (continued)

The following item was withdrawn by the appellant on October 15, 2002:

28. An appeal of an administrative determination by the Director of Transportation and Environmental Services denying a request for a curb cut located at 5 East Custis Avenue. Applicant and Appellant: Frederic W. Morsberger, Jr.

(A copy of Mr. Morsberger's e-mail dated October 15, 2002, withdrawing his appeal, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 28; 11/16/02, and is incorporated herewith as part of this record by reference.)

WITHDRAWN BY APPLICANT

29. SPECIAL USE PERMIT #2002-0064 -- 222 N LEE ST -- Public Hearing and Consideration of a request for a special use permit to operate a children's learning center (commercial school); zoned CD/Commercial Downtown. Applicant: A Jump on Genius, LLC, by Abigail C. Romaine and Christopher D. Romaine.

COMMISSION ACTION: Noted the withdrawal

30. SPECIAL USE PERMIT #2002-0095 -- 1800 DUKE ST -- SUBWAY SANDWICH SHOP -- Public Hearing and Consideration of a request for a special use permit for a restaurant; zoned CDD-1/Coordinated Development District, Duke Street. Applicant: Subway Real Estate Corporation, by Christopher Decre.

COMMISSION ACTION: Deferred

31. SPECIAL USE PERMIT #2002-0080 -- 801 BASHFORD LA -- LEE'S MARKET -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant at the existing retail market and for a reduction of off-street parking; zoned RB/Residential. Applicant: Quetae Kim.

COMMISSION ACTION: Deferred (Applicant's request)

32. SPECIAL USE PERMIT #2002-0099 -- 106 S UNION ST -- OLSSON'S BOOK STORE, MOCHA CAFE -- Public Hearing and Consideration of a request for a special use permit for expansion and change of ownership of a restaurant; zoned CD/Commercial Downtown. Applicant: Arman N. Foroughi.

COMMISSION ACTION: Deferred (Applicant not present)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals and withdrawals.

* * * * *

New Business Item No. 1: Councilman Speck stated that when Council had its work session several weeks ago regarding the connector, there was some discussion on the matter of insuring that if Council decided to pursue any two-lane alternatives that there would be a covenant that would restrict such connectors to just two lanes. He reported that he was asked to make clear that was something that was the sense of this Council, and he entered the following into the record:

"That it is the sense of this Council that if at any time two-lane connectors were ever considered that they would also contain a covenant that would limit them to two lanes."

* * * * *

Councilwoman Pepper moved that the Council amend its motion of November 12, to include the fact that the two-lane roadway connections under study by the City Transportation staff should be bound by covenants so that they may not be expanded.

Mayor Donley asked City Attorney Pessoa if that motion was in order.

City Attorney Pessoa responded that, under the rules of Council, you can go back and rescind the prior action at any time and then take it over again. You can't do the motion to amend at this time. To suspend the rules, you need a simple majority.

Councilman Speck responded that he knew that Council could not make an amendment because that was from a previous meeting which the Council adjourned. The purpose is to make it clear that this is the sense of this Council, and we just did that.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried unanimously, at 3:50 p.m., the Public Hearing Meeting of Saturday, November 16, 2002, was adjourned. The voting was as follows:

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

* * * * *

APPROVED BY:

KERRY J. DONLEY

MAYOR

ATTEST:

Beverly I. Jett, CMC

City Clerk