

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, October 18, 2008 - - 9:30 a.m.**

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Timothy B. Lovain, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Hamer, Director, Planning and Zoning (P&Z); Mr. Josephson, Deputy Director, P&Z; Mr. Farner, Deputy Director, P&Z; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Ms. Rafferty, Urban Planner, P&Z; Ms. Ryan, Urban Planner, P&Z; Mr. Randall, Urban Planner, P&Z; Ms. Smith-Page, Director, Real Estate Assessments; Mr. Kincannon, Director, Recreation, Parks and Cultural Activities; Mr. Catlett, Director, Office of Building and Fire Code Administration; Ms. Harris, Communications Officer, City Manager's Office; Mr. Mason, Special Assistant to the City Manager, City Manager's Office; Ms. Boyd, Director, Office of Citizen Assistance; Mr. Culpepper, Deputy Director, Transportation and Environmental Services; Mr. Moritz, Deputy Director, P&Z; Ms. Durham, Open Space Coordinator, Recreation, Parks and Cultural Activities; Ms. McLean, ITS; Police Captain Ogden; and Mr. Lloyd.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council.

OPENING

1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll. All the members of Council were present.

2. Public Discussion Period.

(a) Mary Ursitti, 4314 Beaumont Avenue, requested that City Council consider awarding a stipend to employees who provide bilingual speaking services to serve community needs. Ms. Ursitti noted that neighboring jurisdictions currently compensate employees with bilingual speaking abilities.

(b) Gary Carr, 216 Aspen Street, requested that Council restore the running

tracks at Francis Hammond and George Washington Middle Schools. Mr. Carr submitted a proposal for the restoration of running tracks at the middle schools for the record.

(c) Van Van Fleet, 26 Wolfe Street, addressed bicycle traffic in the City and the need for increased enforcement of traffic laws for cyclists, particularly in the Old Town area.

(d) Pat Miller, 1806 North Cliff Street, thanked City Council and the many City employees for their help and participation at a successful Art on the Avenue event.

(e) Annabelle Fisher, 5001 Seminary Road, requested that the salaries and raises of the City Manager, the City Attorney, and the City Clerk be posted to the city's website without the submittal of a Freedom of Information Act (FOIA) request. Ms. Fisher also requested that the amount each department spends on outside consultants be posted to the website.

(f) Amy Slack, 2307 East Randolph Avenue, thanked City staff for their help and participation in Art on the Avenue event and thanked Pat Miller for all the hard work she put into the event.

(g) Poul Hertel, 1217 Michigan Court, on behalf of the Old Town Civic Association and representatives of the Alexandria Chamber of Commerce, requested that the City confirm to the community that the planning process for the Alexandria's waterfront will begin no later than January 2009.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR¹ (3-4)

Planning Commission

3. SPECIAL USE PERMIT #2008-0066
2034 EISENHOWER AVENUE (Parcel Address: 2000 Eisenhower Avenue)
CHILD AND FAMILY NETWORK CHILD CARE
Public Hearing and Consideration of a request for a child day care center; zoned CDD-1/Coordinated Development District. Applicant: The Child and Family Network Centers by Lee Jackson

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 7, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/18/08, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2008-0062

209 SWAMPFOX ROAD (Parcel Address: 200 Stovall Street)

DELIA' S PIZZERIA

Public Hearing and Consideration of a request to operate a restaurant; zoned CDD #2/Coordinated Development District 2. Applicant: George Theodorou, Theodora Theodorou, Theodosia Theodorou, and Christian Falatko

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 7, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/18/08, and is incorporated as part of this record by reference.)

8. SPECIAL USE PERMIT #2008-0063

1106 KING STREET

LE GAULOIS RESTAURANT - AMENDMENT

Public Hearing and Consideration of a request for an amendment to add live entertainment to a restaurant; zoned KR/ King Street Retail. Applicant: 1106 King Street Restaurant, LLC by David Chamowitz, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 7, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/18/08, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the action consent calendar, with the removal of docket item number #4, which was considered under a separate motion. City Council also included docket item number #8 on the action consent calendar. The approval was as follows:

3. City Council approved the Planning Commission recommendation.

8. City Council approved the Planning Commission recommendation.

The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Krupicka	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

4. SPECIAL USE PERMIT #2008-0062

209 SWAMPFOX ROAD (Parcel Address: 200 Stovall Street)

DELIA' S PIZZERIA

Public Hearing and Consideration of a request to operate a restaurant; zoned CDD #2/Coordinated Development District 2. Applicant: George Theodorou, Theodora Theodorou, Theodosia Theodorou, and Christian Falatko

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 7, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/18/08, and is incorporated as part of this record by reference.)

Mayor Euille inquired whether the restaurant would be smoke-free and requested that the question about the smoke-free status of restaurants be added to the SUP application for future applicants. The applicant responded that the restaurant would be smoke-free.

Mr. Josephson, Deputy Director of Planning and Zoning, noted that a supplemental question asking if restaurants would agree to be smoke-free would be incorporated into the application in the near future.

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

(a) Christian Falatko, 5516 Beaconfield Court, Burke, Virginia, requested that the Special Use Permit (SUP) application be amended to change the closing time from 11:00 p.m. to 1:00 a.m.

There was no objection from Planning and Zoning staff to the amendment.

WHEREUPON, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with an amendment to condition #2, changing the closing time from 11:00 p.m. to 1:00 a.m., seven days a week. The voting was as follows:

Wilson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

- 5. Public Hearing on the Report From the Council Committee on Boards and Commissions. (#22B, 6/24/08)

(A copy of the City Manager's memorandums dated October 15, 2008 and June 19, 2008, are on file in the Office of the City Clerk and Clerk of Council, marked Exhibit

No. 1 of Item No. 5; 10/18/08, and are incorporated as part of this record by reference.)

Councilmember Lovain gave an overview of the focus of the Committee on Boards and Commissions, noting that he appreciated the support for the submission of an annual report from each board or commission, to gauge their activity. Councilmember Lovain noted that a majority of the discussion surrounded the possible establishment of term limits for boards and commissions and described the type of term limit that could be established.

Vice Mayor Pepper thanked Michele Evans, Deputy City Manager and Rose Boyd, Director of Citizen Assistance, for serving on the Committee and offering their input. Vice Mayor Pepper pointed out that she appreciated the responses from a number of the boards and pointed out that she preferred the Mayor diplomatically speaking to an unsupported incumbent as opposed to imposing term limits.

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

(a) Henry S. Brooks, 122 Gibbon Street, stated that Council should vote for the most qualified candidates for boards and commissions, regardless of their incumbency status. Mr. Brooks noted that by imposing term limits on boards and commissions, unintended consequences may occur, such as removal of members with the most knowledge and experience.

(b) Annabelle Fisher, 5001 Seminary Road, spoke in support of term limits and requested that Council appoint new people to the open positions on boards and commissions. Ms. Fisher requested that some of the boards and commissions be reviewed to see if they are still needed or can be combined with another to accomplish its goals.

(c) Amy Slack, 2307 East Randolph Avenue, stated that she was willing to serve on other boards and commissions but she will not apply knowing she will not be appointed because the current makeup of those boards are unlikely to change. Ms. Slack pointed out that the Traffic and Parking Board disagreed with annual reports because that board holds public hearings regularly and has their decisions frequently reviewed by Council and the City Manager.

(d) David Fromm, 2307 East Randolph Avenue, supported the idea of having term limits for the chairperson of the boards and commissions. Mr. Fromm stated that Council could vote to change the boards and commissions based on the performance of the group.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing on the Report from the Council Committee on Boards and Commissions. City Council issued a directive to staff to keep the nonresidential appointees under the contested appointments, excluding City staff. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

6. REZONING #2007-0003
 1199 SOUTH WASHINGTON STREET
 HUNTING CREEK PLAZA/HUNTING TERRACE
 Public Hearing and Consideration for a request for an amendment to the Height District Map within the RC zone to change the height districts for the subject property. Applicant: Hunting Creek, LC by J. Howard Middleton, attorney

PLANNING COMMISSION ACTION: Recommend Denial 6-0-1

(A copy of the Planning and Zoning Director's memorandum dated October 10, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/18/08, and is incorporated as part of this record by reference.)

Mr. Farner, Deputy Director, Planning and Zoning, gave an overview of the proposed project and explained the Planning Commission decision.

The following persons participated in the public hearing for this docket item:

(a) Howard Middleton, 3110 Fairview Park Drive, Falls Church, Virginia, attorney for applicant, spoke in support of the application for rezoning. Mr. Middleton explained the entire development package that was heard before Planning Commission.

(b) Guiseppe Cecchi, 1700 North Moore Street, Arlington, Virginia, the applicant, spoke in support of the application for rezoning and requested that Council overturn the denial by the Planning Commission.

(c) John Sullivan, 4300 Ivanhoe Place, representing the Seminary Hill Association, requested that Council uphold the Planning Commission denial.

(d) Pat Butler, 400 Woodland Terrace, representing the Historic Alexandria Resource Commission, requested that Council uphold the Planning Commission denial and preserve the ambience of Old Town.

(e) Ardith Campbell Dentzer, 1204 South Washington Street, #823W, spoke in support of the application and asked Council to approve the rezoning. Ms. Dentzer

submitted signatures in support of approving the rezoning for the record.

(f) Bert Ely, 200 South Pitt Street, requested that Council uphold the Planning Commission denial and preserve the historic character of Old Town and the George Washington Parkway.

(g) Katy Cannady, 20 East Oak Street, requested that Council uphold the Planning Commission denial and asked that Council work to solve the affordable housing problem right now.

(h) Christine Michaels, 801 North Fairfax Street, Suite 402, representing the Alexandria Chamber of Commerce, spoke in support of the application and read a position statement that was adopted by the Board of Directors of the Chamber of Commerce on September 19, stating its endorsement of the Hunting Terrace/Hunting Towers for the preservation of workforce housing.

(i) Van Van Fleet, 26 Wolfe Street, stated that destroying the ambience of the George Washington Memorial Parkway is not in the best interest of preserving the historic fabric of the Old and Historic District. Mr. Van Fleet requested that Council uphold the Planning Commission denial.

(j) Poul Hertel, 1217 Michigan Street, representing the Old Town Civic Association, requested that Council uphold the Planning Commission denial and preserve the historic ambience of the City and the historic George Washington Parkway.

(l) Douglas Thurman, 804 Duke Street, requested that Council uphold the Planning Commission denial.

(m) Jon G. James, representing the National Park Service, requested that Council uphold the Planning Commission denial and honor the agreement the City has with the National Park Service to preserve the current state of the George Washington Memorial Parkway.

(n) Charles Trozzo, 209 Duke Street, representing the Alexandria Historical Restoration and Preservation Committee, requested that Council uphold the Planning Commission denial and opposed the amendment allowing a higher structure to be built on the George Washington Memorial Parkway.

(o) Julie Crenshaw Van Fleet, 26 Wolfe Street, stated that approving the rezoning would ignore the agreement with the National Park Service and would call into question the ethical integrity of the Council and the City.

Mr. Middleton, attorney for the applicant, spoke in rebuttal to the comments made during the public hearing.

WHEREUPON, upon motion by Councilman Gaines, seconded by Vice Mayor Pepper, City Council closed the public hearing. The voting was as follows:

Gaines	"aye"	Krupicka	"aye"
Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

Deputy Director of Planning and Zoning Farner, Director of Housing Davis and City Attorney Pessoa responded to questions and concerns from City Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation and upheld the denial. The voting was as follows:

Smedberg	"aye"	Pepper	"aye"
Gaines	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

7. TEXT AMENDMENT #2008-0004
SMALL BUSINESS ZONING

Public Hearing and Consideration of a text amendment of the Zoning Ordinance eliminating the requirement for SUP approval for a variety of uses, changing a variety of uses to either permitted or administrative SUP uses, and amending the procedures and standards for minor and change of ownership amendments and for administrative SUPs, as recommended by the Small Business Task Force. Staff: Department of Planning and Zoning

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

(A copy of the Planning and Zoning Director's memorandum dated October 18, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/18/08, and is incorporated as part of this record by reference.)

Planning and Zoning Director Hamer, Deputy Director Josephson and Planning Consultant Barbara Ross gave an overview of the process for the recommendations for the text amendment and responded to questions from Council about the proposed text amendment.

The following persons participated in the public hearing for this docket item:

- (a) Christine Michaels, 801 North Fairfax Street, representing the Alexandria Chamber of Commerce, spoke in support of the text amendment for the small business zoning and noted that Chamber of Commerce's support for the improvements in the

City's special use permit process. Ms. Michaels requested that staff present a preliminary report after one year on the progress of the new process.

(b) Bill Reagan, 400 Madison Street, #608, representing the Small Business Development Center, spoke in support of the text amendment for the small business zoning with the intent to closely monitor the impact on small businesses during its implementation.

(c) Susan Ruiz, 3822 Elbert Avenue, representing Valley Drive Preschool, spoke in support of the text amendment for the small business zoning and described the difficulties preschools face going through the SUP process.

(d) Amy Slack, 2307 East Randolph Avenue, representing the Del Ray Civic Association, Land Use Committee, stated that the committee offered some recommendations that have been included in the proposal before Council. Ms. Slack stated that the reduction in the parking in relation to restaurants with outdoor seating poses a concern for the committee and would present an adverse impact on the Del Ray neighborhood, without a shared parking program.

(e) Poul Hertel, 1217 Michigan Court, representing the Old Town Civic Association, spoke in support the text amendment for the small business zoning and he noted that Council should be careful to preserve the relationship and dialogue between the applicant and the civic associations.

(f) David Fromm, 2307 East Randolph Avenue, representing the Del Ray Civic Association, encouraged Council to be willing to evaluate the process as required as planned projects come to fruition. Mr. Fromm questioned certain aspects of the appeals process and if all the reasons for appeals are covered under the proposed process. Mr. Fromm expressed concern about the small commercial schools with less frequent parking turnover rates. Mr. Fromm stated that there was a concern among citizens about filing complaints against SUP violations after hours and there being no place to report those complaints.

(g) Larry Ponzi, 411 West Windsor Avenue, spoke in support of the text amendment for the small business zoning and expressed the importance of keeping the tax dollars in the City.

(h) Joanne Lepanto, 4009 North Garland Street, representing the Seminary Hills Civic Association, requested modifications to the text amendment, including an opposition to making restaurants a permitted use and they should be subject to the administrative SUP process, with written notification to nearby property owners, at a minimum. Ms. Lepanto requested that all administrative SUP applicants be required to provide written notification to nearby property owners. Ms. Lepanto stated that the Seminary Hills Civic Association accepted the text amendment proposals with the proposed modifications she presented to Council.

(i) Maria Wasowski, 306 Hume Avenue, with the Del Ray Business Association, spoke in support of the text amendment for the small business zoning and requested that the process be predictable and efficient for small businesses. Ms. Wasowski pointed out that the proposal was a good first step in achieving the goal of making the community attractive to small businesses. Ms. Wasowski stated that changing the word at the Planning Commission meeting from "affected" to "aggrieved" might open the door for frivolous appeals.

(j) Dick Hobson, 99 North Quaker Lane, spoke in support of the creation of an administrative SUP process for restaurants as long as adequate notice is provided for interested parties of the filing of the application and for the filing of an appeal to the application. Mr. Hobson requested that notice be mailed to property owners within 200 feet of the subject property. Mr. Hobson objected to allowing restaurants as a permitted uses within a shopping center without an SUP or administrative SUP.

(k) Leslie Zupan, 1309 Queen Street, representing the Inner City Civic Association, stated that their neighborhood is different from many of the other neighborhoods in the City because of the commercial zoned properties that are next to single family residents. Ms. Zupan stated that while the Inner City neighborhood is supportive streamlining the process, there is considerable concern about the amount of discretion that will be given to staff. Ms. Zupan gave an example of a school located in the neighborhood with an occupancy discrepancy and the owner is seeking to increase the occupancy because of the oversight. Ms. Zupan also noted that there is a limited amount of parking available to residents in the Parker-Gray Neighborhood and that issue should be taken into consideration when granting SUPs to small businesses.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Wilson	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried unanimously, City Council approved the Planning Commission recommendation with the following amendments: (1) staff should bring the proposed checklist for SUPs back to the Planning Commission and City Council for review and adoption within two months of the final adoption of the ordinance relating to this item; (2) keep the appeals process the same for restaurants as it relates to the Planning Commission. As it relates to all other uses, move to a 14-day appeals process after the Planning and Zoning Director has made a recommendation and to a five-day appeals process from Planning Commission to City Council; (3) SUP applications be made available on-line for review; and (4) there will be a review of the process in one year following the implementation. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Smedberg	"aye"	Gaines	"aye"
Euille	"aye"	Lovain	"aye"
	Wilson	"aye"	

8. SPECIAL USE PERMIT #2008-0063
1106 KING STREET
LE GAULOIS RESTAURANT - AMENDMENT
Public Hearing and Consideration of a request for an amendment to add live entertainment to a restaurant; zoned KR/ King Street Retail. Applicant: 1106 King Street Restaurant, LLC by David Chamowitz, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 7, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/18/08, and is incorporated as part of this record by reference.)

This item was moved the Action Consent Calendar.

*****Please note: Docket items 9, 10, and 11 were heard together. *****

9. MASTER PLAN AMENDMENT #2008-0005
BRADDOCK METRO AND NORTHEAST SMALL AREA PLANS
BRADDOCK EAST AMENDMENTS
Braddock East is the area bounded by portions of First and Madison Streets to the north, a portion of Columbus Street to the east, portions of Wythe, Pendleton and North Patrick Streets on the south, and portions of North West and North Henry Streets to the west.
Public Hearing and Consideration of a request to amend the Braddock Metro and Northeast Small Area Plans to include Braddock East. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Resolution Adopted 7-0

(A copy of the Planning Commission report dated October 7, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/18/08, and is incorporated as part of this record by reference.)

10. MASTER PLAN AMENDMENT #2008-0004 (A)
REZONING #2008-0001 (B)
CDD CONCEPT DEVELOPMENT PLAN #2008-0002 (C)
SPECIAL USE PERMIT #2008-0060 (D)
DEVELOPMENT SPECIAL USE PERMIT #2008-0013 (E)
918 NORTH COLUMBUS STREET; 898 & 998 NORTH ALFRED STREET; 801

& 808 MADISON STREET, 813 MONTGOMERY STREET, 100 FIRST STREET
JAMES BLAND REDEVELOPMENT

Public Hearing and Consideration of a request for: (A) a master plan amendment to change the land designation from RM to CDD #16; (B) an amendment to the zoning map to change the subject properties from RB/Townhouse to CDD#16; (C) approval of a concept development plan; (D) a request for a transportation management plan; (E) a development special use permit, with site plan, for the construction of a townhouse and multifamily residential development with more than 8 townhouses in a row, lots without frontage on a public street and a parking reduction; zoned RB/Townhouse Residential. Applicant: Alexandria Redevelopment and Housing Authority & EYA Development, Inc., by Jonathan Rak, attorney

PLANNING COMMISSION ACTION:MPA #2008-0004: Resolution Adopted 7-0
REZ #2008-0001: Recommend Approval 7-0
CDD #2008-0002: Recommend Approval 7-0
SUP #2008-0060: Recommend Approval 7-0
DSUP#2008-0013: Recommend Approval
w/amendments 7-0

(A copy of the Planning Commission report dated October 7, 2008, is on file in the Office of City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/18/08, and is incorporated as part of this record by reference.)

11. TEXT AMENDMENT #2008-0007
ADDITION OF CDD #16

Public Hearing and Consideration of a text amendment to the City's Zoning Ordinance to include CDD #16. Staff: City of Alexandria, Department of Planning and Zoning.

PLANNING COMMISSION ACTION: Recommend Approval w/amendments
7-0

(A copy of the Planning Commission report dated October 7, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/18/08, and is incorporated as part of this record by reference.)

Roy Priest, Interim Executive Director for the Alexandria Redevelopment and Housing Authority (ARHA), gave a presentation explaining the process of redeveloping this public housing property.

Director of Planning and Zoning Hamer presented an overview of the proposed project and details for the rezoning amendment.

Mr. Farner, Deputy Director, Planning and Zoning, made a presentation to Council discussing issues and proposed changes with the development project

associated with the James Bland redevelopment project, including open space and parking.

Office of Housing Director Davis made a presentation of distribution of housing units for public housing in the proposed project and funding for the redevelopment of this project and Glebe Park Housing redevelopment.

Members of staff from Planning and Zoning and the Office of Housing responded to questions from Council about the proposed project.

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

(a) Bob Youngentob, 4800 Hampden Lane, Bethesda, Maryland, applicant/developer, spoke in support of the James Bland redevelopment and thanked the community and staff for all the hard work and compromise on the project. Mr. Youngentob gave an overview of the project.

(b) Brian Allan Jackson, 4800 Hampden Lane, Bethesda, Maryland, applicant/developer, spoke in support of the James Bland redevelopment and gave a detailed overview of the proposed redevelopment project. Mr. Jackson responded to questions from members of Council about the details of the project.

(c) Merrick T. Malone, 425 Oronoco Street, representing the Braddock East Advisory Group, spoke in support of the James Bland redevelopment. Mr. Malone noted that the group reached a consensus that will bring about a successful project.

(d) Ed Ablard, 18 West Del Ray Avenue, stated that the problem with the plan was that the original plan was presented with an unfair mixture of public housing and market rate housing residents, with a two to one ratio. Mr. Ablard stated that there should be more open space in the development to satisfy the amount of residents in the development.

(e) Poul Hertel, 1217 Michigan Court, stated that 70 percent of the open space would be eliminated from the development. Mr. Hertel stated that the density would be unfair to the current residents and the amenities would not be available to the public housing residents who would be located in the development. Mr. Hertel requested that the City use open space funds to buy at least six units to increase the open space, encourage the inclusion of affordable units in the development, address the parking in the area through a comprehensive study, and look at the relocation of public housing in other communities in the City.

(f) Mariella Posey, 915 Second Street, representing the Northeast Citizens' Association, spoke in support of the redevelopment but noted that there were concerns about the density and height of the proposed project. Ms. Posey requested that the residents of First Street be given the same consideration as those in the historic district with regard to scale and mass of the building. Ms. Posey requested that the open

space be increased for the proposed development, more mature trees be planted throughout the development and permeable surfaces be used where possible. Ms. Posey expressed encouragement for staff to complete a comprehensive parking study before any consideration of a parking district be given.

(g) Sylvia Sibrover, 915 Second Street, stated that the heights on the First Street portion of the project were too high and do not consider the residents along First Street. Ms. Sibrover requested that heights be lowered to be considerate of the residents in the Northeast that will be affected.

(h) Gwendolyn Menefee, 3835 Duke Street, spoke in support of the James Bland redevelopment and expressed some of the wishes of the residents of public housing, including opportunities for community participation and use of the recreation center.

(i) Leslie Zupan, 1309 Queen Street, representing the Inner City Civic Association, stated that the changes to the proposed redevelopment plan has made the plan acceptable to the Inner City Civic Association. Ms. Zupan stated that the Inner City Civic Association, in conjunction with the Braddock Lofts Homeowners Association, have offered some additional language for Council consideration that would strengthen the document. Ms. Zupan expressed concern about the architectural design, isolation of ARHA residents on separate floors, the amount and placement of the open space in the redeveloped project and the potential creation of a parking district.

(j) Howard Katz, 3016 Mainstone Drive, Fairfax, Virginia, spoke in support of the James Bland redevelopment.

(k) Salena Zellers, 1122 Madison Street, representing the Braddock Lofts Homeowners Association, spoke in support of the James Bland redevelopment and requested that the changes submitted to Council be incorporated into the final motion for this item.

(l) Patricia Drumgold, 312 Tancil Court, spoke in support of the James Bland redevelopment.

(m) Frances Barnes, 302 Oronoco Street, spoke in support of the James Bland redevelopment.

(n) Nakia Johnson, 823 North Henry Street, spoke in support of the James Bland redevelopment.

(o) Carlyle C. Ring, 308 Monticello Blvd, spoke in support of the James Bland redevelopment and explained the benefits of bringing a mixed income development to the City. Mr. Ring also explained why such a development was important for receiving the funding for the redevelopment.

(p) Saedah Tyler, 1013 Montgomery Street, representing the Alexandria Resident Council (ARC), spoke in support of the James Bland redevelopment and the Braddock East Master Plan for the 850 public housing residents.

(q) Denise Elcock, 309 Oronoco Street, spoke in support of the James Bland redevelopment and the Braddock East Master Plan.

(r) Melvin Miller, 3928 Colonel Ellis Avenue, chairman of the Alexandria Redevelopment and Housing Authority, spoke in support of the James Bland redevelopment and the Braddock East Master Plan. Mr. Miller explained the history of public housing in the City.

(s) Barbara Goldberg, 911 First Street, requested that the number of ARHA units on First Street be reduced to be consistent with the other streets in the development and that consideration be given to the current residents when planning parking for the development. Ms. Goldberg also asked that consideration of the other developments with density, traffic and parking issues be given as this project moves forward.

(t) Gillian Chen, 722 North Columbus Street, expressed concern about the height and density of the proposed project and requested that the proposal revisit that aspect. Ms. Chen pointed out that the parking problems will be exacerbated by the additional density. Ms. Chen noted that increased access to public transportation would be needed with the increase of residents.

(u) Elizabeth C. Neblett, 726 North Columbus Street, spoke in support of most of the redevelopment plan and expressed her concerns including the height of the buildings, increased density of the proposed project, and the amount of open green space.

(v) Julie Crenshaw Van Fleet, 816 Queen Street, expressed dismay with Council members speaking with members of the audience during the public hearing instead of listening to the testimonies of the citizens. Ms. Van Fleet stated that she liked the wooden benches that were proposed for the design instead of the iron benches that are placed throughout Old Town. Ms. Van Fleet noted that she had concerns about the financing for the project being linked to the approval and acceptance of the Glebe Park redevelopment. Ms. Van Fleet also stated her concerns with the density and parking proposed for the project. Ms. Van Fleet stated the importance of solving some of the social issues as well as housing issues and she noted that the plan did not do a good job of addressing the social and educational needs of the public housing residents. Ms. Van Fleet suggested that every ARHA property should have a functional family recreational area to address these needs.

(w) Charles Trozzo, 209 Duke Street, representing the Alexandria Historical and Preservation Commission, expressed concern with the amount of open space in

the proposed project and he noted that the Commission is charged with promoting open space throughout the City and in the historical districts. Mr. Trozzo stated that the proposal would be commendable if there was a way to make more open space, particularly private space, available.

WHEREUPON, upon motion by Councilman Gaines, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing. The voting was as follows:

Gaines	"aye"	Pepper	"aye"
Lovain	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilmember Lovain and carried unanimously, City Council approved the Planning Commission recommendations for docket items #9, #10 (noting the deletion of MPA #2008-0004), and #11 with the following amendments: (1) incorporate the language submitted by the Inner City Civic Association and the Braddock Lofts Homeowners Association for the Braddock East Small Area Plan; (2) accept staff recommendations in the staff memo dated October 17, regarding open space, the 16 offsite units, the process to review the distribution of income in the multifamily buildings, the management office for the public housing, building architecture and parking. Include the option, for Council to decide within the next 12 months, for Council to purchase two additional lots to increase the consolidated open space at the same economics of the original four lots; (3) require that the final Homeowners Associations documents modify the housing conditions to be clear that market rate unit holders must use their garages for vehicular parking and may not use them for another purpose that restricts the use of the garage for parking; (4) in light of the significant loss of permeable surfaces, direct staff to work with the applicant to explore economically viable use of all reasonable environmental technologies, with a specific emphasis on storm water management approaches to keep storm water onsite and in the water table (e.g. permeable pavement), and to explore potential grant funding to help support this project; (5) direct staff to create, within 90 days, a Braddock Road Implementation Committee that shall be responsible for monitoring the implementation of all aspects of the Braddock Road and Braddock Road East plans as well as related city activities that relate to this neighborhood; (6) work with the applicant to explore options to provide for accessible electrical outlets in all parking garages to facilitate future electric car options, if economically feasible; (7) direct staff to work with the community to develop a formal parking plan for the neighborhood, including Inner City, Northeast, and Braddock Road with the goal of completion of such plan within 18 months or less. The plan should evaluate options for diagonal parking, among other things; (8) direct staff to explore with the community and report back to the Braddock Road Implementation Committee (or whatever the group is named) on options for changing street flow so that the new one-way access between First and Montgomery Streets run north to south and the one-way access between Montgomery and Madison run south to north and also to

evaluate whether one way streets would be beneficial; and (9) the applicant shall work with staff to explore the relocation of the public housing units on lot #17 to a location on North Alfred Street to be determined by the applicant and the Director of Planning and Zoning. The relocated ARHA footprint will be replaced by two market rate 3 1/2 story, 19 foot wide townhouses. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Lovain	"aye"	Gaines	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

12. CARLYLE BLOCK P
Status of Floor Area Transfers and Redevelopment Plans for the East Block of Carlyle Block P. (CDD#1)

(A copy of the Planning and Zoning Director's memorandum dated October 7, 2008, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No.1 of Item No. 12; 10/18/08, is incorporated as part of his record by reference.)

(THIS ITEM IS NOT SET FOR PUBLIC HEARING BUT IS FOR CITY COUNCIL'S INFORMATION ONLY - NO APPROVAL IS NECESSARY.)

City Council received the item as information only.

ORDINANCES AND RESOLUTIONS

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish and Maintain an Encroachment For Three Entrance Canopies For the Building Into the Public Sidewalk Right-of-way at Carlyle Center, 310 Hoofs Run Drive. (#16, 10/14/08) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/18/08, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 10/18/08, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council passed an ordinance to establish and maintain an encroachment for three entrance canopies for the building into the public sidewalk right-of-way at Carlyle Center, 310 Hoofs Run Drive. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
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Pepper	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows

ORDINANCE NO. 4561

AN ORDINANCE authorizing Carlyle Centre, L.P., and its successors in interest, to establish and maintain an encroachment for three entrance canopies over the public sidewalk right-of-way at Carlyle Center, 310 Hoofs Run Drive, in the City of Alexandria, Virginia.

WHEREAS, Carlyle Centre, L.P., is the Owner of the property located at 310 Hoofs Run Drive, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain three entrance canopies which will encroach over the public right-of-way at each of the three building entrances entering the building known as Carlyle Centre, at 310 Hoofs Run Drive; and

WHEREAS, the public rights-of-way at those locations of the sidewalk adjacent to Carlyle Center will not be significantly impaired by this encroachment; and

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment over the public right-of-way in the City of Alexandria, said encroachment consisting of three entrance canopies, as follows: 1) "Canopy A", which is approximately 7 feet wide and 27 feet long, wrapping around the building at the corner of John Carlyle Street and currently Hoofs Run Drive (which will be the future location of Eisenhower Park Drive), extending approximately 6 feet and 10 inches over the public right-of-way; and 2) "Canopy B", which is 7 feet wide and 33 feet and 10 5/8 inches long, wrapping around the building at the corner of John Carlyle Street and Savoy Street, extending approximately 6 feet and 10 inches over the public sidewalk right-of-way; and 3) "Canopy C", which is 7 feet wide and 14 feet and 9 1/8 inches long, extending approximately 6 feet and 9 inches over the public sidewalk right-of-way, as shown on the final site plan attached hereto and approved by DSUP No. 2006-0012, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the

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

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

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

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

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation

expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

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

Section 8. The term "Owner" shall be deemed to include Carlyle Centre, L.P., Carlyle Center L.L.C. and their respective successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish and Maintain an Encroachment For a Bay Window at 1309 King Street. (#17, 10/14/08) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/18/08, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 10/18/08, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll-call vote, City Council passed an ordinance to establish and maintain an encroachment for a bay window at 1309 King Street. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4562

AN ORDINANCE authorizing the owner of 1309 King Street to establish and maintain an encroachment for a bay window into the public sidewalk right-of-way at 1309 King Street, in the City of Alexandria, Virginia.

WHEREAS, Cloverdale, L.L.C. is the Owner of the property located at 1309 King Street, in the City of Alexandria, Virginia;

WHEREAS, Owner desires to establish and maintain a bay window which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 1309 King Street, in the City of Alexandria, said encroachment consisting of a bay window, approximately 12 feet in height, and approximately 8 feet in length, facing King Street and extending approximately 1.67 feet into the right-of-way, in front of the property, as generally shown on the diagram attached hereto, and as approved by the Old & Historic Board of Architectural Review, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on his part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all

times and at his own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

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

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

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) The Owner shall place green safety fencing around the existing tree well to protect that tree during construction of the bay window. No storage of construction supplies shall be allowed within the tree save area.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

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

Section 8. The term "Owner" shall be deemed to include Cloverdale, L.L.C., Cloverdale Limited Partnership, and their respective successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

None

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

New Business Item #1: Director of Planning and Zoning Hamer requested that City Council make an amendment to a previously approved resolution in response to the receipt of 50 applications for open call for applications for representatives to the Potomac Yard Planning Advisory Group.

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman Gaines and carried unanimously by roll call vote, City Council amended Resolution #2297 adopted on October 14, 2008, to increase the Potomac Yard Planning Advisory Group membership from 15 members to up 20, and add that members will also be drawn from representatives of interest groups such as affordable housing,

transportation, the environment and others. The voting was as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Lovain	"aye"
Euille	"aye"	Smedberg	"aye"
	Wilson	"aye"	

THERE BEING NO FURTHER BUSINESS TO DISCUSS, upon motion by Councilman Wilson, seconded by Vice Mayor Pepper and carried unanimously, City Council adjourned the public hearing meeting of October 18, 2008 at 7:20 p.m. The voting was as follows:

Wilson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Lovain	"aye"
	Smedberg	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria A. Sitton, CMC Deputy City Clerk