

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, March 12, 2011 - - 9:30 a.m.**

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

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Ross, Deputy Director, P&Z; Mr. Johnson, Chief Financial Officer/Director, Office of Management and Budget (OMB); Mr. Gates, Assistant City Manager, City Manager's Office; Ms. Blackford, Communications Officer, Office of Communications and Public Information; Ms. Wright, Division Chief, P&Z; Mr. Catlett, Director, Code Administration; Mr. Wagner, Principal Planner, P&Z; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Lerner, Deputy Director, T&ES; Ms. Baker, City Engineer, T&ES; Ms. Taylor, Assistant Director, OMB; Ms. Triggs, Director, Finance; Ms. Orr, Director, Human Resources; Mr. Milone, Division Chief, P&Z; Ms. Parker, Urban Planner, P&Z; Deputy Chief Corle, Police; Mr. Roberts, Urban Planner, P&Z; Mr. Martinez, ITS, 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.

The meeting was called to order by Mayor Euille, and the Deputy City Clerk called the roll; all the members of Council were present.

New Business Item #1: Mayor Euille requested that Council observe a moment of silence in honor of those affected by the earthquake and tsunami in Japan.

- 2. Public Discussion Period.

The following persons participated in the public discussion period:

- (a) Bert Ely, 200 South Pitt Street, spoke about concerns with the proposed Waterfront Plan that have not been addressed, including additional design options for

the proposed restaurant for Waterfront Park, a hotel use analysis and Master Plan Amendment #2011-0001 and Text Amendment #2011-0005. Mr. Ely requested that Council not proceed with the consideration of the Waterfront Plan until it is scaled back to a more realistic and modest proposal honoring the historic character of Old Town and Alexandria as a whole.

Vice Mayor Donley inquired when some of the reports concerning the Waterfront Plan would be available for public review.

In response to Vice Mayor Donley, Director of Planning and Zoning Hamer stated that the reports would be available within the next couple of weeks. Ms. Hamer also noted that in addition to the hearing in April, the Planning Commission has a hearing scheduled for May. Ms. Hamer noted that the Commissioners have left the option open to receive additional testimony from the public in May.

Councilwoman Hughes requested that the Planning Commission consider, in the interest of fairness, receiving additional testimony from the public in May.

(b) Bill Harvey, 2151 Jamieson Avenue, Unit 1809, expressed concerns about the proposed Waterfront Plan, pointing out the environmental hazards the plan creates with its economic development driven vision, the potential for higher design, construction, operations and maintenance costs than the plan proposes, and lack of usage of the natural order of the waterway. Mr. Harvey requested a smaller, less ambitious Waterfront Plan be presented for consideration.

Councilman Krupicka requested that Mr. Harvey expound on two statements he made: "tied to history" and "the natural order of the waterway."

In response to Councilman Krupicka, Mr. Harvey referenced the picture in Chamber for a historical perspective on the waterfront and noted that the City did not have a protected waterfront. Mr. Harvey stated that he preferred fewer structures protruding into the waterway. Mr. Harvey stated that the natural order of the waterway refers to the configuration of the river as developed by the river itself.

(c) David Bouk, 2705 Holly Street, reported that there was an increase in burglaries and crime in the Del Ray neighborhood and he wanted to let Council know about the increase and the concerns of the neighborhood. Mr. Bouk noted that he had been the victim of several burglaries in recent weeks.

Mayor Euille reported that the Police have apprehended a few people they believe to be involved in the crimes Mr. Bouk was reporting on.

(d) Russell Keller, 520 John Carlyle Street, Unit 230, spoke about the persistent noise from the restaurant below his condominium and throughout the building. Mr. Keller stated that the City Attorney's opinion about the problem should be ignored by Council because it denies the residents property rights. Mr. Keller also

requested that the Special Use Permit (SUP) for the restaurant be enforced.

Council participated in a discussion about the noise from the restaurant and how it was affecting the residents' quality of life. Council requested that staff contact the owner of the restaurant about the noise and the number of complaints received from the community. Council also stated that if the problem persists, staff may have to conduct nighttime observations and if no solutions are reached, the SUP may have to be reviewed and modified. Council requested that staff be mindful of the types of businesses allowed in mixed use developments, improve coordination of enforcement efforts between the Planning and Zoning Department and the Police Department, and implement building requirements that focus on the types of material used to prevent noise from impacting potential residents.

(e) Bob Wood, 711 Potomac Street, expressed concern about some of the aspects of the proposed Waterfront Plan, including the amount of square footage proposed for the Plan and the lack of viable alternative plans being offered for consideration or collaboration.

(f) Jack Sullivan, 4300 Ivanhoe Place, requested that Council use caution when expending City funds to institute the Capitol BikeShare program. Mr. Sullivan noted that even though the program would initially be funded by a TIGER Grant from the U. S. Department of Transportation, the City would be committed to a 20% match and would be picking up the cost for the program in the future indefinitely. Mr. Sullivan suggested that the City instead invest in improving the current and potential bike routes in the City, creating less hassle for all riders.

(g) Poul Hertel, 1217 Michigan Court, spoke about the cost benefit of instituting the Capitol BikeShare program in the City of Alexandria and gave Council a cost benefit analysis of the program. Mr. Hertel requested that Council of Governments (COG) explore the program further before instituting the program.

(h) John Gosling, 208 South Fayette Street, presented Council with the results of a member survey from Old Town Civic Association (OTCA) and noted that there were numerous concerns expressed by the membership, including the unsettling legal issues that could increase costs, no development of alternative plans, too much ambition in the plan creating negative impacts for the commercial development and cannibalization of the existing businesses, the unpopularity of the Waterfront Park building in the community and the lack of the featuring of the historical/cultural amenities and funding mechanisms. Mr. Gosling invited Council to join OTCA in a workshop to develop an alternative planning concept that would give the community ownership of the plan and a more amendable plan.

Councilman Smedberg requested background information on the survey OTCA used for its members in order to gain some insight into the results Mr. Gosling gave Council.

Mayor Euille read two letters from students from George Mason Elementary School. The letters were from Kendall Rayome and Ben Januez.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

**ACTION CONSENT CALENDAR (3-4)
Planning Commission**

- 3. SPECIAL USE PERMIT #2010-0088
101 NORTH UNION STREET #101
RESTAURANT
Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Blue Zen VA, Inc., represented by Hanh Tran

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 1, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 03/12/11, and is incorporated as part of this record by reference.)

- 4. SPECIAL USE PERMIT #2010-0089
444 SWANN AVENUE (Parcel Address: 420 Swann Avenue)
AUTOMOBILE REPAIR FACILITY
Public Hearing and Consideration of a request to operate a general automobile repair facility; zoned I/Industrial. Applicant: Mehrah Noorizadeh

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 1, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 03/12/11, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council approved the consent calendar, with the exception of docket item number 3, which was considered under separate motion. The approval was as follows:

- 4. City Council approved the Planning Commission recommendation.

The voting was as follows:

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

Smedberg "aye"

- 3. SPECIAL USE PERMIT #2010-0088
101 NORTH UNION STREET #101
RESTAURANT

Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Blue Zen VA, Inc., represented by Hanh Tran

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 1, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 03/12/11, and is incorporated as part of this record by reference.)

Councilman Smedberg inquired what type of measures would be taken to ensure there would not be an excess of trash on the corner.

In response to Councilman Smedberg, Deputy Director of Planning and Zoning Ross noted that there were numerous trash receptacles already on that corner. City Engineer Baker added that Transportation and Environmental Services would work diligently to make sure the receptacles are emptied regularly.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried 6-0, City Council approved the Planning Commission recommendation. The voting was as follows:

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

- 5. TEXT AMENDMENT #2011-0004
Public Hearing and Consideration of an amendment to Section 6-300 the Zoning Ordinance regarding floodplain regulations. Staff: Department of Transportation and Environmental Services

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 1, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 03/12/11, and is incorporated as part of this record by reference.)

City Engineer Baker gave a presentation of the amendments and map changes to the floodplain regulations and responded to questions from Council about the changes to the regulations, properties that will be included in the new regulations and the map amendment process for residents.

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

(a) Katy Cannady, 20 East Oak Street, stated that placing homes in the floodplain creates a burden for homeowners, particularly when the flooding could be mitigated by fixing Hoofs Run culvert through engineering solutions.

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

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

- 6. DEVELOPMENT SPECIAL USE PERMIT #2010-0004
 3100 JEFFERSON DAVIS HIGHWAY
 MARINO'S RESTAURANT ADDITION
 Public Hearing and Consideration of a request for a development special use permit, with site plan and modifications, for an addition to an existing building for a new restaurant; zoned CSL/Commercial Service Low. Applicant: Ather Subzwari

PLANNING COMMISSION ACTION: Recommend Approval 6-1

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 03/12/11, and is incorporated as part of this record by reference.)

Urban Planner Roberts gave a presentation on the proposed development special use permit and he and Ms. Wright, Division Chief, Planning and Zoning, responded to questions from Council about the project and how it would affect future development along Route 1.

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

(a) Sean Crumley, 209A East Nelson Avenue, President of the Del Ray

Citizens Association, stated that the members of the Association had a number of concerns with the addition to Marino's Restaurant, primarily the perpetuation of the 6 feet setback that violates the zoning requirement of a 25 feet setback. Mr. Crumley noted that the Association also had questions about the layout of the property, particularly the parking lot, and its impact on pedestrian safety and traffic along Route 1. Mr. Crumley reported that the Del Ray Citizens Association voted unanimously to ask Council to deny the request for the addition.

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

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

ORDINANCES AND RESOLUTIONS

- 7. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Establish the Real Estate and Personal Property Tax Rates for Calendar Year 2011.

(A copy of the City Manager's memorandum dated March 8, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 03/12/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 03/12/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 7; 03/12/11, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper, City Council: (1) introduced the ordinance and passed it on first reading after establishing the tax rates to be advertised for residential and commercial real property and personal property; and (2) scheduled the ordinance for public hearing on Saturday, April 16, and second reading and final passage on Monday, May 2. The maximum rates authorized by City Council in the ordinance reflect: 1) A base real estate tax rate on residential, commercial and industrial property for calendar year 2011 of \$1.00 per one hundred dollars of assessed valuation; 2) An add-on real estate tax rate on non-residential commercial and industrial property for calendar year 2011 to be dedicated for transportation purposes of \$0.125 cents per one hundred dollars of

valuation; 3) Assumed in this proposed amount is the continued dedication of 0.3% of real estate tax revenues for the Open Space Trust Fund Account to pay debt service costs on prior year borrowing for open space properties, the continued dedication of 0.6 cents for affordable housing, and the continued dedication of 0.5 cents for a stormwater infrastructure trust fund account; 4) A personal property tax rate on vehicles and business tangible property for calendar year 2011 of \$4.75 per one hundred dollars of valuation; and 5) Tax rates on other classes of personal property are not proposed to change for calendar year 2011.

WHEREUPON, a substitute motion was made by Councilman Fannon, and seconded by Councilwoman Hughes, for City Council: (1) to introduce the ordinance and pass it on first reading after establishing the tax rates to be advertised for residential and commercial real property and personal property; and (2) scheduled the ordinance for public hearing on Saturday, April 16, and second reading and final passage on Monday, May 2. The maximum rates authorized by City Council in the ordinance to reflect: 1) A base real estate tax rate on residential, commercial and industrial property for calendar year 2011 of \$.99 per one hundred dollars of assessed valuation; 2) No add-on real estate tax rate on non-residential commercial and industrial property for calendar year 2011 to be dedicated for transportation purposes; 3) Assumed in this proposed amount is the continued dedication of 0.3% of real estate tax revenues for the Open Space Trust Fund Account to pay debt service costs on prior year borrowing for open space properties, the continued dedication of 0.6 cents for affordable housing, and the continued dedication of 0.5 cents for a stormwater infrastructure trust fund account; 4) A personal property tax rate on vehicles and business tangible property for calendar year 2011 of \$4.75 per one hundred dollars of valuation; and 5) Tax rates on other classes of personal property are not proposed to change for calendar year 2011.

WHEREUPON, an amendment to the substitute motion was made by Councilman Smedberg, for City Council: (1) to introduce the ordinance and pass it on first reading after establishing the tax rates to be advertised for residential and commercial real property and personal property; and (2) scheduled the ordinance for public hearing on Saturday, April 16, and second reading and final passage on Monday, May 2. The maximum rates authorized by City Council in the ordinance to reflect: 1) A base real estate tax rate on residential, commercial and industrial property for calendar year 2011 of \$.99 per one hundred dollars of assessed valuation; 2) An add-on real estate tax rate on non-residential commercial and industrial property for calendar year 2011 to be dedicated for transportation purposes of \$0.125 cents per one hundred dollars of valuation; 3) Assumed in this proposed amount is the continued dedication of 0.3% of real estate tax revenues for the Open Space Trust Fund Account to pay debt service costs on prior year borrowing for open space properties, the continued dedication of 0.6 cents for affordable housing, and the continued dedication of 0.5 cents for a stormwater infrastructure trust fund account; 4) A personal property tax rate on vehicles and business tangible property for calendar year 2011 of \$4.75 per one hundred dollars of valuation; and 5) Tax rates on other classes of personal property are not proposed to change for calendar year 2011. The motion failed for lack of a second.

A vote was taken on the substitute motion by Councilman Fannon, seconded by Councilwoman Hughes and failed 1-6. The voting was as follows:

Fannon	"aye"	Donley	"no"
Hughes	"no"	Krupicka	"no"
Euille	"no"	Pepper	"no"
	Smedberg	"no"	

WHEREUPON, a substitute motion was made by Councilwoman Hughes, for City Council: (1) to introduce the ordinance and pass it on first reading after establishing the tax rates to be advertised for residential and commercial real property and personal property; and (2) scheduled the ordinance for public hearing on Saturday, April 16, and second reading and final passage on Monday, May 2. The maximum rates authorized by City Council in the ordinance to reflect: 1) A base real estate tax rate on residential, commercial and industrial property for calendar year 2011 of \$1.00 per one hundred dollars of assessed valuation; 2) An add-on real estate tax rate on non-residential commercial and industrial property for calendar year 2011 to be dedicated for transportation purposes of \$0.07 cents per one hundred dollars of valuation; 3) Assumed in this proposed amount is the continued dedication of 0.3% of real estate tax revenues for the Open Space Trust Fund Account to pay debt service costs on prior year borrowing for open space properties, the continued dedication of 0.6 cents for affordable housing, and the continued dedication of 0.5 cents for a stormwater infrastructure trust fund account; 4) A personal property tax rate on vehicles and business tangible property for calendar year 2011 of \$4.75 per one hundred dollars of valuation; and 5) Tax rates on other classes of personal property are not proposed to change for calendar year 2011. The motion failed for lack of a second.

A vote was taken on the main motion and carried 5-2 with the voting as follows:

Donley	"aye"	Fannon	"no"
Pepper	"aye"	Hughes	"no"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

8. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Codify the Tier 1 Potomac Yard Metrorail Station Special Services District as a Separate Classification For Real Estate Tax Purposes and to Establish the Tax Rate for Calendar Year 2011.

(A copy of the City Manager's memorandum dated March 9, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 03/12/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the

Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8; 03/12/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 8; 03/12/11, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council approved the ordinance on first reading and scheduled the public hearing for April 16, 2011 and second reading and final passage on May 2, 2011. The voting was as follows:

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

9. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the Issuance of General Obligation Bonds to Finance Various City and School Capital Improvement Projects. (#8, 3/08/11)

(A copy of the City Manager's memorandum dated March 2, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 03/12/11, and is incorporated as part of this record by reference

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 03/12/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 9; 03/12/11, and is incorporated as part of this record by reference.)

Councilman Smedberg inquired whether the wording for the affordable housing section has always been part of the bond ordinance and if those requests have come to Council for consideration.

In response to Councilman Smedberg, Deputy City Manager Jinks stated that the ability to reallocate funds within a bond ordinance is standard operating procedure for the City and he noted that each specific capital allocation project comes before Council for a vote. Mr. Jinks pointed out that the specific paragraph that Councilman Smedberg was referring to has been a part of at least the last two or three bond ordinances and give Council the ability to reallocate funds when needed.

Councilman Smedberg requested a budget memo regarding the \$.06 dedicated to affordable housing and the amount that is in the trust fund, as well as how much of the money has been used for Alexandria Redevelopment and Housing Authority (ARHA) projects.

Councilman Fannon also requested that the memo include the total amount of loans outstanding to ARHA as well.

Mayor Euille requested that the City Manager's memorandum relating to this item from the March 8th legislative meeting be attached to this item.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance authorizing the issuance of general obligation bonds to finance various City and School Capital Improvement Projects. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4707

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN THE ESTIMATED MAXIMUM AMOUNT OF \$69,950,000; AND PROVIDING FOR REIMBURSEMENT TO THE CITY OF ALEXANDRIA FROM BOND PROCEEDS.

WHEREAS, the City Council of the City of Alexandria, Virginia ("City") has determined that it is advisable to issue up to \$69,950,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below (the "Projects").

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$69,950,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds shall be used to pay all or a portion of the costs of the Projects as described below and the Director of Finance is authorized and directed to determine the portion of the cost of each Project to be financed with Bond proceeds

and to reallocate Bond proceeds among the Projects if necessary or desirable.

<u>General Project Description</u> <u>Maximum Cost</u>	<u>Estimated</u>
<p><u>Schools</u> Construction, remodeling and repairing of school buildings and acquisition of necessary equipment (includes projects contained in the capital improvement program under “ACPS” and “Schools”).</p>	\$13,000,000
<p><u>City Parks and Public Buildings</u> Construction, renovation and improvement of existing and new City buildings and park facilities and acquisition of necessary land and equipment (includes projects contained in the capital improvement program under “Recreation and Parks” and “Public Buildings”).</p>	\$20,000,000
<p><u>Transportation and Metro Improvements</u> Maintenance and upgrade of the City’s transportation systems (includes projects contained in the capital improvement program under “Public Transportation and Traffic Control,” and payment of the City’s share of certain Washington Metropolitan Area Transit Authority (i.e., “METRO”) capital improvements).</p>	\$12,000,000
<p><u>Information Technology</u> Maintenance and upgrade of the City’s information technology infrastructure and hardware, networks, and software (includes projects contained in the capital improvement program under “Information Technology Plan”).</p>	\$3,000,000
<p><u>Infrastructure</u> Construction, renovation and improvement of City streets, bridges, storm and sanitary sewers and acquisition of necessary equipment (includes projects contained in the capital improvement program under “Community Development,” “Streets, Bridges and Pedestrian Improvements,” and “ Stormwater Management”).</p>	\$11,050,000
<p><u>Affordable Housing</u> Acquisition, construction, remodeling and</p>	\$0

repairing of affordable housing and acquisition of necessary land and equipment.

<u>Sanitary Sewer</u>	\$10,900,000
Construction, renovation and improvement of City sanitary sewers and acquisition of necessary equipment (includes projects contained in the capital improvement program under "Sanitary Sewer").	
<u>Total:</u>	\$69,950,000

2. Pledge of Full Faith and Credit. The full faith and credit of the City are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The City Council shall levy an annual ad valorem tax upon all property in the City, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Bonds shall be issued in one or more taxable or tax-exempt series, in fully registered form, shall be dated such date or dates as the City Manager and the Director of Finance, or either of them, may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the City Manager and the Director of Finance, or either of them, may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than \$69,950,000. The City Manager and the Director of Finance, or either of them, is authorized and directed, at his or her option, to accept a bid or bids for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or bids so accepted, or, if he or she deems it to be in the City's financial interest, to forego such competitive bidding and negotiate the sale of the Bonds to one or more initial purchasers; provided that the true interest cost of the Bonds shall not exceed 6.5% per annum. The City Manager and the Director of Finance, or either of them, is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as

are permitted or required by this Ordinance. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Book-Entry-Only-Form. The Bonds may be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and may be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”) as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds may be registered to Cede & Co. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds may be made by DTC and its participants (the “Participants”), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. In such event, the City shall notify DTC of any notice required to be given pursuant to this Ordinance or the Bonds not less than fifteen (15) calendar days prior to the date upon which such notice is required to be given and the City shall also comply with the agreements set forth in the City’s Letter of Representations to DTC.

In the event the Bonds are issued in book-entry-only form and registered in the name of DTC’s nominee as permitted above, replacement Bonds (the “Replacement Bonds”) may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds; or
- (ii) The City has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The City has determined that it is in the best interest of the beneficial owners of the Bonds or the City not to continue the book-entry system of transfer.

Upon occurrence of an event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the

form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Ordinance and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The City Manager and the Director of Finance, or either of them, are authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book-entry form, either of such officers may serve as Paying Agent.

The City Manager and the Director of Finance, or either of them, may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

7. Execution of Bonds. The Mayor and the Clerk of the City are authorized and directed to execute appropriate negotiable Bonds and to affix the seal of the City thereto and to deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Mayor and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

8. CUSIP Numbers. The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the City, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the City and any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

9. Registration, Transfer and Exchange. Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the City shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the City and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the City and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this

Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

10. Charges for Exchange or Transfer. No charge shall be made for any exchange or transfer of Bonds, but the City may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

11. Non-Arbitrage Certificate and Tax Covenants. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are authorized and directed to execute with respect to each series of the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Tax Code, including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The City Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the City's Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of the Bonds and that the City shall comply with the other covenants and representations contained therein.

12. RESERVED.

13. Disclosure Documents. The City Manager and the Director of Finance, or either of them, and such officers and agents of the City as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Director of Finance shall determine. The Director of Finance is authorized and directed to deem the preliminary official statement "final" for purposes of Securities and Exchange Commission Rule 15c2-12.

14. Affordable Housing Projects. The City Council hereby authorizes the City Manager and the Director of Finance, or either of them, to reallocate a portion of the proceeds of the Bonds for affordable housing projects, if deemed desirable by the City Manager and the Director of Finance, or either of them.

15. Further Actions. The City Manager and the Director of Finance and such officers and agents of the City as either of them may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds including the execution and delivery of such bond purchase agreement as may be required in connection with any negotiated sale of the Bonds and

the execution and delivery of any such other documents, agreements and certificates (including applications for tax credits) as they may deem necessary or desirable and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

16. Reimbursement. The City Council adopts this declaration of official intent under Treasury Regulations Section 1.150-2. The City Council reasonably expects to reimburse advances made or to be made by the City to pay the costs of the Projects from the proceeds of its debt. The maximum amount of debt expected to be issued for the Projects is set forth in paragraph 1 above. The City hereby authorizes the Director of Finance, on behalf of the City, to specifically declare the City's official intent to reimburse portions of the cost of the Projects with Bond proceeds.

17. Effective Date; Applicable Law. In accordance with Section 15.2-2601 of the Code of Virginia of 1950, as amended, the City Council elects to issue the Bonds pursuant to the provisions of the Public Finance Act of 1991. This Ordinance shall take effect at the time of its enactment.

10. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the tenant of the property located at 1125 Queen Street in the City of Alexandria, Virginia to construct and maintain an encroachment for outdoor restaurant seating at that location. (#9, 3/08/11)

(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. 10; 03/12/11, 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. 10; 03/12/11, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance authorizing the tenant of the property located at 1125 Queen Street in the City of Alexandria, Virginia to construct and maintain an encroachment for outdoor restaurant seating at that location. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4708

AN ORDINANCE authorizing the tenant of the property located at 1125 Queen Street in the City of Alexandria, Virginia to construct and maintain an encroachment for outdoor restaurant seating at that location.

WHEREAS, Nicole Burlimann is the Tenant ("Tenant") of the property located at 1125 Queen Street in the City of Alexandria, Virginia; and

WHEREAS, Tenant desires to establish and maintain outdoor restaurant seating 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, in Encroachment No. 2010-0005, the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on September 7, 2010, which recommendation was approved by the City Council at its public hearing on September 25, 2010; 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 Tenant be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 1125 Queen Street as shown in the attached encroachment exhibit labeled as Exhibit A in the City of Alexandria, said encroachment consisting of two outdoor restaurant seating areas labeled as Dining Area A and Dining Area B on Exhibit A, 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 Tenant of liability for any negligence on their 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 Tenant maintaining, at all times and at their 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 named insured and shall provide for the indemnification of the City of Alexandria 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, Tenant 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 Tenant. Nothing in this section shall relieve Tenant of their 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) Outdoor dining at the restaurant shall comply with all requirements and conditions of SUP#2010-0040 and Encroachment No. 2010-0005.
- (b) The applicant shall maintain minimum 6' wide unobstructed sidewalk to the front and the side of the restaurant.
- (c) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Tenant'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.
- (d) In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Tenant 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 Tenant 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 Tenant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Tenant without cost to the city. If Tenant 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 Tenant, and shall not be liable to Tenant 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 "Tenant" shall be deemed to include Nicole Burlimann and her respective successors in interest to the tenancy at 1125 Queen Street.

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

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 5-602 (Coordinated Development Districts Created, Consistent With Master Plan, Required Approvals) to Article IV (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2010-0004. (#10, 3/08/11)

(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. 11; 03/12/11, 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. 11; 03/12/11, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend Section 5-602 (Coordinated Development Districts Created, Consistent with Master Plan, Required Approvals) to Article IV (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2010-0004. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4709

AN ORDINANCE to amend Section 5-602 (**Coordinated development districts created, consistency with master plan, required approvals**) to Article IV (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2010-0004.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2010-0004, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 4, 2010 of a text amendment to the Zoning Ordinance to adopt changes to use and floor area allowances in the Potomac Yard/Potomac Greens CDD No. 10, which recommendation was approved by the City Council at public hearing on November 13, 2010;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
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 5-602 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language in Table 1, as shown:

CDD #	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		Uses
			Maximum FAR and/or Development Levels	Maximum Height	
		The RB zone regulations shall apply to the area south of the Monroe Avenue Bridge and east of the Metro Tracks, the CSL zone regulations shall apply on the first 250 feet east of	Up to 1,900,000 <u>1,932,000</u> ^{1,2} square feet of office space,		

10	Potomac Yards/Greens	<p>Rte 1, and the I zone regulations shall apply on the remainder of the site; except that the U/T regulations shall apply to an area approximately 120 feet wide located just west of the Metrorail right-of-way (area shown on the plat for Case REZ #95-0005) for the purpose of accommodating the relocated rail Main Line on the yard, and except also that the area known as the "Piggyback Yard" and Slaters Lane portion of Potomac Yard (as shown on the plat for Case REZ #95-0004) may be developed pursuant to the CRMU-L zone provided that the Piggyback Yard:</p> <ul style="list-style-type: none"> - shall contain no more than 275 dwelling units; - shall contain no more than 60,000 square feet of commercial space, of which no more than 30,000 square feet shall be office; - shall be planned and developed pursuant to a special use permit; - shall have a maximum height of 50 feet; - shall generally be consistent with the goals and the guidelines of the small area plan. 	<p>except that office square footage may be converted to retail square footage through the special use permit process <u>and, in Landbay G, up to a total of 120,000 square feet of office use may be converted to 120 additional residential units.</u> Up to 625 hotel rooms. Up to 735,000 <u>120,000</u> square feet of retail space.² Up to 2,200 residential units.¹</p> <p>Note 1: <u>Within Landbay G a total of 120,000 square feet of office use may be converted to up to 120 additional residential units.</u></p> <p>Note 2: <u>Office floor area may be converted to ground floor retail use through a special use permit</u></p>	<p>Heights shall be as shown on the map entitled "Predominate Height Limits for CDD" (Map No. 24, Potomac Yard/Potomac Greens Small Area Plan Chapter of 1992 Master Plan (2008ed.))</p>	<p>Pre-dominantly residential, with a mix of land uses to include office, retail and service, hotel, parks and open spaces, and community facilities.</p>
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Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 5-602, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance 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.

- 12. Public Hearing, Second Reading and Final Passage of 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 the Potomac Yard/Potomac Greens Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2010-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (#11, 3/08/11)

(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. 12; 03/12/11, 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. 12; 03/12/11, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain the 1992 Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council to the Potomac Yard/Potomac Greens Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2010-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4710

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 the Potomac Yard/Potomac Greens Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2010-0004

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. 2010-0004, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 4, 2010 of an amendment to the Potomac Yard/Potomac Greens Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, by revising the principles, which recommendation was approved by the City Council at public hearing on November 13, 2010;

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 Potomac Yard/Potomac Greens Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby is, amended by replacing the existing Map 24 with the map titled Potomac Yard – CDD 10 Predominant Height Limits dated October 27, 2010 and labeled Map 24 attached hereto and incorporated fully herein by reference and by amending the CDD Guidelines for Potomac Yard/Potomac Greens as shown in strikethrough and underline as follows:

CDD Guidelines for Potomac Yard/Potomac Greens

Development under the Master Plan procedures within the Master Plan Amendment shall be in accord with the following principles:

Land Use

1. The maximum amount of development permitted in this CDD shall be
 - a. 625 hotel rooms,
 - b. ~~735,000~~ 120,000 net square feet of retail space²,
 - c. 2,200 residential units¹, and
 - d. ~~4.9 million~~ 1,932,000 net square feet of office space^{1,2}

Note 1: Within Landbay G a total of 120,000 square feet of office use may be converted to up to 120 additional residential units.

Note 2: Office floor area may be converted to ground floor retail use through a special use permit

2. The CDD shall be predominantly residential and mixed use with the highest densities of commercial uses adjacent to the existing Potomac Yard shopping center near the location where a future Metro station could be located. Uses shall be consistent with the concept plan shown on Map 1.
3. The Potomac Greens site shall be developed entirely in residential use except for a possible Metro station.
4. The residential buildings within Potomac Yard consist of a variety of building types and heights which should include townhouses, stacked townhomes and multi-family units.
- ~~5. At least one third of the area of the CDD excluding streets, Four Mile Run, and the operating rail corridor shall be public open space or common private open space. The City may utilize a portion of this private land for institutional use.~~
5. Flexibility for the locations of residential or commercial uses within Landbays H, I, and J may be allowed in specified locations, provided that the total number of residential units or the total amount of commercial floor area does not exceed what is permitted in the overall CDD.

Transportation

6. Development within the CDD shall not preclude the possible future construction of a Metro Station; nor shall development within any right of way or dedicated open space within the CDD preclude the future construction of a light rail or other similar transit system.
7. A comprehensive transportation management plan shall be implemented to encourage residents and employees to travel by modes other than single-occupancy-vehicles.
8. A road with a minimum of four travel lanes shall be provided in Potomac Yard to connect Route 1 at its intersection with Slater's Lane to the area north of Four Mile Run in Arlington County. Construction on this road shall occur at a time or level of development as determined in the Concept Plan.
9. The street system within the CDD shall be designed to minimize use of existing residential streets to the east, west and south of the district by traffic heading to or from the district. Through vehicular connections between the Potomac West area and the Potomac Yard tract shall only occur at E. Glebe Road and Swann Avenue, unless other connections are approved by the Director of Transportation and Environmental Services after consultation with the neighborhoods.

10. A system of pedestrian and bicycle trails shall be provided throughout the CDD, connecting to existing trails outside the district and connecting open spaces and neighborhoods within the district.
11. There shall be no intersection or connection between the George Washington Memorial Parkway and the Potomac Greens site by which motor vehicles can access that site from the Parkway directly from the site.
12. In the event projected development results in traffic spillover onto residential streets, the City shall implement traffic control mechanisms to mitigate such spillover and protect local neighborhoods. These measures shall include the neighborhood protection measures discussed on pages 31-33 of the City's Master Transportation Plan.

Urban Design

13. Buildings on the Potomac Greens site shall be designed and sited so as to minimize the visual impact on the Parkway.
14. Required parking in the CDD shall be underground or embedded within the block, to the maximum extent possible. Required parking for individual townhouses and other single family units shall be served by alleys to the maximum extent feasible.
15. In general, a grid system with moderate block sizes shall be favored.
16. A process shall be established whereby a Design Review Board established by City Council for the District shall review and comment upon each building within the district.
17. Heights shall be limited as shown on Map 24.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan map amendments, as part of the Potomac Yard/Potomac Greens Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the Potomac Yard/Potomac Greens Small Area Plan Chapter of the 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.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 11-1103 (Standards for Variances) to Division C (Board of Zoning Appeals), Article XI (Development Approvals and Procedures), of the City of Alexandria Zoning Ordinance, to revise the standard for granting a variance in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2011-0001. (#12, 3/08/11)

(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; 03/12/11, 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; 03/12/11, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend Section 11-1103 (Standards for Variances) to Division C (Board of Zoning Appeals), Article XI (Development Approvals and Procedures), of the City of Alexandria Zoning Ordinance, to revise the standard for granting a variance in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2011-0001. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4711

AN ORDINANCE to amend Section 11-1103 (STANDARDS FOR VARIANCES) to Division C (BOARD OF ZONING APPEALS), Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, to revise the standard for granting a variance in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2011-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2011-0001, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 1, 2011 of a text amendment to the Zoning Ordinance to revise the standard for granting a variance, which recommendation was approved by the City Council at public hearing on February 12, 2011;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

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 Section 11-1103 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

11-1103 Standards for variances. The board of zoning appeals shall not vary the regulations of this ordinance as authorized above unless it finds that:

(A) The particular physical surroundings, shape, topographical condition or other extraordinary situation or condition of the specific property involved would effectively prohibit or unreasonably restrict the utilization of the property or would constitute a clearly demonstrable hardship ~~approaching confiscation~~, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;:

(B) The conditions upon which the petition for a variance is based are not applicable generally to other property within the same zoning classification;:

(C) The property was acquired in good faith and any hardship produced by the ordinance was not created by the owner of such property;:

(D) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof;:

(E) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety;:

(F) The variance, if granted, will not alter the essential character of the area or be a substantial detriment to adjacent property;:

(G) The strict application of this ordinance would produce undue hardship;

(H) Such undue hardship is not shared generally by other properties in the same zone and vicinity; and

(I) No other remedy exists whereby the same relief was, is or may be available from another approval body of the city as part of its review of a site plan or other development application.

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

Section 3. That Section 11-1103, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance 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.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 2-100 (Definitions) of Article II (Definitions), Section 4-1400 (NR/Neighborhood Retail Zone (Arlandria) of Article IV (Commercial Office and Industrial Zones), and Section 6-600 (Mt. Vernon Avenue Urban Overlay Zone) of Article IV (Special and Overlay Zones), all of the City of Alexandria Zoning Ordinance, to clarify that check cashing, payday loan and pawnshop businesses are not permitted in the Neighborhood Retail (Arlandria) and the Mount Vernon Urban Overlay Zones and to add title loan companies to the list of prohibited uses in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2011-0003. (#13, 3/08/11)

(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; 03/12/11, 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 off Council received a copy not less than 24 hours before said introduction, marked Exhibit No. 2 of Item No. 14; 03/12/11, and is incorporated as part of this record by reference.)

WHEREUPON, upon, motion by Councilman Smedberg, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend Section 2-100 (Definitions) of Article

II (Definitions), Section 4-1400 (NR/Neighborhood Retail Zone [Arlandria]) of Article IV (Commercial Office and Industrial Zones), and Section 6-600 (Mt. Vernon Avenue Urban Overlay Zone) of Article IV (Special and Overlay Zones), all of the City of Alexandria Zoning Ordinance, to clarify that check cashing, payday loan and pawnshop businesses are not permitted in the Neighborhood Retail (Arlandria) and the Mount Vernon Urban Overlay Zones and to add title loan companies to the list of prohibited uses in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2011-0003. The voting was as follows:

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

The ordinance reads as follows:

ORDINANCE NO. 4712

AN ORDINANCE to amend Section 2-100 (DEFINITIONS) of Article II (DEFINITIONS), Section 4-1400 (NR/NEIGHBORHOOD RETAIL ZONE (ARLANDRIA)) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), and Section 6-600 (MT VERNON AVENUE URBAN OVERLAY ZONE) of Article IV (SPECIAL AND OVERLAY ZONES), all of the City of Alexandria Zoning Ordinance, to clarify that check cashing, payday loan and pawnshop businesses are not permitted in the Neighborhood Retail (Arlandria) and the Mount Vernon Avenue Urban overlay zones and to add title loan companies to the list of prohibited uses in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2011-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2011-0003, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 1, 2011 of a text amendment to the Zoning Ordinance to clarify that check cashing, payday loan, and pawnshop businesses are prohibited in the NR and the Mt. Vernon Overlay Zones and to add title loan companies in the list of prohibited uses, which recommendation was approved by the City Council at public hearing on February 12, 2011;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
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 Section 2-100 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

Sec. 2-100 Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

2-197.3 Title loan business. A business regulated by section 6.2-2200 et seq. of the Virginia Code.

2-127.1 Check cashing business. A business regulated by Section ~~6.1-432~~ 6.2-2100 et seq. of the Virginia Code.

2-182.1 Payday loan business. A business regulated by section ~~6.1-444~~ 6.2-1800 et seq. of the Virginia Code.

Section 2. That Section 4-1400 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

4-1403 Permitted uses. In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

- (A) Permitted ground floor uses. The following uses are permitted on the ground floor of buildings facing the sidewalk:
 - (1) Retail establishment;
 - (2) Personal service establishment, except banks, pawnshops, check cashing, payday loan and title loan businesses;
 - (3) Banks, business and professional offices, medical laboratory or offices and laundromats, provided:
 - (a) The business facade shall be no wider than 30 feet along the street;
 - (b) No more than two such uses or entrances shall adjoin each other.
 - (4) Restaurants, when located within a shopping center or hotel, or with administrative approval pursuant to section 4-1403.1;
 - (5) Day care center.

4-1406 Certain structures and uses inconsistent with these provisions. In order to support and promote an urban, pedestrian-oriented retail environment, the following existing inconsistent commercial uses are hereby deemed to be noncomplying uses subject to the provisions of Section 12-302 of the zoning ordinance:

- (A) Automobile service station;
- (B) Check cashing uses;
- (C) Drive through facility;
- (D) Laundry, dry cleaning operation; except drop-off
- (E) Light automobile repair;
- (F) Motor vehicle parking or storage; except public parking facilities and private parking accessory, and clearly incidental to, a principal use;
- (G) Pawnshops;
- (H) Wholesale business;
- (I) Title loan business.

Section 3. That Section 6-600 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

6-603 Uses.

(A) *Permitted and special use restrictions.* The following uses, otherwise allowed either as permitted or special uses in the CL zone, are not permitted in the overlay zone area:

- (1) Seminary, convent or monastery;
- (2) Medical laboratory;
- (3) Public school;
- (4) Funeral home;
- (5) Rooming house;
- (6) Check cashing business;
- (7) Payday loan business;
- (8) Pawnshop;
- (9) Motor vehicle parking or storage, except that a public parking lot is allowed with a special use permit;
- (10) Title loan business.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 5. That Section 2-100 4-1400, and 6-600, as amended pursuant to Sections 1, 2 and 3 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 6. That this ordinance shall become effective on 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 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.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

15. SPECIAL USE PERMIT #2010-0087
4740 EISENHOWER AVENUE
DOG DAYS OF OLD TOWN
Public Hearing and Consideration of a request to operate a dog day care facility with overnight boarding and a request for a parking reduction; zoned OCM-100/Office Commercial Medium (100). Applicant: Kathryn Rollins

PLANNING COMMISSION ACTION: Deferred

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Council noted the deferral.

New Business Item No. 2: Councilwoman Hughes announced that she has began a new position as the Associate Director of the Delaware Biotechnology Institute. Councilwoman Hughes assured the community that she will remain a member of the Alexandria City Council and will serve her complete term.

EXECUTIVE SESSION

16. Consideration of a Closed Meeting For the Purpose of Consulting With Legal Counsel Regarding a Real Estate Acquisition.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council convened in closed executive session at 12:52 p.m., pursuant to Sections 2.2-3711(A)(3) & (7) of the *Code of Virginia* , for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation regarding specific legal matters requiring the provision of legal advice. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council reconvened the meeting at 2:47 p.m. The voting was as follows:

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

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted the resolution pertaining to the Executive Session. The voting was as follows:

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

The resolution reads as follows:

RESOLUTION NO. 2440

WHEREAS, the Alexandria City Council has this 12th day of March 2011, recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting of March 12, 2011 at 2:48 p.m. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"

Euille

"aye"
Pepper

Krupicka
"aye"

"aye"

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria A. Sitton, CMC Deputy City Clerk