

3(b)

11-23-10

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting  
Saturday, November 13, 2010 - - 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; Mr. Gates, Assistant City Manager; Mr. Caton, Legislative Director; Sheriff Lawhorne; Fire Chief Thiel; Mr. Johnson, Chief Financial Officer; Police Captain Ogden; Police Captain Ray; Ms. Hamer, Director, Planning and Zoning; Ms. Wright, Planning and Zoning; Ms. Ross, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. Contreras, Planning and Zoning; Mr. Farner, Planning and Zoning; Mr. Geratz; Planning and Zoning; Mr. Catlett, Director, Office of Building and Fire Code Administration; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Mr. Skrabak, Director, Environmental Quality; Mr. Lambert, Transportation and Environmental Services; Ms. McLean, Information Technology; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council.

## OPENING

### 1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the members of Council were present. (Councilwoman Hughes arrived at 9:40 a.m.)

### 2. Public Discussion Period.

(a) Jack Sullivan, 4300 Ivanhoe Place, spoke of the BRAC building and said the Office of Planning and Zoning is part of the problem and not part of the solution and the residents are sick and tired of the process. Mr. Sullivan said the residents of Seminary Hill have been talking to land owners on the east side of I-395, as well as the neighboring civic groups and propose to start their own planning process, and they invite the City Council and City Manager to attend those meetings, and the Planning

Office is invited as observers, but they want no City consultants.

(b) Dino Drudi, 315 N. West Street, said when he looks at the map of Alexandria, he sees the part of Arlington County south of Four Mile Run, and it would make sense for Alexandria and Arlington and the neighborhood to consider taking the portion of Arlington County south of 395 and giving it to Alexandria, and the little bit of land in Alexandria north of 395 to Arlington County.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES  
ACTION CONSENT CALENDAR (3)  
Planning Commission**

- 3. DEVELOPMENT SPECIAL USE PERMIT #2010-0017  
4001 EISENHOWER AVENUE  
CAMERON RUN REGIONAL PARK  
Public Hearing and Consideration of a request for a development special use permit, with site plan, to install and operate a multi-level children's play feature; zoned POS/Public Open Space. Applicant: Northern Virginia Regional Park Authority, represented by Dan Iglhaut  
PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 13, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/13/10, and is incorporated as part of this record by reference.)

**END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously, City Council approved the action consent calendar. The approval was as follows:

- 3. City Council approved the Planning Commission recommendation.

Councilman Smedberg asked the Planning staff to make the pictures in the reports clearer.

The voting was as follows:

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

**REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

- 4. Public Hearing to Receive Citizen Input on the Proposed City Legislative

Package for the 2011 General Assembly Session.

(A copy of the City Manager's memorandums dated October 19 and November 2, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/13/10, and is incorporated as part of this record by reference.)

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

(a) Richard Merritt, 2729 Franklin Court, said the Public Health Advisory Commission, the Partnership for a Healthier Alexandria, and the Substance Abuse Prevention Coalition have asked him to argue on their behalf in support of the enactment of State legislation that would significantly increase the State cigarette tax, which is currently set at \$.30 a pack.

(b) David Kaplan, 418 Queen Street, spoke of the omission of the request for legislation requiring drivers to stop for pedestrians crossing the street in a marked crosswalk, and he asked Council to consider adding the pedestrian safety measure to this year's package.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried 6-0-1, City Council closed the public hearing and adopted the City's Legislative Package recommended by the City's Legislative Committee for the 2011 General Assembly Session.

Councilwoman Hughes noted she would abstain from the vote because she serves on the Governors Commission on Government Reform and Restructuring and may have to consider matters later that may be in conflict with the positions taken today.

The voting was as follows:

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

5. Public Hearing and Consideration of the Report of the City Council Naming Committee on the Proposed Naming of City Hall Room 2000 in Honor of Chet and Sabra Avery. (#10, 10/26/10)

(A copy of the City Manager's memorandum dated October 21, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/13/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Fannon and carried unanimously, City Council closed the public hearing

and approved the Naming Committee's recommendation to name City Hall Room 2000 in honor of Chet and Sabra Avery. The voting was as follows:

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

6. Public Hearing and Consideration of the Report of the City Council Naming Committee on the Proposed Naming of the Alexandria Adult Detention Center in Honor of the Late Deputy Sheriff William Truesdale. (#11, 10/26/10)

(A copy of the City Manager's memorandum dated October 21, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/13/10, and is incorporated as part of this record by reference.)

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

- (a) Chief Deputy Sheriff Lenny George, 2003 Mill Road, spoke in favor of the naming and spoke of the circumstances regarding Deputy Sheriff Truesdale's death.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Fannon and carried unanimously, City Council closed the public hearing and approved the Naming Committee's recommendation to name the Alexandria Adult Detention Center in honor of the late Deputy Sheriff Williams Truesdale. The voting was as follows:

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

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

### **Planning Commission (continued)**

7. DEVELOPMENT SPECIAL USE PERMIT #2010-0015  
1701 DUKE STREET  
EDMONDSON PLAZA - AMENDMENT  
Public Hearing and Consideration of a request for an amendment for special use permit approval to allow a sign with illumination on a building taller than 35 feet and an amendment to an existing development special use permit condition to allow an illuminated sign; zoned OCH/Office Commercial High. Applicant: 1701 Duke Street, LLC presented by Leigh Bell and Jude Collins of Kearney and Company

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 13, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/13/10, and is incorporated as part of this record by reference.)

Ms. Contreras, Planning and Zoning, made a presentation of the staff report and she, along with Ms. Wright, Planning and Zoning, responded to questions of City Council.

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

(a) Brion Kearney, 1701 Duke Street, with Kearney and Company, spoke in favor of the request.

(b) Jude Collins, 840 Golden Arrow Street, Great Falls, spoke in favor of the request.

(c) Poul Hertel, 1217 Michigan Court, asked that the lighting on the statute be appropriate. He spoke of an item found during excavation and there seemed to be a miscommunication regarding handing it over to the Archeology Department.

(d) Leigh Bell, 8403-J Richmond Highway, Alexandria, with Signs Unlimited, Inc., spoke in favor of the request.

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

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

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with the proviso that the ordinance on item #18 on the docket be approved. The voting was as follows:

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

8. MASTER PLAN AMENDMENT #2010-0004  
CDD CONCEPT PLAN #2010-0001

**AMENDMENT TO THE DESIGN GUIDELINES**

**ZONING TEXT AMENDMENT #2010-0004**

**DEVELOPMENT SPECIAL USE PERMIT #2010-0012**

**SPECIAL USE PERMIT #2010-0033**

**SPECIAL USE PERMIT #2010-0058**

1401,1801,2401, 2403, 2405, 2901, 3901 POTOMAC AVENUE; 2301,2801  
3951 JEFFERSON DAVIS HIGHWAY; 800, 1000, 1400, 1600, 1800, 1801,  
2000, 2001, 2300, 2301, 2600, 2601, 2800, 2801, 2802, 2900 MAIN LINE  
BOULEVARD; 650 MASKELL STREET; 600 EAST MONROE; 1702, 1880  
POTOMAC GREENS DRIVE (Properties within the boundaries of CDD #10 and  
the Potomac Yard/Potomac Greens Small Area Plan)

**POTOMAC YARD DEVELOPMENT**

Public Hearing and Consideration of a request for: (a) an amendment to the Potomac Yard/Potomac Greens Small Area Plan to increase building height limits within Landbays H, I and J, to increase the amount of office floor area, decrease the amount of retail floor area and allow the flexibility to convert office use to residential or retail uses in Landbay G, and to allow flexibility in the location of residential and commercial uses in Landbays H, I and J; (b) various amendments to the CDD concept plan and design guidelines related to uses, floor area, densities, surface and above-grade parking and parking ratios, infrastructure, and to provide for a monetary payment in lieu of requirements for the North Trail and pedestrian bridge and other changes to update the conditions of the CDD concept plan; (c) an amendment to the CDD table in Section 5-602 of the City's Zoning Ordinance to increase the total office floor area to be converted to residential units or retail floor area in Landbay G; (d) an amendment to conditions of development special use permit #2006-0113 to remove or revise the requirement for construction of the North Trail and other enhancements in Landbay K and provide for a monetary contribution in lieu of designing and constructing the North Trail and associated amenities, and to remove any references to the construction of the pedestrian bridge; (e) an amendment to remove conditions of special use permit #2008-0028 regarding the construction of the pedestrian bridge; and (f) an amendment to conditions for special use permit #2008-0027 to modify the timing of and provide an option for a monetary contribution in lieu of requirements for the Rail Park; Landbay D; zoned CDD #10/Coordinated Development District #10 - Potomac Yards/Greens. Applicant: Potomac Yard Development, LLC and RP MRP Potomac Yard, LLC by M. Catharine Puskar

**PLANNING COMMISSION ACTION:**

MPA #2010-0004 Initiated and Adopted w/amendments, 7-0

CDD #2010-0001 Recommend Approval w/amendments 7-0

DESIGN GUIDELINES Recommend Approval w/ amendments 7-0

ZONING TEXT AMENDMENT Initiated and Recommend Approval 7-0

DSUP #2010-0012 Recommend Approval 7-0

SUP #2010-0033 Recommend Approval 7-0

SUP #2010-0058 Recommend Approval 7-0

(A copy of the Planning Commission report dated November 13, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/13/10, and is incorporated as part of this record by reference.)

The following item was heard out of turn:

22. Consideration of a Resolution Regarding Funding a Pedestrian Bridge in Potomac Yard.

(A copy of the City Manager's memorandum dated November 12, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 11/13/10, and is incorporated as part of this record by reference.)

Ms. Wright, Division Chief, Planning and Zoning, along with Deputy City Manager Jinks, made a presentation of the report and responded to questions of City Council.

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

(a) M. Catharine Puskar, 2200 Clarendon Blvd., attorney representing Potomac Yard Development LLC and RP MRP Potomac Yard, LLC, spoke in favor of the request. She noted the glitch on the application on the first note on the first page to define who is bound by the CDD conditions and one of the words that was added was "predecessors and interests." She said they want to have on the record that above-grade parking is permitted, subject to certain criteria and they will come through a DSUP. Ms. Puskar said they are offering to give up-front money, \$2 million, on the pedestrian bridge to go towards the feasibility for the Metro with incorporated pedestrian access. She said they cannot agree to pay an extra \$1 million up-front.

(b) Neal Tomblyn, 1817 Potomac Greens Drive, spoke about the process the City is deploying to develop the Potomac Yard area, including the proposed Metro Station, and he asked what WMATA says about the new Metro Station. He said the City will pay for the new Metro Station with a special tax levied upon a few for the benefit of many. He said the tax is unfair and should not be allowed and he asked Council to turn back to the business, logical and common senses and focus on following the proper processes and make fiscally responsible decisions regarding the Potomac Yard development. He said on the resolution on the bridge, he is in support of the builder and developer and giving funds to the City.

(c) Mark Anderson, 705 Rose Street, spoke about the pedestrian bridge and said their board defends the location of the bridge being south and to be a stand-alone structure and not put together with Metro. He asked how, if included as part of the Metro construction, the bridge gets over the three crossings of the railroad tracks.

(d) Poul Hertel, 1217 Michigan Court, said they know that the developer agreed to underground all the parking in return for shifting the densities on the Yard,

and they now wish to rescind their obligation because of the contingent deal on landbay F, and he noted the problems associated with that.

(e) David Fromm, 2307 E. Randolph Avenue, said that until Metro is approved, it seems they are giving away a lot in the application, since if it is not approved, there are no conditions. If Metro is not approved, it can go back to undergrounding parking. Mr. Fromm said solving the pedestrian bridge is a problem.

(f) Foster Henderson, 1846 Potomac Greens Drive, said he is all for Metro but not for the special taxes. He recommended putting a school in the development and the money there.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

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

**WHEREUPON**, a motion was made by Vice Mayor Donley, seconded by Councilwoman Hughes, that City Council approve the Planning Commission recommendation, with the following changes: condition #11a on page 42 to read: "all parking must be underground, except that above-grade parking structures are permitted in any subsequent development special use permits in the following locations, subject to the criteria in 11B, C and D", which changes "~~a~~" "**may be**" to "are"; in ~~condition #1~~ **finding/note 1**, to delete the word "predecessors"; on page 51, change the amount of the monetary contributions to \$500,000 reflected in i, ii, iii, ~~iv~~ and v **and \$1 million in iv** in condition p to reflect a \$2 million contribution.

Councilman Smedberg offered a friendly amendment on pages 51 and 52, **conditions q and r**, as relates to the rail park and **Potomac Yard linear park**, adding the wording that it be placed in a sequestered fund for the stated purposes. The amendment was accepted by the maker and seconder of the motion and becomes part of the main motion.

**A SUBSTITUTE MOTION WAS MADE** by Councilman Smedberg that condition #11a stay as recommended by the Planning Commission. The motion failed for lack of a second.

The voting on the motion was as follows:

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



**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council approved the resolution regarding funding of a pedestrian bridge in Potomac Yard. The voting was as follows:

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

The resolution reads as follows:

**RESOLUTION 2424**

**RESOLUTION ON THE PEDESTRIAN BRIDGE IN POTOMAC YARD/POTOMAC GREENS COORDINATED DEVELOPMENT DISTRICT #10**

WHEREAS, the original approval of the Potomac Yard/Potomac Greens CDD #10 Concept Plan included a condition requiring a pedestrian bridge to be built by the applicant over the railroad tracks to connect Landbay A with the remainder of the CDD area; and

WHEREAS, as part of the recent approval of CDD #19 and the potential relocation of the proposed WMATA Metrorail station, there has been discussion of integrating the pedestrian bridge into the Metrorail Station; and

WHEREAS, the recent amendments to CDD #10 propose to change the requirement for the pedestrian bridge from construction of the pedestrian bridge by the applicant to a monetary contribution from the applicant towards the costs related to the construction of the Metrorail Station at Potomac Yard; and

WHEREAS, the Alexandria City Council desires to indicate its intent that the pedestrian bridge will still be constructed whether or not the WMATA Metrorail Station at Potomac Yard is constructed and despite the change to the condition in CDD #10.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA THE FOLLOWING:

1. The pedestrian bridge contemplated by CDD #10 to connect Landbay A to the remainder of the CDD area is intended to be constructed as part of the new Metrorail Station at Potomac Yard.
2. The amendment to condition #15(p) of the Coordinated Development District #10 Concept Plan (CDD #2010-0001) to revise the requirement from construction of a pedestrian bridge by the applicant to a monetary contribution from the applicant towards the costs related to the

construction of the Metrorail Station at Potomac Yard is intended to help facilitate the ultimate construction of the pedestrian bridge as a component of the construction of the Metrorail Station at Potomac Yard.

3. If the Metrorail Station at Potomac Yard is ultimately not built, it is the Alexandria City Council's intent for the City of Alexandria to construct a stand alone pedestrian bridge to connect Landbay A to the remainder of the CDD area.
  4. When the Tier I Special Tax District is created, which encompasses Landbays F,G,H and the multi-family portion of Landbay I, it is Council's intent to include the funding of a pedestrian bridge crossing of the rail tracks as an eligible expense of that tax district.
9. **SPECIAL USE PERMIT #2010-0050**  
3015 MOUNT VERNON AVENUE (Parcel Address: 3051 Mount Vernon Avenue)  
CAFE PIZZAIOLO  
Public Hearing and Consideration of request to operate a restaurant and a request for a parking reduction; zoned CL/Commercial Low. Applicant: Central Cafe Group, LLC represented by Larry Ponzi

**PLANNING COMMISSION ACTION:** Recommend Approval 7-0

(A copy of the Planning Commission report dated November 13, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 11/13/10, and is incorporated as part of this record by reference.)

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

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

10. **SPECIAL USE PERMIT #2010-0052**  
1605 & 1611 MOUNT VERNON AVENUE  
ALEXANDRIA HYUNDAI  
Public Hearing and Consideration of a request for the continued use of a nonconforming vehicle storage and display lot; zoned CL/Commercial Low. Applicant: Alexandria Hyundai LLC represented by Kevin Reilly

**PLANNING COMMISSION ACTION:** Recommend Approval 7-0

(A copy of the Planning Commission report dated November 13, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 11/13/10, and is incorporated as part of this record by reference.)

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

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

11. SPECIAL USE PERMIT #2010-0051  
1601 MOUNT VERNON AVENUE  
SERVICE STATION

Public Hearing and Consideration of a request for the continued use of a nonconforming service station and for a change of ownership; zoned CL/Commercial Low. Applicant: MVSC, Inc., represented by Asif Mahmood  
PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 13, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/13/10, and is incorporated as part of this record by reference.)

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

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

12. SPECIAL USE PERMIT #2010-0053  
116 EAST DEL RAY AVENUE  
RESTAURANT

Public Hearing and Consideration of a request to operate a restaurant and a request for a parking reduction; zoned CL/Commercial Low. Applicant: Culinary Concepts, LLC, represented by Christine Ponzi

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated November 13, 2010 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/13/10, and is incorporated as part of this record by reference.)

Mr. Randall, Planning and Zoning, made a presentation of the report.

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

(a) Sarah Haut, 228 E. Nelson Avenue, representing the Del Ray Citizens Association, said some of the things discussed at the land use committee meeting were short-term parking on Del Ray Avenue that will benefit both the coffee shop and the new business. The other concern was the applicant's request for outdoor dining and the adverse impact on the neighbors close to the property, along with the potential consumption of alcohol. The Association voted to support the application with the hours addressed by the applicant and not those in the staff report, including conditions to improve landscaping and the planter, no alcohol consumption outside, no sale of single serving alcohol off-premise, and no table seating outside, although a bench would be acceptable.

(b) Larry Ponzi, 411 West Windsor Avenue, the applicant, spoke in favor of the request, noting they are happy to improve the landscaping. He said it is not his intent to have alcohol outside, and with the amount of six seats, it is an extension of what St. Elmo's already has outside, and they will close by 9:00.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper and carried 6-0, City Council closed the public hearing. The voting was as follows:

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

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

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

## **ORDINANCES AND RESOLUTIONS**

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Change Parking Meter Rates in the Downtown Area. (#20, 11/09/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 3, 2010, is on file

in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/13/10, 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. 13; 11/13/10, 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. 13; 11/13/10, and is incorporated as part of this record by reference.)

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

(a) Annabelle Fisher, 5001 Seminary Road, noted her concern with parking in general. She noted that Council, City Manager, Assistant City Managers and everyone else who is a City administrator gets to park in the City garage for free, and she didn't feel it was fair for the taxpayer to pay for that. Ms. Fisher also spoke of the City cars who park outside at the meters and do not pay, and she asked the ordinance be amended to include her items.

(b) Dino Drudi, 315 N. West Street, said he assumes the purpose of upping the rates is to discourage parking and come by other means such as public transit, but they have cut back the public transit/trolleys. He said he is in favor of cutting back the parking rate to \$1.25, as that is a less extreme increase than the one they did and Council should look at making the cut indefinitely.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance to change parking meter rates in the downtown area. The voting was as follows:

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

The ordinance reads as follows:

#### ORDINANCE NO. 4684

AN ORDINANCE to amend and reordain Division 1 (PARKING METER ZONES), Article G (PARKING METERS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

2

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Division 1, Article G, Chapter 8 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-8-93 to read as follows:

Sec. 5-8-93 Parking meters; hours and days of operation; maximum time limits; rates.

(a) (1) The parking meters in zones 1 and 2, established by section 5-8-92 of this code, shall be operated every day of the week except Sundays and legal state holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council; provided, that, within the area bounded on the north by the north side of Princess Street, on the west by a line 10 feet to the east of and running parallel to the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac River, meters which permit a maximum of two hours of parking shall be in operation from 8:00 a.m. until 7:00 p.m.

(2) The parking meters in zone 3 established by section 5-8-92 of this code shall be operated every day of the week except Saturdays, Sundays and state legal holidays, and the daily hours of operation of the meters shall be determined by resolution of the city council.

(b) The maximum time limit for parking in any space in parking meter zones 1, 2 and 3 shall be set forth on the meter for that space, and shall be 20 minutes, two hours or, in zones 1 and 3 only, four hours.

(c) In all parking meter zones, the rate shall be ~~\$1.75~~ \$1.25 per hour at those meters that are coin only operated until such time as multi-space meters are installed. In all parking meter zones, the rate shall be \$1.75 per hour at those spaces served by multi-space meters installed before November 1, 2010. Thereafter, when multi-space meters are installed elsewhere in all parking meters zones, the rate may increase up to \$1.75 per hour at those spaces. Any such increase up to \$1.75 per hour shall be implemented by resolution of City Council. In all parking meter zones, the applicable rate shall be payable in such increments as provided at the applicable meter or pay station. The rates established herein fully apply to all persons, including disabled persons, vehicle owners, or volunteers for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or any persons to whom disabled parking license plates have been issued under Va. Code § 46.2739 (B). By this ordinance, the provisions of Va. Code § 46.2-1245 shall not apply within the boundaries of the City of Alexandria.

(d) As used in this article, the phrase parking meter shall be deemed to include a parking pay station for multiple parking spaces, and all provisions applicable to parking meters shall apply to parking pay stations, mutatis mutandis.

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

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Require Holders of Handicap License Plates or Placards to Pay for Parking in Metered Zones. (#21, 11/09/10) **[ROLL-CALL VOTE]**

**THIS ITEM HAD BEEN DEFERRED**

15. Public Hearing, Second Reading and Final Passage of an Ordinance Modifying Code Language Concerning the Short-term Rental Tax. (#11, 11/09/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated October 27, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 11/13/10, 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. 15; 11/13/10, 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. 15; 11/13/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance modifying Code language concerning the short-term rental tax. The voting was as follows:

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

The ordinance reads as follows:

**ORDINANCE NO. 4685**

AN ORDINANCE to amend and reordain Section 3-2-357 (LEVY AND RATE OF SHORT- RENTAL TAX), of Article T (SHORT-TERM RENTAL TAX), Chapter 2 (TAXATION), of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That Section 3-2-357 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-357 Levy and rate of short-term rental tax.

(a) In addition to all other taxes of every kind now or hereinafter imposed by law, for tax year 2009 and each year thereafter, there is hereby levied and imposed:

(1) on every person engaged in a short-term rental business as defined in subsection 3-2-356(f)(1) a short-term rental tax of one percent on the gross proceeds of such business; and

(2) on every person engaged in a short-term rental business as defined in subsection 3-2-356(f)(2) a short-term rental tax of one and-one-half percent on the gross proceed of such business.

(b) This tax shall be levied in addition to the sales tax levied under section 3-2-91 of this code.

~~(c) The imposition and collection of a short-term rental tax pursuant to this article with respect to rental property shall be in lieu of taxation of such rental property as tangible business personal property in the same tax year.~~

~~(d) Except for daily rental vehicles, pursuant to § 58.1-3510 of the Code of Virginia (1950), as amended, and short-term rental property, rental property shall be classified, assessed and taxed as tangible personal property if such property:~~

~~(1) is owned and rented by a person not engaged in the short-term rental business as defined in subsection 3-2-356(f); or~~

~~(2) has acquired situs in the Commonwealth of Virginia and is owned and rented by a person who does not collect and remit to the city a short-term rental tax with respect to the rental of such property.~~

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

16. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and Reordain the "Official Zoning Map, Alexandria, Virginia" Adopted by Section 1-300 (Official Zoning Map and District Boundaries) of the City of Alexandria Zoning Ordinance, by Rezoning the Property at 3110 Mount Vernon Avenue from CRMU-M/Commercial Residential Mixed Use (Medium) With Proffer to CRMU-M/Commercial Residential Mixed Use (Medium) in Accordance With the Said Zoning Map Amendment Heretofore Approved by City Council as Rezoning No. 2009-0003. (#12, 11/09/10) **[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. 16; 11/13/10, 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. 16; 11/13/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance to amend and reordain the Official Zoning Map by rezoning the property at 3110 Mount Vernon Avenue, approved by City Council as Rezoning No. 2009-0003. 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. 4686**

AN ORDINANCE to amend and reordain the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 3110 Mount Vernon Avenue from CRMU-M/ Commercial Residential Mixed Use (Medium) with Proffer to CRMU-M/ Commercial Residential Mixed Use (Medium) in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2009-0003.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2009-0003, 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 September 7, 2010 of a rezoning of the property at 3110 Mount Vernon Avenue from CRMU-M/ Commercial Residential Mixed Use (Medium) with Proffer to CRMU-M/ Commercial Residential Mixed Use (Medium), which recommendation was approved by the City Council at public hearing on September 25, 2010;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 015.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: The portion of property at 3110 Mount Vernon Avenue (Tax Map and Zoning Parcel No. 015.04-07-03), comprising approximately 148,777 square feet of land, more or less, as described in the legal description titled "Description of The Calvert, City of Alexandria, Virginia" dated November 24, 2009, attached hereto at Exhibit A and incorporated fully by this reference and as shown in the plat titled "Metes and Bounds Map The Calvert, City of Alexandria, Virginia" dated November 24, 2009 and attached hereto as Exhibit B and incorporated fully by this reference.

From: CRMU-M/ Commercial Residential Mixed Use (Medium) with the following Proffer:

"The RC Zone Regulations shall apply to the above-described property, except that up to 16,142 net square feet of space fronting on Mount Vernon Avenue may have the following CRMU-M Uses: (1) without a special use permit: (a) business and professional office, (b) medical office, (c) personal service establishment, and (d) retail shopping establishment; (2) with a special use permit: (a) amusement enterprise, (b) convenience store, (c) day care center, (d) health and athletic club, (e) private school, academic or commercial, and (f) restaurant."

To: CRMU-M/Commercial Residential Mixed Use (Medium) (with no proffer)

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

Section 3. That Sheet No. 015.04 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

17. 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 Such Master Plan as Master Plan Amendment # 2009-0005 and No Other Amendments, and to Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment. (#13, 11/09/10) **[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. 17; 11/13/10, 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. 17; 11/13/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance to amend and reordain the 1992 Master Plan by adopting and incorporating the amendment heretofore approved by City Council as Master Plan Amendment #2009-0004 and to repeal all provisions of the 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. 4687**

AN ORDINANCE to amend and reordain the 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to such master plan as Master Plan Amendment No. 2009-0005 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. 2009-0005, 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 September 7, 2010 of an amendment to the Potomac West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, by removing any reference to the proffer on

the property at 3110 Mount Vernon Avenue limiting the use of all but the commercial shopping center facing Mount Vernon Avenue to RC/Residential High which recommendation was approved by the City Council at public hearing on September 25, 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 West Small Area Plan Chapter of the 1992 Master Plan (1998 ed.) of the City of Alexandria, be, and the same hereby is, amended by removing any reference to the proffer on the property at 3110 Mount Vernon Avenue required by Rezoning No. 94-0009 and Ordinance No. 3768. The zoning designation for the property shall be CRMU-M (with no proffer). Such proffer includes the following language:

“The RC Zone Regulations shall apply to the above-described property, except that up to 16,142 net square feet of space fronting on Mount Vernon Avenue may have the following CRMU-M Uses: (1) without a special use permit: (a) business and professional office, (b) medical office, (c) personal service establishment, and (d) retail shopping establishment; (2) with a special use permit: (a) amusement enterprise, (b) convenience store, (c) day care center, (d) health and athletic club, (e) private school, academic or commercial, and (f) restaurant.”

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 West Small Area Plan Chapter of 1992 Master Plan (1998 ed.) of the City of Alexandria, Virginia.

Section 3. That all provisions of the Potomac West 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.

- 18. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 9-104 (Prohibited Signs, Marquees and Awnings and Exceptions) to Article IX (Signs, Marquees and Awnings), of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved By City Council as Text Amendment No. 2010-0003. (#14, 11/09/10) **[ROLL-CALL VOTE]**

(A copy of the informal memorandum explaining the ordinance is of file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 11/13/10, 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. 18; 11/13/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance to amend the City Code for prohibited signs, marquees and awnings in accordance with the text amendment approved by City Council as Text Amendment No. 2010-0003. The voting was as follows:

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

The ordinance reads as follows:

**ORDINANCE NO. 4688**

AN ORDINANCE to amend Section 9-104 (Prohibited signs, marquees and awnings and exceptions) to Article IX (signs, marquees and awnings), of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2010-0003.

WHEREAS, the City Council finds and determines that:

- 1. In Text Amendment No. 2010-0003, 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 October 5, 2010 of a text amendment to the Zoning Ordinance to amend Section 9-104 to allow illuminated signs on buildings taller than 35 feet with certain restrictions and with a special use permit, which recommendation was approved by the City Council at public hearing on October

16, 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 9-104(P) of the Zoning Ordinance be, and the same hereby are, amended by deleting and inserting new language, as shown:

Section 9-104 Prohibited signs, marquees and awnings and exceptions. The following

signs, marquees and awnings are prohibited or are permitted only as specified below, regardless of their location in the city.

(P) Illuminated signs. No lighted sign may be erected or displayed in any location on a building which location is higher than 35 feet above grade unless the building is located within 2,000 feet of and the sign is facing U.S. Route 95 (the Capital Beltway) or unless a special use permit is approved after a finding that the sign meets the following criteria:

- (1) Only one sign per building is permitted;
- (2) The permitted sign is limited to the display of the name of a major office or commercial (not retail or residential) occupant of a building that is predominantly office or commercial use;
- (3) The building may not be located within, or on the borders of, the Old and Historic Alexandria or Parker-Gray Historic Districts;
- (4) The sign must meet any applicable design guidelines and follow any additional applicable process for approval.
- (5) The sign must be appropriate in scale, design and color and compatible with the building;
- (6) The sign may not be internally illuminated or lighted from neon gas;
- (7) The sign shall be subject to such conditions as the SUP may impose to ensure that the sign functions without glare or disturbance with nearby uses, including those rules which may alter, modify or supersede the rule stated in section 9-105 (C) with regard to the lighting not operating between 10:30 pm and 6:30 a.m.; and;
- (8) No sign may face the George Washington Memorial Parkway, and only minimum facade lighting facing the Parkway is allowed. All National Park Service requirements must be met.

Section 2. That the director of planning and zoning be, and hereby is, directed to report back to Council within two years of the approval of this ordinance and include an analysis and a recommendation about whether to convert the approval

process to an Administrative Special Use Permit (SUP) process for these illuminated signs.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 4. That Section 9-104(P), 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 5. 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.

19. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Requirements for Snow Removal From Sidewalks By Residents. (#15, 11/09/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 3, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 11/13/10, 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. 19; 11/13/10, 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. 19; 11/13/10, and is incorporated as part of this record by reference.)

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

(a) Dino Drudi, 315 N. West Street, spoke of legal issues associated with the burden on property owners, and the City gives itself more time to clean the streets than it does the citizens to clear the sidewalks.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance to amend the requirements for snow removal from sidewalks by residents.

In response to a question from Councilwoman Hughes, City Attorney Banks said

the fines are civil penalties, so someone not being home would be a proper defense to that civil penalty.

The voting was as follows:

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

The ordinance reads as follows:

#### ORDINANCE NO. 4689

AN ORDINANCE to amend and reordain Article A (GENERAL PROVISIONS), Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A, Chapter 2 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-2-21 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

Sec. 5-2-21 Removal of snow, sleet and ice.

(a) Whenever snow shall fall and lie on the sidewalks of the city, it shall be the duty of each owner or occupant to clean same from the public sidewalk abutting the place owned or occupied by him ~~within 24 hours after the snow shall have ceased to fall~~. The time for such removal shall be as follows:

- i. When the city manager or his designee has declared a Level 1 snow emergency, within 24 hours after the snow shall have ceased to fall;
- ii. When the city manager or his designee has declared a Level 2 snow emergency, within 48 hours after the snow shall have ceased to fall;
- iii. When the city manager or his designee has declared a Level 3 snow emergency, within 72 hours after the snow shall have ceased to fall.

(Subsequent sections unchanged)

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



20. Public Hearing, Second Reading and Final Passage of an Ordinance to Change the Implementation of Snow Emergency Plans and Routes Within the City. (#16, 11/09/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 3, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 11/13/10, 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. 20; 11/13/10, 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. 20; 11/13/10, and is incorporated as part of this record by reference.)

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

(a) David Fromm, 2307 E. Randolph Avenue, said that within the neighborhood, the more cars off the streets helped the plows to get through the street, so it may be confusing, and streets with signs saying snow emergency end up with fewer cars on them. To reduce it dramatically seems like it would be more challenging to clear a lot of streets.

Mr. Lambert, Transportation and Environmental Services, responded to questions of City Council.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Vice Mayor Donley and carried 6-1 by roll-call vote, City Council closed the public hearing and passed the ordinance to change the implementation of snow emergency plans and routes within the City. The voting was as follows:

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

The ordinance reads as follows:

**ORDINANCE NO. 4690**

AN ORDINANCE to amend and reordain Article H (SNOW AND BAD WEATHER REGULATIONS), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article H, Chapter 8 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-8-131 through -135 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

Sec. 5-8-131 Emergency plans generally.

The city manager shall prepare snow and weather emergency plans for use within the city and inform the public of the details of the plans. The plans may include but shall not be limited to provisions for warning motorists and pedestrians, prohibiting parking on designated streets, requiring chains or snow tires on vehicles operating on designated streets, removing and storing vehicles that are stalled, stuck, parked or abandoned on designated streets, early dismissal of city employees or excusing city employees from reporting to duty, posting guidance and warning signs and markings on designated streets, sanding and chemical treatment of streets, and removal of snow, sleet, hail and ice. The plans, where practicable, shall be similar to and shall be invoked simultaneously with snow and weather emergency plans for the District of Columbia and neighboring jurisdictions. The plans shall include a classification system based on type and accumulation of precipitation to be determined by the City Manager with a designation of snow emergency severity ranging from Level 1 (least severe) to Level 3 (most severe), such levels to relate to the various aspects and degrees of response set forth in the City manager's snow emergency plans.

Sec. 5-8-132 Snow emergency routes.

The following city streets or portions thereof are designated as snow emergency routes and shall be posted as such:

- ~~(1) Prince Street from Fairfax Street to Daingerfield Road.~~
- ~~(2)~~(1) King Street from Union Street to the western city limit.
- ~~(3) Cameron Street from Firehouse No. 5 to Commonwealth Avenue.~~
- ~~(4)~~(2) Washington Street from city limit to city limit.
- ~~(5)~~(3) Duke Street from Washington Street to the western city limit.
- ~~(6) Mount Vernon Avenue from Braddock Road to the northern city limit.~~
- ~~(7) Fern Street from Quaker Lane to Kenwood Avenue.~~
- ~~(8)~~(4) U.S. Route No. 1 from city limit to city limit.
- ~~(9) Powhatan Street from Washington Street to Slater's Lane.~~
- ~~(10) Monroe Avenue from Powhatan Street to Russell Road.~~
- ~~(11) Russell Road from King Street to Mount Vernon Avenue.~~
- ~~(12)~~(5) Braddock Road from North West Street to Beauregard Street.
- ~~(13) Daingerfield from Duke Street to King Street.~~
- ~~(14) Montgomery Street from Fairfax Street to Henry Street.~~

- ~~(15) Janney's Lane from King Street to Quaker Lane.~~
- ~~(16) Seminary Road from Quaker Lane to the western city limit.~~
- ~~(17)(6) Howard Street from Braddock Road to Jordan Street.~~
- ~~(18)(7) Jordan Street from Duke Street to Howard Street.~~
- ~~(19) Beauregard Street from city limit to city limit.~~
- ~~(20) Van Dorn Street from the southern city limit to Menokin Drive.~~
- ~~(21) Menokin Drive from Van Dorn to King Street.~~
- ~~(22) Quaker Lane from King Street to Duke Street.~~
- ~~(23) North Paxton Street from Duke Street to Holmes Run.~~
- ~~(24) Edsall Road from the western city limit to Van Dorn Street.~~
- ~~(25) Franklin Street from Patrick Street to Washington Street.~~
- ~~(26) Callahan Drive from King Street to Duke Street.~~
- ~~(27) South Pickett Street from South Van Dorn Street to Duke Street.~~
- ~~(28) Telegraph Road.~~
- (8) Eisenhower Avenue from Holland Lane to Van Dorn Street.

Sec. 5-8-133 ~~Snow emergency plan No. 4 parking.~~Parking During a Snow Emergency.

~~(a) Whenever there is a firm forecast of snow, sleet, hail or freezing rain from the United States Weather Bureau or whenever snow, sleet, hail or ice or a combination thereof reaches an accumulation of at least two (2) inches on one (1) or more of the streets in the city designated as snow emergency routes, the city manager or his duly authorized representative may declare a snow emergency of any level, and invoke a snow parking emergency to be known as "snow emergency plan No. 4." The city manager or his representative shall make announcement thereof through the press if possible, but in any event through not less than two (2) radio or television stations with a normal operating range covering the city.~~

~~(b) Snow emergency plan No. 4 shall become effective at the following times if the above mentioned announcement is made:~~

~~ANNOUNCEMENT MADE~~

~~-Between 7:00 a.m. and 12:00 Midnight~~

~~-Between Midnight and 7:00 a.m.~~

~~EFFECTIVE DATE~~

~~-Two hours after announcement~~

~~-9:00 a.m.~~

A parking restrictions on any street or portion thereof designated a snow emergency route shall go into effect two (2) hours after such announcement. Notwithstanding the foregoing, no vehicle parked in a designated snow emergency route shall be impounded earlier than 7:00 a.m. on any day when the snow emergency declaration was made later than midnight. However, such vehicles may be relocated to a nearby parking space not within a designated snow emergency route. All designated snow emergency routes shall be marked by special red and white signs not less than 18 inches wide reading "SNOW EMERGENCY ROUTE; TOWING ENFORCED." There shall be at least one (1) sign posted in every other block in each direction. No person shall, while a snow emergency declaration, regardless of level plan No. 4 is in effect, park or permit any vehicle to remain parked on any such street or portion thereof. The

parking prohibition shall remain in effect until the snow emergency declaration plan No. 4 has been terminated by the city manager or his authorized representative.

Sec. 5-8-134 ~~Snow emergency plan No. 1, impeding traffic.~~ Impeding Traffic During Snow Emergency

~~Whenever the city manager or his duly authorized representative has declared a snow emergency, regardless of level, is of the opinion that snow, sleet, hail or freezing rain is causing slippery or hazardous conditions which may lead to serious congestion on the streets of the city, the city manager or his representative may declare and invoke a snow traffic emergency to be known as "snow emergency plan No. 1", and, until he has declared the emergency terminated, it shall be unlawful for any person to obstruct or impede traffic on any street or to obstruct or interfere with City sponsored snow removal or treatment designated and posted as a snow emergency route by reason of his failure to have the vehicle operated by him equipped with snow tires or chains. The city manager or his representative shall make announcement of snow emergency plan No. 1 through the press, if possible, but in any event through not less than two (2) radio or television stations with a normal operating range covering the city. Snow emergency plan No. 1 shall become effective upon announcement. reasonably equipped to operate in the existing street and weather conditions.~~

Sec. 5-8-135 Removal and storage of stalled, stuck, parked or abandoned vehicles and charges for removal and storage.

(a) ~~Whenever any vehicle shall be found stalled, stuck, parked or abandoned on any city street designated and posted as a snow emergency route in such a manner as to obstruct or impede traffic or hinder City sponsored snow removal or sanding treatment operations when a either snow emergency declaration, regardless of level, has been made by the city manager or his designee, plan No. 4 or snow emergency plan No. 1 or both are in effect, the vehicle may be removed to a nearby place or removed to a yard designated by the city manager or his authorized representative and stored.~~

(b) These vehicles may be removed only by persons authorized by the city manager or his representative. It shall be the duty of the person removing or directing the removal of any vehicle to immediately make a report thereof to the director of transportation and environmental services and the chief of police, giving the type of vehicle, the license tag numbers on the vehicle, the place of removal, the time of removal, the cause of removal, the place to which the vehicle was moved and such other information as the person making the report may have concerning the vehicle or its owner.

(c) The owner of any vehicle removed and stored in a city yard pursuant to this section or other duly authorized person shall be permitted to obtain the vehicle by paying the removal cost plus a storage charge at the rate of ~~five~~ thirty dollars (\$5 ~~30.00~~) per day. The payment of removal and storage charges shall not operate to relieve any

person from liability for a fine or penalty.

(d) It shall be the duty of the police chief to attempt to notify the owner of any such vehicle as soon as reasonably possible of the removal and the location of the vehicle.

(Subsequent sections unchanged)

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

21. Public Hearing, Second Reading and Final Passage of an Ordinance To Amend the Taxi Fare Snow Surcharge To Comport With the Amended Snow Emergency Procedures. (#17, 11/09/10) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated November 3, 2010, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 11/13/10, 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. 21; 11/13/10, 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. 21; 11/13/10, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance to amend the taxi fare snow surcharge to comport with the amended snow emergency procedures. The voting was as follows:

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

The ordinance reads as follows:

#### ORDINANCE NO. 4691

AN ORDINANCE to amend and reordain Article A.1 (TAXICABS), Chapter 12 (TAXIS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A.1, Chapter 12 of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 9-12-132 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

Sec. 9-12-132 Amount of fare to be charged.

(a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be unlawful to make any greater or lesser charge:

(Intervening sections unchanged)

(10) Taximeter fares shall be increased by \$5 during any period in which a snow emergency plan is in effect in the city, ~~as declared by the city manager or his authorized representative~~ declaration of Level 2 or Level 3 has been made by the city manager or his designee. In addition, taximeter fares shall be increased by \$5 in the event that the director of transportation and environmental services determines that driving conditions in the city are, or are reasonably expected to become, unduly hazardous due to the accumulation of snow, sleet or ice on the streets, regardless of the declaration of a snow emergency or the level thereof. The transportation division of the department of transportation and environmental services will notify each taxicab company by telephone of the exact time any such taximeter fare increase is to go into effect and the exact time that such fare increase is terminated.

(Subsequent sections unchanged)

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

22. Consideration of a Resolution Regarding Funding a Pedestrian Bridge in Potomac Yard.

This item was heard with docket item #8.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR  
PLANNING COMMISSION**

None.

**END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council adjourned the public hearing meeting of November 13, 2010 at 1:30 p.m. The voting was as follows:

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

APPROVED BY:

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WILLIAM D. EUILLE                      MAYOR

ATTEST:

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Jacqueline M. Henderson  
City Clerk and Clerk of Council

3(b)  
11-23-10

November 19, 2010

TO: Mayor and Members of City Council  
FROM: Jackie M. Henderson, City Clerk and Clerk of Council  
SUBJECT: Clarification of Motion for Potomac Yard

After reviewing my minutes, I have made a few clarifications to the motion/friendly amendment made on Saturday for Potomac Yard. The clarification does not change the intent of the motion, but only cleans up the motion language to more closely match the written conditions in the staff report.

I'm attaching the corrected page from the minutes, which I ask you to approve on Tuesday evening on docket item #3b. Below is also the corrected language with strikeouts and bold:

**WHEREUPON**, a motion was made by Vice Mayor Donley, seconded by Councilwoman Hughes, that City Council approve the Planning Commission recommendation, with the following changes: condition #11a on page 42 to read: "all parking must be underground, except that above-grade parking structures are permitted in any subsequent development special use permits in the following locations, subject to the criteria in 11B, C and D", which changes "a" "**may be**" to "are"; in ~~condition #1~~ **finding/note 1**, to delete the word "predecessors"; on page 51, change the amount of the monetary contributions to \$500,000 reflected in i, ii, iii, ~~iv~~ and v **and \$1 million in iv** in condition p to reflect a \$2 million contribution.

Councilman Smedberg offered a friendly amendment on pages 51 and 52, **conditions q and r**, as relates to the rail park and **Potomac Yard linear park**, adding the wording that it be placed in a sequestered fund for the stated purposes. The amendment was accepted by the maker and seconder of the motion and becomes part of the main motion.



and they now wish to rescind their obligation because of the contingent deal on landbay F, and he noted the problems associated with that.

(e) David Fromm, 2307 E. Randolph Avenue, said that until Metro is approved, it seems they are giving away a lot in the application, since if it is not approved, there are no conditions. If Metro is not approved, it can go back to undergrounding parking. Mr. Fromm said solving the pedestrian bridge is a problem.

(f) Foster Henderson, 1846 Potomac Greens Drive, said he is all for Metro but not for the special taxes. He recommended putting a school in the development and the money there.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

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

**WHEREUPON**, a motion was made by Vice Mayor Donley, seconded by Councilwoman Hughes, that City Council approve the Planning Commission recommendation, with the following changes: condition #11a on page 42 to read: "all parking must be underground, except that above-grade parking structures are permitted in any subsequent development special use permits in the following locations, subject to the criteria in 11B, C and D", which changes "a" "**may be**" to "are"; in ~~condition #1~~ **finding/note 1**, to delete the word "predecessors"; on page 51, change the amount of the monetary contributions to \$500,000 reflected in i, ii, iii, ~~iv~~ and v **and \$1 million in iv** in condition p to reflect a \$2 million contribution.

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**A SUBSTITUTE MOTION WAS MADE** by Councilman Smedberg that condition #11a stay as recommended by the Planning Commission. The motion failed for lack of a second.

The voting on the motion was as follows:

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