

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Council Chamber
Saturday, January 12, 2013, 9:30 a.m.**

Present: Mayor William D. Euille, Vice Mayor Allison Silberberg, Members of Council John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Fletcher, Special Assistant to the City Manager; Mr. Jinks, Deputy City Manager; Mr. Catlett, Director, Office of Code Administration; Mr. Baier, Director, Transportation and Environmental Services; Mr. Melkerson, Transportation and Environmental Services; Mr. Garbacz, Transportation and Environmental Services; Police Captain Wemple, Police Department; Deputy Police Chief Corle; Ms. Hamer, Director, Planning and Zoning; Ms. Anderson, Acting Deputy Director, Planning and Zoning; Ms. Wright, Planning and Zoning; Ms. Contreras, Planning and Zoning; Mr. Randall, Planning and Zoning; Mr. Geratz, Planning and Zoning; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Martinez, Information Technology; and Mr. Lloyd.

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

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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.

2. Public Discussion Period.

1. Jessica Wisser, 2121 Eisenhower Avenue, executive director, Alexandria Symphony Orchestra, spoke of the 25th anniversary of the music director, Kim Allen Kluge, and the reflection of the ASO's journey from its humble beginnings to a local world class symphony. She spoke of their performances on February 9 and 10, and she invited Council to join them at Northern Virginia Community College's Alexandria's campus for a celebration of the spirit of Alexandria and the impact Maestro Kluge has had on the culture of the City. She said there will also be a party at the Westin Hotel on March 2.

2. Gary Carr, 215 Aspen Street, spoke as an advocate of running and running tracks to combat childhood obesity and sedentary ways. He said Francis Hammond Middle School

went from having one of the worst playing fields in the area to what is now one of the best. He said George Washington's Middle School track is uneven, unmarked and unacceptable. He said it has the support of the physical education teachers and the community and is cost-effective, low maintenance and suitable for the site.

3. Randy Stephens, 5610 Bloomfield Drive, spoke for American Legion Post 129, noting that they only have a few buildings to house black history, and he said there is no reason to have the building leveled and moved.

4. Kevin Beekman, 3905 Elbert Avenue, presented the City with a donation of \$1,000 from the Four Mile Run Farmers and Artisans Market for the expansion of Four Mile Run Park.

5. Annabelle Fisher, 5001 Seminary Road, said thank you to Craig Fifer in Communications for his help on her computer and IT issues. She said on the issue of Comcast and the City now broadcasting the meetings, she wished the City good luck. She suggested that when citizens come up to speak, that there be no side-bar conversations on the dais. Ms. Fisher also noted that the Ravens are going to the Superbowl with the Seahawks.

6. Bert Ely, 200 S. Pitt Street, offered comments on an upcoming test of left turn restrictions on Union Street, noting that City staff has proposed a test of three left turn restrictions at King and Union, from northbound Union onto westbound King, from eastbound King onto northbound Union, and from westbound King onto southbound Union. He said the restrictions have raised concerns that it will divert traffic onto parallel north/south streets, especially near Lee and Fairfax Streets. He said it is important to measure the restrictions impact on nearby streets. Mr. Ely noted that several residents have expressed concern about the proposed 24 hour applicability of the turn restrictions.

7. Kathryn Papp, 504 Cameron Street, spoke about introducing bikes to the City, and she said Council needs to consider moving the Mt. Vernon bike trail off of Union Street and onto Washington Street; all bicycles should be registered and owners charged a fee; bike rules and regulations needs to be readily accessed on the City's website; adding bicycles to the mix in the wrong places increases unnecessary delay; Capital bikeshare can be moved to the Suburbs and use its energy and dedication to spearhead the transformation of the suburbs into a better place; and educational loan is not going to solve the kind of problems they are seeing, so they need to be more attentive to fewer customers.

8. Boyd Walker, 1307 King Street, with the Greater Alexandria Preservation Alliance, spoke about the American Legion building, which will be allowed to be demolished February 1 without intervention by Council. He said the building has attracted a lot of interest, as it is the only known building of its type. He said the City has already invested in the building by buying a \$25,000 option for sell the building.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

3. Text Amendment #2013-0001
Public Hearing and Consideration of a text amendment to the zoning ordinance to permit schools and day care centers in the I/Industrial zone with approval of an

administrative Special Use Permit. Staff: Department of Planning and Zoning
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report, dated January 12, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of item #3, 1/12/13, and is incorporated as part of this record by reference.)

Ms. Anderson, Acting Deputy Director of Planning and Zoning, made a presentation of the staff report and responded to questions of City Council.

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: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

4. Special Use Permit #2012-0077
106 Hume Avenue - Emma's
Public Hearing and Consideration of a request for a restaurant (coffee shop and wine bar) and a request for a parking reduction; zoned CL/Commercial Low. Applicant: Connie Desrosiers
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report, dated January 12, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of item #4, 1/12/13, and is incorporated as part of this record by reference.)

Mr. Randall, Planning and Zoning, made a presentation of the report and responded to questions of City Council.

In response to questions from City Council, Ms. Desrosiers, owner of the property, stated that the basement is being used as storage, and she has spoken to Sun Trust about their parking lot, but it is sold out.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with an amendment to condition #3, change the words "before 11:00 p.m." to "after 11:00 p.m." The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

5. Special Use Permit #2012-0078
3401 Mount Vernon Avenue
Public Hearing and Consideration of a request to operate a restaurant and a request for a parking reduction; zoned CSL/Commercial Service Low. Applicant: Jose Mario Cabero and Jose Guillermo Cabero by Mabel Tweddle, agent
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report, dated January 12, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of item #5, 1/12/13, and is

incorporated as part of this record by reference.)

Mr. Randall, Planning and Zoning, made a presentation of the report and responded to questions of City Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

6. Master Plan Amendment #2012-0006
Rezoning #2012-0004
Development Special Use Permit #2011-0028
City Charter Section 9.06 Case #2012-0004
114, 116, 116 ½, 118, 118 ½ and 120 East Reed Avenue and 3600 Jefferson Davis Highway - East Reed Multifamily
Public Hearing and Consideration of a request for a (A) an amendment to the Potomac West Small Area Plan Chapter of the Master Plan to amend the land use map from CDD/Coordinated Development District to CRMU/Commercial Residential Mixed Use and the zoning map from CDD #7/Coordinated Development District to CRMU-M/Commercial residential mixed used medium zone and to amend the height map to increase the allowable height from 45 feet to 60 feet; (B) a map amendment (rezoning) to amend the zone from CDD #7/Coordinated Development District to CRMU-M/Commercial Residential Mixed-Use Medium; (C) a development special use permit, with site plan, to construct a multifamily residential building including special use permit requests for increased floor area for mixed-use residential/retail development pursuant to Section 5-205(c) of the zoning ordinance and increased floor area and a parking reduction for the provision of affordable housing pursuant to Section 7-700 of the zoning ordinance; and (D) a request for Planning Commission to review whether the proposed sale of property owned by the City of Alexandria and the resulting change in use of that property is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. Zoned CDD#7/Coordinated Development District. Applicant: AHC, Inc., represented by Duncan Blair, attorney for MPA #2012-0006, REZ #2012-0004 and DSUP #2011-0028 and City of Alexandria for City Charter Section 9.06 Case #2012 0004
Planning Commission Action:
MPA #2012-0006 Adopted 6-0
REZ #2012-0004 Recommend Approval 6-0
DSUP #2011-0028 Recommend Approval 6-0
City Charter Section 9.06 Case #2012-0004 Approved 6-0

(A copy of the Planning Commission report, dated January 12, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of item #6, 1/12/13, and is incorporated as part of this record by reference.)

Mr. Geratz, Planning and Zoning, along with Ms. McIlvaine, Deputy Director, Office of Housing, made a presentation of the staff report and responded to questions of City Council.

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

1. Duncan Blair, 524 King Street, attorney representing AHC, Inc., spoke in support of the application.

2. Joe Bondi, 122 Lynhaven Drive, president, Lynhaven Citizens Association, spoke in support of affordable housing in Alexandria and on this site, but they need to make the parking in the building free and encourage residents to park in the building.

3. Jason Re, 112 ½ E. Reed Avenue, spoke about the large project and the parking problem in the community.

4. Sean Tindall, 145 E. Reed Avenue, said the scope of the project is large and bringing another large building in the area is an issue for parking.

5. Annabelle Fisher, 5001 Seminary Road, asked Council to consider how someone with a lower or moderate income would be able to pay \$35 to park in the garage, and asked about the loan and the rents and asked that it be deferred to get that information.

6. Matt Hite, 258 Lynhaven Drive, asked that the project not move forward unless they provide free parking on-site to the residents.

7. Barbara Draughon, 140 Lynhaven Drive, spoke in support of affordable housing and of the project, if it includes free parking for the residents.

WHEREUPON, a motion was made by Councilman Smedberg and seconded by Councilmember Lovain, that City Council close the public hearing and approve the original staff recommendation, striking the Planning Commission recommendation on 25A addition.

WHEREUPON, an amendment was made by Vice Mayor Silberberg and seconded by Councilman Chapman, that they accept the plan with the condition that the parking be free.

The voting on the amendment failed by a vote of 2-5 and was as follows: In favor, Vice Mayor Silberberg and Councilman Chapman; Opposed, Mayor Euille, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson.

WHEREUPON, Councilman Wilson offered an amendment, which was acceptable to the maker and seconder of the original motion, and which becomes part of the original motion, that:

A new condition to read: "Upon full occupancy, in the event that there are available residential parking spaces, the applicant may lease those parking spaces to neighboring residents. Residents of East Reed Multifamily will have priority for the leasing of parking in the building." An addition of condition 89(b) stating "That limited parking is available for lease within the development. The availability of residential street parking in the adjacent neighborhood should not be expected."

Included is a request that the City Manager amend the existing effort to analyze the right turn lane to include analysis and a recommendation on the following parking and traffic mitigation efforts: implementation of a residential parking district; implementation of a restricted overnight parking district; creation of additional street parking on Reed Avenue; other changes to the intersection of Jefferson Davis Highway and Reed Avenue--including light timing and turn restrictions; street sweeping occurs twice a week, and it should talk with the community about

continuing that.

The voting on the motion was as follows and carried by a vote of 5-2: In favor, Mayor Euille, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, Vice Mayor Silberberg and Councilman Chapman.

The motion, as approved, reads as follows:

City Council approved the original staff recommendation, with the following amendments:
Remove item 25A.

A new condition to read: "Upon full occupancy, in the event that there are available residential parking spaces, the applicant may lease those parking spaces to neighboring residents. Residents of East Reed Multifamily will have priority for the leasing of parking in the building."

An addition of condition 89(b) stating "That limited parking is available for lease within the development. The availability of residential street parking in the adjacent neighborhood should not be expected."

Included is a request that the City Manager amend the existing effort to analyze the right turn lane to include analysis and a recommendation on the following parking and traffic mitigation efforts: implementation of a residential parking district; implementation of a restricted overnight parking district; creation of additional street parking on Reed Avenue; other changes to the intersection of Jefferson Davis Highway and Reed Avenue--including light timing and turn restrictions; street sweeping occurs twice a week, and it should talk with the community about continuing that.

** Please note that a revote of the above motion was reconsidered later in this meeting.**

ORDINANCES AND RESOLUTIONS

7. Public Hearing, Second Reading and Final Passage of an Ordinance to Approve and Authorize the Transfer of City Owned Property Located at 3600 Jefferson Davis Highway, as Part of a Total City Support Package. [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. 7; 1/12/13, 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. 7; 1/12/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to approve and authorize the transfer of City owned property at 3600 Jefferson Davis Highway, as part of a total City support package. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4781

AN ORDINANCE approving and authorizing the transfer of property owned by the City of Alexandria ("City"), located at 3600 Jefferson Davis Highway in the City of Alexandria, Virginia to a limited partnership, that includes AHC, Inc. and the City, for the purpose of developing low income tax credit-funded rental housing.

WHEREAS, the City of Alexandria owns the real property located at 3600 --Jefferson Davis Highway in Alexandria, Virginia, having acquired it by Deed of Bargain and Sale on October 21, 1975 (Deed Book 809, Page 782, recorded in the land records of the City of Alexandria, Virginia); and

WHEREAS, the City and AHC, Inc., will execute a Partnership Agreement Between City of Alexandria, Virginia, and AHC, Inc. ("Partnership Agreement"), upon approval of City Council, whereby the City will support a project, on the City's real property and six other contiguous parcels, to develop a new rental apartment building for persons of low- or moderate-income in the City of Alexandria, Virginia; and

WHEREAS, the City's support includes ultimately appropriating the City's real property to a low-income tax credit program owner limited partnership that will develop and own the project and in return when AHC, Inc. acquires the project from its tax credit investment partner (after the initial fifteen year affordability period), the City entity's interest will be bought out by AHC, Inc.; and

WHEREAS, prior to the transfer and in anticipation of possible future traffic improvements, the City will reserve for itself an easement in the property of sufficient land to construct a right hand turn lane from southbound Jefferson Davis Highway onto westbound East Reed Avenue if recommended by City Council; and

WHEREAS, the use of this real property by the City has been submitted to and approved by the planning commission on January 4, 2013; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the transfer of the real property described below to a City controlled limited liability company and then to a low-income tax credit program limited partnership, be and the same is hereby, approved and authorized:

BEGINNING at the southwest corner of the land belonging to G.V. or Margarita Metaxatos located on the north side of Reed Avenue, thence with the land of Metaxatos N 6°16'58" W, 105.00 feet to the land of Glebe Towers, Inc.; thence with the land of Glebe Towers, Inc. N 83°43'01" E, 81.37 feet to the west side of Jefferson Davis Highway (U.S. Route 1); thence with Jefferson Davis Highway S 6°40'30" E, 55.07 feet; thence S 6°41'59" E, 31.80 feet to a point of curve (Virginia State Coordinate N 429473.18, E 2412360.82); thence 28.41 feet along the arc of a curve to the right having a radius of 18.00 feet (chord bearing S 38°30'29" W for 25.55 feet) to the north side of Reed Avenue; thence with Reed Avenue S 83°44'31" W, 1.00 feet; thence S 83°43'02" W, 21.30 feet; thence S 83°43'01" W, 41.64 feet to the point of beginning and containing an area of 8511

square feet of land, as shown on the plat attached hereto and made by reference a part hereof.

And being lot 66 of proposed subdivision Beaumont, less and except a parcel of land conveyed to the City of Alexandria in Deed Book 451, Page 130 and Deed Book 469, Page 257; and lot 50, subdivision of a portion of block 4, of section 5, resubdivision of lots 9 through 12, block 1, section 1, Beaumont Subdivision.

The said property was devised to William Dillard Fauntleroy by the Last Will and Testament of Dorothy M. Fauntleroy, and recorded in Will Book 98, Page 699, Alexandria City records.

Section 2. That the said conveyance shall be subject to the reservation by the city of easements for all public and/or private utilities, public roads, and others for public purposes.

Section 3. That the city manager be and hereby is authorized, on behalf of the City, to do all things necessary and desirable to carry out the transfer of the real property, subject to the terms of the Partnership Agreement, described in Section 1, including, but not limited to, the execution and delivery of deeds and other appropriate documents.

Section 4. That the city clerk be and is hereby authorized to attest to the execution of the deed and other necessary documents executed by the city manager pursuant to Section 2, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

8. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council to the Transportation Master Plan chapter of such master plan as Master Plan Amendment No. 2012-0007 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. [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. 8; 1/12/13, 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. 8; 1/12/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilwoman Pepper and carried 6-1 by roll-call vote, City Council closed the public hearing and adopted the ordinance for the Transportation Master Plan chapter of the Master Plan Amendment No. 2012-0007. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, Councilman Wilson.

The ordinance reads as follows:

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council to the Transportation Master Plan chapter of such master plan as Master Plan Amendment No. 2012-0007 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. 2012-0007, 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 8, 2012 of an amendment to the Transportation Master Plan Chapter of the Master Plan of the City of Alexandria, by incorporating additional recommendations for each of the three transitway corridors, which recommendation was approved by the City Council at public hearing on November 17, 2012;
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 Transportation Master Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by incorporating additional recommendations for each of the three transitway corridors as follows:

On Page 1-7 of the Transportation Master Plan, add the following paragraph after the second paragraph on that page:

Corridor A – Route 1 / North-South Recommendation: There shall not be a dedicated-lane for high capacity transit on the portion of Corridor A south of the Braddock Metrorail Station. Instead, resources should be used to explore the possibility of putting circulator buses/trolleys or other forms of conventional and scale appropriate transit in this portion of the City. East-west connections between Old Town and the existing Metrorail stations is the most effective way to encourage transit use in this area. These connections should be done with maximum sensitivity to the residents' concerns and the historic infrastructure in Old Town, and community outreach should be undertaken before any action to implement is taken.

On Page 1-8 of the Transportation Master Plan, add the following paragraphs after the third paragraph on that page:

Corridor B – Duke Street / Eisenhower Avenue Recommendation: Alternative 1a (in the Transitway Corridors Feasibility Study) should be the first phase of transitway implementation on Duke Street. It would create dedicated curbside transit lanes in existing six-lane sections of Duke Street between Landmark Mall and Jordan Street and between Roth Street and Diagonal Road. In the remaining section of Duke Street between Jordan

Street and Roth Street, transit would operate in mixed flow in the curb lanes. A parallel off-corridor bicycle facility should be examined to accommodate bicyclists along Duke Street and improved pedestrian facilities would be provided at intersections and near transit stations. Preliminary implementation should prioritize enhanced pedestrian safety and improvements at Taylor Run Parkway.

Alternative 3c (in the Transitway Corridors Feasibility Study) would be the subsequent phase of transitway implementation on Duke Street. It would build on Alternative 1a by widening Duke Street to provide a reversible lane between Jordan Street and Roth Street. The reversible lane would be configured to allow Duke Street to accommodate a dedicated curbside transit lane in the peak hour and peak direction of traffic flow during the a.m. and p.m. peak periods along Duke Street (while still providing two general purpose lanes for peak directions). Alternative 3c should continue to examine a bicycle facility along Duke Street along with corridor-wide pedestrian improvements. However, bicycles should be accommodated in this corridor only if studies demonstrate that the streetscape can still be enhanced.

On Page 1-9 of the Transportation Master Plan, add the following paragraph after the second paragraph on that page:

Corridor C – Van Dorn / Beauregard Recommendation: Bus Rapid Transit (BRT) in Dedicated lanes between the Van Dorn Metrorail Station and the Pentagon via Shirlington (Alternative D in the Transitway Corridors Feasibility Study) is the preferred alternative for phased implementation of transit in dedicated lanes in Corridor C until such time that Streetcar (Alternative G in the Transitway Corridors Feasibility Study) may become feasible and can be implemented. The Alternative D alignment should be optimized to better serve the Northern Virginia Community College (NVCC). This course of action is consistent with the Council's recent decision to provide dedicated lane transit along the segment of Corridor A that is north of Braddock Road. Evaluation and analysis will continue of Alternative D in preparation for future implementation of Alternative G. Construction of transit in Corridor C shall be the first priority of Alexandria's transportation projects. Each subsequent corridor shall be evaluated separately regarding the need to acquire additional right-of-way.

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 Transportation Master Plan Chapter of Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Transportation Master Plan Chapter of the Master Plan 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 Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan 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.

9. Public Hearing, Second Reading and Final Passage of an ordinance authorizing the tenant of the property located at 105 King Street to construct and maintain an encroachment for a bay window at that location. [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. 9; 1/12/13, 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. 9; 1/12/13, and is incorporated as part of this record by reference.)

In response to a question from Councilman Smedberg, City staff stated that banners are not allowed on buildings in the historic district. Councilman Smedberg noted that the owner has several banners hanging from the building, so they need to address that issue.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council adopted the ordinance authorizing the tenant of the property at 105 King Street to construct and maintain an encroachment for a bay window at that location. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none. (Councilmember Lovain was absent for the vote.)

The ordinance reads as follows:

AN ORDINANCE authorizing the tenant of the property located at 105 King Street to construct and maintain an encroachment for a bay window at that location.

WHEREAS, Noe Landini doing business as the Fish Market is the tenant ("Tenant") of the property located at 105 King Street in the City of Alexandria, Virginia; and

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

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

WHEREAS, in Encroachment No. 2012-0006 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 December 4, 2012 which recommendation was approved by the City Council at its public hearing on December 15, 2012 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 105 King Street in the City of Alexandria, as shown in the attached document labeled as Exhibit A, said encroachment consisting of a bay window, 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 its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

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

This liability insurance policy shall identify the City of Alexandria and Tenant as named insureds and shall provide for the indemnification of the City of Alexandria and Tenant against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this 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) 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.
- (b) The Tenant shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment,

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 within 60 days or 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 terms "Tenant" shall be deemed to include its successors in interest, if any.

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

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City Council took a five-minute break at this time.

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10. Public Hearing, Second Reading and Final Passage of an Ordinance for a Proposed Amendment to the Taxicab Code to Change Taxicab Fares and to Receive the Taxicab Biennial Review Report. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated January 2, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 1/12/13, 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. 10; 1/12/13, 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. 10; 1/12/13, and is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, and Mr. Garbacz, Division Chief, Transportation and Environmental Services, made a presentation of the report and responded to questions of City Council.

City staff was asked to come back with a regional comparison of the taxi information.

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

1. Randy Stephens, 5610 Bloomfield Drive, #2, spoke to the issue of selling and transferring his vehicle permit and rights and dispatching.

Mr. Baier said staff would come back in March with more information.

2. Kyle Summers, 3014 Colvin Street, general manager, Alexandria Yellow Cab, spoke in support of the fare increase, noting that they want the grocery bags added back on, there should be a category for heavy or bulky items, and they support credit card acceptance and for adding a credit card surcharge.

3. Samson Haile, 4921 Seminary Road, #526, representing Alexandria Cab, spoke to the elimination of the waiting time charge and grocery bags should stay the same.

4. Daniel Berhane, 5340 Holmes Run Parkway, #902, representing Alexandria Cab, spoke in support of the fare increase but noted that the companies would take advantage and there should be a restriction on the companies.

5. Aurora Vasquez, no address given, project director of Excluded Worker Project, spoke of the grandfathered certificates, and she noted that they do not agree that the Traffic and Parking Board be given authority to transfer the grandfathered certificates to cab companies.

6. Zari Karimian, 85 S. Bragg Street, owner, Alexandria VIP Cab Company, spoke to the luggage charge and said \$2.00 for a trunk charge is hard to charge.

7. Gant Redmon, 510 King Street, Suite 301, attorney for King Cab Company, spoke to the certificates, noting that the owner has requested additional certificates for the past several years and has been denied each time and he stated that it is not fair.

8. Chand Dodhy, 3801 Mount Vernon Avenue, talked about how the taxi industry works and what the drivers have to pay. He said there should be a committee that meets quarterly to talk about the issues.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

City Council asked that staff bring back information on: the three minute waiting time, the luggage handling fare, the trunk charge, credit card use and the fee for the use, having a basic airport fee instead of numerous other luggage and baggage fees and the animal fee. Staff was also asked to put an effective date in the ordinance itself.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously, City Council deferred adoption of the ordinance to January 22, 2013. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

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WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilmember Lovain and carried unanimously, City Council moved reconsideration by City Council of docket item #6. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

6. Master Plan Amendment #2012-0006
Rezoning #2012-0004
Development Special Use Permit #2011-0028
City Charter Section 9.06 Case #2012-0004
114, 116, 116 ½, 118, 118 ½ and 120 East Reed Avenue and 3600 Jefferson Davis Highway - East Reed Multifamily
Public Hearing and Consideration of a request for a (A) an amendment to the Potomac West Small Area Plan Chapter of the Master Plan to amend the land use map from CDD/Coordinated Development District to CRMU/Commercial Residential Mixed Use and the zoning map from CDD #7/Coordinated Development District to CRMU-M/Commercial residential mixed used medium zone and to amend the height map to increase the allowable height from 45 feet to 60 feet; (B) a map amendment (rezoning) to amend the zone from CDD #7/Coordinated Development District to CRMU-M/Commercial Residential Mixed-Use Medium; (C) a development special use permit, with site plan, to construct a multifamily residential building including special use permit requests for increased floor area for mixed-use residential/retail development pursuant to Section 5-205(c) of the zoning ordinance and increased floor area and a parking reduction for the provision of affordable housing pursuant to Section 7-700 of the zoning ordinance; and (D) a request for Planning Commission to review whether the proposed sale of property owned by the City of Alexandria and the resulting change in use of that property is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. Zoned CDD#7/Coordinated Development District. Applicant: AHC, Inc., represented by Duncan Blair, attorney for MPA #2012-0006, REZ #2012-0004 and DSUP #2011-0028 and City of Alexandria for City Charter Section 9.06 Case #2012 0004
Planning Commission Action:
MPA #2012-0006 Adopted 6-0
REZ #2012-0004 Recommend Approval 6-0
DSUP #2011-0028 Recommend Approval 6-0
City Charter Section 9.06 Case #2012-0004 Approved 6-0

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilmember Lovain and carried unanimously, so Councilmembers could reconsider their vote, City Council moved to approve the original staff recommendation, with the following amendments:

Remove item 25A.

A new condition to read: "Upon full occupancy, in the event that there are available residential parking spaces, the applicant may lease those parking spaces to neighboring residents. Residents of East Reed Multifamily will have priority for the leasing of parking in the building."

An addition of condition 89(b) stating "That limited parking is available for lease within the development. The availability of residential street parking in the adjacent neighborhood should not be expected."

Included is a request that the City Manager amend the existing effort to analyze the right turn lane to include analysis and a recommendation on the following parking and traffic mitigation efforts: implementation of a residential parking district; implementation of a restricted overnight parking district; creation of additional street parking on Reed Avenue; other changes to the intersection of Jefferson Davis Highway and Reed Avenue--including light timing and turn restrictions; street sweeping occurs twice a week, and it should talk with the community about continuing that.

The motion carried unanimously and was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

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- 11. Consideration of a Resolution Establishing The Process To Be Used To Adopt Operating Budgets And Capital Improvement Programs and A Resolution to Establish FY 2014 Budget Guidance. [ROLL-CALL VOTE]

This resolution was adopted by City Council on January 8, 2013.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously, the public hearing meeting of January 12, 2013, was adjourned at 2:20 p.m. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council