

City of Alexandria
Meeting Minutes
Saturday, December 12, 2015, 9:30 AM
City Council Public Hearing

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. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Baker, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Anderson, Assistant City Attorney; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Williams, Principal Planner, P&Z; Mr. Farner, Deputy Director, P&Z; Mr. Dambach, Division Chief, P&Z; Ms. Horowitz, P&Z; Mr. Mallamo, Director, Office of Historic Alexandria, Ms. Metcalf, Office of Housing; Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities; Mr. Cox, Division Chief, P&Z; Ms. Miliaras, Urban Planner, P&Z; Mr. Singh, T&ES; Ms. Jaatinen, T&ES; Ms. Bryan, Information Technology Services; Mr. Ward, Information Technology Services; Police Captain Wemple; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

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

New Business Item No. 1: Councilwoman Pepper requested a point of personal privilege and played a video message from Senator Mark Warner congratulating Mayor Euille on his service to the City of Alexandria and City Council.

Councilman Lovain offered congratulations and thanks to Mayor Euille for his service to the City of Alexandria.

New Business Item No. 2: City Council considered Docket Item No. 17 at this time.

17. Public Hearing, Second Reading and Final Passage of an Ordinance Increasing Mayor, Council Members and Council Aides Annual Salaries. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 4, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 12/12/15, 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 Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 12/12/15, 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. 17; 12/12/15, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously, City Council tabled consideration of this ordinance indefinitely. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Ronald Gochenour, 3011 Hickory Street, spoke about the crime in the City and thanked Mayor Euille for his service to City.

2. Janice Grenadier, 15 West Spring Street, spoke about her issues with the judicial system and with the police department.

3. Emilio Abute, 3522 Cumberland Street, NW, spoke about garage operations and the replacement of employees with automated machines in the garages.

4. Vinod Amar, 6807 Supreme Court, Springfield, Virginia, spoke about garage operations and the replacement of employees with automated machines in the garages.

5. Temesgen Hagos, 508 South Alfred Street, spoke about garage operations and the replacement of employees with automated machines in the garages.

6. Larry Lee, 8 Whitestone Drive, Stafford, Virginia, requested that Council consider pay increases and the years of service adjustment for Fire Department employees during the budget season.

7. Dan Grayson, 3513 Brookside Drive, requested that Council consider pay increases and the years of service adjustment for Fire Department employees during the budget season.

8. Bert Ely, 200 South Pitt Street, representing the Friends of the Alexandria Waterfront, spoke about the potential flooding that may result from all the proposed construction that will be occurring on the Waterfront in the near future.

9. Catherine Kroohs, 4109 28th Street, requested that Council consider pay increases for Fire Department employees and all City employees during the budget season.

10. Dwight Horkheimer, 306 East Braddock Road, requested that Council consider pay increases for Fire Department employees and years of service adjustment during the budget season.

11. Daniel Townshend, 5300 Columbia Pike, Arlington, Virginia, spoke about pay increases and years of services adjustments for Fire Department employees.

12. Mussie A. Habtezion, 3424 Lockhead Boulevard, spoke about garage operations and the replacement of employees with automated machines in the garages.

13. Tommy Tippet, 4600 Duke Street, Suite 429, representing IAFF Local 2141, requested that Council consider merit increases and years of service for Fire Department employees.

14. Andrea Stowers, 532 Tobacco Quay, spoke about the tour bus task force and how the issues have not been resolved and need to be revisited for the health and welfare of the citizens.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-4)

Planning Commission

3. Special Use Permit #2015-0106
2A Wolfe Street - Private Marina between Wolfe and Wilkes Streets
(Parcel Address: 400 South Union Street)
New Harborside Yacht Club
Public Hearing and Consideration of a request to amend existing Special Use Permit #2002-0042 for a private marina to expand the potential users of the marina; zoned: W-1/Waterfront Mixed Use. Applicant: New Harborside Yacht Club, LLC by Robert Dugger
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated December 1, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/12/15, and is incorporated as part of this record by reference.)

4. Special Use Permit #2015-0107
111 South Payne Street - Casa Rosada Artisan Gelato
Public Hearing and Consideration of a request for an addition to an existing restaurant (SUP #2013-0039); zoned: CD/Commercial Downtown. Applicant: Benjamin and Perla Umansky, represented by David Umansky
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated December 1, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/12/15, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the consent calendar. The approval was as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.

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

5. Public Hearing and Consideration of the Report of the City Council Naming Committee Proposal on the Naming of the Pat Miller Neighborhood Square.

(A copy of the City Manager's memorandum dated December 2, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/12/15, and is incorporated as part of this record by reference.)

Mr. Mallamo, Director, Office of Historic Alexandria, gave a presentation on the naming of the farmer's market in Del Ray in honor of Pat Miller.

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

1. Gayle Reuter, 110 East Del Ray Avenue, representing the Del Ray Business Association and the Del Ray Citizens Association, spoke in support of the Naming Committee proposal honoring Pat Miller.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing and adopted the Naming Committee's recommendation and proposal to name the location of the Del Ray Farmer's Market the Pat Miller Neighborhood Square in honor of

Pat Miller. 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. Public Hearing and Consideration of the Report of the City Council Naming Committee on a Proposed Plaque to be Installed at the Alexandria Union Station in Honor of Lois Walker.

(A copy of the City Manager's report dated December 2, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/12/15, and is incorporated as part of the record by reference.)

Mr. Mallamo, Director, Office of Historic Alexandria, gave a presentation on the proposal for installing a plaque at Alexandria Union Station in honor of Lois Walker.

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

1. Boyd Walker, 1307 King Street, spoke in support of the Naming Committee proposal honoring his mother, Lois Walker.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Silberberg and carried unanimously, City Council closed the public hearing and adopted the recommendation and proposal of the Naming Committee to install a plaque at the Alexandria Union Station in honor of Lois Walker. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. Draft Framework Plan for Old Town North Small Area Plan
Public Hearing and a Request for guidance on the Draft Framework Plan for the Old Town North Small Area Plan Update developed through public participation under Phase I of the Planning process. Staff: Department of Planning and Zoning
Planning Commission Action: The Planning Commission received the report and provided guidance to Staff.

(A copy of the Planning Commission report dated December 4, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/12/15, and is incorporated as part of this record by reference.)

Ms. Williams, Principal Planner, Planning and Zoning, Mr. Farner, Deputy Director, Planning and Zoning, and Ms. Wasowski, Planning Commissioner, Chair of The Old Town North Small Area Plan Advisory Group, gave a presentation on the draft

framework for the plan and responded to questions from Council about community engagement and the charrette process, preservation of historical sites, plans for the NRG site, affordable housing, the concept of developing an arts district in the area, and parking concerns.

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

1. James Durso, 1211 North Pitt Street, #3C, president of the homeowners association at Canal Place Condominiums, spoke in reference to the Canal Place parking and changing it to an underground structure.

2. Dr. Darrel W. Drury, 1030 North Royal Street, representing VISION, spoke about the development of the ABC/Giant site located at 1230 First Street, focusing on height and density, parking, increase in local traffic and proposed location of the garage entrance and exit.

3. Joan Drury, 1030 North Royal Street, requested that Council refrain from issuing SUPs that allow parking reductions and increased height density. Ms. Drury requested that the public pedestrian path be removed from the private property near her building.

4. Chip Carlin, 1302 Prince Street, representing the Board of Architectural Review- Old and Historic District on the Old Town North Advisory Group, spoke in support of the plan.

5. Tom Soapes, 1035 North Pitt Street, representing NOTICE on the Old Town North Advisory Group, spoke in support of the plan.

6. Engin Artemel, 120 Madison Place, spoke in support of the plan.

7. Christa Watters, 1186 North Pitt Street, representing the Old Town North Small Area Plan Advisory Group subcommittee, spoke in support of the plan, particularly noting the community engagement process and its success.

8. Robert Calhoun, 510 King Street, attorney for the property owner at 1201 North Royal Street Associates, LP, requested that the property were MetroStage is located be flexible during the planning process for the area and be mindful of deed restrictions that exists.

9. Daniel Straub, 511 Bashford Lane, representing the Urban Design Advisory Committee for Old Town North, spoke in support of the plan but he expressed some reservation about the goals, particularly height and density, traffic and parking.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and received the draft Old Town North Plan Framework with direction to staff to proceed, in

continued coordination with the Advisory Group and community, to the next phases of the Old Town North Small Area Plan Update planning process entailing studies and testing of draft Plan Framework elements. The vote 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 took a lunch break at 12:37 p.m. The meeting resumed at 1:10 p.m.

8. Public Hearing to Consider an Appeal to a Decision of the Board of Architectural Review - Old and Historic District, for Building #3 & Townhouses at 2 Duke St. Appellant: James Hardaway on behalf of Petitioners.

(A copy of the Board of Architectural Review report dated December 12, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 12/12/15, and is incorporated as part of this record by reference.)

9. Public Hearing to Consider an Appeal to a Decision of the Board of Architectural Review - Old and Historic District, for Buildings #1 & #2 at 2 Duke St. Appellant: James Hardaway on behalf of Petitioners.

City Council held the public hearing for docket items 8 and 9 together.

Ms. Miliaras, Urban Planner, Planning and Zoning and Mr. Cox, Division Chief, Planning and Zoning, gave a presentation of the appeal and they, along with Ms. Anderson, Assistant City Attorney, responded to questions from Council about the process, what motions were acceptable, conceptual designs for the buildings and materials, mass and scale of the building and appropriateness for the Historic District.

The following persons participated in the public hearing for docket items 8 and 9:

1. Bob Wood, 711 Potomac Street, spoke in favor of the appeal.
2. Robert Odle, 476 South Union Street, spoke in favor of the appeal.
3. Van Van Fleet, 216 Wolfe Street, spoke in favor of the appeal.
4. Hal Hardaway, 311 South Union Street, appellant, spoke in favor of the appeal and requested that Council deny the Certificate of Appropriateness.
5. John Von Senden, 18 Carriage House Circle, representing the Board of Architectural Review – Old and Historic District, spoke against the appeal and explained the vote of the majority of the Board. Mr. Von Senden responded to questions from Council.
6. Chip Carlin, 1302 Prince Street, representing the Board of Architectural

Review – Old and Historic District, spoke against the appeal and explained the vote of the majority of the BAR – Old and Historic District.

7. Wayne Neale, 405 North Alfred Street, spoke in favor of the appeal and explained the minority opinion of the Board and responded to questions from Council. Mr. Neale requested that the project be remanded to the BAR for further review.

8. Margaret Miller, 310 Prince Street, member of the BAR – Old and Historic District, spoke in favor of the appeal and explained the minority opinion on the Board. Ms. Miller requested that the project be remanded to the BAR for further review.

9. Ann Shack, 502 Tobacco Quay, representing Tobacco Quay Homeowners Association, spoke in favor of the appeal.

10. Susan Savitch, 128 Waterford Place, spoke in favor of the appeal.

11. Robert Cvejnovich, 702 South Royal Street, spoke in favor of the appeal.

12. Joan Huffer, 10 Wolfe Street, spoke against the appeal and supported the Waterfront development moving forward.

13. Greg Hudgins, 1128 Colonial Avenue, spoke in support of the Robinson Terminal South project and requested the appeal be denied.

14. Robert Atkinson, 1009 Pendleton Street, spoke in support of the project and spoke against the appeal.

15. Lynn Hampton, 215 Park Road, spoke against the appeal and in favor of the development at Robinson Terminal South.

16. Dennis Auld, 215 Park Road, spoke against the appeal and in favor of the development at Robinson Terminal South.

17. Yvonne Weight Callahan, 735 South Lee Street, representing the Old Town Civic Association, spoke in support of the appeal and requested that the issue be remanded to the BAR for further consideration.

18. Dino Drudi, 315 North West Street, requested that Council remand the project back to the BAR.

19. Richard Platt, 68 Wolfe Street, spoke in opposition to the design of the project.

20. Pat Miller, 404 Laverne Avenue, spoke against the appeal.

21. Hank Savitch, 128 Waterford Place, spoke in favor of the appeal.

22. John Sullivan, 323 Kentucky Avenue, spoke in support of the projects and requested that the appeal be denied.

23. Jonathan Rak, attorney for the applicant, requested that Council uphold the BAR approval and deny the appeal.

24. Bert Ely, 200 South Pitt Street, representing the Friends of the Alexandria Waterfront, spoke in favor of the appeal and requested that Council reject the decision of the BAR.

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

A 10 minute recess was taken at 3:57 p.m. The meeting reconvened at 4:10 p.m.

A motion was made by Vice Mayor Silberberg to accept the BAR Certificate of Appropriateness with the following modifications: modify elevations for buildings 1 and 2, as well as modify elevations for building 3 and 3A, as well as modify elevations for building 6 and 7, and any other modifications that the Board of Architectural Review – Old and Historic District deems appropriate. The motion failed for lack of a second.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried 6-1, City Council moved the following on docket items 8 and 9:

City Council moved to uphold the BAR's decision and to grant the Certificate of Appropriateness in BAR Case #2015-0189 and Case #2015-0190 for Buildings 1 and 2 of the Robinson Terminal South project for the following reasons:

1. Buildings 1 and 2 are appropriate structures within the Old and Historic Alexandria district because:
 - a. The height, scale and mass are consistent with the height, scale and mass of the buildings historically found on the Waterfront.
 - b. The general architectural character is consistent with the historic waterfront warehouses on the Waterfront.
 - c. The material proposed to be used for the buildings, including red brick, rough stone, slate and metal, are consistent with the level of quality, detail, and durability found on historic structures in the District.
 - d. The proposed contemporary building design in this location on the waterfront is appropriate given that the buildings will be located next to more modern developments.
 - e. The buildings on this site were historically warehouses and related uses which had a different scale and character compared to other, more residential areas of the

District.

f. The placement and design of the buildings increase the accessibility to and celebrate Alexandria's waterfront, and the overall historic preservation plan promotes the general welfare by providing public access to the Waterfront, attracting visitors, educating people about the District's culture and heritage, and enhancing the waterfront experience.

2. Buildings 1 and 2 are in compliance with the Potomac River Vicinity Additional Standards because:

a. The waterfront buildings have clearly articulated bays that are marked by changes in material and expression on the wall surface including projecting bays and balconies, and varied roof elements that contribute to architectural interest.

b. The project continues a long tradition of varied and rich materials. The use of brick, metal, slate and rough stone all harkens back to the durable building materials used on the waterfront since the City's founding. All materials are proposed comply with adopted Board of Architectural Review policies.

c. The street-facing elevations feature traditional solid-void relationships that give the appearance of masonry construction system. The waterfront elevations, while more rooted in a contemporary approach, maintain a balance, proportion and harmony associated with good architecture regardless of specific style.

d. A more transparent waterfront facade is appropriate in this waterfront location, reflective of the amount of glass found on early 20th century historic waterfront buildings such as the Ford Plant and the Torpedo Factory.

City Council moved to uphold the BAR's decision and to grant the Certificate of Appropriateness in BAR Case #2015-0268 for the Townhouses in the Robinson Terminal South project for the following reasons:

1. The townhouse building are appropriate structures within the Old and Historic Alexandria District because:

a. The height, scale and mass are consistent with the height, scale and mass of buildings historically found on the Waterfront.

b. The fenestration and ornamentation is consistent with historic architectural styles.

c. The materials proposed to be used for the buildings, including red brick, rough stone, slate and metal, are consistent with the level of quality, detail and durability found on historic structures in the District.

d. The reference to a commercial character shown in the townhouses is historically accurate for this location.

e. The placement and design of the buildings increase the accessibility and celebrate Alexandria's waterfront, and the overall historic preservation plan promotes the general welfare by providing public access to the Waterfront, attracting visitors, educating people about the Districts culture and heritage, and enhancing the waterfront experience.

2. The townhouse buildings are in compliance with the Potomac River Vicinity

Additional Standards because:

a. The townhouses express a historically appropriate 20-25 foot bay width. The townhouses also feature appropriate fenestration, varying roof heights, and changes in wall surface that contribute to the bay expression.

b. The project continues a long tradition of varied and rich materials, the use of brick, metal, slate and rough stone all harkens back to the durable building materials used on the waterfront since the City's founding. All materials are proposed comply with adopted Board of Architectural Review policies.

c. The townhouses are feature traditional solid-void relationships that give the appearance of a masonry construction system.

d. The townhouse design approach is neither faux historicist nor non-descript warehouses. The design is rooted in the historic waterfront and commercial buildings found in the historic district.

City Council moved to uphold the BAR's decision and to grant the Certificate of Appropriateness in BAR Case #2015-0269 Building 3 of the Robinson Terminal South project for the following reasons:

1. Building 3 is an appropriate structure within the Old and Historic Alexandria District because:

a. The height, scale and mass are consistent with the height, scale and mass of buildings historically found on the Waterfront.

b. The fenestration and ornamentation is consistent with historic architectural styles.

c. The materials proposed to be used for the building, including red and buff brick and metal, are consistent with the level of quality, detail and durability found on historic structures in the District.

d. The building directly relates to the scale of existing buildings around it by setting back at the fourth and fifth stories of the building.

e. The placement and design of the buildings increase the accessibility to and celebrate Alexandria's waterfront, and the overall historic preservation plan promotes the general welfare by providing public access to the Waterfront, attracting visitors, educating people about the District's culture and heritage, and enhancing the waterfront experience.

2. Building 3 is in compliance with the Potomac River Vicinity Additional Standards because:

a. Building 3 expresses a historically appropriate bay with in both the "townhouse" form and the small commercial building described as Building 3A. This is achieved by using appropriate fenestration, varying roof heights, and changes in was surface to articulate the bay expression. There are no large expanses of unbroken or repetitive facades.

b. The project continues a long tradition of varied and rich materials. The use of brick, metal, slate and rough stone all harkens back to the durable building materials used on the waterfront since the City's founding. All materials are proposed to comply with adopted Board of Architectural Review policies.

c. Building 3 primarily features traditional solid-void relationships that give the appearance of a masonry construction system with the addition of a glassy monitor form at the top story, typical of 19th and 20th century commercial and industrial design.

d. Building 3 is neither faux historicist nor a non-descript warehouse. The design is rooted in the historic waterfront and commercial buildings found in the historic district.

An amendment was added to restrict the ability of staff to revise the details, design and material types and that staff inform the City Council of any proposed changes.

The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, Vice Mayor Silberberg.

10. Public Hearing on an Appeal of the Planning Commission's decision to approve a preliminary plat for Subdivision #2014-0014 to re-subdivide two existing lots into three lots at 809 and 811 Vassar Road. Appellants: Petitioners

(A copy of the Planning Commission report dated December 3, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/12/15, and is incorporated as part of this record by reference.)

City Manager Jinks stated that he is the owner of property adjacent to the proposed subdivision and would not be participating in the staff discussion on this project.

Mr. Dambach, Division Chief, Planning and Zoning, and Mr. Singh, Civil Engineer, Transportation and Environmental Services, gave a presentation of the report and they along with Mr. Moritz, Director, Planning and Zoning, and Ms. Anderson, Assistant Attorney, responded to questions about the subdivision appeal.

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

1. Brian Barker, 808 Beverly Drive, spoke against the appeal and in support of the subdivision.

2. Sean Rough, 207 Longview Drive, spoke in support of the subdivision.

3. Deborah Nagle, 408 Crown View Drive, spoke in support of the appeal.

4. Mark Leon, 404 Crown View Drive, spoke in support of the appeal.

5. Doug Craig, 409 Cloverway Drive, spoke in support of the appeal.

6. Georgia Debell, 409 Cloverway Drive, spoke in support of the appeal.

7. Don Brady, 408 Crown View Drive, spoke in support of the appeal.
8. Helen Lloyd, 514 Crown View Drive, spoke in support of the appeal.
9. Tim Lloyd, 514 Crown View Drive, spoke in support of the appeal.
10. Zorana Ilic, 500 Crown View Drive, spoke in support of the appeal.
11. Mary Hales, 811 Vassar Road, applicant for the subdivision, spoke against the appeal.
12. Tom Walczykowski, 405 Cloverway Drive, spoke against the appeal.
13. Michael F. Cannon, 501 Crown View Drive, requested that Council deny the appeal and approve the subdivision.
14. Mary Catherine Gibbs, 307 North Washington Street, attorney for applicant, gave a presentation and requested that Council deny the appeal and approve the subdivision.

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

WHEREUPON, upon motion by Councilman Lovain, seconded by Councilwoman Pepper and carried 6-1, City Council upheld the Planning Commission decision and denied the appeal. The vote was a follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, Vice Mayor Silberberg.

ORDINANCES AND RESOLUTIONS

City Council voted on docket items 11 -14 as a block.

11. Public Hearing, Second Reading, Final Passage of an Ordinance Authorizing the Owner of the Property Located at 700-710 North Washington Street to Construct and Maintain an Encroachment for a Bow Window at that Location approved by City Council on June 13, 2015. [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. 11; 12/12/15, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 12/12/15, 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 an ordinance authorizing the owner of the property located at 700-710 North Washington Street to construct and maintain an encroachment for a bow window at that location approved by City Council on June 13, 2015. The vote 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. 4977

AN ORDINANCE authorizing the Owner of the property located at 700-710 North Washington Street to construct and maintain an encroachment for a bow window at that location.

WHEREAS, Mahmood Investment Corp is the Owner (“Owner”) of the property located at 700-710 North Washington Street in the City of Alexandria, Virginia; and

WHEREAS, Owner desire to establish and maintain a bow window which will encroach into the airspace above 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. 2015-0002 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 June 2, 2015, which recommendation was approved by the City Council at its public hearing on June 13, 2015 and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby are, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 700-710 North Washington Street in the City of Alexandria as shown in the attached Plat titled “Bow Window Encroachment into Right of Way Exhibit” dated March 18, 2014 consisting of four (4) pages attached hereto as Attachment 1 and made a part hereof by this

reference, said encroachment consisting of a bow window with cornice in the air space above the sidewalk, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

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

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

(b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

(c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

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

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

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

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

Section 8. The terms "Owner" shall be deemed to include Mahmood Investment Corp and 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.

12. 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 approved by City Council on November 14, 2015 to the Alexandria West Chapter of such master plan as Master Plan Amendment No. 2015-0001 and No Other Amendments, and to Repeal all Provisions of the Said Master Plan as may be Inconsistent with Such Amendment (The Gateway at King and Beauregard). [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. 12; 12/12/15, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 12/12/15, 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 an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by City Council on November 14, 2015 to the Alexandria West Chapter of such master plan as Master Plan Amendment No. 2015-0001 and no other amendments, and to repeal all provisions of the said Master Plan as may be inconsistent with such amendment (The Gateway at King and Beauregard). The vote 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. 4978

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on November 14, 2015 to the Alexandria West chapter of such master plan as Master Plan Amendment No. 2015-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (The Gateway at King and Beauregard).

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

1. In Master Plan Amendment No. 2015-0001, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 5, 2015 of an amendment to the Alexandria West Chapter of the Master Plan of the City of Alexandria to amend the height map (map 14) to increase the height on this parcel to a maximum height of 100 feet and to amend the land use map (map 8) to change the land use from OCM-100/Office Commercial Medium (100) to CRMU-H/Commercial Residential Mixed Use - High which recommendation was approved by the City Council at public hearing on November 14, 2015;

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 Alexandria West Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by making the following amendments to the designated maps:

Map 8/Height Map: Amend the parcels located at 4530, 4600, 4600B, 4600D and 4622 King Street and 3451 North Beauregard Street to allow a maximum height of 100 feet; and

Map 14/Land Use Map: Amend the parcels located at 4530, 4600, 4600B, 4600D and 4622 King Street and 3451 North Beauregard Street to show the land use as CRMU/H – Commercial Residential Mixed Use – High.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions 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.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Sheet No. 003.04 of 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 4530, 4600, 4600B, 4600D and 4622 King Street and 3451 North Beauregard Street from, OCM(100)/Office Commercial Medium with Proffer to CRMU-H/Commercial Residential Mixed Use High in Accordance with the said Zoning Map Amendment approved by City Council on November 14, 2015 as Rezoning No. 2015-0001. (The Gateway at King and Beauregard) [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council marked Exhibit No. 1 of Item No. 13; 12/12/15, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 12/12/15, 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 an ordinance to amend and reordain Sheet No. 003.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, rezoning the property at 4530, 4600, 4600B, 4600D and 4622 King Street and 3451 North Beauregard Street from OCM(100)/Office Commercial Medium with proffer to CRMU-H/Commercial Residential Mixed Use High in accordance with the said Zoning Map Amendment approved by City Council on November 14, 2015 as Rezoning No. 2015-0001. (The Gateway at King and Beauregard) The vote 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. 4979

AN ORDINANCE to amend and reordain Sheet No. 003.04 of 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 4530, 4600, 4600B, 4600D and 4622 King Street and 3451 North Beauregard Street from, OCM(100)/Office Commercial Medium with Proffer to CRMU-H/Commercial Residential Mixed Use High in accordance with the said zoning map amendment approved by city council on November 14, 2015 as Rezoning No. 2015-0001. (The Gateway at King and Beauregard)

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2015-0001, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 5, 2015 of a rezoning of the property at 4530, 4600, 4600B, 4600D and 4622 King Street and 3451 North Beauregard Street from, OCM(100)/Office Commercial Medium with Proffer to CRMU-H/Commercial Residential Mixed Use High, which recommendation was approved by the City Council at public hearing on November 14, 2015;

2. The said rezoning is in conformity with the 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. 003.04 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:

4530 King Street, Tax Map #003.04-02-12
4600 King Street, Tax Map #003.04-02-09.L
4600B King Street, Tax Map #003.04-02-10
4600D King Street, Tax Map #003.04-02-11
4622 King Street, Tax Map #003.04-02-02
3451 North Beauregard Street, Tax Map #003.04-02-08

From: OCM(100)/Office Commercial Medium with Proffer
To: CRMU-H/Commercial Residential Mixed Use High

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 003.04 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.

14. 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 approved by City Council on November 14, 2015 to the Landmark/Van Dorn Chapter of such master plan and to add a new chapter of the Master Plan known as the Eisenhower West Small Area Plan Chapter as Master Plan Amendment No. 2015-0006 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. 14; 12/12/15, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 12/12/15, 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 an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by City Council on November 14, 2015 to the Landmark Van Dorn Chapter of such master plan and to add a new chapter of the Master Plan known as the Eisenhower West Small Area Plan Chapter as Master Plan Amendment No. 2015-0006 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. The vote 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. 4980

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on November 14, 2015 to the Landmark/Van Dorn chapter of such master plan and to add a new chapter of the Master plan known as the Eisenhower West Small Area plan Chapter as Master Plan Amendment No. 2015-0006 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. 2015-0006 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 5, 2015 of an amendment to the Master Plan of the City of Alexandria to amend the Landmark/Van Dorn Chapter to remove the Eisenhower West area and add a new Chapter to the Master Plan known as the Eisenhower West Small Area Plan, which recommendation was approved by the City Council at public hearing on November 14, 2015;

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 Master Plan of the City of Alexandria, be, and the same hereby is, amended by removing the area shown in the Eisenhower West Small Area Plan from the Landmark/Van Dorn Chapter and adopting the Eisenhower West Small Area Plan Draft dated October 21, 2015 attached hereto and incorporated fully herein by reference as Attachment 1 and Attachment 2, as a new chapter of the Master Plan of the City of Alexandria, Virginia with the following changes that were adopted by City Council:

- Page 26, Revise Land Use Principle #10 to Read: “Properties included in the plan area maintain their rights under existing zoning.”
- Pages 27, 52, 72, 76, 80, 84, 88,92: Remove “Multi-family” and/or “Townhouse” labeling within yellow Residential bar from “Potential Development Summary” and “Land Use” tables.
- Page 30, Revise Affordable Housing Guideline #2 to Read: “Pursuant to Section 7-700 of the zoning code, bonus densities in excess of 20% are allowed in order to encourage the production of affordable units.”
- Page 30: Add new guideline after #5 to read: “Encourage microunits, where appropriate, to enhance housing affordability options.”
- Page 40, additional sentence at the end of the first paragraph: “The construction of the bridge is necessary to support the full build out of land use as proposed in this plan.”
- Page 41, additional sentence in the last paragraph of the Multimodal Bridge section: “If the multimodal bridge cannot be constructed due to impacts to Norfolk Southern, Van Dorn Street between Eisenhower Avenue and South Pickett Street would need to be widened in order to accommodate the West End Transitway, wider sidewalks, and bicycle facilities.”
- Page 42, add a new guideline between #7and #8 that states: “Provide an off-street pedestrian path along the Clermont Natural Area south of the Norfolk Southern Railroad. If possible, continue the path on the north side of the proposed TSA facility on the Victory Center site and consider allowing bicycle use on this portion of the path.”
- Page 43, add a new sentence at the end of the third paragraph under the 2040 Build Scenario that states: “In addition, a widening of Van Dorn Street still does not achieve improved multimodal connectivity to the extent that the multimodal bridge does and may not support the full 9.3 million square feet of proposed new development.”
- Pages 45 and 82, Add a clarifying note the Public Parks and Open Space diagrams to Read: “This graphic does not depict and anticipated park on 550 South Pickett Street,” thereby striking any reference to 550 South Picket Street being a public park.
- Page 45: Revise label of striped park/plaza in Public Parks and Open Space Diagram to read: to Read: “Mixed Open Space”

- Page 53, Revise Building heights diagram:
 - Revise all blocks within ¼-mile to ½-mile range to be shaded the same color (Medium-High Brown);
 - Add “Step Down Zone” shading to blocks in between The Reserve and The Exchange residential communities.
- Page 73-74, Neighborhood 1 Land Use and Building Height Guidelines:
 - New Land Use Guideline: “A limited number of townhouses will be permitted in this neighborhood.”
 - New Building Height Guideline: “Townhouses should be 3-4 stories in height.”
- Page 74, Revise Neighborhood 1 Building Height Guideline #1 to Read: “Buildings in this neighborhood located between 1/4 and 1/2 a mile of the Van Dorn Metrorail Station will be a minimum of 7 stories and a maximum of 15 stories. The tallest buildings within this range should front Van Dorn Street.”
- Page 77, Revise Neighborhood 2 Land Use Guideline #6 to Read: “If it is determined that parcels shown as the Multimodal Bridge/street right-of-way are not needed for that purpose, redevelopment consistent with neighboring redevelopment parcels is supported by this Plan.”
- Page 77, Revise Neighborhood 2 Transportation and Connectivity Guideline #6 to Read: “Streets located south of, and parallel to, South Pickett Street and adjacent to Backlick Run are required streets. Final location of streets may vary depending on site constraints. See Figure 5.13.”
- Page 81, New Neighborhood 3 Land Use Guideline #5 to Read: “If it is determined that parcels shown as open space or the Multimodal Bridge/street right-of-way are not needed for that purpose, redevelopment consistent with neighboring redevelopment parcels is supported by this Plan.”
- Page 82, New Parking Guideline #2 to read “Parking for townhouses will be accessed from a rear alley. Front loaded townhouses are prohibited.”
- Page 85, Transportation & Connectivity #6: Remove “transit” and add “transit service”
- Page 86, Parks and Open Space #6, add: “A multiuse trail north of the TSA facility to connect west toward the multimodal bridge and other streets is important and should be strived for.”
- Page 89, Building Form and Character Guideline #5: Remove.
- Page 102, additional sentence after the second to the last sentence under section 6.2 Infrastructure Investments: “Particularly, the City should consider near-term, interim improvements to accommodate TSA.”
- Page 102 of the Draft Plan, Developer Contributions: Revise to Read: “The Plan envisions that there will be developer contributions to accommodate future infrastructure needs that are comparable to other recent Small Area Plans. The City’s initial analysis assumes that at least fifty percent of the cost of planned infrastructure would be provided through developer contributions. The actual developer contribution rates will be determined during a subsequent and more detailed study. That study will recognize that this plan’s goal is to calibrate developer contributions so as to build and sustain redevelopment momentum created by the TSA Headquarters announcement and this plan as well as to fund

infrastructure. The Infrastructure and Funding Plan will determine how contributions should be phased in over time and will look at varying contributions by neighborhood and land use such as to encourage office.”

- Page 102: Section 6.5 Next Steps and Actions Items, add sub-bullet under Infrastructure and Funding Plan after sub-bullet regarding Developer Contribution Study that reads: “Interim Plan” and revise last sub-bullet to read: “Establish a task force to guide completion of the Infrastructure and Funding Plan and to oversee creation of an implementation plan and provide guidance on implementation of these plans.”

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions 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.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 12-2-1 to Reduce the Membership of the Alexandria Community Services Board from Sixteen Members to Twelve Members.
[ROLL-CALL VOTE]

(A copy of the City Manager’s memorandum dated November 15, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 12/12/15, 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 Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 12/12/15, 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; 12/12/15, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council deferred consideration on this ordinance to a subsequent public hearing meeting. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

16. Public Hearing, Second Reading and Final Passage of an Ordinance to revise Title IX (Licensing and Regulations), Chapter 15 (Food Truck Vendors) of the City Code regarding Regulations for Food Trucks. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 15, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 12/12/15, 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 Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 12/12/15, 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. 16; 12/12/15, and is incorporated as part of this record by reference.)

Ms. Anderson, Assistant City Attorney, gave a presentation and responded to questions from Council about the changes to the ordinance.

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

1. Che Ruddell-Tabisola, representing the Food Truck Association, spoke in support of the ordinance.
2. Katy Cannady, 20 East Oak Street, spoke in opposition of the ordinance.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to revise Title IX (Licensing and Regulations), Chapter 15 (Food Truck Vendors) of the City Code regarding regulations for Food Trucks. The vote 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. 4981

AN ORDINANCE to amend and reordain Title 9 (Licensing and Regulations) of the Code of the City of Alexandria, Virginia, to add Chapter 15 (Food Truck Vendors) as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 9, Chapter 15 of the Code of the City of Alexandria, Virginia, as amended, be, and the same hereby is, amended by deleting the language shown in strikethrough and adding the language shown in underline as follows:

CHAPTER 15 - Food Truck Vendors

Sec. 9-15-1 - Title.

This chapter shall be known and may be cited as the City of Alexandria Food Truck Ordinance.

Sec. 9-15-2 - Purpose.

The purpose of this chapter is to permit food truck vendors on public and private property within the city with regulations that balance the integration of the food truck vendors with the impacts on the health, safety and general welfare of the city.

Sec. 9-15-3 - Administration and enforcement.

The city manager shall administer and enforce this chapter.

Sec. 9-15-4 - Scope.

This chapter shall apply to food trucks, as the same is defined herein, vending on off street property only. Nothing in this chapter shall be interpreted to allow food truck vendors to vend on public rights-of-way within the city. Additionally, this chapter shall not apply to vendors selling non-food products or sales of food from pushcarts or trailers.

Sec. 9-15-5 - Definitions.

- (1) City manager. The city manager for the City of Alexandria, or his designee.
- (2) Farmer's market. A building, structure, or place authorized by the city for use by vendors to sell, offer for sale or solicit orders for any products or crafts sold, grown, raised or produced by them. This shall include outdoor food and crafts markets as set forth in the zoning ordinance.

- (3) Food. Any raw, cooked, or processed edible substance, beverage, ingredient, ice or water used or intended for use or for sale in whole or in part for human consumption.
- (4) Food truck. A food truck is a mobile food establishment as defined in section 11-2-4 of this code, but limited to food establishments located in a motor vehicle licensed to operate by a department of motor vehicles.
- (5) Food truck vendor. Any person who sells, offers for sale, or serves food from a food truck.
- (6) Private property. Real property owned by an individual or individuals who have exclusive rights over it and it is not owned by a public entity or open to the public generally.
- (7) Private residence. A dwelling place owned or inhabited by an individual or individuals, other than a multifamily dwelling as defined by the Alexandria Zoning Ordinance Section 2-137, as the same may be amended.
- (8) Public property. Property within the City of Alexandria, with the exception of public rights-of-way, that is owned by either the city of Alexandria or the Alexandria City Public Schools.
- (9) Public rights-of-way. The surface and area across, in, over, along, and upon the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys which are owned, under the jurisdiction or control of the city.
- (10) Pushcarts. Any wheeled vehicle or device other than a motor vehicle or trailer that may be moved with or without the assistance of a motor and that does not require registration by the department of motor vehicles, used for the displaying, storing, providing or transporting of Food, articles, or services, offered for sale or served by a vendor.

Sec. 9-15-6 - Authorization.

Notwithstanding any provision of the city code or zoning ordinance to the contrary, food trucks shall be permitted within the city limits subject to the rules and regulations contained in this chapter. Food truck vendors are prohibited from vending on public rights-of-way within the city.

Sec. 9-15-7 - Permits and licenses required.

The following permits and licenses shall be required for all food trucks:

- A. Food truck permit as required pursuant to this title 9, chapter 15 of this code.

- B. Business license as required pursuant to title 9, chapter 1 of this code.
- C. Health permit as required by title 11, chapter 2 of this code.
- D. Fire prevention permit, if required, pursuant to title 4, chapter 2, article B of this code.

Sec. 9-15-8 - Food truck vendor permit required; fee for same.

- A. All food truck vendors shall obtain an annual food truck vendor permit from the city manager, with the exception of those food truck vendors who vend only at a special event pursuant to section 9-15-14 below.
- B. Prior to issuing the permit, the city manager shall determine that:
 - i. the food truck vendor and food truck are in compliance with this chapter and with the administrative regulations promulgated by the city manager pursuant to section 9-15-10 herein;
 - ii. the food truck vendor has paid all applicable fees; and
 - iii. the food truck vendor has received all applicable permits as required herein.
- C. After reviewing the application and finding that the health, safety and general welfare of the public so demands, the city manager may refuse to issue a permit for reasons including, but not limited to, the following:
 - i. The applicant for the permit has received three or more notices of violation of this chapter pursuant to section 9-15-17 below, including any violations of other sections of this code that are issued for violations relating to the operation of a food truck, in the 12 months prior to the date of the application;
 - ii. The applicant's permit has been suspended or revoked within the 12 months prior to the date of the application;
 - iii. Fraud, misrepresentations, or intentional false statements of material or relevant facts are contained in the application; or
 - iv. The applicant lacks the necessary permits or licenses to conduct the business proposed to be conducted.
- D. The city manager shall establish an annual food truck vendor permit fee which shall be updated annually.
- E. **Exemptions from Permit Requirement. Food Trucks that are permitted with any of the following permits are not required to obtain a Food Truck Vendor**

Permit or comply with the provisions of this Chapter but shall comply with the conditions of the permit it is authorized under:

- i. **Special Event Permit pursuant to Section 9-15-14;**
- ii. **Special Use Permit pursuant to Section 11-500 of the Zoning Ordinance;**
- iii. **At a private residence at the direction of a resident for a private event that is not vending to the public and for which the food truck has the applicable licensing and follows the applicable regulations for a caterer; and**
- iv. **Food trucks that are stopping for only short term stops pursuant to Section 5-2-19 and 13-1-26 of the City Code provided the truck is selling pre-packaged food only.**

Sec. 9-15-9 - Display of licenses and permits.

All food trucks shall display all required licenses, tags, and permits.

Sec. 9-15-10 - Administrative regulations.

The city manager is authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this chapter.

Sec. 9-15-11 - Compliance with other codes and regulations.

All food trucks and food truck vendors shall comply with all applicable provisions of this Code, the Code of the State of Virginia and the Federal Code.

Sec. 9-15-12 - Operational requirements for all food trucks.

The following rules shall apply to all food trucks:

A. Hours.

- i. Vending may take place between the hours of 7:00 a.m. and 8:00 p.m.
- ii. A food truck may not vend for longer than four hours of continuous vending.

B. Parking locational requirements.

- i. Food truck vendors shall not have any exclusive right to any location on public property;
- ii. Food trucks parked in a marked parking space must fit within the width and the length of the marked parking space;

- iii. Occupation of any parking space shall not interfere with the lighting, trees, overhead wires, and/or utilities;
- iv. The food truck vendor shall not block any other vehicle's or pedestrian's ingress or egress, cause traffic congestion, or be parked in any drive aisles or fire lanes;

C. Vending locational requirements.

- i. Vending shall only take place from the inside of the food truck;
- ii. Vending shall not take place to any person while such person is standing in the street unless said street has been closed to the public pursuant to a special event or street closure permit issued by the city;
- iii. Vending shall not take place to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane; and
- iv. Food truck shall not be left unattended while vending.

D. Signs. No sign shall be displayed except for a sign displaying a menu or signs that are imprinted on the exterior body of a licensed food truck. All signs shall also comply with the applicable provisions of Article IX of the zoning ordinance. The applicable regulations shall include, but not be limited to, that the food truck shall not:

- i. advertise other businesses on the food truck;
- ii. use A-frame signs or remote signs;
- iii. attach balloons or windblown signs to the food truck; or
- iv. use animated or electronic signs.

E. Noise.

- i. No music or other amplified announcements that are audible outside of the food truck shall be allowed; and
- ii. Food truck vendors shall comply with the noise code as set forth in section 11-5-1 et seq. of this code including utilizing generators that meet the requirements of the noise code.

- F. Storage. No merchandise, food, equipment, or other item related to the operation of a food truck, other than a trash receptacle required by subsection H below, shall be stored or kept adjacent to the food truck.
- G. Liquid waste. No liquid wastes used in the operation of the food truck or food vending shall be allowed to be discharged from the food truck except into an approved sewerage system as permitted by law.
- H. Trash. Portable receptacles for the disposal of waste materials or other litter shall be provided by the food truck vendor for the use of customers and all food truck vendors shall direct customers to place all waste and litter in the receptacles. All waste shall be removed and disposed of by the food truck vendor. Public trash receptacles shall not be used for compliance with this section. (Ord. No. 4875, 5/17/14, Sec. 1)

Sec. 9-15-13 - Vending locations.

Vending may take place at the following locations:

- A. On private property, if the food truck vendor is legally parked on the property and has received written permission from the property owner and displays such written permission upon request;
- B. At any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request;
- C. On public property, including, but not limited to, parks subject to policy recommendations of the parks and recreation commission, parking lots, and community buildings, where such public property has sufficient space for the parking of vehicles and with the permission of the city manager;
- D. On public property owned by the Alexandria City Public Schools or the City of Alexandria School Board, where such public property has sufficient space for the parking of vehicles and with the permission of the superintendent of the schools or his designee;
- ~~E. Within the boundaries of any area designated for a special event pursuant to section 9-15-14 below; and~~
- ~~F. At a private residence at the direction of a resident for a private event that is not vending to the public and for which the food truck has the applicable licensing and follows the applicable regulations for a caterer.~~

Sec. 9-15-14 - Special events.

The city manager may permit food truck vendors to vend at a special event approved through the City of Alexandria Special Events Policy and Procedures, approved by the city council on January 23, 2010, as the same may be amended, provided that food truck vendors:

- A. who vend only at the special event and do not vend at other times on public right-of-way, public property or private property within the city, shall:
 - i. not be required to pay the food truck vendor permit fee required by section 9-15-8 herein but shall be required to pay any fees associated with any applicable temporary permits; and
 - ii. obtain a temporary food truck vendor permit and any other temporary permits required by the special events permit, including but not limited to a permit to operate a temporary food establishment from the health department;
- B. shall vend only within the area designated for the special event; **and**
- C. ~~shall not vend within two blocks of a special event during a special event, notwithstanding certain food truck vendors' ability to vend in certain locations in the city; and~~
- D. shall comply with all regulations set forth in this chapter unless such regulation is amended by the special event permit or permit to operate a temporary food establishment.

Sec. 9-15-15 - reserved.

Sec. 9-15-16 - Suspension or revocation of food truck vendor permit.

- A. The city manager may, after providing the opportunity for a hearing as provided herein, suspend or revoke a food truck vendor permit issued under the provisions of this article if the city manager finds that such person has violated any provision of this article on three or more occasions within a 12-month period.
- B. Prior to ordering the suspension or revocation of a food truck vendor permit, the city manager shall notify, in writing, the applicant or the permit holder, stating the reasons for the suspension or revocation. This notice shall be mailed, postage prepaid, to the applicant or to the permit holder at the business address appearing on the permit application, or if there is none, to the residential address appearing thereon. The notice shall state that the permit will be suspended or revoked unless a written request for hearing is filed with the city manager, by the applicant or the permit holder within 10 business days of the date the notice is mailed. If no request for a hearing is filed within this 10 business day period, the application or the permit shall be suspended or revoked by order of the city manager, and the suspension or revocation shall be final.

- C. If the applicant or the permit holder files a request for a hearing in accordance with this provision, the city manager, shall give written notice of the hearing to the applicant or the permit holder at a time and place designated by the city manager. At the hearing the applicant or the permit holder may be represented by counsel, may cross-examine witnesses, and may present evidence in his or her favor.
- D. The city manager shall issue his determination in writing, to grant or deny the appeal within 10 business days of the conclusion of the hearing.

Sec. 9-15-17 - Enforcement and penalties.

- A. If the city manager determines that a violation of this chapter has occurred, he may cause a notice of violation to be served on any or all persons committing or permitting such violation.
- B. Any person who commits, permits, assists in, or attempts, whether by act or omission, a violation of any provision of this chapter shall be liable for a class four civil violation and the violation will be enforced pursuant to section 1-1-11 of the city code. The penalty for each individual violation shall be \$100 for the first violation, \$250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$500 for each additional violation of the same regulation or requirement arising from the same set of operative facts.
- C. Enforcement of penalties of this chapter of the city code shall not preclude enforcement of violations of other sections of the city code or zoning ordinance that may be applicable.

~~**Sec. 9-15-18 - Expiration.**~~

~~**This chapter shall expire and be null and void on December 31, 2015.**~~

Section 2. That Title 9, Chapter 15 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

- 17. Public Hearing, Second Reading and Final Passage of an Ordinance Increasing Mayor, Council Members and Council Aides Annual Salaries. [ROLL-CALL VOTE]

This item was tabled at the beginning of the meeting.

18. Public Hearing, Second Reading and Final Passage of an Ordinance Repealing and Reenacting Chapter 1 (Solid Waste Control), Title 5 (Transportation and Environmental Services) of The Code of the City of Alexandria, Virginia 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 2, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 12/12/15, 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 Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 18; 12/12/15, 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. 18; 12/12/15, 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 an ordinance repealing and reenacting Chapter 1 (Solid Waste Control), Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981. The vote 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. 4982

AN ORDINANCE to amend and reordain Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), Chapter 1 (SOLID WASTE CONTROL), Article A (GENERAL PROVISIONS) and Article C (SOLID WASTE COLLECTION GENERALLY) of The Code of the City of Alexandria, Virginia, 1981, as amended

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 5, Chapter 1, Article A and Article C of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained, with the amendment of sections 5-1-2(17) and 5-1-34(a), to read as follows:

(New language is underscored; deleted language is ~~struck through~~.)

Sec. 5-1-2 - Definitions.

The following words and phrases, when used in this chapter, shall for the purpose of

this chapter have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

(Intervening sections are unchanged.)

(17) *Yard debris*. Shrubbery prunings, tree prunings not over two inches in diameter, grass clippings, leaves and similar materials.

Sec. 5-1-34 - City charge for collection and disposal service; billing.

(a) From time to time, the city council, by resolution, shall set an annual charge for the collection and disposal of solid waste, ashes, recyclable materials, and yard debris from required user properties on a fiscal year basis, and all required users shall pay the charge so established by council. Any other person receiving collection and disposal service from the city shall pay an annual charge based on the average volume of refuse generated by the person compared with the average volume of refuse generated by a typical single family dwelling in the city.

(Subsequent sections remain unchanged.)

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

19. Consideration of a Resolution Supporting WMATA's Application to the Northern Virginia Transportation Authority for Metrorail Blue Line Traction Power Upgrades. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 9, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 12/12/15, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted a resolution supporting WMATA's application to the Northern Virginia Transportation Authority for Metrorail Blue Line Traction Power Upgrades. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The resolution reads as follows:

RESOLUTION NO. 2704

RESOLUTION TO SUPPORT WMATA'S APPLICATION TO THE NORTHERN VIRGINIA TRANSPORTATION AUTHORITY FOR METRORAIL BLUE LINE TRACTION POWER UPGRADES.

WHEREAS, the City Council of the City of Alexandria desires to endorse the Metrorail Blue Line Traction Power Upgrades project submitted by the Washington Metropolitan Area Transit Authority (WMATA) for Northern Virginia Transportation Authority (NVTA) FY 2017 HB 2313 regional transportation funding and,

WHEREAS, the project will provide traction power upgrades to incrementally improve the output of the Metrorail power system to support consistent deployment of eight-car trains,

AND WHEREAS, the project goal is to improve the capacity and efficiency on the Blue Line,

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

That the City Council of Alexandria, Virginia:

1. Endorses the Metrorail Blue Line Traction Power Upgrades project submitted by the Washington Metropolitan Area Transit Authority (WMATA) for the FY 2017 HB 2313 regional transportation funding program.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, the public hearing meeting of December 12, 2015 was adjourned at 7:07 p.m. The vote 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:

Gloria Sitton, Deputy City Clerk