

City of Alexandria
Meeting Minutes
City Council Public Hearing
Saturday, February 23, 2013
9:30 AM

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. Gates, Deputy City Manager; Ms. Evans, Deputy City Manager; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Anderson, Acting Deputy Director, P&Z; Mr. Geratz, Principal Planner, P&Z; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Cochran, Division Chief, Office of Housing; Ms. Baker, City Engineer, T&ES; Ms. Dastgheib, Principal Planner, T&ES; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities; Ms. Contreras, Urban Planner, P&Z; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Ms. Davis, Director, Office of Housing; Ms. Wright, Division Chief, Planning and Zoning; Police Captain Wemple; Ms. Bryan, Information Technology Services; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

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

2. Public Discussion Period

The following persons participated in the public discussion period:

(a) Sue Okubo, 6268 Kingfish Lane, representing communities in the Landmark area, stated that the communities have a growing concern about the flyover ramp being constructed near Edsall Road and the environmental issues it will present to the area. Ms. Okubo noted that the residents have funded a study to examine the environmental impacts this ramp construction will have on the area and she requested that Council work with Fairfax

County officials and State officials to delay the construction of the ramp until the Virginia Department of Transportation (VDOT) has performed an analysis of the project.

Mayor Euille noted that Mr. Baier, Director, Transportation and Environmental Services had instructed the residents in the area what actions they could pursue against VDOT and he pointed out that the City has no regulatory authority over the project.

(b) Bert Ely, 200 South Pitt Street, stated his objection to the upcoming possible changes to the Zoning Ordinance and noted that the changes would result in a diminishing of rights of property owners throughout the City.

(c) Jack Sullivan, 4300 Ivanhoe Place, stated that the Animal Welfare League has obtained a grant that will take neutered, captured cats and place them in cat colonies around the City, causing more feral cats to be in the area. Mr. Sullivan distributed photos and articles regarding the proposed program and stated that this type of program could pose a possible health problem in the City and be detrimental to other wildlife. Mr. Sullivan requested that Council request the City Attorney investigate if any state or local laws are being violated by this grant program and he requested that a policy be created by staff to address the issue of feral animals and the implementation of such programs.

(d) Poul Hertel, 1217 Michigan Street, spoke about the significance of George Washington on the history of this area and the need for the preservation of the George Washington Parkway.

(e) Van Van Fleet, 26 Wolfe Street, stated that the executive session process is not transparent and fair in deciding community issues. Mr. Van Fleet stated that eliminating the protest petitions would violate the City Charter.

(f) Boyd Walker, 1307 King Street, submitted a petition in support of saving the American Legion Building and requested Council support saving the structure for historic preservation. Mr. Walker requested the following from Council: an agreement from the owner not to tear down the building, a commitment from the City to work with the community to find funding and a use for the building, the community would like to have an opportunity to have three independent contractors prepare estimates for restoring the building in two phases, a determination of the right and best use for the building once it's preserved, and the formation of a partnership with the owner, the City and the other groups interested in saving and preserving the building. Mr. Walker also requested a resolution from City Council expressing support for the preservation of the building.

Mayor Euille stated that Council is sympathetic and empathetic to the history of the site but he noted that the City does not own the property and a community process needed to take place to ensure its survival. Mayor Euille also noted that the community needs to communicate with the property owner concerning the property owner.

(g) Yvonne Weight Callahan, 735 South Lee Street, expressed concern about how the City is moving forward with the process that will be used to consider the proposed text

amendment regarding the zoning ordinance. Ms. Callahan stated that the proposed action will damage any appearance of transparency that City government maintains and she stated that the changes to the zoning ordinance will also affect any other future development in the City, including redevelopment in Potomac Yard and in the Beauregard area.

Mayor Euille noted that there was no action taken on this issue in closed session, Council only gave direction to the City Manager.

(h) Adrienne Terrell Washington, 3414 Woods Avenue, representing the Alexandria Historical Society, spoke in support of saving the Carver Nursery School/American Legion Building and requested that Council work with the property owner and extend the time period to devise creative solutions for the building's rehabilitation and conversation.

(i) Sharon Annear, 1118 North Howard Street, stated that changing the zoning ordinance would disenfranchise the property owners in the City and possibly violate citizens' first amendment rights.

(j) Gary Carr, 216 Aspen Street, spoke about the condition of the running track at George Washington Middle School and requested that budgetary consideration be given to the redevelopment of the track for use by the students and community.

Mayor Euille suggested that Mr. Carr coordinate with the George Washington Middle School Parent Teacher Association and participate in the upcoming budget process.

(k) Katy Cannady, 20 East Oak Street, spoke in opposition to the Waterfront plan, noting the climate changes that the Eastern seaboard is experiencing and the lack of a workable parking plan in her opposition.

(l) Roger Sullivan, 5004 Heritage Lane, representing the Seminary Park Community Association, requested that the proposed 45 foot buffer zone between the townhouses and the redevelopment in the area include lots of trees and that the proposed ellipse at the intersection of Seminary and Beauregard be carefully examined for effectiveness and cost for both the commuters and the residents in the area.

(m) Kathlyn Hoekstra, 1310 North Chambliss Street, requested that docket items be time stamped for easy access on the web for all city meetings.

Councilman Wilson stated that the Council meetings and many of the Planning and Zoning boards currently have time stamps on the recorded meetings on the website and he noted that the boards without that capability do not have the staff component to accomplish this request.

(n) Frances Terrell, 1005 North Quaker Lane, spoke in support of the efforts to preserve and restore the American Legion/Carver Nursery school building. Ms. Terrell requested Council's help to ensure that the Carver building will not be torn down and that they would work with the community to find funding and a use for the building that honors and

shares the history.

(o) Jackie Surratt, 214 North Patrick Street, spoke in support of the efforts to preserve and restore the American Legion building and thanked the Council members who have worked with the community to find a workable solution for preservation of the building.

(p) Randy Stephens, 5610 Bloomfield Drive, #2, representing American Legion Post 129, spoke in support of the efforts to preserve and restore the American Legion building and noted that the group will be partnering with the Preservation for the Society of Black Heritage to create a real estate investment trust to raise money for preservation of black heritage in the City. Mr. Stephens requested assistance to obtain a design plan for the potential uses of the building.

(q) Kathryn Papp, 504 Cameron Street, spoke about the cost and risk of owning property along the waterfront and how potential future redevelopment will affect property owners and the City's credit rating.

Vice Mayor Silberberg submitted letters from the community regarding the waterfront issue and stated that she is seeking a compromise for the community on the waterfront plan.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR

Planning Commission

END OF ACTION CONSENT CALENDAR

None.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

3. Public Hearing and Consideration of Program Amendment and Budget Transfers to Allocate \$500,000 In Home Investment Partnerships Program (HOME) and \$500,000 In Community Development Block Grant (CDBG) Monies to Rebuilding Together Alexandria to establish an Alexandria Neighborhood Stabilization Program.

(The City Manager's memorandum dated February 14, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 02/23/13, and is incorporated as part of this record by reference.)

Ms. Davis, Director, Office of Housing and Mr. Cochran, Division Chief, Office of Housing, responded to questions from Council about the establishment of the program.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and (1) approved the

budget transfers from the following sources to establish a Home Investment Partnership (HOME) and Community Development Block Grant (CDBG)-funded Neighborhood Stabilization Program from the following federal funding sources: HOME - \$500,000 and CDBG - \$500,000; (2) authorized the City Manager to execute an agreement with Rebuilding Together Alexandria to continue the Neighborhood Stabilization Program (NSP) with \$500,000 in HOME funds for revolving funding pool for NSP acquisitions, and \$500,000 in CDBG funds to also be used for NSP acquisitions but with all sales proceeds repaid to the City upon sales of the acquired homes; and (3) approved the program amendment for submission to the U.S. Department of Housing and Urban Development (HUD). 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)

4. Development Special Use Permit #2011-0034
Encroachment #2012-0005
Transportation Management Plan SUP #2012-0072
1620 Prince Street and 200 and 206 Dangerfield Road - Prince Street Hotel
Public Hearing and Consideration of requests for: (A) a development special use permit, with site plan, to construct a hotel with a restaurant and underground parking including special use permit requests for an increase of floor area ratio (FAR), a reduction of required parking and loading spaces, a valet parking program with off-site spaces, and an illuminated sign above 35 feet; and requests for modification to side yard setback, height and crown coverage requirements; (B) request for an encroachment into the public right-of-way for canopy, signage, and overhang; and (C) a special use permit for a transportation management plan; zoned OCH/Office Commercial High Applicant: Carr 1620 Prince Street, LLC represented by Mary Catherine Gibbs, attorney

Planning Commission Action:

DSUP #2011-0034	Recommend Approval w/ amendments 6-0
ENC #2012-0005	Recommend Approval
TMP SUP #2012-0072	Recommend Approval

(A copy of the Planning Commission report dated February 5, 2013, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 02/23/13, and is incorporated as part of this record by reference.)

Mr. Geratz, Principal Planner, Planning and Zoning, gave a presentation of the proposed hotel project and responded to questions from Council about the project and the surrounding neighborhood. Mr. Geratz, Ms. Wright, Division Chief, Planning and Zoning, and Mr. Baier, Director, Transportation and Environmental Services responded to questions from Council about parking and transportation issues, streetscape and signage lighting.

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

(a) Mary Catherine Gibbs, 307 North Washington Street, attorney for the applicant, spoke in support of the project and responded to questions from Council about the proposed hotel.

(b) Lonnie Rich, 201 North Lee Street, attorney for the condominium association at 1600 Prince Street, spoke in support in of the project and noted that the primary concerns of the residents were parking and noise. Mr. Rich noted that he and the applicant's attorney have been working on compromises which will be reviewed during Council discussion.

(c) Mark McNutt, 1600 Prince Street, #403, gave history and metrics from the resident's perspective, describing the parking available to the each unit and the street parking in the area.

(d) Will Smith, 1600 Prince Street, #1, expressed concern about the parking and the noise coming from the proposed hotel, particularly from HVAC compressors.

(e) Genevieve Hadaad, 1600 Prince Street, #515, stated that Mr. Rich covered all the concerns she had about the proposed project.

(f) Courtenay Hansen, 1600 Prince Street, #301, president of the 1600 Prince Street Board, spoke in support of the project and expressed concern about parking in the area.

(g) Jonathan Krall, 6A East Mason Avenue, secretary of the Alexandria Bicycle Pedestrian Advisory Committee, spoke in support of the project, particularly the Capital BikeShare expansion and inclusion of bicycle parking.

(h) Leslie West, 1600 Prince Street, spoke against the project, noting the parking issues, noise that will affect the residents and the change in the character of the neighborhood.

(i) Sherry Brown, 1600 Prince Street, #602, spoke in support of the project and noted that public art should be a focal point of the project.

(j) Alice Fitzgerald, 1600 Prince Street, #500, spoke in support of the project and expressed concern about the parking situation in the surrounding areas.

Staff responded to questions about architectural elements on the proposed hotel, hotel location, and reviewed conditions and changes that staff, the applicant and the condominium association had agreed upon.

City Council took at brief recess at 12:47 p.m.

City Council resumed the meeting at 1:06 p.m.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with the following amendments to conditions:

(1) on page 23, add a new Condition 8(l) stating, "The building shall have a central HVAC system, and no throughwall HVAC units shall be permitted, and no compressors on the outside wall. All vents and exhausts shall be routed through the roof, to the greatest extent possible, and in the event that no other solution is possible, any wall penetrations shall incorporate an architectural grille designed to harmonize with, and painted to match, the surrounding material. All rooftop equipment shall be subject to standard screening requirements";

(2) on page 25, an additional sentence will be included in Condition 21 stating, "Valet parking shall be available to restaurant and meeting room guests, as well as overnight guests";

(3) on page 29, add a new Condition 42.5 stating, "Shuttle services shall be available to guests";

(4) on page 26, revise Condition 28 to include the following language, "The applicant shall seek administrative approval for additional overflow parking spaces should the arise TO THE SATISFACTION OF THE DIRECTORS OF P&Z and T&ES.";

(5) on page 31, add a new Condition 48(p) stating, "Security lighting shall be provided on the exterior of the east side of the hotel to illuminate the driveway to the parking lot of 1600 Prince Street. As feasible, lighting shall be generally muted and directed downward. (P&Z)(T&ES)(RP&CA)(Police)";

(6) on page 33, revise Condition 59 to read as follows, "Major construction staging may be considered within the public rights-of-way on both Prince Street and Daingerfield Road unless in use for temporary transit stops during King Street Metro construction. Final determination of construction staging activities shall be to the satisfaction of the Director of T&ES. The applicant shall meet with T&ES to discuss construction staging activities prior to release of any permits for ground disturbing activities";

Please note that R-1 and R-2 should be added to page 40 under T&ES findings, not P&Z findings:

(7) on page 40, as R-1, the condition will read as follows, "The applicant will work with the City and utility companies to ensure that to the extent possible, any remaining above-grade facilities will not be placed in front of 1600 Prince Street.";

(8) Under Noise section, Condition 89 will be revised to read, "All exterior building mounted loudspeakers shall be prohibited and no amplified sound shall be audible at the property line. Use of the swimming pool and other rooftop activities shall terminate at 10:00 p.m., or 11:00 p.m. on Friday and Saturday. The use of loudspeakers or musicians on the roof

level shall be prohibited. (T&ES)";

(9) on page 40, add R-2 stating, "Pile driving may occur on Saturdays between 10:00 a.m. and 4:00 p.m., as permitted by City Code. No extended hours may be requested.";

(10) amend Condition 91 to read as follows, "Supply deliveries, loading, and unloading activities shall not occur between the hours of 7:00 p.m. and 7:00 a.m. (T&ES)"; and

(11) amend Condition 93 to read as follows, "No material may be disposed by venting into the atmosphere. To the greatest extent possible, the parking garage and the restaurant should be vented towards Daingerfield Road. (T&ES)"

Council requested that the Traffic and Parking Board hold a public hearing to review the matter of lengthening the hours of residential parking/parking districts in the surrounding neighborhood to 9 p.m. or 11 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.

5. Master Plan Amendment #2012-0005

Sanitary Sewer Master Plan

(A) Initiation of a Master Plan Amendment (B) Public Hearing and Consideration of an amendment to the City's Master Plan to include the Sanitary Sewer Master Plan as a City-wide chapter. Staff: Department of Transportation and Environmental Services

(A copy of the Planning Commission report dated February 5, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 02/23/13, and is incorporated as part of this record by reference.)

City Engineer Baker gave a presentation on the Sanitary Sewer Master Plan and responded to questions from Council, along with Director Baier, about plan implementation and increasing fees for multifamily units.

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

(a) Poul Hertel, 1217 Michigan Avenue, stated that the plan was a good plan and an innovative way to look at maintenance versus growth. Mr. Hertel stated that giving Beauregard a \$10 million dollar teardown credit would not be a fair application and the teardown credit should not be included in the plan.

(b) Kenneth Wire, 1750 Tysons Blvd, representing the National Association of Industrial and Office Properties (NAIOP) Northern Virginia, stated that they support the plan and thanked Ms. Baker for all her work on the plan. Mr. Wire noted that the credit is simply an acknowledgment that the capacity is available in many development projects.

(c) Harry P. Hart, 307 North Washington Street, thanked Ms. Baker for being responsive to concerns about separate figures for hotels and looked forward to working with staff on the implementation of the master plan ordinance. Mr. Hart noted that the effective date for the fees will be important for the developers to know.

(d) Katy Cannady, 20 East Oak Street, stated that she does not support teardown credit for developers because the cost would be passed on to the residents eventually.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with a full implementation of the increase of the connection fees, bringing the specifics and effective dates back to City Council for approval with the proposed ordinance. 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.

ORDINANCES AND RESOLUTIONS

6. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish First Baptist Church of Alexandria as a Temporary Replacement for the Chinquapin Recreation Center Polling Place for the June 11 and November 5, 2013 Elections.

(A copy of the City Manager's memorandum dated February 6, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 02/23/13, 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. 6; 02/23/13, 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. 6; 02/23/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to establish First Baptist Church of Alexandria as a temporary replacement for the Chinquapin Recreation Center polling place for the June 11 and the November 5, 2013 elections. 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. 4785

AN ORDINANCE to amend and reordain Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND VOTING PLACES) by establishing First Baptist Church as a temporary replacement for the Chinquapin Recreation Center polling place for the June 11 and November 5, 2013 elections.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the General Assembly of the Commonwealth of Virginia has established that polling places are to be located in public buildings whenever practical. Va. Code § 24.2-310.1 (1950 as amended).

Section 2. The Alexandria Electoral Board, which is comprised of three bipartisan members who are appointed by the Alexandria Circuit Court for staggered three year terms, is responsible for making recommendations to City Council concerning changes in precinct boundaries and for establishing new precincts. City Council has the authority to make these changes. The Electoral Board is required to provide polling places that are accessible to all voters and the Board continually strives to provide voters with the most accessible facilities that will provide the most suitable space for voting.

Section 3. In light of the requirement of the General Assembly of the Commonwealth of Virginia as expressed in Va. Code § 24.2-310.1, the Electoral Board first considered the T.C. Williams King Street Campus and the T.C. Williams Minnie Howard Campus as potential temporary replacements for Chinquapin before recommending First Baptist Church of Alexandria. After carefully considering these options, the Electoral Board determined that the best alternative for a temporary replacement for Chinquapin is the First Baptist Church of Alexandria.

Section 4. That Section 2-2-10(o) of the Code of the City of Alexandria, Virginia, 1981 as amended, be, and the same is hereby adopted to read as follows:

(o) The Chinquapin Park Recreation Center Election District shall be bounded and described by the census blocks shown on the map adopted by [section 2-2-13](#) of this code as comprising the said district. The voting place within the Chinquapin Park Recreation Center Election District shall be at the Chinquapin Park Recreation Center, located at 3210 King Street. However, the temporary voting place for the district for the June 11 and November 5, 2013 elections shall be the First Baptist Church, located at 2932 King Street.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage; provided, however, that the change in voting place herein made shall not be implemented until the changes are first submitted to the Attorney General of the United States and no objection is interposed within 60 days of the submission, as required pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

7. Public Hearing and Consideration of a Resolution to Increase Fees at the City Marina.

(A copy of the City Manager's memorandum dated February 6, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 02/23/13, and is incorporated as part of this record by reference.)

The following persons participated the public hearing for this item:

(a) Matthew Hirschmann, 2411 Terrett Avenue, spoke in opposition to the increase in marina fees for City residents because the marina is already expensive for those who use it. Mr. Hirschmann stated that the increase resulted in an approximately 12.5% increase, City resident lease owners are already contributing to the City at a higher than average ratio, and residents should not be made to subsidize a commercial vessel marina. Mr. Hirschmann submitted a list of slip holders who were opposed to the increase and noted that the amenities at the marina do not justify the proposed fee increase.

(b) Nathan Macek, 724 Franklin Street, representing the Waterfront Commission, spoke in support of the fee increases, noting that the increases are reasonable for generating the revenue for Waterfront improvement and that the current rates are below other area marinas.

Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities, gave a brief history of the fee increase for the marina and responded to questions from Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the resolution for recommended increases of City Marina fees for resident pleasure boat annual slip licenses; pleasure boat short-term docking; and pleasure boat overnight docking effective April 1, 2013. 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. 2543

Resolution to Adopt City Marina Fee Increases Administered by the Department of Recreation, Parks and Cultural Activities for FY 2013

WHEREAS, the last increase to City Marina fees collected by the Department of Recreation, Parks and Cultural Activities (RPCA) occurred in Fiscal Year 2010; and

WHEREAS, the majority of non-programmatic fees charged by RPCA fell within the Baltimore Washington CPI-U fee adjustment guidelines set forth by City Council in Fiscal Year 2008; and

WHEREAS, the costs of providing Leisure Services to the general taxpayer continue to increase and the fees do not cover the entire costs of these programs; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Alexandria, Virginia, that the City Resident Pleasure Boat Annual License Fee; Nonresident Pleasure Boat Annual License Fee Pleasure Boat Overnight Docking Fee; and Pleasure Boat Short-term Docking Fee administered by the Department of Recreation, Parks and Cultural Activities shall be as updated beginning April 1, 2013, as follows:

Section (a) City Resident Pleasure Boat Annual License fee increase from the current rate of \$8 per foot per month to \$9 per foot per month, an increase of \$1 per foot per month as contained in Attachment 2.

Section (b) Nonresident Pleasure Boat Annual License fee increase from the current rate of \$9 per foot per month to \$11 per foot per month, an increase of \$2 per foot per month as contained in Attachment 2.

Section (c) Pleasure Boat Overnight Docking fee increase from \$2 per foot per night to \$2.50 per foot per night, an increase of \$0.50 per foot per night as contained in Attachment 2.

Section (d) Pleasure Boat Short-Term Docking fee for up to four hours increase from \$15 per boat to \$20 per boat, an increase of \$5 for up to four hours as contained in Attachment 2.

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 to the Potomac Yard/Potomac Greens Small Area Plan Heretofore Approved By City Council to Such Master Plan as Master Plan Amendment No. 2012-0004 and No Other Amendments, and To Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment. (Ordinance to implement the Master Plan Amendment for the Potomac Yard IDA project approved by City Council December 15, 2012)

(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; 02/23/13, 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; 02/23/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper 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 to the Potomac Yard/Potomac Greens Small Area Plan heretofore approved by City Council to such Master Plan as Master Plan Amendment No. 2012-004 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. 4786

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment to the Potomac Yard/Potomac Greens Small Area Plan heretofore approved by the city council to such master plan as Master Plan Amendment No. 2012-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Landbay G, Block D)

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

1. In Master Plan Amendment No. 2012-0004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on December 4, 2012 of an amendment to the Potomac Yard/Potomac Greens Small Area Plan Chapter of the Master Plan of the City of Alexandria, by amending the map of Predominant Height Limits for the Coordinated Development District (CDD) for 701 East Glebe Road to allow a maximum of 135 feet, which recommendation was approved by the City Council at public hearing on December 15, 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 Potomac Yard/Potomac Greens Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending map 24 titled Predominant Height Limits for the Coordinated Development District (CDD) for 701 East Glebe Road to allow a maximum of 135 feet.

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

Section 3. That all provision of the Potomac Yard/Potomac Greens Small Area 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 Council 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.

Please Note: Council voted on docket items 9-15 as a block. The items were read into the record by the Deputy City Clerk.

9. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 5-602 (Coordinated Development Districts Created, Consistency with Master Plan, Required Approvals) of Article 5 (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved by City Council as Text Amendment No. 2012-0006. (Ordinance to Implement the Text Amendment for the Potomac Yard IDA Project Approved By the City Council on December 15, 2012)

(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; 02/23/13, 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; 02/23/13, 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 an ordinance to amend and reordain Section 5-602 (Coordinated Development Districts Created, Consistency with Master Plan, Required Approvals) of Article 5 (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the Text Amendment heretofore approved by City Council as Text Amendment No. 2012-0006. 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. 4787

AN ORDINANCE to amend and reordain Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article 5 (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2012-0006

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2012-0006, 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 December 4, 2012 of a text amendment to the Zoning Ordinance to amend CDD #10, which recommendation was approved by the City Council at public hearing on December 15, 2012

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-602 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting the new language shown as underlined, as follows:

CDD #	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum FAR and/or Development Levels	Maximum Height	Uses
10	Potomac Yards/ Greens	<p>The RB zone regulations shall apply to the area south of the Monroe Avenue Bridge and east of the Metro Tracks, the CSL zone regulations shall apply on the first 250 feet east of Rte 1, and the I zone regulations shall apply on the remainder of the site; except that the U/T regulations shall apply to an area approximately 120 feet wide located just west of the Metrorail right-of-way (area shown on the plat for Case REZ #95-0005) for the purpose of accommodating the relocated rail mainline on the yard, and except also that the area known as the "Piggyback Yard" and Slaters Lane portion of Potomac Yard (as shown on the plat for Case REZ #95-0004) may be developed pursuant to the CRMU-L zone provided that the Piggyback Yard:</p> <ul style="list-style-type: none"> - shall contain no more than 275 dwelling units; - shall contain no more than 60,000 square feet of commercial space, of which no more than 30,000 square feet shall be office; - shall be planned and developed pursuant to a special use permit; - shall have a maximum height of 50 feet; - shall generally be consistent with the goals and the guidelines of the small area plan. 	<p>Up to 1,932,000^{1,2} square feet of office space, except that office square footage may be converted to retail square footage through the special use permit process and, in Landbay G, up to a total of 120,000 square feet of office use may be converted to 120 additional residential units. Up to 170 ⁶²⁵ hotel rooms. Up to 163,817 ^{120,000} square feet of retail space.² Up to 2,200 ^{2,137} residential units. ⁺</p> <p>Note 1: Within Landbay G a total of 120,000 square feet of office use may be converted to up to 120 additional residential units.</p> <p>Note 2: Office floor area may be converted to ground floor retail use through a special use permit.</p>	<p>Heights shall be as shown on the map entitled "Predominate Height Limits for CDD" (Map No. 24, Potomac Yard/Potomac Greens Small Area Plan Chapter of 1992 Master Plan (2008ed.))</p>	<p>Pre-dominantly residential, with a mix of land uses to include office, retail and service, hotel, parks and open spaces, and community facilities.</p>

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

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

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

10. 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 to the Braddock Road Metro Small Area Plan Chapter of Such Master Plan Heretofore Approved By City Council as Master Plan Amendment No. 2012-0008 and No Other Amendments, and To Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment. (Ordinance to Implement the Master Plan Amendment for the Jefferson-Houston School Project Approved By City Council on December 15, 2012)

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 02/23/13, 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. 10; 02/23/13, 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 an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment to the Braddock Road Metro Small Area Plan Chapter of such Master Plan heretofore approved by City Council as Master Plan Amendment No. 2012-0008 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. 4788

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment to the Braddock Road Metro Small Area Plan Chapter of such Master Plan heretofore approved by city council as Master Plan Amendment No. 2012-0008 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. 2012-0008, 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 December 4, 2012 of an amendment to the Braddock Road Metro Small Area Plan Chapter of the Master Plan of the City of Alexandria, by amending the land use and zoning maps for the parcel located at 1501 Cameron Street to modify the land use designations and zone designations on the parcel,

which recommendation was approved by the City Council at public hearing on December 15, 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 Braddock Road Metro Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending the land use and zoning maps for the parcel located at 1501 Cameron Street to modify the land use designations and zone designations on the parcel as follows:

- a. Map 10: Adopted Land Use Map; to amend the land use maps for a portion of the property from P, Parks and Open Space to Inst/Institutional and Inst/Institutional to P, Parks and Open Space
- b. Map 11: Proposed Land Use Changes; to amend the land use maps for a portion of the property from P, Parks and Open Space to Inst/Institutional and Inst/Institutional to P, Parks and Open Space
- c. Map 13: Proposed Zoning, to amend the zoning maps for a portion of the property from POS/Public Open Space, to RB/Townhouse Zone and RB/Townhouse Zone to POS/Public Open Space, and,
- d. Map 14: Proposed Zoning Changes, to amend the zoning maps for a portion of the property from POS/Public Open Space, to RB/Townhouse Zone and RB/Townhouse Zone to POS/Public Open Space.

as shown in Exhibit A to Master Plan Amendment 2012-0008 attached hereto and incorporated fully herein by this reference.

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 Braddock Road Metro Small Area Plan Chapter of Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Braddock Road Metro Small Area 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.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Sheet No. 064.03 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 1501 Cameron Street from POS/Public Open Space to RB/Townhouse on a Portion of the Property and From RB/Townhouse to POS/Public Open Space on a Portion of the Property in Accordance With the Said Zoning Map Amendment Heretofore Approved By City Council as Rezoning No. 2012-0008. (Ordinance to Implement the Rezoning for the Jefferson-Houston School Project Approved by City Council on December 15, 2012)

(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; 02/23/13, 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. 11; 02/23/13, 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 an ordinance to amend and reordain Sheet No. 064.03 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 1501 Cameron Street from POS/Public Open Space to RB/Townhouse on a portion of the property and from RB/Townhouse to POS/Public Open Space on a portion of the property in accordance with the said zoning map amendment heretofore approved by City Council as Rezoning No. 2012-0008. 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. 4789

AN ORDINANCE to amend and reordain Sheet No. 064.03 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 1501 Cameron Street from POS/Public Open Space to RB/Townhouse on a portion of the

property and from RB/Townhouse to POS/Public Open Space on a portion of the property in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2012-0008.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2012-0008, 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 December 4, 2012 of a rezoning of the property at 1501 Cameron Street from POS/Public Open Space to RB/Townhouse on a portion of the property and from RB/Townhouse to POS/Public Open Space on a portion of the property, which recommendation was approved by the City Council at public hearing on December 15, 2012;

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. 064.03 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: portions of 1501 Cameron Street, Tax Map # 064.03-01-01 designated as Area #1, Area #2 and Area #3 as shown on the plat titled "Plat Showing Rezoning of a Portion of Lot 500, Resubdivision of the Property of the City of Alexandria at Cameron and No. West Street", prepared by RC Fields and Associates, Inc. dated January 11, 2013 attached hereto as Exhibit A and incorporated herein by this reference; and as described in the legal descriptions attached hereto as Exhibit B (pages 1-3) and incorporated herein by this reference.

Area #1, totaling 21,978 s.f., is hereby amended from POS/Public Open Space to RB/Townhouse

Area #2, totaling 41,843 s.f., is hereby amended from RB/Townhouse to POS/Public Open Space; and

Area #3, totaling 73,883 s.f., is hereby amended from POS/Public Open Space to RB/Townhouse.

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. 064.03 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.

12. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the Owners of the Property Located at 2900 Main Line Boulevard to Construct and Maintain Encroachments for Roof Overhangs and a Canopy at That Location. (Ordinance to Implement the Encroachment for the Potomac Yard Grocery Store/Residential Project Approved By City Council on October 13, 2012)

(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; 02/23/13, 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. 12; 02/23/13, 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 an ordinance authorizing the owners of the property located at 2900 Main Line Boulevard to construct and maintain encroachments for roof overhangs and a canopy at that location. 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. 4790

AN ORDINANCE authorizing the owner of the property located at 2900 Main Line Boulevard to construct and maintain encroachments for roof overhangs and a canopy at that location.

WHEREAS, LBG Parcel H, LLC is the Owner ("Owner") of the property located at 2900 Main Line Boulevard in the City of Alexandria, Virginia; and

WHEREAS, Owner desire to establish and maintain roof overhangs and a canopy which will encroach into the public right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2012-0002 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 October 2, 2012, which recommendation was approved by the City Council at its public hearing on October 13, 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 Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public right-of-way, at 2900 Main Line Boulevard (Tax Map #025.01-05-14) in the City of Alexandria, said encroachment consisting of roof overhangs and a canopy, as shown in the plat titled "Encroachment Exhibit" and dated June 6, 2012 attached hereto and incorporated herein by this reference, 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 indemnify the Owner (and his /her successors, if any) and the City of Alexandria, as an additional named insured, 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, 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. The insurance for each building shall be posted prior to the release of the first Certificate of Occupancy for that building.

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) All canopies shall have a minimum clear head room of 80 inches (6'-8").
- (d) All canopies shall be placed so as to not interfere with the proposed street trees.

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 within 60 days of the notice or 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 Owner and their successors in interest, if any.

Section 9. That this ordinance shall be 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 Section 4-1200 (I/Industrial Zone) of Article 4 (Commercial, Office and Industrial Zones) and Section 11-513 (Administrative Special Use Permit) of Division B (Development Approvals) of Title 11 (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved By City Council as Text Amendment No. 2013-0001. (Ordinance to Implement the Text Amendment to Add School and Daycare Uses to the I-Zone Approved by the City Council on January 12, 2013)

(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; 02/23/13, 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. 13; 02/23/13, 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 an ordinance to amend and reordain Section 4-1200 (I/Industrial Zone) of Article 4 (Commercial, Office and Office and Industrial Zones) and Section 11-513 (Administrative Special Use Permit) of Division B (Development Approvals) of Title 11 (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the Text Amendment heretofore approved by City Council as Text Amendment No. 2013-0001. 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. 4791

AN ORDINANCE to amend and reordain Section 4-1200 (I/INDUSTRIAL ZONE) of Article 4 (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES) and Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT) of Division B (DEVELOPMENT APPROVALS) of Title 11 (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2013-0001, 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 January 3, 2013 of a text amendment to the Zoning Ordinance to adopt revised floodplain regulations, which recommendation was approved by the City Council at public hearing on January 12, 2013

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 4-1200 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown as underlined, as shown:

4-1200 I/Industrial Zone

4-1202.1 – Administrative special uses. The following uses may be allowed in the I zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Restaurant;

(A.1) Day care center;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Overnight pet boarding if located in a shopping center;

(F.1) Private School, academic or commercial, with more than 20 students on the premises at any one time;

(G) Valet parking.

Section 2. That Section 11-513 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown as underlined, as shown:

11-513 - Administrative special use permit. An applicant may seek the director's approval of a use identified in this ordinance as one for which administrative special use permit approval is available pursuant to the standards and procedures outlined in this section.

(P) Specific standards for private schools, academic and commercial, and day care centers. Each such use shall:

- (1) Obtain all required state, federal and local licenses and certificates prior to opening its place of business;
- (2) Provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic; and
- (3) Be located so as not to create obvious conflicts between children and dangerous or otherwise inappropriate uses.

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

Section 4. That Sections 4-1200 and 11-513 as amended pursuant to Section 1 and Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

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 Heretofore Approved By City Council to the Potomac West Small Area Plan Chapter of Such Master Plan as Master Plan Amendment No. 2012-0006 and No Other Amendments, and To Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment. (Ordinance to Implement the Master Plan Amendment for the AHC/East Reed Avenue Project Approved By the City Council on January 12, 2013)

(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; 02/23/13, 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. 14; 02/23/13, 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 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 Potomac West Small Area Plan Chapter of such Master Plan as Master Plan Amendment No. 2012-006 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. 4792

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 Potomac West Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2012-0006 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. 2012-0006, 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 January 3, 2013 of an amendment to the Potomac West Small Area Plan Chapter of the Master Plan of the City of Alexandria, by amending the land use map for the property at 114, 116, 116 ½, 118, 118 ½, 120 East Reed Avenue and 3600 Jefferson Davis Highway (“subject property”) from CDD/Coordinated Development District to CRMU/Commercial Residential Mixed Use and the zoning map for the subject property from CDD #7/Coordinated Development District to CRMU-M/Commercial Residential Mixed Use medium zone and to amend the height map for the subject property to increase the allowable height from 45 feet to 60 feet, which recommendation was approved by the City Council at public hearing on January 12, 2013;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Potomac West Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending the land use map for the property at 114, 116, 116 ½, 118, 118 ½, 120 East Reed Avenue and 3600 Jefferson Davis Highway (“subject property”) from CDD/Coordinated Development District to CRMU/Commercial Residential Mixed Use and the zoning map for the subject property from CDD #7/Coordinated Development District to CRMU-M/Commercial Residential Mixed Use medium zone and to amend the height map for the subject property to increase the allowable height from 45 feet to 60 feet, and as shown in the attached exhibits entitled Map 10, Map 11 and Map 13, attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan map amendments, as part of the Potomac West Small Area Plan Chapter of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Potomac West Small Area 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.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Sheet No. 16.01 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 114, 116, 116 ½, 118, 118½, 120 East Reed Avenue and 3600 Jefferson Davis Highway From CDD #7/Coordinated Development District to CRMU-M/ Commercial Residential Mixed Use Medium Zone in Accordance With the Said Zoning Map Amendment Heretofore Approved By City Council as Rezoning No. 2012-0004. (Ordinance to Implement the Rezoning For the AHC/East Reed Avenue Project Approved By the City Council on January 12, 2013)

(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. 15; 02/23/13, 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. 15; 02/23/13, 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 an ordinance to amend and reordain Sheet No. 16.01 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 114, 116, 116 1/2, 118, 118 1/2 120 East Reed Avenue and 3600 Jefferson Davis Highway from CDD #7/Coordinated Development District to CRMU-M/Commercial Residential Mixed Use Medium Zone in accordance with the said zoning map amendment heretofore approved by City Council as

Rezoning No. 2012-0004. 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. 4793

AN ORDINANCE to amend and reordain Sheet No. 16.01 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 114, 116, 116 ½, 118, 118 ½, 120 East Reed Avenue and 3600 Jefferson Davis Highway from CDD #7/Coordinated Development District to CRMU-M/ Commercial Residential Mixed Use medium zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2012-0004.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2012-0004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on January 3, 2013, of a rezoning of the property at 114, 116, 116 ½, 118, 118 ½, 120 East Reed Avenue and 3600 Jefferson Davis Highway from CDD #7/Coordinated Development District to CRMU-M/ Commercial Residential Mixed Use medium zone, which recommendation was approved by the City Council at public hearing on January 12, 2013;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 16.01 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: 114, 116, 116 ½, 118, 118 ½, 120 East Reed Avenue and 3600 Jefferson Davis Highway with Tax Map Nos. 16.01-02-22, 16.01-02-23, 16.01-02-24, 16.01-02-25, 16.01-02-26, 16.01-02-27, 16.01-02-28.

From: CDD #7/Coordinated Development District
To: CRMU-M/ Commercial Residential Mixed Use medium

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. 16.01 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.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting of February 23, 2013, at 2:48 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:

Gloria Sitton, CMC Deputy City Clerk

