

City of Alexandria
Meeting Minutes
City Council Public Hearing Meeting

Saturday, April 13, 2013

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; Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Anderson, Acting Deputy Director, P&Z; Ms. Smith, Director, Office of Management and Budget (OMB); Ms. Triggs, Chief Financial Officer/Director of Finance; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Ms. Blackford, Communications Officer, Office of Public Information and Communications; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Farner, Deputy Director, P&Z; Ms. Friedlander, Urban Planner, P&Z; Mr. Skrabak, Deputy Director, T&ES; Mr. Garbacz, Division Chief, T&ES; Ms. Seau, Division Chief, Office of Housing; Mr. Cochran, Division Chief, Office of Housing; Mr. Castrilli, Director, Office of Public Information and Communications; Ms. Durham, Open Space Coordinator, Recreation, Parks, and Cultural Activities; Ms. Taylor, Assistant Director, OMB; Ms. Bryan, 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. All members of Council were present.

2. Public Discussion Period.

The following persons participated in the public discussion session:

(a) Pat Arnaudo, 13 South Fairfax Street, spoke to Council about budget issues as it relates to housing and master plans in the City.

(b) Eileen Bradley, 4705 West Braddock Road, #30, representing the Friends of the Beatley Central Library, requested Council support of budgeting for the library in the Capital Improvement budget and other budget items concerning the library. Ms. Bradley submitted an information packet for Council to review.

(c) Josefa O'Malley, 1225 Martha Custis Drive, representing Parc East Condo Community, requested Council to review an action taken by the City regarding a unit in the condo community.

(d) Jean Antone, 704 South Fairfax Street, spoke about the budget and the need to cut funding to schools and the continuous increase in the debt service.

(e) Marla Brin, 20 East Rosemont Avenue, spoke about Hooffs Run Park and the tot lot located in the park. Ms. Brin stated that the park is continuously in use and has created noise, parking, traffic and sanitary issues for the neighborhood.

(f) Bob Eiffert, 1418 Juliana Place, representing the Alexandria Commission on Aging, addressed the issue of brick sidewalks, pavers and other textured surfaces on public walkways, particularly regarding upcoming projects on Eisenhower Avenue, which calls for brick sidewalks. Mr. Eiffert requested that the City examine the idea of not adding any more brick or other rough textured surfaces in walkways, making Alexandria a more livable and walkable community for all ages and abilities.

(g) Molly Danforth, 4016 Harris Place, spoke about brick sidewalks and other textured surfaces on public walkways and stated that many of the brick walkways do not meet Americans with Disabilities (ADA) standards. Ms. Danforth stated that the "no net new brick" policy that Boston has adopted allows for wide concrete surfaces or decorative brick instead of the entire brick sidewalk and would be ideal for new construction in the City.

(h) Jennifer Reading, 432 Monticello Boulevard, representing the Alexandria-Caen Sister City Committee, outlined the events the committee has planned for the Annual D-Day Commemoration Event on Thursday, June 6 on Market Square. Ms. Reading requested that Council consider waiving several of the city imposed fees for this event.

(i) Gary Carr, 216 Aspen Street, spoke about the need for better running tracks in the City of Alexandria, particularly the need to restore the historic running track at George Washington Middle School.

(j) Juanita Skipwith, 236 Burgess Avenue, requested help receiving real estate tax exemption on her personal property taxes.

(k) Kathryn Papp, 504 Cameron Street, requested a formal report on the threat to life and financial risks of Climate Change to be prepared by the Environmental Policy Commission and be presented to Council.

(l) Bill Henderickson, 304 East Spring Street, representing the Del Ray Citizens Association, stated that members voted to support maintaining current operating hours at the libraries including the Duncan Library and he noted that the library is an important community gathering place. Mr. Hendrickson also reported that the Del Ray Citizens Association voted to keep the Warwick Village swimming pool open for the coming year and years to come. Mr. Henderickson stated that he was troubled by the impending opening of the Walgreens in Del Ray because they did not have to go through the special use permit (SUP) process.

(m) Philip Maytas, 219 North Pitt Street, requested that there be a resident-only

parking program instituted in the Historic District of Old Town.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3)

Planning Commission

3. Special Use Permit #2013-0002
34 South Gordon Street - Child Care Home
Public Hearing and Consideration of a request to operate a child care home; zoned R-2-5/Single and two-family. Applicant: Danielle Rothrock
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 2, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 04/13/13, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and approved the Planning Commission's 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.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

4. Text Amendment #2012-0007
Rezoning #2012-0002
CDD Concept Plan #2012-0003
Beauregard CDD #21 - Beauregard Corridor
5066, 5105, 5106, 5115, 5118, 5121, 5129 Fairbanks Avenue; 2638, 2641, 2648, 2658, 2627, 2623, 2618 Foster Avenue; 5055, 5165, 5173, 5183 Seminary Road; 5501, 5600, 5711, 5900A Sanger Avenue; 5650 Rayburn Avenue; 1250, 1350, 1460, 1500, 1600, 1700, 1800, 1900, 2000 North Beauregard Street
Public hearing and consideration of requests for: A) a text amendment to include CDD #21 in Section 5-602(A) of the zoning ordinance; B) a zoning map amendment (rezoning) to change the zoning of the subject properties from R-12/Single family, Coordinated Development District #4 and RC/High density apartment to Coordinated Development District #21; C) approval of a Coordinated Development District (CDD) concept plan and associated Beauregard Urban Design Standards and Guidelines; zoned R-12/Single Family, Coordinated Development District #4 and RC/High Density Apartment. Applicants: Alexandria Development Associates, LLC c/o Hekemian and Co Inc., JBG/Mark Center Developer, LLC c/o the JBG Companies by M. Catharine Puskar, attorney Lafayette Buildings, LLC and Southern Towers, LLC by Ken Wire,

attorney

Planning Commission Action: TA #2012-0008 Recommend Approval 7-0;
REZ #2012-0005 Recommend Approval 7-0; and CDD Concept Plan #2012-0005
Recommend Approval 7-0 with amendments.

Please note: Docket items 4, 5, 6 were considered by Council as one item.

(A copy of the Planning Commission report dated April 2, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Items 4, 5, 6; 04/13/13, and is incorporated as part of this record by reference.)

5. Text Amendment #2012-0008
Rezoning #2012-0005
CDD Concept Plan #2012-0005
Beauregard CDD #22 - Seminary Overlook
4800 and 4801 Kenmore Avenue
Public Hearing and Consideration of requests for: A) a text amendment to include CDD #22 in Section 5-602(A) of the zoning ordinance; B) a zoning map amendment (rezoning) to change the zoning of the subject properties from RC/High density apartment and RA/Multifamily to Coordinated Development District #22; and C) approval of a Coordinated Development District (CDD) concept plan and associated Beauregard Urban Design Standards and Guidelines; zoned RC/High density apartment and RA/Multifamily. Applicants: Home Properties Seminary Towers, LLC and Home Properties Seminary Hills, LLC by M.Catharine Puskar, attorney
Planning Commission Action: TA #2012-0008 Recommend Approval 7-0; REZ #2012-0005 Recommend Approval 7-0; and CDD Concept Plan #2012-0005 Recommend Approval 7-0 with amendments.

(A copy of the Planning Commission report dated April 2, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Items 4, 5, 6; 04/13/13, and is incorporated as part of this record by reference.)

6. Text Amendment #2012-0010
Beauregard Design Advisory Committee
Public Hearing and Consideration of a request for an amendment to Section 5-600 of the zoning ordinance to establish the Beauregard Design Advisory Committee. Staff: Department of Planning and Zoning
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated April 2, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Items 4, 5, 6; 04/13/13, and is incorporated as part of this record by reference.)

Director of Planning and Zoning Hamer reported that the City Clerk received a protest petition on Friday, April 12, protesting the map amendment for CDD #21. Ms. Hamer explained that 20% of the property owners within a 300 feet buffer were required to sign the petition in order to require City Council to pass the amendment by supermajority. Ms. Hamer noted that staff reviewed the 127 signatures obtained on the petition and concluded that it was lacking 30% of the signatures needed to require a supermajority vote, therefore the petition

was not valid.

Staff from Planning and Zoning, Housing, and Transportation and Environmental Services gave a presentation on the proposed rezoning plan and responded to questions from Council about number of units available, financing, transportation improvements, land use aspects and other amenities included in the plan.

The following persons participated in the public hearing for these docket items:

(a) Kenneth Wire, 1750 Tysons Blvd., Tysons Corner, attorney for the applicant, spoke in support of the proposal and responded to questions from members of Council. Mr. Wire also presented an offer to convey additional units for affordable housing purposes as outlined in his letter dated April 12, 2013.

(b) Cathy Puskar, 2200 Clarendon Blvd., Arlington, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

(c) Jack Sullivan, 4300 Ivanhoe Place, highlighted the need for adequate affordable housing in the area for current Beauregard residents.

(d) Stewart Schwartz, 316 F Street, NE, Washington, D.C., representing the Coalition for Smarter Growth, spoke in support of the proposal.

(e) Bonnie O'Day, 2455 N. Stevens Street, spoke in support of a majority of the proposal but expressed concern about the location of the parallel road.

(f) Lynn Bostain, 5695 Rayburn Avenue, spoke in support of the plan and expressed concern about the placement of the road near the Adams neighborhood and noted that there needed to be adequate affordable housing in the area.

(g) Rebecca Hierholzer, 2649 Centennial Court, recognized her neighbors and expressed concern about the placement of the parallel road near their neighborhood.

(h) Thomas Yager, 2662 Centennial Court, spoke in support of CDD #21 and expressed concern about the placement of the parallel road near his neighborhood.

(i) Kathlyn Hoekstra, 1310 N. Chambliss Street, thanked the City staff for having a transparent and inclusive process for this proposal.

(j) Annabelle Fisher, 5001 Seminary Road, expressed concern about the transit elements of the proposal, highlighting the design of the proposed ellipse and requested Council delay approval of the rezoning.

(k) John T. Long, 801 Fairfax Street, representing the Alexandria Chamber of Commerce, spoke in support of the proposal.

(l) Ernie Lehmann, 621 N. St. Asaph Street, spoke in opposition of the rezoning until more affordable housing provisions have been added to the proposal.

(m) Neota Hall, 5731 Harwich Court, #232, requested that action on the rezoning be deferred and more provisions be made for affordable housing.

(n) Sammie Moshenberg, 408 Hume Avenue, spoke in opposition to the proposal because of the lack of affordable housing units and the displacement of the current residents.

(o) Jerry King, 400 East Howell Avenue, representing the Alexandra Bicycle and Pedestrian Advisory Committee, spoke in support of the proposal, stating that the bicycle and pedestrian facilities in the plan are good and need to remain in the proposal.

(p) Pete Benavage, 5066 Fairbanks Avenue, spoke in support of the proposal, noting the need for amenities, transportation and dedicated affordable housing in the area. Mr. Benavage pointed out that the most needed element was a new fire station for the area.

(q) Vicky Menjivar, 219 Burgess Avenue, spoke in opposition to the proposal, noting the lack of affordable housing would lead to a lack of diversity in the City.

(r) Danielle Fidler, 536 East Glendale Avenue, noted the need for improved stormwater control, responsible flood management, and wastewater management in the proposal to protect the environment.

(s) Mike Caison, 3104 Montrose Avenue, representing the Affordable Housing Advisory Commission, spoke in support of the proposal.

(t) Oscar Medina, 5321 Essex Court, #252, spoke in opposition to the proposal, noting the lack of affordable housing opportunities for current residents.

(u) Edwin Pineda, 5472 Bradford Court, #133, spoke in opposition to the proposal.

(v) Veronica Calzada, 5427 Bradford Court, #133, spoke in opposition to the proposal, noting the lack of affordable housing opportunities for current residents.

(w) Hector Pineda, 5427 Bradford Court, #133, spoke in opposition to the proposal, noting the lack of affordable housing opportunities for current residents.

(x) Daniel Berhane, 5340 Holmes Run Pkwy, #902, spoke in opposition to the proposal.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper 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 motion was made by Councilman Wilson, seconded by Councilwoman Pepper to accept the Planning Commission's recommendation.

The following amendments were made by Councilman Wilson and accepted by the seconder, Councilwoman Pepper and became part of the original motion:

(1) an amendment to Condition 37(l), for clarification and conversion language stating, "A limited conversion of uses within each neighborhood within CDD #21 shall be permitted, subject to the following:

i. The Greenway and Garden District neighborhoods shall not be permitted to convert uses.

ii. The conversion of uses within the Town Center, Adams and Upland Park neighborhoods may be permitted as part of the preliminary DSUP, subject to the following: (a) A balanced mix of uses shall continue to be provided within each neighborhood, consistent with the intent of the Beauregard Small Area Plan; (b) the amount of required retail uses shall not be reduced within each neighborhood; and (c) the intent of the conversion is that the conversion would not exceed 15% of the amount of square footage in the neighborhoods referenced herein, but would allow flexibility for market conditions.

iii. Within the Southern Towers neighborhood, conversion of uses may be permitted subject to the following: (a) The amount of required retail uses may not be reduced; and (b) In no event shall the conversion exceed 150,000 square feet of residential uses. In addition the remaining square footage shall be office, hotel and retail. (P&Z)

(2) an amendment to Condition 114, adding a new sentence stating, "Condition 6(c) shall not apply to final Transitway easement within Southern Towers until such time as the provisions of Condition 114 have been met.

(3) an amendment to Condition 119, referring to retail for clarification stating, "(a) To ensure comprehensive and coordinated approach for the retail leasing for the required retail within the Southern Towers Neighborhood as depicted in the Beauregard Urban Design Standards and Guidelines, the retail shall be operated through a coordinated management agreement, entity or district. The final role and composition of the retail management entity and overall governance shall be approved as part of the first DSUP containing the first retail space within the Southern Towers neighborhood; (b) Prior to the relation of the first Certificate of Occupancy permit for the first building within the Southern Towers neighborhood, the Applicant(s) shall establish the retail management entity as required, which shall be responsible for the following items to the satisfaction of the Directors of P&Z, T&ES, RP&CA and City Attorney:

i. Parking. Coordination and management of the shared parking management plan between the owner(s) and/or buildings.

ii. Signage. Maintenance, repair, and coordination of locations and messaging for all identification signs, way-findings signs, directional signs and seasonal/event banners

iii. Retail Management and coordination of retail use and tenants as defined herein. (P&Z)(T&ES)

(4) an amendment to the existing note to read, "The location and design of the streets, with specific attention to the parallel road, within the Adams Neighborhood are subject to the CDD conditions and will be finalized in the DSUP approval. (Addresses the parallel road and community concerns. This will be added to all exhibits where the street is referenced).

(5) an amendment to Condition 51 addresses the gap between when the new City ordinance is amended to the new State regulations stating, "New Development, as defined herein at Condition 11(b), within each neighborhood shall meet the requirements as set forth in the Environmental Management Ordinance (Chesapeake Bay Preservation Act) as adopted by

the City of Alexandria at the time of the submittal of each preliminary DSUP within each neighborhood. For DSUP applications filed prior to July 1, 2014, the applicants agree to meet the Virginia Storm Water Regulations and/or provisions of the Environmental Management Ordinance (Chesapeake Bay Preservation Act), whichever is more stringent.”

Councilman Wilson made the following amendment, which was accepted by the seconder, Councilwoman Pepper and the amendment became part of the original motion:

-delete (e) from Condition 61 and directed the developer to return to Council within a year with an agreement to provide 100-135 affordable units priced between 55%-75% AMI. The agreement shall provide the City with the opportunity to buy down units at a lower AMI and shall provide the option for mutually agreed upon extensions of the initial 10 year term.

Councilman Chapman made the following amendments, which was acceptable to the maker and seconder of the original motion and the amendments became part of the original motion:

-an amendment to Condition 14(c) stating, "Funds available after completion of the fire station or transportation category depicted in Table 2, unless Council directs otherwise, shall be reallocated to the Affordable Housing Trust Fund for housing."

-include in the Tenant Relocation Document the following language, "In addition to the standard community engagement process associated with the DSUP applications, the applicants agree to provide an estimated timeline of the process to tenants who will be displaced by that phase of development and hold a meeting with those tenants at the time of the filing of the DSUP."

Councilman Chapman offered an amendment to the motion to allow the City to buy down 20% of a property to provide more units for affordable housing within the plan area. The amendment was unacceptable to the maker and seconder of the motion.

A substitute motion was made by Vice Mayor Silberberg as follows:

Aggregation funds from different sources, the zoning implementation of the Beauregard Plan be contingent upon the number of affordable housing units, which needs to be 1320 committed affordable housing units. These 1320 committed affordable housing units would equal 20 percent of the 6600 residential units that will be built in Beauregard under this plan. The 1320 committed affordable housing units would strike a compromise between the 800 committed affordable housing units currently in the Beauregard Plan and the 2475 affordable units that are slated for demolition. To go from the current 800 committed affordable housing units to a proposed 1320 – an increase of 520 committed affordable housing units – would require that each of the developers and mainly the City of Alexandria increase their funding commitment. Given that in the past decade the City of Alexandria has gone from 18,000 market-rate affordable housing units to approximately 6000, this motion is critical to fulfilling the city’s commitment to affordable housing. The extra 520 committed affordable housing units would cost approximately \$100 million, and the funds would come from the following sources:

1) The City of Alexandria would designate \$2 million per year for 25 years, equaling \$50 million. These funds would come out of the annual budget and/or the Capital Improvement

Plan (CIP).

2) The five developers, which have already done a great deal for this plan, would each be asked to provide an additional \$5 million over 29 years, equaling \$25 million. That amounts to approximately \$173,000 per year, per developer.

3) Reallocated funds from transportation projects and the proposed fire station, tax credits and nonprofit entities committed to affordable housing development.

The motion failed for lack of a second.

Vice Mayor Silberberg offered an amendment to the motion stating that there will be 1050 committed affordable housing units in the Beauregard Plan. The amendment was not acceptable to the maker and the seconder of the original motion.

The following motion was the final motion approved, 6-1, by City Council:

City Council approved the Planning Commission recommendation with the following amendments:

(1) an amendment to Condition 37(l), for clarification and conversion language stating, "A limited conversion of uses within each neighborhood within CDD #21 shall be permitted, subject to the following:

i. The Greenway and Garden District neighborhoods shall not be permitted to convert uses.

ii. The conversion of uses within the Town Center, Adams and Upland Park neighborhoods may be permitted as part of the preliminary DSUP, subject to the following: (a) A balanced mix of uses shall continue to be provided within each neighborhood, consistent with the intent of the Beauregard Small Area Plan; (b) the amount of required retail uses shall not be reduced within each neighborhood; and (c) the intent of the conversion is that the conversion would not exceed 15% of the amount of square footage in the neighborhoods referenced herein, but would allow flexibility for market conditions.

iii. Within the Southern Towers neighborhood, conversion of uses may be permitted subject to the following: (a) The amount of required retail uses may not be reduced; and (b) In no event shall the conversion exceed 150,000 square feet of residential uses. In addition the remaining square footage shall be office, hotel and retail. (P&Z)

(2) an amendment to Condition 114, adding a new sentence stating, "Condition 6(c) shall not apply to final Transitway easement within Southern Towers until such time as the provisions of Condition 114 have been met.

(3) an amendment to Condition 119, referring to retail for clarification stating, "(a) To ensure comprehensive and coordinated approach for the retail leasing for the required retail within the Southern Towers Neighborhood as depicted in the Beauregard Urban Design Standards and Guidelines, the retail shall be operated through a coordinated management agreement, entity or district. The final role and composition of the retail management entity and overall governance shall be approved as part of the first DSUP containing the first retail space within the Southern Towers neighborhood; (b) Prior to the relation of the first Certificate of Occupancy permit for the first building within the Southern Towers neighborhood, the Applicant(s) shall establish the retail management entity as required, which shall be responsible for the following items to the satisfaction of the Directors of P&Z, T&ES, RP&CA and City Attorney:

- i. Parking. Coordination and management of the shared parking management plan between the owner(s) and/or buildings.
- ii. Signage. Maintenance, repair, and coordination of locations and messaging for all identification signs, way-findings signs, directional signs and seasonal/event banners
- iii. Retail Management and coordination of retail use and tenants as defined herein. (P&Z)(T&ES)

(4) an amendment to the existing note to read, "The location and design of the streets, with specific attention to the parallel road, within the Adams Neighborhood are subject to the CDD conditions and will be finalized in the DSUP approval. (Addresses the parallel road and community concerns. This will be added to all exhibits).

(5) an amendment to Condition 51 addresses the gap between when the new City ordinance is amended to the new State regulations stating, "New Development, as defined herein at Condition 11(b), within each neighborhood shall meet the requirements as set forth in the Environmental Management Ordinance (Chesapeake Bay Preservation Act) as adopted by the City of Alexandria at the time of the submittal of each preliminary DSUP within each neighborhood. For DSUP applications filed prior to July 1, 2014, the applicants agree to meet the Virginia Storm Water Regulations and/or provisions of the Environmental Management Ordinance (Chesapeake Bay Preservation Act), whichever is more stringent.

(6) delete (e) from Condition 61 and directed the developer to return to Council within a year with an agreement to provide 100-135 affordable units priced between 55%-75% AMI. The agreement shall provide the City with the opportunity to buy down units at a lower AMI and shall provide the option for mutually agreed upon extensions of the initial 10 year term.

(7) an amendment to Condition 14(c) stating, "Funds available after completion of the fire station or transportation category depicted in Table 2, unless Council directs otherwise, shall be reallocated to the Affordable Housing Trust Fund for housing."

(8) include in the Tenant Relocation Document the following language, "In addition to the standard community engagement process associated with the DSUP applications, the applicants agree to provide an estimated timeline of the process to tenants who will be displaced by that phase of development and hold a meeting with those tenants at the time of the filing of the DSUP."

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

- 7. Public Hearing on the Draft Fiscal Year (FY) 2014 Action Plan for Housing and Community Development.

(A copy of the City Manager's memorandum dated April 3, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 04/13/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and docketed the FY 2014 Action Plan for Housing and Community Development for final Council approval on May 14, 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.

7.1. Public Hearing Regarding an Allocation of \$50,000 in Community Development Block Grant (CDBG) Program Funds to the ECDC Enterprise Development Group (EDG) to Support the Continuation of the Microenterprise Loan Program in Alexandria.

(A copy of the City Manager's memorandum dated April 3, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7.1; 04/13/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing and scheduled the recommended budget transfer of CDBG funds on April 23, 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.

ORDINANCES AND RESOLUTIONS

8. Public Hearing and Second Reading of an Ordinance to Establish the Real Estate and Personal Property Tax Rates for Calendar Year 2013 (Fiscal Year 2014).

(A copy of the City Manager's memorandum dated April 11, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 04/13/13, 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. 8; 04/13/13, 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. 8; 04/13/13, and is incorporated as part of this record by reference.)

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

(a) Annabelle Fisher, 5001 Seminary Road, spoke about the property tax increase and ways the budget could be reduced to avoid the increase.

(b) Sharon Annear, 1118 North Howard Street, spoke about the budget and suggested ways to make the process more accessible for citizens.

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

ordinance for adoption on May 6, 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.

9. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing and Empowering the Issuance, Sale and Delivery of General Obligation Bonds to Finance Various Capital Projects.

(A copy of the City Manager's memorandum dated April 13, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 04/13/13, 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. 9; 04/13/13, 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. 9; 04/13/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance authorizing and empowering the issuance, sale and delivery of General Obligation Bonds to finance various capital projects. 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. 4796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA, VIRGINIA AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS IN THE ESTIMATED MAXIMUM AMOUNT OF \$63,800,000; AND PROVIDING FOR REIMBURSEMENT TO THE CITY OF ALEXANDRIA FROM BOND PROCEEDS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

WHEREAS, the City Council of the City of Alexandria, Virginia ("City") has determined that it is advisable to issue up to \$63,800,000 general obligation bonds of the City to finance the cost, in whole or in part, of various capital improvements as described below (the "Projects").

1. Authorization of Bonds and Use of Proceeds. The City Council hereby determines that it is advisable to contract a debt and to issue and sell general obligation bonds in the aggregate maximum principal amount of \$63,800,000 (the "Bonds"). The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Bonds

shall be used to pay all or a portion of the costs of the Projects as described below and the City’s Chief Financial Officer and Director of Finance, or either of them, is authorized and directed to determine the portion of the cost of each Project to be financed with Bond proceeds and to reallocate Bond proceeds among the Projects if necessary or desirable.

<u>General Project Description</u>	<u>Estimated Maximum Cost</u>
<u>Schools</u> Construction, remodeling and repairing of school buildings and acquisition of necessary equipment (includes projects contained in the capital improvement program under “Schools”).	\$43,000,000
<u>City Parks and Public Buildings</u> Construction, renovation and improvement of existing and new City buildings and park facilities and acquisition of necessary land and equipment (includes projects contained in the capital improvement program under “Recreation and Parks” and “Public Buildings”).	\$11,275,000
<u>Transportation and Metro Improvements</u> Maintenance and upgrade of the City’s Traffic control (includes projects contained in the capital improvement program under “Public Transportation and Traffic Control,” and including, without limitation, payment of the City’s share of certain Washington Metropolitan Area Transit Authority (i.e., “METRO”) capital improvements).	\$6,775,000
<u>Infrastructure</u> Construction, renovation and improvement of City streets, bridges, storm and sanitary sewers and acquisition of necessary equipment (includes projects contained in the capital improvement program under “Community Development,” “Streets, Bridges and Pedestrian Improvements,” “ Stormwater Management” and “Sanitary Sewers”).	\$2,056,000
<u>Fire Department Vehicles and Apparatus</u> Acquisition of Fire Department vehicles and apparatus contained in the capital improvement program under “Community Development”	\$694,000
<u>Total:</u>	\$63,800,000

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

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to this Ordinance and upon such other terms as may be determined in the manner set forth in this Ordinance. The Bonds shall be issued in one or more taxable or tax-exempt series, in fully registered form, shall be dated such date or dates as the City Manager, the Chief Financial Officer and the Director of Finance, or any one of them (the "Authorized Officer"), may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the Authorized Officer may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than \$63,800,000. The Authorized Officer is authorized and directed, at his or her option, to accept a bid or bids for the purchase of the Bonds which results in the lowest true interest cost to the City and the Bonds shall bear interest, payable semi-annually, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or bids so accepted, or, if he or she deems it to be in the City's financial interest, to forego such competitive bidding and negotiate the sale of the Bonds to one or more initial purchasers; provided that the true interest cost of the Bonds shall not exceed 6.5% per annum. The Authorized Officer is authorized and directed to approve such optional redemption provisions for the Bonds as such officer or officers determine to be in the best interest of the City. The City Council may provide for additional or other terms of the Bonds by subsequent resolution.

4. Form of Bonds. The Bonds shall be in substantially the form attached to this Ordinance as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Ordinance. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

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

Transfer of ownership interest in the Bonds may be made by DTC and its participants (the "Participants"), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. In such event, the City shall notify DTC of any notice required to be given pursuant to this Ordinance or the Bonds not less than fifteen

(15) calendar days prior to the date upon which such notice is required to be given and the City shall also comply with the agreements set forth in the City's Letter of Representations to DTC.

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

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

Upon occurrence of an event described in (i) or (ii) above, the City shall attempt to locate another qualified securities depository. If the City fails to locate another qualified securities depository to replace DTC, the City Council shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to the Participants. In the event the City Council, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the City shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Ordinance to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Ordinance and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Ordinance and the Bonds.

6. Appointment of Bond Registrar and Paying Agent. The Authorized Officer is authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds, and as long as the Bonds are in book-entry form, any of such officers may serve as Paying Agent.

The Authorized Officer may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds specifying the name and location of the principal office of any such registrar or paying agent.

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

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

any officer or agent of the City, by reason of any inaccuracy, error or omission with respect to such numbers.

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

New Bonds delivered upon any transfer or exchange shall be valid obligations of the City, evidencing the same debt as the Bonds surrendered, shall be secured by this Ordinance and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

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

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

12. Defeasance. Bonds may be defeased pursuant to Section 15.2-2623 of the Code of Virginia of 1950, as amended, or any successor statute and shall be deemed no longer outstanding upon the establishment of an escrow or sinking fund for such Bonds meeting the requirements of, and the satisfaction of other conditions, if any, to defeasance, set forth in such Section 15.2-2623 or successor statute.

13. Disclosure Documents. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement or other

documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Chief Financial Officer (act and the Director of Finance, or either of them, shall determine. The Chief Financial Officer and the Director of Finance, or either of them, is authorized and directed to deem the preliminary official statement “final” for purposes of Securities and Exchange Commission Rule 15c2-12.

14. RESERVED.

15. Further Actions. The Authorized Officer and such officers and agents of the City as the Authorized Officer may designate are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds including the execution and delivery of such bond purchase agreement as may be required in connection with any negotiated sale of the Bonds and the execution and delivery of any such other documents, agreements and certificates (including applications for tax credits) as they may deem necessary or desirable and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

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

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

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 5-500 (W-1/Waterfront Mixed Use Zone) of Article V (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. 2013-0005. (Ordinance to Implement the Text Amendment to Amend the W-1 Zone Approved by City Council on March 16, 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. 10; 04/13/13, 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; 04/13/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-1 by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 5-500 (W-1/Waterfront Mixed Use Zone) of Article V

(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. 2013-0005. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, Vice Mayor Silberberg.

The ordinance reads as follows:

ORDINANCE NO. 4797

AN ORDINANCE to amend and reordain Section 5-500 (W-1/WATERFRONT MIXED USE ZONE) of Article V (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. 2013-0005.

WHEREAS, the City Council finds and determines that:

1. The Planning Commission initiated on its own motion a text amendment to the Zoning Ordinance to revise the W-1 zone and having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval of Text Amendment No. 2013-0005 to the City Council on March 5, 2013 of, which recommendation was approved with amendment by the City Council at public hearing on March 16, 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 5-500 of the Zoning Ordinance be, and the same hereby is, amended by adding the underlined language and deleting the language shown in strikethrough, as shown in bold below:

Sec. 5-500 W-1/Waterfront mixed use zone.

5-501 Purpose. The W-1 zone is intended to promote mixed use development with suitable public amenities along appropriate portions of the city's waterfront by permitting a mixture of residential, commercial, cultural and institutional uses and by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, the design and the location warrant.

5-502 Permitted uses. The following uses are permitted in the W-1 zone:
(A) Single-family dwelling;
(A.1) Two-family dwelling;
(A.2) Townhouse dwelling;
(B) Multifamily dwelling;

- (C) Business and professional office;
- (D) Public building;
- (E) Public park, athletic field or other outdoor recreation facility;
- (F) Public utility service yard and/or electrical receiving or transforming station, provided the use and/or structure was in existence prior to 1982 and the use has been continued thereafter;
- (G) Accessory uses, as permitted by section 7-100.
- (H) Uses smaller than 5000 square feet that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.**

5-503 Special uses. The following uses may be allowed in the W-1 zone pursuant to a special use permit:

- (A) Commercial outdoor recreation facility;
- (B) Commercial shipping and freight terminal;
- (C) Facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections;
- (D) Health and athletic club;
- (E) Home for the elderly;
- (F) Nursery school;
- (G) Outdoor food and crafts market;
- (H) Personal service establishment;
- (I) Privately owned public use building such as civic auditorium or performing arts center;
- (J) Restaurant;
- (K) Retail shopping establishment;
- ~~(L) Rooming house;~~
- ~~(M) Tourist home;~~
- (N) Utilities, as permitted by section 7-1200.
- (O) Hotel, consistent with the Development Goals and Guidelines for Development Sites in the Waterfront small area plan.**
- (P) Uses 5000 square feet or larger that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.**

5-503.1 Prohibited uses. Any use which is not a permitted, special or accessory use pursuant to this section 5-500 is prohibited.

5-504 Floor area ratio. The permitted floor area ratio of a development in the W-1 zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

- (A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:
 - (1) Commercial: .75, or
 - (2) Residential: 1.0
 In the case of either (1) or (2), an additional .25 of retail use is permitted.
- (B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of

the floor space of the development, the maximum permitted floor area ratio is 1.0 plus an additional .25 of retail use.

- (C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of .75, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.0.

- (D) Development sites in waterfront plan/SUP. For property that is part of a development site identified in the waterfront small area plan, with a special use permit, the maximum floor area ratio may be increased provided the development meets and is consistent with the Development Goals and Guidelines listed in the Waterfront plan for the property.**

5-505 *Density and lot requirements.*

- (A) *Density.* Gross density shall not exceed 30 dwelling units per acre.

(B) *Lot size.*

- (1) Each structure containing multifamily dwellings shall be located on a lot with a minimum of 1,452 square feet of land area for each dwelling unit.
- (2) Each townhouse dwelling shall be located on a lot with a minimum of 1452 square feet of land area.
- (3) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations, such as yards, floor area ratio and parking.

(C) *Lot width and frontage.*

- (1) For multifamily dwellings, the minimum lot width at the front lot and building line shall be 50 feet.
- (2) For townhouses, the minimum lot width at the front lot and building line shall be 18 feet for all lots except interior lots for which the minimum lot width at the front lot and building line shall be 26 feet.
- (3) For all other principal uses, there shall be no minimum lot and building line requirements except those which occur as a result of other applicable regulations.

5-506 *Yard requirements.*

- (A) *Front yard.* No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

- (B) *Side yards.* No side yards are required except in the following cases:

- (1) Each interior end unit in a group of townhouses shall provide a side yard of at least 8 feet.
- (2) Multifamily residential buildings shall provide two side yards based on a setback ratio of 1:2 and a minimum of 16 feet.

- (C) *Rear yard.* Each lot shall provide a rear yard of at least 8 feet, except that each multifamily residential building shall provide a rear yard based on a setback ratio of 1:2 and a minimum distance of 16 feet.

5-507 *Height.* The maximum permitted height of buildings is ~~55 feet.~~ **the height shown in the applicable height district map.**

5-508 *Open and usable space.* Residential uses shall provide a minimum of 300 square feet of open and usable space per dwelling unit, exclusive of any area required for off-street parking. The location and shape of such space shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level and which are accessible to all residents of the development if the director determines that such space functions as open space for residents to the same extent that ground level open space would. In addition, each use, development or project adjacent to the Potomac River shall provide an open space walkway and bike way adjacent to the high watermark of the Potomac River.

5-509 *Ground floor occupancy regulations.*

- (A) No room or space used for residential purposes or commercial purposes, other than restaurant or retail room or space, shall be permitted on the ground floor of any building.
- (B) The provisions of section 5-509(A) shall not apply if publicly accessible waterfront or waterfront-related amenities are provided in conjunction with a proposed building, subject to approval of a site plan for such amenities and building pursuant to section 11-400.
- (C) Publicly accessible waterfront or waterfront-related amenities may include, but are not limited to, pedestrians walkways and landscaped open space areas connected to the walkway/bikeway required along the waterfront by section 5-508, boat docking facilities, or similar improvements that enhance pedestrian access to and enjoyment of the waterfront area. The planning commission, or city council on appeal, shall approve the site plan submitted pursuant to section 5-509(B) if the commission or council in its reasonable discretion determines that the amenities to be provided enhance the publicly oriented vitality of the waterfront area.
- (D) As used in this section 5-509, "ground floor" means that floor of a building which is approximately or most nearly level with the ground surface in the general vicinity of the building and includes the headroom above such floor.
- (E) The residential building exclusions of section 11-404(A) shall not apply to any site plan submitted under the provisions of this section 5-500. Nothing in this section 5-509 shall excuse compliance with the use regulations of this section 5-500, including any requirement for a special use permit of section 5-503, or with the floodplain regulations of section 6-300.
- (F) Any ground floor room or space used for residential purposes or commercial purposes other than restaurant or retail room or space, in a

building for which a preliminary site plan was approved on or before June 28, 1988, shall be deemed to meet the requirements of this section 5-509.

5-510 *Underground utilities.* All developments containing new or replacement utility facilities within the development shall provide for underground installation of said facilities.

5-511 *Use limitations.* Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual. 5-512 Additional regulations for single-family, two-family and townhouse dwellings.

(A) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(B) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(C) *Yards.* For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(D) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size, frontage and yard regulations shall be applicable to the residential component of the development.

5-513 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.

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

Section 3. That Section 5-500, 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.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 11-808 (Protest of Zoning Map Amendments by Landowners) of Division B (Development Approvals) Article XI (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. 2013-0006. (Ordinance to implement the Text Amendment for the Change to 11-808(D) of the Zoning Ordinance Approved by City Council on March 16, 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. 11; 04/13/13, 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; 04/13/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried 6-1 by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 11-808 (Protest of Zoning Map Amendments by Landowners) of Division B (Development Approvals) Article XI (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. 2013-0006. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, Vice Mayor Silberberg.

The ordinance reads as follows:

ORDINANCE NO. 4798

AN ORDINANCE to amend and reordain Section 11-808 (PROTEST OF ZONING MAP AMENDMENT BY LANDOWNERS) of Division B (DEVELOPMENT APPROVALS), Article XI (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. 2013-0006.

WHEREAS, the City Council finds and determines that:

1. The Planning Commission initiated on its own motion a text amendment to the Zoning Ordinance to revise the W-1 zone and having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval of

Text Amendment No. 2013-0006 to the City Council on March 5, 2013 of, which recommendation was approved with amendment by the City Council at public hearing on March 16, 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 11-808 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as shown in bold below:

11-808 - Protest of zoning map amendment by landowners.

- (A) Who may protest. A protest shall be signed by the owners of at least 20 percent of:
 - (1) The land proposed to be rezoned by the map amendment; or
 - (2) All land within 300 feet of the boundaries of the land proposed to be changed by the map amendment.
- (B) Deadline for protest. A protest must be filed with the city clerk no later than noon on the last working day before the day on which city council conducts its first public hearing on the proposed amendment.
- (C) Calculation of ownership. The director shall verify that those filing are legal property owners. Through mathematical calculation and the use of a planimeter, the department of transportation and environmental services shall verify said 20 percent area. Streets, alleys and land dedicated to public use or owned by the city, state or federal government shall not be included in computing the areas of ownership required.
- (D) Effect of protest. If a protest to a proposed ~~text or~~ map amendment is filed, the city council may not approve the proposed amendment except by an affirmative vote of three-fourths of its members.
- (E) Limitations.
 - (1) Once a protest has been filed, no changes by way of addition, substitution, amendment or withdrawal may be made to the protest after the deadline provided for the filing of a protest in section 11-808(B).
 - (2) A protest against a less restrictive change is not effective against a more restrictive change but a new protest may be filed against the more

restrictive change and this paragraph does not prevent the filing of a protest against both a less and more restrictive change.

- (3) The provisions of this section 11-808 shall not apply to city owned property or be effective in the case of a map amendment which is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

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

Section 3. That Section 11-808, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

12. Public Hearing, Second Reading and Final Passage of an Ordinance Making Supplemental Appropriations For the Support of the Government of the City of Alexandria, Virginia, For Fiscal Year 2013.

(A copy of the City Manager's memorandum dated April 11, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 04/13/13, 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. 12; 04/13/13, 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. 12; 04/13/13, 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 making supplemental appropriations for the support of the Government of the City of Alexandria, Virginia, for fiscal year 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 ordinance reads as follows:

ORDINANCE NO. 4799

AN ORDINANCE making supplemental appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2013.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts hereafter stated that are required to defray certain expenditures and liabilities of the city for fiscal year 2013, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2012, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2013, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Sheriff	1,200
Fire	80,000
Community and Human Services	(894,674)
Housing	<u>1,039,641</u>
Total Appropriation	<u>\$ 226,167</u>

APPROPRIATION:

Sheriff	1,200
Fire	80,000
Community and Human Services	(894,674)
Housing	<u>1,039,641</u>
Total Appropriation	<u>\$ 226,167</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

APPROPRIATION:

Police	123,078
Sheriff	70,508
Housing	135,000
Transportation and Environmental Services	
2,470	
Non-Departmental	<u>\$ (331,065)</u>
	<u>\$ 0</u>

Section 3. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is

required to defray certain expenditures and liabilities of the city in fiscal year 2013, the source of such amount being General Fund Fines and Fee Revenue, that the Council does hereby allot the amount so appropriated for fiscal year 2013 as follows:

GENERAL FUND

ESTIMATED REVENUE:

Fines and Fee Revenue	\$ 180,000
Total Estimated Revenue	<u>\$ 180,000</u>

APPROPRIATION:

Police Department	\$ 180,000
Total Appropriation	<u>\$ 180,000</u>

Section 4. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2013, the source of such amount being General Fund Recovered Cost Revenue, that the Council does hereby allot the amount so appropriated for fiscal year 2013 as follows:

GENERAL FUND

ESTIMATED REVENUE:

Recovered Costs	\$ 9,776
Total Estimated Revenue	<u>\$ 9,776</u>

APPROPRIATION:

Voter Registration	\$ 9,776
Total Appropriation	<u>\$ 9,776</u>

Section 5. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2013, the source of such amount being Transfers in from the General Fund in support of the Housing Fund, that the Council does hereby allot the amount so appropriated for fiscal year 2013 as follows:

AFFORDABLE HOUSING FUND

ESTIMATED REVENUE:

Transfers in from General Fund	\$ 135,000
Total Estimated Revenue	<u>\$ 135,000</u>

APPROPRIATION:

Affordable Housing Fund	<u>\$ 135,000</u>
Total Appropriation	<u>\$ 135,000</u>

Section 6. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2013, the source of such amount being Transfers in from the General Fund in support of the Special Revenue Fund, that the Council does hereby allot the amount so appropriated for fiscal year 2013 as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Transfers in from General Fund	<u>\$ 13,245</u>
Total Estimated Revenue	<u>\$ 13,245</u>

APPROPRIATION:

Community and Human Services	<u>\$ 13,245</u>
Total Appropriation	<u>\$ 13,245</u>

Section 7. That this ordinance shall become effective upon the date and time at the time of its final passage.

13. Public Hearing and Second Reading of an Ordinance to Increase the City's Cigarette Tax.

(A copy of the City Manager's memorandum dated April 13, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 04/13/13, 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. 13; 04/13/13, 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. 13; 04/13/13, and is incorporated as part of this record by reference.)

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

- (a) Richard Merritt, 2729 Franklin Court, representing the Public Health Advisory Commission, spoke in support of the proposed tax increase on cigarettes and requested that the funds raised be used for a smoking cessation program.

(b) Annabelle Fisher, 5001 Seminary Road, spoke in opposition to the increase in the cigarette tax.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and scheduled the ordinance for adoption on May 6, 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.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Requirements for Storm Water Discharge and Grading Plans.

(A copy of the City Manager's memorandum dated April 3, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 04/13/13, 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. 14; 04/13/13, 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. 14; 04/13/13, 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 the ordinance to amend the requirement for storm water discharge and grading plans. 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. 4800

AN ORDINANCE to amend and reordain Subdivision J (MISCELLANEOUS PROVISIONS), Division 3.1 (DISCHARGES INTO POTW), Article B (SEWAGE DISPOSAL AND DRAINS), Chapter 6 (WATER & SEWER), of Title 5 (TRANSPORTATION & ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Subdivision J, Division 3.1, Article B, Chapter 6, all of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-6-224 to read as follows:

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

Sec. 5-6-224 – Method of storm and subsoil water disposal.

- (a) Buildings shall have drainage provision for conveying storm water from roofs, paved areas and areaway drains, subsoil water, condensate, cooling water, etc., on the premise to a public storm sewer: except that where a public storm sewer is not available, an approved method of disposal shall be provided to the satisfaction of the director of transportation and environmental services. The director of transportation and environmental services may permit alternative means of disposal if the director deems the proposed alternative method to provide an environmental benefit to the City and the director determines that no nuisance will be created on any adjacent property or within the public right of way. Alternative methods of disposal may include, but are not limited to, onsite surface discharge, onsite infiltration and onsite detention in the form of a rain barrel or cistern. The director may require additional supporting information such as geotechnical or other engineering analyses. Direct discharge of roof drains within the public right of way may be permitted at the director's discretion. Direct discharge of ground water to gutters in the public right of way may be permitted at the director's discretion when a public storm sewer is not available.

[Intervening sections unchanged.]

- (e) Grading plans will be considered valid for a term of thirty six months from the date of approval. A request to extend the validity of a grading plan must be submitted in writing to the director of transportation and environmental services a minimum of sixty days prior to expiration with a \$100 fee. The director will determine if additional modifications or a new grading plan submission is required.
- (f) Any change to an approved grading plan requires that an amended grading plan be filed and that the amended grading plan be reviewed and approved, pursuant to the provisions of this section 5-6-224(d). The director of transportation and environmental services may allow minor modifications without an amended grading plan.

Section 2. That this ordinance shall become effective upon passage.

15. Public Hearing and Second Reading of an Ordinance to Increase the Impound Service Charge and the Impound Lot Storage Fee.

(A copy of the City Manager's memorandum dated April 3, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 04/13/13, 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. 15; 04/13/13, 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. 15; 04/13/13, and is

incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and scheduled the ordinance for adoption on May 6, 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.

16. Public Hearing and Second Reading of an Ordinance to Increase Parking Meter Operations by Two Additional Hours to 9:00 p.m.

(A copy of the City Manager's memorandum dated April 3, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 04/13/13, 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. 16; 04/13/13, 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. 16; 04/13/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and scheduled the ordinance for adoption on May 6, 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.

17. Public Hearing and Second Reading of an Ordinance to Establish a Requirement that Taxicabs Accept Credit Card Payments.

(A copy of the City Manager's memorandum dated April 3, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 04/13/13, 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. 17; 04/13/13, 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. 17; 04/13/13, and is incorporated as part of this record by reference.)

Mr. Garbacz, Transportation and Environmental Services, gave a brief explanation of the proposed amendment to the ordinance and he along with Mr. Baier, Director, Transportation and Environmental Services, responded to questions from Council about credit

card payments for taxicabs.

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

(a) Kyle Summers, 3014 Colvin Street, representing Alexandria Yellow Cab, Inc., spoke in support of the proposed ordinance and in support of the companies being able to decide what type of machine should be used by the drivers.

(b) Fikru Amdemeskel, 6036 Richmond Highway, Apt. 7110, spoke in opposition to the proposed ordinance.

(c) Berhanu, 4579 Aspen Park Road, Lorton, VA, spoke in opposition to the proposed ordinance.

(d) Daniel Berhane, 5340 Holmes Run Pkwy, #902, spoke in opposition to the proposed ordinance and offered some suggestions to allowing drivers control of the credit card machines.

(e) Ehsan Haq, 4709 Eaton Place, requested that the ordinance include language for preauthorization of credit cards.

(f) Aurora Vasquez, 3801 Mount Vernon Avenue, representing Tenants and Workers United, spoke in opposition to the proposed ordinance and offered some solutions to help the driver retain some rights as an independent contractor.

(g) Sebry Adem, 5529 Inverness Woods Court, Fairfax, VA, stated that the cab companies are passing on the fees for usage of the credit card companies to the drivers.

(h) Spencer Kimball, 3014 Colvin Street, representing Alexandria Yellow Cab, Inc., spoke in support of the ordinance and explained how his company operates and how credit card machines are used in his business model.

(i) Chand Dodhy, 3801 Mount Vernon Avenue, representing United Taxi Cab Operators Association, Inc., spoke in opposition of the proposed ordinance.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and scheduled the ordinance for second reading and final passage on April 23, 2013, with a request that staff present a recommendation to include language about a cap on the pass through fees companies may implement for drivers. 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)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (18)

Planning Commission (continued)

18. Master Plan Amendment #2013-0001
Rezoning #2013-0001
Development Site Plan #2012-0032
34A, 36 and 100 South Reynolds Street - Washington Suites Residences
Public Hearing and Consideration of requests for: A) Master Plan Amendment to the Landmark/Van Dorn Small Area Plan to amend the land use maps for 34A and 36 S. Reynolds St. from Medium/High Residential CG/Commercial General to Medium/High Residential RH/High Density Apartment; B) a zoning map amendment (rezoning) to amend the zoning of 34A and 36 S. Reynolds St. from CG/Commercial General to RC/High Density Apartment; C) a request for a development site plan, with modifications, to change the use from hotel to residential multifamily and construct a parking deck; zoned RC/High Density Apartment and CG/Commercial General.
Applicant: Duke Street Investors, LC represented by Jonathan Rak, attorney
Planning Commission Action: Deferred without objection

This item was deferred.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Smedberg, seconded by Vice Mayor Silberberg and carried unanimously, City Council adjourned the public hearing meeting of April 13, 2013, at 6:48 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