

**City of Alexandria
Meeting Minutes
Saturday, September 12, 2015
9:30 A.M.
Council Chambers**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Mr. Spera, Deputy City Attorney; Ms. Baker, Acting Deputy City Manager; Police Captain Wemple; Ms. Taylor, Director, Office of Finance; Ms. McIlvaine, Acting Director, Office of Housing; Mr. Keeler, Office of Housing; Mr. Moritz, Director, Planning and Zoning; Mr. Randall, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Mr. Kerns, Planning and Zoning; Mr. Cox, Planning and Zoning; Mr. Dambach, Planning and Zoning; Ms. Milliaris, Planning and Zoning; Mr. Cox, Planning and Zoning; Mr. Price, Planning and Zoning; Fire Chief Dube; Mr. Lambert, Director, Transportation and Environmental Services; Mr. Garbacz, Transportation and Environmental Services; Mr. Sharma, Transportation and Environmental Services; Mr. Mallamo, Director, Office of Historic Alexandria; Ms. Bryan, Information Technology Services; and Mr. Lloyd.

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

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OPENING

1. Calling the Roll.

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

Mayor Euille noted the death of former Councilmember Michael Jackson.

2. Public Discussion Period.

The following persons participated in this item:

1. Reuben Juster, 204 Lynhaven Drive, spoke about the cockroaches and bedbugs in his home and his inability to treat them himself and the money he has spent to get it treated. He said City and State law does not have anything in the books to make sure owners treat the bedbugs and cockroach problems, and he asked if there was a law that could be put on the books to coerce people to take care of these problems. He thanked the City employees and departments for their prompt response to his questions.

Mayor Euille noted that he will have staff draft something for Council to consider sending to the State legislature in January.

2. Wells Wilson, 7304 Chatham Street, Springfield, Captain in the Fire Department, spoke of his pay in the Fire Department and asked that Years of Service Alignment Model (YOSAM) be placed in the next budget cycle.

3. Michael Kohrt, 10104 Pale Rose Loop, president-elect, Alexandria Professional Medics Association, echoed the sentiment about YOSAM and he spoke to the service delivery model change implementation and the number of medics and firefighters on the equipment.

4. Janice Grenadier, 15 W. Spring Street, spoke of the City's AAA bond rating and said it should be reevaluated with the criminal actions of the judiciary, government and elected officials. She spoke of her problems with individuals and the courts.

5. Chad Lallier, 8279 Quarter Field Road, Maryland, Lt. with the Fire Department, spoke of the pay for the Fire employees and promotions within the department. He asked Council to consider YOSAM and the market rate adjustment in the next budget.

6. James Blivin, 213 E. Windsor Avenue, said he is an EMS educator and spoke about the service delivery model for the Fire Department.

7. Ray Whatley, 2162 Jennings Street, Woodbridge, EMS Supervisor with the Fire Department, spoke of the required certifications of the Fire Department employees.

8. Lonnie Phillips, 487 Mandy's Way, Front Royal, president, Alexandria Professional Medics Association, spoke in opposition to the EMS service delivery model change that is currently being undertaken.

9. Mario Weber, 4234 Holborn Avenue, Annandale, paramedic with the Fire Department, spoke of the policy implementations that will result from the proposed model changes.

10. Nancy McFadden, 5409 Brookland Road, a medic with the Fire Department, spoke about putting a stop to the one in one part of the EMS service delivery change.

11. Catherine Kroohs, 4109 28th Street, Mt. Ranier, Maryland, said she recently retired as a medic with the Fire Department, and she spoke of the service delivery model change.

12. Brian Hricik, 21264 Rosetta Place, Ashburn, EMS Operations Manager with the Fire Department, spoke of the change to the service delivery model in the department.

13. Dan Grayson, 3513 Brookside Drive, an emergency medical technician with the Fire Department, spoke of the pay discrepancy between the City and other jurisdictions and asked that the City take YOSAM and the market rate adjustment into consideration in the budget cycle.

14. Donald Scott, 5501 Eisenhower Avenue, firefighter/paramedic with the Fire Department, spoke of the service delivery model.

15. Phillip Matyas, 219 N. Pitt Street, spoke of the impact on residential parking in the historic district and recommended that they have resident only limited parking from 6 p.m. to 7 a.m., particularly in the historic parking district area in the Waterfront Plan and to convert the bus barn into a City parking lot.

16. Michael Johnson, 720 N. Patrick Street, spoke of the need to have paramedics on engines and noted a personal story on why he was for a medic being on each engine in which his father was struck by a car and went into cardiac arrest.

17. Greg Thrasher, 614 OPD, National Harbor, Maryland, spoke of the recent ban to prohibit the flying of Confederate flags, noting that he admired the position and noted that it was courageous. He said he is a member of the Black Live Movement and they understand the importance of symbols and positive images for children. He said he hoped that in the future, City streets are changed, monuments are moved to museums and things that impact the daily reality of children do not have negativity.

18. Stephen Ryan, 218 N. Lee Street, spoke of the Mayor's words in the newspaper about warning citizens to be afraid of Alexandria's naysayers and that the candidate for Mayor is uninformed, in over her head and not fit for office, and he took exception to that. Mr. Ryan spoke of the budget and the City's five-year plan and the commercial real estate agenda.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-9)

Planning Commission

3. Special Use Permit #2015-0067
111 North Pitt Street (parcel address: 411 King Street) - Burger Fi
Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: David J. Landry
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 9/12/15, and is incorporated as part of this record by reference.)

4. Special Use Permit #2015-0066
2700 Jefferson Davis Highway, Unit A - Souvlaki Bar
Public Hearing and Consideration of a request to operate a restaurant; zoned I/Industrial. Applicant: Souvlaki Bar, LLC
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 9/12/15, and is incorporated as part of this record by reference.)

5. Special Use Permit #2015-0063
1314 King Street - Marlowe Ink
Public Hearing and Consideration of a request to operate an amusement enterprise (tattoo and

body piercing establishment) and for a parking reduction; zoned KR/King Street Retail. Applicant: James Marlowe represented by Trish McMaugh, agent
Planning Commission Action: Recommend Approval as Amended 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 9/12/15, and is incorporated as part of this record by reference.)

6. Special Use Permit #2015-0072
3000 & 3014 Colvin Street - Northern Virginia Auto Sales
Public Hearing and Consideration of a request to operate an automobile sales business; zoned I/Industrial. Applicant: Thomas Judd
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 9/12/15, and is incorporated as part of this record by reference.)

7. Special Use Permit #2015-0073
6003 Kelley Court - Child Care Home
Public Hearing and Consideration of a request to operate a child care home; zoned R-12/Residential Single-Family. Applicant: Vigdonia Guzman
Planning Commission Action: Recommend Approval as Amended 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 9/12/15, and is incorporated as part of this record by reference.)

8. Special Use Permit #2015-0074
1855 Emerson Avenue (Parcel Address: 520 John Carlyle Street) - Carlyle Block L
Public Hearing and Consideration of a request for an amendment to the Carlyle Special Use Permit (SUP #2015-0024) to allow flexibility for office or retail use; zoned CDD#1/Coordinated Development District #1. Applicant: Post Carlyle I LLC represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 9/12/15, and is incorporated as part of this record by reference.)

9. Development Special Use Permit # 2015-0006
Transportation Management Plan SUP #2015-0094
4880 Mark Center Drive - Mark Center Plaza IA - Building 5
Public Hearing and Consideration of a request for an extension and update to standard conditions, including the conditions relating to the TMP, to previously approved Development Special Use Permit #2007-0027; zoned CDD #4/Coordinated Development District #4. applicant: Institute for Defense Analyses represented by Kenneth Wire, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the

Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 9/12/15, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the consent calendar, with the removal of item #9, which was considered under separate motion, as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.

Councilman Wilson said on docket item #4, one of the conditions utilizes a Council revision made a while ago to allow unused parking at other developments to be leveraged for other uses, and in this case, this use is leveraging unused parking across Route 1 at the Station at Potomac Yard. He said that is a positive development and a good use of parking.

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.

9. Development Special Use Permit # 2015-0006

Transportation Management Plan SUP #2015-0094

4880 Mark Center Drive - Mark Center Plaza IA - Building 5

Public Hearing and Consideration of a request for an extension and update to standard conditions, including the conditions relating to the TMP, to previously approved Development Special Use Permit #2007-0027; zoned CDD #4/Coordinated Development District #4. applicant: Institute for Defense Analyses represented by Kenneth Wire, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 9/12/15, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Silberberg, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with a request that staff come back with a report on the status of the transportation and traffic congestion issues at Seminary, Quaker, Janneys and leading up to Mark Center. 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.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

Planning Commission (continued)

10. Development Special Use Permit #2014-0028

3000 Potomac Avenue - National Industries for the Blind - Potomac Yard

Public Hearing and Consideration of requests to amend previously approved Development Special Use Permit #2012-0013, to construct an office building, including Special Use Permit approval for a parking reduction and for site plan modifications; zoned CDD# 10/Coordinated Development District #10. Applicant: National Industries for the Blind represented by Kenneth Wire, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 9/12/15, and is incorporated as part of this record by reference.)

Mr. Kearns, Division Chief, Planning and Zoning, made a presentation of the staff report and he, along with Mr. Moritz, Director, Planning and Zoning, responded to questions of City Council.

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

1. Kenneth Wire, 1750 Tysons Blvd., McLean, attorney for the applicant, spoke in support of the application and responded to questions of City Council.

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

11. Development Special Use Permit #2015-0002

Transportation Management Plan SUP #2015-0057

3640 Wheeler Avenue - EZ Storage

Public Hearing and Consideration of requests for: (A) a development special use permit and site plan with modifications to construct a storage facility including special use permits approval for an increase in Floor Area Ratio (FAR) and a parking reduction; and (B) A special use permit for a transportation management plan; zoned I/Industrial. Applicant: Siena Corporation represented by M. Catharine Puskar, attorney

Planning Commission Action: DSUP #2015-0002 Recommend Approval 7-0; Transportation Management Plan SUP #2015-0057 Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 9/12/15, and is incorporated as part of this record by reference.)

Mr. Price, Urban Planner, Planning and Zoning, made a presentation of the staff report and responded to questions of City Council.

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

1. Catharine Puskar, 2200 Clarendon Blvd., Arlington, attorney for the applicant, spoke in support of the request.

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

Councilman Wilson asked the Planning staff to talk about doing a municipal facilities future needs when it has the next work plan conversation.

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

12. Special Use Permit #2015-0064

100-120 East Windsor Avenue - The Del Ray Montessori School

Public Hearing and Consideration of requests (A) to amend previously approved Special Use Permit #2014-0084 to increase enrollment and increase hours of operation at an existing private academic school and day care center and (B) for a parking reduction; zoned R-2-5/Residential Single or Two-Family. Applicant: The Del Ray Montessori School represented by Sarah Fondriest

Planning Commission Action: Recommended Approval as Amended 6-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 9/12/15, and is incorporated as part of this record by reference.)

Ms. Horowitz, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Garbacz, Transportation and Environmental Services, and Mr. Moritz, Planning and Zoning, responded to questions of City Council.

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

1. Jennifer Wyrick, 3119 Martha Custis Drive, employee of the school and parent of a child at the school, spoke in support of the request.
2. Mary Ann Kirkpatrick, 113 E. Custis Avenue, said her house will have playgrounds on both sides of the yard and the noise level is disturbing and neighbors cannot work from home, and she asked that traffic be studied before the expansion is allowed.
3. Melissa LaSalle, 2808 Ridge Road, parent of children at the school, spoke in support of the request.
4. Sarah Fondriest, Springfield, Director of the School, spoke in support of the request and responded to questions of City Council.
5. Norman Birchfield, 26 E. Windsor Avenue, spoke about a concern with traffic and parking in the neighborhood, especially with the increase in the number of students.

6. Meredith Bragg, 1212 Princess Street, parent of a child at the school, read a letter from Gay Larkin Hill, who was in support of the request.

7. Ellen Epstein, 113 C E. Windsor Avenue, asked if anyone has seen the line of cars at pick-up and drop-off time and said the neighbors are blocked in or out of their driveways and asked that the SUP be kept at 64 students until a traffic study is done.

Mr. Dambach, Division Chief, Planning and Zoning, and Mr. Garbacz responded to questions and concerns of City Council regarding parking and traffic.

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

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

**13. Special Use Permit #2015-0028
Encroachment #2015-0003**

2312 Mount Vernon Avenue (Parcel Addresses: 2318 Mount Vernon Avenue & 111 East Oxford Avenue) - Pork Barrel BBQ, Holy Cow, and The Sushi Bar

Public Hearing and Consideration of: A) a request to amend existing Special Use Permit #2010-0011 to increase number of seats, add live entertainment, and for a parking reduction; and B) a request for an encroachment into the public right-of-way; zoned CL/Commercial Low, Mount Vernon Avenue Urban Overlay, and R2-5/Residential Single and Two Family. Applicant: Hog Thaid LLC

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 9/12/15, and is incorporated as part of this record by reference.)

Mayor Euille noted that for previous and/or current political campaigns, his campaign has benefitted from donations from representatives and owners of the applicant but he has not benefitted financially from it, so he would participate in the discussion and voting.

Mr. Dambach, Division Chief, Planning and Zoning, made a presentation of the staff report and responded to questions of City Council.

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

1. Mike Anderson, 1320 N. Pegram Street, owner, spoke in support of the request and responded to questions of City Council about parking and outdoor dining.

2. Phillip Matyas, 219 N. Pitt Street, spoke of parking reduction requests and having the requestor giving money to the City for that parking request.

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

There was discussion among City Council about the policy on parking standards and reductions and outdoor dining.

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

14. Special Use Permit #2015-0055
612-C South Pickett Street (Parcel Address: 600 South Pickett Street) - General Automobile Repair
Public Hearing and Consideration of a request to operate a general automobile repair business; zoned I/Industrial. Applicant: Mohammad S. Khan
Planning Commission Action: Recommend Approval as Amended 6-1

(A copy of the Planning Commission report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 9/12/15, and is incorporated as part of this record by reference.)

Ms. Horowitz, Planning and Zoning, made a presentation of the staff report and responded to questions of City Council.

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

1. Mohammad Khan, 612 C S. Pickett Street, owner of the business, spoke in support of the request.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, keeping in mind that there will be a cap on the time for five years. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

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At this time, 1:02 p.m., City Council took a lunch break and returned at 1:32 p.m.

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Board of Architectural Review

15. Public Hearing to Consider an Appeal to a Decision of the Board of Architectural Review - Old and Historic District, for Property at 226 The Strand. Appellant: Petitioners.

(A copy of the staff report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 9/12/15, and is incorporated as part of this record by reference.)

Ms. Milliaris, Urban Planner, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Moritz, Director, Planning and Zoning, and Mr. Spera, Deputy City Attorney, responded to questions of City Council.

Mayor Euille said that at least one of the applicants that is involved in the demolition request has either in the past, present or current contributed to political campaigns on his behalf, but he has not personally financially profited from that so he would participate in the discussion and will vote.

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

1. Hal Hardaway, 311 S. Union Street, spoke in support of the appeal.
2. Dino Drudi, 315 N. West Street, spoke in opposition to the appeal.
3. John C. Von Senden, 18 Carriage House Circle, member of the Board of Architectural Review – Old and Historic District, spoke in opposition to the appeal.
4. Charles Trozzo, 209 Duke Street, spoke in support of the appeal.
5. Aimee Houghton, 1410 Cameron Street, spoke in opposition to the appeal.
6. John Sullivan, 323 Kentucky Avenue, spoke in opposition to the appeal.
7. Cheryl Lavoie, 1602 W. Abingdon Drive, spoke in opposition to the appeal.
8. Mark Mueller, 414 S. Royal Street, spoke in support of the appeal.
9. Claud Eley, 540 Second Street, #203, spoke in opposition to the appeal.
10. Jonathan Rak, 1750 Tysons Blvd., McLean, attorney for the applicant for the demolition permit, RTS Associates, spoke in opposition to the appeal and submitted documents for the record that were referred to in the staff report.
11. Ninette Sadusky, 910 Pendleton Street, spoke in support of the appeal.
12. Phillip Matyas, 219 N. Pitt Street, spoke of the adaptive reuse of the building and restoration of the building.
13. Boyd Walker, 1307 King Street, spoke in support of the appeal.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The voting was as

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

Mr. Cox, Historic Preservation Manager, Planning and Zoning, and Mr. Moritz responded to questions of City Council about the building.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilmember Lovain and carried unanimously, City Council upheld the decision of the Board of Architectural Review. 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.

16. Public Hearing to Consider an Appeal to a Decision of the Board of Architectural Review - Parker-Gray District, for Property at 699 N Patrick Street. Appellant: Alexandria Redevelopment and Housing Authority.

(A copy of the staff report dated September 12, 2015, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 9/12/15, and is incorporated as part of this record by reference.)

Ms. Milliaris, Urban Planner, Planning and Zoning, made a presentation of the staff report and she, along with Mr. Spera, Deputy City Attorney, and Mr. Moritz, Director, Planning and Zoning, responded to questions of City Council.

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

1. Duncan Blair, 524 King Street, attorney for the Alexandria Redevelopment and Housing Authority, spoke in support of the request.

2. Roy Priest, CEO, Alexandria Redevelopment and Housing Authority, 600 N. Fairfax Street, spoke in support of the request and responded to questions of City Council regarding the building.

3. Anna Maas, 5300 Wellington Branch Drive, Gainesville, Architectural Historian with Thunderbird Archaeology, made a presentation of her report and went over the history of the Ramsey Homes site and responded to questions of City Council.

4. Bob Eiffert, 1418 Juliana Place, member of and representing the Commission on Aging, spoke in support of the appeal.

5. Joe Valenti, 1200 Braddock Place, #406, chair of the Economic Opportunities Commission, spoke in support of the appeal.

6. Janet Macdull, 501 Slaters Lane, #411, member of the Commission on Aging, spoke in support of the appeal.

7. Heidi Ford, 1022 Oronoco Street, representing the West Old Town Citizens Association, spoke in opposition to the appeal.

8. Philip Moffet, 1 W. Windsor Avenue, member of the Board of Architectural Review, spoke of the BAR's decision on the case and responded to questions of City Council.
9. Deborah Patterson, 1124 Palmer Place, president of the Board of ALIVE!, spoke in support of quality affordable housing.
10. Charkenja Walker, 619 N. Patrick Street, a resident of Ramsey Homes, spoke of the structures and the history of those who live in the homes and she spoke in support of the appeal.
11. Glen Roe, 920 Pendleton Street, spoke in opposition to the appeal.
12. Lila Lee, 920 Pendleton Street, spoke in opposition to the appeal.
13. Karen Koral, 507 N. Columbus Street, spoke in support of the appeal.
14. Gail Rothrock, 209 Duke Street, representing the Historic Alexandria Foundation, spoke in opposition to the appeal.
15. Townley McElhiney, no address given, representing the Historic Alexandria Foundation, spoke in opposition to the appeal. She asked that her email comments to Councilman Wilson become part of the permanent record.
16. Michael Ford, 1022 Oronoco Street, spoke in opposition to the appeal.
17. Ninette Sadusky, 910 Pendleton Street, spoke in opposition to the appeal.
18. McArthur Myers, 3610 Valley Drive, representing the Alexandria Society for the Preservation of African-American History in Alexandria, spoke in opposition to the appeal.
19. David Lawrence, 907 Pendleton Street, spoke in opposition to the appeal.
20. Van Van Fleet, 26 Wolfe Street, spoke in opposition to the appeal.
21. Elliot Bell-Krasner, 5812 Merton Court, vice chair, Historic Alexandria Resources Commission, spoke in opposition to the appeal.
22. Elizabeth Jones, 3 W. Del Ray, spoke in opposition to the appeal.
23. Katie Spenger, 600 N. Alfred Street, spoke in opposition to the appeal.
24. David Spenger, 600 N. Alfred Street, spoke in opposition to the appeal.
25. Dino Drudi, 315 N. West Street, spoke in opposition to the appeal.
26. Bill Hendrickson, 304 E. Spring Street, chair, Historic Alexandria Resources Commission, spoke in opposition to the appeal.
27. Yvonne Weight Callahan, president, Old Town Civic Association, spoke in opposition to the appeal.

28. John C. von Senden, 18 Carriage House Circle, spoke in opposition to the appeal.

29. Charlotte Landis, 433 N. Patrick Street, spoke in opposition to the appeal.

30. Boyd Sipe, 1010 S. East Street, Archaeologist and Historic Preservation Professional with Wetland Studies, spoke in support of the appeal.

31. John Bohm, 8 W. Oak Street, spoke in support of the appeal.

32. Christopher Jones, 900 Pendleton Street, spoke in opposition to the appeal.

33. Elsie Mosqueda, 900 Pendleton Street, spoke in opposition to the appeal.

34. Philip Matyas, 219 N. Pitt Street, spoke in opposition to the appeal.

35. Robert Powell, 902 Oronoco Street, spoke in opposition to the appeal.

36. Boyd Walker, 1307 King Street, spoke in opposition to the appeal.

37. Lara Reyes, 914 Pendleton Street, spoke in opposition to the appeal.

38. Salena Zellers, 1122 Madison Street, a member of the Alexandria Redevelopment and Housing Authority, spoke in support of the appeal.

39. Katy Cannady, 20 East Oak Street, spoke in opposition to the appeal.

40. Theresa del Ninno, 2617 E. Randolph Avenue, chair, Board of Architectural Review – Parker-Gray District, spoke in opposition to the appeal.

41. Mark Mueller, 414 S. Royal Street, spoke in opposition to the appeal.

42. Mark Moses, 708 N. Patrick Street, spoke in opposition to the appeal.

43. Merrick Malone, 425 Oronoco Street, chair of the Alexandria Redevelopment and Housing Authority, spoke in support of the appeal and responded to questions of City Council.

Mr. Blair and Mr. Priest responded to questions of City Council.

Mr. Spera, Mr. Jinks, City Manager, and Mr. Moritz responded to questions of City Council.

Mr. Blair stated that his client knows what they have to do with HUD, that they have an approval process to come through, and he said they would not displace the housing and tear the houses down until there is an approved plan in place, which has to be approved by the Board, by City Council and by HUD.

Mr. Priest stated that if Council approves the demolition permit, they would not go out and start demolition on the buildings, as they have to go through a whole process that involves

land use planning, with the Planning Commission and with the City Council, before they are able to do anything. Once that plan is approved, he said, they would go to HUD to get approval of that plan.

In response to questions from City Council, Mr. Spera stated that Council cannot defer the request, but the applicant could request and agree to a deferral. There are three choices Council can make: agree with the BAR and affirm the decision, reverse the BAR decision, or modify the BAR decision.

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

WHEREUPON, a motion was made by Councilman Smedberg and seconded by Vice Mayor Silberberg, to uphold the decision of the BAR and deny the appeal.

Ms. Staudinger, Chief Operating Officer, ARHA, in response to questions from City Council, stated that ARHA would not submit its application to HUD and could not knock down the property until it has an approved development plan from the City.

A SUBSTITUTE MOTION was made by Councilmember Lovain and seconded by Councilman Chapman to overturn the decision of the Board of Architectural Review.

Councilmember Lovain noted that there was to be assurance that there will be no demolition without Council approval and with the assurance from ARHA that they will work with City staff to fully explore the finances of hybrid arrangements.

Mr. Blair said that under Section 10 in the Zoning Ordinance, he submitted that he made a recommendation that the demolition would not occur until it has been approved.

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

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

ORDINANCES AND RESOLUTIONS

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Create the Eisenhower West Victory Center Redevelopment District for the Purposes of Incenting the Transportation Security Administration to Move to Alexandria. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum, dated September 2, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 9/12/15, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 9/12/15, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 17; 9/12/15, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilmember Lovain and carried unanimously by roll-call vote, City Council closed the public hearing and approved the amended ordinance to create the Eisenhower West Victory Center Redevelopment District. The voting was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4966

AN ORDINANCE to amend and reordain Title 3 (FINANCE, TAXATION AND PROCUREMENT), Chapter 2 (TAXATION), Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Division 1 (REAL ESTATE) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 3, Chapter 2, Article M, Division 1 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained, with the addition of a new section 3-2-192, to read as follows:

(All new language.)

Sec. 3-2-192 – Eisenhower West Victory Center Redevelopment District.

(a) The Eisenhower West Victory Center Redevelopment District (the "district") is hereby created at 5001 Eisenhower Avenue for the 8.56 acre area of current City tax map 068.04-01-05, as subsequently subdivided to create the property leased to the Transportation Security Administration ("TSA") (the "Property").

(b) The effective date of the start of the partial property tax exemption in the district, as set forth in this article is the first January 1 after the first certificate of occupancy for TSA is granted for the office building and other improvements to be constructed and renovated in the District and leased by the federal government's General Services Administration for occupancy by TSA. In the event that the performance standard described in clause (f) below is achieved in the first year following the issuance of the first certificate of occupancy, the abatement shall apply to the entire calendar year as though the performance standard was achieved on January 1 of such year.

(c) The Property tax exemption in the district shall be in effect for a 15-year period from the effective date of the start of the partial property tax exemption until December 31 of the fifteenth year of the property tax exemption. The property tax exemption shall partially exempt

real estate taxes due during the 15 years of the initial TSA lease occupancy as defined herein. The partial exemption shall apply only to improvements constructed in the district including but not limited to the office building occupied by TSA, the above-grade parking garage and retail spaces. The annual assessed value of the land component building component existing as of January 1, 2015 in the district, reflecting any increases or decreases in assessed value of said land and existing building component, shall remain fully taxable. The annual assessed value of the land component shall also reflect that of a finished developed lot with existing improvements.

(d) Real estate taxes of up to an annual maximum of \$1,557,290 will be exempt on the improvements constructed in the district during the 15 years of the initial TSA lease of the property.

(e) The real estate assessments for all land and buildings within the district shall be determined by the director of real estate assessments, and shall be established at fair full market value using the same principles, procedures, and timing of real estate assessments as that established for other similar taxable real estate in the city. The owner of land and improvements within the district shall have the same rights and limitations of appeal of the city's annual real estate assessment as that applicable to other taxable real estate in the city.

(f) The tax exemption detailed in this article shall be dependent on the TSA fully meeting a required performance standard as of the time period set forth in subsection 3-2-192(f)(1) below.

(1) The TSA required performance standard shall be defined as:

(i) TSA leasing, directly or indirectly through the federal General Services Administration, and achieving an occupancy level of at least 80% percent of the net leasable floor area of the office building in the district. If the TSA does not lease its portion of the building and achieve the minimum 80% percent occupancy level of this office building within one year from the issuance of the last certificate of occupancy with respect to TSA's portion of the building, then no tax exemption shall apply, with the city then fully taxing all land, office building and other improvements in the district, and

(ii) the owner of 5001 Eisenhower Avenue certifying to the City that at least \$125,000,000 has been spent constructing and outfitting the Property leased to TSA.

(2) For the purposes of determining whether or not the TSA 80% percent occupancy threshold has been met, space leased for or by TSA not able to be occupied by TSA due to incidents such as fires, earthquakes, hurricanes, or other acts of god shall be considered leased and occupied space by TSA in the calculation of the 80% percent occupancy threshold.

(3) Within 60 days of TSA meeting the performance standard as defined in subsection 3-2-192(f)(1), the owner of 5001 Eisenhower Avenue is responsible for notifying the city's director of finance of the occupancy level by TSA, as well as the amount expended constructing and outfitting the Property leased to TSA on a form designated by the director of finance. Upon receipt and review of this occupancy and cost information, the city director of finance shall determine if this performance standard has been met, and the city manager shall notify the owner in writing of the city's determination of performance standard satisfaction. If no decision or response from the city is received within 30 days after the submission by the owner, then the required performance standard shall be deemed to have been achieved, provided TSA met the 80% percent occupancy threshold as certified by the owner.

(g) The partial exemption of real property in the district shall be considered a covenant that shall run with the land record of real estate parcel TBD Within 90 days of the passage of this ordinance, the city shall record a covenant in the land records of the city to such effect which shall reflect the partial property tax exemption as defined in this article. These terms, conditions and limitations shall not be revoked during the 15 year period of the partial property

tax exemption and shall control the real estate taxes with respect to this property irrespective of any change in the applicable city code.

(h) In the event that the property is sold to the federal government or a federal government related entity prior to 20 years after the effective starting date of the property tax exemption as defined in section 3-2-2, then the net present value of the foregone real property taxes which would otherwise have been due to the city between the date of the sale of the property to the federal government or a federal government related entity, and the 20 years after the effective starting date of the property tax exemption on the property, would be due to the city at the time of the sale between the owner of the property and the federal government or a federal government related entity.

(i) For the purposes of calculating the net present value of forgone real estate taxes prescribed in subsection 3-2-190(h) above:

(1) the discount rate utilized in that calculation shall reflect the city's estimated cost of funds utilizing Thomson Municipal Market Data (MMD) for 10-year AAA rated tax exempt general obligation bonds as of either January 1 or July 1 of the calendar year of the sale of the property, and if this MMD information is not available an equivalent measure shall be substituted,

(2) the real estate tax assessment used in the net present value calculation shall reflect the real estate tax assessment as of January 1 of the calendar year of the sale of the property, and

(3) the real estate tax rate used shall reflect the adopted real estate tax rate for the calendar year of the sale of the property, or if the real estate tax rate of the calendar year of the sale has not yet been adopted, then the adopted real estate tax rate for the calendar year prior to the sale of the property shall be used.

(j) Nothing in this article or any covenant recorded in the applicable land records shall be construed as limiting the city's power to increase or decrease the city's real property tax rate, or to levy other taxes, fees or charges in the district.

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

18. Special Use Permit #2015-0056

2216 Mount Vernon Avenue - Del Ray Pizzeria

Public Hearing and Consideration of a request for an amendment to existing Special Use Permit #2014-0033 to allow for restaurant seating and dining in the second floor with an existing parking reduction; zoned CL/Commercial Low and Mount Vernon Avenue Urban Overlay. Applicant: Del Ray Pizzeria LLC

Planning Commission Action: Deferred 7-0

City Council noted the deferral.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, the public

hearing meeting of September 12, 2015, was adjourned at 7:29 p.m. The voting was as follows: In favor, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council