

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Saturday, March 12, 2016
9:30 AM
Council Chambers**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Anderson, Deputy City Attorney; Police Captain Andreas; Ms. Triggs, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning; Ms. Kerns, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Mr. Dambach, Planning and Zoning; Mr. Geratz, Planning and Zoning; Mr. Randall, Planning and Zoning; Mr. Cox, Planning and Zoning; Ms. Contreras, Planning and Zoning; Ms. Brandt-Vorel, Planning and Zoning; Ms. McIlvaine, Director, Office of Housing; Mr. Keeler, Office of Housing; Ms. Sanders, Acting Deputy Director, Transportation and Environmental Services; Mr. Singh, Transportation and Environmental Services; Ms. Bryan, Information Technology Services; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All members of City Council were present.

2. Public Discussion Period.

The following persons participated on this item:

1. Charles Ziegler, 309 N. Langley Street, vice president for advocacy, Friends of Beatley Central Library, spoke about partnership with the City for the library and matching grants, and he spoke to the proposed budget capital facilities maintenance program past budget amounts of \$175,000, \$285,000, and \$100,000, and said the figure in the FY17 budget is now \$10,000 with zero funding FY2018-20. Mr. Ziegler spoke to the maintenance costs and damage to the building and he asked that the funding be restored for the valuable resource.

2. Bill Goff, 113 Bishop Lane, member of the Seminary Hill neighborhood, spoke of the negotiations of building a new school at Patrick Henry and the placement of a stadium at the school. Mr. Goff said the decision to place the field in the rear of the school rests solely with the City and the School Board. He asked why would the City and the School Board deliberately

de-value a neighborhood, and he spoke to the lights at the field. He extended an invitation to Council to see the stadium up close, to view it from the neighborhood and to see the glare from lighting the field.

3. Janice Grenadier, 15 W. Spring Street, spoke to her civil rights conflict, judicial rules and conduct, being sued by the City and her illegal jailing.

4. John Smucker, 4800 Fillmore Avenue, spoke to the Ramsey Homes item and stated his support of the project.

6. Joseph R. Wilson, 210 Gibbon Street, spoke of the acceptance of due process from the City involving environmental benefits to his property on Gibbon Street and water quality of the Chesapeake Bay.

7. Dino Drudi, 325 N. West Street, distributed to Council copies of a presentation he attended last weekend, and for Council to consider, an Office of Legislative Assistance, which performs the same function that the Congressional Budget Office performs, and is more an office of legislative oversight, and given the ethics issues that have swirled around Council, this might be part of a plan to address those concerns by having a neutral watchdog to evaluate programs.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-7)

Planning Commission

3. Special Use Permit #2015-0136
277 South Washington Street #110 - barre3 Alexandria
Public Hearing and Consideration of a request to operate a commercial school; zoned: CD/ Commercial Downtown. Applicant: barre3 Alexandria, represented by Michelle Rosati, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 3/12/16, and is incorporated as part of this record by reference.)

4. Special Use Permit #2015-0140
1127 King Street, 2nd floor - Escape Quest
Public Hearing and Consideration of a request to operate an amusement enterprise and for a parking reduction; zoned: KR/King Street Retail. Applicant: Escape Quest, LLC
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 3/12/16, and is incorporated as part of this record by reference.)

5. Special Use Permit #2015-0130
Encroachment #2015-0007

535 East Braddock Road (parcel address: 501 East Braddock Road) - Dos Amigos

Public Hearing and Consideration of requests for: (A) an amendment to an existing Special Use Permit (SUP #2012-0039) for additional outdoor dining seats and a request for a parking reduction; and (B) an Encroachment into the public right-of-way for outdoor dining; zoned: CRMU-H/Commercial Residential Mixed Use/High. Applicant: Cucotan, LLC represented by Duncan Blair, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 3/12/16, and is incorporated as part of this record by reference.)

6. Development Special Use Permit #2015-0030
5740 Edsall Road - Edsall Road Shell Gas Station

Public Hearing and Consideration of a request for an extension and update to standard conditions of previously-approved Development Special Use Permit #2011-0032 to construct a full service gas station with a convenience store and a drive-thru carwash facility and a Special Use Permit request for a parking reduction; zoned CG/Commercial General. Applicant: NOVA Petroleum Realty, LLC represented by M. Catharine Puskar, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 3/12/16, and is incorporated as part of this record by reference.)

7. Special Use Permit #2015-0139
3500 King Street - Sunoco, Inc. (R&M)

Public Hearing and Consideration of a request to amend SUP #2004-0047 to add off-premises alcohol sales at an existing convenience store and gas station; zoned: CG/Commercial General. Applicant: Sunoco, Inc. (R&M), represented by Nathan Schmalhofer, agent

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 3/12/16, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council adopted the consent calendar, with the removal of items 5, 6 and 7, which were considered under separate motions, as follows:

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

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

5. Special Use Permit #2015-0130
Encroachment #2015-0007

535 East Braddock Road (parcel address: 501 East Braddock Road) - Dos Amigos

Public Hearing and Consideration of requests for: (A) an amendment to an existing Special Use Permit (SUP #2012-0039) for additional outdoor dining seats and a request for a parking reduction; and (B) an Encroachment into the public right-of-way for outdoor dining; zoned: CRMU-H/Commercial Residential Mixed Use/High. Applicant: Cucotan, LLC represented by Duncan Blair, attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 3/12/16, and is incorporated as part of this record by reference.)

Ms. Horowitz, Planning and Zoning, made a presentation of the staff report.

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

1. Keith Calhoun, 1337 Pendleton Street, spoke in support of the request and also requested that they not be allowed to use the parking in front of the business.
2. Chong Jang, 535 S. Braddock Road, spoke in opposition to the request.
3. Tom Van Wagner, 202 E. Braddock Road, spoke in opposition to the request.
4. Alexis Babcock, 545 E. Braddock Road, spoke in support of the request.
5. Jennifer Rosenberger, 505 E. Braddock Road, spoke in support of the request.

Ms. Horowitz, along with Mr. Dambach, Planning and Zoning, and Ms. Sanders, Acting Deputy Director, Transportation and Environmental Services, responded to questions of City Council about the parking.

City Council asked staff to work with the restaurant and the cleaners on the four parking spaces/loading zone outside of the building to come up with an agreement on use of the spaces and enforcement.

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

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

6. Development Special Use Permit #2015-0030
5740 Edsall Road - Edsall Road Shell Gas Station

Public Hearing and Consideration of a request for an extension and update to standard conditions of previously-approved Development Special Use Permit #2011-0032 to construct a full service gas station with a convenience store and a drive-thru carwash facility and a Special Use Permit request for a parking reduction; zoned CG/Commercial General. Applicant: NOVA Petroleum Realty, LLC represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 3/12/16, and is incorporated as part of this record by reference.)

Mr. Moritz, Director, Planning and Zoning, along with Mr. Randall, Planning and Zoning and Ms. Contreras, Planning and Zoning, responded to questions of City Council regarding the monument sign.

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

1. M. Catherine Puskar, attorney for the applicant, 2200 Clarendon Blvd., Suite 1300, Arlington, spoke in support of the request and responded to questions of City Council, and she noted that the City Code requires the monument sign to be a minimum of six to eight feet tall.

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

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to condition 12, to read that the maximum height of the monument sign be six feet or at whatever limit is in place at the time of final site plan; and to amend condition 26K, as noted in the March 4 staff memorandum, to read as follows: "The lighting levels at the center, edge and outside of the canopy shall not exceed 15, 10 and 6 fc, respectively, however, if the City receives complaints regarding site lighting levels prior to release of the Performance Bond then the applicant shall make improvements to mitigate the concerns of the complainants to the satisfaction of the Directors of T&ES, P&Z, and Code Administration." The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

7. Special Use Permit #2015-0139
3500 King Street - Sunoco, Inc. (R&M)

Public Hearing and Consideration of a request to amend SUP #2004-0047 to add off-premises alcohol sales at an existing convenience store and gas station; zoned: CG/Commercial General. Applicant: Sunoco, Inc. (R&M), represented by Nathan Schmalhofer, agent
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 3/12/16, and is incorporated as part of this record by reference.)

Mr. Moritz, Director, Planning and Zoning, Ms. Anderson, Deputy City Attorney, and Mr. Dambach, Planning and Zoning, responded to questions of City Council concerning the sign.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation.

Vice Mayor Wilson asked that staff work on the language for how different types of alcoholic beverages are noted and described.

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. Master Plan Amendment #2015-0003
Rezoning #2015-0003
Development Special Use Permit #2014-0035
Transportation Management Plan SUP #2015-0081
699 North Patrick Street - ARHA Ramsey Homes

Public Hearing and Consideration of requests for: (A) Master Plan Amendment to the Braddock East Master Plan within the Braddock Metro Neighborhood Plan to amend the land use designation and density tables from RB to CRMU-M; (B) amendment to the official zoning map for 699 N. Patrick Street from RB (townhouse zone) to CRMU-M (mixed-use zone); (C) Development Special Use Permit and Site Plan with modifications to construct 53 multi-family residential units in two buildings, including a special use permit for an increase in FAR to 2.0; (D) Special Use Permit for a transportation management plan; zoned RB/Townhouse. Applicant: Virginia Housing Development, LLC represented by Duncan Blair, Attorney
Planning Commission Action: Master Plan Amendment Recommend Approval 6-0-1; Rezoning Recommend Approval 6-0-1; Development Special Use Permit Recommend Denial 4-3

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 3/12/16, and is incorporated as part of this record by reference.)

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

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

1. Salena Zellers, 1122 Madison Street, ARHA Board member and vice chair, spoke of the ARHA adopted resolution and in support of the request and responded to questions of City Council.
2. Peter Kleeblatt, ARHA Board member, spoke in support of the request.
3. Marsha Rhea, 1214 W. Abington Drive, with VOICE Alexandria, Virginia's Organized in Interfaith Community Engagement, spoke in support of the request.
4. Reverend Jo Belser, 2280 N. Beauregard Street, with the Episcopal Church of the Resurrection, spoke in support of the request and for the residents of Ramsey Homes.
5. Marion L. Mealing, 625 N. Patrick Street, a resident of Ramsey Homes, spoke in support of the request.
6. Judy Noritake, 1119 Wythe Street, spoke in support of the request.
7. Ingris Moran, with Tenants and Workers United, spoke in support of the request.
8. Bill Hendrickson, 304 E. Spring Street, chair of the Historic Alexandria Resources Commission, spoke in opposition to the request and requested that one or more of the homes be preserved.
9. Heidi Ford, representing the West Old Town Citizens Association, spoke in opposition to the request.
10. Joe Valenti, 1200 Braddock Place, #406, spoke in support of the request, and spoke of the letter sent as one of four chairs of the Economic Opportunities Commission, in which the letter speaks to the delays of the process.
11. Stewart Schwartz, 316 F Street, NE, Washington, D.C., executive director of the Coalition for Smarter Growth, spoke in support of the request.
12. Elsie Mosqueda, 900 Pendleton Street, spoke in opposition to the request.
13. Janet Macidull, 501 Slaters Lane, representing the Commission on Aging, spoke in support of the request.
14. Elizabeth F. Jones, 5904 Mount Eagle Drive, #704, spoke about retaining two of the buildings to give residents a choice.
15. Elaine Johnston, 831 Fairfax Street, representing Historic Alexandria Foundation, spoke in opposition to the request.
16. Cheryl Malloy, 516 Fontaine Street, with ALIVE!, spoke in support of the request.
17. Dino Drudi, 315 N. West Street, spoke in support of a six month delay and spoke to the ethical process and relocating the buildings.

18. McArthur Myers, 3610 Valley Drive, representing the Alexandria Society for the Preservation of Black Heritage, support in support of the request and to the preservation of their heritage.

19. Kirck McPike, 100 Luna Park Drive, #126, spoke in support of the request.

20. Charlotte Landis, 433 N. Patrick Street, spoke in opposition to the request.

21. Chris Ballard, ARHA Board member, spoke in support of the request.

22. Boyd Walker, 1307 King Street, spoke in opposition to the request.

23. Yvonne Weight Callahan, 735 S. Lee Street, spoke of the mistrust of the issue and to bring the citizens together with ARHA and Council.

24. Michele Chapman, 420 N. Van Dorn Street, spoke in support of the request.

Ms. McIlvaine, Director, Office of Housing, Mr. Moritz, Director, Planning and Zoning, Mr. Cox, Planning and Zoning and Mr. Jinks, City Manager, responded to questions of City Council.

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

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the master plan amendment 2015-0003. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the rezoning 2015-0003. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council deferred the development special use permit, as requested by the applicant. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council approved a resolution for a joint City-ARHA work plan for Ramsey Homes. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember

Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The resolution reads as follows:

JOINT CITY-ARHA WORK PLAN FOR RAMSEY HOMES

RESOLUTION NO. 2713

WHEREAS, due to sharply increasing real estate costs and regional development pressures over the past decade, the City of Alexandria faces a severe shortage of affordable housing; and

WHEREAS, the City Council of the City of Alexandria adopted a Housing Master Plan by Ordinance #4125 on January 25, 2013 establishing a 10-year goal of developing or preserving 2,000 affordable housing units through 2025; and

WHEREAS, the Alexandria Redevelopment and Housing Authority (ARHA) is a public agency established under the Housing Authority Law, Chapter 1, Title 36 of the Code of Virginia of 1938 to provide sanitary and safe dwelling accommodations to persons of low income at rents they can afford; and

WHEREAS, ARHA seeks to redevelop it's 15-unit Ramsey Homes project for the purposes of increasing the number of affordable housing units in the City; and

WHEREAS, it is necessary and desirable to identify the optimal concept and design for the proposed Ramsey redevelopment that best balances multiple objectives including maximizing the project's success in competing for tax credits, the project's ongoing sustainability, the compatibility of the proposed design with the neighborhood character, historic preservation, and other important issues raised by stakeholders over the past year; and

WHEREAS, the City Council – ARHA Redevelopment Work Group reviewed and amended a proposed Joint City ARHA Work Plan for Ramsey Homes ("Ramsey Homes Work Plan") on March 2, 2016 to complete the analysis necessary to identify the optimal design and concept; and

WHEREAS, the City Council and the ARHA Board of Commissioners reviewed the amended Ramsey Homes Work Plan at a joint worksession on March 8, 2016; and

WHEREAS, the ARHA Board of Commissioners approved a resolution affirming the principles of the Ramsey Homes Work Plan on March 8, 2016 and authorized the ARHA Chief Executive Officer to execute a memorandum of understanding with the City Manager pursuant to those principles;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alexandria:

1. That the City Council affirms the principles of the Ramsey Homes Work Plan; and
2. Authorizes the City Manager to execute a memorandum of understanding with the ARHA Chief Executive Officer pursuant to those principles.

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City Council recessed for lunch from 1:20 to 1:55.

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9. Consideration of a Loan Request to ARHA for Ramsey Homes and a Request for Adoption of a Resolution Designating the Ramsey Homes Site a Revitalization Area Which Will be Considered for Council's Action Following Public Hearing on the Related Land Use Approvals. [ROLL-CALL VOTE]

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously, City Council deferred this item. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

10. Master Plan Amendment #2015-0009
Text Amendment #2016-0001
Rezoning #2015-0005
Coordinated Development District Concept Plan #2015-0008
Development Special Use Permit #2015-0019
Coordinated Sign Program Special Use Permit #2015-0115
TMP Special Use Permit #2015-0116
Special Use Permit #2016-0001
Encroachment #2016-0001
530 First Street (parcel address: 500 First Street) and 901 North Saint Asaph Street
ABC/Giant- Edens

Public Hearing and Consideration of requests for: (A) Amendment to the Old Town North Small Area Plan chapter of the Master Plan to amend the land use designation for the site from CG to CDD#25 and to amend the height map for the site from 50 to 77 feet; (B) Text Amendment to the Zoning Ordinance to amend the provisions of Section 5-602 to establish CDD #25; (C) Amendment to the official zoning map for 530 First Street and 901 North Saint Asaph Street from CG to CDD#25/Coordinated Development District #25; (D) Coordinated Development District Concept Plan; (E) Development Special Use Permit, with modifications, and Special Use Permits for more than one rooftop penthouse and a parking reduction, to construct a mixed-use building with 232 residential units and ground-level commercial uses; (F) Special Use Permit for a Coordinated Sign Program; (G) Special Use Permit for a Transportation Management Plan; (H) Special Use Permit for multiple commercial uses; and (I) Encroachment request to locate an underground electric transformer in the public right-of-way; zoned CG/Commercial General. Old Town North Small Area Plan. Applicant: Giant Alexandria E&A, LLC represented by M. Catharine Puskar, attorney
Planning Commission Action: Master Plan Amendment Recommend Approval 6-0-1; Rezoning Recommend Approval 6-0-1; Text Amendment Recommend Approval 6-0-1; Development Special Use Permit Recommend Approval as Amended 6 -0-1; Coordinated Development District Concept Plan #2015-0008, Coordinated Sign Program SUP #2015-0115, Transportation Management Plan SUP #2015-0116, Special Use Permit #2016-0001, Encroachment #2016-0001 Recommend Approval 6-0-1

(A copy of the Planning Commission report dated March 12, 2016, is file in the Office of

the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 3/12/16, and is incorporated as part of this record by reference.)

Mr. Randall, Planning and Zoning, made a presentation of the staff report and he, along with Mr. Kerns, Planning and Zoning, Ms. Contreras, Planning and Zoning, and Mr. Singh, Transportation and Environmental Services, responded to questions of City Council.

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

1. M. Catharine Puskar, 2200 Clarendon Blvd, Suite 1300, Arlington, attorney representing Giant Alexandria E&A, LLC, spoke in support of the project and responded to questions of City Council.
2. Hal Hardaway, 311 S. Union Street, spoke in opposition to the request.
3. William Jacobs, 414 Pendleton Street, spoke in opposition to the request.
4. Scott Shaw, 221 S. Pitt Street, board member, Alexandria Economic Development Partnership, and as a business and restaurant owner, spoke in support of the request.
5. Tom Soapes, 1035 N. Pitt Street, spoke in support of the request.
6. Darrel Drury, 1030 N. Royal Street, spoke in opposition to the request.
7. Linda Lord, 600 Second Street, spoke in opposition to the request.
8. Morrill "Bud" Marston, 1172 N. Pitt Street, spoke in opposition to the request.
9. Stewart Schwartz, 316 F Street, NE., Washington, D.C., Coalition for Smarter Growth, spoke in support of the request.
10. Carolyn Merck, 324 N. Royal Street, spoke in opposition to the request.
11. Joan Drury, 1030 N. Royal Street, spoke in opposition to the request.
12. Bert Ely, 200 S. Pitt Street, vice president, Old Town Civic Association, spoke in opposition to the request and to a ban on residential parking permits for new developments in Old Town.

Ms. Puskar, attorney for the applicant, spoke in rebuttal and responded to questions of City Council.

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

Ms. Sanders, Acting Deputy Director, Transportation and Environmental Services, Mr.

Kerns, Mr. Moritz, Director, Planning and Zoning, and Ms. Contreras responded to questions of City Council regarding the parking study, parking, traffic queuing, uses on the site and conditions in the staff report.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0-1, City Council approved the Planning Commission recommendation with a change to condition 132(c) the word "assigned" be replaced with "offered"; to change condition 114 to add the word "commercial" before "vehicles"; and to change condition 31, to refer back to the staff recommendation. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none; Abstained, Councilman Smedberg.

ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the Tenant of the Property Located at 728 North Patrick Street to Construct and Maintain an Encroachment for Two (2) Enclosed Stairways Along Madison Street to Access the Rooftop Dining at That Location Approved By City Council on November 14, 2015. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 3/12/16, 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; 3/12/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Wilson and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance authorizing the tenant of the property located at 728 North Patrick Street to construct and maintain an encroachment for two (2) enclosed stairways along Madison Street to access the rooftop dining at that location. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4989

AN ORDINANCE authorizing the Tenant of the property located at 728 North Patrick Street to construct and maintain an encroachment for two (2) enclosed stairways along Madison Street to access the rooftop dining at that location.

WHEREAS, Marie L. and Nazar Shabbar are the Owners ("Owners") of the property located at 728 North Patrick Street in the City of Alexandria, Virginia; and

WHEREAS, Mason Social, LLC is the Tenant ("Tenant") of the property located at 728 North Patrick Street, in the City of Alexandria, Virginia; and

WHEREAS, Tenant desire to establish and maintain two stairways which will encroach into the public right-of-way between the building and the sidewalk at that location; and

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

WHEREAS, in Encroachment No. 2015-0004 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on November 5, 2015 which recommendation was approved by the City Council at its public hearing on November 14, 2015 and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Tenant be, and the same hereby are, authorized to establish and maintain an encroachment into the public sidewalk right-of-way along Madison Street at 728 North Patrick Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of two (2) enclosed stairways each 4.67 feet wide and 32 feet long and spaced approximately 14 feet apart as shown as "Encroachment Area for Proposed Stairs to Top Deck, (4.67' x 32.0') on the encroachment plat dated November 15, 2015 attached hereto and incorporated herein by this reference, until the encroachment is removed or destroyed, the Tenant is no longer a tenant of the building, or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owners or Tenant of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

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

This liability insurance policy shall identify the City of Alexandria and Tenant as named insureds and shall provide for the indemnification of the City of Alexandria and Tenant against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the

encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Tenant shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Tenant. Nothing in this section shall relieve Tenant of their obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Tenant's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Tenant shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Tenant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

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

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

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

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

Section 8. The term "Tenant" shall be deemed to include Mason Social, LLC and its respective successors in interest.

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

12. Public Hearing, Second Reading and Final Passage of an Ordinance to Authorize the Owner of the Property Located at 600 Wolfe Street to Construct and Maintain an Encroachment for Handicapped Accessible Ramp at That Location Approved By the City Council on January 30, 2016. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 3/12/16, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 3/12/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to authorize the owner of the property located at 600 Wolfe Street to construct and maintain an encroachment for handicapped accessible ramp at that location. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4990

AN ORDINANCE authorizing the owner of the property located at 600 Wolfe Street to construct and maintain an encroachment for handicapped accessible ramp at that location approved by the City Council on January 30, 2016.

WHEREAS, Little Theatre of Alexandria is the Owner ("Owner") of the property located at 600 Wolfe Street in the City of Alexandria, Virginia; and

WHEREAS, Owner desire to establish and maintain a handicapped accessible ramp which will encroach into the public right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2015-0006 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on January 5, 2016, which recommendation was approved by the City Council at its public hearing on January 30, 2016 and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby are, authorized to establish and maintain an encroachment into the public right-of-way at 600 Wolfe Street in the City of Alexandria as shown on the Encroachment Plat dated February 9, 2016 attached hereto and incorporated herein by this reference, said encroachment consisting of a handicapped accessible ramp, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

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

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

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

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

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

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

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

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

Section 8. That this ordinance shall be 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)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously, the public hearing meeting of March 12, 2016 was adjourned at 4:29 p.m. The voting was as follows: Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council