

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Council Chambers
Saturday, December 17, 2016
9:30 A.M.**

(Due to Inclement Weather, This Meeting Began at 1:30 P.M.)

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; Police Captain Andreas; Ms. Triggs, Deputy City Manager; Ms. McIlvaine, Director, Office of Housing; Mr. Lambert, Director, Transportation and Environmental Services; Ms. North, Transportation and Environmental Services; Mr. Garbacz; Mr. Moritz, Director, Planning and Zoning; Mr. Dambach, Planning and Zoning; Mr. Imm, Planning and Zoning; Mr. Kerns, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Mr. Price, Planning and Zoning; Mr. Browand, Recreation, Parks and Cultural Activities; Ms. Ruggiero, Recreation, Parks and Cultural Activities; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

(Due to inclement weather, the meeting began at 1:30 p.m.)

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 in the public discussion:

1. Maralee Gutierrez, 9302 Kenerson Court, managing director, Casa Chirilagua, along with Lillian, a ninth-grade youth, spoke of what Chirilagua does for its community and families, and the work they are doing in the City and community and the partnering with the City in revitalizing and repurposing their community.

2. Marian Van Landingham, 1100 Cameron Street, representing the Torpedo Factory Artists Association, spoke of the Torpedo Factory, noting that it's been an important part of Alexandria and noted the major purpose of the arts center, where artists work and talk with visitors, and she thanked Council for its support.

3. Rachel Kerwin, 105 N. Union Street, president elect, Torpedo Factory Artists Association, spoke about the Torpedo Factory and appreciate the Council's decision to give the artists a lease and said the Torpedo Factory needs a plan to grow, noting that neither a non-profit model or City management will revitalize the arts center. Ms. Kerwin urged Council to support their plan and transition to an artists led art center.

In response to a request from Mayor Silberberg, Mr. Jinks, City Manager, went over the transition of the Torpedo Factory Art Center employees to the City, a review of the assets of the building, inventory of the building, and goals and direction of the structure.

4. Jack Sullivan, 4300 Ivanhoe Place, spoke of the School Board's Capital budget for \$611 million over the next ten years, which is a 123 percent increase over the amount budget by Council for the Schools CIP last May. He suggested that the request be put to the voters next November in the form of an advisory referendum, as is done in Arlington. Mr. Sullivan said Council will have no control over how the millions are spent in the Schools once Council authorizes.

5. Richard Greenway, 5127 Holmes Run Parkway, a member of the Torpedo Factory Artists, spoke in support of the artists plan for the Torpedo Factory in turning it back over to the artists.

6. Douglas Gurka, 207 Russell Road, commander, American Legion Post 24, spoke of the need for a Veterans Commission, noting that there are several reasons why it would be an important addition to the City, one of which is that the country has been in an endless war against the radical Islamic terrorists around the world.

7. Maribeth Sawchuk, 18 N. Early Street, on behalf of the Strawberry Hill community residents, spoke of their opposition to the Taco Bell at N. Gordon and Duke Streets and the use of a drive-thru window, which would add traffic onto narrow N. Gordon. She asked Council to consider the implications of another fast food entity in the corridor and residential area.

8. Jerry King, 400 E. Howell Avenue, spoke as an advocate of people walking in the City, noting slow and steady progress, but said it is time to take their efforts to a new level. He invited residents to attend the Alexandria Transportation Commission on January 18 for a vision zero program, and he spoke of the bike lanes in the City. He said he looks forward to Council adopting a policy that says loss of life and serious injuries from traffic crashes are unacceptable and can be prevented.

9. Zack DesJardin, 1 West Maple Street, Apt. 102, member of the Bicycle and Pedestrian Action Committee, spoke about how other cities respond to serious bicycle and pedestrian crashes and how it gets taken to the next level. He suggested that a crash response team may be an opportunity for Alexandria to take its efforts to a new level.

10. Katya Wanzer, 1202 S. Washington Street, chair, Public Health Advisory Commission, encouraged Council to use the data from the report from the Fire Department response to pedestrians struck and bicycle crashes, noting that the local data was added to the national data and said the City is 2.3 times over the goal it hopes to have nationally.

11. Ken Notis, 3001 Park Center Drive, Unit 1220, spoke of the City being walking and

pedestrian friendly but noted that there is a long way to go. He said there are many places in the City where there is demand for walking, and if safety for walking is improved they can make the City a more livable City than it is now.

12. David Kaplan, 418 Queen Street, spoke about pedestrian safety and said there are problems with safety for pedestrians in the City and noted that they should back up the action with something that shows the words in the ordinance have meaning, such as lead pedestrian intervals, where pedestrian crossing and intersection is given several seconds of advance crossing time before the signal turns green for cars.

13. Casey Kane, 625 Prospect Place, a member of the Bicycle Advisory Committee, spoke of the need to work together to find solutions to make it safe for people to walk in the City, and one solution is to reduce the speed limits to 25 and 20 mph, and he spoke of the need to reduce all school speed limits to 15 mph as well.

14. Jim Durham, 622 Fort Williams Parkway, representing the Alexandria Bicycle and Pedestrian Advisory Committee, spoke of the need to put people who walk as a top priority in the transportation system. He said they learned that 70 people a year are being injured by being hit by a car, and they put together an effort to reach out and talk to people who have pedestrian issues. Mr. Durham said achieving vision zero is a community-wide effort.

15. Bert Ely, 200 S. Pitt Street, representing the Old Town Civic Association, expressed its concern about the likely negative neighborhood impact of Alfred Street Baptist Church expansion at Duke and Alfred Streets, noting that the church will be out of scale to the neighborhood, as well as parking concerns.

16. Carolyn Griglione, 1416 N. Ivanhoe Street, spoke of Council's support for the construction of the new 50 meter indoor swimming pool at Chinquipin and requested that the timeline remain as planned. She also invited Council to attend the family splash nights at Chinquipin.

In response to a request from Mayor Silberberg, Mr. Jinks gave an update on the CIP pressures and looking at everything they had planned on doing and a prioritization process for items in the CIP.

17. Janice Walk Grenadier, 15 W. Spring Street, spoke of her problems with the corrupt judicial system and being bullied for being Catholic.

18. Nancy Jennings, 2115 Marlboro Drive, spoke of the schools, noting that they need to meet the needs of the children and said that the ACPS game plan is disjointed and reactive and spent more than a year planning the new Patrick Henry School but it is not as good as it could be. She said they need better plans for their children and look to Council for better direction.

19. Charanita Witty, 6 Canterbury Square, #102, spoke of the problem she's had with her landlord and her need for safe and accessible housing.

20. Bill Goff, 1313 Bishop Lane, spoke about the Patrick Henry project later on in the docket, speaking to the bus traffic and emergency access. He asked Council to vote for deferral of the project.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously, City Council closed the public discussion period. 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 OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-4)

Planning Commission

3. Special Use Permit #2016-0081
5428 Eisenhower Avenue (parcel address: 5400 Eisenhower Avenue) - Team Red, White & Blue
Public Hearing and Consideration of a request to operate a fraternal or private club; zoned: OCH/Office Commercial-High. Applicant: Team Red, White & Blue, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 17, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 12/17/16, and is incorporated as part of this record by reference.)

4. Encroachment #2016-0008
310 South Saint Asaph Street
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a front stoop; zoned: RM/Residential Medium-Townhouse. Applicant: Cheryl Jaeger
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 17, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/17/16, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council adopted the consent calendar, with the removal of item #3, which was considered under separate motion, as follows:

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.

3. Special Use Permit #2016-0081
5428 Eisenhower Avenue (parcel address: 5400 Eisenhower Avenue) - Team Red, White & Blue

Public Hearing and Consideration of a request to operate a fraternal or private club; zoned: OCH/Office Commercial-High. Applicant: Team Red, White & Blue, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 17, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 12/17/16, and is incorporated as part of this record by reference.)

In response to questions from City Council, Mr. Moritz, Director, Planning and Zoning, responded about the requested hours for this and other applications.

WHEREUPON, upon motion by Vice Mayor Wilson and seconded by Councilwoman Pepper, City Council moved to approve the Planning Commission recommendation, with the deletion of conditions #2 and 4 as recommended by the Planning Commission.

WHEREUPON, a substitute motion was made by Councilman Smedberg to change condition 2 to 12:00 midnight daily. The substitute motion died for lack of a second.

The voting on the original motion carried by a vote of 6-1 and was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, Councilman Smedberg.

* * * * *

The following items were heard out of turn:

8. Development Special Use Permit #2016-0008
Transportation Management Plan SUP #2016-0060
930 North Henry Street - Carpenter's Shelter

Public Hearing and Consideration of requests for: (A) a Development Special Use Permit and site plan, with modifications, to construct a multi-family residential building and homeless shelter, including Special Use Permits for an increase in the number of allowable penthouses; for increased density for mixed use pursuant to Section 5-305(C); and for increased density for affordable housing pursuant to Section 7-700; and (B) a Special Use Permit for a Transportation Management Plan; zoned: CRMU-H/Commercial-Residential Mixed Use (High). Applicant: Carpenter's Shelter, represented by Duncan Blair, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 17, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 12/17/16, and is incorporated as part of this record by reference.)

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

1. Judy Noritake, 1119 Wythe Street, president of the Braddock Metro Citizens' Coalition, spoke in support of the request.
2. Duncan Blair, attorney representing Carpenter's Shelter, spoke in support of the request.

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.

In response to questions from City Council, Ms. McIlvaine, Director, Office of Housing, and Mr. Imm, Planning and Zoning, spoke of the housing relocation plan and the balance of the interim site and the recommended conditions.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Wilson 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.

9. Consideration of Loan and Grant Requests from the Alexandria Housing Development Corporation for the Redevelopment of Carpenter's Shelter and for Adoption of a Resolution Designating the Carpenter's Shelter Site a Revitalization Area. (This Item Is Not a Public Hearing.) [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 7, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 12/17/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council: 1. approved a permanent loan to AHDC of up to \$7,100,000 (including \$500,000 of previously approved predevelopment funds) for the development of 98 affordable apartments; 2. approved grant funds of AHDC of up to \$250,000 for a pilot rental subsidy program to provide deep affordability in ten units for five years; 3. passed a resolution designating the Carpenter's Shelter site a Revitalization Area pursuant to Section 36-44.30:2A of the Virginia Code; and 4. authorized the City Manager to execute documents related to the loan as well as those evidencing City support for AHDC's March 2017 application for low income housing tax credits. 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:

RESOLUTION NO. 2754

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of the Virginia of 1950, as amended, the City Council of the City of Alexandria, Virginia, desire to designate the Site which will include the proposed Carpenter's Shelter Redevelopment as the area (the "Area") described on Exhibit A attached hereto, as a revitalization area;

WHEREAS, the proposed redevelopment Area is planned to include new rental housing affordable to households at a range of incomes, from 40 to 60 percent of the Area Median Income, within an amenity-rich neighborhood (the Braddock Metro Neighborhood) that has

seen a significant amount of commercial and market rate residential redevelopment over the past decade.

WHEREAS, the industrial, commercial or economic development of the revitalization area will benefit the City, but such area lacks housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare of nonprofit enterprises to locate or remain in such area; and

WHEREAS, private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

WHEREAS, the affordable housing development proposed in this Area would not be economically feasible without the provision of federal low income housing tax credits and City loan funds at advantageous rates and terms; and

WHEREAS, the proposed redevelopment will provide a critical source of affordable housing for current and future low and moderate income residents at a range of incomes whose tenancy and local employment is essential to the Area's future economic development and sustainability, as well as to the City's strategic plan goal of maintaining neighborhoods that are diverse, inclusive and true mixed income communities;

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

The industrial, commercial or economic development of the revitalization area will benefit the City, but such area lacks housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare of nonprofit enterprises to locate or remain in such area; and private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.

NOW, THEREFORE, BE IT HEREBY RESOLVED that pursuant to Section 36-55.30:2.A of the Code of Virginia 1950, as amended, the Area is hereby designated as a revitalization area.

10. Text Amendment #2016-0007

Location of Accessory Buildings and Free-standing Garages

Public Hearing and Consideration of a Text Amendment to Section 7-202 and Section 7-2505 of the Zoning Ordinance regarding proximity of accessory buildings and free-standing garages located on single-family and two-family dwelling lots to buildings on adjacent lots. Staff: City of Alexandria Department of Planning and Zoning

Planning Commission Action: Initiate Text Amendment and Recommend Approval 7-0

(A copy of the Planning Commission report dated December 17, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 12/17/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson and seconded by Councilman Smedberg, City Council closed the public hearing and moved adoption of the Planning Commission recommendation.

Vice Mayor Wilson said that as they go into discussion on the work plan, he asked to have a conversation around infill and tweaks that have been floating around, about the best way to consider that.

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

ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Section 10-3-924 (Failure to Yield Right-of-Way to Pedestrians in Specifically Marked Crosswalk) of Article B (Reckless Driving, Speeding, Etc.) of Chapter 3 (Operation of Vehicles) of Title 10 (Motor Vehicles and Traffic) of the Code of the City of Alexandria, Virginia, 1981, as Amended. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 12/17/16, 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; 12/17/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson and seconded by Councilman Smedberg, City Council closed the public hearing and moved adoption of the ordinance.

Vice Mayor Wilson asked that staff come back at a later date to talk about a conversation around signage in crosswalks and where they can look at having a higher fine, in line with this ordinance.

In response to questions from City Council, Mr. Banks, City Attorney, spoke to restrictions on the signs.

The motion carried unanimously by roll-call vote and 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. 5045

AN ORDINANCE to amend and reordain Section 10-3-924 (FAILURE TO YEILD RIGHT-OF-WAY TO PEDESTRIANS IN SPECIFICALLY MARKED CROSSWALK) of Article B (RECKLESS DRIVING, SPEEDING, ETC.) of Chapter 3 (OPERATION OF VEHICLES) of

Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-3-924 of Article B of Chapter 3 of Title 10 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to delete the sections shown in strikethrough and add the language shown in underline:

Sec. 10-3-924 - Failure to yield right-of-way to pedestrians ~~in specifically marked crosswalk.~~

(a) In Specifically Marked Crosswalk: The director of transportation and environmental services is authorized to install and maintain signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the street.

~~(b)~~ (1) Any operator of a motor vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less ~~that~~ than \$100 or more than \$500.

~~(c)~~ (2) The design, location and installation of such signs shall comply with criteria developed by the commonwealth transportation board.

~~(d) The provisions of this section shall be in addition to and supplementary to any other provisions of law, including without limitation the provisions of section 46.2-924 of the Virginia Code, requiring that the operator of a motor vehicle yield the right-of-way to pedestrians.~~

(b) Pursuant to the authority granted by Section 46.2-1313 of the Code of Virginia (1950), as amended, Sections 46.2-924 (A) and 46.2-924 (B) of the Code of Virginia, are hereby adopted and incorporated in their entirety into this chapter as if they were fully set forth herein.

Section 2. That Section 10-3-924 of Article B of Chapter 3 of Title 10, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the Code of the City of Alexandria.

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

12. Public Hearing, Second Reading, and Final Passage of an Ordinance Authorizing the Owners of the Property Located at 505 S. Lee Street to Construct and Maintain an Encroachment into the Public Sidewalk Right-of-Way at That Location For a Replacement Stoop Consisting of Stairs and a Landing. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 12/17/16, 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; 12/17/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance. 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. 5046

AN ORDINANCE authorizing the owners of the property located at 505 S. Lee Street to construct and maintain an encroachment into the public sidewalk right-of-way at that location for a replacement stoop consisting of stairs and a landing.

WHEREAS, Mark R. Warner and Lisa A. Collis are the owners (“Owners”) of the property located at 505 S. Lee Street in the City of Alexandria, Virginia; and

WHEREAS, Owners desire to establish and maintain a replacement stoop consisting of stairs and a landing, which will encroach into the public sidewalk right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2016-0006, 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 October 4, 2016 which recommendation was approved by the City Council at its public hearing on October 15, 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 Owners be, and the same hereby are, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 505 S. Lee Street in the City of Alexandria, as shown on the attached encroachment plat and exhibits, collectively labeled as “Exhibit Plat,” said encroachment measuring approximately 51 square feet and consisting of stairs and a landing, 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 Owners 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 Owners maintaining, at all times and at their own expense, general liability insurance in the amount of \$1,000,000 with a company authorized to transact business in the Commonwealth of Virginia.

This liability insurance policy shall identify the City of Alexandria and Owners as named insureds and shall provide for the indemnification of the City of Alexandria and Owners 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, Owners 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 Owners. Nothing in this section shall relieve Owners 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 nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.
- b) In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant 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, Owners 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 Owners 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 Owners the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owners without cost to the city. If Owners 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 Owners, and shall not be liable to Owners 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 "Owners" shall be deemed to include Mark R. Warner and Lisa A. Collis and their respective successors in interest.

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

13. Public Hearing, Second Reading and Final Passage of an Ordinance Amending Title 10 (Motor Vehicles and Traffic), Chapter 1 (General Provisions), Section 10-1-15.1 (Truck Traffic; Prohibited on Certain Streets; Penalty) of The Code of the City of Alexandria, Virginia, 1981, as Amended, by Adding Language to Prohibit Truck Traffic on West Linden Street Between Commonwealth Avenue and Russell Road. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 7, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 12/17/16, 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; 12/17/16, 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. 3 of Item No. 13; 12/17/16, and is incorporated as part of this record by reference.)

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

1. Rebecca McCracken and Pam St. Clair, 12 and 10 W. Linden Street, spoke in support of the ordinance.

WHEREUPON, upon motion by Councilwoman Pepper and seconded by Councilmember Lovain, City Council closed the public hearing and moved adoption of the ordinance.

In response to questions from City Council, Mr. Garbacz, Transportation and Environmental Services, spoke to how the truck drivers will be educated, including the use of signage on the streets and for potential outreach to truck rental companies and mobile app's.

The motion carried unanimously by roll-call vote and 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. 5047

AN ORDINANCE to amend and reordain Title 10 (MOTOR VEHICLES AND TRAFFIC), Chapter 1 (GENERAL PROVISIONS), Section 10-1-15.1 (TRUCK TRAFFIC; PROHIBITED ON CERTAIN STREETS; PENALTY) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding language to prohibit truck traffic on West Linden Road between Commonwealth Avenue and Russell Road.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 10, Chapter 1, Section 10-1-15.1 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

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

Sec. 10-1-15.1 Truck traffic; prohibited on certain streets; penalty.

(a) Motor trucks are prohibited from using the following streets or portions of streets:

- (1) Powhatan Street between North Washington Street and Henry Street;
- (2) South Gordon Street;
- (3) South Early Street;
- (4) South Floyd Street;
- (5) the 200 block of South Fayette Street;
- (6) the 200 block of South Payne Street;
- (7) the 600 block of South Saint Asaph Street;
- (8) the 300 and 400 blocks of North Fayette Street;
- (9) the 300 and 400 blocks of North Payne Street;
- (10) the 1200 and 1300 blocks of Queen Street;
- (11) the 1200 and 1300 blocks of Princess Street;
- (12) the 1200 and 1300 blocks of Oronoco Street;
- (13) Pickett Street between Seminary Road and Pegram Street;
- (14) Jordan Street between Seminary Road and Duke Street;
- (15) Howard Street between Seminary Road and Jordan Street;
- (16) Richenbacher Avenue between north Van Dorn Street and Pickett Street;
- (17) Taney Avenue between north Van Dorn Street and Jordan Street;
- (18) the 300 block of South Henry Street;
- (19) the 200 block of South West Street between the hours of 11:00 p.m. and 7:00 a.m. only;
and
- (20) West Taylor Run Parkway between Janneys Lane and Duke Street.
- (21) North Early Street between Menokin Drive and Braddock Road.
- (22) West Rosemont Avenue between Commonwealth Avenue and Russell Rd
- (23) West Linden Street between Commonwealth Avenue and Russell Road

(Subsequent sections remain unchanged.)

Section 2. That Title 10, Chapter 1, Section 10-1-15.1, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the Code of the City of Alexandria.

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

5. Public Hearing and Consideration of Adoption of the Arts and Culture Master Plan.

(A copy of the City Manager's memorandum dated December 14, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/17/16, and is incorporated as part of this record by reference.)

Ms. Ruggiero, Deputy Director, Recreation, Parks and Cultural Activities, along with Mr. Stensrud, chair, Commission for the Arts, made a presentation of the staff report.

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

1. Susan Amber Gordon, 31 W. Del Ray Avenue, spoke in support of the Plan.
2. Elizabeth McCall, 537 S. Fairfax Street, chair, Alexandria Archaeological Commission, spoke in support of the Plan and noted their concern is a mechanism for how history will be coordinated.
3. Kate Elkins, 434 N. West Street, a member of the Commission for the Arts, spoke in support of the Plan.
4. Shirley Downs, 1007 N. Vail Street, a member of the Commission for the Arts, spoke in support of the Plan.
5. Joan Singor, 812 W. Braddock Road, spoke in support of the Plan.
6. Pat Miller, 3301 A. Commonwealth Avenue, president, Alexandria Arts Alliance, spoke in support of the Plan.

WHEREUPON, upon motion by Councilmember Lovain, 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, a motion was made by Councilmember Lovain and seconded by Councilwoman Pepper, to amend the Plan on goal 5 on raising community awareness of the Office of the Arts as a leadership agency, the third paragraph, to stop the paragraph after the words "portfolio" and striking the rest of the paragraph.

There was discussion among City Council about the Torpedo Factory and the future of the Torpedo Factory, and that it is a separate matter for 2017.

WHEREUPON, a substitute motion was made by Councilman Smedberg and seconded by Vice Mayor Wilson, that City Council adopt the Arts and Culture Master Plan as presented.

Councilwoman Pepper stated for the record the following: "I think it is important to add that this Arts Plan does not imply nor address any Council decision regarding the future governance of the Torpedo Factory Art Center, which is a valued and important asset and part of Alexandria's arts scene." Councilwoman Pepper noted that she fought for the sentence at Tuesday's legislative meeting.

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

The substitute motion becomes the main motion, and the voting on the main motion, which is to adopt the Arts and Culture Master Plan as presented, was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Smedberg; Opposed, none.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

6. Special Use Permit #2016-0041

1400 Duke Street - J & S Restaurant

Public Hearing and Consideration of requests to operate a restaurant and for a parking reduction; zoned: OCM (50)/Office Commercial Medium. Applicant: J & S Restaurant, LLC

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 17, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/17/16, and is incorporated as part of this record by reference.)

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

1. Harvey Gray, 1501 Princess Street, spoke in opposition to the request.
2. Reverend Taft Quincey Heatley, 650 Shillings Street, Shiloh Baptist Church, spoke in opposition to the request.
3. Dr. Barbara S. Wallace, Associate Pastor, Shiloh Baptist Church, spoke in opposition to the request.
4. Harry Stuart, 7034 Ellingham Circle, spoke in opposition to the request.
5. Stephen Milone, 907 Prince Street, spoke in opposition to the request.
6. Lillian Patterson, 1034 Woods Place, spoke in opposition to the request.
7. Jonathan Rak, 1750 Tysons Blvd., McLean, attorney representing Shiloh Baptist Church, spoke in opposition to the request, noting that he submitted a letter yesterday to request changes to conditions 3, 5, 7, 10, 12, 22, 26 and 26a.
8. David Chamowitz, 118 N. Alfred Street, attorney representing the applicant, spoke in support of the request and spoke to the requested condition amendments submitted by Mr. Rak.

Ms. Horowitz, Planning and Zoning, Mr. Dambach, Planning and Zoning, and Mr. Moritz, Director, Planning and Zoning, responded to questions of City Council on the conditions.

There was discussion among City Council and Mr. Chamowitz concerning the requested amendments to the conditions.

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 Councilman Smedberg and carried unanimously, City Council approved the Planning Commission recommendation, with the following amendments:

3. The hours of operation for indoor seating shall be 6:00 a.m. to 12:00 midnight, Monday - Saturday and 1:00 p.m. to 12:00 midnight on Sundays. Meals ordered before 12:00 midnight may be served, but no new patrons may be admitted and all patrons must leave by 1:00 a.m., daily.

7. Live entertainment shall be prohibited.

10. Supply delivery vehicles shall deliver from the applicant's parking lot. No loading or unloading of vehicles shall at any time block the drive aisles of parking lots on or adjacent to the subject property.

12. All existing parking space signs and sign poles in the applicant's parking lot shall be removed and shall be replaced with pavement markings identifying parking for current tenants only. All parking spaces available to restaurant patrons shall be clearly marked.

26. The applicant shall inform customers of the location of its parking lot and prohibition on parking in spaces not labelled for restaurant parking through printed and electronic business promotional material, posting on the business website, and other similar methods.

26a. If determined necessary by the Directors of P&Z and T&ES and permitted by the other property owners, the applicant shall install traffic calming features in shared drive aisles used by restaurant patrons for parking lot safety, due to impacts from the use.

Condition 19 is a duplicate of condition 18 and should be removed.

Add a new condition 31 to read: "The Director of Planning and Zoning may grant an additional parking reduction of 23 spaces for the purpose of a cooperative parking arrangement within Roundhouse Square."

Change review of the DSUP to 6, 12 and 18 months.

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. Development Special Use Permit #2016-0009
4643 Taney Avenue - Patrick Henry School and Recreation Center
Public Hearing and Consideration of a request for a Development Special Use Permit with site plan to construct a school and community center building, including Special Use Permit requests for additional height of a public school building; for an indoor and outdoor recreation

facility and community center; for more than one mechanical penthouse; for a mechanical penthouse exceeding 15 feet in height; and to increase the number of parking spaces above those required by the Zoning Ordinance; zoned R-12/Residential. Applicant: Alexandria City Public Schools and City of Alexandria

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated December 17, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/17/16, and is incorporated as part of this record by reference.)

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

1. Lori Shabazz, 1704 Apple Blossom Court, Bowie, Maryland, a teacher at Patrick Henry, spoke in support of the request.
2. Erica Booker, along with Cayden Booker, 200 N. Pickett Street, spoke in support of the request.
3. Christine Brown, 200 N. Pickett Street, #808, spoke in support of the request.
4. Tenneh Koroma, 4316 Taney Avenue, #301, spoke in support of the request.
5. Viviane Cavanough, 4103 Taney Avenue, spoke in support of the request.
6. Fred Montgomery, 7403 Meadow Leigh Way, a teacher at Patrick Henry, spoke in support of the request.
7. George Perdue, 1320 N. Ivanhoe Street, spoke in support of the request.
8. Stephanie Mills, 13530 Lord Sterling Place, spoke in support of the request.
9. Adrienne Dunbar, 5280 Duke Street, a teacher at Patrick Henry, spoke in support of the request.
10. Dianiara Saget, 4600 Duke Street, Apt. 921, spoke in support of the request.
11. Dan Liercke, 120 N. Grayson Street, spoke in support of the request.
12. Brynn Reid Orrin-Brown, 12 S. Ingram Street, a 4th grader at Patrick Henry, spoke in support of the request.
13. Asa Brown, 12 S. Ingram Street, a member of the Patrick Henry Parents Coalition, spoke in support of the request and submitted a petition with 372 names in support.
14. Kursten Phelps, 12 S. Ingram Street, spoke in support of the request.
15. Dorothy Kwakye, 3123 King Street, spoke in support of the request.
16. Marie Huddle, 141 N. Grayson Street, spoke in support of the request.

17. Benjamin Fiore-Walker, along with his son Liam, daughter Kennedy, who also spoke, and wife Carrie, 117 N. Grayson Street, spoke in support of the request.

18. Keith Kruse, 309 N. Latham Street, spoke in support of the request.

19. Michael Doney, 315 N. Latham Street, a member of the Patrick Henry Project Advisory Group, spoke in support of the request.

20. Jim Durham, 622 Fort Williams Parkway, chair, Alexandria Bicycle and Pedestrian Advisory Committee, spoke in support of the request.

21. Chris Lewis, 5500 Holmes Run Parkway, #1518, School Board member, spoke in support of the request.

22. Shirley Downs, 1007 N. Vail Street, spoke in support of the request.

23. Andrew Watson, 8329 Rocky Forge Court, Springfield, a fine arts instructional specialist for the Schools, spoke in support of the request.

24. Ingrid Bynum, 4643 Taney Avenue, Principal at Patrick Henry Elementary School, 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. 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 and seconded by Councilmember Lovain, City Council moved to approve the Planning Commission recommendation, with the changes to the following: condition 4q, to read: Provide a minimum four foot landscape buffer between the 12 foot sidewalk and curb on Latham Street, to the greatest extent possible; and condition (c) in the transportation demand model appendix to read: "at an annual rate of \$80 per full time equivalent staff member" and further "with an annual increase consistent with the CPI of the United States for the previous year."

Ms. North, Transportation and Environmental Services, Mr. Garbacz, Transportation and Environmental Services, Mr. Stukes, Chief Operating Officer, Alexandria City Public Schools, Mr. Moritz, Director, Planning and Zoning, Mr. Brown, Mosley Architects, Mr. Kerns, Planning and Zoning, and Mr. Price, Planning and Zoning, responded to questions of City Council regarding parking, bus traffic, delivery vehicle traffic to the school, LEED certification, parking at the intersection with Jordan Street, and the Transportation Management Plan, including staff reaching out to St. Martin's on parking concerns.

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 OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

14. Special Use Permit #2016-0077
1508 Mount Vernon Avenue - Junction Bakery & Bistro
Public Hearing and Consideration of a request for an amendment to SUP #2015-0102 to allow off-premises alcohol sales; zoned: CL/Commercial Low. Applicant: Noe Landini
Planning Commission Action: Deferred 7-0

City Council noted the deferral.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the public hearing meeting of December 17, 2016, was adjourned at 8:05 p.m. 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.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council