

**City of Alexandria
City Council Public Hearing Meeting
Tuesday, October 13, 2018, 9:30 A.M.
Meeting Minutes**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, Acting City Attorney; Ms. Baker, Deputy City Manager; Ms. Collins, Deputy City Manager; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities (RPCA); Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Eggerton, Sustainability Manager, T&ES, Ms. North, Planner, T&ES; Ms. Wedeles, RPCA; Mr. Farner, Deputy Director, Planning and Zoning (P&Z); Ms. Free, Urban Planner, P&Z; Mr. Imm, Urban Planner, P&Z; Mr. Cook, Urban Planner, P&Z; Mr. Kerns, Division Chief, P&Z; Ms. Horowitz, Urban Planner, P&Z; Ms. McIlvaine, Director, Office of Housing; Ms. Contreras, Urban Planner, P&Z; Mr. Wagner, Planner, P&Z; Mr. Swidrak, Urban Planner, P&Z; Mr. Barre, Information Technology Services; Mr. Condoyiannis, Information Technology Services; and Mr. Lloyd.

Recorded by: Gloria Sitton, 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 the members of Council were present.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. James Norman, 3721 Templeton Place, representing Virginia Theological Seminary, spoke about their sustainability at the Seminary and spoke about how they will be focusing on changing their footprint on the environment using C-PACE financing.

2. Donnie Simpson, 615 Oakland Terrace, spoke about C-PACE financing for implementing environmental updates with businesses and property owners in the City.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public discussion period. The vote

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 (3-6)

Planning Commission

3. Special Use Permit #2018-0055
700 North Patrick Street - Old Town Salon and Spa
Public hearing and consideration of a request for a Special Use Permit extension for a non-conforming hair salon use; zoned: RB/Townhouse. Applicant: Sophea Nuth
Planning Commission Action: Recommended Approval 7-0.

(A copy of the Planning Commission report dated October 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/13/18, and is incorporated as part of this record by reference.)

4. Encroachment #2018-0007
1620 Prince Street
Public hearing and consideration of a request to permit an encroachment into the public right-of-way on Daingerfield Road for the installation of bollards; zoned OCH/Office Commercial High Applicant: Carr 1620 Prince Street, LLC, represented by M. Catherine Gibbs, attorney
Planning Commission Action: Recommended Approval 7-0.

(A copy of the Planning Commission report dated October 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/13/18, and is incorporated as part of this record by reference.)

5. Public Hearing and Consideration of a One (1) Year Lease Agreement Renewal with Alexandria Soccer Association for Office Space Located at the Nannie J. Lee Center.

(A copy of the City Manager's memorandum dated October 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/13/18, and is incorporated as part of this record by reference.)

6. Public Hearing and Consideration of a One (1) Year Lease Agreement Renewal with Child and Family Network Centers at Leonard Chick Armstrong Recreation Center Located At 25 West Reed Avenue.

(A copy of the City Manager's memorandum dated October 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/13/18, 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 Pepper

and carried unanimously, City Council closed the public hearing and approved the consent calendar. The recommendations were as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the one year lease agreement renewal with Alexandria Soccer Association for office space located at the Nannie J. Lee Center and authorized the City Manager to execute the lease agreement.
6. City Council approved an one-year lease agreement renewal between Child and Family Network Centers and the City of Alexandria for the use of two (2) classrooms to conduct a pre-school program for children from low-income families and authorized the City Manager to execute the lease agreement.

The vote 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

7. Public Hearing and Consideration of a Lease Extension Between the City of Alexandria and Northern Virginia Regional Parks Authority ("NOVA Parks") for the use of the Cameron Run Park Property.

(The City Manager's memorandum dated October 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/13/18, and is incorporated as part of this record by reference.)

Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities, gave brief overview of the lease extension and he and Ms. Collins, Deputy City Manager, responded to questions from Council about the lease extension.

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

1. Michael Nardolilli, 6607 North 24th Road, Arlington, representing Northern Virginia Regional Park Authority, spoke in support the lease extension and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The vote 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, City Council extended the current lease agreement between the City of Alexandria and Northern Virginia Regional Parks Authority (NOVA Parks) by seven and

one-half years (7.5), beginning on July 1, 2021 and ending on December 31, 2028, and only after NOVA Parks meets the specific conditions outlined in the Lease Amendment #2 before June 20, 2021, the end of the current lease period; and authorized the City Manager to execute the Second Modification of the Lease between the City of Alexandria and NOVA Parks and to take any other actions that are necessary to implement the agreement. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

8. Public Hearing and Consideration of the Phase One Update to the Environmental Action Plan 2030 (EAP).

(The City Manager's memorandum dated October 3, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/13/18, and is incorporated as part of this record by reference.)

Ms. Eggerton, Sustainability Manager, Transportation and Environmental Services, gave a summary of the Phase One Update to the Environmental Action Plan and responded to questions from Council.

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

1. Jim Kapsis, 24 East Windsor Avenue, Chair, Environmental Policy Commission, spoke in support of the EAP.
2. Seth Heald, 221 Wolfe Street, spoke in support of the EAP.
3. Scott Barstow, 801 North Pitt Street, member of the Environmental Policy Commission, spoke in support of the EAP.
4. Reid Sherman, 109 East Alexandria Avenue, member of the Environmental Policy Commission, spoke in support of the EAP.
5. Steve Banashek, 16 West Spring Street, spoke in support of the EAP.
6. Kathie Hoekstra, 1310 North Chambliss Street, spoke in support of the EAP.
7. Gregory Frazier, 712 Wythe Street, spoke in support of the EAP.
8. Barbara Morrow, 2157 Skyhill Road, spoke in support of the EAP.
9. Praveen Kathpal, 207 Clifford Avenue, member of the Environmental Policy Commission, spoke in support of the EAP.
10. Michael Olex, 4806 Peacock Avenue, spoke in support of the EAP.
11. Scott Dicke, 954 North Potomac Street, Arlington, spoke in support of the EAP.
12. Kenneth Wire, 1750 Tysons Boulevard, Tysons, representing NAIOP Northern

Virginia, spoke in support of the EAP.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Wilson and carried unanimously, City Council closed the public hearing. The vote 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 Vice Mayor Wilson and carried unanimously, City Council approved the proposed Environmental Action Plan 2030 (EAP) Phase One Update, which includes short-term strategies for incorporating new sustainable practices in five focus areas. The vote 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)

9. Text Amendment #2018-0007

Lighting for Congregate Recreational Facilities

(A) Initiation of a text amendment and (B) Public Hearing and Consideration of a Text Amendment to the Zoning Ordinance to: add new section 2-129.1 defining congregate recreational facilities; amend section 6-105 to delete the definition of congregate recreational facilities in the POS/Public open space and community recreation zone; add a new subsection 6-105(K) to replace special uses in the POS/Public open space and community recreation zone not included in the proposed congregate recreational facilities definition; and add a new subsection 6-403(F) to add lighting for congregate recreational facilities as a special use in height districts. Staff: City of Alexandria Department of Planning & Zoning

Planning Commission Action: Recommended Approval 7-0.

(The Planning Commission report dated October 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/13/18, and is incorporated as part of this record by reference.)

Mr. Cook, Urban Planning, Planning and Zoning, gave a presentation on the proposed Text Amendment and he, along with Ms. Anderson, Acting City Attorney, Mr. Imm, Urban Planner, Planning and Zoning, and Mr. Kerns, Division Chief, Planning and Zoning, responded to questions from Council about the lighting, community engagement, and the height of lights at recreational facilities around the City.

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

1. Nancy Jennings, 2115 Marlboro Drive, representing the Seminary Hill Association, Inc., spoke in opposition to the proposed text amendment.
2. Thomas Park, 1108 Jefferson Street, representing the Alexandria Soccer Association, spoke in support of the proposed text amendment.
3. Mimi Goff, 1313 Bishop Lane, spoke in opposition to the proposed text

amendment.

4. Bill Goff, 1313 Bishop Lane, spoke in opposition to the proposed text amendment.

5. Dino Drudi, 315 North West Street, spoke in opposition to the text amendment.

6. Frank Putzu, 1423 Juliana Place, spoke in opposition to the proposed text amendment.

7. Kendra Oguamena, 1289 Quaker Hill Drive spoke in support of the proposed text amendment.

8. Cathy Puskar, 205 Uhler Terrace, spoke in support of the proposed text amendment.

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

A motion was made by Vice Mayor Wilson, seconded by Councilmember Lovain, to approve the Planning Commission recommendation.

Councilman Smedberg offered an amendment (F)(2)(d) to state, "Poles shall be setback a minimum of 35 feet from any right-of-way or residential property line. The amendment was accepted by the maker and seconder of the motion.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilmember Lovain and carried 6-1, City Council approved the Planning Commission recommendation with an amendment to (F)(2)(d) to state, "Poles shall be setback a minimum of 35 feet from any right-of-way or residential property line." The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg.

****City Council took a recess at 12 Noon and resumed the meeting at 12:25 p.m.****

10. Development Special Use Permit #2017-0016
3330 King Street (Parcel Address 3300 King Street) - Parker-Gray Stadium
Modernization at T.C. Williams High School
Public hearing and consideration of requests for: (A) a development special use permit amendment and site plan to demolish existing accessory buildings and construct new accessory buildings including restrooms, concessions, press box and ticket vending and construct associated site improvements including pedestrian access, track improvements, sound system upgrades, athletic field lighting and site lighting; (B) if Text Amendment #2018-0007 is approved, a special use permit to increase the height of athletic field light poles to 80 feet pursuant to proposed Zoning Ordinance Section 6-403(F) or if Text Amendment #2018-0007 is not approved, a special use permit to

increase the height of athletic field light poles to 60 feet pursuant to Zoning Ordinance Section 7-2100; zoned R 20/Single family residential. Applicant: Alexandria City Public Schools (ACPS)

Planning Commission Action: Recommended Approval 5-2.

(The Planning Commission report dated October 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/13/18, and is incorporated as part of this record by reference.)

Mr. Cook, Planning and Zoning, and Mr. Imm, Planning and Zoning, gave a presentation of the proposed development special use permit and responded to questions from Council.

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

1. Dr. Gregory C. Hutchings, Superintendent, Alexandria City Public Schools, 1340 Braddock Place, applicant, spoke in support of the proposal and responded to questions from Council about the proposal.

2. Peter Balas, Principal, T.C. Williams High School, 1340 Braddock Place, spoke in support of the proposal and responded to questions from Council.

3. Ramee Gentry, Chair, Alexandria City Public Schools School Board, 1340 Braddock Place, spoke in support of the proposal.

4. Ella Kahl, 213 East Oak Street, spoke in support of the proposal.

5. Jack Taylor, spoke in support of the proposal.

6. Adrienne Washington, 3413 Woods Lane, spoke in opposition to the proposal.

7. Carol Johnson. 3414 Woods Lane, spoke in opposition to the proposal.

8. Paul Scheland, 18 West Myrtle Street, spoke in support of the proposal.

9. Marie Randall, 2904 Cameron Mills Road, spoke in support of the proposal.

10. Jack Sullivan, 4300 Ivanhoe Place, spoke in opposition of the proposal.

11. Chalin Smith, 912 North Overlook Drive, spoke in support of the proposal.

12. Clark Mercer, 109 Arlington Street, Ashland, Virginia, spoke in support of the proposal.

13. Thomas Murphy, 2909 Maplewood Place, spoke in support of the proposal.

14. Nancy Jennings, 2115 Marlboro Drive, representing the Seminary Hills Association, Inc., spoke in opposition of the proposal.

15. Frances Terrell, 1005 North Quaker Lane, representing the Seminary Hills Association, spoke in opposition to the proposal.
16. Mimi Goff, 1313 Bishop Lane, spoke in opposition to the proposal.
17. Lucy Thomson, 915 North Quaker Lane, spoke in opposition to the proposal.
18. Kody Snow, 5216 North Chambliss Court, spoke in opposition to the proposal and offered information on noise conditions at the stadium.
19. George Bostick, 920 Vicar Lane, spoke in opposition to the proposal.
20. Robert Long, 914 Vicar Lane, spoke in opposition to the proposal.
21. Carter Flemming, 1403 Bishop Lane, representing Seminary Hill Association, spoke in opposition to the proposal.
22. Shawn Smeallie, 1310 Bishop Lane, spoke in opposition to the proposal.
23. Bill Goff, 1311 Bishop Lane, spoke in opposition to the proposal.
24. Frank Bires, spoke in opposition to the proposal.
25. Donnan Wintermute, 915 Vicar Lane, spoke in opposition to the proposal.
26. Michael Bopp, 1409 Bishop Lane, spoke in opposition to the proposal.
27. David Curtin, 1303 Bishop Lane, spoke in opposition to the proposal.
28. Janice Smeallie, 1310 Bishop Lane, spoke in opposition to the proposal.
29. Arthur Peabody, 915 North Quaker Lane, spoke in opposition to the proposal.
30. Nell Mercer, 818 Marshall Lane, spoke in support of the proposal.
31. David Mercer, 818 Marshall Lane, spoke in support of the proposal.
32. Braden Porterfield, 16 West Bellefonte Avenue, spoke in support of the proposal and showed a video.
33. Roy Byrd, 3008 Dartmouth Road, spoke in opposition to the proposal.
32. Pam Cornelio, 2900 Main Line Boulevard, spoke in support of the proposal.
33. Patty Moran, 209 Gentry Avenue, spoke in support of the proposal.
34. Maureen McNulty, 700 South Overlook Drive, spoke in support of the proposal.
35. John Patrick, 700 Braxton Place, spoke in opposition to the proposal.

36. Kelly Carmichael Booz, 143 Hilton Street, spoke in support of the proposal.
37. Alexis Stackhouse, 1104 West Braddock Road, offered options to the proposal.
38. Jeremie Greer, 8122 Winter Blue Court, representing the Alexandria Titans Youth Football, spoke in support of the proposal.
39. Peter Abed, 1100 Quaker Hill Dr, spoke in support of the proposal.
40. Kathie Hoekstra, 1310 North Chambliss Street, spoke in opposition to the proposal.
41. Russ Metzler, 2706 Holly Street, spoke in support of the proposal.
42. Dino Drudi, 315 North West Street, spoke in opposition of the proposal.
43. Tam Murray, 1306 Bishop Lane, spoke in opposition of the proposal.
44. Alexander Martin, 2910 Mayer Place, spoke in support of the proposal.
45. Sharon Colbert, 1009 North Quaker Lane, spoke in opposition of the proposal.
46. Phylus Burks, 1027 Woods Place, spoke in opposition of the proposal.
47. Andrea Mackey, 1033 Woods Place, spoke in opposition of the proposal.
48. Susan Miranda, 600 West View Terrace, spoke in support of the proposal.
49. Cathy Puskar, 205 Uhler Terrace, spoke in support of the proposal.
50. Mike Porterfield, 16 West Bellefonte Avenue, spoke in support of the proposal.
51. Adam Hayes, representing T.C. Lacrosse Boosters, spoke in support of the proposal.
52. Hazel Rigby, 330 North Pitt Street, spoke in support of the proposal.
53. Gene Rossi, 16 West Rosemont Avenue, spoke in support of the proposal.
54. Harriet McCune, 19 Fort Williams Parkway, spoke in opposition to the proposal.
55. Marilyn Patterson, 1034 Woods Place, spoke in opposition of the proposal.
56. Sue Setliff, spoke in support of the proposal.
57. John Caffreky, attorney for Alexandria City Public Schools, 1340 Braddock Place, spoke in support of the proposal and responded to questions from Council.

58. Roy Shannon, 302 East Raymond Avenue, attorney for the neighbors, spoke in opposition to the proposal.

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

A motion was made by Vice Mayor Wilson, seconded by Councilmember Lovain, to approve the Planning Commission recommendation with the following amendments: (1) in condition #131, remove the words, "and 8:30 p.m. on Sunday"; (2) amend condition #132 to state as follows, "Athletic field sound system(s) shall be operated only by ACPS staff and ACPS-authorized persons during scheduled ACPS interscholastic sporting events, in accordance with terms of condition 131"; (3) delete condition #135; and (4) include a new condition that the DSUP should be redocketed for review within two years of initial use.

Councilmember Lovain offered an amendment to conditions #107 and #131 to include language stating, "updated as necessary" to both conditions. The amendment was accepted by the maker of the motion.

Councilman Chapman offered an amendment to condition #131 that states the following: "Athletic field lighting used for ACPS events, academic and athletic programs such as practices and sporting competitions, shall be turned off no later than 15 minutes after the activity ends. In no case shall athletic field lighting be turned off later than 9:45 p.m. Monday through Thursday and 10:15 p.m. Friday and Saturday. In the event of weather, overtime or injury, a 45-minute extension of time Monday through Thursday may be used. Events that require lighting will be restricted to ACPS interscholastic sports team games and practices. Lighting may not be used for non-ACPS event programs or practices. A schedule for events requiring lighting will be provided and posted publicly by ACPS prior to the start of each athletic season and updated as necessary;". The amendment was accepted by the maker and seconder of the motion.

The final motion was as follows: **WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilmember Lovain and carried 6-1, City Council approved the Planning Commission recommendation with the following amendments: (1) in condition #131, remove the words, "and 8:30 p.m. on Sunday"; (2) amend condition #132 to state as follows, "Athletic field sound system(s) shall be operated only by ACPS staff and ACPS-authorized persons during scheduled ACPS interscholastic sporting events, in accordance with terms of condition 131."; (3) delete condition #135; (4) amend conditions 107 and 131, add the language, "updated as necessary" to both conditions; (5) amend condition #131 to state as follows: "Athletic field lighting used for ACPS events, academic and athletic programs such as practices and sporting competitions, shall be turned off no later than 15 minutes after the activity ends. In no case shall athletic field lighting be turned off later than 9:45 p.m. Monday through Thursday and 10:15 p.m. Friday and Saturday. In the event of weather, overtime or injury, a 45-minute extension of time Monday through Thursday may be used. Events that require lighting will be restricted to ACPS interscholastic sports team games and practices. Lighting may not be used for non-ACPS event programs or practices. A schedule for events requiring lighting will be provided and posted publicly by ACPS prior to the start of each athletic

season and updated as necessary;" and (6) the DSUP should be redocketed for review within two years of initial use. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg.

**City Council took a recess at 6:42 p.m. and the

Please note this item was taken out of order following docket item number 14

11. Development Special Use Permit #2018-0011
409 North Pitt Street (blocks bounded by North Pitt Street, North Royal Street, Princess Street, and Pendleton Street) - Chatham Square
Public hearing and consideration of a request for a Development Special Use Permit to amend DSUP #2002-0029 to delete conditions prohibiting residents from obtaining residential parking permits; zoned CRMU/X/Commercial Residential Mixed Use. Applicant: Chatham Square Homeowners Association
Planning Commission Action: Recommended Approval 3-2.

(The Planning Commission report dated October 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/13/18, and is incorporated as part of this record by reference.)

Ms. North, Planner, Transportation and Environmental Services, gave a summary of the proposal and a summary of the discussion with the affected neighbors.

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

1. William Michael Jacobs, 414 Pendleton Street, representing the Chatham Square HOA, spoke in support of the proposed DSUP amendment.
2. Bonnie Miller, 421 Oronoco Street, spoke in support of the proposed DSUP amendment.
3. Barbara Bush Cooper, 415 Oronoco Street, spoke in support of the proposed DSUP amendment.
4. Mark Abramson, 409 Princess Street, spoke in support of the proposed DSUP amendment.
5. Laurie Reed, 413 Princess Street, spoke in support of the proposed DSUP amendment.
6. Edward D'Alessio, 404 Oronoco Street, spoke in support of the proposed DSUP amendment.
7. Richard Abood 424 Euille Street, spoke in support of the proposed DSUP amendment.
8. John Sheridan, 408 Pendleton Street, spoke in support of the proposed DSUP

amendment.

9. Cathleen Curtin, 501 Princess Street, spoke in opposition to the proposed DSUP amendment.

10. Heather Dinwiddie, 412 Princess Street, requested that the proposed DSUP amendment be postponed while alternative parking options are reviewed.

11. Caroline Setliffe, 415 Cook Street, spoke in support of the proposed DSUP amendment.

12. Tom Miller, 421 Oronoco Street, spoke in support of the proposed DSUP amendment.

13. Yvonne Callahan, 735 South Lee Street, representing the Old Town Civic Association, spoke in opposition to the proposed DSUP amendment.

14. Tim Trayers, 414 Princess Street, spoke in opposition to the proposed DSUP amendment.

15. Robert Rowe, 507 Princess Street, spoke in opposition to the proposed DSUP amendment.

16. Merrie Schippereit, 340 North Pitt Street, requested a compromise be explored and more study of the parking situation in the area be done.

17. Michael Strain, 330 North Royal Street, spoke in opposition to the proposed DSUP amendment.

18. Carolyn Merck, 324 North Royal Street, spoke in opposition to the proposed DSUP amendment.

19. Ellen Abramson, 409 Princess Street, spoke in support the proposed DSUP amendment.

20. Ron Rigby, 330 North Pitt Street, spoke in opposition of the proposed DSUP amendment.

21. Ellen Mosher, 324 North St. Asaph Street, spoke in opposition of the proposed DSUP amendment.

22. Daniel Goetz, 420 Pendleton Street, spoke in support of the proposed DSUP amendment.

23. Robert Reed, 413 Princess Street, spoke in support of the proposed DSUP amendment.

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

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

A motion was made by Councilman Smedberg, seconded by Vice Mayor Wilson, to approve the Planning Commission recommendation.

A substitute motion was made by Councilmember Lovain, seconded by Councilwoman Pepper, to approve the Planning Commission recommendation, with an amendment to condition #9 stating, "The market rate and public housing residents of the development shall be eligible to apply for and receive one residential parking permits per unit, pursuant to City Code Section 5-8-71, if they have registered one additional car with the City." The vote on the substitute motion 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 became the main motion.

The final motion was as follows: City Council approved the Planning Commission recommendation, with an amendment stating, "The market rate and public housing residents of the development shall be eligible to apply for and receive one residential parking permits per unit, pursuant to City Code Section 5-8-71, if they have registered one additional car with the City." The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

12. Master Plan Amendment #2018-00005

Text Amendment #2018-00006

Coordinated Development District Concept Plan Amendment #2018-00004

Development Special Use Permit #2017-00019

Transportation Management Plan Special Use Permit #2018-00065

Special Use Permit #2018-00082

2000 North Beauregard Street - Monday Properties

Public hearing and consideration of requests for: (A) an amendment to the Beauregard Small Area Plan chapter of the Master Plan to amend the use to include residential uses at the site and to increase the height; (B) initiation of and an amendment to the Beauregard Small Area Plan chapter of the Master Plan to amend the framework streets to remove the parallel road in the Adams Neighborhood; (C) initiation of and a text amendment to the Zoning Ordinance to amend the provisions of Section 5-602(A) for CDD #21 to change the height reference from the Beauregard Urban Design Standards and Guidelines to the Beauregard Small Area Plan; (D) an amendment to a previously approved (CDD #2012-0003) CDD #21 Concept Plan to amend the Adams Neighborhood Development Summary, Interim Transitway Plan and Proposed Transportation Improvements to reflect conversion of office to residential uses, revised street alignments and the removal of the parallel road in the Adams Neighborhood; (E) a development special use permit and site plan with modifications to construct a multi-family residential building, including a special use permit request for more than one mechanical penthouse (F) a special use permit for a transportation management plan for Tier 2 (multi-family building); and (G) a special use permit for a coordinated sign program; zoned: CDD #21/Coordinated Development District #21. Applicants: City of

Alexandria (Text Amendment, Master Plan amendment for framework streets only).
Monday Properties, represented by Jonathan Rak, attorney
Planning Commission Action: Recommended Approval 4-1.

(The Planning Commission report dated October 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/13/18, and is incorporated as part of this record by reference.)

Ms. Brandt-Vorel, Urban Planner, Planning and Zoning, gave a presentation and responded to questions from Council about the proposal.

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

1. Jonathan Rak, 1750 Tysons Blvd, Tysons, attorney for the applicant, spoke in support of the proposal and offered additional affordable housing in the projects.

WHEREUPON, upon Vice Mayor Wilson seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with amendments to the DSUP, including revisions to condition #20, stating, "DSUP #2017-00019 shall proceed with the design parameters as submitted, provided, however, that the maximum number of dwelling units may be increased to 300 and the required parking may be reduced to no fewer than the minimum number of parking spaces required pursuant to CDD condition # 32. Modifications to the proposed design may be administratively reviewed and approved by staff through a minor site plan amendment to remove the one level of below-grade parking, if the applicant receives a vote of approval on the modified garage design from the Beauregard Design Advisory Committee (BDAC). Should the applicant fail to receive approval from the BDAC, the applicant may apply for major site plan amendment for consideration by the Planning Commission and City Council" and add a new condition #141 stating, the following:

- a. The applicant has agreed to provide 5 affordable set-aside rental units, to include one (1) studio, three (3) one-bedroom and one (1) two-bedroom units, or with a mix of units to the satisfaction of the Director of Housing.
- b. Rents payable for the set-aside units shall not exceed the maximum rents allowed under the Federal Low-Income Housing Tax Credit program for households with incomes at or below 60 percent of the Washington D.C. Metropolitan Area Median Family Income (taking into account utility allowances) for a period of 40 years from the date of initial occupancy of each affordable unit. The applicant shall re-certify the incomes of resident households annually.
- c. Once an income-eligible household moves into a unit, that unit will be considered an affordable unit until the household's income increases to more than 140 percent of the then-current income limit. The household will be given one additional one-year lease term at the affordable rent and will be notified that at the end of one year the household will not be eligible to continue at the affordable rent. At the applicant's option when the final lease term concludes, the over-income household may be offered a comparable market rate unit, or may be allowed to remain in the same unit, but the next available unit of comparable size (i.e., with the same number of bedrooms, den space, and/or approximate square footage) must be made available to a qualified household. Once the comparable unit is rented, the rent of the over-income unit may then be increased to market

rate in accordance with any lease restrictions. If a comparable unit within the building does not exist (e.g. a three-bedroom unit), the over-income tenant must be given notice and required to vacate the unit and replaced with an income-eligible household.

- d. Households receiving Housing Choice Voucher assistance will not be denied admission on the basis of receiving such assistance. A household will be considered income qualified if the amount of rent it can pay based on income, together with the voucher payment, is sufficient to cover the applicable rent.
- e. The applicant agrees that residents of set-aside units shall have access to all amenities offered within the entire Development.
- f. The set-aside units shall be of comparable size and floor plan and with the same finishes as other similar units in the Development. Concentrations of set-aside units will be avoided.
- g. Residents of the set-aside units may be charged a monthly parking fee of up to \$50 (in 2018 dollars) or the standard fee whichever is lower for their first parking space. Any additional parking spaces will be subject to standard fees.
- h. The applicant shall notify the Landlord-Tenant Relations Division Chief at the Office of Housing in writing 45 days prior to leasing and provide the City with marketing information, including the affordable rents, fees, and property amenities. The City will notify interested parties of the availability of set-aside units. The applicant shall not accept applications for affordable set-aside units until 45 days after written notification has been provided to the Office of Housing.
- i. The applicant shall list all set-aside units in www.VirginiaHousingSearch.com, an online housing search database sponsored by VHDA.
- j. The applicant shall provide the City with access to the necessary records and information to enable annual monitoring for compliance with the above conditions for the 40-year affordability period.
- k. The total of non-refundable fees, excluding application and pet fees, shall not exceed 15% of gross affordable rent.

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

13. Development Special Use Permit #2018-0003 (Hotel Development)
Special Use Permit #2018-0064 (Hotel, Restaurant, and Additional Mechanical Penthouse) Special Use Permit #2018-0063 (Restaurant)
Special Use Permit #2018-0040 (Parking Reduction and Valet Parking)
Transportation Management Plan Special Use Permit #2018-0041
Encroachment #2018-0005
114 South Washington Street & 699 Prince Street
Public hearing and consideration of requests for: (A) a Development Special Use Permit and site plan with modifications to construct a hotel with increased floor area ratio from 1.5 to 2.5 in the CD zone and a parking reduction to reduce the number of required loading spaces (114 S. Washington Street); (B) Special Use Permits for a hotel with ground-level and rooftop restaurant and to allow an additional mechanical penthouse (699 Prince Street); (C) a Special Use Permit for a restaurant (114 S. Washington Street); (D) Special Use Permits for a parking reduction to provide required parking spaces off-site and for valet parking (699 Prince Street and 114 S. Washington Street); (E) a Special Use Permit for a Transportation Management Plan (114 S. Washington

Street); and (F) an Encroachment into the public right-of-way for a marquee sign on 699 Prince Street; zoned: CD/Commercial Downtown. Applicant: J. River 699 Prince Street, LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommended Approval 7-0.

(The Planning Commission report dated October 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/13/18, and is incorporated as part of this record by reference.)

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

1. Cathy Puskar, 2200 Clarendon Boulevard, Arlington, attorney for the applicant spoke in support of the proposal.

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

14. Proposed Financial Incentive for the Proposed 699 Prince Street Hotel. (Not a Public Hearing Item)

(A copy of the City Manager's report dated October 5, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/13/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey and carried unanimously, City Council allocated \$375,000 from the City's Alexandria Investment Fund to be paired with \$375,000 in Alexandria Economic Development Partnership (AEDP) funds set aside for economic development incentive purposes in order to provide a \$750,000 one-time grant to incent the conversion and redevelopment of 699 Prince Street back into a hotel. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

15. Rezoning #2017-0003

1, 11, 44, 66 and 99 Canal Center Plaza - Canal Center Rezoning

Public hearing and consideration of a request for an amendment to the official zoning map to change the zone at 1, 11, 44, 66 and 99 Canal Center Plaza from W-1 to CRMU-H with proffers. Applicant: Canal Center LL, LLC, represented by, Kenneth W. Wire, attorney.

Planning Commission Action: Recommended Approval 5-0.

(The Planning Commission report dated October 2, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/13/18, and is incorporated as part of this record by reference.)

Mr. Farner, Deputy Director, Planning and Zoning, responded to questions from Council

about retail in the proposed development.

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

1. Teresa Lee, 117 Montgomery Place, expressed concern about building retail in the area, traffic and green space in the area.
2. Kenneth Wire, 1750 Tysons Boulevard, Tysons, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, acknowledging the representation in the letter dated October 13, 2018 from the applicant. The vote 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

Please note: City Council approved docket items 16, 17, 18, and 20 as a block. Docket item no. 19 was approved separately.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted ordinance in docket items 16, 17, 18, and 20 as a block. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

16. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Section 5-610 (Potomac Yard Advisory Committee) of Article V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2018-0009. (Implementation Ordinance for Text Amendment associated with Potomac Yard Design Advisory Committee update approved by City Council on September 15, 2018.)[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. 16; 10/13/18, 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. 16; 10/13/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend Section 5-610 (Potomac Yard Advisory Committee) of Article V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2018-0009.

The ordinance reads as follows:

ORDINANCE NO. 5161

AN ORDINANCE to amend and reordain Section 5-610 (Potomac Yard Advisory Committee) of Article V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0009.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0009, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on September 4, 2018 of a text amendment to the Zoning Ordinance to add an additional member, representing civic associations with Potomac Yard, to the Potomac Yard Advisory Committee), which recommendation was approved by the City Council at public hearing on September 15, 2018;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-610 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current subsection in its entirety and inserting new language, as shown:

5-610 – Potomac Yard Design Advisory Committee.

(A) There is hereby established by ordinance the Potomac Yard design advisory committee.

(B) The Potomac Yard design advisory committee shall consist of eleven members appointed by the city council, pursuant to title 2, chapter 4 of the Code of the City of Alexandria, Virginia, 1981, as amended, for staggered terms of two years. The committee shall include two members representing the Potomac East area; one member with urban design or architectural experience representing the National Park Service; two members representing the Potomac West area; two members representing the Potomac Yard area; one member representing civic associations within Potomac Yard; one member representing the business community, and two qualified professionals skilled in landscape architecture, architecture or urban design.

(C) The purpose of the Potomac Yard design advisory committee is to review applications for preliminary development plan special use permit approval under this ordinance, within CDD No. 10 Potomac Yard/Greens and CDD No. 19 North Potomac Yard, for compliance with the respective urban design guidelines or design standards applicable therein, and make recommendation on such applications to the planning commission and city council through the

director.

(D) The director shall send a copy of any proposed preliminary development plan for the CDD to the committee, and the committee shall send its comments to the director in time to be sent to the planning commission together with the staff report on the proposed plan. Each applicant for a preliminary development plan approval shall be encouraged to discuss its proposal with the committee, including prior to the filing of an application for approval of a preliminary development plan.

(E) The committee shall establish a regular schedule which provides for meetings at least once per calendar quarter. Additional meetings may be scheduled by the chair of the committee, in consultation with the director.

(F) Section 2-4-7(f) of the City Code, which prohibits a person from serving on more than one standing committee, shall not apply to service on the Potomac Yard design advisory committee; provided, however, that this subsection shall expire on December 18, 2007.

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

Section 3. That Section 5-610, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

17. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Braddock Metro Neighborhood chapter of such master plan as Master Plan Amendment No. 2018-0042 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementation Ordinance for Master Plan Amendment related to 1200 & 1230 North Henry Street approved by City Council on September 15, 2018.) [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. 17; 10/13/18, 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. 17; 10/13/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Braddock Metro Neighborhood chapter of such master plan as Master Plan Amendment No. 2018-0042 and no other amendments, and to repeal all provisions of said master plan as may be inconsistent with such amendment.

The ordinance reads as follows:

ORDINANCE NO. 5162

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Braddock Metro Neighborhood chapter of such master plan as Master Plan Amendment No. 2018-0042 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2018-0042, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on September 6, 2018 of an amendment to the Braddock Metro Neighborhood Chapter of the Master Plan of the City of Alexandria to amend the Development Table & the Land Use table of the Braddock Metro Neighborhood Plan to list the individual sites located within the Route 1 Triangle Site (Site 8) and revise the zoning and maximum allowable floor area for this site, which recommendation was approved by the City Council at public hearing on September 15, 2018;

2. The said amendment has heretofore been approved by the Planning Commission and City Council after full opportunity for comment and public hearing.

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Braddock Metro Neighborhood Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending the Development Table & the Land Use table of the Braddock Metro Neighborhood Plan to list the individual sites located within the Route 1 Triangle Site (Site 8) and revising the zoning and maximum allowable floor area for this site, attached hereto and incorporated fully herein by reference.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

18. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain Sheet No. 044.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 1200 and 1230 North Henry Street from, OCM(50) to CRMU-H in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2018-0002. [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. 18; 10/13/18, 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. 18; 10/13/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Sheet No. 044.03 of the "Official Zoning Map, Alexandria, Virginia, " adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES) of the City of Alexandria Zoning Ordinance, by rezoning the property at 1200 and 1230 North Henry Street from, OCM (50) to CRMU-H in accordance with the said zoning map amendment heretofore approved by City Council as Rezoning No. 2018-0002.

The ordinance reads as follows:

ORDINANCE NO. 5163

AN ORDINANCE to amend and reordain Sheet No. 044.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 1200 and 1230 North Henry Street from, OCM(50) to CRMU-H in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2018-0002.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2018-0002, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on September 6, 2018 of a rezoning of the property

at 1200 and 1230 North Henry Street from OCM(50) to CRMU-H, which recommendation was approved by the City Council at public hearing on September 15, 2018;

2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 044.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 1200 and 1230 North Henry Street, Alexandria, Virginia, 22314, 044.03-05-01

From: OCM(50)
To: CRMU-H

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

Section 3. That Sheet No. 044.03 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

19. Public Hearing, Second Reading, and Final Passage of an Ordinance authorizing the tenant of the property located at 116 King Street to construct and maintain an encroachment into the public sidewalk right-of-way at that location for a customer service line and access to an outdoor carry-out window. (Implementation Ordinance for ENC2018-0008, approved by City Council on September 15, 2018.) [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. 19; 10/13/18, 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. 19; 10/13/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Bailey

and carried 5-2 by roll-call vote, City Council adopted an ordinance authorizing the tenant of the property located at 116 King Street to construct and maintain an encroachment into the public sidewalk right-of-way at that location for a customer service line and access to the outdoor carry-out window. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper; Opposed, Mayor Silberberg and Councilman Smedberg.

The ordinance reads as follows:

ORDINANCE NO. 5164

AN ORDINANCE authorizing the tenant of the property located at 116 King Street to construct and maintain an encroachment into the public sidewalk right-of-way at that location for a customer service line and access to an outdoor carry-out window.

WHEREAS, Urbano 116, LLC is the tenant ("Tenant") of the property located at 116 King Street in the City of Alexandria, Virginia; and

WHEREAS, Tenant desires to maintain a space for a customer service line and access to an outdoor carry-out window, which space 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. 2018-0008, 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 September 4, 2018, which recommendation was approved by the City Council at its public hearing on September 15, 2018, 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 is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 116 King Street in the City of Alexandria, as shown on the attached encroachment plat, said encroachment measuring approximately 63 square feet to be used to provide access to an outdoor carry-out window and for a customer queue line, 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 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 its 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 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 its 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 Tenant shall remove any structure that encroached into the public right-of-way, within 60 days upon notification by the City, and the Tenant shall bear all costs of removal.
- c) An unobstructed and clear 5' sidewalk shall be maintained at all times by installing a barrier, separating the patron queue line from the five-foot pedestrian right-of-way consistent with the area of encroachment. The barrier design must be consistent with the King Street Outdoor Dining Design Guidelines and subject to approval of the Director of Planning and Zoning.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and 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. That this ordinance shall be effective upon the date and at the time of its final passage.

20. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council to amend the Southwest Quadrant Small Area Plan Chapter of such master plan by incorporating the South Patrick Street Housing Affordability Strategy as Master Plan Amendment No. 2018-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementation Ordinance for the South Patrick Street Housing Affordability Strategy Master Plan Amendment approved by City Council on September 15, 2018.)[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. 20; 10/13/18, 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. 20; 10/13/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by the City Council to amend the Southwest Quadrant Small Area Plan Chapter of such master plan by incorporating the South Patrick Street Housing Affordability Strategy as Master Plan Amendment No. 2018-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

The ordinance reads as follows:

ORDINANCE NO. 5165

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council to amend the Southwest Quadrant Small Area Plan Chapter of such master plan by incorporating the South Patrick Street Housing Affordability Strategy as Master Plan Amendment No. 2018-0003 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2018-0003, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on September 4, 2018 of an amendment to the Southwest Quadrant Small Area Plan Chapter of the City of Alexandria Master Plan to incorporate the South Patrick Street Housing Affordability Strategy, which recommendation was approved by the City Council at public hearing on September 15, 2018;

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Southwest Quadrant Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by incorporating the document titled "South Patrick Street Housing Affordability Strategy, As Approved September 15, 2018," attached to this ordinance and incorporated fully herein by reference.

Section 2. That the Director of Planning and Zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)
DEFERRAL/WITHDRAWAL CONSENT CALENDAR

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council

adjourned the public hearing meeting of October 13, 2018 at 10:00 p.m. The vote 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:

Gloria A. Sitton, CMC City Clerk