

**City of Alexandria
City Council Public Hearing
Saturday, May 18, 2019, 9:30 A.M.
Meeting Minutes**

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Present: Mayor Justin M. Wilson, Vice Mayor Elizabeth B. Bennett-Parker, Members of Council: Canek Aguirre, John Taylor Chapman, Amy B. Jackson, Redella S. Pepper, and Mohamed E. Seifeldein.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Collins, Deputy City Manager; Ms. Horowitz, Principal Planner, Planning & Zoning (P&Z); Ms. Miliaras, Principal Planner, P&Z; Mr. Lambert, Director, Transportation & Environmental Services (T&ES); Mr. Hamed, TDM/TMP Coordinator, T&ES; Mr. Dofflemyer, Civil Engineer IV, T&ES; Mr. Kerns, Division Chief, P&Z; Mr. Moritz, Director, P&Z; Mr. Adelakun, Urban Planner, P&Z; Ms. Contreras, Principal Planner, P&Z; Mr. Smith, Urban Planner III, P&Z; Ms. Brandt-Vorel, Urban Planner III, P&Z; Mr. Skrabak, Deputy Director, T&ES; Ms. McIlvaine, Director, Office of Housing; Mr. Lucarelli, Urban Planner II, P&Z; and Mr. Geratz, Principal Planner, P&Z; Mr. Barre, Information Technology Services; Mr. East, Sergeant, Alexandria Police Department; and Mr. Lloyd.

Recorded by: Alexis Lacy, Deputy City Clerk and Clerk of Council.

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OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the Deputy City Clerk called the roll. All members of Council were present except Councilwoman Jackson who arrived during the Public Discussion Period.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Bill Pfister, 3718 Templeton Place, spoke about traffic concerns on Seminary Rd.
2. Anna Strauss, 1721 Stoneridge Road, spoke about traffic concerns on Seminary Rd.
3. Jim Norman, 3721 Templeton Place, spoke about traffic concerns on Seminary Rd.
4. Eileen Boettcher, 1602 Chapel Hill Drive, spoke about traffic concerns on Seminary Rd.
5. Ken Notis, 3001 Park Center Drive, spoke about traffic concerns on Seminary Rd. and asked Council to implement alternative 3.

6. Jeff Pool, 1711 N. Cliff Street, spoke about pedestrian safety.
7. Darren Buck, 925 19th St. S., Arlington, VA, spoke about traffic concerns on Seminary Rd.
8. Patty Collins, 2004 Scroggins Road, spoke about traffic concerns on Seminary Rd. and asked Council to implement alternative 3.
9. Kevin Durkin, 3908 Seminary Road, spoke about traffic concerns on Seminary Rd.
10. Peter Carson, 3709 Templeton Place, spoke about traffic concerns on Seminary Rd.
11. Carolyn Griglione, 1416 N. Ivanhoe Street, spoke about traffic concerns on Seminary Rd.
12. Kathie Hoekstra, 1310 N. Chambliss Street, spoke about climate change.
13. Bert Ely, 200 S. Pitt Street, spoke about traffic and parking in Old Town.
14. Janice Grenadier, 15 West Spring Street, spoke about public corruption.
15. Greg Wilson, 130 Prince Street, spoke against the scooter pilot program.
16. Laurence Smallman, 5412 Eisenhower Ave., spoke about pedestrian safety on Van Dorn and Eisenhower.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3-6)

Planning Commission

3. Special Use Permit #2019-0013
340 South Pickett Street (Parcel Address: 300 South Pickett Street) - Get Air Alexandria
Public hearing and consideration of a request for a special use permit to operate an amusement enterprise; zoned: CDD #8/ Coordinated Development District #8. Applicant: Get Air Alexandria, LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated May 7, 2019, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/18/19 and is incorporated as part of this record by reference.)

4. Special Use Permit #2019-0014
190 South Whiting Street - Sunoco
Public hearing and consideration of a request for a special use permit to expand an existing automobile service station, for a zone transition setback modification, to add a convenience store, and for off premises alcohol sales; zoned: OCM(50)/Office Commercial Medium (50). Applicant: Sunoco, LLC, represented by M. Catharine Puskar, attorney

Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated May 7, 2019 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/18/19 and is incorporated as part of this record by reference.)

5. Special Use Permit #2019-0022
3703, 4127, 4129, & 4131 Mount Vernon Avenue, 3909 Bruce Street, 3700 Commonwealth Avenue, 3900 Richmond Highway, and 101 Dale Street Four Mile Run Park Improvements
Public hearing and consideration of a request for a special use permit for congregate recreational facilities including a new children's play apparatus area; zoned: POS/ Public Open Space and Community Recreation & CDD #7/ Coordinated Development District #7. Applicant: City of Alexandria, Department of Recreation, Parks, and Cultural Activities
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated May 7, 2019 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/18/19 and is incorporated as part of this record by reference.)

6. Development Special Use Permit #2019-0002
Special Use Permit #2019-0009
Transportation Management Plan Special Use Permit #2019-0008
802 & 808 North Washington Street - Towne Motel Extension
Public hearing and consideration of a request for a development special use permit and site plan to construct a hotel with an increase in floor area ratio up to 2.5; special use permits for a loading reduction, valet parking, and a Transportation Management Plan; and an extension in the period in which construction must be commenced under Section 11-418 of the Zoning Ordinance (amending DSUP #2015-0004); zoned: CD-X/ Commercial Downtown (Old Town North).
Applicant: Shakti, LLC., represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated May 7, 2019 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/18/19 and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved consent calendar items 4 and 5 as a block and approved docket items 3 and 6 under separate motions. The approvals were as follows:

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

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman

Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

3. Special Use Permit #2019-0013
340 South Pickett Street (Parcel Address: 300 South Pickett Street) - Get Air Alexandria
Public hearing and consideration of a request for a special use permit to operate an amusement enterprise; zoned: CDD #8/ Coordinated Development District #8.
Applicant: Get Air Alexandria, LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated May 7, 2019, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/18/19 and is incorporated as part of this record by reference.)

Ms. Horowitz, Principal Planner, Planning & Zoning (P&Z), and Ms. Miliaras, Principal Planner, P&Z, responded to questions from City Council concerning business hours.

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

1. Robert Brant, 2200 Clarendon Blvd., Suite 1300, Arlington, VA, attorney representing the applicant, spoke about the business hours.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council approved the Planning Commission recommendation with the deletion of condition 3. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

6. Development Special Use Permit #2019-0002
Special Use Permit #2019-0009
Transportation Management Plan Special Use Permit #2019-0008
802 & 808 North Washington Street - Towne Motel Extension
Public hearing and consideration of a request for a development special use permit and site plan to construct a hotel with an increase in floor area ratio up to 2.5; special use permits for a loading reduction, valet parking, and a Transportation Management Plan; and an extension in the period in which construction must be commenced under Section 11-418 of the Zoning Ordinance (amending DSUP #2015-0004); zoned: CD-X/ Commercial Downtown (Old Town North).
Applicant: Shakti, LLC., represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated May 7, 2019 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/18/19 and is incorporated as part of this record by reference.)

Mr. Dofflemyer, Civil Engineer IV, Transportation & Environmental Services; Ms. Miliaras, Principal Planner, Planning & Zoning (P&Z); Mr. Kerns, Division Chief, P&Z; and Mr. Moritz, Director, P&Z responded to questions from City Council about parking.

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

1. Bud Hart, 700 N. Fairfax St., representing the applicant, spoke in support of the item and responded to questions about the parking.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to condition 22 to state "to provide at least 33 parking spaces in underground garage". The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

6a. WMATA Summer Platform Improvement Project Update.

(A copy of the Planning Commission report dated May 14, 2019, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6a.; 5/18/19 and is incorporated as part of this record by reference.)

Mr. Lambert, Director, Transportation & Environmental Services (T&ES); and Mr. Hamed, TDM/TMP Coordinator, T&ES gave a presentation to City Council about the upcoming WMATA Platform Improvement Project and responded to questions about pedestrian safety, shuttle service times, and rider awareness about the shutdown.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

7. BAR #2019-00042 & BAR #2019-00043
Public hearing and consideration of an appeal of the Board of Architectural Review's (BAR) March 20, 2019 decision to approve a Permit to Partially Demolish & Capsulate and a Certificate of Appropriateness for alterations and an addition, and a Waiver of a Rooftop Mechanical Screening Requirement at 405 South Fairfax Street.
Applicant: David Osterndorf & Jennie Korth
Appellant: Various Appellants

(A copy of the BAR appeal application dated May 18, 2019, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/18/19 and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously City Council tabled item #7 indefinitely. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

8. Special Use Permit #2019-0016
4610 King Street, Unit A3 - Silver Diner
Public hearing and consideration of a request for a special use permit to operate a restaurant with outdoor dining; zoned: CRMU-H/ Commercial Residential Mixed Use (High). Applicant: Silver Diner Alexandria, LLC., represented by Duncan W. Blair, attorney

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission Report dated May 7, 2019, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/18/19 and is incorporated as part of this record by reference.)

Mr. Adelakun, Urban Planner, Planning & Zoning (P&Z); Ms. Contreras, Principal Planner, P&Z; Mr. Kerns, Division Chief, P&Z; and Mr. Moritz, Director, P&Z responded to questions about outdoor seating and the business operation hours from City Council.

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

1. Duncan Blair, 524 King Street, attorney representing Silver Diner Alexandria, LLC, spoke about outdoor dining and the business hours.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

A motion was made by Councilman Seifeldein to remove the language added by the Planning Commission to the final sentence in condition 8. The motion failed for lack of a second.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously City Council approved the planning commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

9. Rezoning #2019-0001
5001 Eisenhower Avenue - Victory Center
Public hearing and consideration of a request for an amendment to the official zoning map to change the zone of the eastern portion of the property at 5001 Eisenhower Avenue from OCM(100) to CRMU-H with proffers; zoned: OCM(100)/ Office commercial medium (100). Applicant: Stonebridge Acquisitions, LLC., represented by Kenneth W. Wire, attorney
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated May 7, 2019, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/18/19 and is incorporated as part of this record by reference.)

Mr. Smith, Urban Planner III, P&Z; Ms. Contreras, Principal Planner, P&Z; Mr. Moritz, Director, P&Z; Mr. Kerns Division Chief, P&Z responded to questions from Council.

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

1. Laurence Smallman, 5412 Eisenhower Ave., spoke about pedestrian safety and the speed limit on Eisenhower.
2. Douglas Firstenberg, 5403 Bradley Blvd., Bethesda, MD, representing Stoneridge

Acquisitions, LLC., spoke in support of the item.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker, and carried unanimously City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 3-2-192 to Provide a Performance Based Partial Real Estate Tax Abatement to Induce Economic Development at 5001 Eisenhower Avenue.

(A copy of the memorandum explaining the ordinance dated May 13, 2019 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 5/18/19 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 not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 10; 5/18/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Pepper and carried 7-0 by roll-call vote City Council approved the ordinance to amend section 3-2-192 to provide a performance based partial real estate tax abatement to induce economic development at 5001 Eisenhower Avenue. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5226

AN ORDINANCE to amend and reordain Section 3-2-192 (Eisenhower West Victory Center Redevelopment District) of Article M (Levy and Collection of Property Taxes) of Chapter 2 (TAXATION) of Title 3 (Finance, Taxation and Procurement) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-192 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the current section 3-2-192 and replacing it with the following:

Sec. 3-2-192 – 5001 Eisenhower Avenue Redevelopment District.

(a) District Defined: The 5001 Eisenhower Redevelopment District (the "District") is hereby created on the 9.1-acre area that will be subdivided from the current city tax map 068.04-01-05, 5001 Eisenhower Avenue to include the office building existing at 5001 Eisenhower Avenue ("Existing Office Building") and to be used for the leasing of office and related facilities.

(b) Effective Date: The start of the partial property tax exemption in the District will be the first January 1 after the first certificate of occupancy for 200,000 square feet of net rentable office space ("Initial Lease") is granted in the District. In the event that the applicable performance standards described in subsection (e) below are achieved in the first year following the issuance of the first certificate of occupancy, the abatement shall apply to the entire calendar year as though the performance standard was achieved on January 1 of such year. Each partial property tax exemption in the District shall be in effect for a 15-year period from the start of such partial property tax exemption until December 31 of the fifteenth year of such partial property tax exemption. However, notwithstanding any other provision of this ordinance, no partial property tax exemption in this District may be in effect after December 31, 2045.

(c) Tax Exemption Defined: The property tax exemption shall partially exempt real estate taxes due for the following:

(1) improvements to the Existing Office Building, up to an annual maximum of \$1,099,066 in exempted real estate taxes; and

(2) up to 250,000 square feet of related new non-residential structures such as, but not limited to, additional office buildings, data centers, meeting facilities, parking garage(s), retail facilities, or other functions constructed and outfitted to support the office building tenant or tenants, up to an annual maximum of \$1,000,000 in exempted real estate taxes. This support facilities partial real estate tax exemption is applicable whether or not the Office Building Improvement Performance Standard has been met.

(3) The annual assessed value of the land component and building component existing as of January 1, 2019 in the District, reflecting any increases or decreases in assessed value of said land and existing building component, shall remain fully taxable. The annual assessed value of the land component shall also reflect that of a finished developed lot with existing improvements.

(d) Annual Assessment: The real estate assessments for all land and buildings within the District shall be determined by the director of real estate assessments, and shall be established at fair full market value using the same principles, procedures, and timing of real estate assessments as that established for other similar taxable real estate in the city. The owner of land and improvements within the District shall have the same rights and taxable real estate in the city.

(e) Performance Standards Required: The tax exemption detailed in this article shall be dependent on the following required performance standards being met:

(1) Before any tax exemption may be awarded, an office tenant occupancy threshold level of at least 200,000 square feet of net rentable floor area in the Existing Office Building in the District ("Required Occupancy") must be achieved. If the Required Occupancy is not achieved, then no tax exemption shall apply, with the city then fully taxing all land, office building and other improvements in the district. For the purposes of determining whether or not the Required Occupancy threshold has been met, space leased for or by the federal government or other tenant(s) not able to be occupied by such tenants due to incidents such as fires, earthquakes, hurricanes, or other acts of god shall be considered leased and occupied space in the calculation of the 200,000 net rentable square foot occupancy threshold;

(2) Before the tax exemption applicable to the existing office building in (c)(1) herein may be awarded, non-residential improvements to the Existing Office Building including but not limited to land acquisition costs, hard construction costs and usual and customary soft costs in the amount of at least \$175,000,000 ("Office Building Improvements") to the Existing Office Building and to its interior;

(f) Before the tax exemption applicable to the non-residential support structures in (c)(2) herein shall be awarded, all existing above ground utilities along the frontage of the property designated as 5001 Eisenhower Avenue, city tax map 068.04-01-05 shall be undergrounded.

(g) Within 60 days of achieving any performance standard, the owner of the Existing Office Building ("Owner") shall certify to the Director of Finance for the City such Performance Standard has been met on a form designated by the Director of Finance. In the case of the Performance Standard described in (e)(2) herein, such certification shall include a clear breakdown of the costs allocated to improvements to and within the Existing Office Building and the costs related new facilities constructed to support the Existing Office Building. Upon receipt and review the certification, the Director of Finance shall determine if the applicable Performance Standard has been met, and the City Manager shall notify the Owner in writing of the city's determination of performance standard satisfaction. If no decision or response from the City is received within 30 days after the submission by the Owner, then the applicable performance standard shall be deemed to have been achieved, provided that the Required Occupancy is met.

(h) Covenant Running with the Land: The partial exemption of real property in the District shall be considered a covenant that shall run with the land in the District. These terms, conditions and mitations shall not be revoked during the 15-year period of the partial property tax exemption and shall control the real estate taxes with respect to this property irrespective of any change in the applicable city code.

(i) Conditions of Applicability of Partial Tax Exemption.

(1) In the event that the Existing Office Building or any related structures in the District are sold to the federal government or a federal government related entity prior to 20 years after the Effective Date of the either of the two potential property tax exemptions detailed in (c)(1) and (c)(2) of this Section, then the net present value of the foregone real property taxes which would otherwise have been due to federal government related entity, and the 20 years after the

Effective Date of the property tax exemption, would be due to the city at the time of the sale between the owner of the property and the federal government or a federal government related entity.

(2) For the purposes of calculating the net present value of forgone real estate taxes the following shall apply:

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

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

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

(3) In the event that neither of the two potential property tax exemptions detailed in (c)(1) and (c)(2) of this Section have started, then this requirement of payment of foregone real estate taxes does not apply.

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

Section 2. That Section 3-2-192 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

11. Development Special Use Permit #2019-0003
Transportation Management Plan Special Use Permit #2019-0025
Special Use Permit #2019-0026
2000 North Beauregard Street - 2000 Beauregard, LLC
Public hearing and consideration of requests for (A) a development special use permit with site plan, subdivision, and modifications to construct a multi-family residential building; (B) a special use permit for a Transportation Management Plan for Tier 2 (multi-family building); and (C) a special use permit for a coordinated sign program (amending DSUP #2017-00019); zoned: CDD #21/Coordinated Development District #21 (Beauregard Small Area Plan).
Applicant: 2000 Beauregard LLC, represented by Jonathan Rak, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the memorandum explaining the ordinance dated May 7, 2019 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 5/18/19 and is

incorporated as part of this record by reference.)

Ms. Brandt-Vorel, Urban Planner III, Planning & Zoning (P&Z); Ms. Contreras, Principal Planner, P&Z; Mr. Dofflemyer, Civil Engineer IV, Transportation & Environmental Services (T&ES); Mr. Kerns, Division Chief, P&Z; Mr. Skrabak, Deputy Director, T&ES, Mr. Moritz, Director, P&Z; and Ms. McIlvaine, Director, Office of Housing responded to questions from City Council about windows, balconies, and condominium conversion.

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

1. Peter Benavage, 5066 Fairbanks Ave., spoke about noise mitigation from balconies.
2. Jonathan Rak, 1750 Tysons Blvd., McLean, VA, attorney for the applicant, spoke in support of the project, and responded to questions about windows and balconies.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously City Council approved the Planning Commission recommendation with the following amendments:

The addition of 19(k)(iv), which states the following: "continue to work with staff to identify a design for the building windows which is consistent with the intent of the approved window design per DSUP #2017-0019."

Amendment to Condition 142, which states the following: "in the event the project converts to condominium use, the developer shall provide five (5) affordable set-aside for-sale units within the Development. The set-aside units will include 3 (three) one-bedroom units to be marketed and sold at \$175,000 and 2 (two) two-bedroom units to be marketed and sold at \$225,000, to households with incomes as designated by the City. These prices include at least one (1) parking space for each unit. The set-aside units shall be of the same size and floorplan and with the same finishes as other similar units in the Development. Should the City's for-sale price guidelines be revised prior to the project's delivery, the for-sale prices will reflect those IN EFFECT at the time of condominium conversion."

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

12. Development Special Use Permit #2018-0019
1200 North Quaker Lane (Parcel Address: 4200 West Braddock Road)-Episcopal High School Hoxton Field
Public hearing and consideration of a request for a development special use permit and site plan to permit the expansion of a private school for the construction of a new track and field and related athletic facilities (amending DSUP #2017-0021); zoned: R-20/

Single-family.

Applicant: The Protestant Episcopal High School in Virginia (EHS), represented by Duncan W. Blair, attorney

Planning Commission Action: Recommended Approval 7-0

(A copy of the memorandum explaining the ordinance dated May 7, 2019 is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 5/18/19 and is incorporated as part of this record by reference.)

Mr. Lucarelli, Urban Planner II, Planning & Zoning (P&Z); and Mr. Geratz, Principal Planner, P&Z gave a presentation to City Council and responded to questions about tree removal, traffic, and noted that the current tree buffer along Braddock Rd. will remain in place.

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

1. Duncan Blair, 524 King St., attorney for Protestant Episcopal High School, spoke in support of the item and responded to questions about parking, trees, and athletic fields.
2. D.E. Newland, 4009 West Braddock Rd., spoke about the tree buffer on Braddock Rd.

WHEREUPON, upon motion by Councilman Seifeldein, seconded by Councilwoman Pepper, and carried unanimously City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein, and carried unanimously City Council approved the Planning Commission recommendation; and directed Transportation & Environmental Services staff to provide City Council with an update on the use of the \$15,000 at a later date. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

ORDINANCES AND RESOLUTIONS

13. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section No. 2-181.1 (OUTDOOR DINING ENCLOSURE), Section No. 2-181.2 (OUTDOOR DINING FURNITURE), Section No. 2-181.3 (OUTLOT), Section No. 2-181.4 (PARCEL), and Section No. 2-181.5 (PARK) of Article No. II (DEFINITIONS) and Section No. 6-801 (PURPOSE), Section No. 6-805 (STANDARDS FOR OUTDOOR DINING), Section No. 6-806 (ADDITIONAL ENCROACHMENT REQUIREMENTS), and Section No. 6-807 (SECTION CONTROLLING) of Article No. VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0002 (Implementation Ordinance for Text Amendment No. 2018-0002 associated with the secured dining enclosures and practical updates for King Street outdoor dining approved by City Council on April 13, 2019).

(A copy of the 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. 13; 5/18/19, 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 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. 13; 5/18/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett- Parker and carried 7-0 by roll-call vote City Council adopted the ordinance to amend and reordain Section No. 2-181.1 (OUTDOOR DINING ENCLOSURE), Section No. 2-181.2 (OUTDOOR DINING FURNITURE), Section No. 2-181.3 (OUTLOT), Section No. 2-181.4 (PARCEL), and Section No. 2-181.5 (PARK) of Article No. II (DEFINITIONS) and Section No. 6-801 (PURPOSE), Section No. 6-805 (STANDARDS FOR OUTDOOR DINING), Section No. 6-806 (ADDITIONAL ENCROACHMENT REQUIREMENTS), and Section No. 6-807 (SECTION CONTROLLING) of Article No. VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0002. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5227

AN ORDINANCE to amend and reordain Section No. 2-181.1 (OUTDOOR DINING ENCLOSURE), Section No. 2-181.2 (OUTDOOR DINING FURNITURE), Section No. 2-181.3 (OUTLOT), Section No. 2-181.4 (PARCEL), and Section No. 2-181.5 (PARK) of Article No. II (DEFINITIONS) and Section No. 6-801 (PURPOSE), Section No. 6-805 (STANDARDS FOR OUTDOOR DINING), Section No. 6-806 (ADDITIONAL ENCROACHMENT REQUIREMENTS), and Section No. 6-807 (SECTION CONTROLLING) of Article No. VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0002.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0002, 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 April 2, 2019 of a text amendment to the Zoning Ordinance to adopt updates to the King Street outdoor dining overlay zone, including to allow the securing of outdoor dining enclosures, which recommendation was approved by the City Council at public hearing on April 13, 2019;

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 2-181.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

2-181.1 Outdoor dining enclosure.

Barriers surrounding a dining area which provide a clear separation between the approved dining area and pedestrian area.

Section 2. That Section 2-181.2 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

2-181.2 Outdoor dining furniture.

Any movable tables, chairs, planters, umbrellas or other components used for the outdoor dining. This does not include outdoor dining enclosures.

Section 3. That Section 2-181.3 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

2-181.3 Outlot.

Any unit of land that does not meet the requirements of section 11-1700.

Section 4. That Section 2-181.4 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-181.4 Parcel.

A unit of land of such size and dimensions that it may be divided into two or more lots in accordance with the requirements of the zone in which it is situated.

Section 5. That Section 2-181.4 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-181.5 Park.

A public area reserved for natural or artificial landscaping, which may include recreational facilities and structures.

Section 6. That Section 6-801 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-801 – Purpose.

The King Street Outdoor Dining Overlay Zone is intended to facilitate outdoor dining in Old Town in order to create an active street scape ~~streetscape~~, enhance the economic and social vitality of King Street, and promote pedestrian and retail friendly activity; to allow for the use of the public right of way right-of-way for such outdoor dining; and to expedite the approval of such

facilities while ensuring that the public's use of the sidewalks will not be significantly impaired by such dining, and that adjacent commercial and residential uses will be protected from any adverse impacts from such dining.

Section 7. That Section 6-805 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-805 - Standards for outdoor dining.

(C) If the outdoor dining area is in a location on the property that is not in the sidewalk area in front or on the side of the restaurant, it shall be reviewed to determine whether its location supports the purpose of the zone to create an active street scape streetscape and to protect residential areas from adverse impacts.

(F) In order to allow adequate pedestrian traffic areas and emergency access around outdoor dining areas, the following dimensional requirements must be observed:

- (1) At least five feet, or such additional space as the director deems necessary, of unobstructed corridor space must be maintained past the outside dining area for sidewalk pedestrian traffic in order to ensure a clear pedestrian passageway along the sidewalk. In locations where the sidewalk provides additional width or where there are fewer obstructions, the director may require more than five feet. In order to achieve a continuous pedestrian walkway, the pedestrian passageway shall be a straight line, parallel to the building face and the curb line, for the entire length of the dining area. The director may require additional measures that contribute to maintaining a straight and unobstructed pedestrian passageway along the entire block face.
- (2) A space at least 44 inches wide for unobstructed ingress/egress must be maintained between any restaurant doorway and the pedestrian traffic corridor.
- (3) Outdoor dining areas located near the sidewalk curb must leave at least two feet of unobstructed sidewalk depth between the curb and the outer dimension of the outdoor dining area.
- (4) An unobstructed clearance of five feet must be maintained between a fire hydrant and any outdoor dining furniture or enclosures, fixtures related to outdoor dining.
- (5) An unobstructed clearance of three feet must be maintained between a fire department connection and any outdoor dining furniture or enclosures.

(I) Tents or awnings are not permitted without obtaining a separate building permit. Table umbrellas are permitted if they do not have signs or advertisements on them, if the umbrellas are completely contained within the outdoor dining area, even when fully extended, and if the lowest dimension of the umbrella maintains a minimum vertical clearance of six feet, eight inches seven feet above the sidewalk to allow for patron and server circulation.

(K) Loudspeakers outside are prohibited on the frontage of the restaurant facing King Street, and amplified sounds from inside the restaurant must not be audible in any outside dining area on the public right-of-way.

(O) The design of the outdoor dining facilities which are visible from the public street or way, shall comply with the following:

- (1) All improvements (outdoor dining furniture and enclosures fixtures) used in an

outdoor dining area on the public right-of-way must be readily removable without damage to the surface of the public right-of-way.

- (2) An outdoor dining area within the public right-of-way shall be contained by sturdy barriers outdoor dining enclosures in conformity with City Standards. The City will, following issuance of the King Street Outdoor Dining permit, mark the corners of the approved outdoor dining area with conspicuous markers.
- (3) Permits must be obtained from the Department of Transportation and Environmental Services in order to penetrate the public sidewalk surface or install an outdoor dining enclosure which penetrates the public sidewalk. There shall be no penetration of the public sidewalk surfaces, except that the City will, following issuance of the permit, mark the corners of the approved outdoor dining area with conspicuous markers.
- (4) The design of the area shall comply with any Board of Architectural Review approved design guidelines. The Board's guidelines shall provide reasonably objective guidance as to acceptable colors, materials and related design standards.
- (5) Storage and removal of outdoor dining furniture and enclosures: Furniture and enclosures may not be stored on the public right-of-way for extended periods, and must be removed from the right-of-way daily when the restaurant is closed to the public, in accordance with Section-6-805(E), between the Monday before Thanksgiving and March 31 of the following calendar year.
 - (a) Between April 1 and the Sunday before Thanksgiving of the same calendar year, all outdoor dining furniture and enclosures may be stored on the public right-of-way daily when the restaurant is open or closed to the public.
 - (b) Between the Monday before Thanksgiving and March 31 of the following calendar year, all outdoor dining furniture and enclosures must be removed from the public right-of-way daily when the restaurant is closed to the public, in accordance with Section 6-805(E).
- (6) Tall tables and tall seating for tables shall not be permitted in the public right-of-way. As used in this [Section 6-805](#), a "tall table" is defined as any table with a table-top surface higher than 32 inches above the ground, and "tall seating" is defined as chairs, seats, stools, or benches designed or intended for use with tall tables.

Section 8. That Section 6-806 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-806. - Additional encroachment requirements.

(A) Any such encroachment shall be subject to and conditioned upon the restaurant maintaining a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest) and the City as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment. A policy of general liability insurance to establish and maintain the encroachment and operate a restaurant within the encroachment area shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment. liability insurance, with commercially reasonable limits and coverages, including for its operation within the encroachment area, and permission to establish and maintain the encroachment shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.

(C) The authorization granted by a permit approved under this [Section] 6-800 to establish and maintain the encroachment is not intended to constitute, and shall not 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 9. That Section 6-807 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-807. - Section Controlling.

In order to establish a uniform set of regulations for outdoor dining in the public right-of-way, the provisions of this Section 6-800 shall supersede supercede and preempt conflicting provisions applicable in the public right-of-way, which are included in any encroachment ordinance, special use permit or administrative permit approved prior to June 26, 2007; provided, however, that nothing in this Section 6-807 shall be deemed to reduce the approved number of seats, or to require the removal of any approved barrier permanently fixed or attached to the right-of-way, authorized by any such ordinance or permit.

Section 10. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 11. That Section No. 2-181.1, Section No. 2-181.2, Section No. 2-181.3, Section No. 2-181.4 (PARCEL), Section No. 2-181.5, Section No. 6-801 (PURPOSE), Section No. 6-805, Section No. 6-806, and Section No. 6-807, as amended pursuant to Sections 1 through 9 of this ordinance, be, and the same hereby are, 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.

14. 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 Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2019-0001 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 No. 2019-0001 associated with Landmark Mall approved by City Council on April 13, 2019).

(A copy of the 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. 14; 5/18/19, 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 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. 14; 5/18/19, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 7-0 by roll-call vote City Council closed the public hearing and approved the 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 Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2019-0001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment with the following amendments:

1. In the ordinance on page 1 line 37 the word "Can" shall be replaced with "Van".
2. On page 21 of the pdf labeled attachment 2 which is the new chapter 10, in the first sentence at the top of the page replace "as part of the CDD Approval(s)" with "prior to submittal of the first development special use permit." The sentence will now read: Neighborhood wide design standards for the public realm and buildings, including elements such as lighting, signage/wayfinding, public art, setbacks, building massing, articulation and other comparable features will be determined prior to submittal of the first development special use permit.

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5228

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 Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2019-0001 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. 2019-0001, 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 April 2, 2019 of an amendment to the Landmark/Van Dorn Chapter of the Master Plan of the City of Alexandria to update the Master Plan for the Landmark Neighborhood, which recommendation was approved by the City Council at public hearing on April 13, 2019;
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 Landmark/Van Dorn Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending Map 10 Landmark/Van Dorn Land Use and Map 16 Landmark/Van Dorn Height Limits and in the Landmark/Van Dorn Corridor Plan section; add a new Landmark Neighborhood Chapter 10; add the following notes to Chapters 1-9, that all references in Chapter 1-9 to the Landmark Mall site and High Street Bridge are superseded by Chapter 10, all references in Chapters 1-9 to City policies are superseded by current City policies in effect as amended (except with regard to stormwater management where the more stringent standard applies), all reference in Chapters 1-9 to the Landmark Mall site in relation to overall development totals and floor area ratio (FAR) as well as to the implementation of a single West End Town Center CDD are no longer applicable, and all references in Chapters 1-9 to developer contributions are superseded by the Eisenhower West/Landmark Van Dorn Developer Contribution Policy adopted by City Council on November 17, 2018, attached hereto and incorporated fully herein by reference, as a new chapter of the Master Plan of the City of Alexandria, Virginia.

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

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO CONSIDER, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Pepper and carried unanimously City Council adjourned the public hearing May 18, 2019 at 1:54 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none. Absent: none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Alexis Lacy Deputy City Clerk