

Docket Item #12
Planning Commission Public Hearing
March 2, 2021

Consideration of approval of the Planning Commission minutes of the Public Hearing meeting of March 2, 2021.

ALEXANDRIA PLANNING COMMISSION MEETING MINUTES – MARCH 2, 2021

*** * * M I N U T E S * * ***

ALEXANDRIA PLANNING COMMISSION

March 2, 2021, 7:00 p.m.

Electronic Public Hearing

Alexandria, Virginia

Members Present:

Nathan Macek, Chair
Melissa McMahan, Vice-Chair
David Brown
John Goebel
Stephen Koenig
Mindy Lyle
Vivian Ramirez

Members Absent:

None

Staff Present:

Karl W. Moritz	Department of Planning & Zoning
Christina Zechman-Brown	Office of the City Attorney
Nancy Williams	Department of Planning & Zoning
Anh Vu	Department of Planning & Zoning
Robert Kerns	Department of Planning & Zoning
Ann Horowitz	Department of Planning & Zoning
Tony LaColla	Department of Planning & Zoning
Sam Shelby	Department of Planning & Zoning
Jeffrey Farnier	Department of Planning & Zoning
Dirk Geratz	Department of Planning & Zoning
Alexa Powell	Department of Planning & Zoning
Abigail Harwell	Department of Planning & Zoning
Margaret Cooper	Department of Planning & Zoning
Maya Contreras	Department of Planning & Zoning
Jared Alves	Department of Planning & Zoning
William Cook	Department of Planning & Zoning
Ashley Labadie	Department of Planning & Zoning
Melanie Mason	Department of Transportation and Environmental Services
Bob Garbacz	Department of Transportation and Environmental Services
Khoa Dinh Tran	Department of Transportation and Environmental Services
Megan Oleynik	Department of Transportation and Environmental Services
Brian Dofflemyer	Department of Transportation and Environmental Services
Ryan Knight	Department of Transportation and Environmental Services
Alex Boulden	Department of Transportation and Environmental Services
LaTheasha Hinton	Department of Transportation and Environmental Services
Lalit Sharma	Department of Transportation and Environmental Services

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Julia Santure Office of Housing
Helen McIlvaine Office of Housing

1. Call to Order.
The Planning Commission Public Hearing was called to order at 7:00 p.m. All members were present at the call to order.

Chair Macek then read the following into the record:

“Due to the COVID-19 Pandemic emergency, the March 2, 2021 meeting of the Planning Commission and the March 13, 2021 meeting of the City Council are being held electronically pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on June 20, 2020 or Section 4-0.01(g) in HB29 and HB30, enacted by the 2020 Virginia General Assembly (Virginia Acts of Assembly Ch. 1283 and 1289), to undertake essential business. All of the members of the respective public bodies and staff are participating from remote locations through Zoom Webinar. These meetings are being held electronically, unless a determination is made that it is safe enough for the meetings to be held in person in the City Council Chamber at 301 King Street, Alexandria, VA. Electronic access will be provided in either event. The meetings can be accessed by the public through: Zoom hyperlink provided below, broadcasted live on the government channel 70, and streaming on the City’s website. This Public Hearing’s video and audio recordings will be available a few days after the meeting. Members of the public may also participate by phone.

URL: https://zoom.us/webinar/register/WN_5xC9PaxpSGWTK8P1yMIPZw

To dial-in to tonight’s meeting: 301-715-8592

For both dial-in participants and those accessing via Zoom, use the Webinar ID: 953 9081 6638

For both dial-in participants and those accessing via Zoom, use the password: 512830

Public Comment will be received at this Public Hearing. The public may make Public Comments through the conference call or Webinar functions. Public Comments which have been submitted to Planning & Zoning staff at PlanComm@alexandriava.gov prior to the Public Hearing have been received and added to the Docket as part of the official record for this Public Hearing. To address some virtual hearing etiquette that should be observed this evening, please remember to leave your microphone on mute and camera turned off when you are not speaking. In addition, before speaking, please remember to first identify yourself by first and last name. If you wish to speak on an item being heard this evening and have not already signed up to do so, please navigate to the Public

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Hearing Dockets' page of the City of Alexandria's website, select this evening's Planning Commission hearing, follow the "Sign Up to Speak" link, and fill out the Speaker Form that populates upon doing so. Once you have filled out a Speaker Form and are called upon to speak, please use the "Raise hand" function located on the Webinar taskbar so that staff is able to quickly identify which User needs to be unmuted in order to provide Public Comment. If you are calling in via telephone this evening, you will press "*9" to execute the "Raise hand".

2. **Election of Planning Commission Officers**

The Director of the Department of Planning & Zoning Karl Moritz opened the nominations for Chair of the Planning Commission.

On a nomination made by Commissioner Lyle, the Planning Commission unanimously voted to approve Nathan Macek as Chair for a period of one year.

Chair Macek indicated that he appreciates the support of the Planning Commission in his nomination for Chair. He then opened up nominations for Vice Chair.

On a nomination made by Commissioner Brown, the Planning Commission unanimously voted to approve Melissa McMahon as Vice Chair for a period of one year.

The Chair and Planning Commission congratulated Vice Chair McMahon.

CONSENT CALENDAR:

Chair Macek inquired as to whether there were any changes to tonight's docket. Staff responded stating there have been deferral requests received for Docket Items #10 and #11 for the April Docket. Commissioner Lyle then motioned to defer Docket Items #10 and #11. This motion was seconded by Vice Chair McMahon and was approved by the Planning Commission on a vote of 7-0.

Chair Macek inquired of staff if there would be an opportunity to provide feedback from the Planning Commission on the deferred Items before they return on the April docket. Department of Planning & Zoning Director Karl Moritz indicated staff would be happy to convey any feedback Planning Commissioners may have.

Chair Macek then requested a motion for the two Consent Items.

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3. Special Use Permit #2020-00105
4513 Duke Street
Public Hearing and consideration of a request for a Special Use Permit for a temporary trailer; zoned: CG/Commercial General.
Applicant: DHL Express, represented by Kelly Shepard Goodfriend, agent

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2020-00105, as submitted. The motion carried on a vote of 7-0.

4. Development Site Plan #2020-00027
4200 Eisenhower Avenue - Joseph Hensley Park Renovation
Public Hearing and consideration of a request for a Development Site Plan to renovate a City park with improved recreation fields and facilities, including a new bathroom building and increased parking; zoned: POS/Public Open Space and Community Recreation.
Applicant: City of Alexandria, represented by David Barlow, agent

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to approve Development Site Plan #2020-00027, as submitted. The motion carried on a vote of 7-0.

NEW BUSINESS:

5. City Charter Section 9.06 Case #2021-00001
Wales Alley, between South Union and Strand Streets
Public Hearing and consideration of a request for Planning Commission to review whether the proposed closure of Wales Alley, between South Union and Strand Streets, to vehicular traffic by the City of Alexandria is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter.
Applicant: City of Alexandria

The Planning Commission indicated that a presentation on this case was not required.

Katy North, Department of Transportation and Environmental Services, was assigned to the case and was available to answer any questions from the Planning Commission.

Speakers:
None.

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Discussion:

Chair Macek commented that he was pleased with the proposal, indicating that changes regarding Wales Alley were, at one point in time, a contentious topic.

PLANNING COMMISSION ACTION: On a motion by Commissioner Lyle, seconded by Commissioner Koenig, the Planning Commission voted to find the proposed closure of Wales Alley to vehicular traffic consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff's analysis.

6. Special Use Permit Review #2020-00041
26 Dove Street - M & B Auto Sales LLC, d/b/a Mid Atlantic Truck Center
Public Hearing and consideration for revocation of an automobile sales and repair Special Use Permit for violations of Special Use Permit conditions; zoned: OCM(50)/Office Commercial Medium(50)
Staff: City of Alexandria, Department of Planning & Zoning

Tony LaColla (P&Z) presented the case and answered questions from the Planning Commission.

Speakers:

Cynthia Cole, owner of Fontenelle Academy, an adjacent property, indicated support for revocation due to use of drugs, mob gatherings, speed limit infractions, obstruction of the right-of-way, burn outs, confrontations with patrons, and constant police activity at 26 Dove Street.

Ralph Badette, representative of Fontenelle Academy, indicated their business has lost clients due to the issues at 26 Dove Street. Mr. Badette spoke about a constant presence of police, upkeep issues, rodent issues, tire burn outs, and constant mob gatherings at 26 Dove Street.

Carey Meushaw, owner of 25 Dove Street, spoke in support of revocation. She indicated almost daily non-compliance with Special Use Permit (SUP) conditions and constant chaos including dozens of police calls. He indicated 26 Dove Street blocks the roadway continuously.

Yahya Yasini, an assistant at 26 Dove Street, indicated ongoing issues with the manager of the dealership but that the manager was no longer working on the property. Mr. Yasini indicated he tried to work with the neighbors to resolve issues, including bringing in a new manager. He requested a second chance to resolve the situation.

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Hamid Yasini, the SUP holder, indicated the manager, his nephew, was no longer working at the dealership. He indicated the manager was hanging out with the wrong crowd and bringing them to the place of business. Mr. Yasini stated he was not aware of SUP violations and citations and asked for time to resolve issues and another chance to achieve compliance.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion:

Commissioner Lyle asked the SUP holder who and how many people would be working at the dealership. The SUP holder indicated two of his brothers would be working at the dealership. Commissioner Lyle asked Division Chief Tony LaColla if there could be a plan to get the SUP holder in line with conditions if the SUP holder is given more time to meet such conditions. Mr. LaColla stated that, as a possibility, staff could work with the SUP holder on a letter of agreement which would outline actions to achieve compliance. Department of Planning & Zoning Director Karl Moritz indicated that if the Planning Commission would like to pursue that idea the Planning Commission could then make a recommendation to City Council to that effect.

Chair Macek inquired as to whether this Item could be deferred by the Planning Commission. Deputy City Attorney Christina Brown indicated that the City Council can revoke or suspend the SUP, but she does not know if a deferral option is available to the Planning Commission. As an alternative, she suggested that the Planning Commission recommend a course of action to the City Council, such as re-docketing the Item if there are no violations after a given period of time, so that there could be an ultimate decision on revocation. She added that in that case the Item would be re-docketed for Planning Commission with, again, the ultimate decision then made by the City Council.

Vice Chair McMahon expressed how difficult the case is due to the possibility of shutting down a business; however, she also added that the business has had months and months of opportunity to address the operational issues, but there are still many operational issues, and she is not sure they can be resolved even.

Commissioner Ramirez stated that all we can know is past behavior and, given the number of calls, she believes the right of enjoyment for surrounding property owners has been infringed upon and will continue to be infringed upon given the SUP holder has not shown any effort to rectify issues and improve the situation.

Commissioner Koenig stated that revoking an SUP is a serious consideration; however, he indicated there is a fundamental responsibility of the SUP holder to adhere to the SUP

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conditions. He expressed concern for the adjacent business owners and had reservations about providing additional flexibility or time for the SUP holder to improve the situation.

Commissioner Brown asked Mr. LaColla if anything new was presented by the SUP holder that would provide cause for reconsidering revocation. Mr. LaColla replied that there was no new information. Commissioner Brown indicated he supports the staff recommendation.

Chair Macek stated he does not take the staff recommendation lightly; however, he is comfortable supporting staff and concurs with his fellow Planning Commissioners given continued bad behavior by the business and non-payment of civil citations.

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to recommend revocation of Special Use Permit #2020-00041. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff's analysis.

7. Special Use Permit #2020-00102
711 Princess Street Public Hearing and consideration of a request for a Special Use Permit for indoor and outdoor live entertainment, a restaurant, and outdoor dining; zoned: CD/Commercial Downtown.
Applicant: Classical Movements, represented by Neeta Helms, agent

Ann Horowitz (P&Z) presented the case and answered questions from the Planning Commission.

Speakers:

Grace Cho, Silver Spring, Maryland, spoke in support of the request as she had performed at the applicant's outdoor concerts and could attest to the community benefits of live music performances.

Anna Bergman, 300 Queen Street, spoke in support of the application as a professional actor and singer who had attended the concerts. She stated that, especially during the pandemic, performers appreciated opportunities to perform and that the quality of live performances at Classical Movements benefitted the community, providing jobs for musicians.

Guy Lamolinara, 411 N. Columbus Street, spoke in opposition of the request as he could hear the outdoor concerts in his backyard and inside his house. In addition, he believed that off-street parking for the applicant's patrons was insufficient. In response to a question from Chair Macek about how the outdoor concerts depreciated his property, the

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speaker stated that he cannot comfortably use his backyard or rooms at the rear of his house during concerts or rehearsals.

James Ross, 4006 Javins Drive, spoke in support of the application. He noted his position as the Alexandria Symphony Orchestra music director and mentioned that Classical Movements was one of the few venues which offered outdoor concerts during the pandemic shutdown, also citing that the majority of classical musicians were unemployed.

George Hanson, 700 North Fairfax Street, #501, stated support of the application, mentioning his position as the executive director of Alexandria Symphony. He stated that Creative Movements creatively found a safe way to offer concerts in a small format setting.

Linda Bogaczyk, 328 North Columbus Street, spoke in support of the application, mentioning that she and several neighbors on her block attended and enjoyed the concerts.

Steve Davidson, 535 North Columbus Street, spoke in support of the application, noting the ambient noise level in the neighborhood is near 60 dB(A) and that he preferred to hear classical music playing in the neighborhood rather than street traffic.

William Cromley, 426 North Columbus Street, spoke in support of the Special Use Permit (SUP) request and expressed his hope that the Noise Ordinance could be amended. He believed that moving performances to Stage 2 would be a solution to reduce the sound level at the abutting North Columbus Street residences.

Neeta Helms, Johan van Zyl, and Sara Casar, representing the applicant, spoke in support of the application, presenting a comprehensive description of Classical Movements and the site, the economic challenges they face during the pandemic, the reasons for the SUP request and the difficulty in gathering support for the temporary Noise Variance Permit.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion:

Chair Macek indicated he thought a request for a Block Party Permit for a noise exception here was likely the wrong application and he found it frustrating at what the applicant has had to experience in trying to keep their business open during the pandemic. He also inquired about the need for consent from neighbors within 200 feet. Chair Macek asked if this same requirement is made in the case of events hosted at Carlyle House. Staff indicated that Carlyle House has not requested a temporary Noise

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Variance Permit of which those staff at this hearing are aware. Staff further indicated that the City has not received a known complaint relative to Carlyle House, and staff also indicated that this case entails paid concerts and that is a zoning issue. Staff indicated that normally the City would not issue a temporary Noise Variance Permit for a concert on private property but, in this case, staff was trying to be accommodating so the applicant could continue to do what they are doing as they pursued the SUP process. Chair Macek further questioned staff on the process for Office of Historic Alexandria (OHA) special events and why the same process for OHA events was not available to the applicant. Staff explained that one-time special events are subject to City contractual agreements with individual parties as they occur on City property. Chair Macek also inquired about the difference between the noise that would be permitted because it is subordinate to outdoor dining at a restaurant verses the noise that would be permitted because it would be a concert. Staff indicated that background music at restaurants with outdoor dining has not elicited noise complaints.

Commissioner Lyle asked staff for the status of the planned Noise Ordinance amendments and what is anticipated to change. Staff replied that it is presenting draft options to the City Manager, and parts of the Noise Ordinance could possibly be ready for public review in the spring. Staff added that potential changes could include raising the noise limits at property lines for commercial uses during the daytime from 60 to 65 dB(A) and revising enforcement options, but the latter is also a resource question. Commissioner Lyle indicated that Alexandria prides itself as an arts-friendly City and this business is an arts-related business. She indicated that this is a business that has been part of the fabric of the community for years. She pointed out that concessions made to help keep other businesses alive have been important, and she indicated that it is important to help this business as well. She said that the monthly performances should not be limited. She expressed support for the application request and said that she will be making some suggested condition amendments.

Vice Chair McMahon asked staff if City Code Section 11-5-7 and the three-year term for a temporary Noise Variance Permit could apply to the business request for outdoor live entertainment. Staff replied that the temporary Noise Variance Permit would not apply for a regular schedule of outdoor concerts. The temporary Noise Variance Permit is for single special events or for unusual circumstances that result in unexpected noise level, which requires time to remedy. Nonetheless, staff made available this permit option to the applicant for a limited series of concerts between December and March as a trial where staff would have taken actual decibel measurements. Vice Chair McMahon believed that the COVID-19 pandemic could be considered an unusual circumstance that would qualify the applicant to be eligible for a temporary Noise Variance Permit. Vice Chair McMahon questioned the applicant as to whether the business intends to permanently hold outdoor concerts and events. The applicant said they would like to hold the concerts for at least this year and might want to do at least a summer series when the

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business resumes its primary focus, as a travelling concert organizer, after pandemic conditions ease. Vice Chair McMahon asked if the applicant considered sound mitigation measures, and the applicant responded that they would consider the installation of sound barriers and evergreens along the fence. Vice Chair McMahon stated that she would support the SUP application and suggested that the temporary Noise Variance Permit should be pursued in tandem with the SUP.

Commissioner Brown confirmed with staff that the applicant would need to comply with the Noise Ordinance and would be subject to zoning violations if it failed to comply. He asked if the applicant would object to a 12-month review of its SUP. The applicant stated the business would not object. Also, Commissioner Brown asked if they have objections to prohibiting outdoor rehearsals, and the applicant replied that it would be difficult to do rehearsal internally due the pandemic, but outdoor rehearsals are not done, just sound checks. When asked if the applicant would limit the number of performances to four per month and to the time limits described, the applicant indicated that the limitations would be hard, but they would follow the City's decision. To his question of whether they could limit performers to Stage 2, the applicant replied that they are willing to have as many concerts on Stage 2 as possible but, in some instances, Stage 1 is preferable. Commissioner Brown stated his support for the SUP request, noting that an issue with the concerts could not be determined unless they take place. If issues arise, violation citations will be issued, and the Director of Planning & Zoning could choose to docket the case in 12 months as stated in Condition #23. He indicated he appreciates staff's effort to determine whether there will be an ongoing violation of the Noise Ordinance.

Commissioner Koenig asked staff if limiting performances to Stage 1 or to Stage 2 would lessen impacts. Staff replied that, although music generating from Stage 2 would reduce noise impacts on the North Columbus Street residences, decibel level estimates would still exceed 60. Commissioner Koenig suggested exploring a temporary Noise Variance Permit option in conjunction with the SUP, so the applicant would not be subject to the Noise Ordinance standard of 60 decibels. Commissioner Koenig agreed with his fellow Commissioners' reasons for support of the application and for the 12-month review, and he expressed support for the application.

Chair Macek asked staff for the noise definition and staff responded that it is the sound level as measured at the property line. Staff indicated that because this a commercial property the decibel level is 60 at the property line; for residential use it is 55 decibels and for industrial use it is 70 decibels. He inquired why staff did not accommodate instances such as this request with a waiver similar to the waivers of City regulations which the City has designed to assist businesses as part of the pandemic emergency. As an example, he indicated that such waivers pertain to modifications of regulations for on-street parking, use of parking lots for outdoor dining and deliveries for restaurants. Staff replied that the City has more flexibility with regulations in the Zoning Ordinance as

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opposed to those which rest in the City Code such as the Noise Ordinance. Additionally, staff indicated that noise complaints are one of the most frequent complaints the City receives; thus, staff prohibited noise at all temporary outdoor dining expansions approved during the pandemic. Department of Planning & Zoning Director Moritz added that temporary outdoor dining in parking lots and parking spaces did not result in an impact as the staff did do an analysis and found that the pandemic dramatically reduced parking demand. Chair Macek expressed belief that the City could have done a better job to accommodate the applicant during the pandemic by avoiding delays in handling their request for assistance and in distributing correct guidance. He indicated that he would have liked this business to have been accommodated like other businesses have been accommodated during the pandemic emergency. Chair Macek concluded his comments stating that the Noise Ordinance must be amended, as it doesn't reflect modern realities and suggested that the Planning Commission send correspondence with this position to the City Council. He expressed support for the SUP request.

PLANNING COMMISSION ACTION: On a motion by Commissioner Lyle, seconded by Vice Chair McMahan, the Planning Commission voted to recommend approval of Special Use Permit #2020-00102, with the following amendments to Conditions #2, #3, #10, #24, and #25, as well as the deletion of Condition #9. The motion carried on a vote of 7-0.

2. **CONDITION AMENDED BY PLANNING COMMISSION:** *Indoor live entertainment, restaurant and outdoor dining are permitted ~~on Saturdays and Sundays~~ daily, between 10 a.m. and 10 p.m. All patrons must leave the premises at 10 p.m. (P&Z) (PC)*
3. **CONDITION AMENDED BY PLANNING COMMISSION:** *The maximum number of indoor seats for the indoor live entertainment and the restaurant uses shall comply with the Virginia Uniform Statewide building code. (P&Z) (PC)*
9. **CONDITION DELETED BY PLANNING COMMISSION:** *~~Unamplified, outdoor, limited live entertainment, serving only as background music for outdoor dining special events and consisting of one musician, may be offered and must comply with the City's noise ordinance. No admission or cover fee may be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. (P&Z) (PC)~~*
10. **CONDITION AMENDED BY PLANNING COMMISSION:** *The indoor live entertainment, restaurant and outdoor dining uses ~~must comply with the city's noise ordinance~~. No indoor amplified sound shall be audible at the property line after 10:00 p.m. (T&ES) (PC)*
24. **CONDITION AMENDED BY PLANNING COMMISSION:** *The maximum number of outdoor seats for live entertainment shall comply with the Virginia*

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Uniform Statewide building code. be 50. City Council approval is required for an SUP amendment to increase outdoor seating over 50 for live entertainment. (P&Z) (PC)

25. **CONDITION AMENDED BY PLANNING COMMISSION:** *Outdoor live entertainment is permitted on Friday and Saturdays between 10 a.m. and 9 p.m. and Sundays through Thursday between 10 a.m. and 8 p.m. (P&Z) (PC)*

Staff indicated that Condition #23 provides for a 12-month review already. Staff also agreed that the discussion is clear as to the changes requested to the conditions. Chair Macek inquired about the willingness of the Planning Commission to generate a letter regarding the Noise Ordinance to the City Council that he referenced earlier; he said the Planning Commission can circle back to that question later in tonight's meeting.

Reason: The Planning Commission disagreed with the staff analysis regarding a recommendation for denial for outdoor live entertainment. It generally agreed with the staff analysis, with condition amendments, for the recommendation of approval for restaurant, outdoor dining and indoor live entertainment uses.

8. Special Use Permit #2021-00001
Riparian Area Adjacent to 1A Prince Street - Tall Ship Providence Pier
Public Hearing and consideration of a request for a Special Use Permit for the docking and berthing of a historic ship and privately owned public use buildings connected with the historic ship (amending SUP2019-00113 to decrease the size of the pier and buildings); zoned: WPR/Waterfront Park and Recreation.
Applicant: Tall Ship Providence Foundation, represented by M. Catharine Puskar, attorney

The Planning Commission indicated that a presentation was not required on this case.

Abigail Harwell (P&Z) was assigned to the case and was available to answer questions from the Planning Commission.

Vice Chair McMahon inquired as to whether staff is in concurrence with the request for the change to Condition #2 in order to clarify possible Building Code requirements, and staff confirmed that it is in concurrence.

Chair Macek indicated that he made a small donation to the Tall Ship Providence in the past, but he does not believe it precludes him from voting on this Item.

Chair Macek referenced Condition #12 relative to the sale of alcoholic beverages. He inquired as to the types of events at which alcoholic beverages would be allowed. Staff indicated that alcohol would be allowed on the ship and for events on the barge.

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Chair Macek also pointed out a clerical error in Condition #26 and staff agreed that it should be removed.

Speakers:

Cathy Puskar of Walsh, Colucci, Lubeley & Walsh, P.C., project attorney, spoke in support of the case. Ms. Puskar noted the applicant's request in a communication to add language to Condition #2 in order to clarify possible Building Code requirements for the inclusion of bathrooms onsite. Additionally, in response to a question from Chair Macek, Ms. Puskar confirmed that alcohol sales may be associated with private events on the barge and on the ship but will not be sold as part of the retail shop.

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion:

N/A

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Special Use Permit #2021-00001, with the following amendment to Condition #2 and the clerical change to Condition #26. The motion carried on a vote of 7-0.

2. CONDITION AMENDED BY THE PLANNING COMMISSION: *The location, design and materials of the floating pier, gangway and two cottages shall be consistent with the SUP application materials presented to the City Council, to the satisfaction of the Director of Planning and Zoning. Necessary modifications to address state or federal requirements may be permitted, subject to review and approval by P&Z and T&ES. If necessary to meeting Building Code requirements, Cottage 1 may be shifted east by approximately five (5) feet and up to an additional sixty (60) square feet may be added to its footprint to provide for accessible restrooms. (P&Z) (PC)*

Reason: The Planning Commission agreed with the staff analysis and is supportive of the project. The Planning Commission revised Condition #2, per the applicant's request to address Building Code requirements for accessible restrooms on the floating barge, and the clerical change for Condition #26.

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9. Special Use Permit #2020-00100
109 Stewart Avenue
Public Hearing and consideration of a request for a Special Use Permit for the construction of a single-family dwelling on a developed substandard lot; zoned: R-2-5/Single-and two-family.
Applicant: Kyle Smith, represented by Ram Pradhan, agent

The Planning Commission indicated that a presentation was not required for this case.

Alexa Powell (P&Z) was assigned to the case and was available to answer questions from the Planning Commission.

Speakers:

None.

Discussion:

Commissioner Brown added comments based on his experience on the Infill Task Force. First, he indicated he believes this is the type of project that fulfills the goals intended by the infill regulations from a technical perspective. However, Commissioner Brown did express concern that he believes the house was purchased for speculative redevelopment and the existing one-story bungalow was from all outward appearances otherwise habitable. More specifically he was apprehensive about the gradual increase in the size of homes on the street and more broadly in the Del Ray neighborhood. While he does not feel things are working out exactly the way he had hoped with the regard to the infill regulations, he acknowledged that there was little the Zoning Ordinance could do to change the market forces that are driving this growth. Nevertheless, Commissioner Brown indicated his support for this project.

Chair Macek acknowledged the applicant for seeking the guidance of the Del Ray Pattern book to inform the design of the new house and, while this will be a new home, he stated the home will mirror the vernacular architecture of the period found in this neighborhood.

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahon, seconded by Commissioner Koenig, the Planning Commission voted to recommend approval of Special Use Permit #2020-00100, as submitted. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with the staff analysis.

10. **The applicant has requested for a deferral of this Item.**

Special Use Permit #2020-00108

7 West Walnut Street

Public Hearing and consideration of a request for a Special Use Permit for the construction of a single-family dwelling on a developed substandard lot with lot modifications; zoned: R-5/Single-family.

Applicant: Edgardo Maravi

PLANNING COMMISSION ACTION: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to defer Special Use Permit #2020-00108. The motion carried on a vote of 7-0.

11. **The applicant has requested for a deferral of this Item.**

Subdivision #2020-00009

506 North Overlook Drive

Public Hearing and consideration of a request for a Subdivision to re-subdivide two existing lots; zoned; R-8/Single-family.

Applicant: JS Investment LLC, represented by Zachary Williams, attorney

PLANNING COMMISSION ACTION: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to defer Subdivision #2020-00009. The motion carried on a vote of 7-0.

12. Development Special Use Permit #2020-10035

Transportation Management Plan Special Use Permit #2020-00075

4901 Eisenhower Avenue - Tri Pointe Homes

Public Hearing and consideration of a request for: (A) a Development Special Use Permit and site plan with modifications to construct 139 townhouse and multifamily units, including a Special Use Permit for a parking reduction; (B) a Transportation Management Plan Special Use Permit for Tier 2; and for all other relief required of the City of Alexandria Zoning Ordinance; zoned: CRMU-H/Commercial Residential Mixed Use (High), with proffers.

Applicant: Tri Pointe Homes DC Metro, Inc., represented by Mary Catherine Gibbs, attorney

Commissioner Ramirez and Commissioner Goebel recused themselves from consideration of this Docket Item.

The Planning Commission indicated that a presentation was not required on this case.

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Jared Alves (P&Z) was the assigned staff and was available to answer questions from the Planning Commission.

Speakers:

Mary Catherine Gibbs, Wire Gill, LLP, project attorney, spoke in support of the development stating that the applicant has been working on it for a year and is very excited to get the project going in this area of Alexandria. She indicated, in response to an earlier inquiry she received from Commissioner Brown, that she does not believe this project will do anything to impede the goals of the Eisenhower West Small Area Plan (SAP) stating that she believes it, being a townhouse development, will fit right in.

Vice McMahon asked about a statement from Ken Notis on behalf of the Alexandria Bicycle and Pedestrian Advisory Committee that suggests any definition of open space contributions include Backlick Run Trail. She inquired as to whether the suggestion can be addressed in Condition #108 as it has been referenced in the staff report. There was concurrence by the applicant to do so.

On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 5-0, with Commissioners Goebel and Ramirez recusing themselves.

Discussion:

Commissioner Lyle agreed that the project aligns with the Eisenhower West Small Area Plan (SAP), particularly the step down in height from the taller Victory Center building to the townhouses. She indicated the open space contribution should go towards improving connections for bicyclists and pedestrians, to resource protection areas, or to restrooms at Armistead Boothe Park. She does not want to see the contribution used for sports fields.

Commissioner Brown expressed his belief that the project is not a perfect fit to the SAP but found that staff worked with the applicant to design a project that meets the SAP as well as possible. He noted that the applicant has sited the tallest buildings (i.e., the back-to-back ones) to face Eisenhower Avenue and that the SAP leaves an appropriate distance between the much taller Victory Center building and the townhomes. Finally, he said that the townhomes complement the Exchange at Van Dorn residences on the opposite side of Eisenhower Avenue.

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Development Special Use Permit #2020-10035 and Transportation Management Plan Special Use Permit #2020-00075, with the following amendment to

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Condition #108. The motion carried on a vote of 5-0, with Commissioner Goebel and Commissioner Ramirez recusing themselves.

108. CONDITION AMENDED BY PLANNING COMMISSION: Pursuant to the proffered conditions of Rezoning #2019-0001, applicant shall provide a voluntary contribution of \$8 per square foot for the 4.3% (SQ feet) of open space not being contributed. The voluntary contribution will be allocated toward infrastructure or programmatic improvements at Armistead Boothe Park, Backlick Run (including extension of the Backlick Run Trail west to Van Dorn Street and to Fairfax County), or for open space improvements within the Small Area Plan. The contribution shall be provided to the City and deposited into a designated account prior to release of the final site plan. (P&Z) (RP&CA) (PC) *

Reason: The Planning Commission agreed with the staff analysis. The Planning Commission also revised Condition #108 to align with comments received from the public about how best to use the monetary contribution for off-site open space.

13. Master Plan Amendment #2020-00006
Coordinated Development District Concept Plan Amendment #2020-00005
Development Special Use Permit #2019-00017
Transportation Management Plan Special Use Permit #2021-00005
5143, 5165, 5173, and 5183 Seminary Road; 5066, 5105, 5106, 5115, 5118, 5121, and 5129 Fairbanks Avenue; 2618, 2623, 2627, 2638, 2641 2648 and 2658 Foster Avenue - Upland Park
Public Hearing and consideration of requests for: (A) an amendment to the Beauregard Small Area Plan chapter of the Master Plan to amend the framework streets map; (B) amendment to previously approved Coordinated Development District #21 Conceptual Design Plan to amend the Upland Park Neighborhood Development Summary to decrease the number of multifamily units from 505 to 443 and increase the number of townhouse units from 30 to 92 (amending CDD#2012-00003); (C) Development Special Use Permit and site plan, with subdivision to construct 92 townhomes and park space, including Special Use Permits to construct a building on a parcel without frontage on a public street and to allow more than eight dwelling units in a single townhouse structure; and (D) a Special Use Permit for a Transportation Management Plan; zoned: CDD #21/Coordinated Development District #21 (Beauregard).
Applicants: Alexandria Development Associates, LLC, represented by Kenneth W. Wire, attorney; City of Alexandria (Master Plan)

The Planning Commission indicated that a presentation was not required for this case.

William Cook (P&Z) was assigned to the case and was available to answer questions from the Planning Commission.

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Speakers:

Mr. Ken Wire, WireGill, project attorney, spoke in support of the development. He indicated that the applicant held great community meetings and the applicant agrees with the staff conditions.

Mr. Pete Benavage, 5066 Fairbanks Avenue, spoke on his own behalf, in support of the project and its conformance to the Beauregard Small Area Plan (SAP) and Consolidated Development District #21. He noted the number of projects that this project aligns with and indicated that he has been working with the team for a long time to bring it to fruition.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.

Discussion:

Commissioner Brown stated that he had thoughts about the project that he would provide as written comments under separate cover for the public record. However, he indicated none of them would change his support of the project. He did highlight concern about loss of tree canopy.

Chair Macek commended the applicant for their diligence in pursuing the project from the initial SAP and expressed his support of the project. He noted that he is not convinced that the Ellipse is still needed, and a better solution may be more appropriate, in terms of traffic control.

PLANNING COMMISSION ACTION: On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to initiate Master Plan Amendment #2020-00006. The motion carried on a vote of 7-0.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission, the Planning Commission voted to adopt a resolution to recommend approval of Master Plan Amendment #2020-00006, as submitted. The motion carried on a vote of 7-0.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Coordinated Development District Concept Plan Amendment #2020-00005, as submitted. The motion carried on a vote of 7-0.

On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of Development Special Use Permit #2019-

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00017 and Transportation Management Plan Special Use Permit #2021-00005, as submitted. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with staff analysis.

14. Public Hearing and consideration of a request for the Planning Commission to adopt a resolution to set its meeting schedule and establish continuation dates for meetings.
Staff: City of Alexandria, Department of Planning & Zoning

Discussion:

Chair Macek mentioned he had requested that staff amend the Resolution to include prospective Planning Commission hearing dates as far into FY 2022 as possible.

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahan, seconded by Commissioner Brown, the Planning Commission voted to adopt the resolution, as amended. The motion carried on a vote of 7-0.

OTHER BUSINESS:

15. Commissioners' Reports, Comments, and Questions.

Chair Macek asked if there would be any objections of providing a simple letter to City Council, on behalf of the Planning Commission, to articulate the Planning Commission's position on the existing Noise Ordinance. He said he and Vice Chair McMahan could collaborate on it. Commissioner Lyle and Vice Chair McMahan stated their agreement that sending such a simple letter to City Council was a good idea.

Commissioner Koenig reported that progress regarding the Potomac Yard Metro Station is moving along according to schedule. In addition, Commissioner Koenig expressed his appreciation to Chair Macek, City staff, and the members of the Environmental Policy Commission regarding their recent Joint Work Session and remarked how fruitful he found the discussion to be. Chair Macek agreed that he found the Joint Work Session to have been productive.

Commissioner Lyle reported that the Landmark/Van Dorn-Eisenhower West Advisory Group would hold their next meeting on March 25 on the topic of affordable housing and sustainability. Subsequently, another meeting is to be held on April 13 on the topics of traffic, transit hubs and pedestrian and bicycle connections. Finally, a third meeting will take place on April 28 to address any outstanding issues in order to prepare for Public Hearings.

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Commissioner Ramirez indicated that as a member of the High School Project Committee she has received a survey regarding the Minnie Howard design and that there would be a community meeting on the topic on March 16.

Vice Chair McMahon then stated that the Upland Park proposal discussed tonight poses an ongoing challenge in that tree canopy goals and objectives, which we are trying to achieve, could potentially be in conflict with the area's future as a transit corridor. She indicated that she would like to see a concrete plan for how the loss of trees as part of the Beauregard Small Area Plan can be reconciled. Commissioner Brown mentioned he would be following up with his thoughts on this topic.

Director of Planning & Zoning, Karl Moritz, extended a reminder to the Planning Commission to alert staff if they are available for a Work Session prior to the Planning Commission hearing scheduled for April 8.

MINUTES:

16. Consideration of the minutes from the February 2, 2021 Planning Commission meeting.

PLANNING COMMISSION ACTION: On a motion by Vice Chair McMahon, seconded by Commissioner Lyle, the Planning Commission voted to approve the minutes of February 2, 2021, as submitted. The motion carried on a vote of 7-0.

17. ADJOURNMENT

The Planning Commission Public Hearing was adjourned at 11:22 p.m.