

City of Alexandria

*301 King St., Room 2400
Alexandria, VA 22314*



Action Docket - Final

Saturday, October 18, 2014

9:30 AM

Council Chambers

City Council Public Hearing

OPENING

1 Calling the Roll.

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

2 Public Discussion Period.

[No more than 30 minutes. This period is restricted to items not listed on the docket.]

The following persons spoke:

1. Bert Ely, 200 S. Pitt Street, speaking on behalf of Friends of the Alexandria Waterfront, spoke of the construction of the hotel Carr City Centers plans to build at Duke and S. Union Street, and the manner in which debris from demolishing the old Art League building will be removed from the site and the removal of the contaminated soil during excavation of the property through historic homes in Old Town. He said the alternate way to remove the soil is by barge and it is upsetting that Carr has rejected the barging option without providing reason for doing so. Mr. Ely asked that City staff explore the trucking versus barge trade-offs before granting hauling permits to Carr.

2. Gary Carr, 216 Aspen Street, spoke of the five African-American citizens who were refused a public library card at the Alexandria Queen Street Library 75 years ago and were arrested, noting that a year later a black library was opened, and the Queen Street library would not be integrated for two more decades. He also spoke of the integration of the public schools in Virginia and Alexandria. Mr. Carr spoke in support of restoring the running track at George Washington Middle School, noting that no other school in the City has a running track worse than the one at GW Middle School. Mr. Carr said there is no place in the City to run in the evening.

3. Michael Johnson, 5180 Brawner Place, president of the Cameron Station Homeowners Association, and vice president of the Cameron Station Civic Association, thanked Council for the renovation of Boothe Park. He said many people believe that a good next step would be to renovate Ewald Park, at Duke Street and Jordan Street, as it serves a different area of the West End and would be used much like Ben Brenman Park.

4. Van Van Fleet, 26 Wolfe Street, speaking as president, Old Town Civic Association, said OTCA endorses Bert Ely's comments on the Carr City Centers hotel. Mr. Van Fleet spoke of the sorry history of the architectural model illustrating the waterfront small area plan, noting that it is a sore point with those who live in the Old and Historic District. All during consideration of the waterfront plan, the model was used as a central figure illustrating the proposal, reassuring all the concerned appropriateness of the plan, the restraint and responsible scale of the elements, and its protections against unwarranted or unnecessary damage to the historic fabric and

context of the Old and Historic District. The model was used in discussion of the plan, and the model was incorporated by reference once the waterfront plan was adopted in January 2012, at the request of the Old Town Civic Association and on the recommendation of the City Manager and Planning Department. Mr. Van Fleet said that once the plan was adopted, it turned out that the model provided far less protection and assurance than the public was told, and the model may have been grossly misrepresented the mass and scale of the buildings that would be permitted under the text of the Zoning Ordinance that is illustrated and the complexity of those buildings within the historical and residential context of Old Town. The model is being ignored in the implementation of the plan. He said that when considering any of the new developments on the waterfront, to please compare what is displayed in the model by what is actually being considered, as they will be shocked.

5. Annabelle Fisher, 5001 Seminary Road, said she is the former chair of the Landlord-Tenant Relations Board, and she said Council now cares about renters, but in the past, the focus was on homeownership and not renters. She said there will never be rent control in Virginia. She said the suggestion has been made that the majority of the Police Department should live in Alexandria, but it is too expensive for them to do that, and if this is what they want, then Council must increase the Police Officers salary. She spoke of the salaries of the City Manager and senior staff members and said public safety is more important. She proposed to eliminate the Landlord-Tenant Board, as they have no power as it relates to rent increases or other matters related to renters, so those renters who are having problems should be handled by the Human Rights Commission or by the Office of Housing. Ms. Fisher said it should be part of the legislative package to Richmond, eliminate the Landlord-Tenant Board, attempt to make rent increases fair, so that she, one person living in a one-bedroom and two people living in a one-bedroom would pay a little more.

6. Bob Wood, 711 Potomac Street, spoke of the development of Forbes Landing and Backyard Boats, with the pile drivers, trucks and construction. Mr. Wood said the idea of a coordinated activity or a planning district, as it is Robinson Terminal south and the Old Dominion Boat Club, the Olin Construction and park setting, and Carr, and if it takes it on one project at a time, each developer will have a reason why it won't work on this development, but if it takes development as a whole and they have a coordinated activity such that the citizens are not the only unrepresented entity. He said the barges would work wonderfully well off the pier at Robinson Terminal South, but that would take two developers having to talk to each other and coordinate activities. He said Council has the great ability to manage that function. Mr. Wood said every one of the developments has valuable turf and history that they could themselves help preserve and highlight.

7. Dak Hardwick, 5181 Brawner Place, speaking as vice chair of the government relations committee of the Alexandria Chamber of Commerce, and a member of the executive committee, said that two weeks ago, the Chamber released its 2015 legislative agenda, and it was the result of an entire summer of work by the government relations committee, which received unanimous endorsement by the government relations committee and the entire Chamber of Commerce board of directors. He said the overall goal for the Chamber's economic development is a one plus five approach, the overarching goal being economic development, but there are five sub-goals and tasks that they need to look at to see the economic development: transportation, land use, focus on small businesses, budget and taxes and taxation. Mr. Hardwick thanked the City for its partnership with the Alexandria Chamber for the upcoming business competitiveness summit they are doing on November 3 at the Westin Hotel.

8. Barbara Saperstone, 100 1/2 Duke Street, said she is one house off the corner of where the construction for the new hotel will be built and has two concerns regarding construction. The first is the potential construction damage that may occur to their home, both externally and internally. While Carr told them they would use seismic devices, they did not say what they would do if the monitoring devices indicated they were creating too much disturbance, or if they would take responsibility for any structural damage that might occur to their homes. Ms. Saperstone said she did not see anything in the letter from the Director of Communications about the construction and demolition of the hotel about protection to the homeowners. She asked that the City require Clark Construction, the likely builder of the hotel, to post a substantial bond to ensure that homeowners and others be adequately compensated. She said their second concern was the removal of the debris and contaminated soil has been addressed.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-6)

Planning Commission

- 3 [14-3260](#) Special Use Permit #2014-0077
207 King Street - Sonoma Cellar (Parcel Address: 205 King Street)
Public Hearing and Consideration of a request to operate a restaurant; zoned KR/King Street Retail. Applicant: Sonoma Cellar LLC
Planning Commission Action: Recommend Approval 7-0
- 4 [14-3261](#) Special Use Permit #2014-0078
2700 Witter Drive - Witter Athletic Field
Public Hearing and Consideration of a request to allow athletic safety netting and associated structures to increase to 30 feet in height; zoned POS/Public Open Space. Applicant: City of Alexandria Department of Recreation, Parks, and Cultural Activities
Planning Commission Action: Recommend Approval as Amended 7-0
- 5 [14-3266](#) Text Amendment #2014-0006
Public Hearing and Consideration of a Text Amendment to make technical corrections to the language in various sections of the Zoning Ordinance. Staff: City of Alexandria - Department of Planning & Zoning
Planning Commission Action: Initiated the Text Amendment 7-0;
Recommend Approval as Amended 7-0
- 6 [14-3272](#) Special Use Permit #2014-0073
442 North Henry Street and 1106 Oronoco Street - Liberty Gas Station
Public Hearing and Consideration of an amendment to an existing Special Use Permit for an automobile service station to change the ownership and to extend the hours of operation; zoned CSL/Commercial Service Low.
Applicant: 442 Henry Inc.
Planning Commission Action: Recommend Approval 7-0 of the request for a

change of ownership. The Planning Commission deferred the request for extension of hours without objection.

END OF ACTION CONSENT CALENDAR

City Council adopted the consent calendar, with the removal of item #6, which was considered under separate motion, as follows:

3. *City Council approved the Planning Commission recommendation.*
4. *City Council approved the Planning Commission recommended.*
5. *City Council approved the Planning Commission recommendation.*
6. *City Council approved the Planning Commission recommendation. (separate motion)*

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

- 7 [14-3262](#) Special Use Permit #2014-0033
2216 and 2218 Mount Vernon Avenue - Del Ray Pizzeria
Public Hearing and Consideration of a request for an amendment to a previously approved Special Use Permit (SUP #2011-0087) to construct a second story balcony and to allow off-premises alcohol sales; zoned CL/Commercial Low and Mount Vernon Avenue Urban Overlay.
Applicant: Del Ray Pizzeria, LLC represented by Duncan Blair, attorney
Planning Commission Action: Recommend Approval as Amended 6-1
City Council approved the Planning Commission recommendation.
- 8 [14-3271](#) Special Use Permit #2014-0068
519 and 521 East Howell Avenue
Public Hearing and Consideration of a request to operate a restaurant; zoned CSL/Commercial Service Low. Applicant: EMS Food Group, LLC represented by Duncan Blair, attorney
Planning Commission Action: Recommend Approval 7-0
City Council approved the Planning Commission recommendation.
- 9 [14-3156](#) Special Use Permit #2013-0059
3640 Wheeler Avenue - Wheeler Avenue Recycling
Public Hearing and Consideration of a request to operate a recycling and

materials recovery facility; zoned I/Industrial. Applicant: Wheeler Avenue Recycling, LLC represented by Robert B. Nealon, attorney
Planning Commission Action: Recommend Denial 4-0
THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT

This item was withdrawn.

10 [14-3267](#)

Master Plan Amendment #2014-0007

Rezoning #2014-0005

Special Use Permit #2014-0079

329 North Washington Street - La Bergerie

Public Hearing and Consideration of requests for: (A) an amendment to the Old Town Small Area Plan chapter of the Master Plan to amend the land use designation from RM/Townhouse Zone to CD/Commercial Downtown; (B) an amendment to the official zoning map to change the zone from RM/Townhouse Zone to CD/Commercial Downtown; (C) a special use permit to operate a hotel and restaurant, for a parking reduction, and for shared parking; zoned RM/Townhouse Zone (Old Town Small Area Plan).

Applicant: Janow LLC d/b/a La Bergerie represented by M. Catharine Puskar, attorney

Planning Commission Action: Adopt Master Plan Amendment resolution: 7-0; Recommend Approval of Rezoning: 7-0; and Recommend Approval of Special Use Permit as amended: 7-0

City Council approved the Planning Commission recommendation, with the following amendments:

1. *Condition 7: outdoor music limitations will be limited to 9 p.m., and Sunday-Wednesday to 7 p.m.*
2. *Condition 8: remove the second sentence in the condition to remove beer sales and wine-coolers from the off-premises sales.*
3. *Condition 11: trash pick-up, to include trash recycling and composting, shall occur from the loading zone on North Washington Street and shall occur between the hours of 9 a.m. to 11 a.m., Monday through Friday.*
4. *Condition 13: amend the condition to state there will be 30 off-site spaces available for evening and weekends, at no charge to the patrons, beginning at 5 p.m. weeknights. There will be 14 additional off-site parking spaces available for restaurant/hotel use on a full time basis (24 hours per day, daily) in addition to the three on-site parking spaces, for a total of 17 full time spaces, reviewed by the Director of Planning and Zoning.*
5. *Condition 16: Add a sentence to read: To the extent that A-frame signs are permissible, the applicant shall utilize A-frame signs between the hours of operation, to be removed daily at the close of business.*
6. *Condition 19: Cooking odors, to add the following: In the event odors, smoke and any other air pollution from operations at the site are determined to be a nuisance to neighboring properties, the applicant shall install additional odor control equipment to prevent nuisance odors to the satisfaction of the Director of Planning and Zoning.*

7. Condition 24: there will be 6, 12 and 18 month reviews after the business is operational.

8. Condition 4: amend the language to read: the maximum number of indoor seats shall be 101, to include 54 dining seats in the main building, 10 lounge seats in the main building, 11 lounge seats in the carriage house and 26 dining seats in the carriage house, and the maximum number of outdoor seats at the restaurant shall be 48, to include 40 dining seats and eight lounge seats.

9. New Condition: The carriage house windows shall remain closed.

10. New Condition: Valet service may be provided for special events and a reasonable market fee may be charged, cars to be parked off-street, with approval and satisfaction of the director of Planning and Zoning.

11. New Condition: Take down activities for events (such as tents) shall be done the following morning, if the event ends after 10 p.m.

ORDINANCES AND RESOLUTIONS

- 11 [14-3213](#) Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Article XIII (Environmental Management) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved By City Council as Text Amendment No. 2014-0005 (Implementation Ordinance for the Text Amendment Regarding Environmental Management Stormwater Regulations Approved by the City Council on September 13, 2014) [ROLL-CALL VOTE]
City Council adopted the ordinance. (ORD. NO. 4903)
- 12 [14-3214](#) Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 3-600 (RA/Multifamily Zone), Section 3-800 (RCX/Medium Density Apartment Zone), Section 3-900 (RC/High Density Apartment Zone), and Section 3-1000 (RD/High Density Apartment Zone) All of Division B (Townhouse and Multifamily Zones) of Article III (Residential Zone Regulations) of the City of Alexandria Zoning Ordinance, in Accordance with the Text Amendment Heretofore Approved By City Council as Text Amendment No. 2014-0004. (Implementation Ordinance for the Text Amendment Adding Outdoor Food and Crafts Markets in Certain Residential Zones Approved by City Council on September 13, 2014) [ROLL-CALL VOTE]
City Council adopted the ordinance. (ORD. NO. 4904)
- 13 [14-3256](#) Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Article A (General Provisions), Chapter 4 (Committees, Boards and Commissions), of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, to Designate the City Clerk as the Executive Secretary for Boards and Commissions. [ROLL-CALL VOTE]
City Council adopted the ordinance. (ORD. NO. 4905)

- 14 [14-3281](#) Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2015. [ROLL-CALL VOTE]
City Council adopted the ordinance. (ORD. NO. 4906)

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

- 15 [14-3269](#) Development Special Use Permit #2014-0002
5651 Rayburn Avenue - John Adams Elementary Parking Lot Expansion
Public Hearing and Consideration of a request for a development special use permit and site plan, with a modification, to expand an existing parking lot with parking spaces in excess of the zoning ordinance requirement for a school; zoned R-12/Residential (Alexandria West Small Area Plan).
Applicant: Alexandria City Public Schools represented by Kevin Van Hise, attorney
Planning Commission Action: Deferred without objection
- 16 [14-3270](#) Public Art Policy
Public Hearing and recommendation of the Public Art Policy included as part of the Public Art Plan. Staff: City of Alexandria - Department of Recreation, Parks, and Cultural Activities
Planning Commission Action: Deferred without objection
- 17 [14-3273](#) Special Use Permit #2014-0075
410 East Glebe Road (Parcel Address: 408 East Glebe Road) and 3006 Jefferson Davis Highway
Public Hearing and Consideration of a request to operate a convenience store; zoned CSL/Commercial Service Low. Applicant: All In Be One Inc.
Planning Commission Action: Deferred without objection
- 18 [14-3274](#) Rezoning #2014-0004
Development Special Use Permit #2014-0008
Transportation Management Plan Special Use Permit #2014-0063
1323 Wilkes Street and 421 South Payne Street - West-Parc Townhomes
Public Hearing and Consideration of requests for: (A) an amendment to the official zoning map to change the zone from RB to CRMU-L with proffer; (B) a development special use permit and site plan, with modifications, to construct 22 townhouse units including a special use permit for an increase in Floor Area Ratio (FAR) per section 5-105(C) of the Zoning Ordinance; and (C) A special use permit for a transportation management plan; zoned

RB/Townhouse. (Southwest Quadrant Small Area Plan) Applicant:
CIA-Wilkes Street LLC represented by M. Catharine Puskar, attorney
Planning Commission Action: Deferred without objection

City Council noted the deferrals.

The meeting was adjourned at 4:20 p.m.

Note: The action docket is a summary of Council's meeting deliberations prepared largely for staff follow-up. Formal minutes of the meeting, when approved by Council, become the official record of the meeting and of Council decisions made at the meeting.