

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

REGULAR MEETING Saturday, May 12, 2012

9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, K. Rob Krupicka, Redella S. Pepper, and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Jinks, Deputy City Manager; Ms. Evans, Deputy City Manager; Mr. Johnson, Chief of Staff, City Manager's Office; Ms. Hamer, Director, Planning and Zoning (P&Z); Ms. Ross, Deputy Director, P&Z; Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Lerner, Deputy Director, T&ES; Mr. McPike, Director, General Services; Mr. Farner, Deputy Director, P&Z; Mr. Moritz, Deputy Director, P&Z; Ms. Wright, Division Chief, P&Z; Mr. Randall, Urban Planner, P&Z; Ms. Rodriguez, Urban Planner, P&Z; Mr. Geratz, Principal Planner, P&Z; Mr. Catlett, Director, Code Administration; Ms. Gygi, Potomac Yard Project Manager, T&ES; Ms. Triggs, Acting Chief Financial Officer; Ms. Niebauer, Director, Human Rights; Ms. Davis, Director, Office of Housing; Ms. McIlvaine, Deputy Director, Office of Housing; Mr. Spengler, Director, Recreation, Parks and Cultural Activities; Mr. Tate, Capital Projects Manager, General Services; Ms. Anderson, Assistant City Attorney; Mr. Castrilli, Director, Office of Communications and Public Information; Ms. Harris, Communications Officer, Office of Communications and Public Information; Fire Chief Thiel; Police Sgt. Magyar; Ms. Bryan, ITS; and Mr. Lloyd.

Recorded by: Gloria Sitton, Deputy City Clerk and Clerk of Council.

OPENING

1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll. All the members of Council were present, with Councilwoman Hughes arriving at the meeting at 10:05 a.m.

2. Public Discussion Period.

The following persons participated in the public discussion period:

(a) Margo Chisholm, 124 Longview Drive, spoke about the importance of teaching children about personal safety and invited everyone to join the Alexandria Library, the National Center for Missing and Exploited Children, the Alexandria Police Department and the Alexandria Sheriff's Department at the Beatley Central Library on May 25 for an event to educate parents about personal safety for children and have the children fingerprinted.

(b) Bert Ely, 200 South Pitt Street, requested that the City withdraw the appeal of the Board of Zoning Appeals (BZA) decision filed in the Alexandria Circuit Court and he requested that Council accept the BZA decision and appoint a committee to review the language of Section 11-808 of the zoning ordinance.

In response to Mr. Ely, City Attorney Banks explained the reasoning behind the City filing an appeal of the BZA decision and noted that the BZA is a party to the suit solely for the record and does not require separate counsel in the matter.

(c) Jack Mackey, 1214 Hillside Terrace, a student at George Washington Middle School, spoke about preserving the Winkler Botanical Preserve for Alexandria students to experience nature in its true form. Mr. Mackey, along with his classmates, submitted a petition from the students from George Washington Middle School requesting longtime monitoring of the programs at Winkler.

(d) Sydney Collins, 1005 Mount Vernon Avenue, George Washington Middle School student, spoke about preserving the Winkler Botanical Preserve for Alexandria students to experience nature in its true form.

(e) Tori Cook, 1005 Mount Vernon Avenue, George Washington Middle School student, spoke about preserving the Winkler Botanical Preserve for Alexandria students to experience nature in its true form.

Mayor Euille thanked the students for coming today in support of the Winkler Preserve and noted that petition submitted by the students would be forwarded to the Environmental Services office.

(f) Poul Hertel, 1217 Michigan Court, spoke about the use of the George Washington Memorial Highway for the haul route for building the Metrorail in the Potomac Yard area and the potential damage that it would cause to the environment of the Parkway.

(g) Gary Carr, 216 Aspen Street, spoke as an advocate for running tracks in order to combat childhood obesity. Mr. Carr requested a new feasibility study to show where a running track can be located in a public space in Alexandria that will be accessible to all. Mr. Carr noted that the issue of lights at public tracks needs to be resolved.

(h) David Fromm, 2307 East Randolph Avenue, invited everyone to the Del Ray House and Garden Tour, May 19, 11 a.m. to 5 p.m., to raise money to contribute to the Scholarship Fund and to complete one of the neighborhood parks.

(l) Andrew Macdonald, 217 North Columbus Street, spoke about the appeal of the BZA decision to the Alexandria Circuit Court and requested that the City release an accounting of the amount of taxpayer funds spent to defend the legal issue involving the Waterfront.

Mayor Euille thanked Mr. Macdonald and requested that the City Attorney make public the information regarding the legal expenses surrounding the Waterfront issue.

(j) Randy Stevens, 317 North Payne Street, spoke about creating affordable housing partnerships in the City to address the lack of choices available and he noted that he is working with the faith based community to address some of the affordable housing challenges.

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Councilwoman Hughes arrived at the meeting at this time - 10:05 a.m.

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR

Planning Commission

3. SPECIAL USE PERMIT #2012-0023
[2850 EISENHOWER AVENUE - RESTAURANT](#)
Public Hearing and Consideration of a request to operate a restaurant; zoned OCM-100/Office Commercial Medium (100). Applicant: ATC IV LLC by Simpson Properties, Ltd.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 05/12/12, and is incorporated as part of this record by reference.)

4. DEVELOPMENT SPECIAL USE PERMIT #2012-0002
[6101 and 6125 STEVENSON AVENUE](#) - STEVENSON AVENUE CONDOS EXTENSION
Public Hearing and Consideration of a request for a two-year extension of validity of a previously approved development special use permit with site plan (DSUP #2004-0008); zoned OCM (50)/Office Commercial Medium (50). Applicant:

Steven A. Hansen, LLC and WWTV Stevenson Avenue, LLC, represented by M. Catherine Puskar, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 05/12/12, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2012-0028
[251 WEST GLEBE ROAD](#) (Parcel Address: 221 West Glebe Road) - EL CUSCALETCO
Public Hearing and Consideration of a request to operate a restaurant; zoned CDD #12/Coordinated Development District #12. Applicant: Fossal, Inc., by Michael Kim, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 05/12/12, and is incorporated as part of this record by reference.)

6. SPECIAL USE PERMIT #2012-0036
[4016 TANEY AVENUE](#) - SUBSTANDARD LOT CONSTRUCTION
Public Hearing and Consideration of a request to construct a new home on a substandard lot; zoned R-8/Single-Family. Applicant: Janlan Co., LLC c/o Janet Wilcox by Johnathan Brodie, agent

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 05/12/12, and is incorporated as part of this record by reference.)

7. DEVELOPMENT SPECIAL USE PERMIT #2011-0033
[5225, 5249, 5261 EISENHOWER AVENUE](#) - EISENHOWER AVENUE FIRE STATION
Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a three-story public fire station containing existing police firing range and impound lot and for modifications of the landscape requirements for street trees, tree canopy coverage, and parking lot landscape; zoned OCM (100)/Office Commercial Medium (100). Applicant: City of Alexandria Department of General Services

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 05/12/12, and is incorporated as part of this record by reference.)

8. SPECIAL USE PERMIT #2012-0017
[500 NORTH HENRY STREET](#) (Parcel Address: 525 North Fayette Street) -
DOMINO'S PIZZA
Public Hearing and Consideration of a request to operate a restaurant; zoned
CRMU - H/Commercial Residential Mixed Use (High). Applicant: Team
Washington, Inc., D/B/A Domino's Pizza

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 05/12/12, and is incorporated as part of this record by reference.)

9. SPECIAL USE PERMIT #2012-0016
[615 SOUTH PICKETT STREET](#) (Parcel Address: 504 S. Van Dorn Street) --
JAMBOREE JUMPS
Public Hearing and Consideration of a request to operate an amusement
enterprise; zoned CG/Commercial General. Applicant: Jamboree Jumps LLC

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 05/12/12, and is incorporated as part of this record by reference.)

10. SPECIAL USE PERMIT #2012-0033
[1327 NORTH CHAMBLISS STREET](#) -- CHILD CARE HOME
Public Hearing and Consideration of a request to operate a child care home;
zoned R-12/Single-family. Applicant: Vigdonia Guzman

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 05/12/12, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Vice Mayor Donley and carried unanimously, City Council approved the action consent calendar, with the exception of docket items #5 and #7, which was approved under separate motions. The approval was as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
8. City Council approved the Planning Commission recommendation.
9. City Council approved the Planning Commission recommendation.
10. City Council approved the Planning Commission recommendation.

The voting was as follows:

Hughes	"aye"	Fannon	"aye"
Donley	"aye"	Krupicka	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

5. SPECIAL USE PERMIT #2012-0028
[251 WEST GLEBE ROAD](#) (Parcel Address: 221 West Glebe Road) - EL CUSCALETCO
 Public Hearing and Consideration of a request to operate a restaurant; zoned CDD #12/Coordinated Development District #12. Applicant: Fossal, Inc., by Michael Kim, attorney

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 05/12/12, and is incorporated as part of this record by reference.)

Deputy Director Ross reviewed the original conditions of the Special Use Permit (SUP) for the proposed site and noted that the conditions were limited in order to make future uses compatible with the Arlandria Small Area Plan.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to condition #25, stating the following, "The Director of Planning and Zoning shall review the application within five years of issuance of the SUP in order to review compatibility with the redevelopment within the Arlandria Small Area Plan. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"

Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

7. DEVELOPMENT SPECIAL USE PERMIT #2011-0033
[5225, 5249, 5261 EISENHOWER AVENUE](#) - EISENHOWER AVENUE FIRE STATION

Public Hearing and Consideration of a request for a development special use permit, with site plan, to construct a three-story public fire station containing existing police firing range and impound lot and for modifications of the landscape requirements for street trees, tree canopy coverage, and parking lot landscape; zoned OCM (100)/Office Commercial Medium (100). Applicant: City of Alexandria Department of General Services

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 05/12/12, and is incorporated as part of this record by reference.)

Council inquired about the financial impacts of the project and the landscape of the lot for the proposed site.

Director of General Services McPike responded that the project is currently operating under budget and reviewed the landscape plans with regards to the safety concerns for the Fire Department and use of the apparatus.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Smedberg	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

11. SPECIAL USE PERMIT #2012-0018
[207 SOUTH PEYTON STREET](#) - ST. COLETTA'S SCHOOL
 Public Hearing and Consideration of a request to increase the number of students at a private school; zoned OCH/Office Commercial High. Applicant: St. Colette's of Greater Washington, Inc., by M. Catherine Gibbs, attorney.

PLANNING COMMISSION ACTION: Recommend Approval 7-0

and Zoning Farner made a presentation of the Beauregard Small Area Plan and responded to questions from Council about funding for the plan, transportation improvements, affordable housing and open space.

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

(a) Jack Sullivan, 4300 Ivanhoe Place, spoke in opposition of the Beauregard Small Area Plan (BSAP) and offered suggestions for making it better.

(b) Andrew Macdonald, 217 North Columbus Street, spoke in opposition of the BSAP.

(c) Carolyn Grigione, 1416 North Ivanhoe Street, spoke in support of the BSAP.

(d) [Pete Benavage](#), 5066 Fairbanks Avenue, representing resident of the Shirley Gardens, support in support of the BSAP.

(e) Allen Lomax, 5021 Seminary Road, #730, spoke in support of the BSAP.

(f) Andrew Palmieri, 801 Fairfax Street, representing Alexandria Chamber of Commerce, spoke in support of the BSAP.

(g) John T. Long, 801 Fairfax Street, representing Alexandria Chamber of Commerce, spoke in support of the BSAP.

(h) [Kathleen Anderson](#), 4800 Fillmore Avenue, representing the Goodwin House, spoke in support of the BSAP.

(i) [Harry W. Baldwin](#), 4800 Fillmore Avenue, representing the Goodwin House, spoke in support of the BSAP.

(j) [Adm. Mike McCaffree](#), 4800 Fillmore Avenue, representing the Goodwin House, spoke in support of the BSAP.

(k) Michael A. Hepburn, 101 South Reynolds Street, Apt. 420, spoke in opposition to the BSAP.

(l) Julie Collier Edelson, 6239 North Morgan Street, representing Lincolnia Hills/Heywood Glen Civic Association, spoke in opposition to the BSAP.

(m) [Heidi Marchand](#), 5150 Woodmire Lane, representing Seminary Park Homeowners Association, spoke in opposition to the BSAP.

(n) [Sharon Annear](#), 1118 North Howard Street, spoke in opposition to the BSAP.

- (o) [Carol James](#), 1000 North Vail Street, spoke in opposition to the BSAP.
- (p) Katy Cannady, 20 East Oak Street, spoke in opposition to the BSAP.
- (q) [Owen Curtis](#), 5465 Fillmore Avenue, spoke in opposition to the BSAP.
- (r) [Kathlyn Hoekstra](#), 1310 North Chambliss Street, spoke in opposition to the BSAP.
- (s) Judy Cooper, 1007 North Van Dorn Street, requested deferral of BSAP until better solutions are found.
- (t) Lynn Bostain, 5695 Rayburn Avenue, representing the Seminary West Civic Association, requested a deferral of the BSAP in order to review the controversial issues.
- (u) Mindy Lyle, 5235 Tancreti Avenue, representing the Cameron Station Civic Association, spoke in support of the BSAP.
- (v) [Annabelle Fisher](#), 5001 Seminary Road, requested deferral of the BSAP until the fall to review suggested changes for the BSAP.
- (w) [Kevin Posey](#), 507 Carlisle Drive, representing the Transportation Commission, reported the findings of the Transportation Commission and noted that the recommendations in the BSAP are consistent with the City's Transportation Plan.
- (x) Hector Pineda, 5472 Bradford Court, #133, President, Beauregard Tenant Association, spoke in opposition of the BSAP.
- (y) Veronica Calzada, 5472 Bradford Court, #133, Vice-President, Beauregard Tenant Association, spoke in opposition of the BSAP.
- (z) Oscar Medina, 5321 Essex Court, #252, Secretary, Beauregard Tenent Association, spoke in opposition of the BSAP.
- (aa) Edwin Pineda, 5472 Bradford Court, #133, youth member, Beauregard Tenant Association, spoke in opposition of the BSAP.
- (bb) Margie Obeng, 3801 Mount Vernon Avenue, representing Tenants and Workers United, spoke in opposition of the BSAP.
- (cc) Suyapa Hernandez, 3801 Mount Vernon Avenue, representing Tenants and Workers United, spoke in the opposition of the BSAP.
- (dd) Jon Liss, 219 Burgess Avenue, spoke in opposition of the BSAP.

(ee) Gabriel Rojo, 3801 Mount Vernon Avenue, representing Tenants and Workers United, spoke in opposition to the BSAP.

(ff) [Diane Costello](#), 5840 Lowell Avenue, spoke in opposition of the BSAP.

(gg) Bob Wood, 711 Potomac Street, spoke in opposition of the BSAP.

(hh) [Ernest Lehmann](#), 621 North Saint Aspah Street, spoke in opposition to the BSAP.

(ii) [Sammie Moshenberg](#), 408 Hume Avenue, spoke in opposition to the BSAP.

(jj) [Don Buch](#), 389 Livermore Lane, spoke in support to the BSAP.

(kk) Emily Brown, 701 North Pegram Street, spoke in opposition to the BSAP.

(ll) [Joanne Lepanto](#), 4009 North Garland Street, spoke in opposition to the BSAP.

(mm) Mike Caison, 3104 Montrose Avenue, representing the Affordable Housing Advisory Committee, spoke in support of the BSAP.

(nn) James Williams, 317 North Payne Street, representing the National Association for the Advancement of Colored People (NAACP), spoke in opposition to the BSAP.

(oo) [Boyd Walker](#), 1307 King Street, spoke in opposition to the BSAP.

(pp) [Joseph Fischer](#), 512 North Quaker Lane, spoke in opposition to the current BSAP.

(qq) Van Van Fleet, 26 Wolfe Street, spoke in opposition to the BSAP.

(rr) Allison Silberberg, 1544 Mount Eagle Place, representing the Alexandria Economic Opportunities Commission, spoke in opposition to the BSAP.

(ss) David Cavanaugh, 4008 Fort Worth Avenue, spoke in opposition to the BSAP and offered some recommendations.

(tt) Shirley Downs, 1007 North Vail Street, requested a delay in approval of the BSAP.

(uu) Cathy Puskar, 2200 Clarendon Boulevard, Suite 1300, Arlington, attorney representing JBG, Home Properties and Developer Stakeholders, spoke in support of the BSAP and responded to questions from Council.

(vv) Kenneth Wire, 1750 Tysons Boulevard, McLean, attorney representing Southern Towers, spoke in support of the BSAP and responded to questions from Council.

(ww) H. Stewart Dunn, 418 South Lee Street, representing the Planning Commission, explained the Planning Commission's rationale for recommending approval of the BSAP, the additional conditions from the Planning Commission and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
Pepper		"aye"	

WHEREUPON, a motion was made by Vice Mayor Donley, seconded by Councilman Smedberg, to approve the Planning Commission's recommendation as amended with the following amendments from City Council:

(1) on page 75, regarding open space, add language stating, "Staff shall work to develop additional open space options using the \$1.5 million Base Realignment and Closure (BRAC) funding to expand existing or proposed park/open space and shall seek to enhance such park/open space with community-oriented, low intensity uses such as picnic areas, trails or a structure for outdoor concerts."

(2) on page 96, regarding Southern Towers additional affordable housing, insert language stating, "the portion of the Southern Towers property remaining in the Beauregard Small Area Plan (BSAP) but not currently planned for redevelopment and contains a large concentration of market rate and affordable housing. The City shall consider amending the BSAP to permit redevelopment of Southern Towers provided that any such redevelopment contains an affordable housing component."

(3) on page 140, regarding transportation, add language, "during the application for Development Special Use Permit (DSUP) staff shall evaluate additional options for the Beauregard-Seminary Road intersection to ensure that other options might be considered in terms of efficiency and level of service (LOS). While the ellipse configuration shows promise, this option should be evaluated along with other planned transportation improvements associated with BRAC and other alternatives identified in the DSUP process."

A motion was made by Councilman Krupicka to include the following amendments to the original motion. They were acceptable to the maker and seconder of the original motion. The amendments were as follows:

(4) new language for Section 4.26 stating, "At the perimeter of Dora Kelly Park, the design of the road should distinctly change character and speed, creating a large park lane where pedestrians and bicyclists have primacy. The width of the park road should narrow, perhaps to a single one-way lane for cars but with a substantive bike and pedestrian lane of equal width integrated. Its surface should change to one that is rough textured and employs pervious paving material. Consideration should be given to providing no parking or parking on one side away from the park and the road should undulate along its length. The neighborhood side should have a widened walkway that becomes narrower and wider at various points to accommodate landscaping and curves in the lane. The park side should not have curb and gutter, but a swale to accommodate infiltration of run-off. Consideration should be given to permitting only local traffic on this park lane at certain times of day or seasonally on weekends so the road itself can become an extension of the park at time, particularly on weekends in the spring and fall."

(5) add language to Section 4.27 stating, "As part of the city's regular budget review process, the city will consider additional opportunities to purchase open space to expand the Winkler Preserve, Dora Kelly Park and other areas of this small area plan that would contribute to the overall community quality of life. Any such proposal would be subject to the standard budget evaluation process."

(6) add Section 4.47 stating, "Stormwater plans within the planning area, whenever feasible, must seek to minimize, and if possible reduce stormwater discharge into the Winkler Botanical Preserve."

(7) add to the transportation section, Section C language stating, "Adequate transportation infrastructure should take into consideration features within the planning area, including provision of a transportation hub, as well as connected infrastructure outside the planning area, such as the implementation plans for all of the Corridor C transit system."

(8) add language to the Transportation section, regarding Transportation phasing stating, "Prior to granting any final densities (DSUP) considered in this plan, the transportation infrastructure projects described as well as any refinements to them should be found to address the goals laid out in this plan and should have a clear and reliable implementation plan."

(9) add language to Section 8.15 regarding transit improvement implementation stating, "DSUP applications shall not be approved unless the approval authorities have reviewed and made a finding that in their judgment Corridor C is proceeding as planned."

(10) add a section to the Implementation Section stating, "in order to provide oversight and to ensure the plan is implemented carefully and thoughtfully, the City will create a citizen advisory group to monitor and provide guidance to the Planning Commission, City Council and City staff on all aspects of this small area plan. The group will include a broad cross section of community stakeholders and will be appointed by the City Council prior to rezoning."

(11) add language to the Implementation Section stating, "in order to carefully manage the various financing approaches called for in this plan, the City shall prepare for Council a regular (annual or as appropriate) update on the financial projections and costs associated with the plan."

(12) add language to the affordable housing section stating, "Any property owners that provide committed, dedicated units at the time of the rezoning shall have such dedication count toward their obligation to provide 40 years of dedicated housing."

(13) add language to the affordable housing section stating, "Prior to any rezoning the City shall complete a survey of current area tenants and that information shall be used to design the specific implementation plans of the affordable housing elements of the plan."

(14) add language to the affordable and workforce housing distribution section stating, "Properties that are proffered or purchased to achieve affordable housing goals should be distributed throughout the plan area and should provide a range of subsidies."

(15) add language to the affordable and workforce housing distribution section stating, "Prior to rezoning, the Affordable Housing Advisory Committee shall provide recommendations related to the provision of affordable housing to City Council and the Planning Commission. These recommendation will take into account the results of the tenant survey and the funding recommendations of the plan."

(16) add language to the affordable housing section stating, "Due to the expected competition for affordable housing units in the BSAP, the Office of Housing should give preference to current, income-qualified tenants in the BSAP at the time of adoption, to obtain the affordable units."

(17) add language to the affordable housing section stating, "The Office on Housing shall circulate among City employees, including firefighters, teachers, police officers, and sheriff's office, information regarding the availability of units in the BSAP area."

(18) add language regarding tree canopy stating, "Implementation of the plan by the City should consider creating an agreement early in the implementation process with a commercial tree grower for pre-contracted nursery stock needed in the

Beauregard area for the next 10 to 15 years. The goal is to increase the caliper of trees planted in the planning area."

(19) revise recommendation 4.45 to state, "The redevelopment area is required to provide 40% tree canopy. In no case, shall tree canopy coverage be less than the applicable City requirements and provisions at the time of the approval for each redevelopment area. To the extent that the tree canopy cannot be accommodated on-site, tree canopy may be provided off-site within the Plan area, Dora Kelley, and/or other nearby areas as determined by staff and supported by the Planning Commission and City Council."

(20) revise the language at Section 5.9 regarding the affordable housing recommendation stating that cost-sharing between the City and the Developer shall be negotiated for an extension of ten years.

WHEREUPON, upon motion by Councilwoman Hughes, seconded by Councilman Fannon, a substitute motion was made to defer approval of the Beauregard Small Area Plan until September. The motion failed 1-6. The voting was as follows:

Hughes	"aye"	Donley	"no"
Fannon	"no"	Krupicka	"no"
Euille	"no"	Pepper	"no"
	Smedberg	"no"	

The original motion for consideration was as follows:

(1) on page 75, regarding open space, add language stating, "Staff shall work to develop additional open space options using the \$1.5 million Base Realignment and Closure (BRAC) funding to expand existing or proposed park/open space and shall seek to enhance such park/open space with community-oriented, low intensity uses such as picnic areas, trails or a structure for outdoor concerts."

(2) on page 96, regarding Southern Towers additional affordable housing, insert language stating, "the portion of the Southern Towers property remaining in the Beauregard Small Area Plan (BSAP) but not currently planned for redevelopment and contains a large concentration of market rate and affordable housing. The City shall consider amending the BSAP to permit redevelopment of Southern Towers provided that any such redevelopment contains an affordable housing component."

(3) on page 140, regarding transportation, add language, "during the application for Development Special Use Permit (DSUP) staff shall evaluate additional options for the Beauregard-Seminary Road intersection to ensure that other options might be considered in terms of efficiency and level of service (LOS). While the ellipse configuration shows promise, this option should be evaluated along with other planned transportation improvements associated with BRAC and other alternatives identified in the DSUP process."

(4) new language for Section 4.26 stating, "At the perimeter of Dora Kelly Park, the design of the road should distinctly change character and speed, creating a large park lane where pedestrians and bicyclists have primacy. The width of the park road should narrow, perhaps to a single one-way lane for cars but with a substantive bike and pedestrian lane of equal width integrated. Its surface should change to one that is rough textured and employs pervious paving material. Consideration should be given to providing no parking or parking on one side away from the park and the road should undulate along its length. The neighborhood side should have a widened walkway that becomes narrower and wider at various points to accommodate landscaping and curves in the lane. The park side should not have curb and gutter, but a swale to accommodate infiltration of run-off. Consideration should be given to permitting only local traffic on this park lane at certain times of day or seasonally on weekends so the road itself can become an extension of the park at time, particularly on weekends in the spring and fall."

(5) add language to Section 4.27 stating, "As part of the city's regular budget review process, the city will consider additional opportunities to purchase open space to expand the Winkler Preserve, Dora Kelly Park and other areas of this small area plan that would contribute to the overall community quality of life. Any such proposal would be subject to the standard budget evaluation process."

(6) add Section 4.47 stating, "Stormwater plans within the planning area, whenever feasible, must seek to minimize, and if possible reduce stormwater discharge into the Winkler Botanical Preserve."

(7) add to the transportation section, Section C language stating, "Adequate transportation infrastructure should take into consideration features within the planning area, including provision of a transportation hub, as well as connected infrastructure outside the planning area, such as the implementation plans for all of the Corridor C transit system."

(8) add language to the Transportation section, regarding Transportation phasing stating, "Prior to granting any final densities (DSUP) considered in this plan, the transportation infrastructure projects described as well as any refinements to them should be found to address the goals laid out in this plan and should have a clear and reliable implementation plan."

(9) add language to Section 8.15 regarding transit improvement implementation stating, "DSUP applications shall not be approved unless the approval authorities have reviewed and made a finding that in their judgment Corridor C is proceeding as planned."

(10) add a section to the Implementation Section stating, "in order to provide oversight and to ensure the plan is implemented carefully and thoughtfully, the City will create a citizen advisory group to monitor and provide guidance to the Planning

Commission, City Council and City staff on all aspects of this small area plan. The group will include a broad cross section of community stakeholders and will be appointed by the City Council prior to rezoning."

(11) add language to the Implementation Section stating, "in order to carefully manage the various financing approaches called for in this plan, the City shall prepare for Council a regular (annual or as appropriate) update on the financial projections and costs associated with the plan."

(12) add language to the affordable housing section stating, "Any property owners that provide committed, dedicated units at the time of the rezoning shall have such dedication count toward their obligation to provide 40 years of dedicated housing."

(13) add language to the affordable housing section stating, "Prior to any rezoning the City shall complete a survey of current area tenants and that information shall be used to design the specific implementation plans of the affordable housing elements of the plan."

(14) add language to the affordable and workforce housing distribution section stating, "Properties that are proffered or purchased to achieve affordable housing goals should be distributed throughout the plan area and should provide a range of subsidies."

(15) add language to the affordable and workforce housing distribution section stating, "Prior to rezoning, the Affordable Housing Advisory Committee shall provide recommendations related to the provision of affordable housing to City Council and the Planning Commission. These recommendation will take into account the results of the tenant survey and the funding recommendations of the plan."

(16) add language to the affordable housing section stating, "Due to the expected competition for affordable housing units in the BSAP, the Office of Housing should give preference to current, income-qualified tenants in the BSAP at the time of adoption, to obtain the affordable units."

(17) add language to the affordable housing section stating, "The Office on Housing shall circulate among City employees, including firefighters, teachers, police officers, and sheriff's office, information regarding the availability of units in the BSAP area."

(18) add language regarding tree canopy stating, "Implementation of the plan by the City should consider creating an agreement early in the implementation process with a commercial tree grower for pre-contracted nursery stock needed in the Beaugard area for the next 10 to 15 years. The goal is to increase the caliper of trees planted in the planning area."

(19) revise recommendation 4.45 to state, "The redevelopment area is required to provide 40% tree canopy. In no case, shall tree canopy coverage be less than the

applicable City requirements and provisions at the time of the approval for each redevelopment area. To the extent that the tree canopy cannot be accommodated on-site, tree canopy may be provided off-site within the Plan area, Dora Kelley, and/or other nearby areas as determined by staff and supported by the Planning Commission and City Council."

(20) revise the language at Section 5.9 regarding the affordable housing recommendation stating that cost-sharing between the City and the Developer shall be negotiated for an extension of ten years.

City Council requested that staff shall create a clear and detailed delineation of responsibilities for property owners as it relates to the implementation of the BSAP. City Council also requested that staff bring a recommendation for the establishment of the citizen advisory group by the last legislative meeting in June.

The motion carried by a vote of 6-0-1 and voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	abstain
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

* * * * *

Please note: Vice Mayor Donley left the meeting at 6:55 p.m.

* * * * *

13. [ROUTE 1 TRANSITWAY IMPLEMENTATION](#)

Public Hearing and Consideration of a request for approval of the design for the Route 1 High Capacity Transit Way as part of the Transportation Master Plan implementation. Applicant: Transportation and Environmental Services

PLANNING COMMISSION ACTION: Recommend Approval w/amendments 7-0

(A copy of the Planning Commission report dated May 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 05/12/12, and is incorporated as part of this record by reference.)

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

(a) David Fromm, 2307 East Randolph Avenue, stated that there are some things in the implementation plan that are inconsistent and causing some confusing about how the implementation will occur. Mr. Fromm requested that the left turn lane at Glebe Road be examined for sufficient length, a parking district for the impacted area be examined, and the access plan for the neighborhood and the businesses be reviewed.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Smedberg and carried 6-0, City Council closed the public hearing and approved the Planning Commission recommendation including an additional provision for staff to further review the turn signalization as discussed. City Council also requested that staff begin the process to create a parking district for the area. The voting was as follows:

Krupicka	"aye"	Donley	absent
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Pepper	"aye"	

ORDINANCES AND RESOLUTIONS

14. Public Hearing, Second Reading and Final Passage of an [Ordinance](#) to Modify Section 3-1-7 of Chapter 1 of Title 3 of the City Code to Add the Line of Duty Benefits to the Post-employment Non-benefit Trust Fund Account. (#22, 5/8/2012)

(A copy of the City Manager's memorandum dated May 2, 2012, is on file in the Office of the City Clerk and Clerk of Council marked Exhibit No. 1 of Item No. 14 &15; 05/12/12, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction is on file in the Office of the City Clerk and Clerk of Council, Item No. 14 & 15; 05/12/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted an ordinance to modify section 3-1-7 of Chapter 1 of Title 3 of the City Code to add the Line of Duty Benefits to the Post-Employment Non-Benefit Trust Fund Account. The voting was as follows:

Smedberg	"aye"	Donley	absent
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4762

AN ORDINANCE to amend and reordain Sec. 3-1-7 (POST-EMPLOYMENT NON-PENSION BENEFIT TRUST FUND ACCOUNT) of Chapter 1 (GENERAL

PROVISIONS) 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:

Sec. 3-1-7 Post-employment non-pension benefit trust fund account.

(a) Establishment of account. There is hereby established for the City of Alexandria a permanent account to be known and designated as The City of Alexandria Post-Employment Non-Pension Benefit Trust Fund Account, which account shall be accounted for and maintained separate and apart from all other accounts maintained by the City of Alexandria. Such trust fund account shall be maintained and administered pursuant to the terms and requirements of Virginia Code Sections 15.2-1544, et seq.

(b) Funding of account. The city council shall, for the fiscal year commencing July 1, 2008, and in each ensuing fiscal year, assign and appropriate to such trust fund account such funds as deemed reasonably prudent for the ongoing and future payment of post-employment non-pension benefits for retired employees of the City of Alexandria and their eligible beneficiaries or beneficiaries of employees of the City of Alexandria whose death occurred while in the line of duty pursuant to Code of Virginia § 9.1-400 et seq (1950) as amended. Such appropriated funds, together with any employee or retiree contribution funds deposited in such account, shall be irrevocable, and unexpended appropriations to such account shall not lapse or expire at the end of the fiscal year in which made, irrespective of whether such appropriations were encumbered within such fiscal year. Funds deposited in the account shall be invested in accordance with law, and earnings thereon shall likewise be irrevocably deposited into such account.

(c) Expenditures from account. Notwithstanding any contrary provision of law, appropriations from the said account shall be authorized and made exclusively to pay for post-employment non-pension benefits afforded under any applicable retirement plan for former City of Alexandria employees pursuant to the terms of those plans. Once such trust fund has been fully funded (so as pay the city's actuarially determined liability for such benefits accrued and accruing, excepting only funds required to be deposited in the current fiscal year), such post-employment non-pension benefits shall be paid exclusively from the trust fund.

(d) Post-employment non-pension benefits defined. As used in this section, post-employment non-pension benefits means medical, dental, and life insurance provided to individuals who have terminated their service with the City of Alexandria and to the spouse or dependents of such individuals, whether provided by purchasing insurance, by a program of self-insurance, or by a combination of both and a one-time payment to the beneficiary of a deceased person pursuant to Code of Virginia § 9.1-402 (1950) as amended.

(e) Administration of account. The trust fund account established by this section shall be managed, maintained and invested, as set forth in Virginia State Code Sections 15.2-1544, et seq., by a three-member finance board, comprised of the chief financial officer and director of finance of the city, and one citizen member with proven integrity, business ability, and demonstrated experience in cash management and investments, appointed by city council for a two-year term.

Section 2. That this ordinance shall become effective on July 1, 2012.

Section 3. The City Manager and his appointees shall take the appropriate steps to track and monitor the funds in the trust fund accounts.

15. Consideration of a [Resolution](#) Providing for Irrevocable Election Not to Participate in Line of Duty Trust Fund and Proposed Amendment to the City of Alexandria Post-employment Benefits Trust. (#22, 5/8/2012)

(A copy of the City Manager's memorandum dated May 2, 2012, is on file in the Office of the City Clerk and Clerk of Council marked Exhibit No. 1 of Item No. 14 & 15; 05/12/12, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Hughes and carried 6-0 by roll-call vote, City Council adopted a resolution providing for irrevocable election not to participate in Line of Duty Trust Fund and proposed amendment to the City of Alexandria Post-Employment Benefits Trust. The voting was as follows:

Smedberg	"aye"	Donley	absent
Hughes	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2500

Irrevocable Election Not to Participate in Line of Duty Act Fund

WHEREAS, pursuant to Item 258 of the 2010 Appropriation Act, paragraph B, the Virginia General Assembly has established the Line of Duty Act Fund (the "Fund") for the payment of benefits prescribed by and administered under the Line of Duty Act (Va. Code § 9.1-400 et seq.); and

WHEREAS, for purposes of administration of the Fund, a political subdivision with covered employees (including volunteers pursuant to paragraph B2 of Item 258 of the 2010 Appropriation Act) may make an irrevocable election on or before July 1, 2012, to be deemed a non-participating employer fully responsible for self-funding all benefits

relating to its past and present covered employees under the Line of Duty Act from its own funds; and

WHEREAS, it is the intent of the City of Alexandria (“City”) to make this irrevocable election to be a non-participating employer with respect to the Fund;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City irrevocably elects to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds; and it is further

RESOLVED that the following entities, City of Alexandria Fire and EMS Department, Alexandria Volunteer Fire Department, City of Alexandria Police Department, and City of Alexandria Sheriff’s Office to the best of the knowledge of the City, constitute the population of its past and present covered employees under the Line of Duty Act; and it is further

RESOLVED that, as a non-participating employer, the City agrees that it will be responsible for, and reimburse the State Comptroller for, all Line of Duty Act benefit payments (relating to existing, pending or prospective claims) approved and made by the State Comptroller on behalf of the City on or after July 1, 2010, except for benefits paid on your behalf for FY 2012; and it is further

RESOLVED that, as a non-participating employer, the City agrees that it will reimburse the State Comptroller an amount representing reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund; and it is further

RESOLVED that the City shall reimburse the State Comptroller no more frequently than on a monthly basis for amounts invoiced by the State Comptroller.

That this resolution shall be effective on the date and at the time of its adoption.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 6-0, City Council adjourned the public hearing meeting of May 12, 2012 at 7:23 p.m. The voting was as follows:

Smedberg	"aye"	Donley	absent
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Krupicka	"aye"	

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria A. Sitton CMC Deputy City Clerk