

Portion of City Council Action Docket, September 27, 2005.

20. MASTER PLAN AMENDMENT #2005-0003 (A) REZONING #2005-0004 (B)

TEXT AMENDMENT 2005-0004 (C)

HUNTING CREEK AREA PLAN

Deferral from September 20, 2005, Consideration of a request for:

(1) a revision to the Old Town Small Area Plan Addendum of the City's Master Plan to incorporate the Hunting Creek Area Plan; (2) amendments to the City of Alexandria zoning map to rezone certain properties affected by the construction of the Woodrow Wilson Bridge and identified on the City of Alexandria Tax Map, as follows 83.01-01-06 and 08 (1199 S. Washington St. and 1205 S. Alfred Street) from RC to UT; 83.02-01-02 (1100 S. Washington St.) from OCM (50) to UT; 83.02-01-03 (1150 S. Washington St.) from OCM (50) to RC and UT; and 83.02-01-05 and 06 (1202 and 1200 S. Washington St.) from RC to UT; and (3) amendments to Section 3-906 related to bulk and open space regulations and the addition of Section 3-908 of the Alexandria Zoning Ordinance to add design guidelines and standards for development for properties adjacent to South Washington Street (George Washington Memorial Parkway) south of the Capital Beltway. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION:

MPA#2005-0003 Recommend Approval with amended conditions 7-0

REZ#2005-0004 Recommend Approval 7-0

TA#2005-0004 Recommend Approval 7-0 (#21, 9/20/05)

(A copy of the City Manager's memorandum dated September 8, 2005, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 9/27/05, and is incorporated as part of this record by reference.)

Mayor Euille noted that this was deferred from the last meeting to try and develop the proper language that was adequate enough to address the Section 3.4.3 that the Planning Commission had excised when the Commission took action on the small area plan. Tonight what is on the table for Council to discuss and take action on is language related to that Section, 3.4.3 and he noted that this is not specific to any particular developer, purchaser of the property or the City government, but the language that should be considered and be part of the overall plan is language that applies to anyone that has a desire to want to acquire property, develop and build in this site area. They are not constructing any language in Section 3.4.3 that is specific to any particular interested party, but applies whenever those particular sites are available for redevelopment. Mayor Euille noted that many citizens expressed concerns and offered various types of language to be structured as part of the motion. Questions were raised by Council to staff and staff responded in writing to many of those questions late today. He said it is important to note that this Council is committed to not only the affordable housing component but the historic preservation and significance of the Washington Street corridor.

Councilman Krupicka said it is his hope to see, as they move forward in consultation with the State and any future property owner, that they assemble some type of working group of people in the historic community, the National Park Service, affordable housing advocates and residents of Hunting Towers, to create a working group that can be intimately involved in monitoring and balancing all the different and conflicting interests. He said he heard comments that there are opportunities when it thinks about affordable and workforce housing for people with disabilities and the importance of access and how to ensure the properties are accessible. He suggested that any final process include as many people as possible.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried 5-2, to approve the Hunting Creek Area Plan, with a modification to Section 3.4.3 as follows: In order to retain affordable and workforce housing in the City, the City may consider a zoning text amendment or zone change to allow additional height and density with setbacks appropriate to the project and the site, and in conformance with the Board of Architectural Review's Washington Street Standards and Guidelines, with SUP approval, if the project provides for extraordinary affordable housing, including but not limited to the acquisition by the City, or by a non-profit housing corporation, of units at the project.

Councilman Macdonald suggested a friendly amendment to indicate that it is the consensus of Council to preserve not less than 50 percent of the existing rental units as workforce and community housing and they make that a target to consider. In response to a question from Councilwoman Woodson about the legality of the amendment, City Attorney Pessoa said that since they are in the context of bonus density and height, if it is the pleasure of Council to be specific at this point, that is within the purview of the Council.

In response to a question from Councilman Smedberg regarding the current renters in the towers having any guarantee that they would have a first option on affordable housing in any kind of redevelopment, Mr. Pessoa said that under the general law, that depends on whether the building will be gutted or rehabilitated. As part of an affordable housing plan that would come through the process for the bonus height and density, the City could specify that irrespective of the building being gutted, even though they would have to move out for a period of time and give them a right to first refusal to move back in and reoccupy the building. That could be addressed down the road in the affordable housing plan should one come forward and be approved by Council.

Councilwoman Woodson said she is very disappointed and very frustrated in what would appear to be the vote being put out and she said the motion is weak and inadequately addresses the issue. It is a very poor response to the problem they have and it is so because it is rushed. She said she is not a big proponent of dragging things out and likes to make decisions in a process and based on

information they all have at the same time, including information like what the City Attorney just gave that they could be specific. She said they have somewhere approaching 8,000 rental units that are going to be converted over the next couple of years. At least 60 percent of those 8,000 units are affordable, and they won't be available anymore and in Council's effort to move things along, they are missing the bigger picture. Councilwoman Woodson said the language does not address the issue at all, and she said she wasn't sure what extraordinary means and she didn't think exceptional meant anything. She said they are just vague, empty words that don't address the issue, which is what they should be doing, which they have just been told Council could do, and they are not doing it, but she was not sure why that was.

Councilwoman Woodson said they have done a good job of considering preservation and that is important, but affordable housing is what they do if it's comfortable and not if it's painful, and this is a real uncomfortable situation. They are looking at VDOT with taxpayer interests, potential developers who don't own it yet but have a right to purchase, residents who live there and are worried about where they are going to go and are looking at 8,000 units, and she was not sure that saying the nice words are fair to the development community. The development community has no idea once they enter into an agreement, whoever ultimately does that, what Council is going to approve. That pits the Council in the special use permit process, which is not where Council wants to be if it wants to start talking about affordable housing. Councilwoman Woodson said that if they want extraordinary affordable housing, maybe they should say what that is, and not just come back to Council and they will think about it, which is not reasonable. Councilwoman Woodson said if Council can't just say what they want right now, then perhaps Council should vote on it when it can, as opposed to pushing it off and waiting until they have a project, and when the project comes in they want to make some change. She asked if it wouldn't be easier if it made the decisions today so that at least whatever developer is looking to purchase it knows exactly where Council is and what extraordinary means.

Councilwoman Woodson said she wasn't sure why after the fact it needs a working group and what it was going to do, unless they are suggesting the kind of thing when developers create a new project and they have a working group with a liaison in the surrounding community. She said that after it is done, it is done and the people that live there now aren't going to be there.

Councilwoman Woodson said that unless Council is able to put some language in, and she didn't see that happening today, as it would appear there is support for the motion, she thought Council should be real careful before they start patting themselves on the back for its grand strides in affordable housing. She said it is not their interest in affordable housing that makes the difference, but she didn't see what they are doing today with Hunting Creek as an action that will be remembered. It may be an interest they have, but she didn't see it as an action that they will take, that they should be taking now, that they are going to put off

and take later, when it is even more complicated. Councilwoman Woodson said she can't support it and she didn't want anyone to leave this Chamber or anyone on the table to suggest that she didn't support affordable housing because she didn't support the amendment, and that she didn't support preservation because she didn't support the amendment. She said she doesn't support this amendment. Councilwoman Woodson said what she would like to do, since they now know that they can be specific and say they want "x" number or "x" percentage or they don't want height over a certain height, then perhaps that is what Council ought to do. If Council can't do that today, then perhaps they should get the information, have a work session and do whatever is necessary to make a wise decision now and not put it off until some other future date where they come back with a project and then make a spot decision. Councilwoman Woodson said she would not be supporting the action as currently stands.

Councilman Krupicka said the language does not commit Council to any final decision. The language only says Council is willing to consider a plan that incorporates these elements. Council will have a plan within the year that they can consider and give scrutiny to and he assumed they will have the specificity that they need. The only point of the language is to make a clear statement that they have a strong interest in seeing affordable housing included in the plan, they would like to see people go above and beyond the standard limitations and guidelines for affordable housing and would like staff to explore those and leave it at that. He said he didn't know if he would be able to support the plan, as he hasn't seen it yet, and the same goes for the community. He said they want someone to step up to the plate in a big way and want to see something that goes beyond anything they have ever seen in the City as relates to affordable housing.

Councilwoman Woodson said what is expected of Council is that they do their job, and they have something before them for which they can make a decision, for which some have decided they are not going to make the decision. She also said it is important to recognize that the body that is here today may not be the body that is before them 12 months from now. The language has words that mean different things to different people and what may happen in the future may not happen on their watch, so what Council intends today may not be what is interpreted by a future Council. It is even more incumbent, she said, that if they actually think there are going to be affordable units of some significance, so the people who they think are going to come and as they currently live there, will be able to. She said it is great to say extraordinary, but the words don't mean anything in the final analysis, and it needs to be specific on the number of affordable housing, and it should have flexibility over how it's delivered, not whether it is delivered.

Vice Mayor Pepper said she seconded the motion because they have to get on with the Hunting Creek Area Plan and as she has been looking at all possible options and talking to everyone she could, this is the only plan that she saw that

gave them their very best chance of keeping some or all of the Hunting Towers units as affordable housing. The concern she had was that if it is left to normal channels, what will happen is the City will end up with this token contribution of some 10 units, and she said that is not what she has in mind. She said she hoped that by doing this, it would give them their very best chance of making sure they have a large number of affordable housing, if not totally affordable housing, at Hunting Towers. She said she couldn't see anything that is on the table now or in the future that gives them their best shot.

Councilman Gaines said Council has had a full week since the matter was before them, and they are being taken to task for being vague, but he would vote on the best language before him and protect the interests of all the stakeholders--the City and the current residents--and this language accomplishes that. He said that extraordinary means significant and substantial, and what does that mean in numbers they don't know yet. The Council is sending a positive statement to the community, to the residents who are at risk, and barring any specific language to the contrary, he would vote on the best language before him and he believed they had that in the motion on the floor.

Mayor Euille said Councilwoman Woodson also made a suggestion that Council not rush it and take more time, and he asked the City Attorney, City Manager or Planning Director to respond to, if Council doesn't act tonight, what are some of the implications.

Mr. Pessoa responded that if Council wants to reflect on it for another week or two and give staff guidance as to what sort of specific language Council would like to see, they could certainly prepare it and bring it back for Council's consideration, but staff would need guidance as to what the perimeters of that specific language should be, as it has the letter from the Park Service on height.

Mayor Euille asked what effect the letter from VDOT will have on action or lack of action on the part of Council tonight on the right of second refusal for the City to purchase the property.

Mr. Pessoa said VDOT's letter said they would withdraw the offer to let the City purchase the property in the event Kay Management doesn't purchase it, and at the time the property closes, whoever buys it will be subject to the City's zoning. The letter will have no effect on ultimately the use or development of the property if Council wants to defer.

Councilman Smedberg said Council has to answer tonight what is the best way to get to the point where they will have that kind of flexibility, get the message across to the development community, and they need to make most if not all of the development all affordable or workforce housing. He said having flexibility like this helps them get to that point and sends a very clear message. Councilman Smedberg said he wasn't certain that if Council doesn't act this evening, where it

would be when it comes to the State selling the property and who the State might sell it to.

Mayor Euille asked if the Plan is adopted this evening but Council wants to make changes to it, can that occur prior to an actual plan coming through the planning process for a formal special use permit.

Mr. Pessoa said if Council were to adopt this evening the language that is proposed, and next month wanted to amend or change it, Council would have the ordinance in front of Council next month to make the final adoption of the plan, so Council could change the language at that time, and beyond that, Council could always initiate an amendment to the plan, direct the Planning staff to bring it forward and the Planning Commission to consider it, and then ultimately have it come before Council. That would be for the language in the small area plan, which is separate and apart from any application or proposal that might come in to the Council.

Mayor Euille noted that the maker and seconder of the motion did not accept the friendly amendment offered by Councilman Macdonald, and that, treating the amendment as a motion to amend, seconded by Councilwoman Woodson, the motion failed 2-5.

Councilman Krupicka called the question.

Councilman Macdonald said the Planning Commission should be commended for the plan it approved and its recommendations were solid and sound. He said he was a little concerned about the comments from the National Park Service and didn't understand their comments. The issue before Council is does it wait to see if it gets and likes a plan, which is one approach to take, or does it say to bring a plan that does something. He said he preferred the model where Council says what it is shooting for and then brings a plan. He said that is what he prefers, hence he would not be able to support the amendment.

The voting was as follows:

Ayes: Mayor Euille, Vice Mayor Pepper, Councilman Gaines, Councilman Krupicka, Councilman Smedberg.

Nays: Councilman Macdonald, Councilwoman Woodson.