

**City of Alexandria**  
**Saturday, December 14, 2019 – 9:30 AM**  
**City Council Public Hearing Meeting**  
**Meeting Minutes**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Orr, Deputy Director, T&ES; Ms. North, Division Chief, T&ES; Ms. Oleynik, Urban Planner, T&ES; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Triggs, Deputy City Manager; Mr. LaColla, Division Chief, P&Z; Mr. Ewart, Urban Planner, P&Z; Ms. Fine, Assistant City Attorney; Ms. Taylor, Director, Finance; Police Captain Bridgeman; Mr. Barre, Information Technology Services; Police Captain Fard; and Mr. Lloyd.

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

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## **OPENING**

### **1. Calling the Roll.**

Mayor Wilson called the meeting to order and the City Clerk called the roll. All members of Council were present, with Councilwoman Jackson arriving during the public discussion period.

### **2. Public Discussion Period.**

The following persons participated in the public discussion period:

1. Janice Grenadier, 15 West Spring Street, spoke about injustices committed against her by law enforcement and the court system.

2. Jack Sullivan, 4300 Ivanhoe Place, spoke about the problems with the changes to Seminary Road.

3. Kirk Blalock, 609 West Braddock Road, spoke about the problems and the traffic from the changes to Seminary Road.

4. Christine Michaelis, 3976 Seminary Road, thanked Council for the

changes to Seminary Road and how it has improved the area.

5. Michael Michaelis, 3976 Seminary Road, thanked Council for the changes to Seminary Road and for the improvements for pedestrians in the area.

6. Eddie Cruthirds, 4052 Seminary Road, spoke in support of the changes to Seminary Road.

7. William Pfister, 3718 Templeton Place, spoke in support of the changes to Seminary Road.

8. Dean Melody Knowles, 3737 Seminary Road, representing Virginia Theological Seminary, spoke in support of the changes to Seminary Road and the improved pedestrian movement around the Seminary campus.

9. Lauren Jenkins, 45 Carriage House Circle, spoke in support of the changes to Seminary Road.

10. Liz Kane, 3737 Seminary Road, spoke in support of the changes to Seminary Road.

11. Jesse Strauss, 1721 Stonebridge Road, spoke in support of the changes to Seminary Road.

12. Anna Strauss, 1721 Stonebridge Road, spoke in support of the changes to Seminary Road.

13. John Knight, 3737 Seminary Road, spoke in support of the changes to Seminary Road.

14. Ella Knight, 3706 Seminary Road, spoke in support of the changes to Seminary Road.

15. Nicole Radshaw, 5340 Thayer Avenue, spoke in support of the changes to Seminary Road.

**Please note the remaining speakers spoke at the conclusion of the meeting following the regularly scheduled items.**

16. Carolyn Griglione, North Ivanhoe Street, spoke in support of the changes to Seminary Road.

17. Kevin Durkin, 3908 Seminary Road, spoke in support of the changes to Seminary Road.

18. Mark Shiffer, 408 Cloverway Drive, spoke about the challenges the

changes to Seminary Road have created for the surrounding neighborhood.

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR**

### **Planning Commission**

**None.**

## **END OF ACTION CONSENT CALENDAR**

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

3. Public Hearing, Second Reading, and Final Passage of a Phase II Dockless Mobility Pilot Program Draft Conditions for 2020. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 4, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 12/14/19, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 3; 12/14/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 3; 12/14/19, and is incorporated as part of this record by reference.)

Ms. North, Division Chief, Transportation and Environmental Services, gave a presentation on the proposal and she, along with Ms. Orr, Deputy Director, Transportation and Environmental Services, responded to questions from Council about the memorandum of understanding, uses of scooters on sidewalks throughout the City, evaluation of the pilot program, possible use of docking stations for the devices, geofencing for parks, and ad hoc task force responsibilities.

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

1. Elena Sorokina, 21 East Bellefonte Avenue, spoke in support of the continuing the pilot program without the ban for scooters on the sidewalk.

2. Alan Dinsmore, 205 Aspen Street, representing the Commission on Aging, spoke about banning scooter from City sidewalks and how it would affect the safety of sidewalks for the older population in the City. Mr. Dinsmore stated the Commission would like there to be designated areas for scooters to be parked.

3. Roger Ritter, 373 Cameron Station Blvd., spoke about the danger of scooters on sidewalks, especially in the Old Town area and stated that scooters should be limited to public streets.

4. Steve Milone, 907 Prince Street, representing the Old Town Civic Association, spoke the lack of enforcement, how green the technology is, and the safety of the scooters, particularly on the sidewalks, creating safety hazards. Mr. Milone stated that OTCA would like to see an extensive ban throughout the historic districts, with the possibility to extend the ban and banning scooters on all sidewalks.

5. Ann Shack, 501 Tobacco Quay, representing Tobacco Quay Homeowners Association, spoke about banning scooters in certain areas and enforcement of rules for the scooters.

6. Kerry Pakula, 622 Queen Street, spoke about the corralling of scooters in proper areas, the role of the task force, enforcement of rules for scooters, and geofencing for running trails.

7. Doris Ray, 2300 Clarendon Street, representing the Endependence Center of Northern Virginia, spoke about the need for regulations, enforcement, and compliance for micromobility devices as it needs relates to the safety of individuals with disabilities and support the ban of these devices for all City sidewalks.

8. Michael Hobbs, 416 Cameron Street, spoke about the need for a sufficient enforcement of the regulations for the micromobility devices.

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

City staff responded to questions from Council about enforcement for riders of the devices, education and communication of regulations, and equitable distribution of the devices.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council authorized a 12-month Phase II Dockless Mobility Pilot Program from January 1, 2020 to December 31, 2020, and authorized the City Manager to enter into a Memorandum of Understanding (MOU) with permitted dockless mobility operators to facilitate administration of the program consistent with the terms described herein with direction to City Manager to change the language in the MOU as appropriate. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously by roll-call vote, City Council adopted an ordinance with the following changes: page 9, line 2, strike the words "micromobility devices"; page 9, line 9, end the sentence with the words "shall be prohibited"; page 9, strike out line 13, 14,15; change (e) to read as follows: "Riding a micromobility device on the all the sidewalks in the City shall be prohibited." and move it to it letter (a); in Section 10-7-8, remove the words "or micromobility device" and add a sentence stating, "No micromobility device operated in the City shall be used to carry more than one person at a time; and on page 9, section (g) remove the words "micromobility device" from the section. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

#### ORDINANCE NO. 5256

AN ORDINANCE to amend and reordain Chapter 1 (GENERAL PROVISIONS) of Title 6 (PARKS, RECREATION AND CULTURAL ACTIVITIES) and Chapter 1 (GENERAL PROVISIONS), Chapter 3 (OPERATION OF VEHICLES), and Chapter 7 (BICYCLES) of Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended.

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 6, Chapter 1, and Title 10, Chapters 1, 3, and 7 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended by deleting the language shown in strikethrough and adding the language shown as underlined as follows:

#### **TITLE 6 – Parks, Recreation and Cultural Activities CHAPTER 1 – General Provisions**

**Sec. 6-1-4 - Market Square—prohibited conduct: riding mopeds, skateboards, ~~or bicycles, or micromobility devices~~; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; and willful and malicious damage or defacement of public facilities.**

(a) It shall be unlawful for any person to ride any moped, skateboard, ~~or bicycle,~~ or micromobility device, as defined in section 10-1-1 of this code, or to use or operate any motor vehicle, as defined in section 46.1-1, Code of Virginia (1950), as amended, or for any person to willfully or maliciously injure or deface any real or personal property of the city or property lawfully on display or loaned to the city; or to play any portable radio, tape player or other electronic sound-producing device without the use of individual headsets or earphones that limit the sound produced to the individual user at any place within the city's public area known as Market Square, which square lies between the 100 blocks of North Royal and North Fairfax

Streets, bounded on the south side by King Street and on the north by city hall; provided further, that this section shall not be construed to prohibit public employees or their duly authorized agents from using or operating motor vehicles in Market Square in the performance of their duties.

- (b) The city manager is hereby authorized to promulgate any rules and regulations required for the use, governance and protection of Market Square consistent with the intent of this section.

**Sec. 6-1-5 - Same—rules and regulations governing use.**

The rules and regulations governing the use of Market Square public facilities shall be as follows:

- (1) The city manager shall promulgate rules and regulations to permit, the regular use of Market Square for public activities. The rules shall designate the criteria under which Market Square use is permitted, including, but not limited to:
  - (a) a specification that permits shall be handled on a first-come, first-served basis, but applications will not be accepted more than three months in advance;
  - (b) a specification that requests shall be subject to availability as limited by regular maintenance schedules established by the city manager;
  - (c) a requirement that the scheduled use complies with all federal, state and local laws;
  - (d) a requirement that the activity be open to the general public without an admission charge;
  - (e) a preference for Alexandria residents among applicants;
  - (f) a requirement that if past use of Market Square by the applicant has resulted in any damage to Market Square, or resulted in the use of sound-amplifying equipment to project any obscene or indecent language, then that may be grounds for permit denial;
  - (g) a requirement that if the performance or activity is likely to result in a breach of the peace or the use of sound-amplifying equipment to project any obscene or indecent language, then that may be grounds for permit denial;
  - (h) a requirement that if administrative expenses associated with the performance or activity will exceed 50 percent of the ordinary expenses of the average Market Square activity or performance as determined by the department of general services' data, then that may be grounds for permit denial; and
  - (i) any other criteria consistent with the intent of this section,
- (2) The city manager shall also establish:
  - (a) procedures for permit applications;
  - (b) procedures for appeals of permit denials;
  - (c) fee schedules when city services beyond established regular service levels are required for the activity or performance;

- (d) permitted hours for schedule performances or activities; and
  - (e) any other criteria necessary to the safe, efficient and orderly use of Market Square for performances or activities.
- (3) All use of Market Square shall comply with city code section 6-1-4 which prohibits certain specified activities in Market Square.

**Sec. 6-1-6 - The publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River Prohibited conduct; riding mopeds, skateboards, ~~on~~bicycles, or micromobility devices; using or operating motor vehicles; playing of electronic sound-producing devices without individual headsets or earphones; entering the Potomac River from any dock, wharf, pier, bulkhead, piling, or quay adjacent to said open space for purposes of swimming; and willful and malicious damage or defacement of public facilities.**

- (a) It shall be unlawful for any person to ride any moped, skateboard, ~~or~~ bicycle, or micromobility device, as defined in section 10-1-1 of this code, or to use or operate any motor vehicle, as defined in section 46.1-1, Code of Virginia (1950), as amended, or for any person to willfully or maliciously injure or deface any real or personal property of the city or property lawfully on display or loaned to the city; or to play any portable radio, tape player or any other sound-producing device without the use of individual headsets or earphones that limit the sound produced to the individual user, or to enter the Potomac River from any dock, pier, bulkhead piling, or quay adjacent to said open place, at any place within the city's public open space lying east of the eastern right-of-way line of North Union Street, south of the southern right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River; provided further, that this section shall not be construed to prohibit public employees or their duly authorized agents from using or operating motor vehicles in said public space in the performance of their duties.
- (b) The city manager is hereby authorized to promulgate any rules and regulations required for the use, governance and protection of the publicly owned open space east of the eastern right-of-way line of North Union Street, south of the southern right of right-of-way line of Thompson's Alley, north of the northern right-of-way line of King Street and west of the pierhead line in the Potomac River, consistent with the intent of this section.

**Sec. 6-1-7 - Use of radios, tape players or other electronic sound-producing devices without individual headsets or earphones in Beverly Park prohibited.**

It shall be unlawful for any person to operate any radio, tape player or other electronic sound producing device without the use of individual headsets or earphones that limit the sound produced to the individual user at any place within the city's park known as Beverly Park located at North and South Overlook Drives in the city.

**Sec. 6-1-8 - Conduct prohibited by official sign.**

- (a) Within the boundary of any public park in the city, it shall be unlawful for any person, contrary to an official sign, to:
- (1) remain on the premises after park closing;
  - (2) swim, wade or bathe, except for the purpose of saving a drowning person;
  - (3) hunt or fish;
  - (4) play baseball, football, volleyball, golf, tennis, or other organized games or sports, except in designated areas;
  - (5) fly any powered model airplane or rocket, or similar device;
  - (6) camp or use the park for living accommodations;
  - (7) make any fire, or barbecue, grill or otherwise cook any food;
  - (8) solicit or demand any gifts, money, goods or services;
  - (9) sell or offer for sale any goods or service;
  - (10) operate any radio, television, CD, DVD or tape player, or other sound producing device, without the use of headsets or earphones;
  - (11) ride or operate any bicycle or micromobility device, as defined in section 10-1-1 of this code, except on designated bike paths; provided, that this provision shall not apply to law enforcement personnel;
  - (12) ride or operate any roller skates, roller blades or skateboards~~skate boards~~;
  - (13) ride or operate any moped or motor vehicle, except in designated areas or on designated paths; provided, that this provision shall not apply to law enforcement personnel and other authorized city employees; and
  - (14) permit any animal to enter, to be on or to remain on park premises, other than cats, or dogs that are either on a leash or within a designated dog exercise area.
- (b) It shall also be unlawful for any person, after having been specifically directed by a police officer, or by an employee of the department of recreation, parks, and cultural activities who is authorized to enforce this section, to cease engaging in conduct that is unlawful under subsection (a), to refuse or fail to cease engaging in the conduct.
- (c) The city manager is authorized to post one or more official signs, prohibiting some or all of the conduct specified in subsection (a), in any public park in the city. In determining the conduct to prohibit in a park, the manager shall consider the type and nature of the park, its intended uses and existing facilities, its proximity to residential areas, and such other factors as may be relevant to secure public order and safety in, and the efficient and enjoyable use of, the park.
- (d) Official signs posted in a park pursuant to this section shall be located at each principal entrance to the park and, in the case of a linear park, at intervals of not less than~~that~~ 1,000 feet. Additional signs, including signs establishing prohibitions



not generally applicable within the park, may be posted so as to give reasonable notice of the prohibition.

(e) As used in this section:

(1) A public park in the city shall mean any park, plaza, square or other outdoor area open to the general public for active or passive recreational use (i) which is owned in fee by the city, (ii) which is operated by the city under license from the United States or the Commonwealth of Virginia, or an agency thereof, (iii) as to which the city or the United States, or both, hold an easement for public park or waterfront access purposes, or (iv) which is owned or operated by any other public or private entity, so long as the owner or operator thereof has consented, in writing, to the exercise by the city manager of the authority conferred by this section, and the city manager has consented, in writing, to exercise such authority over the area and facilities of such owner or operator.

(2) A camp or use the park for living accommodations shall mean sleeping, making preparations to sleep (including laying down bedding), storing personal belongings, making a fire, using a vehicle, tent, shelter or other structure for sleeping, digging or earth breaking, or undertaking cooking activities. Any of the listed activities constitute camping or the use of the park for living accommodations when it reasonably appears, in light of all the circumstances, that the person, in conducting the activities, is in fact using the area as a living accommodation, regardless of the actual intent of the person, or the nature of any other activities in which the person may be engaging.

(f) Enforcement and penalties:

(1) This section shall be enforced by any police officer, and, in addition, by any employee of the department of recreation, parks, and cultural activities authorized in writing by the city manager to enforce this section.

(2) Any violation of the provisions of subsection (a) shall be punished as a class four misdemeanor.

(3) Any violation of the provisions of subsection (b) shall be punished as a class two misdemeanor.

(g) Miscellaneous provisions:

(1) The provisions and penalties of this section are cumulative and not exclusive, and shall not be construed as repealing any other provision of this code or any other remedy to prevent, correct, restrain or abate a violation of the code.

(2) Any person who posts a sign in any public park in the city which purports to regulate public conduct or behavior within the park, and who is not authorized to do so by this section or another provision of this code, shall be guilty of a class four civil violation. Any such sign shall be forthwith removed by the director of recreation, parks and cultural activities. Any person who defaces, damages or alters a sign that has been posted pursuant to this section shall be guilty of a class four civil violation.

(3) The director of recreation, parks and cultural activities is authorized to issue permits for the use of any public park in the city as the location for a gathering,

game, event or similar occasion. Such permits shall be in writing, and shall set forth such terms and conditions as the director determines may be reasonable. In issuing these permits, the director may exempt the permitted gathering, game, event or similar occasion from some or all of the prohibitions of conduct established by signs posted pursuant to this section; provided, that any such exemption shall be expressly set out in the issued permit, and the permittee shall at all times keep a copy of the permit at the site of the gathering, game, event or other occasion, and shall make the copy available for inspection by any police officer or employee of the department of recreation, parks, and cultural activities who is authorized to enforce this section.

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## **Title 10 – Motor Vehicles and Traffic**

### **CHAPTER 1 – General Provisions**

#### **Sec. 10-1-1 - Adoption of state law.**

- (a) Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 and article 2 of chapter 7 of title 18.2 of the Code of Virginia, as amended, except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which by their very nature can have no application to or within the city, are hereby adopted and incorporated into this section by reference and made applicable within the city. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the city. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this section as fully as though set forth at length herein; and it shall be unlawful for any person within the city to violate or fail, neglect or refuse to comply with any provision of title 46.2 or article 2 of chapter 7 of title 18.2 of the Code of Virginia, which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 or article 2 of chapter 7 of title 18.2 of the Code of Virginia.
- (b) All definitions of words and phrases contained in the state law hereby adopted shall apply to such words and phrases when used in this chapter, unless clearly indicated to the contrary.
- (c) In addition to the definition of words and phrases contained in the state law, the following words and phrases, when used in this title shall, for the purposes of this title, having the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:
  - (1) *Authorized emergency vehicle.* Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police of the city.

**(2) Bike lane. That portion of a street designed and used for bicycle travel and other similar modes such as micromobility devices.**

~~(3)(2)~~ *Curb loading zone.* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

~~(4)(3)~~ *Division.* The division of motor vehicles of the state acting directly or through its duly authorized officers and agents.

~~(5)(4)~~ *Driver.* Every person who drives or is in actual physical control of a vehicle.

~~(6)(5)~~ *Freight curb loading zone.* A zone adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

~~(7)(6)~~ *High occupancy vehicle.* A vehicle which has three or more occupants.

~~(8)(7)~~ *Limited-access highway.* Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except as points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

**(9) Micromobility device. A small, fully or partially electric, battery, or gas-powered vehicle that is designed for personal transport and often shared for short, point to point trips. Micromobility devices include, but are not limited to, motorized skateboards or scooters, electric power-assisted bicycles, and electric personal assistive mobility devices. Such definition excludes “wheelchairs” and “other power-driven mobility devices” as those terms are defined in Virginia Code 10.1-204**

~~(10)(8)~~ *Park.* When prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

~~(11)(9)~~ *Passenger curb loading zone.* A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

~~(12)(10)~~ *Pedestrians.* Any person afoot.

~~(13)(11)~~ *Police officer.* Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

~~(14)(12)~~ *Private roadway or driveway.* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

~~(15)(13)~~ *Railroad.* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

~~(16)(14)~~ *Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

**(17) Roadway. That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or**

more separate roadways, the term "roadway" shall refer to any roadway separately but not to all roadways collectively.

**(18) Shared-use path.** A bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the roadway right-of-way or within a separate right-of-way. Unless otherwise stated by an official sign, sShared-use paths are intended for use by bicycles and micromobility devices and may also be used by pedestrians, skaters, users of wheel chair conveyances, joggers, and other nonmotorized users.

**(19)**~~(15)~~ *Sidewalk.* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

**(20)**~~(16)~~ *Stop.* When required, means complete cessation of movement.

**(21)**~~(17)~~ *Stop, stopping or standing.* When prohibited, means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

**(22)**~~(18)~~ *Street.* The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the city, including the street, alleys and publicly maintained parking lots and for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by city council.

**(23)**~~(19)~~ *Through highway.* Every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this chapter.

**(24)**~~(20)~~ *Traffic.* Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

**(25)**~~(21)~~ *Traffic-control signal.* Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

**(26)**~~(22)~~ *Traffic division.* The traffic division of the police department of this city, or in the event a traffic division is not established, then such term whenever used herein shall be deemed to refer to the police department of this city.

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## **CHAPTER 3 – Operation of Vehicles**

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### **Sec. 10-3-7 - Driving on sidewalks.**

No person shall drive any vehicle, including bicycles, mopeds and motorcycles, upon any sidewalk except while actually crossing the sidewalk at a temporary or permanent driveway. As used in this section, "sidewalk" means any public sidewalk or

pedestrian walkway, park, square or plaza in the city; and any private sidewalk or pedestrian walkway, park, square or plaza in the city to which the general public is regularly afforded access by easement, invitation or license.

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## **CHAPTER 7 - Bicycles and Micromobility Devices**

**Sec. 10-7-1 - reserved.**

**Sec. 10-7-2 - reserved.**

**Sec. 10-7-3 - reserved.**

### **Sec. 10-7-4 - Non-roadway bicycle routes; duties of riders.**

Unless designated by signage prohibiting such conduct, persons may ride a bicycle or micromobility device upon any sidewalks located within the city, subject to the following conditions

- (a) **Riding a micromobility device on all sidewalks in the city shall be prohibited.**
- (b) A person riding a bicycle or micromobility device on a sidewalk or shared-use path shall yield the right-of-way to any pedestrian and shall give an audible signal, either verbally or by the use of a bell or other device capable of giving a signal audible for a distance of 100 feet, before overtaking and passing any pedestrian.
- (c) A person riding a bicycle on a sidewalk or shared-use path shall have all the rights and duties of a pedestrian under the same circumstances.
- (d) The foregoing sections shall not apply to bicycles operated by police officers in the course of their law enforcement duties.
- (e) Bicycling on the sidewalk shall be prohibited in King Street/Union Street Commercial Zone. This zone is on King Street, from West Street east to the Potomac River, and on Union Street, between Prince Street and Cameron Street.
- (f) The designation of additional zones within which riding bicycles on the sidewalk is prohibited shall be determined by the director of transportation & environmental services after consultation with the chief of police and a public hearing before and recommendation from the traffic & parking board, pursuant to criteria to be promulgated by the director of transportation and environmental services.

### **Sec. 10-7-5 - Definitions. reserved.**

~~The following words, when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:-~~

- ~~(1) *Bicycle.* A device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached hereto, having two or more wheels in tandem, including children's bicycles except a toy vehicle intended for use by young children. A bicycle is a vehicle when operated on the roadway.~~
- ~~(2) *Roadway.* That portion of a street or highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any roadway separately but not to all roadways collectively.~~
- ~~(3) *Sidewalk.* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.~~
- ~~(4) *Shared-use path.* A bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the roadway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chair conveyances, joggers, and other nonmotorized users.~~
- ~~(5) *Bike lane.* That portion of a street designed and used for bicycle travel.~~

**Sec. 10-7-6 - Manner of operating on roadway.**

Every person riding a bicycle **or micromobility device** upon a roadway has all rights and is subject to all the duties applicable to the driver of a motor vehicle except those provisions which by their very nature can have no application or to the extent that different rights and restrictions are expressly imposed by this chapter or applicable state law.

**Sec. 10-7-7 - reserved.**

**Sec. 10-7-8 - Passengers.**

No bicycle operated in the city shall be used to carry more persons at one time than the number of persons for which it is designed and equipped. **No micromobility device operated in the city shall be used to carry more than one person.**

**Sec. 10-7-9 - Riding abreast.**

Persons riding bicycles **or micromobility devices** upon roadways, may ride two abreast so long as they do not impede traffic. Persons riding bicycles **or micromobility devices** may not ride more than two abreast.

**Sec. 10-7-10 - Parking.**

No person shall park a bicycle **or micromobility device** in the city in a manner that unreasonably impedes pedestrian or vehicular traffic on a public roadway, shared-use path or sidewalk.

Section 2. That Title 6, Chapter 1, and Title 10, Chapters 1, 3, and 7, as amended pursuant to Section 1 of this ordinance, be, and the same hereby are, reordained as part of the Code of the City of Alexandria.

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

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council adopted the resolution to establish an Ad Hoc Scooter Task Force with the following amendments to the resolution: in section 2, include the words, "or designee" for the Council members and add language to 5(a) stating, "structure and recommendations for a permanent program or discontinuance of the program." The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The resolution reads as follows:

**RESOLUTION NO. 2919**

**RESOLUTION TO ESTABLISH AN AD HOC SCOOTER TASK FORCE**

**WHEREAS**, the City Council wishes to study the use of shared mobility devices in the City and explore the implementation or discontinuation of a permanent shared mobility program; and

**WHEREAS**, the Ad Hoc Scooter Task Force will conduct specified tasks outlined in this resolution;

**WHEREAS**, the City Council wishes to authorize the City Manager to proceed with all steps necessary to establish the Task Force;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL  
OF THE CITY OF ALEXANDRIA, VIRGINIA:**

1. That there is hereby established the Ad Hoc Scooter Task Force ("Task Force") the mission of which is to provide guidance to City Council regarding a structure for electronic scooters and other forms of micro-mobility that would address community concerns with these devices within the City right-of-way.
2. That the Task Force shall consist of thirteen (13) members, to be appointed by the City Manager, representing a diversity of interests related to shared mobility.
  - 2 members from the City Council who also represent the Council on the Transportation Commission
  - 2 Business representatives, including the retail, restaurant or hospitality sector
  - 4 citizens at-large representing different areas/neighborhoods of the City; at least one shall be a current member of an Alexandria civic association
  - 1 person designated by, but who need not be a member of, the Alexandria Commission on Persons with Disabilities
  - 1 person designated by, but who need not be a member of, the Alexandria Commission on Aging
  - 1 person who is a transportation professional in the private sector or in government at the federal, state or local level
  - 1 person representing transportation advocacy organizations
  - 1 person who represents and uses transit and shared mobility interests
3. That the City Manager shall appoint the Task Force Chair, whose role is to serve as a meeting facilitator and spokesperson and work with City staff to set Task Force meeting agendas.
4. That the City Manager be, and hereby is, authorized and directed to take such additional actions as may be necessary or convenient to establish the Task Force as set forth by this Resolution.
5. That the function of the Task Force shall be to discuss and provide guidance to City Council with regard to shared mobility. The Task Force will assist in the development of a report that shall include comments and recommendations concerning:
  - a. Structure and recommendations for a permanent program or discontinuation of the program; and
  - b. Recommendations for changes to City Code as needed
6. That members of the Task Force are expected to:



- a. Support the City's community engagement and outreach efforts by speaking on behalf of their representative groups and communicating their interests in this process.
  - b. Attend and participate fully in all Task Force meetings, in addition to attending work sessions and public hearings of the City Council as needed. If unable to attend, members are encouraged to notify staff in advance and provide comments on meeting materials in a timely manner.
7. That the Task Force will be staffed by a representative of the Department of Transportation and Environmental Services and the Alexandria Police Department.
  8. That pursuant to City Code Section 2-4-8, the Advisory Group shall meet on an ad hoc basis as needed for the period of twelve (12) months, with up to an additional six (6) months if needed for completion of their stated tasks as defined herein, unless otherwise extended by City Council.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**  
**Planning Commission (continued)**

4. Special Use Permit #2019-0080  
 1417 Princess Street - Parking Reduction and Lot Modifications  
 Public Hearing and consideration of a request for a Special Use Permit for a parking reduction with lot modifications for the construction of a single-family dwelling; zoned: RB/Townhouse. Applicant: Ala Awadallah  
 Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated December 3, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 12/14/19, and is incorporated as part of this record by reference.)

Mr. Ewart, Urban Planner, gave a presentation and responded to questions from Council about the proposed project and parking reductions.

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

1. Ala Awadallah, 3335 Glenmore Drive, Falls Church, Virginia, applicant, spoke in support of the project and responded to questions from Council about the parking reduction.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with amendment granting a full parking reduction with open space modification. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed,

none.

**Please note: City Council took a 15 minute recess for lunch at this point.**

## **ORDINANCES AND RESOLUTIONS**

5. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Sections 5-8-71 to 5-8-84: Permit Parking Districts. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 9, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 12/14/19, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 5; 12/14/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 5; 12/14/19, and is incorporated as part of this record by reference.)

Ms. North, Division Chief, Transportation and Environmental Services and Ms. Oleynik, Urban Planner, Transportation and Environmental Services, responded to questions from Council about the permit parking districts.

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

1. Susan Boyd, 406 West Glebe Road, spoke against the changes to Permit Parking Districts, particularly as it relates to the Little Theater of Alexandria, and she responded to questions from Council.
2. Steve Milone, 907 Prince Street, representing Old Town Civic Association, stated that OTCA was concerned about enforcement and would like to have more input on the changes that were being proposed and noted the concerns of the association for the other changes to ordinances and responded to questions from Council.

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

**WHEREUPON**, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council adopted the ordinance that is a comprehensive update to the City Code provision governing

residential parking districts with the following amendments: change on page 5, Section 5-8-73(e), keeping the paragraph and moving it to Section 5-8-77 as item (d) and remove language on page 12 on line seven in Section 5-8-82(e)(4) referencing "occupant of." The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The ordinance reads as follows:

#### ORDINANCE NO. 5257

AN ORDINANCE TO AMEND AND REORDAIN ARTICLE F (PERMIT PARKING DISTRICTS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article F of Chapter 8 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough as follows:

#### **ARTICLE F - Permit Parking Districts**

##### **Sec. 5-8-71 - Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (1) *Block*. That portion of a city street between two intersecting streets or, in the case of a deadend street, between the street's end and an intersecting street.
- (2) *Block face*. The portion of a block running from its centerline to its curb line.
- (3) *City manager*. The city manager of Alexandria or his or her designee.
- (4) *Guest*. A person who is entertained at a ~~residence~~ residential property for a period of less than 24 hours.
- ~~(4.15)~~ *Legal holiday*. A holiday recognized by the federal government.
- ~~(6)~~ *Occupant*. An adult person living in a residence or using premises, as a tenant or owner, for residential purposes.
- ~~(57)~~ *Permit*. A permit issued under this article. ~~and a license plate, decal or permit described in section 10-4-19 of this code.~~
- ~~(68)~~ *Permit holder*. An individual who displays a permit on his or her motor vehicle.
- ~~(79)~~ *Permit parking district*. Any area so designated pursuant to ~~section 5-8-73 or section 5-8-76~~ of this article.

~~(810) *Permit parking district map.* A map, prepared and maintained by the department of transportation and environmental services, showing the city's permit parking districts and the block faces within such districts along which permit parking district signs have been placed.~~

~~(911) *Permit parking district sign.* A sign, posted along a block or block face in a permit parking district, which imposes parking restrictions on individuals who lack a permit.~~

~~(4012) *Residential district.* An area in which 75 percent of the buildings contained therein are used for residential purposes and containing no fewer than 400 on-street parking spaces, designating 20 linear feet per parking space; provided, however, that an area containing fewer than 400 on-street parking spaces may be deemed to be a residential district if the city council finds that to require the area to contain 400 on-street parking spaces would be impractical or impose an undue hardship or if district is created by the process outlined in Section 5-8-73(b).~~

~~(13) *Residential property.* Property used for residential purposes.~~

~~(1214) *Visitor.* A person who is entertained at a residence residential property for a period of more than 24 hours.~~

~~*Special parking district area.* The area bounded on the north by the north side of Princess Street, on the west by the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac River.~~

~~**Sec. 5-8-71A – Permit parking district map; establishment and modification of districts; permit parking district signs.**~~

~~(a) *Permit parking district map.* The boundaries of the city's permit parking districts and the block faces within each such district which are posted with permit parking district signs are and shall continue to be shown on a map, designated "Residential Permit Parking District Map," which is maintained by and kept on file in the department of transportation and environmental services. The map dated April 18, 1989, including as it may be amended over time pursuant to actions authorized by this article, is hereby incorporated into and made a part of this article as if the information contained therein were fully set forth herein.~~

~~(b) *Establishment of new, and expansion of existing, permit parking districts.* After April 25, 1989, new residential permit parking districts shall be established pursuant to section 5-8-73 or section 5-8-76, and existing districts shall be expanded pursuant to section 5-8-75.~~

~~(c) *Posting of new, and modification of existing, permit parking district signs.* Blocks faces in a permit parking district which lack any permit parking district signs may be posted and signs pursuant to section 5-8-77(b). Signs posted on block faces in a permit parking district may be modified pursuant to section 5-8-72(b) and may be removed pursuant to section 5-8-77(a).~~

**Sec. 5-8-72 - Parking in permit parking districts.**

(a) *Prohibited parking.* It shall be unlawful for any person to park a motor vehicle within any block which is posted with one or more residential permit parking district

signs contrary to any of the conditions set forth on the sign, unless the vehicle displays a permit.

(b) *Parking restrictions in districts; ~~modifications of restrictions.~~*

(1) Permit parking district signs shall restrict parking by motor vehicles lacking a permit to no more than two or three consecutive hours on a block during specific periods:

(i) 8:00 a.m. to 5:00 p.m. or 11:00 p.m. (or 2:00 a.m. of the following day if the director of transportation and environmental services deems appropriate) on either Monday through Friday or Saturday, excluding legal holidays, and/or

(ii) 11:00 a.m. to 11:00 p.m. (or 2:00 a.m. of the following day if the director of transportation and environmental services deems appropriate) on Sunday.

(2) Motor vehicles lacking a permit cannot park on the same block after two consecutive hours during the specified periods.

~~8:00 a.m. to 5:00 p.m., 8:00 a.m. to 9:00 p.m., 8:00 a.m. to 11:00 p.m. or 8:00 a.m. to 2:00 a.m. of the following day, on either Monday through Friday or Monday through Saturday, excluding legal holidays, and/or 11:00 a.m. to 11:00 p.m., or 11:00 a.m. to 2:00 a.m. of the following day, on Sunday. Signs in all permit parking districts shall prohibit the parking of vehicles which lack a permit for more than three consecutive hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays, unless city council, or the city manager pursuant to subsection (b)(2), determines that the signs to be posted in a district or portion thereof shall contain another combination of the restrictions set out in the previous sentence.~~

~~(2) (i) Following receipt of a petition signed by more than 50 percent of the residents abutting a block face in any permit parking district, except the special parking district area, which requests that the hours and days of restricted parking on their block face be changed and which specifies the combination of hours and days, described in subsection (1), that the residents are seeking, the traffic and parking board of the city shall, after a public hearing, make a recommendation on the petition to the city manager. Following receipt of the board's recommendation, the manager shall decide the petition and thereafter cause her decision to be implemented; provided, that, in the event the manager decides not to adopt the recommendation of the board or, whether or not in accord with the recommendation of the board, decides to deny the petition, in whole or in part, she shall forward the petition, along with the board's recommendation and the reasons for her decision, to city council which shall make the final decision on the petition.~~

~~(ii) Following receipt of a petition signed by the owner or non-owner occupants of more than 50 percent of the properties abutting a block in the special parking district area which requests that the hours and days of restricted parking on the block be changed and which specifies the combination of hours and days that are requested, the traffic and parking board of the city shall, after a public hearing, make a recommendation on the petition to the city manager; provided, however, that any petition filed under this subsection may only seek a change to one of the~~

~~following combinations of hours and days: 8:00 a.m. to 5:00 p.m. Monday through Friday, two-hour limit; or 8:00 a.m. to 5:00 p.m. Monday through Friday, three-hour limit. Following receipt of the board's recommendation, the manager shall decide the petition and thereafter cause her decision to be implemented; provided, that, in the event the manager decides not to adopt the recommendation of the board or, whether or not in accord with the recommendation of the board, decides to deny the petition, in whole or in part, she shall forward the petition, along with the board's recommendation and the reasons for her decision, to city council which shall make the final decision on the petition. In the event a petition filed under this subsubsection is filed, no further petition relating to the same block may be filed for a period of 24 months after the filing of the first petition.~~

- ~~(c) *Chalk marks.* It shall be unlawful to erase, remove or cover up any chalk mark placed for identification purposes upon any vehicle by any parking enforcement officer enforcing the provisions of this article unless the vehicle is removed from the block in which it was parked at the time the chalk mark was placed.~~

**Sec. 5-8-73 - Designation of permit parking districts; notice of designation.**

- (a) (i) Upon submission of a petition for the designation of a residential district as a permit parking district, if the petition has been signed by an occupant of more than 50 percent of the residential properties residents abutting each block face in the residential district designated in the petition, ~~which, for purposes of calculating the 50 percent requirement, shall include the residents abutting each block face directly adjacent to the proposed permit parking district,~~ the city manager shall cause to be conducted an occupancy engineering survey to determine whether the residential district is qualified as ~~hereinafter described~~ to be designated a permit parking district. The survey of the district shall be taken on a day other than Saturday or Sunday. If, at the time of the survey, more than 75 percent of the on-street parking spaces in the district are occupied by vehicles, no further survey shall be made. If less than 75 percent of the on-street parking spaces in the district are occupied by vehicles, additional surveys may be made at other times during that day.
- (ii) If 75 percent or more of the on-street parking spaces in the district are found to be occupied by vehicles by any survey, a study shall be made to determine if the number of vehicles parked in the district at the time of the survey and owned by nonresidents of the district exceeds 25 percent of the total number of vehicles parked in the district at that time, in which case the district shall be deemed to qualify as a permit parking district and the city manager shall certify this fact to the traffic and parking board ~~of the city.~~
- (b) The city manager may recommend up to two new locations in a calendar year be designated as a permit parking district of a residential district that i) are located within one mile of an existing or proposed transit station or ii) have parking issues identified through a parking study conducted by the city. Upon the city manager's recommendation, the director of transportation and environmental services shall mail a ballot to all residential properties within the proposed permit parking district. If more than 50 percent of ballots are returned and more than 60 percent of ballots

returned indicate support for creating a permit parking district, the district shall be deemed to qualify as a permit parking district and the city manager shall certify this fact to the traffic and parking board.

(c) Following receipt of a certification by the city manager that a residential district is deemed to qualify as a permit parking district, the traffic and parking board shall; review the matter at ~~after a public hearing-~~ and make a recommendations to the city council concerning the designation of the qualifying residential district as a permit parking district. ~~In making its recommendations to the city council the~~ The traffic and parking board shall consider the availability of an alternate means of transportation to and from the residential district and the existence or approval of a traffic generator that may encourage non-residents to park in the district in making its recommendation to the city council. ~~air pollution caused by automobile traffic within the district and the environmental impact of automobile use in the district.~~

(de) Following receipt of the recommendations of the traffic and parking board ~~concerning the designation of a qualifying residential district as a permit parking district,~~ the city council may designate the district as a permit parking district. If such a designation is made, city council shall determine whether permit parking district signs are immediately to be posted throughout or in a portion of the district, or whether signs are only to be posted following action on petitions filed by residents of blocks faces within the district in accordance with section 5-8-767(a). If city council determines that signs should immediately be posted, it shall identify the blocks faces within the district along which signs are to be posted, and shall specify which of the parking restrictions described in section 5-8-72(b) are to be imposed by such signs. Following the designation by city council of a permit parking district, the director of transportation and environmental services shall assign a number to the newly designated district, and update ~~cause~~ the permit parking district map ~~to be modified to include the new district.~~

(ed) Upon the designation of the permit parking district by the city council, the city manager shall cause permit parking district signs to be posted on each block face, or portion thereof, which city council specifies for immediate posting. ~~Such signs shall provide the following information in a format chosen by the director of transportation and environmental services:-~~

~~Three (or Two) Hour Parking-~~

~~8 a.m. to 5 p.m. (or to 9 p.m., 11 p.m. or 2:00 a.m. of the following day) Monday through Friday (or through Saturday)-~~

~~11 a.m. to 11 p.m. (or to 2:00 a.m. of the following day) Sunday (if applicable)-~~

~~Except Holders of District \_\_\_\_\_ Permits-  
(or comparable language)-~~

~~In addition to this language, there-~~

There shall be affixed to each sign following the word "District" the number assigned to the permit parking district in which the sign is located.

(f) The director of transportation and environmental services may designate blocks which abut two residential permit parking districts with parking restrictions as areas where holders of either abutting district permits are exempt from the parking restrictions.

~~(e) No citation for a violation of section 5-8-72 of this article shall be issued in any permit parking district until the signs required by subsection (d) of this section shall have been posted in the district. No citation for a violation of section 5-8-72 shall be valid if the owner of the vehicle receiving the citation within 15 days of the date of adoption of the resolution designating the permit parking district in which the motor vehicle was parked when cited, obtains a permit authorizing the parking of the vehicle in the district. No citation for a violation of section 5-8-72 shall be valid if, less than 31 days before the date of the citation, the owner of the cited vehicle first become a resident of the permit parking district in which the vehicle was parked when cited and, within 30 days of becoming a resident of the district, the owner obtained a permit authorizing the parking of the cited vehicle within the district.~~

**Sec. 5-8-74 - Changes in permit parking district boundaries.**

(a) Occupants of residential properties abutting a block which is adjacent to a permit parking district, who wish to have their block included in the district, shall submit to the city manager a petition signed by an occupant of more than 50 percent of the residential properties abutting the block, so long as at least 75 percent of the parcels abutting the block, or the designated portion, are used for residential purposes and the block meets the requirements for a permit parking district in section 5-8-73. The city manager shall submit the petition to the traffic and parking board for its review and recommendation. Following review by the board, the director of transportation and environmental services may grant the petition and expand the boundaries of the district to include the block identified in the petition, or a designated portion thereof.

(b) (i) The director may recommend changes to update the permit parking district map if not removing any residential properties to:

(A) adjust boundaries of existing permit parking district boundaries to clarify boundary lines' effect on a parcel;

(B) resolve administrative irregularities; or

(C) remove non-residential properties with no residential uses from existing permit parking district boundaries.

(ii) The director shall forward the recommendation to the traffic and parking board for its review and recommendation. Following review by the board, the director of



transportation and environmental services may adjust the boundary of the district as identified in the board's recommendation and update the permit parking district map.

**Sec. 5-8-75 – Posting of new or amended permit parking district signs within an existing district.**

- (a) Occupants of residential properties abutting a block within a permit parking district who wish to have permit parking district signs posted or amend parking district signs that are currently posted on their block, or a portion thereof, shall submit to the city manager a petition signed by an occupant of more than 50 percent of the residential properties abutting the block, or the portion thereof identified in the petition. The petition shall specify the combination of hours and days, described in section 5-8-72(b)(1), during which the residents seek to have permit parking restrictions in effect on their block.
- (b) In the event that a portion of the block is abutted by a property owned by a homeowner's association or condominium association, a letter of endorsement by the association's board of directors or other governing body may be submitted or the governing body may sign a petition in lieu of the occupants of the residential property.
- (c) For the purposes of this section, the owner or managing agent of a residential property that is an apartment building may sign a petition in lieu of the occupants of the apartment building.
- (d) The city manager shall forward the petition to the traffic and parking board for its review and recommendation. Following receipt of the board's recommendation, the director of transportation and environmental services shall grant the petition if he or she finds that at least 75 percent of the parcels of real estate on the block, or the portion thereof identified in the petition, are used for residential purposes; provided, that, in the event the director decides not to adopt the recommendation of the board or he or she decides to deny the petition, in whole or in part, he or she shall notify the board pursuant to section 5-8-5.

**Sec. 5-8-76 - Removal of existing permit parking district signs within an existing district.**

- (a) Occupants of residential properties abutting a block within a permit parking district who wish to have permit parking district signs removed from their block, or a portion thereof, shall submit to the city manager a petition signed by an occupant of more than 50 percent of the residential properties abutting the block or the portion thereof identified in the petition. The city manager shall forward the petition to the traffic and parking board for its review and recommendation. Following receipt of the board's recommendation, the director of transportation and environmental services shall grant the petition unless he or she finds that removal of the signs would have a significant adverse effect upon residents abutting nearby blocks within the district;

provided, that, in the event the director decides not to adopt the recommendation of the board or he or she decides to deny the petition, he or she shall notify the board pursuant to section 5-8-5.

- (b) For the purposes of this section, the owner of a residential property that is an apartment building may sign a petition in lieu of the occupants of the apartment building.
- (c) In the event that a portion of the block is abutted by a property owned by a homeowner's association or condominium association, a letter of endorsement by the association's board of directors or other governing body may be submitted or the governing body may sign a petition in lieu of the occupants of the residential property.

**Sec. 5-8-77 4 - Parking permits; issuance.**

(a) Except as provided in subsection (6), the The city manager shall, upon payment of the fee provided for by this article, issue permits: to natural, but not corporate, persons who reside in a dwelling located within the boundaries of a permit parking district authorizing the parking of motor vehicles in such district for more than the consecutive hour limitation in effect in the district, as follows:

(1) to persons who reside in a permit parking district or to persons who both reside in a residential property dwelling located on a block adjacent to an existing permit parking district where parking on said block is controlled by time limits set by official signs or metered parking and lack adequate alternative nearby parking facilities available to them, as determined by the city manager or the manager's designee. The following shall apply:

(i) one permit for each vehicle belonging to such persons for which the persons have paid all personal property taxes imposed thereon by the city ~~and which displays a valid license windshield tag issued pursuant to the provisions of section 3-2-321 et seq. of this code. Such permits shall be valid from July 1 or, if later, the date of issuance through November 15 of the following year.~~ Applicants for permits issued pursuant to this subsection shall provide proof of residence and, for each vehicle for which a permit is sought, a motor vehicle registration card issued by the division of motor vehicles and proof of payment of all personal property taxes and license taxes imposed thereon by the city.

For permits issued to a person or renewed pursuant to paragraph (i) of this subsection, there shall be imposed a fee of \$40 for the first vehicle, \$50 for the second vehicle, and \$150 for each additional vehicle. A replacement permit for use on another vehicle registered in such person's name may be obtained upon application on forms furnished by the city manager and presentation of the registration card for the vehicle for which the replacement permit is sought and pieces of the previously issued permit as proof that it was removed from the vehicle for which the fee was previously paid, accompanied by a fee of \$1; and

- (ii) one permit per residential property residence for a health care provider providing health care services at the residential property residence. Permits issued under this paragraph (b) are not vehicle specific and may be transferred to different vehicles, but the use of such permits other than by persons providing health care services at the residential property residence—or other than during such times as they are providing health care services at the residential property residence (or are in the immediate process of coming or going from the residential property residence in connection with providing health care services at the residential property residence) is prohibited. Such permits shall be valid for up to one year and will expire on October 5, annually. Applicants for permits issued pursuant to this paragraph (b) shall provide proof of residence, a notarized certification that a permanent occupant of the residential property residence is receiving health care services at the residential property residence, and a written statement from a licensed medical professional that a permanent occupant of the residential property residence is receiving health care services at the residential property residence. For permits issued to a person or renewed pursuant to paragraph (ii) of this subsection, there shall be imposed a fee of \$50 per permit.
- ~~(iii) For permits issued to a person or renewed pursuant to paragraph (ia) of this subsection, there shall be imposed a fee of \$40 for the first vehicle, \$50 for the second vehicle, and \$150 for each additional vehicle.~~
- ~~(iv) Any person who has been issued a permit for a vehicle pursuant to paragraph (ia) of this subsection may obtain a replacement permit for use on another vehicle registered in such person's name, upon application on forms furnished by the city manager and presentation of the registration card for the vehicle for which the replacement permit is sought and pieces of the previously issued permit as proof that it was removed from the vehicle for which the fee was previously paid, accompanied by a fee of \$1.~~
- ~~(v) For permits issued to a person or renewed pursuant to paragraph (b) of this subsection, there shall be imposed a fee of \$50 per permit.~~
- (2) to persons who are visitors at a residential property residence within a permit parking district on the application of the resident, one permit for any vehicle used by such person during the visit, which permit shall be valid for a maximum of 30 days but shall not be renewed; provided, that permits may be issued to no more than two visitors to the same residential property residence—at the same time. A \$5 fee shall be charged for any permit issued pursuant to this subsection for a period of more than seven days.
- (3) to persons who are guests at a residential property residence in a permit parking district on the application of the resident, one permit for any vehicle used by such person while a guest at the residential property residence, which permit shall be valid for a date certain or portion thereof., ~~provided that the number of permits issued under this subsection shall not at any time exceed 50 percent of the number of parking spaces in which they are valid; provided further, that no permit shall be issued under this subsection except upon a showing by the resident making application therefor that during the hours for which the permit is to be issued this~~

~~residence will be used and occupied in a manner which is both lawful and not inconsistent with the residential character of the permit parking district in which it is located, and unless it shall be found that the issuance of the permit or permits will not unduly impair traffic safety during the time of their validity; provided further, that, notwithstanding any provision of this subsection to the contrary, up to 10 Self-validating guest permits or online, date-specific guest permits shall be issued in any calendar month for the guests of any residential property residence located in a permit parking district upon the application of a person residing in the residential property residence. Any permit issued pursuant to this subsection may be limited to certain streets or portions thereof in the permit parking district for which the permit is issued.~~

- (4) to persons doing business with an occupant of the residential property resident or a nonresident property owner of a property located within a permit parking district on the application of the occupant of the residential property resident or nonresident property owner, one permit for the vehicle used while doing business in the permit parking district; provided, that such permits may be issued to no more than three persons doing business at the same residential property residence at the same time. No permit shall be issued pursuant to this subsection for a period longer than the time estimated by the occupant of the residential property resident or nonresident property owner to be required for completing the business transaction for which the permit is sought, and in no event shall any permit be valid for more than 30 days.
- ~~(b) (5)~~ Whenever a holder of a permit issued under this section is no longer qualified to possess the permit, the permit shall be invalid and shall be returned to the director of finance.
- ~~(c) (6)~~ Permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, to the extent the residents, visitors, guests or business-invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described above in subsections (1), (2), (3) or (4).
- ~~(d)~~ No citation for a violation of section 5-8-72 of this article shall be issued in any permit parking district until the signs required by subsection (d) of this section shall have been posted in the district. No citation for a violation of section 5-8-72 shall be valid if the owner of the vehicle receiving the citation within 15 days of the date of adoption of the resolution designating the permit parking district in which the motor vehicle was parked when cited, obtains a permit authorizing the parking of the vehicle in the district. No citation for a violation of section 5-8-72 shall be valid if, less than 31 days before the date of the citation, the owner of the cited vehicle first become a resident of the permit parking district in which the vehicle was parked when cited and, within 30 days of becoming a resident of the district, the owner obtained a permit authorizing the parking of the cited vehicle within the district.

~~**Sec. 5-8-75 - Changes in permit parking district boundaries.**~~

~~Residents abutting a block face within a city block which is adjacent to a permit parking district, who wish to have their block face included in the district, shall submit to the city manager a petition signed by at least 50 percent of the block face residents. The manager shall submit the petition to the traffic and parking board for its review and recommendation. Following review by the board, city council may grant the petition and expand the boundaries of the district to include the block face identified in the petition, or a designated portion thereof, so long as at least 75 percent of the parcels of real estate abutting the block face, or the designated portion, are used or residential purposes and the block face meets the requirements for a permit parking district in section 5-8-73. (Code 1963, Sec. 22-121.17; Ord. No. 3215, 5/26/87, Sec. 6; Ord. No. 3372, 4/25/89, Sec. 5)~~

~~**Sec. 5-8-76 – Establishment of trial permit parking district.**~~

~~Notwithstanding any other provision of this article, the city council may establish a permit parking district or districts on a trial basis, for a period not to exceed 90 days, during which period no other petitions for establishment of such district shall be acted on by the city council. Any permit parking district established on a trial basis pursuant to this section shall, at the expiration of the trial period established by the city council for that district, continue to be a permit parking district as established by this article unless and until it shall be otherwise declared by the city council. The provisions of subsections (c) and (d) of section 5-8-73 shall apply to the establishment of a permit parking district under this section. (Ord. No. 3372, 4/25/89, Sec. 6)~~

~~**Sec. 5-8-77 – Removal of existing, the posting of new, permit parking district signs.**~~

~~(a) Residents abutting a block face within a permit parking district who wish to have permit parking district signs removed from their block face, or a portion thereof, shall submit to the city manager a petition signed by at least 50 percent of the residents of the block face or the portion thereof identified in the petition. The manager shall forward the petition to the traffic and parking board for its review and recommendation. Following receipt of the board's recommendation, the manager shall grant the petition unless she finds that removal of the signs would have a significant adverse effect upon residents abutting nearby block faces within the district; provided, that, in the event the manager decides not to adopt the recommendation of the board or she decides to deny the petition, she shall forward the petition, along with the board's recommendation and the reasons for her decision, to council which shall make the final decision on the petition.~~

~~(b) Residents abutting a block face within a permit parking district who wish to have permit parking district signs posted on their block face, or a portion thereof, shall submit to the city manager a petition signed by at least 50 percent of the residents of the block face, or the portion thereof identified in the petition. The petition shall specify the combination of hours and days, described in section 5-8-72(b)(1), during which the residents seek to have permit parking restrictions in effect on their block face. The manager shall forward the petition to the traffic and parking board for its review and recommendation. Following receipt of the board's recommendation, the manager shall grant the petition if she finds that at least 75 percent of the parcels of~~

~~real estate on the block face, or the portion thereof identified in the petition, are used for residential purposes and that the block face, or the identified portion thereof, meets the requirements for a permit parking district in section 5-8-73; provided, that, in the event the manager decides not to adopt the recommendation of the board or she decides to deny the petition, in whole or in part, she shall forward the petition, along with the board's recommendation and the reasons for her decision, to city council which shall make the final decision on the petition. (Code 1963, Ch. 22; Ord. No. 2414, 11/27/79, Sec. 2; Ord. No. 3215, 5/26/87, Sec. 7; Ord. No. 3372, 4/25/89, Sec. 7)~~

**Sec. 5-8-79 - Enforcement and administration of article.**

- (a) The police department of the city shall be responsible for the enforcement of this article.
- (b) The director of finance shall be responsible for the administration of this article. This responsibility shall include the following duties:
  - (1) Upon determining that a permit issued pursuant to section 5-8-774 has been obtained through a misrepresentation made in violation of section 5-8-80(a), the director of finance shall notify the permit holder that the permit is invalid and must be returned to the director.
  - (2) Upon determining that a permit issued pursuant to section 5-8-774 is being misused, which includes, but is not limited to, display ~~(for example, by being displayed~~ on a vehicle other than the vehicle for which the permit was issued, or that the person holding the permit no longer meets the requirements for obtaining the permit, the director of finance shall notify the permit holder that the permit is invalid and must be returned to the director.

**Sec. 5-8-80 - Permit violations and penalty.**

- (a) In addition to any other prohibition or restriction imposed by this article, the following acts are prohibited:
  - (1) It shall be unlawful for any person to make a false representation of any material fact when applying for or seeking to renew a permit under this article.
  - (2) It shall be unlawful for any person to display on a motor vehicle a permit issued pursuant to this article when the requirements for obtaining the permit are no longer satisfied or when the vehicle is not the vehicle for which the permit was issued.
- (b) The penalty for a violation of subsection (a)(1) or (a)(2) shall be a fine of \$250.
- (c) Any permit held by a person who has violated subsection (a)(1) or (A)(2) shall, at the time of the violation, become and thereafter remain invalid.

**Sec. 5-8-81 – Reserved. Federal courthouse parking zone.–**

- ~~(a) The director of transportation and environmental services is authorized to establish a permit parking zone for jurors and witnesses attending the United States Courthouse located in the city.–~~

- ~~(b) Such zone shall consist of not more than 50 parking spaces on Elizabeth Lane and Mill Road, the location of which shall be determined by the director.~~
- ~~(c) Parking permits for witnesses and jurors attending the United States Courthouse shall be issued by the Clerk of the United States District Court for the Eastern District of Virginia, and the Office of the United States Attorney, and the form thereof shall be approved by the director.~~
- ~~(d) Any limitations on the hours during which vehicles may park on streets within the parking zone established pursuant to subsection (a) shall not apply to vehicles parked in the zone and displaying in their windshield a permit issued under subsection (c). The director shall post signs regulating parking in such spaces, which provide that the limitations as to hours of parking shall not apply to vehicles displaying a permit.~~
- ~~(e) This section shall expire on January 22, 2003.~~

**Sec. 5-8-82 - Restricted overnight parking districts.**

- (a) *Prohibited parking.* It shall be unlawful for any person to park a motor vehicle within any block face which is posted with one or more restricted overnight parking district signs contrary to any of the conditions set forth on the sign, unless the vehicle is registered with the city City of Alexandria pursuant to section 3-2-229 of this code, or the vehicle has been issued a guest or visitor permit pursuant to this section.
- (b) *Parking restrictions.* Restricted overnight parking district signs shall prohibit parking by motor vehicles which are not registered with the city City of Alexandria pursuant to section 3-2-229 of this code, ~~or~~ unless the vehicle has been issued a guest or visitor permit pursuant to this section, during the posted overnight hours between 12 midnight and 6:00 a.m. the following morning. As used in this section, parking means the stopping or standing of a motor vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of the vehicle.
- (c) *Establishment of district.* A restricted overnight parking district may be established in accordance with the following criteria and procedures:
  - (1) All property within the district must be zoned for residential use.
  - (2) No district shall include property which is included within a residential permit parking district established pursuant to this article F.
  - (3) The district must include a minimum of 200 on-street parking spaces.
- (e) (4) A petition requesting the establishment of a restricted overnight parking district, describing the area proposed to be designated, and signed by an occupant of not less than 66 and two-thirds percent of the residential properties abutting each block face in the proposed district, shall be filed with the city manager. For the purposes of this section, the owner or managing agent of a residential property that is an apartment building may sign a petition in lieu of the occupants of the apartment

building. In the event that a portion of the block is abutted by a property owned by a homeowner's association or condominium association, a letter of endorsement by the association's board of directors or other governing body may be submitted or the governing body may sign a petition in lieu of the occupants of the residential property.

- (5) Upon receipt of a petition which meets the minimum criteria, the city manager shall conduct one or more surveys of the on-street parking spaces within the proposed district during the restricted parking hours, on an evening other than a Friday, Saturday or Sunday evening. If the surveys reasonably demonstrate to the satisfaction of the city manager that at least 25 percent of the vehicles parked within the proposed district are not registered with the city ~~City of Alexandria~~ pursuant to section 3-2-229 of this code, the city manager shall refer the petition to the traffic and parking board. If the surveys do not so demonstrate, the petition shall be deemed denied.
- (6) The traffic and parking board shall conduct a public hearing and make a recommendation to the city manager ~~council~~ concerning the establishment of the district.
- (7) Upon receipt of the recommendation of the traffic and parking board, the city manager ~~council~~ shall determine whether or not to establish the restricted overnight parking district. ~~Prior to making its decision, the city council may elect to hold a public hearing on the proposed designation.~~
- (8) The board and city manager ~~council~~ shall consider the following factors: the availability of off street parking in the district, the degree of congestion or utilization of on-street parking typical in the district during the restricted hours, such geographic features of the area as may impact access to, or availability of, parking during the restricted hours, the likely effect of establishment of the district on surrounding areas within the city, and such additional factors as the board or city manager ~~council~~ reasonably determine are relevant to its consideration of the matter.
- (9) If the city manager ~~council~~ approves the establishment of the district, the director of transportation and environmental services shall forthwith post the signs described in subsection (b) within the district and record the district on the permit parking district map.
- (d) The city manager shall provide for the convenient issuance of guest and visitor permits, as provided in section 5-8-774, for use within a restricted overnight parking district.
- (e) All relevant provisions of this code, including without limitation the provisions of this article F, which are not in conflict with the provisions of this section, shall apply to the establishment, procedures, penalties and enforcement of a restricted overnight parking district established pursuant to this section.

**Sec. 5-8-83 - Restricted daytime parking district.**



- (a) *Prohibited parking.* It shall be unlawful for any person to park a motor vehicle within any block face which is posted with one or more restricted daytime parking district signs contrary to any of the conditions set forth on the sign, unless the vehicle is registered with the City of Alexandria pursuant to section 3-2-229 of this code, or the vehicle has been issued a guest or visitor permit pursuant to this section.
- (b) *Parking restrictions.* Restricted daytime parking district signs shall prohibit parking by motor vehicles which are not registered with the City of Alexandria pursuant to section 3-2-229 of this code, ~~or~~ unless the vehicle has been issued a guest or visitor pass pursuant to this section, during the posted daytime hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. As used in this section, parking means the stopping or standing of a motor vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of the vehicle.
- (c) *Establishment of district.* The restricted daytime parking district may be established for any block face or adjoining group of block faces within the boundaries set forth in the daytime parking district map approved by the city council upon passage of the ordinance creating and authorizing this code section. City council may amend the daytime parking district map by resolution. Residents within the district may request that restricted daytime parking district signs be posted on block faces within the district pursuant to the following criteria and procedures:
- (f) (1) A petition requesting the establishment of a placement of restricted daytime parking district signs, describing the area proposed to be designated, and signed by an occupant of not less than 50 percent of the residential properties abutting each block face in the proposed area, shall be filed with the city manager. For the purposes of this section, the owner or managing agent of a residential property that is an apartment building may sign a petition in lieu of the occupants of the apartment building. In the event that a portion of the block is abutted by a property owned by a homeowner's association or condominium association, a letter of endorsement by the association's board of directors or other governing body may be submitted or the governing body may sign a petition in lieu of the occupants of the residential property.
- (2) Upon receipt of a petition which meets the minimum criteria, the director of transportation and environmental services shall forthwith post the signs described in subsection (b) within the proposed area and record the area on the daytime permit parking district map.
- (d) Guest/visitor passes. The city manager shall provide for the issuance of one guest/visitor pass for each residential property ~~residence~~ within any approved area within the restricted daytime parking district at no cost. Such passes shall be transferable to subsequent occupants of the residential property ~~residence~~ without action by the city. If any issued guest/visitor pass is lost or stolen, the requesting occupant ~~resident~~ may obtain a replacement from the city at a cost of \$100.

- (e) All relevant provisions of this code, including without limitation the provisions of this article F, which are not in conflict with the provisions of this section, shall apply to the establishment, procedures, penalties and enforcement of a restricted daytime parking district established pursuant to this section.

**Sec. 5-8-84 - Pay by phone parking fee within a residential permit parking district.**

- (a) *Purpose.* On residential blocks adjacent to metered areas, which are often occupied by vehicles belonging to non-residents of the district, a pay by phone parking fee may be implemented that requires non-residents of the district to pay to park on the block during the posted times.
- (b) *Parking restrictions.* Residential blocks with a pay by phone parking fee shall prohibit parking in designated areas by motor vehicles which do not display a valid parking permit for that district or have not submitted appropriate payment through either the pay by phone application referenced on the posted signage, a city parking meter, or other authorized payment method.
  - (1) The hourly parking fee shall be consistent with the cost of a meter as established in Section 5-8-93.
  - (2) The hours during which a parking fee is applicable shall be consistent with the existing posted hours of restriction. Changes to the posted hours shall be reviewed by the traffic and parking board pursuant to section 5-8-72(b).
- (c) *Establishment.* A pay by phone parking fee may be added to certain designated residential permit parking district blocks in accordance with the following criteria and procedures:
  - (1) The area subject to parking fee must be on a block with existing metered spaces, adjacent to an existing metered block, or adjacent to a block where a residential pay by phone parking fee has also been approved. For the purposes of this subsection (1), an area that consists of multiple adjacent blocks may be considered simultaneously, so long as one block meets this locational requirement, and provided that all other requirements of this section are met for each individual block.
  - (2) The block must be located within the area bounded on the north by the north side of Princess Street, on the west by the east side of Washington Street, on the south by the south side of Wolfe Street and on the east by the Potomac River. ~~Special Parking District Area.~~
  - (3) The area subject to parking fee must already be posted with residential parking restrictions.
- (g) (4) The request to add a pay by phone parking fee must be initiated by the residents of the block through a petition signed by an occupant of more than 50 percent of the residential properties abutting the block and submitted to the city manager. For the purposes of this section, the owner or managing agent of a residential property that is an apartment building may sign a petition in lieu of the occupants of the apartment building. In the event that a portion of the block is abutted by a property owned by a homeowner's association or condominium

association, a letter of endorsement by the association's board of directors or other governing body may be submitted or the governing body may sign a petition in lieu of the occupants of the residential property.

- (5) Upon receipt of a petition for a block meeting the criteria established above, the director of transportation and environmental services ~~city manager~~ shall direct staff to conduct a survey of the parking conditions on the block. The survey shall be taken during the hours of the existing residential parking restrictions. If staff observes that 75 percent or more of the available parking spaces on the block are occupied, the director ~~city manager~~ shall forward the request to the traffic and parking board for its review and recommendation at a public hearing.
- (6) If less than 75 percent of the available spaces are occupied, additional surveys may be made at other times of the day. If the surveys do not so demonstrate, the petition shall be deemed denied and no further action will be taken.
- (7) Following the board's recommendation, the director of transportation and environmental services ~~manager~~ shall decide the petition and cause his or her decision to be implemented; provided that in the event the director ~~manager~~ decides not to adopt the recommendation of the board or, whether or not in accord with the recommendation of the board, decides to deny the petition, he or she shall notify the board pursuant to section 5-8-5. ~~forward the petition, along with the board's recommendation and the reasons for his decision to city council which shall make the final decision on the petition.~~
- (8) Parking restrictions may be removed from a block face in accordance with section 5-8-~~76~~ 77(a).

**Secs. 5-8-85 through 5-8-90 - reserved.**

Section 2. That Article F of Chapter 8 of Title 5 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

6. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Chapter 4 (Human Rights) of Title 12 (Education, Social Services and Welfare) of the Code of the City of Alexandria, Virginia, 1981, as amended to add the terms gender identity and transgender status. [ROLL-CALL VOTE]

A copy of the City Manager's memorandum dated December 4, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 12/14/19, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 6; 12/14/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 6; 12/14/19, and is incorporated as part of this record by reference.)

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

1. Robert Petris, 927 Parker-Gray School Way, spoke in support of the ordinance.
2. Robin Anderson, 125000 Colby Drive, representing Commonwealth Baptist Church, spoke in support of the ordinance.
3. Casey Pick, 3310 Mount Vernon Avenue, spoke in support of the ordinance.
4. Dino Drudi, 315 North West Street, spoke about Virginia being a Dillon Rule state and questioned whether City Council has the authority to add this language to the ordinance.

**WHEREUPON**, upon motion by Councilman Seifeldein, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and approved the ordinance to amend and reordain Chapter 4 (HUMAN RIGHTS) of Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of the code of the City of Alexandria, Virginia, 1981, as amended to add the terms gender identity

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

The ordinance reads as follows:

#### ORDINANCE NO. 5258

AN ORDINANCE to amend and reordain Chapter 4 (Human Rights) of Title 12 (Education, Social Services and Welfare) of the Code of the City of Alexandria, Virginia, 1981, as amended.

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 4 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding the text shown in underline as follows:

#### CHAPTER 4 - Human Rights

##### Sec. 12-4-1 - Short title.

This chapter shall be known and may be cited as the "Human Rights Code of the City of Alexandria, Virginia."

##### Sec. 12-4-2 - Findings of fact and declaration of policy.

- (a) *Findings.* The City Council of the City of Alexandria, Virginia, having conducted public hearings finds:
  - (1) The population of the City of Alexandria consists of people of different races, colors, sexes, religions, ancestries, national origins, marital statuses, familial statuses, ages, sexual orientations and disabilities, many of whom, because of their race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability, in some instances have been unjustly discriminated against with respect to housing, employment, public accommodations, health and social services, education, credit or city contracts.
  - (2) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability with respect to housing causes, at least in part, circumscribed and segregated areas within the city and deprives many persons of the opportunity to live in the city or the opportunity to live in decent housing.
  - (3) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability with respect to employment denies job opportunities to many citizens of Alexandria and causes depressed living conditions.

- (4) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity or transgender status** or disability in places of public accommodation causes embarrassment and inconvenience to citizens and visitors of the city and is detrimental to the welfare of the city.
  - (5) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity or transgender status** or disability with respect to credit, credit-related services or credit ratings arbitrarily denies financial opportunities and purchasing power to many citizens.
  - (6) Discrimination because of race, color, sex, religion, ancestry, national origin, sexual orientation, **gender identity, transgender status** or disability with respect to education denies appropriate role models and career and athletic opportunities to the students, teachers and administrative staff.
  - (7) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability with respect to health and social services is detrimental to the health of many citizens and deprives many needy and unfortunate citizens of the bare essentials of life.
  - (8) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, age, **sexual orientation, gender identity, transgender status** or disability with respect to city contract employment denies job opportunities to many citizens and causes depressed living conditions.
  - (9) Discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age or disability is contrary to the law of the United States of America and the spirit of the Constitution of Virginia.
  - (10) It is in the public interest and in furtherance of the welfare and wellbeing of all citizens of Alexandria, Virginia to assure that each citizen is treated fairly, provided equal protection of the law and afforded full and equal opportunity to enjoy life, liberty, property and the pursuit of happiness.
  - (11) The conditions set forth in subsections (1) through (9) above have caused or are capable of causing or encouraging crime, riots, disturbances, disorders, delinquency, breach of peace, fires, poverty, slums, blighted areas, overcrowding, unhealthy and unsanitary conditions, disease, increased mortality, unstable family life, increased cost of government, excessive public assistance problems, unemployment, loss of manpower, loss of womanpower, loss of tax revenue, and loss of trade, commerce, business and productivity.
- (b) *Policy.* The City Council of the City of Alexandria, Virginia, hereby declares:
- (1) That it is contrary to the policy of the city to permit the conditions mentioned in this section to exist or to arise.
  - (2) That it is the duty and policy of the city to exercise all available means and every power it possesses to protect the city and its citizens from such conditions and from

the undesirable results that have been or may be caused or encouraged by the existence of such conditions.

- (3) That, except as hereinafter provided, it is and shall be the policy of the city, in the exercise of its police power and all other powers it may possess, to protect the safety, health, peace, good order, comfort, convenience, morals and welfare of its inhabitants, to assure all persons the opportunity to obtain housing, public accommodations, employment, health and social services, credit, education and city contracts without regard to race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability.
- (4) That to carry out these goals and policies it is and shall be the policy of the city generally, except as hereinafter provided, to prohibit discrimination because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability with respect to housing, public accommodations, employment, health and social services, credit, education and city contracts.

Sec. 12-4-3 - Definitions.

- (a) *Diversity and inclusion program.* A positive program designed to ensure that a good faith effort will be made to employ applicants without regard to race, color, sex, **sexual orientation, gender identity, transgender status** or disability. Such program shall include, where applicable, but shall not be limited to, the following: recruitment and recruitment advertising, selection and selection criteria, upgrading, promotion, demotion or transfer, lay-off or termination, rates of pay or other forms of compensation, other terms or conditions of employment and selection for training, including apprenticeship, and shall include realistic and attainable goals, methodology and timetable for implementation of the program.
- (b) *Age.* Unless stated or the context clearly indicates otherwise, the word "age" as used in this chapter shall refer exclusively to persons who are 18 years of age or older.
- (c) *Commercial real estate.* Land or any improvement thereon, or both, or an interest in land or any improvement thereon, that is offered for sale or lease and that is being utilized, or may be utilized, by a commercial or industrial use under the City of Alexandria Zoning Ordinance, whether such use is a permitted or special use. The fact that some alterations to land or improvements, or both, must be made after the sale or lease is completed, or that permits, licenses or other approvals are necessary after the sale or lease to put the land or improvements into an actual commercial or industrial use shall not preclude the land or improvements from constituting commercial real estate.
- (d) *Commission.* The human rights commission created by section 12-4-15 of this chapter.
- (e) *Complainant.* Any person filing a complaint or on whose behalf a complaint is filed by the human rights director pursuant to this chapter.

- (f) *Credit*. The right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment.
- (g) *Disability*. A physical or mental impairment which substantially limits one or more major life activities. "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic or lymphatic; skin and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (h) *Discriminate, discrimination, discriminatory practice*. Any arbitrary difference in treatment based on membership in a protected class not permitted by this chapter, including harassment.
- (i) *Educational institution*. Any nursery, day care center, kindergarten, elementary or secondary school, academy, college, university, extension course or nursing, secretarial, business, vocational, technical, trade or professional school or joint apprenticeship program.
- (j) *Employer*. Any person who employs four or more employees for wages, salaries or commission within the city, exclusive of parents, spouse or children, and excluding any bona fide religious, fraternal or sectarian organization not supported in whole or in part by governmental appropriations.
- (k) *Employment agency*. Any person regularly undertaking with or without compensation to advertise for or otherwise procure opportunities to work or to procure, recruit, refer or place employees.
- (l) *Familial status*. One or more individuals who have not attained the age of 18 years and who are domiciled with:
  - (1) parent or another person having legal custody of such individual or individuals; or
  - (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.

The term "familial status" shall also apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years. The provisions regarding familial status do not apply with respect to housing for older persons.
- (m) *Family*. One or more individuals living together on the premises as a single housekeeping unit.

**(m.2) Gender identity. The actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.**



- (n) *Harassment.* Any verbal or physical conduct that denigrates or shows hostility toward an individual because of his or her race, color, religion, gender, national origin, age, disability, marital status, **gender identity or transgender status** or sexual orientation.
- (o) *Health or social service agency.* Any person rendering health or social services. The term includes but is not limited to any hospital, clinic, dispensary, nursing home, convalescent home, rehabilitation center, social work agency, community service center, group work-recreation center, counseling and guidance services agency, day camp or resident camp, protective service organization or facility; but except for a hospital, clinic or dispensary, this term shall not include any health or social service agency operated, supervised or controlled by or in conjunction with a religious organization, association or society exclusively or primarily for members of its own faith.
- (p) *Housing.* Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (q) *Human rights director.* That person appointed pursuant to section 12-4-14 of this chapter.
- (r) *Labor organization.* Any organization which exists for the purpose in whole or in part of collective bargaining or of dealing with employers on behalf of employees concerning grievances, terms or conditions of employment, or of other mutual aid or protection in relation to employment.
- (s) *Lending institution.* Any person, including but not limited to a bank, insurance company or savings and loan association, regularly engaged in the business of lending money, guaranteeing loans or furnishing consumer credit or other credit-related services.
- (t) *Owner.* Any person, including but not limited to a lessee, sublessee, assignee, manager or agent, and also including the city and its departments, boards, commissions, authorities, committees and agencies, having the right of ownership or possession or the authority to sell or rent any dwelling.
- (u) *Pattern or practice of discrimination.* Any event, course of conduct or way of doing business with respect to housing, employment, public accommodations, credit, health and social services or city contracts which happens on several occasions and which actually or predictably results in different treatment which is discriminatory on the basis of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability.
- (v) *Person with a disability.* Any person who has a disability, as defined above, or has a record of such impairment, or is regarded as having such an impairment. "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. "Is regarded as having such an impairment" means: (i) has a physical

or mental impairment that does not substantially limit major life activities but is treated by a respondent as constituting such a limitation; (ii) has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or (iii) has none of the impairments defined under "disability" above but is treated as having such an impairment by any person within the jurisdiction of this chapter. Notwithstanding any contrary provision in this chapter, the term "person with a disability" shall not include any person who engages in the current, illegal use of a controlled substance, as defined in Virginia or federal law.

- (w) *Public accommodation.* Includes every business, professional or commercial enterprise, refreshment, entertainment, sports, recreation or transportation facility in the city, whether licensed or not, public or private, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available in any manner to the general public. Public accommodation does not include a bona fide private club or other establishment not in fact open to the general public.
- (x) *Public funds.* Any funds derived from any governmental body or agency.
- (y) *Qualified person with a disability.* (i) With respect to employment, a person with a disability, who with or without reasonable accommodation, can perform the essential functions of the job in question; and (ii) with respect to employment and other services, a person with a disability who meets the essential eligibility requirements for the receipt of such services with or without reasonable accommodation.
- (z) *Real estate broker.* Any person, who for a fee or other valuable consideration, manages, sells, purchases, exchanges, rents or negotiates, or offers or attempts to negotiate the sale, purchase, exchange or rental of the real property of another, or holds himself or herself out as engaged in the business of managing, selling, purchasing, exchanging or renting the real property of another, including real estate salespersons, agents or any other persons employed by a real estate broker to perform or to assist in the performance of his or her business.
- (aa) *Respondent.* Any person against whom a complaint is filed pursuant to this chapter.
- (bb) *Restrictive covenant.* For purposes of this chapter, this is a provision written into a deed, lease, mortgage, deed of trust or contract that bars any person from owning or occupying housing on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation, **gender identity, transgender status** or disability.
- (cc) **Sexual orientation. Actual or perceived** ~~Having a preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference or being identified with such a preference.~~
- (dd) *To rent.* Includes to lease, to sublease, to let or otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Sec. 12-4-3.1 - Notices and services.

- (a) Unless otherwise specified, all notices required under the provisions of this chapter shall be served by mailing to the last-known address appearing in the commission's records. It is the duty of the parties to advise the commission of any changes in address.
- (b) Such notice by mail may be substituted for e-mail delivery if verification of receipt is provided by the recipient. The respondent and complainant may also enter into a written agreement with the commission to waive notice by mail and receive all notices by e-mail.

Sec. 12-4-4 - Unlawful housing practices.

- (a) *Unlawful housing practices—sale or rental.* Except as provided in subsection (e) of this section, it shall be unlawful for any person:
  - (1) to refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny housing to any person, because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability.
  - (2) to discriminate against any person in the terms, conditions or privileges of sale or rental of housing, or in the provision of services or facilities in connection therewith, because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability.
  - (3) to make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of housing, that indicates any preference, limitation or discrimination based on race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability, or an intention to make any such preference, limitation or discrimination.
  - (4) to represent to any person because of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability, that any housing is not available for inspection, sale or rental, when the housing is in fact so available.
  - (5) for profit, to induce or attempt to induce any person to sell or not sell, or to rent or not rent any housing by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability.
  - (6) to make an oral inquiry or to use a written inquiry or form of application or photograph, as a condition of the transaction in connection with the sale or rental of housing that elicits or attempts to elicit information concerning race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability.
  - (7) to discriminate in the sale or rental of, or to otherwise make unavailable or deny, housing to any buyer or renter because of a disability of the buyer or renter, of a

person residing in or intending to reside in the housing after it is sold, rented or made available, or of any person associated with the buyer or renter.

- (8) to discriminate against any person in the terms, conditions, or privileges of sale or rental of housing, or in the provision of services or facilities in connection with such housing, because of a disability of the person, of a person residing in or intending to reside in the housing after it is sold, rented or made available, or of any person associated with the person.
- (9) for purposes of sub-subsections (7) and (8), discrimination shall include:
  - a. a refusal to permit, at the expense of a person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications are necessary to afford such person full enjoyment of the premises;
  - b. a refusal to make reasonable accommodations in rules, policies, practices or services, when such accommodations are necessary to afford a person with a disability equal opportunity to use and enjoy housing; or
  - c. in connection with the design and construction of covered multifamily housing, as defined in Virginia or federal law, for initial occupancy after April 1, 1991, a failure to design and construct the housing in such a manner that:
    - (i) the public use and common use portions of the housing are readily accessible to and usable by persons with disabilities;
    - (ii) all the doors designed to allow passage into and within all premises within the housing are sufficiently wide to allow passage by persons with disabilities in wheelchairs; and
    - (iii) all premises within the housing contain an accessible route into and through the housing, light switches, electrical outlets, thermostats and other environmental controls in accessible locations, reinforcements in bathroom walls to allow later installation of grab bars and usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- (10) Nothing in subsections (7), (8) and (9) requires that housing be made available to an individual whose tenancy would constitute a direct threat to the health or safety of others or would result in substantial physical damage to the property of others.
- (11) For purposes of this subsection, discrimination because of or on the basis of age shall mean discrimination against a person who is 55 years of age or older because of or on the basis of that person's age.
  - (b) *Unlawful housing practices—financing.*
    - (1) a. It shall be unlawful for any lending institution to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing, or to discriminate against him or her in the fixing of the amount, interest rate, duration or other terms or conditions of the loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status,

age, sexual orientation, **gender identity, transgender status** or disability of such person.

- b. It shall also be unlawful for any lending institution to deny a loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which the loan or other financial assistance is to be made or given.
  - c. It shall also be unlawful for any lending institution to deny such a loan or other financial assistance to any person because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability of any person associated with such person in connection with the loan or other financial assistance or the purposes of the loan or other financial assistance.
- (2) It shall also be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to discriminate against any person applying for a loan or other financial assistance, the proceeds of which are to be used for the purchase, construction, improvement, repair or maintenance of housing by:
- a. denying a loan or other financial assistance because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability of the residents of the neighborhood in which the housing is located; or
  - b. discriminating in fixing of the amount, interest rate, duration or other terms or conditions of a loan or other financial assistance, because of the race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability of the residents of the neighborhood in which the housing is located.
  - c. *Unlawful housing practices—brokerage services.*
- (1) It shall be unlawful for any person to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability of such persons.
- (2) It shall be unlawful for any real estate broker or salesperson or other person in the business of selling or renting housing to solicit the sale or rental of housing or discourage the purchase or rental of housing by representations regarding the existing or potential proximity to real property owned, used or occupied by a person or persons of a particular race, color, sex, ancestry, national origin, marital status,

familial status, age, sexual orientation, **gender identity, transgender status** or disability.

(d) *Unlawful housing practices—restrictive covenants, as defined.*

(1) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city willfully and knowingly to include therein any restrictive covenant that discriminates on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation, **gender identity, transgender status** or disability, except that nothing in this subsection shall be construed to prohibit any person from conveying, or preparing any legal document for any conveyance of housing or land to a religious organization for use only by members of such religious organization.

(2) It shall be unlawful for any person who prepares or supervises the preparation of any deed, mortgage, deed of trust, lease or contract affecting title to or any interest in land or housing in the city, wherein any restrictive covenant prohibited by subsection (1) above is incorporated by reference to another document or instrument, to fail to include therein a statement that such restrictive covenant is invalid and unenforceable.

(3) The Clerk of the Circuit Court for the City of Alexandria, Virginia, is hereby authorized and directed:

a. to post in a conspicuous location in the clerk's office and in the land record room the following notice printed in 14-point type:

"It is a violation of the Human Rights Code of the City of Alexandria, Virginia, for any person to include any provision in a deed, mortgage, deed of trust, lease or contract affecting title or any interest in land which purports to restrict or affect on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation, **gender identity, transgender status** or disability the holding, occupancy or transfer of any interest in land, and any such provisions are invalid and unenforceable."

b. when a copy of any deed, mortgage, deed of trust, lease or contract affecting title or interest in land or housing recorded in the clerk's office is requested, to affix to such copy a statement that any provision contained in such legal instrument which purports to restrict or affect the holding, occupancy, ownership, rental, lease or transfer of any interest on the basis of race, color, sex, religion, ancestry, national origin, familial status, age, sexual orientation, **gender identity, transgender status** or disability is invalid or unenforceable.

(e) *Exemptions and exceptions.*

(1) Nothing in section 12-4-4 shall prohibit a religious organization, association or society, or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to

persons of the same religion, or from giving preference to such persons. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

- (2) Nothing in section 12-4-4 other than subsection (3) of subsection (a) shall apply to:
- a. any single-family house sold or rented by an owner; provided, that the private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of more than three single-family houses at any one time; provided further, that the owner sells or rents the following:
    1. without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or sales person, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person, and
    2. without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (3) of subsection (a) of this section; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title, or
  - b. rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of the living quarters as his or her residence, provided that the owner sells or rents the rooms or units:
    1. without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person, and
    2. without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of subsection (3) of subsection (a) of this section, but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other professional assistance as necessary to perfect or transfer the title.

For the purposes of this subsection (e)(2), a person shall be deemed to be in the business of selling or renting housing if:

- a. he or she has, within the preceding 12 months, participated as principal, other than in the sale of his or her own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein;
- b. he or she has, within the preceding 12 months, participated as agent, other than in the sale of his or her own personal residence, in providing the sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or
- c. he or she is the owner of any housing designed or intended for occupancy by, or occupied by, five or more families.

(3) Nothing in section 12-4-4 shall be construed to:

- a. bar any person from restricting sales, rentals, leases or occupancy, or from giving preference, to persons of a given age for bona fide housing intended solely for the elderly or bona fide housing intended solely for minors;
- b. make it an unlawful act to require that a person have legal capacity to enter into a contract or lease;
- c. prohibit any private, state-owned or state-supported educational institution, hospital, nursing home, or religious or correctional institution from requiring that persons of both sexes not occupy any single-family residence or any room or unit in dwellings or other buildings which it owns or operates or that persons of both sexes not utilize any rest room in said room or unit in dwellings or other buildings which it owns or operates;
- d. bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested;
- e. forbid distinctions based on the inability to fulfill the terms or conditions including financial obligations of any such lease, contract of sale, deed or mortgage.

(4) a. Nothing in section 12-4-4 regarding unlawful discrimination because of familial status shall apply to housing for older persons.

b. As used in this section, "housing for older persons" means housing:

- (i) provided under any state or federal program that is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or
- (ii) intended for, and solely occupied by, persons 62 years of age or older; or
- (iii) intended and operated for occupancy by at least one person 55 years of age or older per unit.

c. The following factors will be considered in determining whether housing qualifies as "housing for older persons";



- (i) the housing contains significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of such facilities and services is not practicable, the housing is necessary to provide important housing opportunities for older persons; and
  - (ii) 80 percent or more of the units are occupied by at least one person 55 years of age or older; and
  - (iii) the publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing primarily for persons 55 years of age or older.
- d. Housing shall not fail to constitute "housing for older persons" by reason of:
- (i) persons residing in the housing as of February 23, 1991, who do not meet the age requirements of subsections (4)a(ii) or (iii); provided, that new occupants of such housing meet these age requirements; or
  - (ii) unoccupied units; provided that such units are reserved for occupancy by persons who meet these age requirements.
5. Nothing in section 12-4-4 prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance.

Sec. 12-4-4.1 - Unlawful commercial real estate practices.

It shall be unlawful for any person, on the basis of race, color, sex, sexual orientation, **gender identity, transgender status**, age, marital status, religion, disability or national origin, to:

- (a) refuse to sell or rent commercial real estate after the making of a bona fide offer, to refuse to negotiate for the sale or rental of such real estate, or to otherwise make unavailable or deny such real estate to any person;
- (b) discriminate against a person in the terms or conditions of a sale or rental of commercial real estate, or in the provision of services or facilities in connection with or following a sale or rental of such real estate;
- (c) make, print or publish, or cause to be made, printed or published, any notice, advertisement or other statement with respect to the sale or rental of commercial real estate that indicates any preference, limitation or discrimination on the basis of any of the factors identified above in this section;
- (d) represent to a person that commercial real estate is not available for inspection, sale or rental when such commercial real estate is, in fact, available;
- (e) interfere with, interrupt or terminate a person's ownership, rental, possession or occupancy of commercial real estate;
- (f) include in the terms or conditions of any sale or rental of commercial real estate a provision that prohibits or discourages, or purports or attempts to prohibit or discourage, the ownership, rental, possession, occupancy or use of such real estate by any person on the basis of any of the factors identified above in this section; and

- (g) discriminate in lending money, guaranteeing loans, accepting mortgages or otherwise making available money for the purchase, construction, alteration, repair or maintenance of commercial real estate, or to discriminate in the fixing of the rates, terms or conditions of any such financing, or in the extension of service in connection therewith; provided, that nothing in this section shall be construed as prohibiting a person from refusing to sell or rent commercial real estate to, or otherwise to deal in connection with commercial real estate with, another person where the latter person lacks the capacity to contract; and provided further, that for purposes of this section, discrimination because of or on the basis of age shall mean discrimination against a person who is 55 years of age or older because of or on the basis of that person's age.

Sec. 12-4-5 - Unlawful employment practices.

- (a) Except as provided in subsection (b) of this section, it shall be unlawful:
- (1) for any employer to fail or refuse to hire or to discharge any person or otherwise to discriminate against any person with respect to hiring, tenure, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability, when such person is a qualified person with a disability;
  - (2) for any employer, employment agency or labor organization to establish, announce or follow a policy of denying or limiting the employment, membership or apprenticeship opportunities of any person on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability, when such person is a qualified person with a disability;
  - (3) for any employer, labor organization, employment agency or any joint labor management committee controlling apprentice training programs to deny to or withhold from any person the right to be admitted to or to participate in a guidance program, an apprenticeship training program, an on-the-job training program or any other occupational training program because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability, when such person is a qualified person with a disability;
  - (4) for any employer, employment agency or labor organization to publish or circulate, or to cause to be published or circulated with intent to circumvent the spirit and purpose of this section, any notice or advertisement relating to employment or membership which indicates any preference, limitation or discrimination based on race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability, when such person is a qualified person with a disability, or an intention to make any such preference, limitation or discrimination;

- (5) for any employment agency to fail or refuse to accept, register, classify properly or refer for employment or otherwise to discriminate against any person because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability, when such person is a qualified person with a disability;
- (6) for any labor organization to discriminate against any person in any way which would deprive or limit his or her employment opportunities or otherwise adversely affect his or her status as an applicant for employment or as an employee with respect to hiring, seniority, tenure, referral, compensation, promotion, discharge or any other terms, conditions or privileges directly or indirectly related to employment because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability, when such person is a qualified person with a disability;
- (7) for any employer, employment agency or labor organization to discriminate against any person because he or she has opposed any practice forbidden by this section or because he or she has made a complaint or testified or assisted in any manner in any investigation or proceeding under this chapter relating to the provisions of this section;
- (8) for any employer to deny any employment opportunity to a qualified person with a disability who is an employee or applicant if the basis for the denial is the need to make reasonable accommodations to the physical or mental limitations of the employee or applicant.
- (9) for purposes of subsections (a)(1) through (a)(6), discrimination because of or on the basis of age shall mean discrimination against a person who is 40 years of age or older because of or on the basis of that person's age.
- (b) exceptions. Nothing in subsection (a) of this section shall apply to:
  - (1) any type of employment, occupation, or position where the job involves a bona fide occupational qualification requiring the employment of a person or persons of a particular religion, sex, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or physical or mental capabilities, where the qualification is reasonably necessary to the normal operation of that business or enterprise;
  - (2) any employment practice based upon applicable laws or regulations established by the United States or any agency thereof, the Commonwealth of Virginia, or any political subdivision of the commonwealth having jurisdiction in the City of Alexandria;
  - (3) the observance of the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual who is at least 40 years of age or older because of the age of such individual;

- (4) agreements or contracts concerning contribution rates for employer or employee for group insurance, when the contribution rate may be affected by marital status or number of dependents;
- (5) any employment agency providing services only to elderly persons or to minors; provided, however, that no employment agency may discriminate on the basis of race, color, sex, religion, ancestry, national origin, marital status, sexual orientation, **gender identity, transgender status** or disability; and
- (6) notwithstanding any other provisions of this section, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability, nor shall it be an unlawful employment practice for any employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability
- (c) Diversity and inclusion program. The city manager shall establish a diversity and inclusion program for the city and shall report to the city council regarding the status of same annually.

Sec. 12-4-6 - City contracts.

- (a) Any contract of over \$10,000, except any contract for the sale, purchase or rental of land, to which the city is a party shall include substantially the following provisions:
 

"Employment Opportunity. The contractor hereby agrees:

  - (1) Not to discriminate against any employee or applicant for employment on account of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status or** disability, when such person is a qualified person with a disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The contractor agrees to post in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
  - (2) To implement a diversity and inclusion program as defined in section 12-4-3 of this chapter to ensure nondiscrimination in employment under guidelines to be developed by the commission and approved by the city council.

- (3) To include in all solicitations or advertisements for employees placed by or on behalf of the contractor the words 'Equal Opportunity Employer' or a symbol, approved by the commission, meaning same.
- (4) To notify each labor organization or representative of employees with which said contractor is bound by a collective bargaining agreement or other contract of the contractor's obligations pursuant to this equal employment opportunity clause.
- (5) To submit to the city manager and the city's human rights director, upon request, no more frequently than annually, regular equal employment opportunity reports on a form to be prescribed by the city's human rights director with the approval of the city manager, except that the director may request more frequent special reports of particular employers provided the commission has found such employers to have violated any provision of this chapter.
- (6) Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this subsection.
- (7) To make reasonable accommodation to the known physical or mental limitations of an otherwise qualified person with a disability who is an applicant or employee unless the contractor can demonstrate that the accommodation would impose an undue hardship on the operation of its business.
- (8) That for the purpose of this section reasonable accommodation may include (i) making facilities used by employees readily accessible to and usable by persons with a disability and (ii) job restructuring, part-time or modified work schedules, acquisitions or modification of equipment or devices, the provision of readers or interpreters and other similar actions.
- (9) That in determining whether an accommodation would impose an undue hardship on the operation of the contractor's business, factors to be considered include but are not limited to the following:
  - a. the overall size of the contractor's business with respect to the number of employees, the number and type of facilities and size of budget;
  - b. the type of the contractor's operation, including the composition and structure of the contractor's work force; and
  - c. the nature and cost of the accommodation needed.
- (10) That it may not deny any employment opportunity to a qualified person with a disability who is an employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.
- (11) To include the provisions in subsections (1) through (10) of this clause in every subcontract so that such provisions will be binding upon each subcontractor.
- (12) That in the event of the contractor's noncompliance with any provision of this equal employment opportunity clause, upon a finding of such noncompliance by the city's human rights commission and certification of such finding by the city manager,

the city council may terminate or suspend or not renew, in whole or in part, this contract."

- (b) The director is hereby authorized to:
  - (1) review the performance of any contractor who has a contract with the city with respect to the provisions of subsection (a) above;
  - (2) request equal employment opportunity reports, including but not limited to statistical data, from any contractor pursuant to subsection (a)(5) above; and
  - (3) upon a finding of probable cause to believe a violation of any provision of subsection (a) above has occurred, file a complaint with the commission pursuant to section 12-4-16 of this chapter.
- (c) The commission is hereby authorized to:
  - (1) review any complaint filed by the director pursuant to subsection (b) above in accordance with procedures set forth in this chapter; and
  - (2) upon a finding of the commission that any contractor is in noncompliance with the provisions of subsection (a) above, the commission shall report the findings to the city manager.
- (d) The city manager. If the city manager certifies the finding to the city council the city manager shall, unless city council directs otherwise, terminate or suspend or not renew, in whole or in part, as appropriate, the contractual relationship with the contractor; provided, however, that the city manager may defer temporarily a suspension or termination if he or she finds that the suspension or termination may disrupt or curtail a vital public service, or would otherwise not be in the best interests of the city, in which case the city manager shall report his or her action to the city council and indicate a date certain when the relationship will be suspended or terminated, or when the practice complained about will be remedied.

Sec. 12-4-7 - Health and social service practices.

- (a) *Private health and social services practices.* It shall be unlawful for any private health or social service agency:
  - (1) to discriminate against any person by refusing, denying or withholding from him or her any of the services, programs, benefits, facilities or privileges of any health and social program or service, or to discriminate in the quality of services offered through such programs because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability;
  - (2) to discriminate against any person, in the setting of rates or charges for any of the services, programs, benefits, facilities or privileges of any agency because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability; or
  - (3) to discriminate against any person by communicating, publishing, advertising or representing that any of the services, programs, benefits, facilities or privileges of

any health or social service agency are withheld from or denied to any person because of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability.

- (b) *Exceptions.* Nothing in subsection (a) of this section shall apply to any health or social service or practice:
  - (1) that reasonably relates only to a particular sex, religion, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability;
  - (2) with respect to which sex, religion, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability is usually and normally considered an essential qualification or requirement for such service.
- (c) *Public health and social services practices.* The commission is hereby authorized to conduct studies, hold hearings and review the policies and practices of any public health and social service agency with respect to the provisions in subsection (a) of this section. The commission shall report its findings to the city council and city manager and may, at its discretion, enter into negotiations with any such agency, other than a city agency, to rectify any discriminatory policies or practices that may exist. In the case of a city agency, the commission may, at its discretion, develop with the city manager a plan to rectify any discriminatory policies or practices that may exist.
- (d) *Public health or social service agencies.*
  - (1) No qualified person with a disability shall, because a public health or social service agency has facilities which are inaccessible to or unusable by persons with a disability, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity provided by such public health and social service agencies.
  - (2) Any existing public health or social service facility shall be made accessible to persons with a disability by making structural changes or by other means such as redesign of equipment, reassignment of services to accessible buildings or alternate sites, assignment of aides to persons with a disability, providing home visits or other appropriate methods.

Sec. 12-4-8 - Public accommodations.

- (a) It shall be unlawful for any public accommodations to discriminate against any person on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability with respect to the access, use of, benefit of or enjoyment of goods, services, facilities, privileges or any other advantages of any public accommodation, or to make or publish any statement evidencing an intent to do so.
- (b) Nothing in subsection (a) of this section shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting its offerings of goods, services, facilities and accommodations to persons of the same religion or from giving preference to these

persons; provided, that the offerings above-mentioned are not, in fact, offered for commercial purposes. Nor shall anything in this section prohibit a nonprofit private club, in fact not open to the public, which, incident to its primary purpose provides certain public accommodations herein defined, for other than commercial purposes, from limiting the accommodations to its members, or giving preference to its members and guests of its members. Nor shall anything in this section make unlawful any program, service or benefit, relating to any public accommodation, established and intended solely for elderly persons or minors.

- (c) Nothing in this chapter shall prohibit any licensee or permittee of the alcoholic beverage control commission from refusing to sell or dispense alcoholic beverages to persons under 21 years of age, if such licensee or permittee:
  - (1) posts in a public and conspicuous place its policy with respect to serving persons under the age 21; and
  - (2) adopts and enforces a uniform nondiscriminatory policy with respect to all such persons under the age of 21.

#### Sec. 12-4-9 - Credit.

It shall be unlawful for any lending institution on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability to:

- (a) discriminate against any person in the furnishing of credit or other credit-related services; or
- (b) deny or terminate credit or credit-related services or affect adversely a person's credit rating or standing.

Provided that the person is otherwise qualified for the credit or credit-related service; and provided further that nothing in this section shall be construed to bar any lending institution from discriminating against any person in the furnishing of credit or credit-related service or denying or terminating credit or credit-related service to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the credit or credit-related service is requested.

#### Sec. 12-4-10 - Education.

- (a) Private education. It shall be unlawful for any private educational institution, or its agents, employees or officers, on the basis of race, color, sex, ancestry, national origin, sexual orientation, **gender identity or sexual orientation** or disability;
  - (1) to discriminate against any person with respect to the terms, conditions, accommodations, advantages, facilities, benefits, privileges or services of that institution;
  - (2) to make or use a written or oral inquiry or form of application for admission to an educational institution that elicits or attempts to elicit information concerning race, color or disability, except as required to obtain grants or other funds from a public or private institution or agency;



- (3) to require, or cause to be required, that a photograph of an applicant for admission to an educational institution be submitted with any form of application for admission;
  - (4) to establish, make or follow a policy of denial or limitation of educational opportunities;
  - (5) to permit potential employers to recruit students on its premises or to permit the employers to use its placement facilities for referral of students for employment or permit the employers to participate in any job-training or work-study program operated by or in conjunction with the educational institution unless the potential employer has submitted to the educational institution a statement certifying that the employer is an equal opportunity employer;
  - (6) to deny to any member of its student body educational services or facilities that are generally available to members of the opposite sex;
  - (7) to fail to provide services to persons with a disability which are provided to persons without a disability;
  - (8) to fail to provide services to a person with a disability who meets the academic and technical standards requisite to admission or participation in a postsecondary and vocational education program or activity; or
  - (9) to subject any member of its faculty or staff to a discriminatory practice stated as unlawful under subsections (1) through (8) of this subsection.
- (b) Nothing in subsection (a) of this section shall be construed to make unlawful any private institution established exclusively for either all males or females or to interfere with the exercise of genuinely held religious beliefs by educational institutions organized for the primary purpose of preparing men and women for the ordained ministry.
  - (c) Public education. The commission is hereby authorized to conduct studies, hold hearings and review the policies and practices of any public educational institution with respect to race, color, sex, religion, ancestry, national origin, religion, sexual orientation or disability. The commission shall report its findings to the appropriate policy-making body and chief administrator of the public educational institution (for instance the school board and superintendent of public schools in the city or to the president of the Northern Virginia Community College and the community college board or to the policy-making body and chief administrator of any other public educational program) and may, at its discretion, enter into negotiations with said policy-making body and chief director to rectify and any discriminatory policies or practices that may exist.

Sec. 12-4-11 - Obstruction of practices unlawful under chapter.

It shall be unlawful for any person:

- (1) directly or indirectly to cause or coerce, or attempt to cause or coerce, any person to do any act declared to be an unlawful act under this chapter;
- (2) directly or indirectly to engage in economic reprisal or intimidation, or to harm or threaten harm to any person, or to retaliate against or to interfere with any person

because the person has opposed any practice made unlawful by this chapter, or has complied or encouraged others to comply with any provision in this chapter or has filed a complaint or has testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter or has exercised or attempted to exercise any right conferred in this chapter; or

- (3) directly or indirectly to cause or coerce or attempt to cause or coerce another person to engage in economic reprisal or intimidation or to harm or threaten harm to any person, or to retaliate against or to interfere with any person because the person has opposed any practice made unlawful by this chapter, or has complied or encouraged others to comply with any provision in this chapter, or has filed a complaint or has testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter or has exercised or attempted to exercise any right conferred in this chapter. (Code 1963, Sec. 18A-11)

#### Sec. 12-4-12 - Human rights commission—creation; composition.

For the purpose of making effective the provisions of this chapter, there is hereby created a commission of the City of Alexandria, Virginia, to be known as the "Human Rights Commission," herein referred to as the commission, which shall consist of 14 members, each of whom shall reside in the city at the time of appointment to the commission and while serving on it. They also shall be as broadly representative of residents of the city as is practicable. Of the 14 members, nine shall be citizens at large and one each shall be members of the economic opportunities commission, the commission for women, the landlord-tenant relations board, the commission for persons with disabilities and the commission on aging. All the members shall be appointed by city council. The members representing the aforementioned city boards and commissions shall be nominated by the board or commission each represents. Of the at-large members first appointed, as decided by lot, three shall be appointed for a term of one year, three for a term of two years and three for a term of three years. Thereafter, at-large members shall be appointed for terms of three years each. Any vacancy shall be filled by the city council for the unexpired portion of a term. Each member representing a board or commission shall serve coextensive with his or her term on the parent body, or until such time as the parent body shall nominate and the city council shall appoint a replacement from among the members of the parent body, but under no circumstances shall any member serve on the commission beyond his or her term on the parent body. Members shall serve without compensation but may receive reimbursement for expenses, subject to availability of funds. On the request of any board, commission or committee of the city, the commission may invite a designated representative from such board, commission or committee to act as a participating observer at any meeting of the commission other than a hearing under sections 12-4-18 or 12-4-21 of this chapter. Also on request, the commission may provide agendas and minutes of any meeting and any other official document, except for conciliation agreements, to any other public agency, board, commission, committee or the general public.

#### Sec. 12-4-13 - Organization, meetings, secretary and chairperson of the human rights commission.

- (a) All meetings of the commission shall be open to the public to the extent required by state law and a full and impartial hearing shall be granted on all matters. The commission shall hold at least 10 monthly meetings during the calendar year. All hearings shall be informal as reasonably possible.
- (b) The city council shall designate a convener and the commission shall elect one of its members as chairperson, another of its members as vice-chairperson and such other officers as the commission may deem necessary. The commission shall designate a secretary among its members or staff as it sees fit. The secretary to the commission shall cause minutes of its proceedings to be kept and all findings and decisions to be reduced to writing and entered as a matter of public record in the office of the director.
- (c) All meetings of the commission shall be held in facilities which are accessible to persons with a disability and, where a person with a disability attends a meeting and so requests in advance, the commission shall make reading or interpretive services available for the blind or deaf, as appropriate.
- (d) In matters concerning the procedure for meetings not covered by this chapter, the commission may establish its own rules; provided these are not contrary to the mandate or spirit of this chapter.

Sec. 12-4-14 - Human rights director.

- (a) There is hereby established the position of human rights director. the city manager shall appoint a person to the position of human rights director, who shall be a member of the city manager's staff, upon consideration of the recommendations of the commission with respect to the appointment. The human rights director shall report to the city manager and may be removed for cause by the city manager.
- (b) The human rights director shall be responsible for carrying out the policies of the commission and performing the duties assigned to him or her by this chapter, negotiating contracts or worksharing agreements with the Equal Employment Opportunity Commission, the Department of Housing and Urban Development or other appropriate federal or state agencies and performing the duties assigned by these contracts and work sharing agreements. The director shall have the power and duty to make investigations of unlawful discriminatory practices under this chapter, and to file complaints with the commission when he or she has probable cause to believe that an unlawful discriminatory practice has occurred. The director shall further have the power and duty to attempt to conciliate any complaint of alleged unlawful discrimination under this chapter where there is probable cause for the complaint. The director shall annually prepare and submit a budget to the city manager.

Sec. 12-4-15 - Powers and duties of the human rights commission.

- (a) *Powers and duties.* The commission shall administer the provisions of this chapter as stated above and shall have the following powers and duties:
  - (1) Receive complaints alleging actions or conduct that are unlawful under this chapter, as well as grievances alleging other actions or conduct that constitute

discrimination where the complainant is only seeking the commission's good offices to conciliate.

- (2) Utilize methods of persuasion, conciliation and mediation or informal grievances; hold public hearings; and, in the case of complaints alleging actions or conduct that are unlawful under this chapter, make findings of fact, issue orders and make recommendations pursuant to section 12-4-21, and make public the findings, orders and recommendations.
- (3) Conduct studies and hold public hearings on discrimination against persons with a physical or mental disability, in concert with the commission on persons with disabilities and the Alexandria Community Services Board, to explore local legislative proposals in the areas of employment, credit, education, health and social services, public accommodations and housing.
- (4) Conduct studies and hold hearings on social conditions that may cause discrimination on the basis of race, color, sex, religion, ancestry, national origin, marital status, familial status, age, sexual orientation, **gender identity, transgender status** or disability that is prohibited by this chapter. Gather and disseminate reliable information by issuing publications and reports of studies and research relating to such discrimination.
- (5) Institute and conduct educational and informational programs with wide sectors of businesses, unions, professions, agencies and organizations to promote equal rights and opportunities for all persons and to promote understanding among persons and groups of different races, colors, sexes, religions, ancestries, national origins, marital statuses, familial statuses, ages, sexual orientations, **gender identities, transgender statuses** or disabilities.
- (6) Reserved.
- (7) Review the city's diversity and inclusion program and the performance of the city government, its contractors and subcontractors in employment policies and practices as they may relate to discrimination because of race, color, sex, religion, ancestry, national origin, marital status, **sexual orientation, gender identity, transgender status** age or disability. The commission shall report its findings to the city manager and city council.
- (8) Establish, administer or review programs at the request of the city council or the city manager and make reports on these programs to the city council and city manager.
- (9) Conduct studies and hold public hearings on policies and practices of public educational institutions with respect to discrimination on the basis of race, color, sex, religion, ancestry, national origin, sexual orientation, **gender identity, transgender status** or disability that is prohibited by this chapter, and of public health and social service agencies with respect to discrimination on the basis of race, color, sex, religion, ancestry, national origin, marital status, age, sexual orientation, **gender identity, transgender status** or disability that is prohibited by this chapter, and bring to the attention of the appropriate policy-making body and chief director problems that require notice or action to resolve.

- (10) Bring to the attention of the city manager items that require city manager or city council notice or action to resolve.
  - (11) Conduct studies and hold public hearings on policies or practices that cause or may be caused by a pattern or practice of discrimination.
  - (12) Render to city council and the city manager annual written reports of its activities under the provisions of this chapter along with such comments and recommendations as it may choose to make.
  - (13) Cooperate with and render technical assistance to federal, state, local and other public or private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this chapter.
  - (14) With the approval of the city council, accept grants from federal, state, local and other public or private agencies, organizations and institutions, including but not limited to foundations, colleges and universities.
  - (15) Make use of uncompensated services of public agencies and private organizations as may from time to time be offered and needed to perform advisory and research duties.
  - (16) As far as it is practicable, the services, including advisory and consultative services of all city departments, agencies, boards and commissions shall be made available to the commission for the purpose of carrying out the functions, powers and duties herein set forth, and with the approval of the city manager, the heads of such departments or agencies shall furnish to the commission any information in the possession of the departments or agencies as is relevant to the duties of the commission and which the commission, by written communication, may require. This includes the use of counsel from the office of the city attorney to aid in the conduct of its investigations and hearings.
  - (17) Establish panels of up to three members to conduct confidential hearings on pending complaints that have been identified by the director. As to such complaints, a panel may advise the director on whether (i) probable cause exists to believe unlawful discrimination has occurred, (ii) the time for the investigation should be extended, (iii) a public hearing should be scheduled, (iv) subpoenas should be obtained, and (v) a plan of settlement should be proposed to the parties.
- (b) *Subpoenas.* In the course of any investigation of a complaint under this chapter or in any hearing held by the commission in accordance with section 12-4-18 or section 12-4-21 of this chapter, the commission, by majority vote of those members present, may apply to the appropriate circuit court for a subpoena or subpoena duces tecum to compel the attendance and testimony of witnesses and the production of evidence; provided, that, at the time it votes to apply to the court, the commission shall have grounds to believe that unlawful discrimination has occurred, shall have made a good faith effort to obtain the data and other information necessary to determine whether such discrimination has occurred, and shall have been unable to obtain such data and information on a voluntary basis. At least five days prior to applying for a subpoena, the commission shall notify the city manager

of its intention to apply for the subpoena and its reasons for doing so. The judge of the circuit court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena.

- (c) *Funds.* In the exercise of its powers and the performance of its duties the commission shall not expend funds in excess of those appropriated to it by the city council and those received by it from approved grants.

Sec. 12-4-16 - Complaints generally.

- (a) Complaints under this chapter may be filed only by (i) any person claiming to have been injured by actions or conduct that are unlawful under this chapter (a "complainant"), or (ii) the human rights director where the director has probable cause to believe that one or more persons have been the subject of an unlawful discriminatory practice under this chapter. All complaints shall be made in writing, be under oath or affirmation and be accompanied by an affidavit. An additional copy shall be made for each respondent, if more than one. All complaints shall be on a form furnished by the human rights director, and shall state the name and address of each respondent, the address of the person filing the complaint (the complainant or the director), the date of the alleged offense and the alleged facts surrounding the acts complained of. The human rights director shall serve a copy of the complaint on each respondent. Each complaint shall be held in confidence by the human rights director unless or until the complainant or the director, as the case may be, and the respondent consent to its being made public, or until the time a hearing procedure such as described in section 12-4-21 has begun. A complaint must be filed within 300 days after the date of the actions or conduct alleged to be in violation of this chapter, except that a complaint alleging housing discrimination may be filed within 365 days of the alleged violation.
- (b) Where a complainant or respondent in a case filed with the human rights director is a person with a disability, the director shall provide reader services if blind, interpreter services if deaf, or other special services to persons with a disability as are appropriate.
- (c) Nothing in this chapter shall prevent any member of the human rights commission from filing a complaint if he or she claims himself or herself to be the subject of a discriminatory practice or to be a person aggrieved under this section. Such person shall disqualify himself or herself as a member of the commission when his or her complaint is before the commission for a public hearing and for disposition.
- (d) Nothing in this section shall be construed to prevent any person from filing a grievance with the commission which alleges actions or conduct that is discriminatory and which seeks the commission's good offices to conciliate, or to prevent the commission from seeking to conciliate such grievances, pursuant to section 12-4-15(a)(1).

Sec. 12-4-17 - Investigation and probable cause of complaint filed by a complainant.

- (a) Upon the filing of a complaint by a complainant, the director shall undertake an investigation, which shall be completed within 180 days, unless additional time is allowed by the commission, from the date of the filing of a complaint, to determine whether there is probable cause for the complaint. At any time following the filing of a complaint, the director may convene a conference, over which the director or her designee shall preside, in order to mediate the issues in dispute between the parties. The director may also convene a confidential hearing, over which a panel of commission members shall preside, in order to obtain advice from the panel in one or more of the areas set forth in section 12-4-15(a)(17). Upon completion of the investigation, the director shall issue a written decision containing the director's determination as to whether there is probable cause for the complaint. The director shall serve a copy of this written decision to the complainant and the respondent.
- (b) If the director determines that there is probable cause for a complaint filed by a complainant, the director shall immediately endeavor to eliminate the unlawful discriminatory practice complained of in accordance with section 12-4-18.
- (c) If the director determines that there is no probable cause for a complaint filed by a complainant, that determination shall constitute the final decision of the commission which shall not be subject to judicial review.

Sec. 12-4-18 - Conciliation; breach of conciliation agreement; procedure; hearing; decision.

- (a) Upon a determination by the director that there is probable cause for the complaint filed by a complainant, or upon the filing of a complaint by the director, the director shall immediately endeavor to eliminate the unlawful actions or conduct or the unlawful discriminatory practice complained of, upon terms that are agreeable to the parties. The director's effort initially shall consist of conciliation and persuasion. Conferences and other efforts at conciliation and persuasion shall be informal and may be conducted by the Director or any member of his or her staff so designated. Nothing said or done during or as part of the conciliation efforts shall be made public or used as evidence in a subsequent proceeding instituted under this chapter unless each of the interested parties agrees thereto in writing.
- (b) If conciliation succeeds, the terms of the conciliation shall be reduced to writing and signed by or on behalf of the parties and, where the complaint was filed by a complainant, also by the director. The director shall then notify the commission through its chairperson that a conciliation agreement has been entered into by the parties. Conciliation agreements may be made public but any public disclosure shall not reveal the identities of the parties involved, except with the consent of all parties.
- (c) Any conciliation agreement established pursuant to this section shall provide that all complaints filed by the same complainant that are pending before the commission and that arise out of the same events or transactions giving rise to the complaint covered in the agreement shall terminate and shall not be revived by the complainant so long as the agreement is in force. The signing of an agreement shall

not constitute an admission on the part of any signatory of a violation of any provision of this chapter or any other provision of law.

- (d) Nothing in this chapter shall prohibit the director from continuing his or her efforts to reach conciliation at any time while a complaint is pending before the commission.
- (e) In the event the director has reason to believe that a party to a conciliation agreement entered into pursuant to this section has breached any provision of the agreement, the director shall promptly notify the commission. The commission shall promptly schedule a public hearing to determine if the agreement has been breached. Notice of the time and place of hearing shall be served on each respondent and complainant no later than two weeks prior to the date of hearing. The commission shall schedule for hearing all respondents who signed the agreement, but may upon request or its own motion schedule separate hearings for each respondent. Any party alleging a breach of the agreement shall appear at the hearing in person and may be accompanied by an attorney. Any party who is alleged to have violated the agreement may appear at the hearing in person or by a duly authorized representative, including an attorney. Each party may present testimony and evidence. The right to cross-examine witnesses shall be preserved. The director shall cause a qualified reporter or stenographer to be present throughout the hearing, or shall provide a voice recording device, and shall record the proceedings. Upon direction of the commission, the proceedings shall be transcribed. Any transcription shall be public and open to inspection by any person. All testimony shall be given under oath administered by the chairperson or his or her representative.
- (f) If upon all the evidence at the hearing the commission determines that the conciliation agreement has not been breached, the commission shall not later than 14 days following the conclusion of the hearing render and issue a written decision containing its determination and the facts upon which the determination is based, cause the decision to be served on each respondent and complainant, announce and make public its determination, and cause the determination to be recorded in the minutes of its proceedings. The case shall then be closed, and no further action shall be taken by the commission on the instant allegation of the breach of the conciliation agreement, and the agreement shall remain in effect.
- (g) If upon all the evidence at the hearing the commission determines that the conciliation agreement has been breached, the commission may refer the matter back to the human rights director for further efforts toward conciliation or may, after consultation with the city attorney, refer the matter to the city attorney and recommend appropriate legal action to enforce the agreement.
- (h) The city attorney, upon receipt of a recommendation from the commission, including a recommendation under subsection (g) of this section, may initiate appropriate legal action in a court of competent jurisdiction to enforce a conciliation agreement.

Sec. 12-4-19 - Amendments to complaints.



Complaints may be reasonably and fairly amended at any time prior to the fourteenth calendar day before the date of a hearing held pursuant to section 12-4-21. Amendments must also be under oath, in writing and accompanied by an affidavit and filed with the human rights director. The human rights director shall serve a copy of any amendment on each respondent.

Sec. 12-4-20 - Answers to complaints.

Each respondent may file with the human rights director an answer at any time prior to the seventh calendar day before the date of a hearing held pursuant to section 12-4-21, provided it be under oath, in writing and accompanied by an affidavit. Answers may also be reasonably and fairly amended any time prior to the deadline for filing answers, if under oath, in writing, accompanied by an affidavit and filed with the human rights director. The human rights director shall serve a copy of any amendment on the complainant.

Sec. 12-4-21 - Hearings; decisions.

- (a) Before the commission can hold a hearing or render a decision under this section relating to a violation of this chapter, it is necessary that:
  - (1) a complaint shall have been filed under section 12-4-16 alleging the violation;
  - (2) a determination shall have been made under this chapter that probable cause exists for the complaint; and
  - (3) the applicable conciliation provisions of this chapter relating to the complaint shall have been complied with.
- (b) In the event that a signed conciliation agreement is not reached within 30 days from the determination of probable cause on a complaint filed by a complainant, or within 30 days of the filing of a complaint by the director, or within such additional time as the commission may allow, the director shall promptly notify the commission, and the commission shall thereupon schedule a public hearing as soon as possible to determine if a violation of this chapter has been committed. The commission shall prior to any hearing verify that each party to the proceeding has received a copy of the complaint and any amendments thereto. Notice of the time and place of hearing shall be served on each respondent and complainant no later than two weeks prior to the date of the hearing. In cases in which there is more than one respondent, the commission shall schedule a hearing for all respondents named in the complaint, but may upon request or on its own motion schedule separate hearings for each respondent. Complainants shall appear at the hearing in person and may be accompanied by an attorney. Each party respondent may appear at the hearing in person or by a duly authorized representative including an attorney. Each party may present testimony and evidence. Each party shall have the right to cross-examine. The human rights director shall cause a qualified reporter or stenographer to be present throughout the hearing or shall provide a voice recording device, and shall record the proceedings. Upon direction of the commission, part or all of the proceedings shall be transcribed. Any transcription

shall be public and open to inspection by any person. All testimony shall be taken under oath administered by the chairperson or his or her representative.

- (c) Within 30 days of the conclusion of the public hearing, the commission shall determine whether the respondent has violated any provision of this chapter, shall announce in public the determination it has reached, and shall cause the determination to be recorded in the minutes of its proceedings.
- (d) If the commission determines, upon a preponderance of the evidence, that the respondent has violated any provision of this chapter, the commission shall:
  - (1) not later than 30 days after announcing its determination, issue a written decision containing:
    - (i) its determination;
    - (ii) the facts upon which the determination is based;
    - (iii) an order requiring the respondent to undertake specified actions designed to bring respondent into compliance with this chapter and stating the date or dates by which the respondent shall demonstrate to the commission that it has undertaken these actions;
    - (iv) recommendations, if any, regarding the relief, that the respondent should provide any complainant and/or other persons injured by respondent's violation of this chapter, and the date or dates by which the respondent shall demonstrate to the commission that it has implemented these recommendations; and
    - (v) recommendations, if any, to the city manager regarding the levying of civil penalties against the respondent under section 12-4-24.1.
  - (2) cause a copy of its decision to be served on each respondent and complainant.
  - (3) designate appropriate parts of the hearing to be transcribed for the public record at the cost of the city.
  - (4) permit the complainant or each respondent to obtain copies of any part or all of the transcript of the proceedings at his or her cost. For good cause, the commission may waive the requirement that the complainant or respondent must pay for the transcripts.
- (e) If the commission determines, upon the preponderance of the evidence, that the respondent has not violated any provision of this chapter, the commission shall, not later than 30 days after announcing its determination, issue a written decision containing its determination and the facts upon which the determination is based, and shall cause its decision to be served on each respondent and complainant. The case shall then be closed and no further action shall be taken by the commission in the matter.

#### Sec. 12-4-22 - Interlocutory relief.

If, at any time after a complaint has been filed, the commission believes that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the commission may after consultation with the city attorney or his or

her designee, certify the matter to the city attorney to petition a court of competent jurisdiction for injunctive relief.

Sec. 12-4-23 - Judicial review.

- (a) Any person aggrieved by a decision of the commission entered pursuant to section 12-4-18(f) or 12-4-21 may have the decision reviewed by a court of competent jurisdiction. A review proceeding shall be instituted by filing with the court a petition for review naming the commission as respondent. A copy of the petition shall be served upon the city attorney in accordance with Virginia Code § 8.01-300, who shall represent the commission in the review proceeding. No petition for review may be filed more than 30 days after the date of service of the decision of which review is sought.
- (b) The court, on motion of the petitioner, may issue a writ of certiorari requiring the agency to transmit the record of the proceeding before the commission on or before a certain date.
- (c) The court, sitting without a jury, shall hear the appeal on the record transmitted by the commission and any additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require.
- (d) The court may affirm the decision of the commission or remand the case for further proceedings; or it may reverse or modify the decision if the substantial rights of the petitioner have been prejudiced because the determination, findings of fact or conclusions of law set out in the commission's decision are:
  - (1) in violation of constitutional provisions;
  - (2) in excess of legal authority or jurisdiction of the commission;
  - (3) made upon unlawful procedure;
  - (4) affected by other error of law;
  - (5) unsupported by the evidence on the record considered as a whole; or
  - (6) arbitrary, capricious, or an abuse of discretion.
- (e) The filing of a petition shall not operate to stay an application to the court under section 12-4-24 for the enforcement of the order. If an application has been made to the court for enforcement of the order, the petitioner, at any time after the filing of his or her petition, may move the court for a stay of enforcement. The motion shall be made after notice to the commission, and a stay pending the review shall be granted unless it appears to the court that immediate enforcement of the order is essential to the public health or safety. In the order granting a stay, the court may make any provision required to serve the ends of justice.

Sec. 12-4-24 - Judicial action to enforce commission decision.

- (a) If a person who is a respondent in a proceeding before the commission fails to comply with an order issued by the commission pursuant to section 12-4-21(d)(iii),

the commission may, after consulting with and receiving the approval of the city attorney, bring an appropriate action, through the city attorney, in any court of competent jurisdiction to secure a judicial order requiring the person to comply with the commission's order or otherwise to come into compliance with the provisions of this chapter.

- (b) If a person who is a respondent in a proceeding before the commission fails to comply with recommendations issued by the commission pursuant to section 12-4-21(d)(iv), the commission, after consulting with and receiving a recommendation from the city attorney and thereafter receiving authorization from the city council, may bring an appropriate action, through the city attorney, in any court of competent jurisdiction to secure a judicial order or judgment requiring the person to provide appropriate relief to any complainant in said proceeding, and/or any other individual, who has been injured as a result of the person's violation of this chapter.

#### Sec. 12-4-24.1 - Civil penalty.

The violation of any provision of this chapter shall be a class one civil violation, and any person who commits, permits, assists in or attempts, whether by act or omission, such a violation shall be liable for a civil penalty. The rules applicable to, and the procedures for the levying of, such a civil penalty shall be those set out in section 1-1-11 of this code; provided, that notice of a civil violation of this chapter may be issued only by the city manager and only following a recommendation made by the commission under section 12-4-21(d)(v).

#### Sec. 12-4-25 - Records.

When a complaint of discrimination has been filed against a person under this chapter, the respondent shall preserve all records relevant to the charge or action until final disposition of the charge or action.

#### Sec. 12-4-26 - Construction with other laws.

- (a) Nothing in this chapter shall be construed to prohibit or declare unlawful any practice, policy, program or benefit to any person or class of persons which is required or authorized by any law or regulation of the United States, the Commonwealth of Virginia, City of Alexandria, Virginia, or any agency or department thereof.
- (b) Nothing in this chapter shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the constitution or laws of the United States or the Commonwealth of Virginia, and the provision of this chapter shall be in addition to those provided by such other laws.

#### Sec. 12-4-27 - Advisory opinions.

To terminate a controversy or to remove uncertainty, upon the request of the director or any person, the commission, in its discretion may issue an advisory opinion declaring that, upon the facts presented, a particular practice, program or regulation

does not violate this chapter. Such opinions shall be advisory only and shall not preclude the commission from making a different determination in processing a formal complaint.

Sec. 12-4-28 - Forms.

The city attorney, at the request of the commission or the director or on his or her own initiative, shall prepare the forms recognized for the enforcement of this chapter.

Sec. 12-4-29 - Conditions under which city attorney not to represent commission, director.

Notwithstanding any contrary provisions of this chapter, the city attorney shall not represent either the commission or the director in any matter or proceeding in which the city or any department, office or agency of the city is a respondent. In this event, the commission and the director may consult with and retain a private attorney to provide the services that the city attorney would ordinarily provide the commission and director.

Sec. 12-4-30 - Severability.

The provisions of this chapter are severable and, if any section, provision or part of the chapter is held, for any reason, invalid or inapplicable to any person or circumstance, such invalidity or inapplicability shall not affect or impair any of the remaining sections, provisions or parts of this chapter, or their application to any other person or circumstance. It is hereby declared to be the intent of the city council that this chapter would have been adopted even if the section, provision or part of the chapter declared invalid had not been included herein, or if the person or circumstance to which the section, provision or part is declared inapplicable had been specifically exempted from the chapter.

Section 2. That Chapter 4 as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

**Please note: City Council approved items 7, 8, and 9 as a block.**

**WHEREUPON**, upon motion by Councilman Seifeldein, seconded by Vice Mayor Bennett-Parker and carried unanimously by roll-call vote, City Council approved docket items 7, 8, and 9. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none. The approvals were as follows:

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 3-603 (SPECIAL USES), Section 3-703 (SPECIAL USES), Section 3-803 (SPECIAL USES), Section 3-903 (SPECIAL USES), Section 3-1403 (SPECIAL USES), Section 3-1405 (BULK AND OPEN SPACE REGULATIONS), and Section 3-1406 (FLOOR AREA RATIO) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-103 (SPECIAL USES), Section 4-105 (AREA REGULATIONS), Section 4-106 (bulk regulations), Section 4-203 (SPECIAL USES), Section 4-205 (AREA REGULATIONS), Section 4-206 (bulk regulations), Section 4-303 (special uses), Section 4-305 (area regulations), Section 4-306 (bulk regulations), Section 4-403 (special uses), Section 4-405 (area regulations), Section 4-406 (bulk regulations), Section 4-503 (special uses), Section 4-505 (area regulations), Section 4-506 (bulk regulations), Section 4-603 (special uses), Section 4-605 (area regulations), Section 4-606 (bulk regulations), Section 4-803 (special uses), Section 4-805 (area regulations), Section 4-806 (bulk regulations), Section 4-903 (special uses), Section 4-905 (area and bulk regulations), Section 4-1003 (special uses), Section 4-1005 (area and bulk regulations), 4-1103 (special uses), Section 4-1105 (area and bulk regulations), Section 4-1404 (special uses), and Section 4-1408 (bulk regulations) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-103

(special uses), Section 5-105 (floor area ratio), Section 5-107 (open space requirements), Section 5-203 (special uses), Section 5-205 (floor area ratio), Section 5-207 (open space requirements), Section 5-303 (special uses), Section 5-305 (floor area ratio), Section 5-307 (open space requirements), Section 5-403 (special uses), Section 5-406 (floor area ratio), Section 5-408 (open space requirements), Section 5-503 (special uses), Section 5-504 (floor area ratio), Section 5-508 (open and usable space), and Section 5-602 (coordinated development districts created, consistency with master plan, required approvals) of Article V (MIXED USE ZONES); Section 6-702 (uses) and Section 6-705 (building and development requirements) of Article VI (special and overlay zones); and Section 8-200 (general parking regulations) of Article VIII (off-street parking and loading); add new Section 2-129.2 (CONTINUUM OF CARE FACILITY) of Article II (DEFINITIONS); Section 3-608 (CONTINUUM OF CARE FACILITIES), Section 3-708 (CONTINUUM OF CARE FACILITIES), and Section 3-808 (CONTINUUM OF CARE FACILITIES), and Section 3-909 (CONTINUUM OF CARE FACILITIES) of Article III (RESIDENTIAL ZONE REGULATIONS); and delete Section 2-156 (HOME FOR THE ELDERLY) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0008 (Implementation Ordinance for Text Amendment No. 2018-0008 regarding continuum of care facilities approved by City Council on November 16, 2019). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 4, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 12/14/19, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 12/14/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 7; 12/14/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend Text Amendment No. 2018-0007 to add continuum of care facility as a special use and establish the zoning regulations for the use in residential, commercial, office, and industrial, mixed use, and special and overlay zones.

The ordinance reads as follows:

#### ORDINANCE NO. 5259

AN ORDINANCE to amend and reordain Section 3-603 (SPECIAL USES), Section 3-703 (SPECIAL USES), Section 3-803 (SPECIAL USES), Section 3-903 (SPECIAL USES), Section 3-1403 (SPECIAL USES), Section 3-1405 (BULK AND OPEN SPACE

REGULATIONS), and Section 3-1406 (FLOOR AREA RATIO) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-103 (SPECIAL USES), Section 4-105 (AREA REGULATIONS), Section 4-106 (BULK REGULATIONS), Section 4-203 (SPECIAL USES), Section 4-205 (AREA REGULATIONS), Section 4-206 (BULK REGULATIONS), Section 4-303 (SPECIAL USES), Section 4-305 (AREA REGULATIONS), Section 4-306 (BULK REGULATIONS), Section 4-403 (SPECIAL USES), Section 4-405 (AREA REGULATIONS), Section 4-406 (BULK REGULATIONS), Section 4-503 (SPECIAL USES), Section 4-505 (AREA REGULATIONS), Section 4-506 (BULK REGULATIONS), Section 4-603 (SPECIAL USES), Section 4-605 (AREA REGULATIONS), Section 4-606 (BULK REGULATIONS), Section 4-803 (SPECIAL USES), Section 4-805 (AREA REGULATIONS), Section 4-806 (BULK REGULATIONS), Section 4-903 (SPECIAL USES), Section 4-905 (AREA AND BULK REGULATIONS), Section 4-1003 (SPECIAL USES), Section 4-1005 (AREA AND BULK REGULATIONS), 4-1103 (SPECIAL USES), Section 4-1105 (AREA AND BULK REGULATIONS), Section 4-1404 (SPECIAL USES), and Section 4-1408 (BULK REGULATIONS) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-103 (SPECIAL USES), Section 5-105 (FLOOR AREA RATIO), Section 5-107 (OPEN SPACE REQUIREMENTS), Section 5-203 (SPECIAL USES), Section 5-205 (FLOOR AREA RATIO), Section 5-207 (OPEN SPACE REQUIREMENTS), Section 5-303 (SPECIAL USES), Section 5-305 (FLOOR AREA RATIO), Section 5-307 (OPEN SPACE REQUIREMENTS), Section 5-403 (SPECIAL USES), Section 5-406 (FLOOR AREA RATIO), Section 5-408 (OPEN SPACE REQUIREMENTS), Section 5-503 (SPECIAL USES), Section 5-504 (FLOOR AREA RATIO), Section 5-508 (OPEN AND USABLE SPACE), and Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES); Section 6-702 (USES) and Section 6-705 (BUILDING AND DEVELOPMENT REQUIREMENTS) of Article VI (SPECIAL AND OVERLAY ZONES); and Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING); add new Section 2-129.2 (CONTINUUM OF CARE FACILITY) of Article II (DEFINITIONS); Section 3-608 (CONTINUUM OF CARE FACILITIES), Section 3-708 (CONTINUUM OF CARE FACILITIES), and Section 3-808 (CONTINUUM OF CARE FACILITIES), and Section 3-909 (CONTINUUM OF CARE FACILITIES) of Article III (RESIDENTIAL ZONE REGULATIONS); and delete Section 2-156 (HOME FOR THE ELDERLY) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0008.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0008, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on November 7, 2019 of a text amendment to the Zoning Ordinance to add continuum of care facility as a special use and establish the zoning regulations for the use in residential, commercial, office, industrial, mixed use, and special and overlay zones, which recommendation was approved by the City Council at public hearing on November 16, 2019;



2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-129.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-129.2 Continuum of care facility.

A facility specifically designed for domiciliary use and/or care of 4 or more aged, infirm, or disabled adults, which may provide for housing progressing from independent living, with or without kitchen facilities, and culminating in assisted living with or without provisions for memory care services, where all related uses are located on the same lot. Such facility shall include services integral to the maintenance or care of residents and be regulated as an assisted living facility under Code of Virginia, title 63.2, as amended. The facility shall be administered in such a manner as to restrict occupancy of independent living units only to persons 55 years of age or older. When an independent living unit is occupied by a family, only one of such person must satisfy the 55 years of age or older requirement. This term excludes nursing or convalescent homes or hospice, and medical facilities.

Section 2. That Section 2-156 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety.

Section 3. That Section 3-603 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-603 – Special uses.

The following uses may be allowed in the RA zone pursuant to a special use permit:

\*\*\*

(C) ~~Home for the elderly~~ Continuum of care facility;

\*\*\*

Section 4. That Section 3-608 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

3-608 – Continuum of care facilities.

(A) A Continuum of care facility shall be a nonresidential use if the residential use does not exceed 50 percent of the floor area, except that the maximum floor area for the residential use may be increased to an amount not to exceed 70 percent of the floor area permitted by this zone with a special use permit.

(B) The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 5. That Section 3-703 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-703 Special uses.

The following uses may be allowed in the RB zone pursuant to a special use permit:

\*\*\*

~~(C) Home for the elderly~~ Continuum of care facility;

\*\*\*

Section 6. That Section 3-708 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

3-708 – Continuum of care facilities.

(A) A Continuum of care facility shall be a nonresidential use if the residential use does not exceed 50 percent of the floor area, except that the maximum floor area for the residential use may be increased to an amount not to exceed 70 percent of the floor area permitted by this zone with a special use permit.

(B) The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 7. That Section 3-803 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-803 Special uses.

The following uses may be allowed in the RCX zone pursuant to a special use permit:  
\*\*\*

(D) ~~Home for the elderly~~ Continuum of care facility;  
\*\*\*

Section 8. That Section 3-808 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

3-808 – Continuum of care facilities.

(A) A Continuum of care facility shall be a nonresidential use if the residential use does not exceed 50 percent of the floor area, except that the maximum floor area for the residential use may be increased to an amount not to exceed 70 percent of the floor area permitted by this zone with a special use permit.

(B) The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 9. That Section 3-903 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-903 – Special uses.

The following uses may be allowed in the RC zone pursuant to a special use permit:  
\*\*\*

(E) ~~Home for the elderly~~ Continuum of care facility;  
\*\*\*

Section 10. That Section 3-909 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

3-909 – Continuum of care facilities.

(A) A Continuum of care facility shall be a nonresidential use if the residential use does not exceed 50 percent of the floor area, except that the maximum floor area for the residential use may be increased to an amount not to exceed 70 percent of the floor area permitted by this zone with a special use permit.

(B) The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully

open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 11. That Section 3-1403 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-1403 – Special uses.

The following uses may be allowed in the RMF zone pursuant to a special use permit:

\*\*\*

(B) ~~Home for the elderly~~ Continuum of care facility.

\*\*\*

Section 12. That Section 3-1405 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

3-1405 – Bulk and open space regulations.

\*\*\*

(C) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:

(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(b) Open space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 13. That Section 3-1406 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

3-1406 – Floor area ratio.

The permitted floor area ratio of a development in the RMF zone shall be as follows:

\*\*\*

(C) Continuum of care facility. The maximum permitted floor area ratio is .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved pursuant to the provisions of 3-1406 (B), the maximum floor area ratio may be increased to an amount not to exceed 3.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

Section 14. That Section 4-103 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-103 – Special uses.

The following uses may be allowed in the CL zone pursuant to a special use permit:

\*\*\*

(G) ~~Home for the elderly~~ Continuum of care facility;

\*\*\*

Section 15. That Section 4-105 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-105 – Area regulations.

\*\*\*

(D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.

Section 16. That Section 4-106 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-106 Bulk regulations.

(A) Yards and open space.

\*\*\*

(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:

(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(B) Floor area ratio.

\*\*\*

(3) Continuum of care facility. The maximum permitted floor area ratio shall not exceed .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

\*\*\*

Section 17. That Section 4-203 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-203 – Special uses.

The following uses may be allowed in the CC zone pursuant to a special use permit:

\*\*\*

(J) ~~Home for the elderly~~ Continuum of care facility;

\*\*\*

Section 18. That Section 4-205 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-205 – Area regulations.

\*\*\*

(D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.

Section 19. That Section 4-206 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-206 – Bulk regulations.

(A) Yards and open space.

\*\*\*

(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:

(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(B) Floor area ratio.

\*\*\*

(3) Continuum of care facility. The maximum permitted floor area ratio shall not exceed .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

\*\*\*

Section 20. That Section 4-303 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-303 – Special uses.

The following uses may be allowed in the CSL zone pursuant to a special use permit:

\*\*\*

(N) ~~Home for the elderly~~ Continuum of care facility;

\*\*\*

Section 21. That Section 4-305 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-305 – Area regulations.

\*\*\*

(D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.

Section 22. That Section 4-306 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-306 – Bulk regulations.

(A) Yards and open space.

\*\*\*

(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:

(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(B) Floor area ratio.

\*\*\*

(3) Continuum of care facility. The maximum permitted floor area ratio is .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

\*\*\*

Section 23. That Section 4-403 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-403 – Special uses.

The following uses may be allowed in the CG zone pursuant to a special use permit:

\*\*\*

(N) ~~Home for the elderly~~ Continuum of care facility;

\*\*\*

Section 24. That Section 4-405 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-405 – Area regulations.

\*\*\*

(D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.

Section 25. That Section 4-406 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-406 – Bulk regulations.

(A) Yards and open space.

\*\*\*

(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:

(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(B) Floor area ratio.

\*\*\*

(3) Continuum of care facility. The maximum permitted floor area ratio is .75 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

\*\*\*



Section 26. That Section 4-503 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-503 – Special uses.

The following uses may be allowed in the CD zone pursuant to a special use permit:

\*\*\*

(L) ~~Home for the elderly~~ Continuum of care facility;

\*\*\*

Section 27. That Section 4-505 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-505 – Area regulations.

\*\*\*

(D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.

Section 28. That Section 4-506 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-506 – Bulk regulations.

(A) Yards and open space.

\*\*\*

(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:

(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(B) Floor area ratio.

\*\*\*

(3) Continuum of care facility. The maximum permitted floor area ratio is 1.5 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, a maximum floor area ratio may be increased to an amount not to exceed 2.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

\*\*\*

Section 29. That Section 4-603 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-603 – Special uses.

\*\*\*

(K) ~~Home for the elderly~~ Continuum of care facility;

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Section 30. That Section 4-605 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-605 – Area regulations.

\*\*\*

(D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.

Section 31. That Section 4-606 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-606 – Bulk regulations.

(A) Yards and open space.

\*\*\*

(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:

(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(B) Floor area ratio.

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(3) Continuum of care facility. The maximum permitted floor area ratio is 1.5 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

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Section 32. That Section 4-803 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-803 – Special uses.

The following uses may be allowed in the OC zone pursuant to a special use permit:

\*\*\*

(N) ~~Home for the elderly~~ Continuum of care facility;

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Section 33. That Section 4-805 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-805 – Area regulations.

\*\*\*

(D) Continuum of care facility. For a Continuum of care facility there are no lot size or frontage requirements.

Section 34. That Section 4-806 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-806 – Bulk regulations.

(A) Yards and open space.

\*\*\*

(4) Continuum of care facility. For a Continuum of care facility, the following yard and open space requirements apply:

(a) Yards. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(b) Open Space. The development shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(B) Floor area ratio.

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(3) Continuum of care facility. The maximum permitted floor area ratio shall not exceed 1.25 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

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Section 35. That Section 4-903 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-903 – Special uses.

The following uses may be allowed in the OCM(50) zone pursuant to a special use permit:

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(N) ~~Home for the elderly~~ Continuum of care facility;

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Section 36. That Section 4-905 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-905 – Area and bulk regulations.

(A) Yards.

\*\*\*

(4) Continuum of care facility. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(B) Open space.

(1) Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(2) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(C) Floor area ratio.

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(3) Continuum of care facility. The maximum permitted floor area ratio is 1.50 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

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Section 37. That Section 4-1003 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new

language shown in underline, as follows:

4-1003 – Special uses.

The following uses may be allowed in the OCM (100) zone pursuant to a special use permit:

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(N) ~~Home for the elderly~~ Continuum of care facility;

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Section 38. That Section 4-1005 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-1005 – Area and bulk regulations.

(A) Yards.

\*\*\*

(4) Continuum of care facility. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(B) Open space.

(1) Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(2) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(C) Floor area ratio.

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(3) Continuum of care facility. The maximum permitted floor area ratio is 1.50 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

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Section 39. That Section 4-1103 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1103 – Special uses.

The following uses may be allowed in the OCH zone pursuant to a special use permit:

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(M) ~~Home for the elderly~~ Continuum of care facility;

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Section 40. That Section 4-1105 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-1105- Area and bulk regulations.

(A) Yards.

\*\*\*

(4) Continuum of care facility. There are no yard requirements except as may be applicable pursuant to the zone transition requirements of section 7-900.

(B) Open space.

(1) Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(2) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

(C) Floor area ratio.

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(4) Continuum of care facility.

(a) The maximum permitted floor area ratio is 1.25 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

(b) For continuum of care facilities located with 1,000 feet of a metrorail station, the maximum permitted floor area ratio is 2.0 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 3.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

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Section 41. That Section 4-1404 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1404 – Special uses.

The following uses may be allowed with a special use permit:

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(Q) ~~Home for the elderly~~ Continuum of care facility;

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Section 42. That Section 4-1408 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

4-1408 – Bulk regulations.

The following bulk regulations shall apply:

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(B) FAR.

(1) The maximum permitted floor area ratio is 0.5.

(2) For a mixed use project that includes ground floor retail uses, the maximum floor area ratio is 1.5 with a special use permit.

(3) The maximum permitted floor area ratio is 0.5 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 1.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

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Section 43. That Section 5-103 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-103 – Special uses.

The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-109 below:

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(I) ~~Home for the elderly~~ Continuum of care facility;

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Section 44. That Section 5-105 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-105 – Floor area ratio.

The permitted floor area ratio of a development in the CRMU-L zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

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(D) Continuum of care facility. The maximum permitted floor area ratio is 1.0 including .25 of retail use, and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 1.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

Section 45. That Section 5-107 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-107 - Open space requirements.

(A) Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 46. That Section 5-203 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-203 – Special uses.

The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-209 below:

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(I) ~~Home for the elderly~~ Continuum of care facility;

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Section 47. That Section 5-205 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:



#### 5-205 Floor area ratio.

The permitted floor area ratio of a development in the CRMU-M zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

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(D) Continuum of care facility. The maximum permitted floor area ratio is 1.25 including .25 of retail use, and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

Section 48. That Section 5-207 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

#### 5-207 - Open space requirements.

(A) Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 49. That Section 5-303 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

#### 5-303 – Special uses.

The following uses may be approved, pursuant to the procedures and regulations for special use permits and subject to the criteria of section 5-309 below:

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(I) ~~Home for the elderly~~ Continuum of care facility;

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Section 50. That Section 5-305 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-305 Floor area ratio.

The permitted floor area ratio of a development in the CRMU-H zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

\*\*\*

(D) Continuum of care facility. The maximum permitted floor area ratio is 1.5 including .25 of retail use, and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

Section 51. That Section 5-307 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-307 - Open space requirements.

(A) Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 52. That Section 5-403 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-403 – Special uses.

The following uses may be approved, subject to the procedures and regulations for special use permits and subject to the limitations of section 5-609 below:

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(K) ~~Home for the elderly~~ Continuum of care facility;

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Section 53. That Section 5-406 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-406 – Floor area ratio.

The permitted floor area ratio of a development in the CRMU-X zone depends on whether a townhouse development, an all residential development or a mixture of uses is proposed and whether a special use permit is sought.

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(C) *Calculation of floor area ratio and uses.* For the purpose of calculating the mix of uses under this section 5-606, all uses other than townhouse and multifamily dwellings, ~~homes for the elderly~~ and congregate housing facilities are considered commercial.

(D) Continuum of care facility. The maximum permitted floor area ratio is 1.5 including .25 of retail use, and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.5 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

Section 54. That Section 5-408 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-408 – Open space requirements.

(A) The multifamily residential portion of each development shall provide a minimum of 25 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable or includes comparable amenities.

(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 55. That Section 5-503 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-503 – Special uses.

The following uses may be allowed in the W-1 zone pursuant to a special use permit:

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(E) ~~Home for the elderly~~ Continuum of care facility;

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Section 56. That Section 5-504 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-504 – Floor area ratio.

The permitted floor area ratio of a development in the W-1 zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

\*\*\*

(E) Continuum of care facility. The maximum permitted floor area ratio is 1.25 including .25 of retail use and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 2.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

Section 57. That Section 5-508 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-508 - Open and usable space.

(A) Residential uses shall provide a minimum of 300 square feet of open and usable space per dwelling unit, exclusive of any area required for off-street parking. The location and shape of such space shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level and which are accessible to all residents of the development if the director determines that such space functions as open space for residents to the same extent that ground level open space would. In addition, each use, development or project adjacent to the Potomac River shall provide an open space walkway and bike way adjacent to the high watermark of the Potomac River.

(B) Continuum of care facilities shall provide a minimum of 25 percent of land area as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the director determines that such space functions as open space for residents to the same extent that ground level open space would.

Section 58. That Section 5-602 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-602 - Coordinated d(A) The CDD districts, as shown on Table 1, are as follows:

Table 1. Coordinated Development Districts

CDD No.	CDD Name	With a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum F.A.R. and/or Development Levels	Maximum Height	Uses
***					
10	Potomac Yards/Greens	The RB zone regulations shall apply to the area south of the Monroe Avenue Bridge and east of the Metro Tracks, the CSL zone regulations shall apply on the first 250 feet east of Rte 1, and the I zone regulations shall apply on the remainder of the site; except that the U/T regulations shall apply to an area approximately 120 feet wide located just west of the Metrorail right-of-way	Up to 1.747.346 <sup>2</sup> square feet of office space, except that office square footage may be converted to retail square footage through the special use permit process.  Up to 325,000 square feet of <del>home for the elderly</del> <u>continuum of care</u> use, which may	Heights shall be as shown on the map entitled "Predominate Height Limits for CDD" (Map No. 24, Potomac Yard/Potomac Greens Small Area Plan Chapter of 1992 Master Plan) as may be revised.	<del>home for the elderly</del> <u>continuum of care facility</u> , office, retail and service, hotel, parks and open spaces, and community facilities.

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		(area shown on the plat for Case REZ #95-0005) for the purpose of accommodating the relocated rail mainline on the yard, and except also that the area known as the "Piggyback Yard" and Slaters Lane portion of Potomac Yard (as shown on the plat for Case REZ #95-0004) may be developed pursuant to the CRMU-L zone provided that the Piggyback Yard: - shall contain no more than 275 dwelling units; - shall contain no more than 60,000 square feet of commercial space, of which no more than 30,000 square feet shall be office;	include up to 150 dwelling units.  Up to 170 hotel rooms. Up to 163,817 square feet of retail space. <sup>2</sup> Up to 2,239 residential units. Note 2: Office floor area may be converted to ground floor retail use through a special use permit.		
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17a	Cameron Park	CSL/Commercial Service Low Zone regulations shall apply	The development controls, including FAR and number of units for land within this CDD, as shown in the approved CDD-17a Concept Plan, in addition to the provisions in the Landmark Van Dorn Corridor Plan.	The maximum heights shall conform to the CDD-17a Concept Plan	Mix of residential (multifamily and/or townhouse), <del>home for the elderly</del> <u>continuum of care facility</u> for 120 units and retail uses
***					
23	Fillmore/Beauregard	RC/High density and apartment zone RA/Multifamily zone regulations shall apply to the Goodwin House Property (T.M. 011.03-01-06). RA/Multi-family zone regulations shall apply to the Church of the Resurrection Property (T.M. 011.03-01-05) and as may be subdivided in the future.	Goodwin House Property: Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions. All other property: Maximum FAR: 2.5 Minimum Open Space: 25% that is usable and accessible. The open space can be provided on the ground level, as a rooftop amenity or combined, but with a maximum of 50% of the open space percentage shall be permitted to	The maximum heights shall conform to the CDD Concept Plan with an overall maximum height of 150 for buildings not shown on the Concept Plan.	Senior housing, senior affordable housing, <del>home for the elderly</del> <u>continuum of care facility</u> , nursing care facility, multi-family housing, and churches.

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			<p>be rooftop open space. The remainder shall be located at grade level. This percentage of open space shall exclude public rights-of-way and streets with public access easements.</p> <p>All proposed development shall conform to the Beauregard Urban Design Standards and Guidelines, as may be amended.</p>		
1 2 3 4 5 6 7 8	24 Oakville Triangle and Route 1 Corridor	The CSL, I and R2-5 zone regulations shall apply to the properties as generally depicted within Figure 23 of the	The development controls for each block including Gross Floor Area (GFA), the size of public open spaces, ground	Heights and height transitions shall be as depicted in the approved Oakville Triangle and	1) Mixed-use development to include hotel, office, residential, <del>home for the elderly</del> <u>continuum of</u>



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		<p>approved Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.</p>	<p>level open spaces, the land uses, and the ground floor uses shall comply with the Oakville Triangle and Route 1 Vision Plan and Urban Design Standards and Guidelines.</p> <p>All streets, blocks, sidewalks, building forms, building volumes, building heights, land uses, screening of parking, retail design, signage, open space and associated elements shall comply with the Oakville-Route 1 Route 1 Vision Plan and Urban Design Standards.</p> <p>Any variation from the standards shall require approval by the City Council as part of the DSUP or associated approval application(s).</p>	<p>Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.</p>	<p><u>care facility</u>, nursing home, parks and open spaces as defined in the zoning ordinance.</p> <p>2) Primary retail, secondary retail, and maker uses as defined in the Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.</p> <p>3) Community Facilities as defined in the Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.</p>
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27	Greenhill/West Alexandria Properties	CG/Commercial General zone regulations shall apply except that I/Industrial zone regulations shall apply for the property currently addressed 611 South Pickett Street (Tax Map Number: 057.04-05-05).	<p>Maximum FAR: 2.52, exclusive of: 1) bonus density and height as may be approved by Special Use Permit pursuant to Section 7-700 of the Zoning Ordinance as it may be amended; and 2) public school and public building uses.</p> <p>Minimum open space: A</p>	The maximum heights shall conform to the Landmark-Van Dorn Small Area Plan as may be amended.	Multifamily dwelling; amusement enterprise; active and/or congregate recreational facilities; animal care facility with no overnight accommodation; automobile and trailer rental or sales area; business and professional office; convenience

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		<p>minimum of 25% of the land area within the CDD area shall be provided as ground-level, useable open space.</p> <p>Ground-level useable open space may be provided at any location within the CDD area to meet the open space requirement. In addition to the 25% requirement, primarily residential buildings shall provide rooftop open spaces/terraces or other outdoor amenity spaces.</p> <p>Minimum yards: None, except as may be applicable pursuant to the supplemental yard and setback regulations of Section 7-1000.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section</p>	<p>store; day care center; health and athletic club; hotel; <del>home for the elderly</del> <u>continuum of care facility</u>; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; massage establishment; medical office; outdoor dining; personal service establishment; private school, academic or commercial, with more than 20 students on the premises at any one time; public building; public park and community recreation buildings, including enclosed and semi-enclosed shelters and pavilions; public school; restaurant; retail shopping establishment; and valet parking.</p>
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			6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.		
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Development districts created, consistency with master plan, required approvals.

Section 59. That Section 6-702 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-702 – Uses.

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(B) *Upper floor uses.*

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(2) *Special uses:*

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(f) ~~Home for the elderly~~ Continuum of care facility;

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Section 60. That Section 6-705 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

6-705 – Building and development requirements.

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(C) Floor area ratio.

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(c) Continuum of care facility.

(1) The maximum permitted floor area ratio is 1.25 and a maximum of 50 percent of the floor space of the proposed development may be residential use. If a special use permit is approved, a maximum of 70 percent of the floor space of the proposed development may be residential use.

(2) For continuum of care facilities located with 1,000 feet of a metrorail station the maximum permitted floor area ratio is 2.0 and a maximum of 50 percent of the floor space of the proposed development may be residential use. Except that, if a special use permit is approved, the maximum floor area ratio may be increased to an amount not to exceed 3.0 and a maximum of 70 percent of the floor space of the proposed development may be residential use.

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Section 61. That Section 8-200 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Section 8-200 – General parking regulations.

(A) *Schedule of requirements.* The following number of parking spaces shall be provided for each use listed. In the case of any use not listed in this section 8-200(A), the requirements of the most similar listed use shall apply. The requirements of this section 8-200(A) may be reduced when special zoning allows parking reductions and the required approvals of the director and the director of transportation and environmental services have been obtained and the conditions of said approval are complied with.

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(15) ~~Homes for the elderly~~ Continuum of care facilities: one space per each two units plus one space for each two guest rooms, except for ~~homes for the low income elderly continuum of care facilities~~, one space per each four units plus one space for each four guest rooms only with a special use permit.

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Section 62. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 63. That Section 3-603 (SPECIAL USES), Section 3-703 (SPECIAL USES), Section 3-803 (SPECIAL USES), Section 3-903 (SPECIAL USES), Section 3-1403 (SPECIAL USES), Section 3-1405 (BULK AND OPEN SPACE REGULATIONS), and Section 3-1406 (FLOOR AREA RATIO) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-103 (SPECIAL USES), Section 4-105 (AREA REGULATIONS), Section 4-106 (BULK REGULATIONS), Section 4-203 (SPECIAL USES), Section 4-205 (AREA REGULATIONS), Section 4-206 (BULK REGULATIONS), Section 4-303 (SPECIAL USES), Section 4-305 (AREA REGULATIONS), Section 4-306 (BULK REGULATIONS), Section 4-403 (SPECIAL USES), Section 4-405 (AREA REGULATIONS), Section 4-406 (BULK REGULATIONS), Section 4-503 (SPECIAL USES), Section 4-505 (AREA REGULATIONS), Section 4-506 (BULK REGULATIONS), Section 4-603 (SPECIAL USES), Section 4-605 (AREA REGULATIONS), Section 4-606 (BULK REGULATIONS), Section 4-803 (SPECIAL USES), Section 4-805 (AREA REGULATIONS), Section 4-806 (BULK REGULATIONS), Section 4-903 (SPECIAL USES), Section 4-905 (AREA AND BULK REGULATIONS), Section 4-1003 (SPECIAL USES), Section 4-1005 (AREA AND BULK REGULATIONS), 4-1103 (SPECIAL

USES), Section 4-1105 (AREA AND BULK REGULATIONS), Section 4-1404 (SPECIAL USES), and Section 4-1408 (BULK REGULATIONS) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-103 (SPECIAL USES), Section 5-105 (FLOOR AREA RATIO), Section 5-107 (OPEN SPACE REQUIREMENTS), Section 5-203 (SPECIAL USES), Section 5-205 (FLOOR AREA RATIO), Section 5-207 (OPEN SPACE REQUIREMENTS), Section 5-303 (SPECIAL USES), Section 5-305 (FLOOR AREA RATIO), Section 5-307 (OPEN SPACE REQUIREMENTS), Section 5-403 (SPECIAL USES), Section 5-406 (FLOOR AREA RATIO), Section 5-408 (OPEN SPACE REQUIREMENTS), Section 5-503 (SPECIAL USES), Section 5-504 (FLOOR AREA RATIO), Section 5-508 (OPEN AND USABLE SPACE), and Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES); Section 6-702 (USES) and Section 6-705 (BUILDING AND DEVELOPMENT REQUIREMENTS) of Article VI (SPECIAL AND OVERLAY ZONES); and Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING); add new Section 2-129.2 (CONTINUUM OF CARE FACILITY) of Article II (DEFINITIONS); Section 3-608 (CONTINUUM OF CARE FACILITIES), Section 3-708 (CONTINUUM OF CARE FACILITIES), and Section 3-808 (CONTINUUM OF CARE FACILITIES), and Section 3-909 (CONTINUUM OF CARE FACILITIES) of Article III (RESIDENTIAL ZONE REGULATIONS); and delete Section 2-156 (HOME FOR THE ELDERLY) of Article II (DEFINITIONS) pursuant to Sections 1 through 61 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 64. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

8. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Article C (COOPERATIVE PROCUREMENT) Section 3-3-24 (PURCHASES UNDER CONTRACTS COMPETITIVELY ENTERED BY OTHER PUBLIC BODIES), Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION), Division 1 (COMPETITIVE SEALED BIDDING); Section 3-3-33 (PUBLIC ACCESS TO PROCUREMENT INFORMATION), Section 3-3-39 (BID BONDS ON CONSTRUCTION CONTRACTS), Division 2 (COMPETITIVE NEGOTIATION); Section 3-3-64 (PUBLIC NOTICE), Section 3-3-69 (CONTRACTING FOR PROFESSIONAL SERVICES BY COMPETITIVE NEGOTIATION), Division 3 (MISCELLANEOUS PROVISIONS); Section 3-3-72 (SMALL PURCHASES), all of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated December 4, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 12/14/19, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8; 12/14/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 8; 12/14/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend the Code of Virginia of the City of Alexandria, 1981, in order to make the procurement provisions comply with the Code of Virginia to the extent required under the law; to raise the purchasing thresholds of the City, not to exceed those set forth by the Virginia Public Procurement Act (VPPA) and clarify the process of purchase of legal services by the City Attorney; section 3-3-72 to provide for the City Manager's authority [per section 3-3-14(b)] to raise the purchasing thresholds of the City, not to exceed those set forth by the VPPA.

The ordinance reads as follows:

#### ORDINANCE NO. 5260

AN ORDINANCE to amend and reordain Article C (COOPERATIVE PROCUREMENT) Section 3-3-24 (PURCHASES UNDER CONTRACTS COMPETITIVELY ENTERED BY OTHER PUBLIC BODIES), Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION), Division 1 (COMPETITIVE SEALED BIDDING); Section 3-3-33 (PUBLIC ACCESS TO PROCUREMENT INFORMATION), Section 3-3-39 (BID BONDS ON CONSTRUCTION CONTRACTS), Division 2 (COMPETITIVE NEGOTIATION); Section 3-3-64 (PUBLIC NOTICE), Section 3-3-69 (CONTRACTING FOR PROFESSIONAL SERVICES BY COMPETITIVE NEGOTIATION), Division 3 (MISCELLANEOUS PROVISIONS); Section 3-3-72 (SMALL PURCHASES), all of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION, AND PROCUREMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

#### THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-3-24 of Article C of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 3-3-24 - Purchases under contracts competitively entered by other public bodies.

- (a) Notwithstanding any other provision of this chapter to the contrary, except as listed under subsection (b), the city may purchase from another public body's contract even if the city did not participate in the request for proposal or invitation to bid. Prior to any city purchase under a contract entered by another public body, the purchasing agent shall find that the process pursuant to which the contract was entered generally complied with the policies and procedures established by this chapter.
- (b) The city may not purchase:
  - (1) from another public body's contract for architectural or engineering services or
  - (2) for construction ~~in excess of \$200,000, from the contract of another local public body that is more than a straight line distance of 75 miles from the territorial limits of the city.~~ The installation of artificial turf or other athletic surfaces shall not be subject to the limitations



prescribed in this subsection. Nothing in this subsection shall be construed to prohibit sole source or emergency procurements awarded pursuant to section 3-3-71 or 3-3-73.

Section 2. That Section 3-3-33 of Article D of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 3-3-33 - Public access to procurement information.

- (a) Except as otherwise provided in this section, all proceedings, contracts and other records relating to procurement transactions shall be open to the inspection of any interested person, firm or corporation in accordance with the Virginia Freedom of Information Act.
- (b) Cost estimates relating to a proposed procurement transaction prepared by or for the city shall not be open to public inspection.
- (c) Any competitive sealed bidding bidder shall, upon request, be afforded the opportunity to inspect bid records within a reasonable time after the opening of all bids but prior to contract award, except in the event that the city decides not to accept any of the bids and again to solicit bids. Otherwise, bid records shall be open to public inspection only after award of the contract.
- (d) Any competitive negotiation offeror shall, upon request, be afforded the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiations of proposals are completed but prior to contract award, except in the event that the city decides not to accept any of the proposals and again to request proposals. Otherwise, proposal records shall be open to public inspection only after award of the contract.
- (e) Any inspection of procurement transaction records under this section shall be subject to reasonable restrictions to ensure the security and integrity of the records.
- (f) Trade secrets or proprietary information submitted by a bidder, offeror or contractor in connection with a procurement transaction shall not be subject to public inspection or disclosures under the Virginia Freedom of Information Act; provided, however, that the bidder, offeror or contractor must invoke the protections of this section prior to or upon submission of the trade secrets or proprietary information, must identify the data and other materials containing such secrets and information to be protected and must state the reasons why protection is necessary. A bidder, offeror, or contractor shall not designate as trade secrets or proprietary information (a) an entire bid, proposal, or prequalification application; (b) any portion of a bid, proposal, or prequalification application that does not contain trade secrets or proprietary information, or (c) line item prices or total bid, proposal, or prequalification application prices.

Section 3. That Section 3-3-39 of Article D of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 3-3-39 - Bid bonds on construction contracts.

- (a) Except in cases of emergency, all bids or proposals for nontransportation-related construction contracts in excess of \$500,000 or transportation-related projects authorized under ~~Section 33.1-12~~ Article 2 (Section 33.2-208 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia, 1950, as amended, that are in excess of \$250,000 and partially or wholly funded by the Commonwealth shall be accompanied by a bid bond from a surety company selected by the bidder or offeror which is legally authorized to do business in Virginia, as a guarantee that if the contract is awarded to such bidder or offeror, the bidder or offeror will

enter into the contract for the work mentioned in the bid or proposal. The amount of the bid bond shall not exceed five percent of the amount bid.

- (b) For nontransportation-related contracts in excess of \$100,000 but less than \$500,000, where the bid bond requirements are waived, prospective bidders or offerors shall be prequalified for each individual project in accordance with section 3-3-35. However, the city may waive the requirement for prequalification of a bidder with a current Class A contractor license for contracts in excess of \$100,000 but less than \$300,000 upon a written determination made in advance that waiving the requirement is in the best interests of the city. The city shall not enter into more than 10 such contracts per year.
- (c) No forfeiture under a bid bond shall exceed the lesser of the difference between the bid for proposal for which the bond was written and the next low bid or proposal or the face amount of the bid bond.
- (d) Nothing in this section shall preclude the city from requiring bid bonds to accompany bids or proposals for construction contracts anticipated to be less than \$500,000 for nontransportation-related projects or \$250,000 for transportation-related projects authorized under Section 33.1-12 Article 2 (Sec. 33.2-28 et seq.) of Chapter 2 of Title 33.2 of the Code of Virginia, 1950, as amended, and partially or wholly funded by the Commonwealth.

Section 4. That Section 3-3-64 of Article D of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 3-3-64 - Public notice.

A reasonable time prior to the date set for receipt of proposals, public notice shall be given by posting on the Commonwealth of Virginia's Department of General Services' central electronic procurement website or other appropriate websites ~~and by publication.~~ Notice may also be published in a newspaper of general circulation in the area in which the contract is to be performed. In addition, proposals may be solicited directly from potential contractors.

Section 5. That Section 3-3-69 of Article D of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 3-3-69 - Contracting for professional services by competitive negotiation.

- (a) Professional services shall be procured by competitive negotiation. The purchasing agent may establish purchase procedures, if adopted in writing, not requiring competitive negotiation for single or term contracts for professional services if the aggregate or the sum of all phases is not expected to exceed ~~\$50,000~~ the amounts set by the City Manager not exceed the stated thresholds of the VPPA; however, such small purchase procedures shall provide for competition wherever practicable.
- (b) The purchasing agent shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence to provide the required services. Repetitive informal interviews shall be permissible. Such offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project and to explore alternative concepts of performance of the contract. In addition, offerors shall be informed of any ranking criteria that will be used by the purchasing agent in addition to the

review of professional competence of the offeror. The request for proposals shall not seek estimates of person hours or costs for services. However, these discussions may encompass nonbinding estimates of total project costs, including, but not limited to, where appropriate design, construction, life cycle costs and nonbinding estimates of price for services. Proprietary information from competitive offerors shall not be disclosed to the public or to competitors. At the conclusion of the discussions and on the basis of evaluation factors published in the request for proposals and all information developed in the selection process to this point, the purchasing agent shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the city can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations shall be conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price. Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the request for proposal, the city may award contracts to more than one offeror. If, at the conclusion of the discussions, the purchasing agent determines in writing and in his sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror. Once formally terminated, negotiations may not be reopened with any offeror.

~~(c) — With respect to the procurement of legal services, the duties and responsibilities imposed upon the purchasing agent in subsection (b) above shall devolve upon the city attorney.—~~

(dc) A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by the purchasing agent, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the request for proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum cost authorized in this subsection, whichever occurs first.

(1) Such contracts may be renewable for four additional one-year terms at the option of the purchasing agent. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

(2) The sum of all projects performed in a one-year contract term shall not exceed \$6 million.

(3) Competitive negotiations for such contracts may result in awards to more than one offeror provided (i) the request for proposal so states and (ii) the purchasing agent has established procedures for distributing multiple projects among the selected contractors during the contract term.

(4) The fee for any single project shall not exceed \$2.5 million.

(5) Any unused amounts from one contract term shall not be carried forward to any additional term.

(ed) Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, when completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to the entering into of any such contract, the purchasing agent shall state the anticipated intended total scope of the project and determine in writing that the nature of the work is such that the best interests of the city require awarding the contract.

Section 6. That Section 3-3-72 of Article D of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 3-3-72 - Small purchases.

- (a) Any contract for goods, non-professional services, or for professional services for an amount set by the City Manager and not exceeding the amounts established for small purchases not requiring competitive sealed bids or competitive negotiation set forth in the Virginia Public Procurement Act, whichever is applicable, may be made in accordance with small purchase procedures promulgated by the purchasing agent; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this section.
- (b) The small purchase procedures promulgated pursuant to subsection (a) of this section shall provide for competition wherever practicable.

Section 7. That Article C, as amended in Section 1 above, and Article D, as amended in Sections 2, 3, 4, 5, and 6 above, of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 8. That this ordinance shall become effective upon the date and at the time of its final passage.

- 9. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and reordain Chapter 8 (“JUNK DEALERS, ANTIQUES DEALERS, CANVASSERS, PAWNBROKERS AND DEALERS IN SECONDHAND ARTICLES, PRECIOUS METALS OR GEMS”) of Title 9 (“LICENSING AND REGULATIONS”) of The City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager’s memorandum dated December 4, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 12/14/19, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 9; 12/14/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 9; 12/14/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend and reordain Chapter 8 (JUNK DEALERS, ANTIQUES DEALERS, CANVASSERS, PAWNBROKERS, AND DEALERS IN SECONDHAND ARTICLES, PRECIOUS METALS OR GEMS) of Title 9 (LICENSING AND REGULATIONS) of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5261

AN ORDINANCE to amend and reordain Chapter 8 (“JUNK DEALERS, ANTIQUES DEALERS, CANVASSERS, PAWNBROKERS AND DEALERS IN SECONDHAND ARTICLES, PRECIOUS METALS OR GEMS”) of Title 9 (“LICENSING AND REGULATION”) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 8 of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 9-8-15, to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

Sec. 9-8-15 Record of Transactions

- (a) Every dealer shall keep at his place of business for at least 24 months, or carry with him while conducting business, a record ~~permanently bound book~~ in which shall be legibly recorded ~~with ink~~ in the English language, at the time of the purchase or pawn of any item aforesaid within the city in the course of his business, an accurate account of each such transaction. The record shall set forth an accurate and legible description of the goods, articles or things purchased or pawned, the name, residence and description of the person selling or pawning the same, the driver’s license number or social security number of the seller or pawner, a transaction or invoice number and the dealer’s permit number. The description of the person required by this section shall consist of the hair color, sex, race, approximate height, weight, date of birth and any distinguishing features of such person. In order to ensure the accuracy of the information, the dealer shall comply with the provisions of section 9-8-19(d). Such record ~~book~~ shall during regular business hours be open to the inspection of the director. It shall be unlawful for any person to fail to exhibit to the director any record ~~book~~ required to be kept pursuant to this section.

(b) Each dealer shall also keep and maintain for at least 24 months an accurate and legible record of the name and address of the person, firm or corporation to which he sells any item aforesaid after the waiting period required by section 9-8-18. ~~This record shall also show the name and address of the seller from whom the dealer purchased such item.~~

(c) Anything in this section to the contrary notwithstanding, a junk dealer shall not be required to record transactions pertaining to the purchase of rags, bones, old iron, paper and aluminum cans; further, there shall be excluded from this section any transaction by a junk dealer in which the total value of the goods and merchandise purchased in such transaction is less than \$25. Additionally, the requirements of this section shall not apply to any transaction between dealers (as "dealer" is defined by this article), or between a dealer on the one hand, and a licensed, established merchant from within or without the city on the other hand, when such transaction takes place in the normal course of business.

Section 2. That Chapter 8 of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 9-8-1, to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

#### Sec. 9-8-16 Reports to police

Every dealer buying from off-the-street or walk-in sellers shall, ~~every day except Sunday,~~ provide ~~deliver or mail~~ to the Chief of Police within 24 hours of the time of purchase, in a manner ~~on blank forms to be~~ prescribed by the chief of police ~~or on a copy of the bill of sale,~~ a legible and accurate description of every article or thing required to be entered in a record book provided for under the preceding section. The record of transaction form or bill of sale shall set forth the dealer's permit number, the driver's license number or social security number of the seller or pawner, together with a description of the person selling the same including the hair color, sex, race, approximate height, weight, date of birth and any distinguishing features, together with a reference to the transaction or invoice number ~~volume and page number of the record book~~ where the original entry required by the preceding section was made.

Section 3. That Chapter 8 as amended pursuant to Sections 1 and 2 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)  
DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**Planning Commission (continued)**

None.

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, the public hearing meeting of December 14, 2019 was adjourned at 1:41 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

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**APPROVED BY:**

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JUSTIN M. WILSON    MAYOR

ATTEST:

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Gloria A. Sitton, CMC    City Clerk