

**City of Alexandria
Meeting Minutes
Saturday, April 13, 2024 9:30 AM
Public Hearing Meeting**

Present: Mayor Justin M. Wilson, Vice Mayor Amy B. Jackson, Members of Council Canek Aguirre, Sarah R. Bagley, John Taylor Chapman, Alyia Gaskins, and R. Kirk McPike.

Absent None.

Also Present: Mr. Parajon, City Manager; Ms. Cordell Ivery, City Attorney; Ms. Zechman Brown, Deputy City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Fleming, Director, Office of Communications and Community Engagement (OCCE); Ms. Contreras, Principal Planner, P&Z; Mr. Silva, Urban Planner, P&Z; Mr. Routt, Director, Office of Management and Budget (OMB); Mr. Harris, Urban Planner, P&Z; Ms. Stanfield, Urban Planner, P&Z; Mr. Ayala, Principal Planner, Recreation, Parks and Cultural Activities (RPCA), Ms. McIlvaine, Director, Office of Housing; Mr. Turscak, Housing Analyst, Office of Housing; Mr. Knight, Division Chief, Transportation and Environmental Services (T&ES); Mr. Freed, Director, Office of Climate Action; Mr. Smith, Information Technology Services (ITS); Ms. Demeke, ITS; Mr. Rahman, ITS; and Police Lt. Lion.

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

I. OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All members of City Council were present, Councilman Aguirre and Councilmember Bagley attending virtually.

2. Approval of the Electronic Participation Resolution by City Council - Councilmember Bagley/Councilman Aguirre

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council adopted the electronic participation resolution. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

The resolution was as follows:

RESOLUTION NO. 3217

Resolution Regarding Electronic Participation by a Member of City Council

WHEREAS, Virginia Code Section 2.2-3708.2 provides that an individual member of a public body may fully participate in meetings electronically if any such member meets the criteria of the code and the public body has adopted an Electronic Meeting Policy; and

WHEREAS, City Council adopted an Electronic Participation Policy on June 22, 2021 as Resolution No. 3011; and

WHEREAS, City Council Member Sarah Bagley notified the Mayor and the Clerk that she is unavailable to be physically present for the April 13, 2024 City Council Meeting due to a personal matter, specifically work related travel, and

WHEREAS, City Council Member Canek Aguirre notified the Mayor and the Clerk that he is unavailable to be physically present for the April 13, 2024 City Council meeting due to a medical matter, specifically he is ill, and

WHEREAS, Council Member Bagley has not participated in more than two or 25% of City Council Meetings by electronic means during this calendar year; and

WHEREAS, Council Member Aguirre may participate in a City Council Meeting by electronic means for an unlimited number of times during this calendar year for a medical reason for the member or a family member of the member; and

WHEREAS the City Council Member Bagley will participate in the City Council Meeting by Zoom Video Conference Call from Huntington Beach, California, and arrangements have been made to ensure the member shall be heard by all participants at the City Council Meeting; and

WHEREAS the City Council Member Aguirre will participate in the City Council Meeting by video conference call from Alexandria, Virginia, and arrangements have been made to ensure the member shall be heard by all participants at the City Council Meeting;

WHEREAS a quorum of the City Council is physically assembled in person.

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

That pursuant to Virginia Code 2.2-3708 and the City Council's Electronic Meeting Policy Resolution 3011, City Council Member Sarah Bagley and City Council Member Canek Aguirre will participate remotely in this meeting by video conference call.

3. Public Discussion Period

The following persons participated in the public discussion period:

1. Alison O'Connell, Alexandria, requested a ceasefire resolution from Council.

2. Townson Cocke, Alexandria, requested a ceasefire resolution from Council.
3. Katherine O'Connell, Alexandria, requested a ceasefire resolution from Council.
4. Lyra McMillan, Alexandria, requested a ceasefire resolution from Council.
5. Nikki Enfield, Alexandria, requested a ceasefire resolution from Council.
6. Jonathan Krall, Alexandria, requested a ceasefire resolution from Council.
7. John Dwyer, Alexandria, requested a ceasefire resolution from Council.
8. Salma Jahani, Alexandria, requested a ceasefire resolution from Council.
9. Angelina Hunt, Alexandria, requested a ceasefire resolution from Council.
10. Elisabeth Stanley, Alexandria, requested a ceasefire resolution from Council.
11. Katlyn Cotton, Alexandria, requested a ceasefire resolution from Council.
12. Amanda Eisenhower, Alexandria, requested a ceasefire resolution from Council.
13. Jane Nunn, Alexandria, requested a ceasefire resolution from Council.
14. Yosi Zelalem, Alexandria, requested a ceasefire resolution from Council.
15. Tristan Varma, Alexandria, requested a ceasefire resolution from Council.
16. Rose Esber, Alexandria, requested a ceasefire resolution from Council.
17. Kamron McDaris, Alexandria, requested a ceasefire resolution from Council.
18. Meredith Condren, Alexandria, requested a ceasefire resolution from Council.
19. Selene Monique, Alexandria, requested a ceasefire resolution from Council.
20. Amy Horowitz, Alexandria, requested a ceasefire resolution from Council.
21. Glen Pine, Alexandria, requested a ceasefire resolution from Council.
22. Melissa Elbirt, Alexandria, requested a ceasefire resolution from Council.
23. Shanid Salama, Alexandria, requested a ceasefire resolution from Council.
24. Michael Vazqwright, Alexandria, Fairfax County, requested a ceasefire resolution from Council.

WHEREUPON, upon motion by Councilmember Bagley, seconded by Vice Mayor

Jackson and carried 6-0, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilwoman Gaskins, and Councilman McPike; Opposed, none; Absent, Councilman Chapman.

II. ACTION ITEMS

Planning Commission

Consent Calendar (4)

4. Special Use Permit #2023-00106
406 East. Glebe Road
Public Hearing and consideration of a Special Use Permit for an automobile sales area; zoned: CDD#24/Coordinated Development District #24.
Applicant: Petru Stratan
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 4; 04/13/24, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Gaskins, seconded by Vice Mayor Jackson and carried unanimously, City Council closed the public hearing and approved item #4 under separate motion from the consent calendar. The approval was as follows:

4. City Council approved the Planning Commission recommendation.

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

III. Roll-Call Consent Calendar (5-7)

5. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain ARTICLES II (DEFINITIONS), III (RESIDENTIAL ZONE REGULATIONS), IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), V (MIXED USE ZONES), VI (SPECIAL AND OVERLAY ZONES), VII (SUPPLEMENTAL ZONE REGULATIONS), Section 8-200 of ARTICLE VIII (OFF-STREET PARKING AND LOADING), and ARTICLE XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00002 (Implementation Ordinance for Text Amendment No. 2024-00002 related to minor updates to various provisions of the zoning ordinance approved by City Council on March 16, 2024).
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 04/13/24, 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 Item No. 5; 04/13/24, 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 Item No. 5; 04/13/24, and is incorporated as part of this record by reference.)

6. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Article XIII (ENVIRONMENTAL MANAGEMENT) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00003 (Implementation Ordinance for Text Amendment No. 2024-00003 related to stormwater and erosion and sediment control approved by City Council on March 16, 2024). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 04/13/24, 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 Item No. 6; 04/13/24, 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 Item No. 6; 04/13/24, and is incorporated as part of this record by reference.)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 5-4-1 (DEFINITIONS) and Section 5-4-7 (MINIMUM CRITERIA; CITY HANDBOOK) Chapter 4 (EROSION AND SEDIMENT CONTROL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 04/13/24, 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 Item No. 7; 04/13/24, 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 Item No. 7; 04/13/24, and is incorporated as part of this

record by reference.)

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council approved the roll-call consent calendar. The approvals were as follows:

5. City Council adopted an ordinance to amend and reordain Article II (DEFINITIONS), III (RESIDENTIAL ZONE REGULATIONS), IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), V (MIXED USE ZONES), VI, (SPECIAL AND OVERLAY ZONES), VII (SUPPLEMENTAL ZONE REGULATIONS), Section 8-200 of Article VIII (OFF-STREET PARKING AND LOADING), and Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00002.

The ordinance reads as follows:

ORDINANCE NO. 5529

AN ORDINANCE to amend and reordain ARTICLES II (DEFINITIONS), III (RESIDENTIAL ZONE REGULATIONS), IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), V (MIXED USE ZONES), VI (SPECIAL AND OVERLAY ZONES), VII (SUPPLEMENTAL ZONE REGULATIONS), Section 8-200 of ARTICLE VIII (OFF-STREET PARKING AND LOADING), and ARTICLE XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00002.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2024-00002, 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 March 5, 2024 of a text amendment to the Zoning Ordinance to adopt minor updates, which recommendation was approved by the City Council at public hearing on March 16, 2024;
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 Article II 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:

2-112 – Reserved. Apartment hotel

~~A building or portion thereof designed for or containing guest rooms or suites of rooms for transient occupants with private cooking facilities for occupancy on a short or long term basis.~~

2-121 – Reserved. Bed and breakfast accommodation.

~~A single unit, two unit or townhouse dwelling in which, as an accessory use, no more than two bedrooms are made available for transient occupancy, generally for not more than a total of five guests at one time or for more than seven days per visit.~~

2-153 – Reserved. Guest room.

~~A room which is designed or intended for occupancy by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.~~

2-161 – Hotel.

~~Any nonresidential building or portion thereof under common management or ownership which contains guest rooms used which are designed or intended to be used, let or hired out for transient, as defined in City Code section 3-2-141, occupancy as a temporary residential by, or which are occupied by guests ten or more individuals for compensation to be paid directly or indirectly and including but not limited to motels, auto courts, and motor lodges.~~

2-183.1 – Personal service establishment

A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:

~~Private school, academic, with a maximum of 20 students on the premises at any one time;~~

2-198 – Reserved. Tourist home.

~~A building in which board or rooms or both are offered to the traveling public for compensation and which is open to transient guests, not exceeding nine individuals, as distinguished from a rooming house or co-living dwelling.~~

Section 2. That Article III 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:

Sec. 3-800 – RCX/Medium density apartment zone.

3-803 – Special uses.

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

(A) Reserved Apartment hotel.

Sec. 3-900 – RC/High density apartment zone.

3-903 – Special uses.

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

(A) Reserved Apartment hotel.

Sec. 3-1100 – RM/Townhouse zone.

3-1103 – Special uses.

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

(A) Reserved Bed and breakfast accommodation, as permitted by section 7-400.

Section 3. That Article IV 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:

Sec. 4-400 CG/Commercial general zone.

4-403 – Special uses.

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

~~(B.1) Apartment hotel;~~

Sec. 4-500 – CD/Commercial downtown zone.

4-503 – Special uses.

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

~~(B) Reserved Apartment hotel.~~

~~(B.1) Bed and breakfast accommodation, as permitted by section 7-400.~~

(Y) Reserved Tourist home.

Sec. 4-600 – CD-X/Commercial downtown zone (Old Town North).

4-603 – Special uses.

(B) Reserved Apartment hotel.

(W) Reserved Tourist home.

Sec. 4-800 – OC/Office commercial zone.

4-803 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

4-900 – OCM(50)/Office commercial medium (50) zone.

4-903 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

Sec. 4-1000 – OCM(100)/Office commercial medium (100) zone.

4-1003 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

Sec. 4-1100 - OCH/Office commercial high zone.

4-1103 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

Sec. 4-1200 - I/Industrial zone.

4-1202 – Permitted uses.

The following uses are permitted in the I zone:

(U.1) Recreation and entertainment use, indoor;

Section 4. That Article V 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:

Sec. 5-100 – CRMU-L/Commercial residential mixed use (low).

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:

(B) Reserved Apartment hotel.

Sec. 5-200 – CRMU-M/Commercial residential mixed use (medium).

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:

(B) Reserved Apartment hotel.

Sec. 5-300 – CRMU-H/Commercial residential mixed use (high).

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:

(B) Reserved Apartment hotel.

Sec. 5-400 – CRMU-X/Commercial residential mixed use (Old Town North).

5-402 – Permitted uses.

The following uses are permitted in the CRMU-X zone:

(G) Social service use;

(H) Outdoor dining located on private property within a commercial complex.

5-403 – 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 5-609 below:

(I) Reserved Apartment hotel.

Sec. 5-600 – CDD/Coordinated development district.

5-602 – Coordinated development districts created, consistency with master plan, required approvals.

(A) The CDD districts, as shown on Table 1, are as follows:

Table 1. Coordinated Development Districts

CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			***	***	Uses
***	***	***	***	***	***

2	Eisenhower Avenue Metro	***	***	***	Active recreational uses; animal care facility; animal care facility with overnight accommodation; any use with live entertainment; apartment hotel ; business and professional office; child care home; church; congregate housing facility; congregate recreational facility; continuum of care facility; day care center; dwelling, multi-unit; elder care home; food or beverage production exceeding 5,000 sq. ft., which includes a retail component; fraternal or private club; health and athletic club or fitness studio; health profession office; helistop; homeless shelter; hospice; hospital; hotel; light assembly, service, and crafts; medical care facility; medical laboratory; nursing or convalescent home or hospice; outdoor dining; outdoor dining located on private property; outdoor dining and outdoor retail display and sales pursuant to 5-602(E)(14) and (15); outdoor market; passive recreational use; personal service establishment; public park; private school, academic; private school, commercial; public building; public school; radio or
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					television broadcasting office and studio; recreation and entertainment use, indoor and outdoor; restaurant; retail shopping establishment; theater, live; social service use; solar energy system not serving a building, valet parking; and veterinary/animal hospital
***	***	***	***	***	***
29	Landmark Neighborhood	***	***	***	Active recreational uses; animal care facility; any use with live entertainment; apartment hotel ; business and professional office; child care home; church; congregate housing facility; congregate recreational facility; continuum of care facility; day care center; dwelling, multi-unit; dwelling, townhouse; elder care home; food or beverage production exceeding 5,000 sq. ft., which includes a retail component; fraternal or private club; health and athletic club or fitness studio; health profession office; helistop; hospice; hospital; hotel; light assembly, service, and crafts; medical care facility; medical laboratory; nursing or convalescent home or hospice; outdoor dining; outdoor market; passive recreational use; personal service establishment;

					public park; private school, academic; private school, commercial; public building; public school; radio or television broadcasting office and studio; recreation and entertainment use; restaurant; retail shopping establishment; social service use; valet parking; and veterinary/animal hospital
30	Potomac River Generating Station	***	***	***	Active recreational uses; animal care facility; any use with live entertainment; apartment hotel ; arts and cultural anchors and tenants; business and professional office; child care home; church; congregate recreational facility; continuum of care facility; day care center; dwelling; multi-unit; dwelling, townhouse; dwelling, co-living; elder care home; food or beverage production exceeding 5,000 sq. ft., which includes a retail component; fraternal or private club; health and athletic club or fitness studio; health profession office; helistop; hospice; hospital; hotel; interim surface parking lots for non-construction uses on undeveloped blocks; light assembly, service, and crafts; medical care facility; medical laboratory; nursing or

					convalescent home or hospice; outdoor dining; outdoor market; passive recreational use; personal service establishment; public park; private school, academic; private school, commercial; public building; public school; radio or television broadcasting office and studio; recreation and entertainment use; restaurant; retail shopping establishment; social service use; valet parking; and veterinary/animal hospital
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Section 5. That Article VI 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:

Sec. 6-600 – Mount Vernon Avenue urban overlay zone.

6-603 – Uses.

(E) *Auxiliary dwellings.* Up to eight auxiliary dwelling units are permitted and shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone. Such dwellings shall comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

~~*Accessory apartments.* The regulation for accessory apartments auxiliary dwellings in section 4-108 is modified to allow residential uses on the upper floors of a building to apply to up to eight apartments units.~~

Sec. 6-700 – KR/King Street urban retail zone.

6-702 – Uses.

(B) *Upper floor uses.*

(2) *Special uses.*

(b) Reserved Apartment hotel.

6-704 – Auxiliary dwellings.

A maximum of eight auxiliary dwelling units, ~~located on a floor or floors above retail or commercial uses,~~ shall be permitted. Such dwellings shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, although open space, in the form of balconies, courtyards and rooftop terraces, is strongly encouraged where feasible. Each such dwelling shall provide a minimum of one parking space for each dwelling unit, and the parking spaces may be compact size or tandem and parking may be located either on the site or within 500 feet of it.

Sec. 6-800 Reserved. ~~King Street outdoor dining overlay zone.~~

~~6-801 Reserved.~~

~~6-802 Reserved.~~

~~6-803 Reserved.~~

~~6-804 Reserved.~~

~~6-805 Reserved.~~

~~6-806 – Additional encroachment requirements.~~

~~An outdoor dining area located within the public right-of-way shall also comply with the following specific requirements for encroachments:–~~

~~A. Any such encroachment shall be subject to and conditioned upon the restaurant maintaining a policy of general liability insurance in the amount of \$1,000,000.00 which will indemnify the owner (and all successors in interest) and the city as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment. A policy of general liability insurance to establish and maintain the encroachment and operate a restaurant within the encroachment area shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.~~

~~B. By accepting the authorization granted by a permit authorized by this ordinance to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, the restaurant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.~~

~~C. The authorization granted by a permit approved under this section 6-800 to establish and maintain the encroachment is not intended to constitute, and shall not be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.~~

~~D. Neither the City of Alexandria nor any public utility company shall be responsible for damage to property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.~~

~~E. The authorization granted by a permit approved under this section to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires~~

~~to use the affected public right of way for any purpose whatsoever and, by written notification, demands from the restaurant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by the restaurant without cost to the City. If the restaurant shall fail or neglect to remove the encroachment within the time specified, the City shall have the right to remove the encroachment, at the expense of the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.~~

~~F. No fees or charges imposed pursuant to sections 3-2-81 through 3-2-85 of the City Code shall be applicable to encroachments authorized by this section 6-800, but the fee established pursuant to section 6-804(F) shall be applicable.~~

~~6-807 – Section controlling.~~

~~In order to establish a uniform set of regulations for outdoor dining in the public right of way, the provisions of this section 6-800 shall supersede and preempt conflicting provisions applicable in the public right of way, which are included in any encroachment ordinance, special use permit or administrative permit approved prior to June 26, 2007; provided, however, that nothing in this section 6-807 shall be deemed to reduce the approved number of seats, or to require the removal of any approved barrier permanently fixed or attached to the right of way, authorized by any such ordinance or permit.~~

Section 6. That Article VII 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:

~~7-202 – Permitted obstructions.~~

The following obstructions shall be permitted when located in a required yard and placed so as not to obstruct light and ventilation and when otherwise permitted by law:

(D) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(C)(1)(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.

~~Sec. 7-400 – Reserved Bed and breakfast accommodations.~~

~~Bed and breakfast accommodations shall be subject to the following minimum requirements:~~

- ~~(A) The owner of the premises shall reside in and manage the establishment.~~
- ~~(B) The establishment shall contain no restaurant and shall provide no regular meal service other than breakfast for resident guests.~~
- ~~(C) The establishment shall be registered with the city and comply with all requirements of the city and state codes.~~
- ~~(D) Each establishment shall maintain an accurate record of each individual guest and the duration of his stay. Such records may be requested and reviewed by the city upon notice.~~

Sec. 7-2500 – Private garages.

7-2501 – Freestanding private garages to the rear to the rear of the main building.

The supplemental regulations in this section 7-2501 apply to residential lots developed or proposed to be developed with a single-unit or two-unit dwelling in the R-20, R-12, R-8, R-5, R-2-5, RA and RB zones, not including property located within the Old and Historic Alexandria and Parker-Gray Districts. Freestanding private garages located within required yards or excluded from floor area shall be permitted subject to the following standards:

(A) Regardless of other regulations in this zoning ordinance, a freestanding garage is permitted to the rear of the main building in accordance with the regulations in this section 7-2501-7-2502 so long as it is the only garage on the lot or adjacent vacant lot under common ownership. The floor area of such a garage constructed in accordance with the standards of this section will be excluded from the floor area calculated under the provisions of section 2-145(A)(6).

(B) Standards.

(1) Size. For lots with a minimum of 2,500 square feet and with less than 8,000 square feet lot area, the garage shall have a floor area not greater than 250 square feet and a height not greater than 11.50 feet. For lots 8,000 square feet or larger, the garage shall have a floor area not greater than 500 square feet and a height not greater than 13.50 feet. The director may modify the height permitted in this section 7-2501-7-2502 (B)(1) when the height and design of the garage are appropriate and compatible with the main dwelling and with the character of the immediate neighborhood.

Section 7. 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:

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 section 8-200(A), the requirements of the most similar listed use shall apply. The requirements of 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.

(4) Reserved ~~Tourist homes: one space for each two guest rooms.~~

Section 8. That Article XI 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:

11-511 – Administrative amendment to special use permit ~~SUP~~.

The director is authorized to administratively approve the following amendments to special use permits under the following circumstances and procedures:

(A) *Amendments authorized.*

(2) *Minor amendment.* ~~Where an application proposes a change to a city council-approved special use permit which constitutes no more than a minimal enlargement or extension, The director may administratively approve the changes to an approved special use permit if after determining that:~~

(a) The existing special use is not an automobile service station; outdoor live entertainment; drive through facility; or recreation and entertainment use, outdoor. ~~The changes are so insignificant, when the overall use is considered, that they will have little or no zoning impact on the adjacent properties or the neighborhood;~~

(b) ~~The proposal will not change the character of the use or increase its overall intensity, including, without limitation:~~

(i) The proposal will not increase gross floor area occupied by the use by more than one-third Up to 33 percent additional floor area;

(b.1)(ii) The proposal complies with proposed change is no greater than what is allowed under the standards for administrative approval for the same use under section 11-513;

(c) There have been no substantiated violations of the special use permit conditions within the last five years; and

(d) The proposal proposed change does not change amend or delete conditions established that were included to address community concerns.

11-513 – Administrative special use permit.

An applicant may seek the director's approval of a use identified in this ordinance as one for which administrative special use permit approval is available pursuant to the standards and procedures outlined in this section.

(C) *General standards for all administrative uses:*

(8) Reserved ~~The use must comply with the city's noise ordinance.~~

(14) The director of planning and zoning shall review the special use permit one year after it has been operational ~~for one year, and then again every three years~~ for compliance with all conditions and may shall docket the matter for consideration by the planning commission and city council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; ~~or (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the director has determined that new or revised conditions are needed to offset land use impacts not addressed in the City Code—there are problems with the operation of the use and that new or revised conditions are needed.~~

(M) *Specific standards for outdoor dining on private property.*

(3) A maximum of ~~49~~40 seats may be located at outdoor tables.

Section 9. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 10. That ARTICLES II (DEFINITIONS), III (RESIDENTIAL ZONE REGULATIONS), IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), V (MIXED USE ZONES), VI (SPECIAL AND OVERLAY ZONES), VII (SUPPLEMENTAL ZONE REGULATIONS), Section 8-200 of ARTICLE VIII (OFF-STREET PARKING AND LOADING), and ARTICLE XI (DEVELOPMENT APPROVALS AND PROCEDURES), as amended pursuant to Sections 1 through 8 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 11. 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.

6. City Council adopted an ordinance to amend and reordain Article XIII (ENVIRONMENTAL MANAGEMENT) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00003.

The ordinance reads as follows:

ORDINANCE NO. 5530

AN ORDINANCE to amend and reordain Article XIII (ENVIRONMENTAL MANAGEMENT) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2024-00003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2024-00003, 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 March 5, 2024 of a text amendment to the Zoning Ordinance to adopt revisions to environmental management provisions to reflect updated language due to the Commonwealth's consolidation efforts that combine the Commonwealth's Erosion and Sedimentation Control and Stormwater Management Program regulations, which recommendation was approved by the City Council at public hearing on March 16, 2024;

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 Article XIII 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:

13-102 - Authority.

This Article XIII is issued under the authority of Section 62.1-44.15:73 of the Code of Virginia (the Chesapeake Bay Preservation Act), 62.1-44.15:24 et seq. of the Code of Virginia ~~(the Virginia Stormwater Management Act)~~ (the Virginia Erosion and Stormwater Management Act) and attendant regulations as adopted by the Virginia State Water Control Board. Code of Virginia Section 62.1-44.15:27 specifically requires the City to adopt a ~~Virginia Stormwater Management Program~~ Virginia Erosion and Stormwater Management Program. Authority to protect water quality is also provided by Section 15.2-2283 of the Code of Virginia.

13-103 - Definitions.

The following words and terms used in this Article XIII have the following meanings, unless the context clearly indicates otherwise.

(M) Floodway. All lands as defined in subsection 6-303(KQ) of this ordinance.

(N) General permit. The state permit titled General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities found in 9VAC25-880 et seq. of the ~~Virginia Stormwater Management Regulations~~ Virginia Erosion and Stormwater Management Regulations authorizing a category of discharges under the federal Clean Water Act and the ~~Virginia Stormwater Management Act~~ Virginia Erosion and Stormwater Management Act within a geographical area of the Commonwealth of Virginia.

(EE) Public road. For the purpose of this Article XIII, public road means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) ~~the Erosion and Sediment Control Law (Section 64.1-44.15:51 et seq. of the Code of Virginia)~~ and (ii) ~~the Virginia Stormwater Management Act (Section 64.1-44.15:24 et seq. of the Code of Virginia)~~ the Virginia Erosion and Stormwater Management Act (Section 62.1-44.15:51 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or

construction activities, or both, and cases where roads are constructed or maintained, or both, by the City of Alexandria.

(GG) Regulations. ~~The Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC 25-870, as amended.~~ The Virginia Erosion and Stormwater Management Program (VESMP) Permit Regulations, 9VAC25-875, as amended.

(NN) State permit. An approval to conduct a land-disturbing activity issued by the Virginia State Water Control Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Virginia State Water Control Board for stormwater discharges from an MS4. Under these state permits, the state imposes and enforces requirements pursuant to the federal Clean Water Act, the ~~Virginia Stormwater Management Act~~ Virginia Erosion and Stormwater Management Act, and their attendant regulations.

(BBB) ~~Virginia Stormwater Management Act, Article 2.3~~ Virginia Erosion and Stormwater Management Act (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

(CCC) Virginia Stormwater BMP Clearinghouse website. A website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the ~~Virginia Stormwater Management Act~~ Virginia Erosion and Stormwater Management Act and regulations.

(DDD) ~~Virginia Stormwater Management Program (VSMP)~~ Virginia Erosion and Stormwater Management Program (VESMP). A program approved by the Virginia State Water Control Board that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permits, requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection and enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the Virginia Erosion and Stormwater Management Act.

(EEE) ~~VSMP~~ VESMP authority. An authority approved by the Virginia State Water Control Board to operate a ~~VSMP~~ VESMP. For the purposes of this article, the city is the ~~VSMP~~ VESMP authority.

(FFF) ~~VSMP~~ VESMP authority permit. An approval to conduct a land-disturbing activity issued by the city for the initiation of a land-disturbing activity after evidence of general permit coverage has been provided where applicable. In the City of Alexandria a ~~VSMP~~ VESMP authority permit is not a separate permit. Rather, the issuance of a building, land use, or other land development permit is contingent on a proposed land-disturbing activity meeting all ~~VSMP~~ VESMP authority permit requirements in ~~9VAC-25-870~~ 9VAC25-875 and the requirements of this article.

13-104 - Administration.

(D) Establishment of fees. The director of T&ES shall by general rule approved by city council establish a schedule of fees required for each application under this Article XIII to be paid at the time an application is submitted. The schedule of fees shall include those authorized by ~~9VAC25-870-700~~ 9VAC25-875-1290 et seq. The schedule of fees is set per approved council docket.

13-109 - General performance requirements for CBPAs.

The director of T&ES shall approve development, redevelopment, uses, or land-disturbing activities in the CBPA only if it is found that the activity is in compliance with this Article XIII and that the applicant has demonstrated, by a preponderance of the evidence, that the proposed development, redevelopment, use, or land-disturbing activity meets or exceeds the following standards.

(E) All development, redevelopment, and uses disturbing greater than 2,500 square feet shall meet the following storm water quality management performance requirements. For purposes of this section, the following shall be used to define the site area for determining water quality requirements: for projects disturbing less than 50 percent of the tax parcel (or if multiple parcels are involved, the land subject to the application), the disturbed area shall be used as the site area; for projects disturbing greater than or equal to 50 percent of the tax parcel (or if multiple parcels are involved, the land subject to the application), the entire tax parcel shall be used as the site area.

- (2) Single-unit residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-unit detached residential structures are exempt from subsections (4) and (5) below. The Alexandria water quality volume default requirement in subsection (6) still applies. "Single unit residences separately built" shall mean "single family detached residential structures" as used in § 62.1-44.15:34 C. 3.
- (3) In order to protect the quality of state waters located within the City of Alexandria and to control the discharge of stormwater pollutants from regulated activities, the following minimum design criteria and statewide standards for stormwater management, per ~~9VAC25-870-63~~ 9VAC25-875-580 shall be applied.
- (4) New development. The total phosphorus load of new development projects shall ~~not exceed 0.41 pounds per acre per year~~ comply with the water quality design criteria requirements in 9VAC25-875-580, as calculated pursuant to this section.
- (5) Development of prior developed lands:

- (d) In lieu of subsection (c), the total phosphorus load of a linear development project as defined in ~~9VAC25-870-10~~ 9VAC25-875-580 occurring on prior developed lands shall be reduced 20 percent below the predevelopment total phosphorus load.

- (7) Compliance with subsections (4) and (5) above shall be determined using the runoff reduction method and through the use of stormwater BMPs established in ~~9VAC25-870-65~~ 9VAC25-875-590 or found at the Virginia BMP Clearinghouse website, except as may be limited in accordance with policies established by the director of T&ES in accordance with subsection 13-104(C).
- (8) Compliance with subsections (4) and (5) may be achieved by the applicant in accordance with off-site compliance options in ~~9VAC25-870-69~~ 9VAC25-875-610 under the following circumstances:
- a. Less than five acres of land will be disturbed;
 - (b) The post-construction phosphorus control requirement is less than ten pounds per year; or
 - (c) At least 75 percent of the required phosphorus nutrient reductions are achieved on-site. If at least 75 percent of the require phosphorus nutrient reductions cannot be met on-site, and the operator can demonstrate to the satisfaction of the director of T&ES that (i) alternative site designs have been considered that may accommodate on-site best management practices, (ii) on-site best management practices have been considered in alternative site designs to the

maximum extent practicable, (iii) appropriate on-site best management practices will be implemented, and (iv) full compliance with post-development nonpoint nutrient runoff compliance requirements cannot practicably be met on-site, then the required phosphorus nutrient reductions may be achieved, in whole or in part, through the use of off-site compliance options.

- (10) Notwithstanding those exemptions granted under section 13-123, all such land-disturbing activities shall be subject to the design storm and hydrologic methods set out in ~~9VAC25-870-72~~ 9VAC25-875-620, linear development controls in ~~9VAC25-870-76~~ 9VAC25-875-640, and criteria associated with stormwater impoundment structures in ~~9VAC25-870-85~~ 9VAC25-875-650.

13-110 - Alexandria water quality improvement fund and alternative stormwater management equivalency options.

- (D) In determining whether to allow equivalent stormwater options, as well as the appropriate combination of on-site and off-site controls, the director of T&ES shall take into consideration the following:

- (7) Whether there are opportunities to implement the ~~Water Quality Management Supplement~~ Chesapeake Bay Preservation Plan to the city master plan and the city's ~~Virginia Stormwater Management Permit (VSMP)~~ Virginia Erosion and Stormwater Management Permit (VESMP) for its municipally owned separate storm sewer system discharges as issued by the Department of Environmental Quality; and

- (9) Single-unit residential development projects that are exempt from the water quality requirements of section 13-123(A) are considered eligible to contribute to the Alexandria water quality improvement fund in section 13-110(A)(2) to meet the Alexandria water quality volume default requirement in section 13-107(E)(3) with no further consideration of items (1) through (8) above. For purposes of this section "single unit residential development" means a "single-family detached residential structure" as used in § 62.1-44.15:34 C.3.

13-113 - Stormwater pollution prevention plan.

- (A) The stormwater pollution prevention plan (SWPPP) shall include the content specified in ~~9VAC25-870-54~~ 9VAC25-875-500, which includes but is not limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL. The SWPPP must also comply with the requirements and general information set forth in 9VAC25-880-70 Section II of the general VPDES permit for discharges of stormwater from construction activities (construction general permit).

13-116 - Pollution prevention plan.

- (A) The pollution prevention plan is required by ~~9VAC25-870-56~~ 9VAC25-875-500 and shall be developed, implemented, and updated as necessary, and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
- (1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - (2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - (3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

13-119 - Exceptions.

- (B) For exceptions to the provisions of sections 13-109 and 13-124 other than those detailed in section 13-107, the director of T&ES shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article XIII if the director of T&ES finds that the applicant has demonstrated by a preponderance of the evidence that:

- (E) Under no circumstances shall the city allow the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse website, or as applicable for projects subject to ~~9VAC25-870-Part II.C~~ 9VAC25-875-480. Notwithstanding, this shall not preclude the director of T&ES from placing reasonable limitations on a BMP on the Virginia Stormwater BMP Clearinghouse website.

- (F) Exceptions to the requirements for phosphorus reductions required under section 13-109(E)(4) and (5) will not be allowed unless off-site options available through ~~9VAC25-870-69~~ 9VAC25-875-610 have been considered and found not available.

13-124 - Time limits on applicability of design criteria and grandfathering.

- (A) The time limits on applicability of design criteria shall apply provided:

- (1) Land-disturbing activities that obtain an initial state permit or commence land disturbance prior to July 1, 2014 shall be conducted in accordance with the technical criteria in ~~9VAC 25-870-93 through 9VAC25-870-99~~ 9VAC25-875-670 et seq. Such projects shall remain subject to these technical criteria for two additional state construction general permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

- (B) Grandfathering provisions established in ~~9VAC25-870-48~~ 9VAC25-875-490 shall apply to this article as applicable. Any land-disturbing activity shall be considered grandfathered by the ~~VSM~~ VESMP authority and shall be subject to the technical criteria of ~~9VAC25-870-93 through 9VAC25-870-99~~ Article 4 (9VAC25-875-670 et seq) of Part V of the Regulations, provided:

- (1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in ~~9VAC25-870-10~~ 9VAC25-875-670, (iii) will comply with the technical criteria of ~~9VAC25-870-93 through 99~~ 9VAC25-875-670 (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;

- (C) Locality, state and federal projects shall be considered grandfathered and shall be subject to the technical criteria in ~~9VAC25-870-93 through 9VAC25-870-99~~ 9VAC25-875-490 provided:

- (D) Land-disturbing activities grandfathered under subsections (A) and (B) of this section shall remain subject to ~~9VAC25-870-93 through 99~~ Article 4 of Part V of the Regulations, 9VAC25-875-670 et seq. technical criteria for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

- (E) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of ~~9VAC25-870-93 through 99~~ Article 4 of Part V of the Regulations, 9VAC25-875-670.

13-126 - Penalties.

- (A) Under the authority of ~~9VAC25-870-116~~ 9VAC25-875-150 the director of T&ES shall have the following authority to enforce provisions of this Article XIII required or authorized under Section 62.1-44.15:24 et seq. of the Code of Virginia (the ~~Virginia Stormwater Management Act~~ Virginia Erosion and Stormwater Management Act) and its attendant regulations:
- (1) If the director determines that there is a failure to comply with the ~~VSMP~~ VESMP authority permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

- (xi) Discharges not in compliance with the requirements of ~~4FAC50-60-1170~~ 9VAC25-880-70 of the general permit.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Article XIII, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on July 1, 2024, 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.

7. City Council adopted an ordinance to amend and reordain Section 5-4-1 (DEFINITIONS) and Section 5-4-7 (MINIMUM CRITERIA; CITY HANDBOOK) Chapter 4 (EROSION AND SEDIMENT CONTROL) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5531

AN ORDINANCE to amend Section 5-4-1 (DEFINITIONS) and Section 5-4-7 (MINIMUM CRITERIA; CITY HANDBOOK) of Chapter 4 (EROSION AND SEDIMENT CONTROL) 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 Section 5-4-1 and Section 5-4-7 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:

Chapter 4 – Erosion and Sediment Control

Sec. 5-4-1 - Definitions.

As used in this chapter, and pursuant to ~~9-VAC-25-840-9~~VAC25-875, the following terms shall have the meanings set forth below, unless the context requires a different meaning:

- (d) "Certified inspector" means an employee or agent of the city who (i) holds a certificate of competence from the ~~soil and water conservation board~~ Department of Environmental Quality in the area of project inspection or (ii) is enrolled in the ~~board's~~ department's training program for project inspection and successfully completes such program within one year after enrollment.
- (e) "Certified plan reviewer" means an employee or agent of a ~~VESCP~~ Virginia Erosion and Stormwater Management Program (VESMP) authority who (i) holds a certificate of competence from the ~~board~~ Department of Environmental Quality in the area of plan review, (ii) is enrolled in the ~~board's~~ department's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1, or professional soil scientist as defined in § 54.1-2200.
- (f) "Certified program administrator" means an employee or agent of a ~~VESCP~~ VESMP authority who (i) holds a certificate of competence from the ~~board~~ Department of Environmental Quality in the area of program administration or (ii) is enrolled in the ~~board's~~ department's training program for program administration and successfully completes such program within one year after enrollment.

- (s) "VESMP" means "Virginia Erosion and Stormwater Management Program" or a program established by a VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA).

Sec. 5-4-7 - Minimum criteria; city handbook.

- (b) This chapter, the erosion and sediment control regulations of the Department of Environmental Quality (~~9 VAC 25-840 et seq.~~) (9VAC25-875 et seq.) and the "~~Virginia Erosion and Sediment Control Handbook, Third Edition, 1992,~~ Virginia Stormwater Management Handbook, Third Edition, 2024, which are incorporated herein by reference, shall be an integral part of the city's erosion and sediment control program and shall comprise the city's "~~Erosion and Sediment Control Handbook.~~" Virginia Stormwater Management Handbook. The text of these regulations is on file in the office of the director.
- (c) In addition to the minimum requirements for controlling erosion and sedimentation for land-disturbing activities which are contained in ~~9 VAC 25-840~~ 9VAC25-875, the following additional minimum requirements shall apply:

- (4) The following additional stormwater management criteria shall apply: A stormwater management plan consistent with the requirements of Section 13-109(F) in Article XIII of the Alexandria Zoning Ordinance (the Environmental Management Ordinance and the ~~Virginia Stormwater Management Program (VSMP)~~ Virginia Erosion and Stormwater Management Program (VESMP) regulations shall apply. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this section shall be satisfied by compliance with water quantity requirements in the ~~Stormwater Management Act (§ 62.1-44.15:24 et seq.)~~ Virginia Erosion and Stormwater Management Act (§ 62.1-44.15:28) and attendant regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the ~~VSMP regulations~~ VESMP regulations.

- (11) Maintenance. All temporary and permanent erosion and sediment control practices must be maintained and repaired as specified in ~~9 VAC 25-840-60~~ 9VAC25-875-300(G).

- (d) The "~~Virginia Erosion and Sediment Control Handbook, Third Edition, 1992~~" "Virginia Stormwater Management Handbook, Third Edition, 2024" and the tree planting and preservation regulations authorized by § 11-410(CC)(1) of the Zoning Ordinance of the City of Alexandria, and known as the city's Landscape Guidelines, shall be used by any applicant making a submittal under this chapter and by the director in his or her review and consideration of the adequacy of landscaping elements included in any erosion and sediment control plan submitted.

Sec. 5-4-8 – Erosion and sediment control plans

- (11) Any other pertinent information the director may require.

- (d) Where land-disturbing activities involve lands under the jurisdiction of more than one local control program an erosion and sediment control plan may, at the option of the applicant, be submitted to the ~~Virginia Soil and Water Conservation Board~~ Department of Environmental Quality for review and approval rather than to each jurisdiction concerned.

Section 2. Section 5-4-1 and Section 5-4-7, 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 on July 1, 2024.

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

IV. OTHER BUSINESS

Reports and Recommendations from the City Manager

8. Public Hearing on the FY 2025 City Council Preliminary Add/Delete Proposals and the City Manager's Proposed Amendments to the FY 2025 Proposed Budget. Budget Adoption is Scheduled for Wednesday, May 1, 2024 at 6:00 p.m.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 04/13/24, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing on the preliminary add/delete proposed and the City Manager's proposed amendments to the FY 2025 Proposed Budget:

1. Liliana Alveranga, Alexandria, spoke about increasing funding for affordable housing.
2. Walter Piche, Alexandria, spoke about increased funding for affordable housing and more funding for the ARISE program.
3. Maria Segura, Alexandria, spoke about increasing funding for affordable housing.
4. Maria Granados, Alexandria, spoke about increased funding for affordable housing.
5. Ingris Moran, Alexandria, representing Tenants and Workers United, spoke about increased funding for affordable housing and funding to continue the ARISE program.
6. Amanda Eisenhour, Alexandria, spoke about increased funding for affordable

housing.

7. Solomon Ayalew, Arlington, Virginia, representing African Communities Together, spoke about increased funding for affordable housing.

8. Daniel Roth, Alexandria, spoke about increased funding for the libraries.

9. Julie Murphy, Alexandria, spoke about including compensation for youth members of City boards and commissions.

10. Ricardo Alfaro, Alexandria, spoke about including funding for Metrostage's new theater facility in the upcoming budget.

11. Catherine Clinger, Alexandria, representing Children, Youth and Families Collaborative Commission, spoke about increased funding for schools and for various youth services.

12. Meronne Teklu, Alexandria, representing the Economic Opportunities Commission, spoke in support of continued funding for the ARISE program, increased funding for affordable housing, funding for community based food hubs, and funding for retention bonuses.

13. Jean McKean, Alexandria, spoke in support of increased funding for libraries.

14. Jonathan Krall, Alexandria, spoke about increasing funding for continuing the ARISE program.

WHEREUPON, upon motion by Councilman McPike, seconded by Councilwoman Gaskins and carried unanimously, City Council closed the public hearing on the FY 2025 City Council Preliminary Add/Delete proposals and the City Manager's Proposed Amendments to the FY 2025 Proposed Budget. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

9. Public Hearing and Consideration of a Second Amendment to a Five-Year License Agreement dated November 1, 2022, between the City of Alexandria, Virginia and Crown Castle Fiber, LLC. to permit Crown Castle to construct and install an additional enterprise fiber route of approximately 600 feet in the City of Alexandria, Virginia's Public Rights-of-Ways.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 04/13/24, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and authorized the City Manager to execute the Amendment to the existing license agreement and to take other actions that are necessary to implement the Amendment. The vote was as follows: In favor, Mayor

Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

V. Public Hearing Matters
Planning Commission (continued)

10. CASE BAR#2024-00017 OHAD

Public Hearing and consideration of an Appeal of the Board of Architectural Review's February 21, 2024, decision to deny a Certificate of Appropriateness at 613 S Royal Street Old and Historic Alexandria District.

APPLICANT: Elizabeth Blaise Hazelwood

APPELLANT: Elizabeth Blaise Hazelwood

(A copy of the Board of Architectural Review's Report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 04/13/24, and is incorporated as part of this record by reference.)

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

1. Yvonne Callahan, Alexandria, spoke against overturning the decision of the Board of Architectural Review.

2. James Spencer, Alexandria, representing the Board of Architectural Review, gave an overview of the decision of the Board and responded to questions from the members of Council.

3. Elizabeth Hazelwood, Alexandria, appellant, spoke in support of overturning the BAR decision and responded to questions from Council.

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilwoman Gaskins, seconded by Councilman McPike and carried unanimously, City Council closed the public hearing and upheld the Board of Architectural Review's decision of denial of the modification of a condition of approval for the previously approved Certificate of Appropriateness for after-the-fact painting of previously unpainted masonry. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilman Gaskins, and Councilman McPike; Opposed, none.

11. Master Plan Amendment #2023-00007

Text Amendment #2023-00006

Rezoning #2023-00005

Coordinated Development District Concept Plan #2023-00004

Development Special Use Permit #2023-10007 - Condo Flats

Development Special Use Permit #2023-10013 - Hotel
Development Special Use Permit #2023-10014 - Townhouses/Stacked Townhouses
Development Site Plan #2023-00013 - Infrastructure and public streets
Development Site Plan #2023-00014 - Public park
Coordinated Sign Special Use Permit #2023-00100
Subdivision #2023-00006
Vacation #2023-00005

Vulcan Site Redevelopment - 701 S Van Dorn Street and 698 Burnside Place

Initiation of and Public Hearing and consideration of requests for: (A) amendments to the Eisenhower West Small Area Plan chapter of the Master Plan to amend the building heights diagram to change the height limit for the southern portion of the property from Medium-High to Medium to allow for lower minimum building heights (B) a Text Amendment to the Zoning Ordinance to amend provisions of Section 5-602 to include hotel and townhouses as permitted uses within CDD#26 with a CDD Special Use Permit; (C) an amendment to the official zoning map to change the zoning district of 701 S Van Dorn Street and 698 Burnside Place from I/Industrial to CDD #26/Coordinated Development District #26; (D) a Coordinated Development District Concept Plan Conceptual Design Plan Amendment to include the project site in CDD #26; (E) a Development Special Use Permit with Site Plan to construct six multi-unit residential buildings with 208 total units with a Special Use Permit to reduce the off-street parking requirement; (F) a Development Special Use Permit with Site Plan and modifications to construct a 256-room hotel with ground floor retail; (G) a Development Special Use Permit with Site Plan to construct 31 townhouse and 88 stacked townhouse (multi-unit residential) units with a Special Use Permit to reduce the off-street parking requirement for the stacked townhouses; (H) a Development Site Plan to construct three new streets and associated infrastructure; (I) a Development Site Plan to construct a public park; (J) a Coordinated Sign Special Use Permit for the hotel signage; (K) a Subdivision to create the new internal blocks and dedicate right-of-way; and (L) to vacate a portion of the public right of way located at Courtney Ave and S Van Dorn Street, zoned: I/Industrial.

Applicants: City of Alexandria (Text Amendment); Lennar Corporation and Potomac Land Group II, LLC, represented by Kenneth Wire, attorney.

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 13; 04/13/24, and is incorporated as part of this record by reference.)

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

1. Phoebe Coy, Alexandria, spoke in favor of the proposed project.
2. Kenneth Wire, attorney for the applicant, spoke in favor of the proposal and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman McPike and carried 6-0, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilwoman Gaskins, and Councilman McPike; Opposed, none; Absent, Councilman Chapman.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman McPike and carried 5-1, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilmember Bagley, Councilwoman Gaskins, and Councilman McPike; Opposed, Councilman Aguirre; Absent, Councilman Chapman.

VI. Ordinances and Resolutions

Please note: Council considered the following items together as a block.

12. Public Hearing and Second Reading of an Ordinance to increase the Ambulance Service Charges by amending Article J (SERVICE CHARGES FOR CITY AMBULANCE AND HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES) to Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT).

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 04/13/24, 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 Item No. 12; 04/13/24, 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 Item No. 12; 04/13/24, and is incorporated as part of this record by reference.)

13. Public Hearing and Second Reading of an Ordinance to Increase the Late Payment Penalty on Personal Property Taxes from 10% if Paid No More Than 30 Days Late, up to 25% if Paid More than 30 days Past the Due Date.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 13; 04/13/24, 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 Item No. 13; 04/13/24, 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 Item No. 13; 04/13/24, and is incorporated as part of this record by reference.)

14. Public Hearing and Second Reading of an Ordinance to amend and reordain Section 5-6-233 (STORMWATER UTILITY FEE) of Chapter 6 (WATER AND SEWER) of Article

C (STORMWATER UTILITY) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 14; 04/13/24, 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 Item No. 14; 04/13/24, 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 Item No. 14; 04/13/24, and is incorporated as part of this record by reference)

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and set the ordinance for final passage on Wednesday, May 1, 2024, with budget adoption. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

VII. Closed Session (if needed)

Not needed.

VIII. ADJOURN.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Jackson, seconded by Councilwoman Gaskins and carried 6-0, City Council adjourned the public hearing meeting of April 13, 2024 at 3:18 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Gaskins, and Councilman McPike; Opposed, none; Absent, Councilman Chapman.

APPROVED BY:



JUSTIN M. WILSON MAYOR

ATTEST:



Gloria A. Sitton, CMC City Clerk

Adopted: May 14, 2024