

**City of Alexandria
City Council Public Hearing Meeting
Saturday, May 13, 2023 9:30 AM
Meeting Minutes**

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. Anderson, City Attorney; Ms. Brown, Deputy City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. LaColla, Division Chief, P&Z; Mr. Freed, Office of Climate Action; Ms. Smith, Green Building Manager, P&Z; Mr. Teate, OCPI; Ms. Hellman, P&Z; Ms. Kelleher, Interim Deputy City Manager/Director, Office of Human Rights; Ms. Demeke, Information Technology Services (ITS); Mr. Smith, ITS; and Police Captain Ballantine.

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 the members of City Council were present, with Councilman Aguirre attending the meeting virtually.

2. Approval of Electronic Participation Resolution by Members of City Council [ROLL-CALL VOTE].

WHEREUPON, upon motion by Councilman McPike, 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 reads as follows:

RESOLUTION NO. 3157

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 Canek Aguirre notified the Mayor and the Clerk that she is unavailable to be physically present for the May 13, 2023 City Council Meeting due to a personal matter, specifically travel to North Carolina, and

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

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

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 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. Janice Grenadier, Alexandria, spoke about government and bank corruption.
2. Nicole Radshaw, Alexandria, spoke about Duke Street in Motion and spoke in support of option A.
3. Bill Pugh, Alexandria, spoke in support of Duke Street in Motion and in support of the Housing for All initiative.
4. Jonathan Krall, Alexandria, spoke about the Duke Street Transit way and requested Council support for Medicare for All.
5. Randy Cole, Alexandria, spoke in support of Duke Street in Motion.

6. Kursten Phelps, Alexandria, spoke in support of Duke Street in Motion.
7. Elisabeth Stanley, Alexandria, requested Council support for Medicare for All.
8. Lisa Mays, Alexandria, spoke in support of Duke Street in Motion.

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilwoman Gaskins and carried unanimously, City Council closed public discussion period. 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.

II. REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (4-6) Planning Commission

4. Special Use Permit #2023-00020
114 North Patrick Street
Public Hearing and consideration for a parking reduction Special Use Permit with open space, lot frontage and side yard modifications; zoned: CD/Commercial Downtown. Applicant: Jorge and Lorie Nevares
Planning Commission Action: Recommended Approval 6-0

(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; 05/13/23, and is incorporated as part of this record by reference.)

5. Special Use Permit #2023-00023
1033 West Glebe Road
Public Hearing and consideration of a request for a Special Use Permit to waive the sign requirements of Article IX of the Zoning Ordinance; zoned: CG/Commercial General. Applicant: 1033 W Glebe Road ALX LLC
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 05/13/23, and is incorporated as part of this record by reference.)

6. Vacation #2023-00003
5165 and 5173 Seminary Road, 5118 and 5129 Fairbanks Avenue, 2641, 2648, and 2658 Foster Avenue - Upland Park Foster Avenue
Public Hearing and consideration of a request to vacate a portion of public right

of way abutting multiple addresses in order to construct improvements shown pursuant to approved Development Special Use Permit #2019-00017; zoned: CDD #21/Coordinated Development District #21 (Beauregard). Applicant: Alexandria Development Associates, LLC, represented by Kenneth W. Wire, attorney
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 05/13/23, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Jackson, seconded by Councilman Chapman and carried unanimously, City Council approved the consent calendar. The approval was as follows:

4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation. Mayor Wilson appointed the following viewers for the vacation: Jeanette Ankoma-Sey, Debra Roepke, and Jen Atkins.

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 (7-14a)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sections 2-153.2 (HEALTH PROFESSION OFFICE) and 2-174 (MEDICAL CARE FACILITY) 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. 2023-00002 (Implementation Ordinance for Text Amendment No. 2023-00002 associated with healthcare-related use definitions approved by City Council on April 15, 2023). [ROLL-CALL VOTE]

(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; 05/13/23, 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; 05/13/23, and is incorporated as part of this record by reference.)

8. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet Nos. 063.04, 064.03, 064.04, 073.02, 074.01, 074.02, and 075.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties within the King Street Outdoor Dining Overlay zone to remove the Overlay zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2023-00001 (Implementation Ordinance for Rezoning No. 2023-00001 associated with the King Street Outdoor Dining Overlay zone approved by City Council on April 15, 2023). [ROLL-CALL VOTE]

(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. 8; 05/13/23, 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. 8; 05/13/23, and is incorporated as part of this record by reference.)

9. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-182.06 of Article II (DEFINITIONS), Article III (RESIDENTIAL ZONE REGULATIONS), Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Article V (MIXED USE ZONES), Article VI (SPECIAL AND OVERLAY ZONES), Section 7-1500 of Article VII (SUPPLEMENTAL ZONE REGULATIONS), Section 8-300 of Article VIII (OFF-STREET PARKING AND LOADING), and Section 11-513 of 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. 2023-00003 (Implementation Ordinance for Text Amendment No. 2023-00003 associated with outdoor dining and parklets approved by City Council on April 15, 2023). [ROLL-CALL VOTE]

(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. 9; 05/13/23, 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. 9; 05/13/23, and is incorporated as part of this record by reference.)

10. Public Hearing, Second Reading and Final Passage of an Ordinance to amend

and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town North Small Area Plan chapter of such master plan as Master Plan Amendment No. 2023-00001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for Master Plan Amendment No. 2023-00001 associated with Montgomery Center approved by City Council on April 15, 2023). [ROLL-CALL VOTE]

(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. 10; 05/13/23, 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. 10; 05/13/23, and is incorporated as part of this record by reference.)

11. Public Hearing, Second Reading and Final Passage of an Ordinance to revise Title XI (Health, Environmental & Sanitation Regulations), Chapter 2 (Food and Food Establishments) of the City Code to amend the requirements for additional Food Protection Manager Certificates, to allow mobile businesses to use alternative contact methods to be displayed on their food truck, to adjust the permit expiration date to 12 months from date of issue and to remove duplication of inspection with other State agencies. [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. 11; 05/13/23, 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. 11; 05/13/23, 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. 11; 05/13/23, and is incorporated as part of this record by reference.)

12. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Article A (General Provisions) Chapter 4 (Committees, Boards and Commissions) of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Attorney's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 05/13/23, 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; 05/13/23, 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; 05/13/23, and is incorporated as part of this record by reference.)

13. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-4-180 (CREATION, COMPOSITION AND ORGANIZATION) of Article W (ALEXANDRIA GANG PREVENTION COMMUNITY TASK FORCE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) 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. 13; 05/13/23, 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; 05/13/23, 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; 05/13/23, and is incorporated as part of this record by reference.)

14. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-4-112 (CREATION, COMPOSITION AND ORGANIZATION) of Article N (ALEXANDRIA COMMISSION ON INFORMATION TECHNOLOGY) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) 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. 14; 05/13/23, 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; 05/13/23, 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; 05/13/23, and is incorporated as part of this record by reference.)

- 14a. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend Section 5-2-14 (Sidewalk Crossovers and Curb Cuts Generally) Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services).
[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. 14a; 05/13/23, 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. 14a; 05/13/23, 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. 14a; 05/13/23, and is incorporated as part of this record by reference.)

END OF ROLL-CALL CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson and carried unanimously by roll-call vote, City Council closed the public hearing approved the roll-call consent calendar, with the exception of item #12, which was considered under separate motion. The approvals were as follows:

7. City Council adopted an ordinance to amend and reordain Sections 2-153.2 (HEALTH PROFESSION OFFICE) and 2-174 (MEDICAL CARE FACILITY) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city as Text Amendment No. 2023-00002.

The ordinance reads as follows:

ORDINANCE NO. 5488

AN ORDINANCE to amend and reordain Sections 2-153.2 (HEALTH PROFESSION OFFICE) and 2-174 (MEDICAL CARE FACILITY) 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. 2023-00002.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2023-00002, 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 30, 2023 of a text amendment to the Zoning Ordinance to adopt amendments to the definitions of health profession office and medical care facility, which recommendation was approved by the City Council at public hearing on April 15, 2023;

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 2-153.2 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:

2-153.2 – Health profession office.

A building or portion thereof with a gross floor area of 20,000 square feet or less used for medical, psychiatric, surgical, ~~The use of space by individuals licensed in the Commonwealth of Virginia to practice medicine, dentistry, psychiatry, psychology, nursing, massage therapy, or physical therapy, abortion services~~ or other health-related services ~~professions~~ primarily on an outpatient basis.

Section 1. That Section 2-174 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:

2-174 – Medical care facility.

Buildings or portions thereof with a gross floor area greater than 20,000 square feet used for medical, psychiatric, surgical, massage or physical therapy, abortion services or other health-related services, under common ownership or control, primarily on an outpatient basis. This term shall not include a nursing or convalescent home or hospice or a continuum of care facility. Any installation, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of mentally or physically sick or injured persons, or for persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled; including but not limited to emergency medical treatment, health professional office, medical laboratory, intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical school, outpatient surgery centers, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation, trauma

~~units, substance abuse outpatient or day programs and other related institutions and facilities, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This term shall not include housing for the elderly, nursing home or a facility which has as its primary purpose residential accommodation. Nothing in this definition is intended to interfere with or restrict the use of a dwelling unit by a family as that term is defined in this article, wherever such use is allowed in the zones.~~

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

Section 3. That Sections 2-153.2 and 2-174, as amended pursuant to Sections 1 and 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. 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. City Council adopted an ordinance to amend and reordain Sheet Nos. 063.04, 064.03, 064.04, 073.02, 074.01, 074.02, and 075.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties within the King Street Outdoor Dining Overlay zone to remove the Overlay zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2023-00001.

The ordinance reads as follows:

ORDINANCE NO. 5489

AN ORDINANCE to amend and reordain Sheet Nos. 063.04, 064.03, 064.04, 073.02, 074.01, 074.02, and 075.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties within the King Street Outdoor Dining Overlay zone to remove the Overlay zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2023-00001.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2023-00001, 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 30, 2023 of a rezoning of the properties within the King Street Outdoor Dining Overlay zone to remove the Overlay zone, which recommendation was approved by the City Council at public hearing on April 15, 2023;

2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;

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 Sheet Nos. 063.04, 064.03, 064.04, 073.02, 074.01, 074.02, and 075.01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTIONS: attached in spreadsheet

From: King Street Outdoor Dining Overlay
To: Remove the King Street Outdoor Dining Overlay

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

Section 3. That Sheet Nos. 063.04, 064.03, 064.04, 073.02, 074.01, 074.02, and 075.01 of the "Official Zoning Map, Alexandria, Virginia," as so amended, 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, 2023.

9. City Council adopted an ordinance to amend and reordain Section 2-182.06 of Article II (DEFINITIONS), Article III (RESIDENTIAL ZONE REGULATIONS), Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Article V (MIXED USE ZONES), Article VI (SPECIAL AND OVERLAY ZONES), Section 7-1500 of Article II (SUPPLEMENTAL ZONE REGULATIONS), Section 8-300 of Article VIII (OFF-STREET PARKING AND LOADING), and Section 11-513 of 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. 2023-00003.

The ordinance reads as follows:

ORDINANCE NO. 5490

AN ORDINANCE to amend and reordain Section 2-182.06 of Article II (DEFINITIONS), Article III (RESIDENTIAL ZONE REGULATIONS), Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Article V (MIXED USE ZONES), Article VI (SPECIAL AND OVERLAY ZONES), Section 7-1500 of Article VII (SUPPLEMENTAL ZONE REGULATIONS), Section 8-300 of Article VIII (OFF-STREET PARKING AND LOADING), and Section 11-513 of 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. 2023-00003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2023-00003, 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 30, 2023 of a text amendment to the Zoning Ordinance to adopt amendments to the Zoning Ordinance to delete Section 6- 800 (King Street outdoor dining overlay zone) and all other ordinance references to the King Street outdoor dining overlay; delete Section 7-1500 (Outdoor display, sales or storage of goods or merchandise and outdoor dining in a parklet); delete all other ordinance references to parklets, outdoor dining on sidewalks in the public right-of-way and outdoor retail display and sales in the public right-of-way; amend Section 8-300 to waive parking requirements for outdoor dining in the Central Business District; and amend Articles III, IV, V, VI, XI to specify requirements for outdoor dining on private property, which recommendation was approved by the City Council at public hearing on April 15, 2023;

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 2-182.06 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

~~Sec. 2-182.06 – Parklet~~

~~An extension of the sidewalk into the parking lane to be used for open space, public seating, or extra space associated with a business, such as a restaurant or a retail establishment.~~

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:

3-803 - Special uses.

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

(F) Outdoor dining on private property;

3-903 - Special uses.

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

(8.2) Outdoor dining on private property;

3-1002 - Special uses.

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

(C.2) Outdoor dining on private property;

3-1403 - Special uses.

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

(5) Outdoor dining on private property.

3-1409 - Use limitations.

(A) All commercial operations, including storage shall be conducted within a completely enclosed building, with the exception of outdoor uses pursuant to Section 3-1400 and, dining and outdoor retail display and sales as set forth in the subsections below City Code section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

~~(1) During business operational hours;~~

~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~

~~(3) In accordance with Section 5-2-29 of the City Code.~~

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:

4-102.1 - Administrative special uses.

The following uses may be allowed in the CL zone with administrative approval, subject to section 11-513 of this ordinance:

- (E) Outdoor dining on private property;

4-103 - Special uses.

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

- (J.1) Outdoor dining on private property, other than pursuant to sections 4-102 and 4-102.1;

4-107 - Use limitations.

- (A) All commercial operations, including storage, shall be conducted within a completely

enclosed building, with the exception of outdoor uses pursuant to this section 4-100 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

- ~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

- ~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-202.1 - Administrative special uses.

The following uses may be allowed in the CC zone with administrative approval, subject to section 11-513 of this ordinance:

- (E) Outdoor dining on private property;

4-203 - Special uses.

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

- (M.1) Outdoor dining on private property, other than pursuant to sections 4-202 and 4-202.1;

4-207 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-200 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-302.1 - Administrative special uses.

The following uses may be allowed in the CSL zone with administrative approval, subject to section 11-513 of this ordinance:

- (E) Outdoor dining on private property;

4-303 - Special uses.

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

- (S.1) Outdoor dining on private property, other than pursuant to sections 4-302 and 4-302.1;

4-307 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-300 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~

~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-402.1 - Administrative special uses.

The following uses may be allowed in the CG zone with administrative approval, subject to section 11-513 of this ordinance:

(E) Outdoor dining on private property;

4-403 - Special uses.

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

(V.1) Outdoor dining on private property, other than pursuant to sections 4-402 and 4-402.1;

4-407 - Use limitations.

(A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-400 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

~~(1) During business operational hours;~~

~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~

~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-502.1 - Administrative special uses.

The following uses may be allowed in the CD zone with administrative approval, subject to section 11-513 of this section:

(D) Outdoor dining on private property ~~(beyond the boundaries of the King Street Outdoor Dining on private property Zone);~~

4-503 - Special uses.

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

- (T.1) Outdoor dining on private property, other than pursuant to sections 4-502 and 4-502.1;

4-507 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-500 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-602.1 - Administrative special uses.

The following uses may be allowed in the CD-X zone with administrative approval, subject to section 11-513 of this ordinance:

- (E) Outdoor dining on private property;

4-603 - Special uses.

- (R.1) Outdoor dining on private property, other than pursuant to sections 4-602 and 4-602.1;

4-607 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-600 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~

- ~~(2) — Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) — In accordance with Section 5-2-29 of the City Code.~~

4-702.1 - Administrative special uses.

The following uses may be allowed in the CR zone with administrative approval, subject to section 11-513 of this ordinance:

- (E) Outdoor dining on private property;

4-703 - Special uses.

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

- (J) Outdoor dining on private property, other than pursuant to sections 4-702 and 4-702.1;

4-707 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-700 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) — Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) — Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) — During business operational hours;~~
- ~~(2) — Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) — In accordance with Section 5-2-29 of the City Code.~~

4-802.1 - Administrative special uses.

The following uses may be allowed in the OC zone with administrative approval, subject to section 11-513 of this ordinance:

- (E) Outdoor dining on private property;

4-803 - Special uses.

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

- (W.1) Outdoor dining on private property, other than pursuant to sections 4-802 and 4-802.1;

4-807 - Use limitations.

- (A) All operations, including storage, be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-800 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-902.1 - Administrative special uses.

The following uses may be allowed in the OCM (50) zone with administrative approval, subject to section 11-513 of this ordinance:

- (E) Outdoor dining on private property;

4-903 - Special uses.

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

- (W.1) Outdoor dining on private property, other than pursuant to sections 4-902 and 4-902.1;

4-906 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-900 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-1002.1 - Administrative special uses.

The following uses may be allowed in the OCM (100) zone with administrative approval, subject to section 11-513 of this ordinance:

(E) Outdoor dining on private property;

4-1003 - Special uses.

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

(W.1) Outdoor dining on private property, other than pursuant to sections 4-1002 and 4-1002.1;

4-1006 - Use limitations.

(A) All operations, including storage, be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-1000 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-1102.1 - Administrative special uses.

The following uses may be allowed in the OCH zone with administrative approval, subject to section 11-513 of this ordinance:

(E) Outdoor dining on private property;

4-1103 - Special uses.

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

- (T.1) Outdoor dining on private property, other than pursuant to sections 4-1102 and 4-1102.1;

4-1106 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-1100 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable. -

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operationaFI hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-1202.1 - Administrative special uses.

The following uses may be allowed in the I zone with administrative approval, subject to section 11-513 of this ordinance:

- (E) Outdoor dining on private property;

4-1203 - Special uses.

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

- (P.1) Outdoor dining on private property, other than pursuant to sections 4-1202 and 4-1202.1;

4-1206 - Use limitations.

- (A) All uses and operations shall be conducted within a completely enclosed building or an area enclosed on all sides with screening or buffering adequate and reasonable to protect adjacent nearby uses, as determined by the director, with the exception of outdoor uses pursuant to this section 4-1200 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

4-1403.1 - Administrative special uses.

The following uses may be allowed in the NR zone with administrative approval, subject to section 11-513 of this ordinance:

(A.3) Outdoor dining on private property;

4-1404 - Special uses.

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

(I.1) Outdoor dining on private property, other than pursuant to section 4-1403.1;

4-1413 - Use limitations.

(A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 4-1400 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

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:

5-102.1 - Administrative special uses.

The following uses may be allowed in the CRMU-L zone with administrative approval, subject to section 11-513 of this ordinance:

- (B) Outdoor dining on private property;

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:

- (K.1) Outdoor dining on private property, other than pursuant to sections 5-102 and 5-102.1;

5-110 - Use limitations

- (D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 5-100 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

5-202.1 - Administrative special uses.

The following uses may be allowed in the CRMU-M zone with administrative approval, subject to section 11-513 of this ordinance:

- (B) Outdoor dining on private property;

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:

- (L.1) Outdoor dining on private property, other than pursuant to sections 5-202 and 5-202.1;

5-210 - Use limitations

- (D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 5-200 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(D.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(D.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

5-302.1 - Administrative special uses.

The following uses may be allowed in the CRMU-H zone with administrative approval, subject to section 11-513 of this ordinance:

(B) Outdoor dining on private property;

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:

(L.1) Outdoor dining on private property, other than pursuant to sections 5.302 and 5-302.1;

5-310 - Use limitations

(D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 5-300 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(D.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(D.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

- ~~(1) During business operational hours;~~
- ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
- ~~(3) In accordance with Section 5-2-29 of the City Code.~~

5-402.1 - Administrative special uses.

The following uses may be allowed in the CRMU-X zone with administrative approval, subject to section 11-513 of this ordinance:

(B) Outdoor dining on private property;

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:

- (P.1) Outdoor dining on private property, other than pursuant to sections 5-402 and 5-402.1;

5-410 - Use limitations

- (C) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 5-400 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.
- ~~(C.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~
- ~~(C.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~
- ~~(1) During business operational hours;~~
 - ~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~
 - ~~(3) In accordance with Section 5-2-29 of the City Code.~~

5-502.1 - Administrative special uses.

The following uses may be allowed in the W-1 zone with administrative approval, subject to section 11-513 of this ordinance.

- (B) Outdoor dining on private property;

5-503 - Special uses.

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

- (F) Outdoor dining on private property, other than pursuant to sections 5-502 and 5-502.1;

5-511 - Use limitations

- (C) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 5-500 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(C.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(C.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

~~(1) During business operational hours;~~

~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~

~~(3) In accordance with Section 5-2-29 of the City Code.~~

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		
			Maximum F.A.R. and/or Development Levels	Maximum Height	Uses

2	Eisenhower Avenue Metro	<p>OC zoning regulations apply except that:</p> <ul style="list-style-type: none"> - Maximum F.A.R. is 1.25, except 2.0 with an architectural design SUP as specified in the master plan - Maximum heights shall be 100 feet, except on property known as the Hoffman Tract, where the maximum height shall not exceed 150 feet. Any project proposed for development under the OC Office Commercial zoning shall conform to the design principles and guidelines outlined in the Eisenhower East Small Area Plan as may be amended. Development is prohibited on any portion of the property delineated in the Eisenhower East Small Area Plan, as may be amended, as public open space or roadways, however, this restriction is not intended to affect the amount of total development on the parcel. 	<p>The development controls for each development block including principal land uses, required minimum percent of commercial, maximum and minimum building height, required on-site publicly accessible open space, and required minimum retail are delineated in "Table 1 "Development Summary" of the Eisenhower East Small Area Plan as may be amended. In addition, development shall be in accordance with the guidelines in the Eisenhower East Small Area Plan as may be amended.</p> <p>Maximum F.A.R.: No maximum F.A.R. The building volume shall be in accordance with the Eisenhower East Small Area Plan as may be amended.</p> <p>Minimum open space: The minimum open space shall conform to the Eisenhower East Small Area Plan as may be amended.</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 6-403(A) and the zone transition requirements of Section 7-900 do not apply.</p> <p>+</p>	<p>The maximum and minimum building heights shall conform to the Eisenhower East Small Area Plan as may be amended.</p>	<p>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, multifamily; 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 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</p>

			All proposed development shall be reviewed for compliance with the design principles and guidelines by the Eisenhower East Design Review Board.		

19	North Potomac Yard	The CSL zone regulations shall apply on the first 250 feet east of Route 1, and the I zone regulations shall apply on the remainder of the site. However, in no case shall the development exceed 610,000 square feet.	Maximum development levels will be as depicted in Table 2 of the CDD conditions. Conversion of square footage between uses may be permitted through the development special use permit process. Refer to Table 1 of the CDD conditions for maximum parking ratios.	Heights shall be as shown in the North Potomac Yard Small Area Plan, as may be amended.	Mixed-use development to include amusement enterprises; child care home; day care center; health and athletic club; health professional office; home professional office; restaurant; business and professional office; multi-family dwelling; retail shopping establishment; public park and community recreation buildings; outdoor dining <u>on private property</u> ; valet parking; light assembly; service and crafts; private school (commercial); private school (academic); personal service; hotel; parks and open spaces; public schools; special use utility; and community facilities.

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 approved Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.	<p>The development controls for each block including gross floor area (GFA), the size of public open spaces, ground 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>	Heights and height transitions shall be as depicted in the approved Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines, as may be amended.	1) Mixed-use development to include amusement enterprises; child care home; day care center; health and athletic club, health professional office; home professional office; park and community recreation buildings; outdoor dining <u>on private property</u> ; valet parking; hotel, restaurant, business and professional office, multifamily dwelling; townhouse dwelling; continuum of care facility, nursing home, parks and open spaces; private school (commercial); private school (academic); personal service public schools; special utility.

			Any variation from the standards shall require approval by the city council as part of the DSUP or associated approval application(s).		<p>2) Retail shopping establishment and personal service; light assembly, service and crafts; and maker uses as defined in the approved Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.</p> <p>3) Community Facilities as defined in the approved Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.</p> <p>4) Other similar pedestrian-oriented uses as approved by the director of P&Z to meet the intent of providing active pedestrian-oriented uses are allowed.</p> <p>5) Medical care facility.</p>
25	ABC-Giant/Old Town North	CG/Commercial Downtown regulations shall apply	<p>Maximum FAR: 3.5. Properties in this zone are ineligible to request Special Use Permit approval for the affordable housing bonus density provisions of Section 7-700 of the Zoning Ordinance.</p> <p>Minimum open space: 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.</p>	The maximum heights shall conform to the Old Town North Small Area Plan as may be amended.	<p>Multifamily dwelling; day care center; health and athletic club or fitness studio; light assembly, service and crafts; personal service establishment; massage establishment; outdoor dining <u>on private property</u>; pet supplies, grooming, training with no overnight accommodation; private school, academic or commercial, with more than 20 students on the premises at any one time; restaurant; retail shopping establishment; and valet parking.</p>

			<p>When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.</p> <p>Minimum yards: None, except as may be applicable pursuant to the Old Town North Design Guidelines and pursuant to the supplemental yard and setback regulations of Section 7-1000 and the zone transition requirements of Section 7- 900.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance does not apply.</p> <p>All proposed development shall conform to the Old Town North Design Guidelines as may be amended.</p>		
26	Public Storage/ Boat US	I/Industrial regulations shall apply	<p>Maximum FAR: 2.5</p> <p>Minimum open space: A minimum of 10% of the land area occupied by primarily non-residential uses shall be provided as publicly-accessible, ground-level useable open space. A minimum of 30% of the land area within the CDD area occupied by primarily residential uses shall be provided as useable open space, half of which must be publicly-accessible, ground-level useable open space. Publicly-accessible, ground-level useable open space may be provided at any location within the CDD area to meet the open space requirement.</p> <p>Minimum yards: None, except as may be applicable pursuant to the supplemental yard and setback regulations of Section 7-1000.</p>	The maximum heights shall conform to the Eisenhower West Small Area Plan as may be amended.	<p>Multifamily dwelling; self-storage/warehouse; animal care facility with no overnight accommodation; catering; glass shop; health and athletic club or fitness studio; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; machine shop; manufacturing; massage establishment; motor vehicle parking or storage; outdoor dining <u>on private property</u>; personal service establishment; printing and publishing services; private school, academic or commercial, with more than 20 students on the premises at any one time; recreational areas consisting of natural and unimproved geographic features; restaurant; retail shopping establishment; valet parking; and</p>

			<p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.</p>		wholesale.
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 minimum of 25% of the land area within the CDD area shall be provided as ground-level, useable open space. 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 6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.</p>	The maximum heights shall conform to the Landmark-Van Dom Small Area Plan as may be amended.	<p>Multifamily dwelling; recreation and entertainment use; active and/or congregate recreational facilities; animal care facility with no overnight accommodation; automobile and trailer rental or sales area; business and professional office; day care center; health and athletic club or fitness studio; hotel; home for the elderly; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; massage establishment; medical office; outdoor dining <u>on private property</u>; 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>
28	Greenhill South	I/Industrial regulations shall apply	Maximum FAR: No maximum FAR	The maximum heights shall conform to the Eisenhower West Small Area Plan as may be amended.	

			<p>Minimum open space: A minimum of 10% of the land area occupied by primarily non-residential uses shall be provided as publicly accessible, ground-level useable open space. A minimum of 30% of the land area occupied by primarily residential uses shall be provided as useable open space, half of which shall be provided as publicly accessible, ground-level open space. 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 30% 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 6-403(A) of the Zoning Ordinance and the zone transition requirements of section 7-900 do not apply.</p>		<p>Multifamily dwelling; amusement enterprise; active and/or congregate recreational facilities; business and professional office; convenience store; day care center; health and athletic club; home for the elderly; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; massage establishment; <u>outdoor dining on private property</u>; 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; recreational areas consisting of natural and unimproved geographic features; restaurant; retail shopping establishment; and valet parking.</p>
29	Landmark Neighborhood	CRMU-L regulations shall apply	<p>Maximum floor area: 5.6 million sq. ft., excluding public facilities (e.g., fire station) and the existing above-grade parking structure. Additional floor area may be requested pursuant to Section 7-700 of the Zoning Ordinance.</p> <p>Minimum non-residential uses: 20% of total floor area, excluding parking.</p> <p>Open Space: minimum 25% per development block. The open space for the hospital campus shall be provided as required by the CDD #29 Concept Plan Special Use Permit.</p>	The minimum and maximum heights shall conform to the CDD-29 Concept Plan Special Use Permit.	

			<p>Minimum yards: None. The supplemental yard and setback regulations of Section 7-1000 do not apply.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.</p>		<p>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, multifamily; 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 <u>on private property</u>; 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</p>
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- (E) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to sections 5-602(A) and 5-602(D) of this ordinance, the following uses are permitted in each CDD when located in or immediately adjacent to a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein

- (5) Outdoor dining located on private property;

~~(14) Outdoor dining and outdoor retail display and sales in a parklet, which shall comply with the requirements of section 7-1500; and~~

~~(15) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:-~~

~~(a) During business operational hours;-~~

~~(b) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~

~~(c) In accordance with section 5-2-29 of the City Code.-~~

- (F) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to sections 5-602(A) and 5-602(D) of this ordinance, the following uses may be allowed in each CDD by administrative approval, pursuant to section 11-513 of this ordinance, when located in or immediately abutting a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:

- (2) Outdoor dining on private property other than pursuant to section 5-602(E)(5) ~~or section 5-602(E)(14);~~

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:

6-202.1 - Administrative special uses.

The following uses may be allowed in the WPR zone with administrative approval, subject to section 11-513 of this ordinance.

- (B) Outdoor dining on private property;

6-203 - Special uses.

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

- (E) Outdoor dining on private property, other than pursuant to section 6-202.1;

6-603 - Uses.

(D) *Administrative special uses.* Notwithstanding any contrary provisions of the zoning ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513.

(2) Outdoor dining, ~~other than in a parklet on private property;~~

~~(6) Outdoor display of retail goods;~~

6-702 - Uses.

(A) *Ground floor uses.*

(2) *Special uses:*

(h) ~~Reserved. Outdoor dining on private property, other than pursuant to section 6-702(C);~~

(B) *Upper floor uses.*

~~(32)~~ *Special uses:*

(e) ~~Reserved. Outdoor dining on private property, other than pursuant to section 6-702(C);~~

(C) *Administrative special uses.* Notwithstanding any contrary provisions of this ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513 of this ordinance:

(2a) Outdoor dining on private property

6-707 - Use limitations.

(A) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor uses pursuant to this section 6-700 and dining and outdoor retail display and sales as set forth in the subsections below City Code Section 5-2-29, as applicable.

~~(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.~~

~~(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:~~

~~(1) During business operational hours;~~

~~(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and~~

~~(3) In accordance with Section 5-2-29 of the City Code.~~

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

~~6-801 Purpose.~~

~~The King Street Outdoor Dining Overlay Zone is intended to facilitate outdoor dining in Old Town in order to create an active streetscape, enhance the economic and social vitality of King Street, and promote pedestrian and retail friendly activity; to allow for the use of the public right of way for such outdoor dining; and to expedite the approval of such facilities while ensuring that the public's use of the sidewalks will not be significantly impaired by such dining, and that adjacent commercial and residential uses will be protected from any adverse impacts from such dining.~~

~~6-802 Application of overlay zone.~~

~~The King Street Outdoor Dining Overlay Zone includes the King Street corridor, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting therewith, north to Cameron Street and south to Prince Street, as shown on the map entitled, "King Street Outdoor Dining Overlay Zone," dated June 21, 2005.~~

~~6-803 Administrative permit availability.~~

~~The requirements of obtaining approval of a special use permit under Section 11-500 of this ordinance and of obtaining approval of an individual encroachment ordinance under Section 5-2-29 of the City Code otherwise applicable, shall not apply to outdoor dining facilities that meet the requirements of this Section 6-800 and for which an administrative permit is approved pursuant to this section.~~

~~6-804 Administrative permit process.~~

- ~~A. An applicant for an outdoor dining permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose.~~
- ~~B. The application shall include a plan with dimensions showing the layout for the outdoor dining area which accurately depicts the existing sidewalk conditions, including sidewalk width from building face to curb; location and dimensions of tree wells; locations of lamp posts, traffic and parking signs, signal poles, trash receptacles, benches, and other sidewalk features or obstructions, as well as design, location, size and space of the dining area, chairs, tables, barriers, umbrellas and other facilities to be located within the outdoor dining area, and such additional information as the director may reasonably require.~~
- ~~C. The director shall review the application to determine if the proposed dining establishment, and any encroachment into the public right of way, will be reasonable, attractive, and promote pedestrian and retail friendly vitality in the King Street Corridor, and that there is adequate space remaining within the public right of way to facilitate safe circulation of pedestrian traffic.~~
- ~~D. The director may approve, approve with conditions, or deny the application. The approved plan and permit shall be posted at the restaurant premises, and visible to customers and the public.~~
- ~~E. No material change to the approved plan shall be made without prior written approval by the director.~~
- ~~F. The outdoor dining permit shall be valid only between October 1 and September 30 of the following calendar year, subject to Section 6-805(O)(5), and shall be renewed on an annual basis. A permit fee, established pursuant to Section 11-104 of this ordinance, and based on the gross square feet of outdoor dining area, plus a minimum processing fee, shall be assessed annually.~~

~~6-805 Standards for outdoor dining.~~

- ~~A. The outside dining area is to be attractive, and promote pedestrian and retail friendly vitality in the King Street Corridor.~~
- ~~B. The outside dining area shall be located adjacent to the property of an existing and lawfully operating restaurant and shall be under the responsible direction and control of the restaurant. It may be located adjacent to the building or near the curb but shall be contained within the location delineated by the permit. Dining may be set up in front of an adjacent business with approval of that property owner and all tenants of the building.~~
- ~~C. If the outdoor dining area is in a location on the property that is not in the sidewalk area in front or on the side of the restaurant, it shall be reviewed to determine whether its location supports the purpose of the zone to create an active streetscape and to protect residential areas from adverse impacts.~~
- ~~D. The number of indoor and outdoor seats must comply with the statewide building code.~~
- ~~E. The outdoor dining area may be open to patrons from 6:00 a.m. to 11:00 p.m. daily.~~
- ~~F. In order to allow adequate pedestrian traffic areas and emergency access around outdoor dining areas, the following dimensional requirements must be observed:~~
 - ~~(1) At least five feet, or such additional space as the director deems necessary, of unobstructed corridor space must be maintained past the outside dining area for sidewalk pedestrian traffic in order to ensure a clear pedestrian passageway along the sidewalk. In locations where the sidewalk provides additional width or where there are fewer obstructions, the director may require more than five feet. In order to achieve a continuous pedestrian walkway, the pedestrian passageway shall be a straight line, parallel to the building face and the curb line, for the entire length of the dining area. The director may require additional measures that contribute to maintaining a straight and unobstructed pedestrian passageway along the entire block face.~~
 - ~~(2) A space at least 44 inches wide for unobstructed ingress/egress must be maintained between any restaurant doorway and the pedestrian traffic corridor.~~
 - ~~(3) Outdoor dining areas located near the sidewalk curb must leave at least two feet of unobstructed sidewalk depth between the curb and the outer dimension of the outdoor dining area unless the sidewalk dining directly abuts a commercial parklet.~~
 - ~~(4) An unobstructed clearance of five feet must be maintained between a fire hydrant and any outdoor dining furniture or enclosures.~~
 - ~~(5) An unobstructed clearance of three feet must be maintained between a fire department connection and any outdoor dining furniture or enclosures.~~
- ~~G. The outside dining area must be kept sanitary, neat and clean at all times. It shall be free from accumulation of food, litter, snow, ice, and other potentially dangerous or unsanitary matter. The restaurant must participate in an approved rodent control program.~~
- ~~H. No food preparation is permitted in the outside dining area.~~
- ~~I. Tents or awnings are not permitted without obtaining a separate building permit. Table umbrellas are permitted if they do not have signs or advertisements on them, if the umbrellas are completely contained within the outdoor dining area, even when fully extended, and if the lowest dimension of the umbrella maintains a minimum vertical clearance of seven feet above the sidewalk to allow for patron and server circulation.~~
- ~~J. No signs are permitted in the outside dining area except those signs that have a valid City permit.~~
- ~~K. Loudspeakers outside are prohibited on the frontage of the restaurant facing King Street, and amplified sounds from inside the restaurant must not be audible in any outside dining area on the public right of way.~~

- ~~L. Any door leading into a restaurant may not be positioned to remain open or otherwise supported in an open position.~~
- ~~M. The restaurant must comply with all applicable City, state and federal laws and regulations.~~
- ~~N. In order to serve alcoholic beverages, an application must be approved by the Virginia Department of Alcoholic Beverage Control (ABC), and it will require the following:~~
- ~~(1) The dining area must have a sturdy enclosure.~~
 - ~~(2) There must be only one well defined entrance to the outdoor dining area and it must be located directly in front of the egress doors.~~
 - ~~(3) Customers are not permitted to carry their own alcohol to the outdoor dining area.~~
 - ~~(4) The dining area must have adequate illumination during evening hours.~~
- ~~O. The design of the outdoor dining facilities which are visible from the public street or way, shall comply with the following:~~
- ~~(1) All improvements (outdoor dining furniture and enclosures) used in an outdoor dining area on the public right of way must be removable without damage to the surface of the public right of way.~~
 - ~~(2) An outdoor dining area within the public right of way shall be contained by sturdy outdoor dining enclosures in conformity with city standards. The city will, following issuance of the King Street Outdoor Dining permit, mark the corners of the approved outdoor dining area with conspicuous markers.~~
 - ~~(3) Permits must be obtained from the department of transportation and environmental services and a board of architectural review certificate of appropriateness in order to penetrate the public sidewalk surface or install an outdoor dining enclosure which penetrates the public sidewalk.~~
 - ~~(4) The design of the area shall comply with the City outdoor dining design guidelines.~~
 - ~~(5) Storage of outdoor dining furniture and enclosures:~~
 - ~~(a) All outdoor dining furniture and enclosures may be set up in the public right of way daily when the restaurant is open or closed to the public.~~
 - ~~(b) Between the Monday before Thanksgiving and March 31 of the following calendar year, all outdoor dining furniture and enclosures must be removed from the public right of way daily when the restaurant is closed to the public, in accordance with section 6-805(E).~~
 - ~~(6) Storage of outdoor dining furniture and enclosures may not occur in the public right of way.~~
- ~~P. The director shall, on a case by case basis, require adjustments to the layout, dimensions, or distance from the property line of any outdoor dining area in order to ensure pedestrian visibility of the ground floor of buildings that adjoin those with outdoor dining areas.~~
- ~~Q. The applicant shall comply with such additional reasonable terms as the director may include in the permit.~~
- ~~R. The restaurant operator shall not permit smoking in outdoor dining areas located in the public right of way. 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 Section 7-1500 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. 7-1500 - Outdoor display, sales or storage of goods or merchandise and outdoor dining in a parklet. Reserved.

- ~~(A) Except as specifically permitted in this ordinance, the outdoor display, sale or storage of goods or merchandise is prohibited on all public rights of way and pedestrian circulation facilities, on all private streets, pedestrian circulation facilities, alleys, roadways and driveways, and in all off-street parking and loading areas.~~

~~(B) Outdoor dining or retail display and sales in a parklet.~~

~~(1) Administrative permit availability.~~

- ~~(a) Outdoor dining or outdoor retail display and sales in a parklet may be applied for as an administrative permit, pursuant to Section 7-1500.~~
- ~~(b) The requirements of obtaining approval of a special use permit under Section 11-500 of this ordinance is not required.~~

~~(2) Administrative permit process.~~

- ~~(a) An applicant for outdoor dining or retail display and sales in a parklet shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose.~~
- ~~(b) The application shall include a plan with dimensions showing the layout for the outdoor dining or retail display and sales area, accurately depicting the parklet location, which must be directly in front of the applicant's business; specification sheets and photographs of furnishings; and such additional information as the director may reasonably require.~~
- ~~(c) The director shall review the application to determine if the proposed commercial use in a parklet is reasonable, attractive, and promotes pedestrian and commercial friendly vitality.~~
- ~~(d) The director may approve, approve with conditions, or deny the application. The approved plan and permit shall be kept on the business premises.~~
- ~~(e) No material change to the approved plan shall be made without prior written approval by the director.~~
- ~~(f) The permit shall be valid only between April 1 and March 31 of the following calendar year. A permit fee, established pursuant to Section 11-104 of this ordinance, shall be assessed annually.~~

~~(3) Standards for outdoor dining and retail display and sales in a public on-street parklet.~~

- ~~(a) Adhere to design guidelines for parklet furnishings as established by the director.~~
- ~~(b) Only goods from the permittee's store are permitted to be displayed and sold and only food from the permittee's restaurant may be served in the parklet. The parklet use shall be under the responsible direction and control of the business.~~
- ~~(c) Parklets must be used for display and sales during all business hours of an associated retail business and for dining on days when a restaurant is operational between 6 a.m. and 11 p.m., except during inclement weather. Noncompliance will result in voiding of the permit and the ability to operate a parklet.~~
- ~~(d) Access ramps must remain unobstructed and available for pedestrians.~~
- ~~(e) Live entertainment and amplified sound are not permitted.~~
- ~~(f) One table must be handicap accessible for outdoor dining use.~~
- ~~(g) Umbrellas must provide a minimum clearance of seven feet, must be contained within the parameters of the parklet and must not feature signs or advertisements.~~

- (h) ~~The parklet must be kept sanitary, neat and clean at all times. It shall be free from accumulation of food, litter, snow, ice, leaves and other potentially dangerous or unsanitary matter.~~
- (i) ~~The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.~~
- (j) ~~Signage is not permitted in the parklet.~~
- (k) ~~Smoking is not permitted.~~
- (l) ~~Operation of outdoor dining or retail display and sales may only occur in an approved parklet that meets the requirements of City Code Section 5-2-29.~~
- (C) ~~Outdoor retail display and sales on a public sidewalk.~~
~~The outdoor display and sale of goods or merchandise on a public sidewalk is permitted as authorized in the use limitation sections of commercial, mixed use, office and industrial zones.~~
- (D) ~~Outdoor retail display and sales at a city sponsored festival or public event on a public street or sidewalk.~~
 - (1) ~~The city manager may issue a temporary permit, authorizing the participants in a city sponsored festival or public event to display or sell goods or merchandise on that portion of any public street which has been closed to traffic in connection with such festival or event.~~
 - (2) ~~Any person desiring such a permit shall apply to the city manager who shall issue the permit upon a finding that the proposed display or sale of goods or merchandise will not endanger the safety, and will not be inconsistent with the welfare and convenience, of the public, and who may impose such reasonable conditions as are necessary to comply with the requirement of this section.~~
 - (3) ~~The city manager may permit the sale of goods and merchandise on a public sidewalk and on a portion of any public street which has been closed to traffic in connection with a city sponsored festival or public event.~~
 - (4) ~~In addition to any conditions imposed by the city manager, the permittee shall, as a condition for issuance of the permit, agree in writing to defend and hold the city harmless from any and all claims, demands, losses, liability, causes of action, costs and expenses of any kind arising from or incident to any activity undertaken under the permit by the permittee or any employee or agent of the permittee.~~
 - (5) ~~Each permit issued under this section shall be valid only for the duration of the sale in conjunction with which it is issued or seven days, whichever is less.~~
 - (6) ~~No more than four permits may be issued under this section in any one year to the same permittee or to any permittee associated with the same business.~~
- (E) ~~To the extent not permitted in the use limitations of a zone or under subsection (B), outdoor restaurant seating, and the sale and service of food and beverage for consumption at such seating, shall be allowed to the extent expressly authorized in a special use permit governing the operation of the entire restaurant.~~

Section 7. That Section 8-300 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. 8-300 - Central business district.

- (B) *Application of certain requirements.* Within the central business district any lot or group of contiguous lots of record as of June 28, 1983, containing less than 10,000 square feet shall not be subject to the requirements of the following: sections 8-200(A)(9), (11), (12), (13), (14), (16), (18), (19), (20) and (21) and section 8-200(B); provided, however, that any lots subdivided after June 28, 1983, into lots of 10,000 square feet or less and developed or redeveloped individually or as a single entity shall comply with all provisions of sections 8-200(A) and (B). In addition, whenever a parcel or contiguous parcels of land within this area containing over 10,000 square feet or more are redeveloped, or whenever a parcel or contiguous parcels of undeveloped land within this area containing 10,000 square feet or more are developed, the requirements of section 8-200(A) shall apply. In addition, the provisions of section 8-200(A) shall not apply to restaurants and outdoor dining. Furthermore, the provisions of sections 8-200(A) and (B) shall not apply within the boundaries of any urban renewal (redevelopment) project located within the central business district and for which project a cooperation agreement between the city and the Alexandria Redevelopment and Housing authority has been entered into nor to city hall nor to public uses (including the art center) which are located in torpedo plant building number two.

Section 8. That Section 11-513 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 11-513 - Administrative special use permit.

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

- (2) Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by ~~an~~ encroachment ordinance City Code Section 5-2-29.

- (4) The closing hours of operation for the outdoor dining shall be limited to 11:00 p.m. Within the NR Zone and the Mount Vernon Avenue Urban Overlay Zone areas, outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday. Within the Old Town Small Area Plan, outdoor dining shall be closed and cleared of all customers by 11:00 p.m. daily, ~~consistent with the King Street outdoor dining overlay zone section 6-805(E).~~

- ~~(10) Reserved.~~

- ~~(11) The provisions of the King Street outdoor dining overlay zone in section 6-800 apply to regulate outdoor dining within the Central Business District.~~

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

Section 10. That Section 2-182.06 of Article II (DEFINITIONS), Article III (RESIDENTIAL ZONE REGULATIONS), Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Article V (MIXED USE ZONES), Article VI (SPECIAL AND OVERLAY ZONES), Section 7-1500 of Article VII (SUPPLEMENTAL ZONE REGULATIONS), Section 8-300 of Article VIII (OFF-STREET PARKING AND LOADING), and Section 11-513 of 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 July 1, 2023, 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.

10. City Council adopted an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town North Small Area Plan chapter of such master plan as Master Plan Amendment No. 2023-00001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

The ordinance reads as follows:

ORDINANCE NO. 5491

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Old Town North Small Area Plan chapter of such master plan as Master Plan Amendment No. 2023-00001 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2023-00001, 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 30, 2023 of an amendment to the Old Town North Small Area Plan Chapter of the Master Plan of the City of Alexandria to amend the height limit figure for 815 North Royal Street for the east side of the property from 50 to 53 feet, which recommendation was approved by the City Council at public hearing on April 15, 2023;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

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 the Old Town North Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by amending Figure 2.14: Recommended Height District Limits, to change the height limit for the east side of the property from 50 feet to 53 feet, attached hereto and incorporated fully herein by reference, as a new chapter of the Master Plan of the City of Alexandria, Virginia.

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage.

11. City Council adopted an ordinance to revise Title XI (Health, Environmental and Sanitation Regulations), Chapter 2 (Food and Food Establishments) of the City Code to amend the requirements for additional Food Protection Manager Certificates, to allow mobile businesses to use alternative contact methods to be displayed on their food truck, to adjust the permit expiration date to 12 months from date of issue and to remove duplication of inspection with other State agencies.

The ordinance reads as follows:

ORDINANCE NO. 5492

AN ORDINANCE to amend and reordain Chapter 2 (Food and Food Establishments) of Title 11 (Health, Environmental and Sanitary Regulations) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 11, Chapter 2, Article A 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. 11-2-4 Definitions.

Words appearing in SMALL CAPS are defined in this chapter or in the FDA Food Code. The following words and phrases, when used in this chapter, including in the incorporated FDA Food Code, shall have the meanings given below, unless the context clearly indicates a different intention or it is otherwise expressly provided:

(a) "*Catering*" means the preparation and/or service of FOOD by a FOOD ESTABLISHMENT at a location other than on the PREMISES of their FOOD ESTABLISHMENT.

"Catering" does not include:

- 1) Carry out service where a CONSUMER picks up FOOD from the FOOD ESTABLISHMENT's PREMISES;
 - 2) Delivery of FOOD by a FOOD ESTABLISHMENT to a CONSUMER;
 - 3) A private chef or cook who, as the employee of a CONSUMER, prepares FOOD solely in the CONSUMER's home; or
 - 4) Vending to the general public except at temporary events or farmers markets unless the caterer is also licensed as a MOBILE FOOD ESTABLISHMENT.
- (b) "*Certificate*" means the photo identification card issued by the DIRECTOR, or the comparable document issued by another jurisdiction or private vendor that is accepted by the DIRECTOR, which demonstrates that the individual identified on the CERTIFICATE has been determined to be a FOOD PROTECTION MANAGER. Alternatively, a photographic identification and a copy of the individual's Approved Food Manager's Credential Certificate may be provided in lieu of the CERTIFICATE, providing both confirm the individual's correct identity and qualification.
- (c) "Commissary" means a permitted FOOD ESTABLISHMENT where FOOD is stored, prepared, portioned, or packaged, or any combination of these, where such FOOD is intended for service at another FOOD ESTABLISHMENT. It is also the place which is used as the base of operations for one or more MOBILE FOOD ESTABLISHMENTS where such MOBILE FOOD ESTABLISHMENTS are serviced, cleaned, supplied, and maintained, and where the EQUIPMENT, UTENSILS and facilities are serviced, washed and sanitized.
- (d) "*Director*" means the director of the Alexandria Health Department or his designee. In

the City of Alexandria, the DIRECTOR is the REGULATORY AUTHORITY with jurisdiction over FOOD ESTABLISHMENTS.

- (e) "Food protection manager" means a person who is certified by a food protection manager program that is evaluated and listed by a Conference of Food Protection-recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs.
- (f) "*Mobile food establishment*" means a FOOD ESTABLISHMENT that is designed to be readily moveable and which operates from a COMMISSARY that is a FOOD ESTABLISHMENT holding a valid PERMIT from the REGULATORY AUTHORITY in the jurisdiction in which it is located. MOBILE FOOD ESTABLISHMENTS include food trucks, food push carts, food trailers, and similar mobile unites where FOOD is prepared and/or served.

Section 2. That Title 11, Chapter 2, Article B 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. 11-2-11 General.

MOBILE FOOD ESTABLISHMENTS shall comply with the requirements of this chapter. All MOBILEFOOD ESTABLISHMENTS are to be clearly identified with the establishment trade name and contact phone number or other form of electronic contact information conspicuously displayed on both sides and the back of the unit. The PERMIT sticker issued under this chapter shall be posted on the left rear of the MOBILE FOOD ESTABLISHMENT so as to be clearly visible to the public.

Section 3. That Title 11, Chapter 2, 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. 11-2-21 Permits for food establishments.

- (a) No PERSON shall operate a FOOD ESTABLISHMENT unless that PERSON possesses a valid PERMIT issued by the DIRECTOR. Only a PERSON who complies with the requirements of this chapter shall be entitled to receive or retain such a PERMIT. PERMITS are not transferable. A valid PERMIT shall be posted in every FOOD ESTABLISHMENT in a conspicuous place. FOOD ESTABLISHMENT PERMITS are issued for a calendar year and expire ~~on December 31 regardless of the month of issue.~~ 12 calendar months after the date of issue.
- (b) An initial application fee and an annual renewal application fee shall be assessed for each permitted FOOD ESTABLISHMENT including TEMPORARY FOOD ESTABLISHMENTS operating less than 14 days. These fees shall be in the

amounts established by the General Assembly of the Commonwealth of Virginia and/or the Alexandria City Council. Such fees shall not be applicable to FOOD ESTABLISHMENTS operated by the Alexandria City Public Schools. The application fees shall be based on a calendar year and shall be due ~~and payable on or before December 31~~ on or before the date that the permit expires or upon initial application. The fees shall not be prorated. A late payment fee in an amount established by the Alexandria City Council shall be assessed to each FOOD ESTABLISHMENT owner who pays their renewal application fee more than 14 days after their PERMIT has expired.

(c) FOOD ESTABLISHMENTS failing to file the required application for renewal of the PERMIT will be operating without a valid PERMIT and will be subject to immediate closure in accordance with Section 11-2-29 of this chapter.

(d) No PERSON shall provide CATERING services unless their application for a FOOD ESTABLISHMENT PERMIT indicated their intention to provide CATERING services and a plan review was conducted as specified in subsection 11-2-51(b) of this chapter.

Sec. 11-2-22 Exemption.

(a) The DIRECTOR may exempt coffee and related beverage service and service areas and such one-time events or affairs from such provisions or requirements of this chapter as the DIRECTOR may deem advisable upon determining that the operation of such service, service areas, events or affairs will not adversely affect the public health.

(b) A FOOD ESTABLISHMENT that is permitted and regulated for food safety by another State Agency will not be required to receive a duplicate permit and inspection under this Code, unless joint permitting authority is allowed by State Code.

Section 4. That Title 11, Chapter 2 as amended pursuant to Section 1, Section 2, and Section 3 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

13. City Council adopted an ordinance to amend and reordain 2-4-180 (CREATION, COMPOSITION AND ORGANIZATION) of Article W (ALEXANDRIA GANG PREVENTION COMMUNITY TASK FORCE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

ORDINANCE NO. 5494

AN ORDINANCE to amend and reordain Section 2-4-180 (CREATION, COMPOSITION AND ORGANIZATION) of Article W (ALEXANDRIA GANG PREVENTION COMMUNITY TASK FORCE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2

(GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-180 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. 2-4-180 - Creation, composition and organization.

(a) There is hereby established a task force known as the Alexandria Gang Prevention Community Task Force ("task force").

(b) The task force shall consist of 17 members to be appointed by the city council. The composition of the commission shall be as follows:

- (1) two members from the city council;
- (2) one member from the Alexandria School Board;
- (3) the city manager or his designee;
- (4) one member from and representing ~~TC Williams~~ Alexandria City High School;
- (5) one member from and representing Alexandria City Middle Schools;
- (6) one member from and representing Alexandria City Elementary Schools;
- (7) one member from and representing ~~private schools in Alexandria~~ the Alexandria Redevelopment and Housing Authority or residents of Alexandria Redevelopment and Housing Authority-managed properties;
- (8) one member from and representing the Latino community;
- (9) one member from and representing the African-American community;
- (10) two at-large members from and representing the youth of the City of Alexandria;
- (11) one member from and representing the Alexandria Interfaith Council;
- (12) two citizens-at-large;
- (13) one representative of the Alexandria business community; and
- (14) one representative from and representing the parents of youth of the City of Alexandria.

(c) Members of the task force shall be appointed in the manner prescribed in article A of this title; provided, that a member who, under subsection (b), is representing an organization shall be nominated by the organization and appointed by city council.

(d) Members shall serve for a term of three years.

(e) All members of the commission shall, by virtue of their education, experience, interests, or employment, have a competence in one or more of the following areas:

- (1) crime prevention;
- (2) knowledge of the criminal laws and procedures of the Commonwealth of Virginia;
- (3) gang suppression, prevention and intervention;
- (4) education;

- (5) social work; or
- (6) counseling.

Section 2. That Section 2-4-180 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.

14. City Council adopted an ordinance to amend and reordain Section 2-4-112 (CREATION, COMPOSITION AND ORGANIZATION) of Article N (ALEXANDRIA COMMISSION ON INFORMATION TECHNOLOGY) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5495

AN ORDINANCE to amend and reordain Section 2-4-112 (CREATION, COMPOSITION AND ORGANIZATION) of Article N (ALEXANDRIA COMMISSION ON INFORMATION TECHNOLOGY) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-112 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. 2-4-112 - Creation, composition and organization.

(a) There is hereby established a commission known as the Alexandria Commission on Information Technology ("commission").

(b) The commission shall consist of 15 members to be appointed by the city council. The composition of the commission shall be as follows:

- (1) Two members from the city council;
- (2) One member representing the Alexandria City School Board;
- (3) One member from and representing the Alexandria Chamber of Commerce;
- (4) One member representing the Alexandria City Library Board;
- (5) One member from and representing the budget and fiscal affairs advisory committee;
- (6) One member representing an institution of higher education located in Northern Virginia;
- (7) One student representing ~~T.G. Williams~~ Alexandria City High School, recommended by the faculty; and
- (8) Seven citizens-at-large.

(c) Members of the commission shall be appointed in the manner prescribed in article A of this title; provided, that a member who, under subsection (b), is representing an organization shall be nominated by the organization and appointed by city council.

(d) Members shall serve for a term of three years.

(e) All members of the commission shall, by virtue of their education, experience, interests, or employment, have a competence in one of more of the following areas:

- (1) Computer and networking technologies;
- (2) Communication technologies;
- (3) Application of computer technologies in an education environment;
- (4) Application of computer technologies for improvement of business processes and analytics;
- (5) Budget and fiscal analysis; or
- (6) Public access policies.

Section 2. That Section 2-4-112 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.

14a. City Council adopted an ordinance to amend Section 5-2-14 (Sidewalk Crossovers and Curb Cuts Generally) Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services).

The ordinance reads as follows:

ORDINANCE NO. 5496

AN ORDINANCE to amend and reordain Section 5-2-14 of Article A (GENERAL PROVISIONS) of Chapter 2 (STREETS AND SIDEWALKS) 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 5-2-14 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. 5-2-14 - ~~Sidewalk crossovers and~~ Curb cuts generally.

- (a) No person shall establish, build, construct, reconstruct, repair, or alter any curb cut ~~or sidewalk crossover~~, either temporary or otherwise, within the public right-of-way or on the public streets in the city, without first having obtained a written permit from the city, as provided in this section. Nothing in this section, however, shall apply to any

curb cut ~~or sidewalk crossover~~ which is shown on a site plan that has been approved under title 5, chapter 5 of this code.

- (b) Persons seeking a permit for a curb cut ~~or sidewalk crossover~~, which is neither temporary nor the replacement or repair of an existing curb cut ~~or sidewalk crossover~~, shall make application to the director of transportation and environmental services on a form prescribed by the director. Curb cuts proposed with grading plans, site plans, and development special use permits do not require a separate curb cut application and shall be reviewed and approved in conjunction with the review and approval of those other plans and permits. Individual curb cut applications, which are curb cuts that are not proposed with a grading plan, site plan, or development special use permit, are submitted on a standalone basis. The curb cut criteria under subsection (c) applies to all curb cuts. Within five (5) calendar days of filing an application and on a form prescribed by the director of transportation and environmental services, the permit applicant shall notify the owners of all adjacent property of ~~his~~ the application and of their opportunity to oppose the application by submitting a written statement to the director of transportation and environmental services that states their opposition and the reasons for their opposition. Thereafter, the applicant shall certify to the director of transportation and environmental services that ~~he has notified~~ all adjacent property owners have been notified as required by this subsection. Any adjacent property owner who wishes to oppose the application shall submit a written statement to the director of transportation and environmental services within five (5) days of receiving notice. ~~Fourteen (14) days after the filing of the application or as soon as reasonably possible thereafter, the director shall study the proposed curb cut or sidewalk crossover and forward the application and any written statement filed by an adjacent property owner, along with his findings and recommendations, to the city manager.~~
- (c) The ~~city manager~~ director of transportation and environmental services or any designated agent, shall approve the permit application and issue a written permit only when ~~he finds~~ the following is found:
- (1) that the location and operation of the curb cut ~~or sidewalk crossover~~ will not interfere unreasonably with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and means of ingress and egress to and from adjacent properties.
 - (2) that the health, welfare and safety of the public will not be impaired unreasonably by the curb cut ~~or sidewalk crossover~~.

- (3) that the curb cut ~~or sidewalk crossover~~ is of adequate width under existing conditions and circumstances.
- (4) that the plans submitted comply with the standard specifications of the city for public work of like character, and that the design of the curb cut ~~or sidewalk crossover~~ has been approved by the director of transportation and environmental services as being in accord with city specifications; provided, however, that the ~~city manager~~ director of transportation and environmental services or any designated agent, may grant variances from these specifications when strict application of the specifications will prohibit or unreasonably restrict the use of property.
- (5) that the costs of construction, as estimated by the director of transportation and environmental services, have been paid for by the applicant if the work on the curb cut ~~or sidewalk crossover~~ is to be done by the city or a contractor employed by the city; however, if the applicant for a permit under this section elects to do the work ~~himself~~ themselves or through ~~his~~ their own contractor, ~~he or his~~ the applicant or their contractor shall comply with the requirements of article E of chapter 2 of this title.
- (d) For stand alone curb cut applications, the director of transportation and environmental services or any designated agent shall study the proposed curb cut and communicate the City's approval decision within thirty (30) days after the filing of the curb cut application. Curb cuts that are proposed as part of a grading plan shall follow review timelines associated with those applications.
- (e) Notice of the ~~city manager's~~ decision on whether to approve the curb cut permit application shall be mailed sent by the director of transportation and environmental services or any designated agent to the applicant and to each adjacent property owner who had submitted a written statement under subsection (b) opposing the application. Any applicant or any such adjacent property aggrieved by the ~~manager's curb cut permit application~~ decision may appeal the decision to the traffic and parking board by filing a written notice of appeal with the director of transportation and environmental services within 15 days of the date ~~of~~ the decision was sent by the director of transportation and environmental services or any designated agent to the applicant and to each adjacent property owner who had submitted a written statement under subsection (b) opposing the application. The director of transportation and environmental services or any designated agent shall forward the appeal to the traffic and parking board and schedule it to be heard at the next regularly scheduled meeting of the board. The director of transportation and environmental services or any designated agent shall also notify the applicant and any adjacent property owner who has filed a notice of appeal of the date, time and place of the board meeting at which

the appeal will be heard. No construction work shall begin on any curb cut ~~or sidewalk crossover~~ which is the subject of an appeal until the appeal has been decided by the board. In deciding an appeal, the board shall afford the applicant and any adjacent property owner an opportunity to present his ~~their~~ views on the application and the ~~manager's curb cut permit application~~ decision. The board may affirm, modify or overturn the ~~manager's~~ decision; provided, however, that it may modify or overturn the decision only if it concludes that the manager ~~director of transportation and environmental services or any designated agent~~ clearly erred in applying the factors in subsection (c)(1) through (5) to the application. The decision of the board shall be final, and no further appeal shall lie to city council.

- (f) If the applicant elects to have the city do the work on the curb cut ~~or sidewalk crossover~~ covered by the permit and the expense of construction amounts to more than the estimated cost, the applicant shall pay the additional amount to the city; in cases where the expense of construction amounts to less than the estimated cost, the city shall refund the excess to the applicant.
- (g) Where an application for a permit under this section pertains to a curb cut ~~or sidewalk crossover~~ which is temporary in nature or which exists but is in need of repair or replacement, the application shall be made to the director of transportation and environmental services who, after giving due regard to the considerations enumerated in subsection (c) above, may issue a permit, and, if a permit is issued, he shall prescribe the type of construction to be used and, when the curb cut ~~or sidewalk crossover~~ is temporary in nature, he shall also prescribe the time the permit shall be in effect and shall require a reasonable bond or contract of insurance to save the city harmless from any claim of whatsoever nature which may arise as a result of the use of the temporary curb cut ~~or sidewalk crossover~~.
- (h) No curb cut ~~or sidewalk crossover~~, either temporary or otherwise, shall be of a greater width than 40 feet at the property line, except in those instances in which, in the ~~opinion of the city manager and upon recommendation~~ of the director of transportation and environmental services, the maximum safety and convenience of the general public demand a greater width.
- (i) The granting of a permit application under this section shall not be considered as vesting any property interests in the applicant. Use of any curb cut ~~or sidewalk crossover~~ by the applicant or his successor or their patrons shall constitute an agreement by the applicant or his successors, as the case may be, to pay for the maintenance and repair thereof and to indemnify and save harmless the city from any claim for damages to persons or property by reason of the maintenance and use thereof.

- (j) In the event the use of any curb cut ~~or sidewalk crossover~~ should be discontinued for a period exceeding 12 months, authority to maintain the same may, at the discretion of the city manager, be forfeited and the director of transportation and environmental services may proceed to restore the curb, gutter and sidewalk to a condition conforming with the curb, gutter and sidewalk on each side thereof.
- (k) The city manager is hereby empowered to close any curb cut ~~or sidewalk crossover~~ when its continued use is not necessary for access to the property it is designed to serve and it is being used by the public as a thoroughfare, or when its continued use would unreasonably interfere with public uses of the street, would constitute a serious menace to the safety of the public by reason of want of repair, or would not be in the public interest for any other reason. If the menace is caused solely by disrepair or need for reconstruction, use of the curb cut, ~~or sidewalk crossover~~ may be continued after repair or reconstruction, by the city at the expense of the person for whose convenience or profit the same was permitted. (Code 1963, Sec. 33-15; Ord. No. 3176, 1/24/87, Sec. 1)

Section 2. That Section 5-2-14 as amended pursuant to Sections 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 sixty (60) after the date and at the time of its final passage.

12. Public Hearing, Second Reading and Final Passage of an ordinance to amend and reordain Article A (General Provisions) Chapter 4 (Committees, Boards and Commissions) of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 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. 12; 05/13/23, 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; 05/13/23, 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; 05/13/23, and is incorporated as part of this record by reference.)

A motion was made by Councilmember Bagley, seconded by Vice Mayor Jackson, to close the public hearing and adopt an ordinance with an edit to Section 2-4-4(b) Term Limits to keep the language referencing 10 consecutive years and add language that indicates except

for when a reappointment would extend a commissioner beyond a 10 year service term.

A substitute motion was made by Councilman Chapman, seconded by Councilmember Bagley, to adopt the ordinance as presented retaining the 10 year term limit provision. 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 substitute motion became the main motion.

WHEREUPON, upon motion by Councilmember Bagley, seconded by Vice Mayor Jackson and carried unanimously by roll-call vote, City Council adopted an ordinance to amend and reordain Article A (General Provisions) Chapter 4 (Committees, Boards, and Commissions) of Title 2 (General Government) of the Code of the City of Alexandria, Virginia, 1981, as amended, including the retaining of the 10 year term limit provision. 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 ordinance reads as follows:

ORDINANCE NO. 5493

AN ORDINANCE to amend and reordain Article A (General Provisions) Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 2, Chapter 4, Article A 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. 2-4-1 - Purpose.

The city council recognizes that the several citizen boards, committees and commissions provide useful and meaningful citizen participation in and assistance to the government of the city and that such participation should be enhanced and strengthened. To improve the existing committee system and to enhance its role in the discussion and resolution of important matters of public policy, the council finds that it is desirable and necessary to establish certain basic procedures for the conduct of the committees' work, to provide a mechanism for the provision of adequate staffing and funding and to consolidate and reorganize the relationships between the city council, the city manager and the several committees. The purpose of this article is to accomplish the foregoing and nothing in this article is intended as or shall be deemed to be a derogation of any substantive right, function or power enjoyed by any committee under any provision of law.

Sec. 2-4-2 - Definitions.

As used in this article, unless otherwise stated or the context otherwise requires:

- (1) City council means the Alexandria City Council.

- (2) Committee means any board, committee, commission, authority or similar body established by the city council or established pursuant to, or required by, any provision of the laws or regulations of the Commonwealth of Virginia or the United States, which has one or more members appointed or designated by the city council, and which has (i) a fixed membership, including at least one person who is not a city employee, (ii) a defined purpose and (iii) regular or periodic meetings.
- (3) Head of a committee means the chairman, chairperson or other person designated or elected as the presiding officer of any committee.
- (4) Action means any decision, recommendation, ruling or advice of a substantive nature made by a committee in accordance with section 2-4-5, which a committee is, by the terms of its enabling legislation, authorized to make.
- (5) Enabling legislation means any constitutional provision, statute, city charter provision, resolution, ordinance or regulation or other provision of law enacted by the city council, the Commonwealth of Virginia or the United States which establishes the committee and determines its composition, functions and powers.
- (6) Standing committee means any committee established pursuant to law whose functions are established on a permanent, ongoing basis for an indefinite period of time.
- (7) Temporary committee means any committee established for a fixed and definite purpose and for a limited and fixed period of time, include any ad hoc committee, task force or group created by ordinance or resolution.
- (8) Designated member means a person appointed to a committee, pursuant to the terms of its enabling legislation, on behalf of, or as the representative of, another committee, organization or group.
- (9) Executive secretary means the person and the functions described in section 2-4-9 of this article.
- (10) Regional committee means a committee, the majority of whose members are appointed by one or more states or political subdivisions other than the city.

- (11) **Rules of Decorum means the customs of formality and courtesy observed by the members of the board or commission in conducting business.**

Sec. 2-4-3 - Application.

(a) Except as provided in subsection (b) of this section, the provisions of this article shall apply to all committees having one or more members appointed by the city council, notwithstanding other provisions of law to the contrary.

(b) Except for the provisions of section 2-4-7, relating to the making of appointments, the provisions of this article do not apply to:

- (1) any regional committee.
- (2) the Alexandria School Board.
- (3) the Alexandria Redevelopment and Housing Authority.
- (4) the Alexandria Sanitation Authority.
- (5) the Alexandria Industrial Development Authority.
- (6) the Visit Alexandria Board of Governors.

Sec. 2-4-4 - Composition, terms and duties of committees.

(a) **Composition.** The composition, term of office, mission and function and other substantive duties relating to the work of any committee are those set forth by the terms of a committee's enabling legislation together with any additional functions or duties that may be assigned to a committee from time to time by the city council or other appropriate local authority.

(b) **Term and Term Limit.** Whenever the city council has heretofore made or hereafter makes an appointment or reappointment of any person to any committee, and neither the law governing the appointment nor the council specifies any term of office for the person appointed then the appointment shall be deemed to be made for a term of two years beginning on the date of appointment. Unless otherwise specified in city code, state law or in a document creating the committee, no person shall be eligible for reappointment to any committee after having served **10 consecutive years** as a member thereof. Individuals may be eligible for appointment to the committee one calendar year after their term ends.

(c) **Duties of the Board of all Committees.** In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each committee shall:

- (1) designate one of its members as head of the committee and one member to act as the secretary of the committee for the purpose of keeping and preparing minutes or reports of all meetings or actions taken at any meeting and designate such other officers as required by its enabling legislation. Where an officer or

employee of the city has been assigned to assist a committee, such officer or employee may be designated as secretary unless the assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint any additional officers as it may deem proper.

(2) prepare minutes or reports not more than 30 days after the conclusion of any meeting of the committee. A notation shall appear on the minutes indicating whether they have been officially approved by the committee.

(d) **Additional Duties for Standing Committees.** In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each standing committee shall:

(1) hold at least one regular meeting each year and as many additional meetings as may be required by its enabling legislation or as the business of the committee may require.

(2) prepare and submit to the city council an annual report within 60 days after the close of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited to, a listing of the members of the committee, a description of the committee's principal activities during the reporting period and any recommendations of the committee for improving its functions and duties or making changes in other laws, procedures, policies or programs within the subject matter of its jurisdiction, including recommendations for additional federal or state legislation. These reports shall become available for public inspection and copying after submission to the city council.

(3) in addition to its annual report, any committee is authorized to make additional or special reports, oral or written, to the city manager of the city council at any other time that the committee determines that such reports may be needed, except that, no report requesting additional city funds or staff shall be submitted to the city council until it shall first have been submitted to the city manager for his comments and recommendations.

(4) prepare, in consultation with the city manager an annual budget, showing both the funding and staff directly assigned to the committee and estimated sums and staff time that may be used by the committee but are not directly assigned to it.

(5) prepare by-laws consistent with this code regulating procedures regarding the committee mission, membership, meetings, officers, committees, and amendments. Such by-laws should be filed with the office of the city clerk and reviewed by the committee annually.

Sec. 2-4-5 - Procedure for committee meetings.

(a) Except as otherwise provided in this section, each committee may hold and conduct its meetings in the form and manner set forth in its enabling legislation and by-laws. Unless otherwise required by this article or other provision of law, all questions of procedure at any meeting shall be governed by Robert's Rules of Order.

(b) No action shall be taken nor business conducted by a committee without the presence of a quorum and such quorum shall consist of a majority of the voting members of the committee. A member present but not voting shall be considered in counting a quorum.

(c) No action which:

(1) is administratively final at the committee level without further appeal;

(2) may be appealed to either the city council or a court of competent jurisdiction; or

(3) constitutes a recommendation or proposal for action by the city council or any other city board or commission,

shall be taken by a committee without the affirmative votes of a majority of the committee present unless a larger majority is required by the committee's enabling legislation. All votes shall be taken in public session and no proxy votes will be permitted.

(d) Any committee desiring to submit written or oral testimony to any federal or state legislative body or regulatory agency, other than the city council, in an official capacity shall first receive the approval of the city council. If time does not permit such submission, the committee shall state in its testimony to the legislative body or regulatory agency that its testimony reflects the position of the committee and does not necessarily represent the position of the city council. In such case a summary of testimony shall then be provided by the committee to the council for its information.

(e) All Committees must follow the Rules of Decorum for public meetings prepared by and published in the Office of the City Clerk.

Sec. 2-4-6 - Public participation in committee meetings.

(a) All committee meetings shall be open to the public except as to matters which, by law, may be the subject of an executive session or a closed meeting. In determining to hold an executive session or a closed meeting, the head of a committee shall first consult with the city attorney as to the appropriateness of such a meeting and the procedure to be followed.

(b) Except as may be permitted by law, all books, papers and reports or other documents produced by or under the control of a committee shall be open for public inspection and copying. A reasonable charge may be made for the cost of copying, printing or distribution of any such books, papers, reports or other documents.

- (c) (c)In consultation with the executive secretary, each committee shall provide for reasonable public notice of the time and place of its meeting together with an agenda of the matters to be discussed and which, if any, items will be the subject of public testimony or comment. No recommendation by a committee for action by the city council shall be made without first affording an opportunity for public comment.

Sec. 2-4-7 – Appointments to committees

- (a) **City Council to Appoint.** Unless an appointment or reappointment to a committee is expressly vested by law in the courts or in some other body, all appointments shall be made by the city council. No person shall be appointed to any committee without the affirmative votes of at least four members of the council.
- (b) **Public Notice of Appointments.** Before appointing or reappointing any person to a committee, the executive secretary shall give public notice of the impending appointment and cause the same to be advertised in the form and manner prescribed by law for public notices at least 21 days prior to consideration by the city council of the appointment or reappointment. Insofar as practicable, the notice shall indicate the name of the committee, the number of positions to be filled, any special occupational, professional or other qualifications that may be required for a particular position and the time within which the application required by subsection (c) of this section must be filed. Where a position can be filled only by a designated member, the notice shall also include the name of the organization, group or committee from which such member must be designated.
- (c) **Appointment Application Form and Deadline.** No person shall be appointed or reappointed by the city council to any committee until there is first submitted and filed with the executive secretary an application form. No person shall submit an application for membership for more than one committee position at any city council meeting at which appointments to committees are considered. Such application ~~shall~~ may include personal data with respect to the applicant's name, address, age, educational background, practical experience, length of residency, employment of the applicant or any relative by the city, ~~and~~ any special qualifications that the applicant possesses for a particular position, **and any other information the executive secretary deems necessary in order for City Council to make its appointment.** Applications must be filed with the executive secretary not less than seven days prior to the date that the appointment will be considered by the city council.

(d) **Residency Requirement.** Unless its enabling legislation expressly so provides, or unless waived by a majority of the city council when it deems such waiver in the best interest of the city and such waiver is not prohibited by any provision of law, no person shall be appointed to a committee unless at the time of the appointment the person is a resident of and residing in the city **or the person is filling a position designated for a particular profession and the person works in the city even if not a resident of the city, and** the person shall cease to be a member of a committee upon becoming a resident of any other jurisdiction **or no longer working in the city, as applicable.**

(e) **Appointment of Persons holding Compensated Positions in the City.** No person who holds any office or position in the city for compensation shall be appointed to any committee ~~which is involved in, responsible for, oversees or regulates the subject matter, policy or rules of the city department or agency by which the person is employed~~ **unless the appointment is a Designated Member.** The executive secretary shall review all applications for appointments to committees. The executive secretary shall advise the council whether, in his or her opinion, the appointment of the person to the committee for which application has been made would result in such a situation.

(f) **Limitation on Number of Appointments.** No person shall be appointed by the city council to more than one standing committee, or to more than one standing committee and one temporary committee, at the same time except as a designated member. This subsection shall not apply to any committee exempt from this article pursuant to section 2-4-3.

(g) **Ethics and Oath of Office.**

(1) Any person appointed to a committee shall, upon appointment, agree to comply with the provisions of chapter 5 of this title, concerning ethics, conflicts of interest and ownership of real property and, where applicable, the provisions of section 2-5-11 of this code.

~~(h)~~ **(2).** Every person appointed by the city council to any committee shall, on or before undertaking a position on such committee, qualify by taking the following oath or affirmation either: i) verbally before the city clerk, or other officer authorized to administer oaths or affirmations, or ii) in writing on a form provided by the office of the city clerk and clerk of council:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia, and that I will faithfully and

impartially discharge and perform all the duties incumbent on me as (insert title of office) according to the best of my ability (so help me God).

~~Any person who fails to take the oath or affirmation within 60 days of appointment may be subject to removal from the committee.~~

(i)(h) Attendance Requirements.

(1) The head of each committee shall keep or cause to be kept a record of each appointee's attendance at meetings of the committee, and shall, on or before July 1 of each year, forward to the executive secretary in writing, a copy of each attendance record for the immediately preceding 12 months. Appointees to committees shall attend at least 75 percent of the meetings of the bodies on which they serve each year. If the attendance record reflects that any appointee does not attend at least 75 percent of the meetings, the executive secretary shall advertise a vacancy so that city council can proceed to fill the vacancy at the first regular council meeting held in September, following any year during which an appointee has not attended at least 75 percent of the meetings. The executive secretary shall also forthwith notify the appointee of this action. The office of any appointee who has not attended the required number of meetings shall be automatically deemed vacant on the date of the abovementioned council meeting in September. If at any time during a year, a majority of the committee concludes that an appointee will be, based upon the appointee's attendance record, unable to meet the 75 percent attendance requirement, it may immediately direct the committee head to request the city council to declare the position vacant. If council determines that sufficient meetings have already been missed such that the 75 percent attendance requirement will not be met, it may declare the position vacant and may make an appointment to fill the vacancy for the remainder of the existing term of office of the appointee whose position was declared vacant.

(2) The committee head may excuse the absence of an appointee from a meeting or meetings if informed by the appointee of the absence within a reasonable period of time in advance of the meeting. Such excused absences shall not be considered by the committee head when preparing the appointee's attendance record but shall be noted as "excused absences" on the record.

(j)(i) Removal. Any person appointed to a committee by the city council serves at the pleasure of city council. Notwithstanding any provision of law to the contrary, any member of a committee for which the council has appointive authority may be removed from office by city council for ~~neglect of duty or violations of this article or any other provision of law~~ any of the following reasons:

- 1. Neglect of duty including, but not limited to, failure to carry out directives of city council, more than one violation of the Rules of Decorum for boards and**

commissions meetings established by the executive secretary, or a criminal conviction the results in a loss of confidence.

2. failure to complete the oath of office within 60 days of appointment in compliance with 2-4-7(g)(2).
3. failure to continue to meet qualifications for the position for which they were appointed.
4. failure to meet the annual 75 percent attendance requirement in compliance with Section 2-4-7-(h).
5. failure to file annual financial disclosure statements, when required, in compliance with Section 2-5-11.

The council in removing any committee member shall act only by the affirmative votes of at least four members.

~~(k)~~ **(j) City Council Alternates.** Notwithstanding any contrary provision of this chapter, a member of city council, who serves a member of a committee established pursuant to this code, may appoint another person to represent the council member as an alternate member of such committee. Any such alternate member shall be appointed in writing, filed with the executive secretary and city clerk. Any such alternate member shall serve at the pleasure of the council member making the appointment, and, in the absence of the council member, may exercise any or all of the rights, privileges and duties of the council member on such committee.

Section 2. That Title 2, Chapter 4, Article A 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.

IV. REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

None.

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

15. CASE BAR#2023-00052 and BAR#2023-00069
Public Hearing and consideration of an appeal of the Board of Architectural Review's March 2, 2023 decision to approve a Permit to Demolish & Encapsulate and a Certificate of Appropriateness at 114 N Payne Street, Old and Historic Alexandria District. Applicant: Larry and Sue Barkell Appellant: Stephen Milone on behalf of petitioners

(A copy of the Planning Commission is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 15; 05/23/23, and is incorporated as part of this record by reference.)

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

1. John Savage, Alexandria, attorney, spoke on behalf of the original applicant and spoke in support of denying the appeal.
2. Andrew Scott, Alexandria, representing the Board of Architectural Review (BAR), explained the BAR decision and responded to questions from Council.
3. Stephen Milone, representing the appellants, spoke in support of the BAR appeal and responded to questions from Council.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Gaskins 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 Councilman McPike, seconded by Councilwoman Gaskins and carried unanimously, City Council affirmed the decision of the Board of Architectural Review. 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.

16. 1300 North Royal Street
Consideration of an endorsement for the Coordinated Sustainability Strategy for the Potomac River Generating Station pursuant to the conditions of approval for CDD#2021-00004. Applicant: HRP Potomac, LLC, represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommended Endorsement 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 16; 05/13/23, and is incorporated as part of this record by reference.)

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

1. Mary Catherine Gibbs, attorney for the applicant, spoke in support of the endorsement.

WHEREUPON, upon motion by Councilman Chapman, seconded by Vice Mayor Jackson and carried unanimously, City Council approved the Planning Commission endorsement. 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.

VI. ORDINANCES AND RESOLUTIONS

None.

VII. REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR
Planning Commission (continued)**

None.

VIII. ADJOURN.

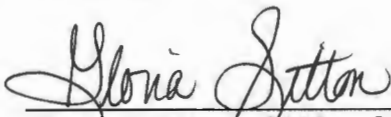
THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Jackson, seconded by Councilmember Bagley and carried unanimously, City Council adjourned the public hearing meeting of May 23, 2023 at 11:16 a.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Jackson, Councilman Aguirre, Councilmember Bagley, Councilman Chapman, Councilwoman Gaskins, and Councilman McPike; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON

MAYOR

ATTEST:



Gloria A. Sitton, CMC City Clerk

Adopted: June 13, 2023