

**City of Alexandria
Meeting Minutes
Saturday, October 19, 2013
9:30 A.M.
Council Chambers**

Present: Mayor William D. Euille, Vice Mayor Allison Silberberg, Members of Council John Taylor Chapman, Timothy B. Lovain, Redella S. Pepper, Paul C. Smedberg and Justin M. Wilson.

Absent: None.

Also Present: Mr. Young, City Manager; Mr. Banks, City Attorney; Mr. Fletcher, Special Assistant to the City Manager; Mr. Jinks, Deputy City Manager; Ms. Evans, Deputy City Manager; MS. Hamer, Director, Planning and Zoning (P&Z); Mr. Baier, Director, Transportation and Environmental Services (T&ES); Mr. Spengler, Director, Recreation, Parks, and Cultural Activities (RPCA); Ms. Anderson, Assistant City Attorney; Ms. Triggs, Director, Office of Finance; Ms. McIlvaine, Deputy Director, Office of Housing; Ms. Dastgheib, Principal Planner, T&ES; Mr. Moritz, Deputy Director, P&Z; Mr. Cox, Historic Preservation Manager, P&Z; Mr. Randall, Urban Planner, P&Z; Ms. Sample, Urban Planner, P&Z; Ms. Contreras, Urban Planner, P&Z; Ms. Collins, Urban Planner, P&Z; Mr. Browand, Division Chief, RPCA; Ms. Lo, Urban Planner, RPCA; Mr. Farner, Deputy Director, P&Z; Mr. Geratz, Principal Planner, P&Z; Ms. Friedlander, Urban Planner, P&Z; Ms. North, Urban Planner, P&Z; Ms. Smith, Director, Office of Management and Budget; Mr. Marcuson, Deputy Director, T&ES; Ms. Blackford, Communication Officer, Office of Communication and Public Information; Ms. Riddy, Communications, RPCA; Mr. Catlett, Director, Code Administration; Ms. O'Donnell, Assistant City Attorney; Ms. McLean, Information Technology Services; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the Deputy City Clerk called the roll. All the members of Council were present.

New Business Item #1: Mayor Euille announced the passing of former Council member Lois Walker and he asked all present to participate in a moment of silence to remember her service and dedication to the City of Alexandria.

2. Public Discussion Period.

The following persons participated in the public discussion period:

(a) Jack Sullivan, 4300 Ivanhoe Place, spoke about sanitary sewer in the City of Alexandria and how the pollution is going into the Potomac. Mr. Sullivan distributed a packet of information describing the problem and requested a change in the notification that the City has posted throughout the City to accurately reflect the amount of raw sewage that is flowing into the Potomac River.

(b) Miles Holtzman, 204 Oronoco Street, representing the Old Dominion Boat Club, stated that at the most recent meeting of the Old Dominion Boat Club (ODBC), the Board decided to provide the City with a walkway across its property adjacent to the river, at a width to be determined by the two parties. Mr. Holtzman noted that the walkway would be integrated into a flood mitigation plan amendable to both parties. Mr. Holtzman also noted that the ODBC looks forward to achieving the mutual goals.

(c) Cindy Engelhart, 3223 Ravensworth Place, thanked Council for reviewing the City's recreational facilities and requested that Council consider the addition of a senior pool, one that has a warmer water temperature, to keep senior citizens active and as a vital part of the community.

(d) Poul Hertel, 1217 Michigan Court, stated that public discourse between the public bodies (boards and commissions) and civic associations has become strained with those bodies being condescending and uncivilized to certain associations and community members. Mr. Hertel requested that the Council have a serious conversation about civil conversation and civic discourse during meetings.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR

Planning Commission

None.

END OF ACTION CONSENT CALENDAR

OTHER

3. Public Hearing to Obtain Citizens' Input on the City's Proposed Fiscal Year 2015 Budget and Capital Improvement Program (CIP).

(A copy of the City Manager's memorandum dated October 2, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 10/19/13, and is incorporated as part of this record by reference.)

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

(a) Velma Scott-Boyle, 8794S Sacramento Road, Alexandria, representing, PRS, Inc., spoke in support of the City funding the Hope Project, which provides connection for individuals needing services from the Community Services Board.

(b) Howard Bergman, 101 Quay Street, supports the staff recommendation for a multiyear financial plan for Fiscal Year (FY) 2015. Mr. Bergman suggested Council should decide how much of the shortfall will be covered through program cuts and tax increases, debt service should be held to ten percent of revenues, and there should be a critical review of the capital review program.

(c) Sammie Moshenberg, 408 Hume Avenue, representing Tenants and Workers United, spoke about funding for additional affordable housing in the City. Ms. Moshenberg requested that Council prioritize and provide resources for affordable housing in FY2014 and the restoration of the one cent set aside for affordable housing and ensuring that funds be available for implementing the City's upcoming Housing Master Plan.

(d) Don Buch, 389 Livermore Lane, stated that the City needs to address the financial planning time horizon for the City's finance, make holistic financial decisions, provide a more transparent explanation of the City's debt limit, and the include a sources and uses analysis in the process.

(e) David Kaplan, 418 Queen Street, stated his general support of the budget and applauded the strides made in the area of mass transit. Mr. Kaplan stated support of the money being set aside in the budget to conduct a lighting survey and he requested that the City reinstate the reporting of streetlight outages on the City's website.

(f) Bob Wood, 711 Potomac Street, stated he supported the alignment of the budget with the strategic planning process going forward. Mr. Wood suggested that the City should examine the financial health of the City over time as planned or unexpected costs occur.

(g) Michael Hobbs, 419 Cameron Street, spoke about the Capital Improvement Program and the increased spending that will be coming in future years and he requested that Council carefully examine the capital expenditure needs before spending multimillions on capital projects.

(h) Sharon Annear, 1118 North Howard Street, stated that the citizens should be included in the budgeting process and requested that citizens should be educated about the budgeting process as changes are made. Ms. Annear supported the staff recommendation for multiyear financial planning.

(i) Norman James Bonds, 521 Henry Street, spoke about his experience with the Project Hope program and requested funding to keep the program available to citizens in need.

WHEREUPON, upon motion by Vice Mayor Silberberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing to obtain citizens' input on the City's Proposed Fiscal Year 2014 Budget and Capital Improvement Program (CIP). The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg, and Councilman Wilson; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

4. Public Hearing of Recommendations from the City Council Naming Committee on the Proposal to Name the City Owned Former Duron Paint Building: The Conservatory Center at Four Mile Run Park.

(A copy of the City Manager's memorandum dated October 2, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 10/19/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and approved the recommendation of the City Council Naming Committee for the naming of the former Duron Paint Building: The Conservatory Center at Four Mile Run Park. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

5. Public Hearing of Recommendation From the City Council Naming Committee on the Proposal to Name the City Fields on Braddock Road: The Lenny Harris Memorial Fields At Braddock Park.

(A copy of the City Manager's memorandum dated October 2, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 10/19/13, and is incorporated as part of this record by reference.)

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

(a) Deborah Harris, 16347 Eagle Flight Circle, spoke in support of renaming the park in honor of Lenny Harris and thanked the community for the honor.

(b) Harold Harris, 8634 Venoy Court, spoke in support of renaming the park in honor of Lenny Harris.

(c) Anthony Suggs, Sr., 3356 Cape May Court, Dumfries, Va., spoke in support of renaming the park in honor of Lenny Harris and his impact on him and the surrounding community.

(d) Sandra Harris Walton, 7321 Rhondda Drive, spoke in support of renaming the park in honor of Lenny Harris.

(e) Joyce Rawlings, 327 Wesmond Drive, spoke in support of renaming the park in honor of Lenny Harris.

(f) Lynn Nelson, 6145D Edsall Road, spoke in support of renaming the park in honor of Lenny Harris.

(g) Bill Cleveland, 2121 Jamieson Avenue, spoke in support of renaming the park in honor of Lenny Harris.

(h) Dawud Rawlings, 327 Wesmond Drive, representing the Alexandria NAACP, spoke in support of renaming the park in honor of Lenny Harris.

(i) Nisa Harper, 312 Hopkins Court, spoke in support of renaming the park in honor of Lenny Harris.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved the recommendation of the City Naming Committee to rename the City Fields on Braddock Road: The Lenny Harris Memorial Fields at Braddock Park. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

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

6. Special Use Permit #2013-0057
426 E. Monroe Ave. - Simpson Stadium Park
Public Hearing and Consideration of a request to install lighting and to install light poles greater than 15 feet in height at an existing dog exercise area in Simpson Stadium Park; zoned POS/Public Open Space. Applicant: City of Alexandria, Department of Recreation, Parks and Cultural Activities
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 10/19/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

7. Alexandria Playspace Policy
Public Hearing and Consideration of the adoption of a public playspace policy. Staff: Department of Recreation, Parks and Cultural Activities.
Planning Commission Action: Recommend Adoption 7-0

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 10/19/13, and is incorporated as part of this record by reference.)

Mr. Spengler, Director of Recreation, Parks and Cultural Activities, responded to questions from Council about retrofitting current plans to include the playspace policy and unification of playspace implementation and use throughout the City. Council also requested looking at adding public art to the future playspaces throughout the City.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

8. Special Use Permit #2011-0014
3601 & 3951 Jefferson Davis Highway - Dominion Virginia Power Electrical Terminal
Public Hearing and Consideration of a request for an extension of an SUP approval and the removal of the Condition of Expiration for an electrical terminal station; zoned CDD-10/Coordinated Development District 10. Applicant: Dominion Virginia Power represented by Elizabeth Harper
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 10/19/13, and is incorporated as part of this record by reference.)

Mr. Farner, Deputy Director, Planning and Zoning, and Ms. Friedlander, Urban Planner, Planning and Zoning, gave a presentation of the report and responded to questions from Council about the special use permit.

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

(a) Howard Middleton, 3110 Fairview Park Drive, Falls Church, Virginia, attorney representing the applicant, spoke in support of the Special Use Permit (SUP).

(b) Judy Guse-Noritake, 605 Prince Street, representing the Park and Recreation Commission and the Four Mile Run Joint Task Force, spoke in support of the SUP and responded to questions from Council.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing. The vote was follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

9. Special Use Permit #2013-0065
607 Notabene Drive - Day Care Center
Public Hearing and Consideration of a request to operate a day care center and a request for a parking reduction; zoned RA/Residential Multi-Family.
Applicant: The Child and Family Network Centers represented by Lee Jackson
Planning Commission Action: Recommend Approval as amended 6-0

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 10/19/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

10. Text Amendment #2013-0010
Public Schools and Social Service Uses
Public Hearing and Consideration of a text amendment to the Zoning Ordinance to add public schools and social service uses in certain zones. Staff: Department of Planning and Zoning
Planning Commission Action: Initiated and Recommend Approval 7-0

(A copy of the Planning Commission report dated October 1, 2012, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 10/19/13, and is incorporated as part of this record by reference.)

Mr. Moritz, Deputy Director, Planning and Zoning, gave a presentation and responded to questions from Council about the Text Amendment.

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

- (a) Duncan Blair, 524 King Street, attorney representing the applicant, spoke in support of the text amendment.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

11. Special Use Permit #2013-0060
4401 Ford Avenue - Intellectual Disability Day Support Program
Public Hearing and Consideration of a request to operate a social service use; zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: City of Alexandria
Department of Community & Human Services
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 10/19/13, and is incorporated as part of this record by reference.)

Mr. Randall, Urban Planner, Planning and Zoning, gave a presentation of the special use permit.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

12. Vacation #2013-0003
1607 & 1609 Russell Road
Public Hearing and Consideration of a request for a vacation of public right-of-way; zoned R-5/Single-family. Applicant: Robert J. and Karen F. Kaufman
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated June 4, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 10/19/13, is incorporated as part of this record by reference.)

Mr. Randall, Urban Planner, Planning and Zoning, gave a presentation and he, along with Mr. Baier, Director, Transportation and Environmental Services (T&ES) and Ms. Anderson, Assistant City Attorney, responded to questions from Council about the proposed vacation.

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

(a) Tracy Themak, 117 Oronoco Street, attorney for the property owner, provided a status update on the three-party agreement necessary for the vacation and responded to questions from Council. Ms. Themak requested that the agreement include the scope of work, the restoration of the original property, and independent review of the project.

(b) Doris Boehling, 117 West Monroe Avenue, spoke about her interest in the property proposed for vacation and requested use of a portion of the property.

(c) Rob Kaufman, 1609 Russell Road, spoke in support of the request and responded to questions from Council about the vacation.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

Mayor Euille appointed the following viewers for the vacation: Dak Hardwick (chair), Raighne Delaney, and Jeanette Ankoma-Sey.

13. Vacation #2013-0004
3001 N. Beauregard Street and 3003 E. Campus Drive
Public Hearing and Consideration of a request to vacate a portion of public access and emergency vehicles easements; zoned RA/Residential Multi-Family. Applicant: Northern Virginia Community College Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 10/19/13, is incorporated as part of this record by reference.)

Mr. Randall, Urban Planner, Planning and Zoning, gave presentation of the proposed

vacation.

Councilwoman Pepper requested an update on the protected forestry and land near the vacated area.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

Mayor Euille appointed the following viewers for the vacation: Mindy Lyle (chair), Benjamin Klein, and John Hemphill.

14. Text Amendment #2013-0008
Residential Parking Permits
Public Hearing and Consideration of a request for an amendment to the
Zoning Ordinance to add a new Section 11-514 concerning visitor and guest
parking permits. Staff: Department of Transportation and Environmental Services
Planning Commission Action: Initiated and Recommend Approval 5-2

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 10/19/13, is incorporated as part of this record by reference.)

Mr. Baier, Director, Transportation and Environmental Services, along with Ms. Dastgheib, Urban Planner, Transportation and Environmental Services, gave a presentation on the parking permits text amendment and they, along with Ms. Anderson, Assistant City Attorney and Ms. Hamer, Director, Planning and Zoning, responded to questions from Council.

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

(a) Robert Rowe, 507 Princess Street, representing the Bulfinch Square Homeowners Association, stated that the homeowners association was not part of the community dialogue and will be affected by the changes to the parking permits process. Mr. Rowe pointed out that they were part of the negotiations with Chatham Square during the development and on-street parking was excluded on purpose. Mr. Rowe objected to the loosening of the previous SUP and would set a precedent for future developments.

(b) Jennifer Warren, 330 North Royal Street, stated that all residents with a stake in the process were not allowed to participate and requested that City staff try to facilitate a community solution to the parking issue.

(c) Mark Abramson, 409 Princess Street, representing Chatham Square, spoke in support of the text amendment.

(d) Adam Hardinger, 424 Cook Street, representing Chatham Square, spoke in support of the text amendment.

(e) Lewis Thurman, 420 Oronoco Street, representing the Chatham Square

Homeowners Association Board, spoke in support of the text amendment.

(f) Dino Drudi, 315 North West Street, spoke against the text amendment.

(g) Jeffrey Dienno, 418 Princess Street, expressed concern about the residents' ability to obtain guests parking permits, the City's enforcement ability and the City's ability to prevent abuse of the permits.

(h) Carolyn Merck, 324 North Royal Street, spoke against the text amendment.

(i) Susan Brita, 420 Princess Street, spoke against the text amendment.

(j) Cathleen Curtin, 501 Princess Street, spoke against the text amendment and requested a community solution and a deferral of the text amendment approval until a workable solution is reached.

(k) John Sheridian, 408 Pendleton Street, spoke in support of the text amendment.

(l) Michael Hobbs, 419 Cameron Street, representing the Old Town Civic Association, requested that Council defer action on this item and work with neighborhoods to come up with a solution that all can agree on.

(m) James Doll, 402 Pendleton Street, spoke in support of the text amendment.

(n) Poul Hertel, 1217 Michigan Court, stated that agreements that the developments entered into should be honored.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

Council requested that Transportation and Environmental Services staff bring back in thirty days some recommendations for consideration regarding enforcement and distribution (addressing transparency) of guest parking passes.

PLEASE NOTE: City Council considered docket item #15 prior to docket item #14.

15. Special Use Permit #2013-0053
650 Maskell St. - The Station at Potomac Yard Condominium
Public Hearing and Consideration of a request for a parking reduction in exchange for affordable housing pursuant to Section 7-700 of the Zoning Ordinance; zoned CDD-10 / Coordinated Development District 10. Applicant: Alexandria Potomac Station Limited Partnership by Duncan W. Blair, attorney
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 10/19/13, is

incorporated as part of this record by reference.)

Mr. Geratz, Urban Planning, Planning and Zoning, gave a presentation of the special use permit and he along with Ms. McIlvaine, Deputy Director, Office of Housing responded to questions from Council about the parking reduction and financial effects of the parking lease and the creation of a policy of allowing parking leases at other properties.

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

(a) Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the SUP and responded to questions from Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

16. Master Plan Amendment #2013-0004
Rezoning #2013-0003
Development Special Use Permit #2013-0002
Encroachment #2013-0003
700 & 710 North Washington St. - 700 N Washington
Public Hearing and Consideration of requests for: A) an amendment to the Old Town North Small Area Plan to change the land use and zoning maps from CDX/Commercial Downtown Old Town North to CRMU-X / Commercial Residential Mixed Use Old Town North; B) amendment to the zoning maps to change the zoning from CDX/Commercial Downtown Old Town North to CRMU-X / Commercial Residential Mixed Use Old Town North; C) a development special use permit and site plan with modifications to construct a mixed use development with residential and ground floor retail and SUP approval for a parking reduction and for offsite parking located within 300 feet; and D) an encroachment into the public right-of-way for planter boxes; zoned CDX/Commercial Downtown (Old Town North). Applicant: Mahmood Investment Corp. represented by Harry Hart, attorney
Planning Commission Action: MPA #2013-0004 Adopted Resolution 6-0;
REZ #2013-0003 Recommend Approval 6-0; DSUP #2013-0002 Recommend Approval as amended 6-0; ENC #2013-0003 Recommend Approval 6-0

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked as Exhibit No. 1 of Item No. 16; 10/19/13; and is incorporated as part of this record by reference.)

Ms. Contreras, Urban Planner, Planning and Zoning, gave a presentation of the master plan amendment and she, along with Mr. Moritz, Deputy Director, Planning and Zoning, responded to questions from Council about parking.

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

(a) Mary Catherine Gibbs, 307 North Washington Street, attorney for the applicant, spoke in support of the SUP and responded to questions from Council.

(b) Poul Hertel, 1217 Michigan Court, noted that parking is an issue in the area and should be considered carefully when approving this development.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation with the removal of condition #31. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

17. Public Hearing to Consider an Appeal to a Decision of the Board of Architectural Review - Parker-Gray Board, for Property at 1015 Princess Street. Appellant: Brian Thomas.

(A copy of the appeal application and report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 10/19/13; and is incorporated as part of this record by reference.)

Mr. Cox, Division Chief, Planning and Zoning, and Ms. Sample, Urban Planner, Planning and Zoning, gave a presentation of the appeal and they, along with Mr. Catlett, Director, Code Administration and Ms. Anderson, Assistant City Attorney, responded to questions from Council about building materials (vinyl windows), guidelines in the historic districts, and the permitting process for construction on the Parker-Gray District.

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

(a) Phil Moffat, 534 North Columbus Street, representing the Board of Architectural Review – Parker-Gray District, explained the BAR decision and requested that Council uphold their decision.

(b) Poul Hertel, 1217 Michigan Court, requested that Council uphold the BAR decision and be mindful of preservation of history throughout the City, especially with the use of particular materials in the historic districts.

(c) Brian Thomas, 610 West Braddock Road, appellant, explained his position and requested that Council reverse the decision of the BAR – Parker-Gray. Mr. Thomas responded to questions from Council about the process and decision to install vinyl windows.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and upheld the decision of the Board of Architectural Review - Parker-Gray District to deny the appeal and require that appropriate wood windows be installed. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

18. Development Special Use Permit #2013-0018
2401 Eisenhower Ave. - Hoffman Town Center Block 8
Public Hearing and Consideration of a request for an amendment to a previously approved development special use permit with site plan (DSUP #2011-0020) to increase the allowable height; zoned CDD #2/ Coordinated Development District 2.
Applicant: Hoffman Family, LLC represented by Kenneth W. Wire, attorney
Planning Commission Action: Recommend Approval 5-1

(A copy of the Planning Commission report dated October 1, 2013, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 10/19/13, and is incorporated as part of this record by reference.)

Ms. North, Urban Planner, Planning and Zoning, gave a presentation on the Development Special Use Permit, and Mr. Jinks, Deputy City Manager, gave a presentation on the special incentives for the National Science Foundation project. Mr. Jinks responded to questions from Council about the exclusion of the affordable housing contribution from the project.

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

(a) Frances Zorn, 400 Madison Street, #308, spoke in opposition to the exemption of the affordable housing contribution and requested that the developer make the payment or the City should transfer \$1 million into the affordable housing fund. Ms. Zorn noted the implications that this deal would have on future development in the City.

(b) Dipti Pidikiti-Smith, 1300 Holmes Run Parkway, Unit 1511, representing the Economic Opportunities Commission, requested that Council reinstate the affordable housing contribution for this project and be mindful of the need for more funds for affordable housing preservation and creation in the City. Ms. Pidikiti-Smith stated that deals that allow for the exemption of contributions to the affordable housing trust fund set a bad precedent for the future.

(c) Jonathan Rak, 1750 Tysons Boulevard, McLean, Virginia, attorney for the applicant, spoke in support of the Development Special Use Permit (DSUP).

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg, and Councilman Wilson; Opposed, none.

Council had a discussion about the affordable housing contribution exemption and the desire to appropriate \$500,000 from tax revenues generated during the construction and initial assessment period for the NSF building.

WHEREUPON, a motion was made by Councilman Chapman and seconded by Councilwoman Pepper that City Council approve the Planning Commission recommendation and requested that the City Manager bring a resolution for Council consideration that expresses Council's desire to appropriate \$500,000 from the tax revenues generated during the construction and initial assessment period of the National Science Foundation (NSF)

building for affordable housing.

WHEREUPON, a substitute motion was made by Councilman Smedberg, seconded by Councilman Wilson, to approve the Planning Commission recommendation without the affordable housing contribution future appropriation recommendation. The motion failed by a vote of 5-2. The vote was as follows: In favor, Councilman Smedberg and Councilman Wilson; Opposed, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, and Councilwoman Pepper.

City Council postponed the original motion indefinitely.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilman Wilson, and carried unanimously, City Council moved to approve the Planning Commission recommendation with amendments. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Pepper, and carried by a vote of 5-2, City Council requested that the City Manager bring a resolution for Council consideration that expressed Council's desire to appropriate \$500,000 from the tax revenues generated during the construction and initial assessment period of the National Science Foundation (NSF) building for affordable housing. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, Councilman Smedberg and Councilman Wilson.

ORDINANCES AND RESOLUTIONS

19. Public Hearing, Second Reading and Final Passage of an Ordinance to Create the Eisenhower Avenue Science Redevelopment District for the Purposes of Incenting the National Science Foundation to Move to Alexandria.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 10/19/13, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 10/19/13, and is incorporated as part of this record by reference.)

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

- (a) Jonathan Rak, 1750 Tysons Boulevard, McLean, Virginia, spoke in support of the ordinance and responded to questions from Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to create the Eisenhower Avenue Science Redevelopment District for the purposes of incenting the National Science Foundation to move to Alexandria, including the changes from the letter from McGuire Woods dated October 18, 2013. The vote was as

follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4831

AN ORDINANCE to amend and reordain Title 3 (FINANCE, TAXATION AND PROCUREMENT), Chapter 2 (TAXATION), Article M (LEVY AND COLLECTION OF PROPERTY TAXES), Division 1 (REAL ESTATE), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 3, Chapter 2, Article M, Division 1 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the addition of a new Section 3-2-190 to read as follows:

(All new language)

Sec. 3-2-190 – Eisenhower Avenue Science Redevelopment District

(a) The Eisenhower Avenue Science Redevelopment District (the “District”) is hereby created as set forth herein with the boundaries coterminous with that of City of Alexandria assigned real estate parcel 072.04-03-14 located at 2401 Eisenhower Avenue (the “Property”).

(b) The effective date of the start of the partial property tax exemption in the District, as set forth in this article is the first January 1 after the first certificate of occupancy for the National Science Foundation (“NSF”) tenancy is granted for the office building to be constructed in the District and leased by the federal government’s General Services Administration for occupancy by NSF.

(c) The Property tax exemption in the District shall be in effect for a fifteen-year period from the effective date of the start of the partial property tax exemption until December 31 of the fifteenth year of the property tax exemption. The property tax exemption shall exempt from real property taxation, that amount of the real estate assessment during each of the 15 years of the initial NSF lease occupancy which is equal to the increase in assessed value resulting from the construction of the new structure and improvements, as set forth in the schedule defined herein and subject to the NSF fully meeting the NSF required performance standard defined herein. The partial exemption shall apply only to improvements constructed in the District including but not limited to the office building occupied by NSF.

(d) The annual portion of any increase in assessed value of the Property resulting from new construction and improvements in connection with DSUP 2011-0020 that will be exempt from real property taxation during the 15 years of the initial NSF lease of the Property shall follow the following schedule:

Year 1	100%	Year 9	90%
Year 2	100%	Year 10	80%

Year 3	100%	Year 11	70%
Year 4	100%	Year 12	60%
Year 5	100%	Year 13	50%
Year 6	100%	Year 14	40%
Year 7	100%	Year 15	30%
Year 8	100%	Year 16 and beyond	0%

(e) The owner of land and improvements within the District shall have the same rights and limitations of appeal of the City's annual real estate assessment as that applicable to other taxable real estate in the City.

(f) The tax exemption detailed in this Article shall be dependent on the NSF fully meeting a required performance standard.

(1) The NSF required performance standard shall be defined as NSF leasing, directly or indirectly through the federal General Services Administration, and NSF occupying at least 80% of the net leasable floor area of the office building in the District at least one year from the issuance of the last certificate of occupancy by the City of Alexandria for this office building. If the NSF does not lease and occupy at least 80% of this office building then no tax exemption shall apply, with the City then fully taxing all land, office building and other improvements in the District.

(2) If during the course of a calendar year, the National Science Foundation reduces its leasing and its occupation of the building from 80% or greater to below 80% of the net leasable floor area of this office building, then the real estate tax exemption shall be prorated accordingly for that calendar year. For the purposes of determining whether or not the NSF 80% occupancy threshold has been met, space leased for or by NSF not able to be occupied by NSF due to incidents such as fires, earthquakes, hurricanes, or other acts of god shall be considered leased and occupied space by NSF in the calculation of the 80% occupancy threshold.

(3) By March 1 of each calendar year, the owner of 2401 Eisenhower Avenue is responsible for notifying the City's director of finance of the occupancy level by NSF on a form designated by the director of finance. In the event during the course of a calendar year NSF's occupancy rate falls below 80%, the owner of 2401 Eisenhower Avenue is responsible for notifying the director of finance of the changed NSF occupancy level, as well as the date that the occupancy rate fell below 80%.

(g) The partial exemption of real property in the District, including the qualifications and exceptions and the declining percentage value of the exemption as detailed in this Article O shall be considered a covenant that shall run with the land record of real estate parcel 072.04-03-14. Within ninety days of the passage of this ordinance, the City shall record a covenant in the land records of the City to such effect which shall reflect the partial property tax exemption as defined in this Article. These terms, conditions and limitations shall not be revoked during the 15 year period of the partial property tax exemption and shall control the real estate taxes with respect to this property irrespective of any change in the applicable City Code.

(h) In the event that the Property is sold to the federal government or a federal government related entity prior to 20 years after the effective starting date of the property tax

exemption as set forth in this article, then the net present value of the foregone real property taxes which would otherwise have been due to the City between the date of the sale of the Property to the federal government or a federal government related entity, and the 20 years after the effective starting date of the property tax exemption on the Property, would be due to the City at the time of the sale between the owner of the Property and the federal government or a federal government related entity.

(i): For the purposes of calculating the net present value of forgone real estate taxes prescribed in 3-2-190(h) above:

- (1) the discount rate utilized in that calculation shall reflect the City's estimated cost of funds utilizing Thomson Municipal Market Data (MMD) for 10-year AAA rated tax exempt general obligation bonds as of either January 1 or July 1 of the calendar year of the sale of the property, and if this MMD information is not available an equivalent measure shall be substituted,
- (2) the real estate tax assessment used in the net present value calculation shall reflect the real estate tax assessment as of January 1 of the calendar year of the sale of the Property, and
- (3) the real estate tax rate used shall reflect the adopted real estate tax rate for the calendar year of the sale of the Property, or if the real estate tax rate of the calendar year of the sale has not yet been adopted, then the adopted real estate tax rate for the calendar year prior to the sale of the property shall be used.

(j) Nothing in this Article or any covenant recorded in the applicable land records shall be construed as limiting the City's power to increase or decrease the City's real property tax rate, or to levy other taxes, fees or charges in the District.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 10-200 (Parker-Gray District) of Article 10 (Historic Districts and Buildings) and Section 6-403 (General Regulations and Exceptions) in Section 6-400 (Height Districts) of Article 6 (Special and Overlay Zones) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved by City Council as Text Amendment No. 2013-0007. (Implementing Ordinance for the Parker Gray Regulations Text Amendment Approved by the City Council on September 21, 2013)

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 10/19/13, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 19; 10/19/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman

Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend and reordain Section 10-200 (Parker-Gray District) of Article 10 (Historic Districts and Buildings) and Section 6-402 (General Regulations and Exceptions) in Section 6-400 (Height Districts) of Article 6 (Special and Overlay Zones) of the City of Alexandria Zoning Ordinance, in accordance with the Text Amendment heretofore approved by City Council as Text Amendment No. 2013-0007. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4832

AN ORDINANCE to amend and reordain Section 10-200 (PARKER-GRAY DISTRICT) of Article 10 (HISTORIC DISTRICTS AND BUILDINGS) and Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) in Section 6-400 (HEIGHT DISTRICTS) of Article 6 (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2013-0007. (Implementing Ordinance for the Parker Gray Regulations Text Amendment approved by the City Council on September 21, 2013)

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2013-0007, 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 July 2, 2013 of a text amendment to the Zoning Ordinance to adopt revised regulations for the Parker Gray Historic District, which recommendation was approved by the City Council at public hearing on September 21, 2013

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 10-200 of the Zoning Ordinance be, and the same hereby is, amended by deleting the text shown in strikethrough and inserting new text shown in underline, as follows:

Sec. 10-200 - Parker-Gray District.

10-201 - Purpose. The City of Alexandria seeks, through the establishment of the Parker-Gray District, to protect community health and safety and to promote the education, prosperity and general welfare of the public through the identification, preservation, and enhancement of buildings, structures, settings, features and ways of life which characterize this nineteenth and early twentieth century residential neighborhood. To achieve these general purposes the City of Alexandria seeks to pursue the following specific purposes:

- (A) To enrich the quality of life for city residents by protecting the architectural character and scale of the district;
- (B) To maintain and improve property values by providing incentives for the upkeep and rehabilitation of older structures in a safe and healthful manner; by protecting against deterioration, destruction of, or encroachment upon such areas, structures and premises; and by encouraging desirable uses which will lead to their conservation and improvement;
- (C) To educate residents and visitors about the Parker-Gray District's cultural and historic heritage;
- (D) To promote local historic preservation efforts through the identification and protection of historic resources within the District;
- (E) To encourage the nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register;
- (F) To assure that new structures, additions, landscaping, and related elements be in harmony with their historical and architectural setting and environs; and
- (G) To safeguard the district's approaches and significant routes of tourist access by assuring that development in and along those transportation arteries be in keeping with the district's historical, cultural, and traditional setting.

10-202 - District established. There is hereby created in the city a district to be known as the "Parker-Gray District," the boundaries of which shall be those shown on the zoning maps adopted herewith.

10-203 - Certificates and permits required.

- (A) *Certificate of appropriateness required.*

(1) Board approval required. No building or structure shall be erected, reconstructed, altered or restored within the Parker-Gray District unless and until an application for a certificate of appropriateness shall have been approved by the Parker-Gray District board of architectural review or the city council on appeal as to exterior architectural features, including signs (see Article IX), which are subject to public view from a public street, way or place, unless the Board determines that an alternative type of review is appropriate pursuant to section 10-203(A)(2). ~~Evidence of such required approval shall be a certificate of appropriateness issued by the Parker-Gray District board of architectural review or the city council on appeal.~~

(2) Administrative Approval and Exemptions. The Board may determine that certain elements otherwise requiring board approval of a certificate of appropriateness are appropriate for administrative review and approval by the director, or are appropriate for no board review of any type, if, after a public hearing specifically noticed for the purpose, the board adopts specific criteria and guidelines articulating the circumstances and particulars that

apply for each type of review and for each building element and documents its determinations in its approved Design Guidelines. In making such determination, the Board shall consider the standards listed in Section 10-205. The authority provided in this section 10-203(A)(2) is limited to the following types of building elements:

- (a) Signs;
- (b) Minor architectural elements, such as but not limited to rooftop features; stoops and stairs; porches; yard features and fences; storm doors and windows; shutters; siding and trim; ~~gutters and downspouts~~, utility meters, vents and HVAC equipment condensers; ~~sheds~~, exterior lighting; railings; and, antennas. and residential accessibility structures.
- (c) Minor alterations or new construction on a rear building elevation or in the area behind the rear of a building;
- (d) Rooftop screening waiver provided in section 6-403; and
- (e) Replacement in kind, subject to section 10-209.

(B) *Permit to ~~move, remove, capsule or demolish~~ required.*

(1) *Board approval required.* No building or structure within the Parker-Gray District shall be moved, removed, capsulated or demolished in whole or in part without first obtaining a permit approved by the Parker-Gray District board of architectural review or the city council on appeal, except as provided in section 10-211, except for demolitions of portions of buildings resulting in the removal of less than twenty-five square feet total of exterior wall, roof or surface which shall be deemed an alteration and subject to section 10-203(A), or unless the board determines that an alternative type of review is appropriate pursuant to section 10-203(B)(2).

(2) *Administrative Approval and Exemptions.* The board may determine that certain elements otherwise requiring board approval of a permit for removal, capsulation or demolition are appropriate for administrative review and approval by the director, or are appropriate for no board review of any type, if, after a public hearing specifically noticed for the purpose, the board adopts specific criteria and guidelines articulating the circumstances and particulars that apply for each type of review and for each building element and documents its determinations in its approved design guidelines. In making such determination, the board shall consider the standards listed in Section 10-205. The authority provided in this section 10-203(B)(2) is limited to the demolition of the following building elements:

- (a) Fences;
- (b) Accessibility structures;
- (c) 250 square feet of wall area on a rear building elevation; and
- (d) 100 gross square feet of floor area on a rear building elevation or in the area behind the rear of a building.

(3) Denial of permits. The board of architectural review, the director in an administrative case, or the city council on appeal may refuse such permit for any building or structure of such architectural or historic interest, the moving, removing, capsulating or demolition in whole or in part of which, in the opinion of the board, the director, or the city council on appeal, would be detrimental to the public interest of the city.

(C) *Applications for certificates of appropriateness and permits.* Applications for certificates of appropriateness required by section 10-203(A) or permits required by section 10-203(B) shall be made to the director by the owner or authorized agent of the owner of the subject property.

10-204 - Board of architectural review.

(A) *Board of architectural review established.* There is hereby established the Parker-Gray District board of architectural review to be composed of seven members.

(B) *Powers and duties.* The board of architectural review shall:

(1) Develop and recommend to city council the adoption of rules, regulations and procedures pursuant to section 9.09(j) of the city charter.

(2) Develop, adopt and publish criteria and guidelines, within the standards developed by city council under section 10-205, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capulate or demolish in whole or in part, provided that such criteria and guidelines shall be consistent with the provisions of this Article X and with such standards, rules, regulations, and procedures as city council may establish pursuant to section 9.09(j) of the city charter.

(3) Develop, adopt and publish administrative procedures which shall be as uniform as practicable and shall not be in conflict with the procedures established in this Article X.

(4) Be responsible for making effective the provisions of section 10-200 with respect to the Parker-Gray District.

(C) *Composition.* The Parker-Gray District board of architectural review shall be composed of seven members who are residents of the city and have resided in the city for at least one year immediately preceding their appointment. Two members shall be architects. Members shall have a demonstrated interest, experience, or education in history, architecture or historic preservation. Consideration should be given to qualified applicants who are property owners, residents or business owners in the Parker-Gray historic district. The members shall be appointed by city council for terms of three years. The term of each member shall run from July 1 of the year of appointment. Any vacancy shall be filled for the balance of the unexpired term. Any member of the Parker-Gray District board of architectural review may be removed by city council for cause

after having been given a written statement of the cause and an opportunity to be heard thereon.

- (D) *Conflicts of interest.* Each member of the board of architectural review shall be under a continuous duty to remain conscious of and sensitive to any possible conflict of interest which may arise by virtue of his membership on the board. A member, promptly upon his determining he has a conflict of interest relative to any matter brought, shall disqualify himself from participating in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter. The State and Local Government Conflicts of Interest Act, section 2.1-639.1 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.
- (E) *Chairman and secretary.* The Parker-Gray District board of architectural review shall elect its chairman from its membership and the director or his designee or designees, shall be the board's secretary.
- (F) *Procedure for meetings.*

(1) The chairman of the board of architectural review shall conduct its meetings and the secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations. All members of the board shall be entitled to vote, and the decisions of the board shall be determined by a majority vote. A quorum of four members present is required before the board may take any official action. The board shall meet within 40 days after a complete application for a certificate of appropriateness or permit requiring action by the board has been received by the director. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. No proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting, not to exceed 60 days, after the conclusion of the public hearing on the matter unless the time is extended by mutual agreement between the board and the applicant; the failure of the board to vote and announce its decision within the required time, or within such longer period of time extended by mutual agreement between the board and the applicant, shall constitute approval of the application. Notwithstanding the provisions stated above, an application for a certificate of appropriateness or antecedent permit for a project which requires a site plan under section 11-400 of this ordinance shall be heard and determined by the board within a reasonable time.

(2) No application for a certificate of appropriateness required by section 10-203(A) which has been denied by the board of architectural review shall be heard again by it within one year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 10-205, for rehearing the application at the time of its denial of same.

(3) In case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Parker-Gray District, the board

of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-203(B) that has been denied shall be heard again within one year from the date of the denial of the application.

(4) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part, the board of architectural review shall forward its reasons in writing to the council.

(5) The board of architectural review may establish its own rules of procedure for the conduct of its meetings provided that such rules are not in conflict with procedures established in section 9.09(j) of the city charter or this Article X.

(G) *Notice of hearing on permits.* No application for a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part in the Parker-Gray District shall be considered unless and until the secretary to the board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300

10-205 *Matters to be considered in approving certificates and permits.*

(A) *Certificate of appropriateness.*

(1) *Scope of review.* The Parker-Gray District board of architectural review or the city council on appeal shall limit its review to exterior features subject to public view and shall determine the compatibility of proposed construction, reconstruction, alteration, restoration of buildings or structures within the Parker-Gray District based upon compatibility with other buildings or structures on the same block face, the block face across the public street, or the immediate surrounding area within the district.

(2) *Standards.* The board of architectural review, or the city council on appeal, shall consider the following in passing upon the appropriateness of proposals within the Parker-Gray District:

(a) For new buildings and additions to existing buildings:

(1) Height of the roofline along the street or public way;

(2) Scale and mass of the building on the site;

(3) Placement of the building on the site;

(4) Material, texture and color;

(5) Architectural style where there is a predominant style on the block face; and

- (6) Architectural details, including signs, subject to public view from the public street or public way; and
- (7) Architectural classification based on age of building or structure; and
- (8) Hierarchy of building elevation based on the location of the new construction on the front (street facing), side (non-street facing) or rear elevation.

(b) For modifications to existing buildings:

- (1) The degree to which the distinguishing original qualities or character of a building, structure or site including historic materials are retained;
- (2) The historic appropriateness of any new features; ~~and~~
- (3) The compatibility of proposed alterations with other buildings on the block face or block face across the street, giving consideration to building size, shape, roofline, color, materials, texture, nature of openings, and architectural details;
- (4) Architectural classification based on age of building or structure; and
- (5) Hierarchy of building elevation based on the location of the alteration on the front (street facing), side (non-street facing) or rear elevation.

(c) The extent to which the buildings or structures in sections 10-205(A)(2)(a) and (b) above will promote the general welfare of the city and all citizens by the preservation and protection of the neighborhood.

(B) Permit to move, remove, capsule or demolish in whole or in part buildings or structures. The Parker-Gray District board of architectural review or the city council on appeal shall consider any or all of the following criteria in determining whether or not to grant a permit to move, remove, capsule or demolish in whole or in part a building or structure within the Parker-Gray District.

- (1) Is the building or structure of such architectural or historic interest that its removal would be to the detriment of the public interest?
- (2) Is the building or structure of such interest that it could be made into an historic shrine?
- (3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?

- (4) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?
- (5) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place to live?
- (6) Would retention of the building or structure help maintain the scale and character of the neighborhood?

10-206 - Issuance, ~~and expiration~~ and procedures for ~~of certificates of appropriateness or permits.~~

(A) *Issuance.*

- (1) Upon approval by the Parker-Gray District board of architectural review of any erection, reconstruction, alteration or restoration, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.
- (2) Upon approval by the Parker-Gray District board of architectural review of any application to move, remove, capsulate or demolish in whole or in part, a permit for same, signed by the secretary of the board of architectural review and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.
- (3) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing, capsulating or demolition in whole or in part, a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part bearing the date of issuance but subject, however, to the provisions of section 10-207(B), shall forthwith be signed by the mayor and made available to the applicant.

- (B) *Expiration.* Any certificate of appropriateness issued pursuant to section 10-206(A) and any permit to move, remove, capsulate or demolish in whole or in part issued pursuant to section 10-206(A) shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced and diligently and substantially pursued by the end of such 12-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced and diligently and substantially pursued. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article X shall be excluded from the computation of the 12 months. In the case of a certificate or permit for a project that requires a development special use permit or site plan under section 11-400

of this ordinance, the period of validity shall be coincident with the validity of the development special use permit or site plan as determined pursuant to section 11-418 of this ordinance.

- (C) Procedures for administrative certificates of appropriateness or administrative permits to demolish. An applicant for an administrative certificate of appropriateness or administrative permit to demolish shall file an application with the director on such forms and subject to such procedures as the director may establish
- (1) As an alternative to administrative approval, the applicant may choose to seek board of architectural review approval.
 - (2) The director may determine that administrative approval, although permitted under section 10-203, is not appropriate and that the board of architectural review approval shall be required.
 - (3) The director shall post all administrative decisions made under the authority of section 10-203 on the Internet promptly in order that the public is made aware of administrative decisions.
 - (4) Administrative certificates of appropriateness or administrative permits to demolish shall be signed by the director but shall otherwise follow the same procedures for issuance and expiration as a provided for in Section 10-206.

~~10-207 Appeals from Parker-Gray District board of architectural review.—~~

(A) Appeal of administrative decision to board of architectural review.

- (1) A person aggrieved by an administrative decision made pursuant to the authority of section 10-203 may file an appeal with the Director within 14 days of the day of the administrative decision.
- (2) An appeal shall be docketed within a reasonable time for a public hearing before the board and the board shall review the matter de novo.
- (3) The appeal provided in this section 10-207(A), together with the appeals provided under this section 10-207 (B) and (C), shall be the exclusive remedy and procedure for challenging an administrative decision made pursuant to section 10-203.

(B) Appeal to city council.

- (1) Whenever the Parker-Gray District board of architectural review shall disapprove an application for a certificate of appropriateness or an application for a permit to move, remove, capsule or demolish in whole or in part, the applicant for such certificate or for such permit shall have the right to appeal to and be heard before the city council; provided, that the applicant files with the clerk of the city council, on or before 14 days after the decision of the board of architectural review, a notice in writing of the applicant's intention to appeal. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council to be held within 75 days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until notice pursuant to section 11-302(A) has been given. Each

such notice of appeal shall be accompanied by the fee prescribed pursuant to section 11-104

- (2) Whenever the Parker-Gray District board of architectural review shall approve an application for a certificate of appropriateness or an application for a permit to move, remove, capsule or demolish in whole or in part, opponents to the granting of such certificate or of such permit shall have the right to appeal to and be heard before the city council; provided, that there is filed with the clerk of the city council, on or before 14 days after the decision of the board of architectural review, a petition in writing signed by the city manager or at least 25 persons owning real estate within the Parker-Gray Historic District indicating their intention to appeal and the basis of that appeal. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council at a time not less than 30 days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until notice pursuant to section 11-302(A) has been given. Each such notice of appeal shall be accompanied by the fee prescribed pursuant to section 11-104
- (3) On any such appeal, the decision of the Parker-Gray District board of architectural review appealed from shall be stayed pending the outcome of the appeal before the council. The council shall conduct a full and impartial public hearing on the matter before rendering any decision. The council as are established for the Parker-Gray District board of architectural review shall apply the same standards. The council may affirm, reverse or modify the decision of the board, in whole or in part. The decision of the council, subject to the provisions of section 10-207(B), shall be final.
- (C) *Appeal from city council to court.* Any applicant or any of the petitioners aforesaid aggrieved by a final decision of the city council shall have the right to appeal such decision to the circuit court for a review; provided, such appeal is filed within a period of 30 days after the rendering of the final decision by the city council. Such appeal shall be taken by filing a petition, at law, to review the decision of council, and the filing of such petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council.

10-208 Additional or concurrent right to move, remove, capsule or demolish in whole or in part buildings or structures.

- (A) *Right to move, remove, capsule or demolish in whole or in part buildings or structures if conditions are met.* In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removing, capsulating, or demolition in whole or in part of which is subject to the provisions of this Article X, shall, as matter of right, be entitled to move, remove, capsule, raze or demolish in whole or in part such building or structure provided, that:

- (1) The owner has applied to the Parker-Gray District board of architectural review for such right and has also been a party to an appeal from the board's decision to the council.
- (2) The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.
- (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows:
 - (a) 3 months when the offering price is less than \$25,000.00;
 - (b) 4 months when the offering price is \$25,000.00 or more but less than \$40,000.00;
 - (c) 5 months when the offering price is \$40,000.00 or more but less than \$55,000.00;
 - (d) 6 months when the offering price is \$55,000.00 or more but less than \$75,000.00;
 - (e) 7 months when the offering price is \$75,000.00 or more but less than \$90,000.00;
 - (f) 12 months when the offering price is \$90,000.00 or more.

(B) *Bona fide offer to sell.*

- (1) *Notice.* Before making a bona fide offer to sell as provided for in section 10-208(A), an owner shall first file a statement with the director. The statement shall identify the property, state the offering price, the date the offer of sale is to begin and name the real estate agent, if any. No time period set forth in the schedule contained in section 10-208(A) shall begin to run until the statement has been filed. Within five days after receipt of a statement the director shall mail a copy of the statement to the mayor, the city council, the city manager and subscribers to the notice provided for in section 10-212. Such offer to sell shall be advertised in a newspaper of general circulation in the city.

- (2) *Question as to price.* The fact that an offer to sell a building or structure is at a price reasonably related to fair market value may be questioned, provided there is filed with the city manager, on or before 15 days after the offer for sale has begun, a petition in writing signed by at least 25 persons owning real estate located within the Parker-Gray District. Upon the receipt of such petition, the city manager shall, at city expense, forthwith appoint three disinterested real estate appraisers, familiar with property values in the Parker-Gray District, who shall forthwith make an appraisal of the building or structure in question and forthwith file a written report with the city manager whether or not in their opinion the offer to sell the building or structure is at a price reasonably related to its fair market value. The opinion of any two of the three appraisers shall be binding and final. In the event the opinion is to the effect that the offer to sell the building or structure is at a price reasonably related to its fair market value, the owner may continue pursuant to section 10-208(A) as if no question has been raised. In the event the opinion is to the effect that the offer to sell the building or structure is not at a price reasonably related to its fair market value, the offer to sell shall be void and of no force and effect, and the owner, if he wishes to take advantage of the additional or concurrent right provided for in section 10-208(A), must file the notice provided for in section 10-208(B) and proceed in accord with section 10-208(A). Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided for in section 10-208(A) prior to the date the appraisers have filed their report with the city manager, the price shall be deemed reasonably related to fair market value.

10-209 - Permitted maintenance of exterior architectural features.

- (A) Notwithstanding any other provisions of this Article X, exterior architectural features may be the subject of ordinary maintenance, including repair and replacement with the same design, color and material without the necessity of a certificate of appropriateness if, upon review by the director or his designee, it is found that such maintenance:
- (1) Does not result in the substantial removal of an exterior feature that is considered to have historic and/or architectural significance; and
 - (2) Does not perpetuate a condition or treatment that is considered to be, by board of architectural review policy, inappropriate or incompatible with the historic surroundings of the Parker-Gray District, but this provision shall not be construed to prevent the replacement of material in kind in cases when the cost of the work would be materially increased by the use of another material.
- (B) The following guidelines shall be used in the determination of historic and architectural significance pursuant to section 10-209(A):
- (1) The feature is composed of materials or utilizes construction techniques which appear to be original to the building or structure.

- (2) The feature is not original to the building or structure, but is of such old and unusual design that it cannot be easily duplicated or replaced, and the feature contributes to the overall historic character of the building or structure.
- (3) The feature is of such high artistic value or is composed of materials of such quality or detail that the feature cannot be easily duplicated or replaced.
- (4) The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.

10-210 - Required maintenance.

- (A) *General provisions.* All buildings and structures within the Parker-Gray District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II — Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of the city code. The code or building official shall enforce the requirements of this section 10-210, in conjunction with the director.
- (B) *Specific application to vacant buildings and structures.* The boarding of a vacant building or structure shall constitute the alteration of the exterior architectural features of such building or structure. In the event such boarding is accomplished pursuant to an order from the code official to secure a hazardous building or structure against entry the owner shall, after complying with such order, forthwith make application for the necessary certificate of appropriateness. In considering any application under this section 10-210(B) the board may impose such conditions as may be appropriate to secure or preserve the historic elements of the building or structure against further loss, damage, or deterioration. In addition to any other penalty or sanction, such building or structure may be subject to acquisition pursuant to section 10-210(C).
- (C) *Potential acquisition.* The director may institute appropriate procedures pursuant to section 7-2-4(b) of the city code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any notice of violation of this section 10-210 and the owner's failure to cease the violation and bring the building or structure into compliance with this section 10-210

10-211- Order of demolition for unsafe buildings. Nothing in this Article X shall apply to or in any way prevent the moving, removing, capsulating or demolition in whole or in part of any building or structure in the city which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the code or building official, provided that before a moving, removing, capsulating or demolition in whole or in part can be ordered by the code or building official when the code or building official determines that such dangerous, hazardous or unsafe condition could reasonably be expected to cause death or serious physical harm before review under the provisions of this Article X could be accomplished, the code or building official shall have first delivered a copy of the proposed order to the city manager, to the chairman and vice chairman of the Parker-Gray District board of architectural review and mailed to the subscribers provided for in section 10-212 a copy of the proposed order.

~~10-212 Annual subscription for notices of public hearings.~~ If any person shall pay to the city the sum of \$10.00 to cover costs, the director shall cause to be mailed to each such person for a period of one year notice of the respective public hearings on all matters concerning the Parker Gray District, which notice shall be mailed at least seven working days before a hearing and shall state the time, date, place and nature of the proposed hearing and location of the property involved.

~~10-213 Administrative approval of certain permits.~~ The director may review and approve applications for the following exterior changes, provided they comply with the specific criteria and standards outlined and formally approved by the board.

(a) Signs;

(b) Minor architectural elements, such as residential accessibility structures; sheds; storm doors; gutters and downspouts; utility meters, vents and HVAC condensers; fences and gates; exterior lighting and shutters; siding and trim; railings; and, antennas.

Section 2. That Section 6-403 of the Zoning Ordinance be, and the same hereby is, amended by deleting the text shown in strikethrough and inserting new text shown in underline, as follows:

Sec. 6-403 - General regulations and exceptions.

B) *Mechanical appurtenances.* Chimney, towers, tanks, machinery, equipment, penthouses or other necessary mechanical appurtenances to a main building may be erected as a part of the main building to their required heights, regardless of any other height provisions or restrictions of this ordinance, provided that the following requirements are met.

(1) All necessary rooftop mechanical appurtenances and penthouses shall be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.

(2) The following limitations apply to rooftop mechanical penthouses:

(a) Only one penthouse is permitted unless the number is increased by a special use permit;

(b) The penthouse shall not exceed 15 feet unless the height is increased by a special use permit;

(c) The penthouse must be limited in size to the minimum space required to house necessary mechanical equipment; and

(d) No equipment may be placed above the roof of the penthouse to increase its height if such equipment could be located on the roof of the building itself.

(3) For buildings located within the Old and Historic Alexandria District or the Parker Gray District, or for buildings outside such districts designated pursuant to section 10-300, the board of architectural review having jurisdiction of the matter may, after

public hearing, waive or modify the screening requirement of section 6-403(B)(1), if the board finds such requirement to be architecturally inappropriate. The board of architectural review for the Parker Gray District may delegate the waiver authority under this section 6-403(B)(3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.

Section 3. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 4. That Section 10-200 as amended pursuant to Section 1 of this ordinance and section 6-403 as amended pursuant to Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. 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.

21. 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 Such Master Plan as Master Plan Amendment No. 2012-0005 and No Other Amendments, and To Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment. (Implementing Ordinance for the Sanitary Sewer Master Plan Amendment Approved by City Council on February 23, 2013).

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 10/19/13, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 10/19/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Wilson and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the 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 such Master Plan as Master Plan Amendment No. 2012-0005 and no other amendments, and to repeal all provisions of the said Master Plan as may be inconsistent with such amendment. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4833

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 such master plan as Master Plan Amendment No. 2012-0005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. (Implementing Ordinance for the Sanitary Sewer Master Plan Amendment approved by City Council on February 23, 2013)

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

1. In Master Plan Amendment No. 2012-0005, 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 February 5, 2013 of an amendment to the Master Plan of the City of Alexandria to incorporated a new chapter titled Sanitary Sewer Master Plan, which recommendation was approved by the City Council at public hearing on February 23, 2013;
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 Master Plan of the City of Alexandria, be, and the same hereby is, amended by incorporating the exhibit entitled "City of Alexandria, Virginia Sanitary Sewer Master Plan" dated November 2012, 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.

22. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 5-2-29 (Street Encroachments) 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. (As Approved by the City Council With the Revisions to the Parker-Gray Regulations on September 21, 2013).

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 10/19/13, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22; 10/19/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Silberberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend and reordain Section 5-2-29 (Street Encroachments) 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 vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4834

AN ORDINANCE to amend and reordain Section 5-2-29 (STREET ENCROACHMENTS) 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. (as approved by the City Council with the revisions to the Parker Gray regulations on September 21, 2013)

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-2-29 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:

Any encroachment into a public street, alley, sidewalk or other right-of-way may be authorized only by a special ordinance adopted by city council, unless the encroachment is authorized pursuant to one of the following exceptions or is otherwise authorized by this code or the City of Alexandria Zoning Ordinance:

- (a) *Steps*. Steps not more than 12 feet in length, including the required landings, may project beyond the street lot line up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets with a right-of-way width between 50 and 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street

between the Potomac River and the R.F.&P. railroad right-of-way. The term "steps" in this subsection includes ramps and similar structures necessary to provide access to the handicapped.

- (b) *Architectural decorations.* Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project up to four inches beyond the street lot line when less than 10 feet above the curb level, and up to 10 inches beyond the street lot line when 10 feet or more above the curb level.
- (c) *Signs.* A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.
- (d) *Canopies, awnings and marquees.* Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected.
- (e) *Nonpermanent planters.* Planters which are nonpermanent may be located in a right-of-way subject to the following:
 - (1) A permanent planter is one which is attached in any permanent manner to a public right-of-way or to a building, building appurtenance or any other structure, or which rests on a foundation or substructure other than a sidewalk. A permanent planter requires a building permit and an encroachment ordinance. Above-grade permanent planters located in an historic district also require approval by the board of architectural review.
 - (2) A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.
 - (3) A nonpermanent planter may not project into a public right-of-way more than steps would be allowed to project under subsection (a) above and may not exceed 30 inches in height. There is no limit to the number of planters permitted as long as the conditions of this subsection (e) are complied with and the planters are maintained in good condition.
 - (4) A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.
 - (5) A permit for a nonpermanent planter must be obtained from the department of transportation and environmental services. The permit application shall include the address of the planter, adequate location drawings, and a sketch, photo or dimensions of the planter. Visual inspection by the director of transportation and

environmental services or his designee may be substituted for drawings if the location and description of the planter are recorded on the permit application. After a permit has been granted, it may be revoked and the planter removed from the right-of-way by the director or his designee whenever the applicant fails to comply with any permit conditions. A permit application will be reviewed to determine compliance with the following:

- a. The location of the planter shall not unduly obstruct the public right-of-way.
 - b. The planter shall be of such design and construction, and the contents shall be of such nature, so as not to constitute a nuisance or public hazard.
 - c. The planter shall be of a design, material and color which are generally recognized as intended for and suitable for the display of plant materials on the public right-of-way in an urban environment and, if located in an historic district, are compatible with the streetscape in the district and are consistent with the applicable design guidelines adopted by the board of architectural review.
 - d. The owner of the planter shall agree to move the planter whenever the city requires access to the planter location.
- (f) *Benches.* Benches and similar street furniture may be placed in a public right-of-way, subject to the following:
- (1) The bench or street furniture shall be located immediately adjacent to the closest building wall, shall touch the wall along the length of the bench or street furniture, and shall not project from the wall more than 30 inches.
 - (2) The bench or street furniture shall not be used as part of a business for advertising, or for making sales or providing services to customers, and shall be available for use by the general public.
 - (3) The director of transportation and environmental services or his designee shall review any bench or street furniture proposed for a right-of-way and its location, and approve it if he finds that it will not interfere with pedestrian access and safety, will not be an attractive nuisance and will promote the health, safety and welfare of the city.
 - (4) The director of planning and zoning or his designee shall review any bench or street furniture proposed for a right-of-way and shall approve it if he finds that its design is compatible with the character of the surrounding area.

(g) *Rental bicycles.* Bicycles offered for rent may be displayed and rented from areas of right of way pursuant to section 7-2400 of the zoning ordinance and this section 5-2-29

(h) *Parker Gray Historic District front fences.* Within the Parker-Gray historic district, retaining walls less than two feet in height above the lower adjacent grade or fences at the height and location otherwise permitted in a front yard may be constructed in the public right of way.

~~(i)~~ *Encroachment requirements.* In addition to any other restrictions or requirements imposed by this code or the City of Alexandria Zoning Ordinance, the owner of any sign, canopy, awning or marquee, nonpermanent planter, bench, bicycle display or similar street furniture that encroaches into a public right-of-way pursuant to this section shall also comply with the following:

(1) *Liability insurance.* The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 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.

(2) *Removal of encroachment.* The owner or any successor in interest shall remove the encroachment if the city determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the city shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found, or fails to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal.

Section 2. That Section 5-2-29 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.

23. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Chapter 7 (Bicycles), Title 10 (Motor Vehicles and Traffic) of the Code of the City of Alexandria, Virginia.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 10/19/13, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23, 10/19/13, and is incorporated as part of this record by reference.)

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

(a) Dino Drudi, 315 North West Street, stated that changing the restriction process for bicyclists will not be beneficial to public safety in providing protection to cyclists.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend Chapter 7 (Bicycles), Title 10 (Motor Vehicles and Traffic) of the Code of the City of Alexandria, Virginia. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4835

AN ORDINANCE to amend and reordain Chapter 7 (BICYCLES), Title 10 (MOTOR VEHICLES AND TRAFFIC) of The Code of the City of Alexandria, Virginia, 1981, as amended, by amending certain sections thereof as set forth more fully below.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 7 of Title 10 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by amending the following sections to read as follows:

(New language is underlined; deleted language is ~~stricken through~~)

Sec. 10-7-1 - ~~Registration and license tags; fees.~~ Reserved.

~~The owner of every bicycle kept or regularly operated within the city shall register the same with the police chief and shall obtain from him a license tag for such vehicle, which tag shall be attached and sealed on the rear of the bicycle. The registration and tag shall cost \$0.25 and shall be effective throughout the life of the bicycle; except, that in the event of any transfer, the new owner shall obtain a transfer of license tag from the police chief at a cost of \$0.10.~~

Sec. 10-7-2 - ~~Owner's report of change of ownership, etc.~~ Reserved.

~~Within 10 days after change of ownership or dismantling and removal from operation of any bicycle, the previous owner shall report the information to the police chief.~~

Sec. 10-7-3 ~~Reports required of bicycle dealers~~ Reserved.

~~Every person engaged in the business of buying or selling new or second hand bicycles shall report to the police chief every bicycle purchased or sold by such person, as well as the name and address of the person from whom it is purchased or to whom it is sold, a description of the bicycle name or make, the frame number thereof, and the number of the license tag, if any, found thereon~~

[remaining sections unchanged]

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

24. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the City Code to Conform with the Virginia Public Procurement Act (VPPA) with Regard to the Dollar Threshold for Informal Solicitations; to Authorize the City Manager, or his Designee, to Adjust Dollar Thresholds to Maintain Consistency with the VPPA; and, to Update Notification Procedures for Invitations to Bid to Reflect Changes in Technology.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 10/19/13, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24; 10/19/13, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion Councilman Smedberg, seconded by Councilman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend the City Code to conform with the Virginia Public Procurement Act (VPPA) with regard to the dollar threshold for informal solicitations; to authorize the City Manager, or his Designee, to adjust dollar thresholds to maintain consistency with the VPPA; and to update notification procedures for invitations for bid to reflect changes in technology. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4836

AN ORDINANCE to amend and reordain Section 3-3-14 (RULES AND REGULATIONS) of Article B (PURCHASING DIVISION) and Section 3-3-36, (NOTICE OF INVITATION TO BID) of Division 1 (COMPETITIVE SEALED BIDDING) and Section 3-3-72 (SMALL PURCHASES) of Division 3 (MISCELLANEOUS PROVISIONS), all of Article D (CONTRACT FORMATION AND METHODS OF SOURCE SELECTION) of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-3-14 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-3-14 Rules and regulations.

(a) The ~~city~~ purchasing agent shall have authority and power to promulgate and establish, and from time to time amend and revise, all rules and regulations properly necessary to carry into effect the provisions of this chapter; provided, that before any rules and regulations, and any amendments or revisions thereof, shall become effective, the city manager shall approve the same.

(b) The city manager, or his designee, shall have the authority and power to adjust, by regulation, any dollar value threshold established in this chapter up to any similar threshold authorized by the Virginia Public Procurement Act when in the best interest of the City.

Section 2. That Section 3-3-36 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-3-36 Notice of invitation to bid.

(a) Notice inviting bids shall be published on the website of the purchasing division ~~once in at least one newspaper published in or having a general circulation in the city a reasonable time~~ for at least ten days prior to the last day set for the receipt of bids.

(b) The purchasing agent also shall ~~also~~ solicit sealed bids from all responsible prospective ~~suppliers~~ vendors who have registered their names with the City to receive City solicitations ~~have requested their names to be added to a "bidders' list" which the purchasing agent shall maintain by sending such other notice as will acquaint them with the proposed purchase or sale.~~ In any case, invitations sent to registered ~~the vendors on the bidders' list~~ shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

(c) The purchasing agent also may ~~also~~ advertise pending ~~bids~~ solicitations or sales by notice posted on the public bulletin board in the division of purchasing, by submitting notice of pending solicitations for posting on the central electronic procurement website of the Virginia Department of General Services, or pursuant to any other means determined by the purchasing agent by regulation.

(d) The purchasing agent may solicit bids directly from unregistered vendors to increase competition or as is otherwise in the best interest of the City.

Section 3. That Section 3-3-72 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-3-72 Small purchases.

~~(a) Any contract for goods, or non-professional services, or for professional services for an amount not exceeding the amounts established for small purchases not requiring competitive sealed bids or competitive negotiation set forth in the Virginia Public Procurement Act, whichever is applicable, not exceeding \$50,000 may be made in accordance with small purchase procedures promulgated by the purchasing agent; provided, however, that contract requirements shall not be artificially divided so as to constitute a small purchase under this section. Insofar as it is practical, no less than three businesses shall be solicited to submit quotations. Award shall be made to the business offering the lowest acceptable quotation. The name of the business submitting a quotation, and the date and amount of each quotation, shall be recorded and maintained as a public record.~~

~~(b) Subject to the approval of the city manager, the purchasing agent may establish written procedures, not requiring competitive negotiation for single or term contracts for professional services, if the aggregate or sum of all phases is not expected to exceed \$30,000; provided, however, The such small purchase procedures promulgated pursuant to subsection (a) of this section shall provide for competition wherever practicable.~~

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

25. Public Hearing, Second Reading and Final Passage of an Ordinance to Repeal the Local Regulation Requiring Permitting of Massage Therapists and Establishments, Contained in Chapter 4.2 (Massage Regulations) of Title 11 (Health, Environmental and Sanitary Regulations), Section 9-1-59 of Chapter 1 (Business Licenses) of Title 9 (Licensing and Regulation) and Section 13-1-35 of Chapter 1 (General Offenses) of Title 13 (Miscellaneous Offenses) of The Code of the City of Alexandria, Virginia, With the Exception of a New Provision That Disallows a Massage Therapist to Operate in the City of Alexandria Without a State License.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 10/19/13, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25; 10/19/13, and is incorporated as part of this record by reference.)

Ms. O'Donnell, Assistant City Attorney, explained the changes that were distributed to Council prior to the meeting.

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

- (a) Daniel Melmed, 5110 Dudley Lane, Apt. 304, Bethesda, Maryland, spoke in support of the ordinance.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to repeal the local regulation requiring permitting of massage therapists and establishments, contained in Chapter 4.2 (Massage Regulations) of Title 11 (Health, Environmental and Sanitary Regulations), Section 9-1-59 of Chapter 1 (Business Licenses) of Title 9 (Licensing and Regulation) and Section 13-1-35 of Chapter 1 (General Offenses) of Title 13 (Miscellaneous Offenses) of the Code of the City of Alexandria, Virginia, with the exception of a new provision that disallows a massage therapist to operate in the City of Alexandria without a state license and including the amendments submitted by the City Attorney's Office and the addition of language in subsection (a) to read "it shall be unlawful for any person to provide or administer a massage in the city FOR COMPENSATION except as specifically authorized by section 11-4.2-2(b). The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4837

AN ORDINANCE to amend and reordain Chapter 4.2 (MASSAGE REGULATIONS) of Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS) and repeal Section 9-1-59 of Chapter 1 (BUSINESS LICENSES) of Title 9 (LICENSING AND REGULATION) and Section 13-1-35 of Chapter 1 (GENERAL OFFENSES) of Title 13 (MISCELLANEOUS OFFENSES) of the Code of the City of Alexandria, Virginia, 1981, as amended

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. Chapter 4.2 of Title 11 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 11-4.2-1 Definitions.

Sec. 11-4.2-2 Provision of massage.

~~Sec. 11-4.2-3 Massage therapists; issuance of massage therapist permits.~~

~~Sec. 11-4.2-4 Same issuance of home massage permits.~~

~~Sec. 11-4.2-5 Massage establishments; required licenses and permits.~~

~~Sec. 11-4.2-6 Same application for massage establishment permit; renewal.~~

~~Sec. 11-4.2-7 Same minimum standards.~~

~~Sec. 11-4.2-8 Same hours of operation.~~

~~Sec. 11-4.2-9 Same right of entry of chief of police and director.~~

~~Sec. 11-4.2-10 Suspension or revocation of massage therapist, home massage or massage establishment permit.~~

Sec. 11-4.2-~~11~~13 Specific unlawful acts.

Sec. 11-4.2-~~12~~14 Penalties.

~~Sec. 11-4.2-13 Records required for massage services in hotel guest rooms.~~

Sec. 11-4.2-1 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning given below, except in those instances when the context clearly indicates a different meaning.

~~(1) *Care facility.* Any place or building in which (i) medical, surgical, nursing or other health services are furnished by duly licensed individuals for the prevention, diagnosis or treatment of human disease, pain, injury or other physical condition to two or more unrelated sick, injured, disabled or aged persons, or (ii) convalescent or similar care is furnished by duly licensed individuals to two or more unrelated sick, injured, disabled or aged persons.~~

~~(2) *Director.* The director of public health of the city or his duly authorized representative.~~

~~(3)~~(2) *Massage.* The treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. The treatment of the external parts of the human body for comfort or the general well-being of the body, consisting of rubbing, stroking, kneading, tapping or vibrating one or more parts of the body with hand, or any instrument, for compensation.

~~(4) *Massage establishment.* Any establishment in the city where massages are provided or administered, or which holds itself out to the public as a place where massages are provided or administered; provided, that this definition shall not include a hotel, hospital, nursing home or medical clinic, a care facility, the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath, barbershop or a beauty salon.~~

~~(5) *Massage therapist.* Any person possessing a valid massage therapist permit issued pursuant to this chapter.~~

~~(6) *Police chief.* The chief of police of the city or his duly authorized representative.~~

~~(7) *Public gathering.* Any event occurring in the city that is open to the general public and involves more than 50 persons.~~

~~(8) *Residence.* A place which an individual considers his permanent abode and in which he either has resided during at least the prior six months or intends to reside during at least the next six months; this term shall not include any place which provides transient lodging such as hotels, inns, apartment house hotels, hostelryes, tourist homes or houses, motels, and rooming houses.~~

~~(9) *Seated massage.* A massage provided to the upper human body while the massage recipient is fully clothed and seated in a chair.~~

~~(10)~~ (3) *Sexual or genital part.* The genitals, pubic area, anus or perineum of any person, or the vulva or breasts of a female.

Sec. 11-4.2-2 Provision of massages.

(a) Except as provided in subsection (b), it shall be unlawful for any person to provide or administer a massage at any location in the city.

(b) Only the following persons, under the following conditions, may provide or administer a massage in the city:

(1) ~~Massage therapists:~~

~~(i) at or within a massage establishment;~~

~~(ii) at the regular place of business of the massage recipient between the hours of 9:00 a.m. and 6:00 p.m.; provided, that a therapist may only provide a seated massage at this location and may do so only if he possesses his massage therapy permit while performing the seated massage;~~

~~(iii) at a public gathering; provided, that the therapist possesses his massage therapy permit while performing massage at such a gathering;~~

~~(iv) at a care facility; provided, that the therapist possesses his massage therapy permit while performing at this location; and~~

~~(v) at the residence of the massage recipient between the hours of 6:00 a.m. and 9:00 p.m.; provided, that the therapist holds a valid home massage permit issued pursuant to this chapter, possesses that permit and his massage therapy permit while performing massage in a residence, and provides massage at the residence only to individuals identified in his home massage permit.~~

~~(vi) at a hotel having 45 or more guest rooms, which offers massage services to its registered overnight guests in the normal course of the hotel's business, either in the hotel room of the guest receiving the massage, or at a salon, day spa, fitness center or like facility located within the hotel, between the hours of 6:00 a.m. and 11:00 p.m.; provided, that the therapist carries his massage therapy permit on his person while performing massages in guest rooms.~~

(2) ~~persons who are certified as a massage therapist by, and are in good standing with, the Virginia Board of Nursing:~~

~~(i) at the regular place of business of the massage recipient between the hours of 9:00 a.m. and 6:00 p.m.; provided, that the board certified therapist may only provide a seated massage at this location and may do so only if he possesses a picture identification while performing the seated massage; and~~

~~(ii) at a public gathering; provided, that the board certified therapist possesses a picture identification while performing massages at such a gathering; and~~

~~(3)~~(2) persons:

(i) at a hospital, nursing home or medical clinic, or at the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath; or

(ii) at a barbershop or beauty salon; provided, that, at this location, the person may only provide a massage to the scalp, face, neck or shoulders of the massage recipient.

~~Sec. 11-4.2 massage therapists; issuance of **massage** therapist permits.~~

~~(a) Any person who desires to provide or administer massages in the city as a massage therapist shall possess a valid massage therapist permit issued in accordance~~

~~with this section. A person possessing a massage therapist permit issued under this section who, following receipt of the permit, does not continue to meet the requirements set out in subsection (b) below shall not be considered to be in possession of a valid massage therapist permit.~~

~~(b) — In order to be eligible for a massage therapist permit, the applicant shall:~~

~~(1) — be certified as a massage therapist pursuant to sections 54.1-3000 and 54.1-3029 of the Code of Virginia (1950), as amended, by, and be in good standing with, the Virginia Board of Nursing, or have a valid provisional certificate to practice massage therapy which has been issued by the Board of Nursing pursuant to its regulations;~~

~~(2) — own, or be employed at or under contract including employees of a contractor with (i) a massage establishment for which a permit has been issued under section 11-4.2-5, or (ii) a hotel in the City of Alexandria described in section 11-4.2-2(b)(1)(vi) of this code; and~~

~~(3) — not have been convicted of, or pleaded nolo contendere or suffered a forfeiture in relation to, any of the offenses identified in sections 18.2-344 through 18.2-361 or sections 18.2-372 through 18.2-387 of the Code of Virginia (1950), as amended, which sections relate to sexual offenses, prostitution, obscenity and similar offenses, or any similar offenses under the laws of another jurisdiction.~~

~~(c) — All applicants for a massage therapist permit shall apply to the director. The application shall be on a form prepared by the director and shall be accompanied by an application fee of \$50, payable to the director of finance. The application shall contain the name, address, telephone number, date of birth, place of birth, and height and weight of the applicant, the applicant's Virginia Board of Nursing certified massage therapist number or provisional certification number, and the address and telephone number of the massage establishment or hotel which the applicant owns, is employed at, or is under contract with. The applicant shall also state on the application all criminal offenses for which he has been convicted or in relation to which he has pleaded nolo contendere or suffered a forfeiture, including the offenses identified in subsection (b).~~

~~(d) — The application to be filed under this section shall state thereon, "It is unlawful for any person to make a false statement on this application and the discovery of a false statement shall constitute sufficient grounds, in and of itself, for the denial of an application or revocation of a permit, or for the imposition of a fine or imprisonment or both." It shall be unlawful for a person to make a false statement on an application filed under this section.~~

~~(e) — The director shall refer the applicant to the chief of police to be photographed and fingerprinted. The photograph and fingerprints shall constitute part of the application. The chief of police shall, to the extent permitted by law, forward the applicant's fingerprint cards to the Virginia state police for purposes of conducting a review of the applicant's criminal history. After he has completed his investigation of the applicant, the chief of police shall return the application to the director, together with the results of his investigation.~~

~~(f) — The director shall deny any application for a massage therapist permit if the director finds that the applicant does not satisfy the requirements set out in subsection~~

~~(b). The making of a false statement on an application shall also be grounds for denial of the application.~~

~~(g) — The decision of the director on an application under this section shall be conveyed to the applicant in writing, and shall be sent by certified mail to the applicant's last known address. If the director denies the application, he shall state in his written decision the grounds for the denial and shall notify the applicant of his right to request a hearing, as provided in subsection (h). If the director approves the application, he shall issue, or cause to be issued, a massage therapist permit to the applicant.~~

~~(h) — An applicant whose application under this section has been denied may request a hearing before the director. Such request, which shall not stay the effect of the director's initial decision, shall be in writing and shall be filed with the director within 10 days of the date on which the director's decision was sent to the applicant. The director shall schedule a hearing on a date and at a time that is mutually convenient to the applicant and the director, and shall notify the applicant in writing of the date, time and place of the hearing. Within 10 days of the hearing, the director shall send a copy of his decision by certified mail to the applicant at his last known address. This decision shall be final and conclusive. In the event an applicant does not timely request a hearing on the director's initial decision to deny his application, or requests but does not attend the hearing, the initial decision shall be final and conclusive.~~

~~(i) — If, following the issuance of a massage therapist permit, a massage therapist intends to provide or administer massages at a massage establishment or hotel that is different from the establishment or hotel identified on his application, the therapist shall immediately notify the director in writing of this different establishment or hotel.~~

~~(j) — A permit issued under this section shall be valid for a period of two years, and it may be renewed for additional two-year periods upon the filing of a new application with the director, along with a \$50 fee payable to the director of finance. In applying for the renewal of a permit, the applicant shall demonstrate that he continues to meet the requirements of subsection (b). Every permit issued under this section shall contain a serial number as determined by the director, and each renewal application filed, and each renewal permit issued, shall continue to utilize the same serial number. The provisions of this section that apply to initial applications for massage therapist permits shall apply to applications for permit renewals.~~

~~(k) — Every person to whom a massage therapist permit has been issued shall carry the permit on his person, or shall display the permit in a conspicuous place in the massage establishment or hotel at which he provides or administers massages.~~

~~Sec. 11-4.2-4 Same — issuance of home **massage** permits.~~

~~(a) — Any massage therapist desiring to provide or administer a massage in the residence of massage recipients, pursuant to section 11-4.2-2(b)(1)(v), shall possess a valid home permit issued in accordance with this section. A person possessing a home massage permit issued under this section who, following receipt of the permit, does not continue to meet the requirements set out in subsection (b) below shall not be considered to be in possession of a valid home massage therapist permit.~~

~~(b) — In order to be eligible for a home massage permit, the applicant shall possess a valid massage therapist permit issued under section 11-4.2-3, and propose to provide or administer massages only to individuals who reside in residences in the city and only at the residences of such individuals;~~

~~(c) — All applicants for a home massage permit shall apply to the chief of police. The application shall be on a form prepared by the chief, and shall be accompanied by an application fee of \$25, payable to the director of finance. The application shall contain the applicant's name and address, his Virginia Board of Nursing certified massage therapist number, the number of the massage therapist permit issued to him under section 11-4.2-3 and, as to each residence at which he wishes to provide massages, the address of the residents who will receive massages.~~

~~(d) — The application to be filed under this section shall state thereon, "It is unlawful for any person to make a false statement on this application and the discovery of a false statement shall constitute sufficient grounds, in and of itself, for denial of an application or revocation of a permit, after the imposition of a fine or imprisonment or both." It shall be unlawful for a person to make a false statement on an application filed under this section.~~

~~(e) — The chief of police shall deny any application for a home massage permit if the chief finds that the applicant does not satisfy the requirements set out in subsection (b). The making of a false statement on an application shall also be grounds for denial of the application.~~

~~(f) — The decision of the chief of police on an application under this section shall be conveyed to the applicant in writing, and shall be sent by certified mail to the applicant's last known address. If the chief denies the application, he shall state in his written decision the grounds for the denial and shall notify the applicant of his right to request a hearing, as provided in subsection (g). If the chief approves the application, he shall issue, or cause to be issued, a home massage permit to the applicant which, among other things, shall state the address of each residence at which the therapist is authorized to provide massages.~~

~~(g) — An applicant whose application under this section has been denied may request a hearing before the chief of police. Such request, which shall not stay the effect of the chief's initial decision, shall be in writing and shall be filed with the chief within 10 days of the date on which the chief's decision was sent to the applicant. The chief shall schedule a hearing on a date and at a time that is mutually convenient to the applicant and the chief, and shall notify the applicant in writing of the date, time and place of the hearing. Within 10 days of the hearing, the chief shall send a copy of his decision by certified mail to the applicant at his last known address. This decision shall be final and conclusive. In the event an applicant does not timely request a hearing on the chief's initial decision to deny his application, or requests but does not attend the hearing, the initial decision shall be final and conclusive.~~

~~(h) — If, following the issuance of a home massage permit, a massage therapist wishes to provide or administer massages at residences other than those identified in the permit, the therapist shall request the chief of police to amend the permit to include the address of such other residences at which the therapist may provide massages. No~~

~~massages shall be provided in such other residences until an appropriate permit amendment has been issued by the chief.~~

~~(i) — A permit issued under this section shall be valid for a period of one year, and it may be renewed for additional one-year periods upon the filing of a new application with the chief of police, along with a \$25 fee payable to the director of finance. In applying for the renewal of a permit, the applicant shall demonstrate that he continues to meet the requirements of subsection (b) and has, since the issuance of the permit, complied with section 11-4.2-2(b)(1)(v). Every permit issued under this section shall contain a serial number as determined by the chief of police, and each renewal application filed and each renewal permit issued shall continue to utilize the same serial number.~~

~~(j) — Every person to whom a home massage permit has been issued shall carry the permit on his person when providing or administering massage in a residence.~~

~~(k) — A home massage permit shall not be required for provision of massages at a hotel pursuant to section 11-4.2-2(b)(1)(vi).~~

~~Sec. 11-4.2-5 Massage establishments; required licenses and permits.~~

~~(a) — It shall be unlawful for any person to establish, maintain or operate a massage establishment in the city without an appropriate business license under title 9 of this code and a valid massage establishment permit issued under this section.~~

~~(b) — Every person to whom a massage establishment permit has been issued shall display the permit in a conspicuous place in the massage establishment so that it may be readily seen by persons entering the establishment.~~

~~Sec. 11-4.2-6 Same — application for massage establishment permit; renewal.~~

~~(a) — Any person desiring to own or operate a massage establishment in the city and every salon, day spa, fitness center or like facility, but not guest rooms, located in a hotel at which massages are provided pursuant to section 11-4.2-2(b)(1)(vi), shall obtain a massage establishment permit from the director. An application for a massage establishment permit shall be on a form prepared by the director and shall be accompanied by an application fee of \$25, payable to the director of finance. Each application shall contain the name, address and telephone number of the owner and operator of the massage establishment, and the address and telephone number of the establishment. The applicant shall also state on the application all criminal offenses for which the owner and operator have been convicted or in relation to which either has pleaded nolo contendere or suffered a forfeiture, including the offenses identified in section 11-4.2-3(b).~~

~~(b) — The application shall state that no person may provide or administer a massage at the massage establishment for which the permit is sought without a massage therapist permit issued under this chapter, and that the applicant has read and understands this statement. The application shall also state thereon, "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute sufficient grounds, in and of itself, for denial of an application or revocation of a permit, or for the imposition of a fine or imprisonment or both." It shall be unlawful for the applicant to make a false statement on any application filed pursuant to this section.~~

~~(c) — Upon receipt of an application, the director shall forward a copy to the chief of police for his review, and shall cause an investigation to be made of the massage establishment named in the application to determine whether it will comply with the provisions of section 11-4.2-7. If the director is satisfied from such investigation that the massage establishment will so comply, he shall issue, or cause to be issued, a massage establishment permit authorizing the establishment, maintenance and operation of the massage establishment. If the director is not so satisfied, he shall deny the application.—~~

~~(d) — The decision of the director on an application under this section shall be conveyed to the applicant in writing, and shall be sent by certified mail to the address given by the applicant in the application. If the director denies the application, he shall state in his written decision the grounds for the denial and shall notify the applicant of his right to request a hearing, as provided in subsection (e).—~~

~~(e) — An applicant whose application under this section has been denied may request a hearing before the director. Such request, which shall not stay the effect of the director's initial decision, shall be in writing and shall be filed with the director within 10 days of the date on which the director's decision was sent to the applicant. The director shall schedule a hearing on a date and at a time that is mutually convenient to the applicant and the director, and shall notify the applicant in writing of the date, time and place of the hearing. Within 10 days of the hearing, the director shall send a copy of his decision by certified mail to the applicant at his last known address. This decision shall be final and conclusive. In the event an applicant does not timely request a hearing on the director's initial decision to deny his application, or requests but does not attend the hearing, the initial decision shall be final and conclusive.—~~

~~(f) — A massage establishment permit issued under this section shall be valid for a period of one year, and it may be renewed for additional one-year periods upon the filing of a new application. The provisions of this section that apply to initial applications shall apply to renewal applications.—~~

~~Sec. 11-4.2-7 Same — minimum standards.—~~

~~Every massage establishment in the city and every salon, day spa, fitness center or like facility, but not guest rooms, located in a hotel at which massages are provided pursuant to section 11-4.2-2(b)(1)(vi), shall, at all times, comply with the following minimum health and safety standards:—~~

~~(1) — Massages may only be provided or administered by a massage therapist who possesses a valid massage therapist permit issued under this chapter.—~~

~~(2) — The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massage. Such nondisposable instruments and materials shall be disinfected after use on each patron.—~~

~~(3) — Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens,~~

~~towels and other materials shall be kept in properly covered containers or cabinets, which container's or cabinets shall be kept separate from the clean storage areas.~~

~~(4) — Clean linen and towels shall be provided for each massage patron. No common use of towels or linens shall be permitted.~~

~~(5) — All massage tables shall have surfaces which may be readily disinfected. The floor areas, depending on the material covering the floor surface, shall have surfaces which may be readily disinfected. This provision shall be applicable to bathtubs, showers, stalls, steam or bath areas, if applicable.~~

~~(6) — Oils, creams, lotions or other preparations used in administering massages shall be kept in clean, closed containers or cabinets.~~

~~(7) — Adequate dressing facilities shall be provided for the patrons to be served at any given time. Adequate toilet facilities as required by law shall be furnished.~~

~~(8) — All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities, where provided, shall be in good repair and maintained in a clean and sanitary condition. All facilities shall be thoroughly cleaned each day the business is in operation, and all massage tables and bathtubs and showers, where furnished, shall be thoroughly cleaned after each use. When carpeting is used on any floor area, it shall be kept dry.~~

~~(9) — The premises shall be equipped with a service sink for custodial services, if applicable.~~

~~Sec. 11-4.2-8 Same — hours of operation.~~

~~Massage establishments shall not operate before 6:00 a.m. or after 9:00 p.m. and salon, day spa, fitness center or like facilities, and in-room massage services located or provided in a hotel at which massages are provided pursuant to section 11-4.2-2(b)(1)(vi), shall not operate or be offered before 6:00 a.m. or after 11:00 p.m. Massage establishments and salon, day spa, fitness center or like facilities, and in-room massage services located or provided in a hotel at which massage are provided pursuant to section 11-4.2-2(b)(1)(vi), may be opened or offered seven days a week.~~

~~Sec. 11-4.2-9 Same — right of entry of chief of police and director.~~

~~The chief of police and the director may enter, examine and survey any premises in the city for which a massage establishment permit has been issued to enforce the provisions of this chapter. Such inspections shall be made in a reasonable manner during business hours only. Every holder of a massage establishment permit shall be deemed, by virtue of the application for and utilization of such permit, to have consented and agreed to all of the provisions of this chapter, including the right of entry and inspection set forth in this section.~~

~~Sec. 11-4.2-10 Suspension or revocation of **massage** therapist, home massage or massage establishment permit.~~

~~(a) — One or more violations of the provisions of this chapter by the permittee named in a massage therapist, massage establishment or home massage permit shall be~~

~~grounds for the director, in the case of massage therapist and massage establishment permits, or the chief of police, in the case of home massage permits, to suspend or revoke the permit. Prior to a permit suspension or revocation, the director or chief shall provide written notice of the proposed action to the permittee, of the reasons for the proposed action, and of the opportunity for a hearing before the director or chief. The notice shall be mailed by certified mail to the last known address of the permittee. The permittee shall request a hearing before the director or chief by filing a request in writing within 10 days after notice of the director's or chief's proposed action has been mailed to the permittee. The director or chief shall schedule a hearing on a date and at a time that is mutually convenient to all parties. The director or chief shall give written notice of the date, time and place of the hearing to the permittee. Within 10 days of the hearing, the director or chief shall send a copy of his decision by certified mail to the permittee at his last known address. This decision shall be final and conclusive.~~

~~(b) If a permittee does not request a hearing, the action proposed by the director or chief shall be effective, and shall be final and conclusive, at the close of the tenth day following the day on which notice of the proposed action was mailed to the permittee. If the permittee requests but does not participate in the hearing, the action proposed by the director or chief shall be immediately effective, and shall be final and conclusive.~~

~~(c) One or more violations of the provisions of this chapter at a hotel which offers massage services pursuant to section 11-4.2-2(b)(1)(vi) of this code shall be grounds for the director to suspend or revoke the authorization to offer massage services by the hotel. Prior to such suspension or revocation, the director shall provide written notice of the proposed action to the hotel, of the reasons for the proposed action, and of the opportunity for a hearing before the director. The notice shall be mailed by certified mail to the hotel. The hotel may request a hearing before the director by filing a request in writing within 10 days after notice of the director's proposed action has been mailed. The director shall schedule a hearing on a date and at a time that is mutually convenient to all parties. The director shall give written notice of the date, time and place of the hearing to the hotel. Within 10 days of the hearing, the director shall send a copy of his decision by certified mail to the permittee at his last known address. This decision shall be final and conclusive.~~

Sec. 11-4.2-413 Specific unlawful acts.

(a) It shall be unlawful for any person to provide or administer a massage in the city for compensation except as specifically authorized by section 11-4.2-2(b).

(b) It shall be unlawful for any person who is providing or administering a massage for compensation in a massage establishment, or in any of the other locations and facilities identified in section 11-4.2-2(b) at which massage may be provided or administered, to place his hand or hands upon, to touch with any part of his body, to fondle in any manner, or to massage sexual or genital part of another person.

(c) It shall be unlawful for any person to expose his or her sexual or genital parts, or any portion thereof, to any other person, for compensation. It shall also be unlawful for any person to expose the sexual or genital parts, or any portion thereof, of any other person for compensation. However, it shall not be unlawful for a certified massage

therapist to massage the breasts of a woman, if such massage is medically indicated after the diagnosis of a medical condition by a physician and with the informed consent of the client. ~~It shall be unlawful for any person, in a massage establishment, or in any of the other locations and facilities identified in section 11-4.2-2(b) at which massage may be provided or administered, to expose a sexual or genital part, or any portion thereof, of his own to any other person, or to cause to be exposed a sexual or genital part, or any portion thereof, of any other person.~~

(d) ~~It shall be unlawful for any person, while in the presence of any other person who is providing or administering a massage for compensation in a massage establishment, or in any of the other locations and facilities identified in section 11-4.2-2(b) at which massage may be provided or administered, to fail to conceal with a fully opaque covering the sexual or genital parts of his or her body. However, it shall not be unlawful for a certified massage therapist to massage the breasts of a woman, if such massage is medically indicated after the diagnosis of a medical condition by a physician and with the informed consent of the client.~~

(e) ~~It shall be unlawful for any person owning, operating or managing a massage establishment or any of the other locations and or facilities identified in section 11-4.2-2(b) at which massages may be provided or administered knowingly to cause, allow or permit in or about the establishment, location or facility any agent, employee or other person under his control or supervision to perform any of the acts described above in subsection (a), (b), (c) or (d).~~

Sec. 11-4.2-12~~4~~ Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be guilty of a class 1 misdemeanor and shall be punished by a fine not exceeding \$2,500 or imprisonment not exceeding 12 months, or both. Violations of the provisions of this chapter may also be restrained, prohibited or enjoined by appropriate action or proceeding. Notwithstanding the above, no provision of this chapter shall apply to employees or agents of the United States, the Commonwealth of Virginia or the city, or of any agency or department of these governmental units, including city police officers, while in the performance of official duties.

~~Sec. 11-4.2-13 Records required for massage services in hotel guest rooms.~~

~~(a) — Each hotel which offers massage services in hotel guest rooms pursuant to this chapter shall maintain a written record for a period of not less than two years of each massage provided, including the date and time of service, identity of massage therapist and name of guest.~~

~~(b) — Each massage therapist who provides massage services in hotel guest rooms pursuant to this chapter shall maintain a written record for a period of not less than two years of each massage provided at the hotel, including the date and time of service and name of guest.~~

~~(c) — Failure to maintain the records required by this section shall be a Class 3 civil violation.~~

~~(d) — Records maintained pursuant to this section shall be produced on written demand by the director or the chief of police.~~

Section 2. Section 13-1-35 of Chapter 1 (General Offenses) of Title 13 (Miscellaneous Offenses) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed:

~~Sec. 13-1-35 Massage parlors.~~

~~(a) — It shall be unlawful for any person, in a massage parlor, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.~~

~~(b) — It shall be unlawful for any person, in a massage parlor, to expose his or her sexual or genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person, in a massage parlor, to expose the sexual or genital parts, or any portion thereof, of any other person.~~

~~(c) — It shall be unlawful for any person, while in the presence of any other person in a massage parlor, to fail to conceal with a fully opaque covering, the sexual or genital parts of his or her body.~~

~~(d) — It shall be unlawful for any person owning, operating or managing a massage parlor, knowingly to cause, allow, or permit in or about the massage parlor, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsections (a), (b) or (c) of this section.~~

~~(e) — For the purposes of this section, the following words shall have the meaning assigned below:~~

~~(1) — Massage shall mean a method of treating parts of the human body for comfort or the general well-being of the body, consisting of rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.~~

~~(2) — Massage parlor shall mean any establishment where massages are administered or which holds itself out to the public as a place where massages are administered. The term "massage parlor" shall include but shall not be limited to massage parlors, health clubs, health spas, Turkish bathhouses and similar type businesses, whether such business is a public or private facility. This definition shall not be construed to include:~~

~~a. — any establishment providing facilities for and offering instruction in controlled exercise, weight lifting, calisthenics and general physical fitness, and which offers massages to its members or patrons only as an incidental service, constituting no more than five percent of the total gross business income derived at each business location of such establishment; or~~

~~b. — any hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath; or~~

~~c. — any barbershop or beauty salon in which massages are administered only to the scalp, the face, the neck or the shoulders.~~

~~(3) — Sexual or genital parts shall include the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.~~

~~(f) Any person violating the provisions of this section shall, upon conviction, be punished as provided in section 1-1-7 of this code; provided, however, that no provision of this section shall apply to police officers or agents or officials of the United States, Commonwealth of Virginia, City of Alexandria or any agency thereof or their agents while in performance of official duties relating to any violation of this section or of any law of the United States, the Commonwealth of Virginia or the City of Alexandria.~~

~~(g) Every person owning, operating or managing a massage parlor shall post a copy of this ordinance in a conspicuous place in the massage parlor so that it may be readily seen by persons entering the premises.~~

Section 3. Section 9-1-59 of Chapter 1 (Business Licenses) of Title 9 (Licensing and Regulation) of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, repealed:

~~Sec. 9-1-59 Massage parlor operators.~~

~~Every person operating a massage parlor, as defined by section 11-4-1 of this code, in the city shall pay for the privilege an annual license tax of \$5,000. Before any license under this section shall be issued by the director of finance, the applicant shall produce evidence that he has obtained a permit under the provisions of section 11-4-7 of this code.~~

This ordinance shall become effective immediately.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO CONSIDER, upon motion by Councilwoman Pepper, seconded by Vice Mayor Silberberg and carried unanimously, City Council adjourned the public hearing meeting of October 19, 2013, at 5:17 p.m. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, Councilman Smedberg and Councilman Wilson; Opposed, none.

APPROVED BY:

WILLIAM D. EUILLE MAYOR

ATTEST:

Gloria Sitton, Deputy City Clerk