

**City of Alexandria  
Meeting Minutes  
Saturday, May 16, 2015  
9:30 AM  
City Council Public Hearing**

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. Jinks, City Manager; Ms. Baker, Acting Deputy City Manager; Ms. Anderson, Assistant City Attorney; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Fields, Acting Director, Code Administration; Mr. Garbacz, Division Chief, T&ES; Ms. McIlvaine, Acting Director, Office of Housing; Mr. Dambach, Division Chief, P&Z; Ms. Horowitz, Division Chief, P&Z; Ms. Farmer, Principal Planner, T&ES; Ms. Marks, Deputy Director, T&ES; Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities; Mr. Farner, Deputy Director, P&Z; Mr. Roberts, Urban Planner, P&Z; Ms. Contreras, Urban Planner, P&Z; Mr. Kerns, Division Chief, P&Z; Police Sgt. Jones; Mr. Routt, Acting Director, Office of Budget and Management; Mr. Condoyiannis, Information Technology Services; Ms. Bryan, Information Technology Services; and Mr. Lloyd.

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

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**OPENING**

1. Calling the Roll.

Mayor Euille called the meeting to order and the Deputy City Clerk called the roll. All members of Council were present with Councilwoman Pepper arriving at 9:36 a.m.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1) Paul Wilson, 1402 Orchard Street, representing the Kathy Wilson Foundation, reported that the Foundation has a pilot program that is screening 3 and 4 year olds in the City for developmental disabilities and wanted to share the results of the screening with Council. Mr. Wilson stated that the Foundation is currently seeking approximately 700 children identified by the school system as having no preschool or contact with "experienced eyes" for screening. Mr. Wilson noted that the Foundation would like to provide universal screenings for all children ages 3 and 4 for developmental disabilities.

2) Dr. Samantha Sweeney, 429 North St. Asaph Street, representing the Kathy Wilson Foundation, reported the findings of the screenings of the pilot program which tested for communication, gross motor skills, fine motor skills, problem solving abilities and personal and social skills. Dr. Sweeney gave the statistics from the findings of the screenings and noted that most significant concerns were with fine motor skills.

3) Mary Biegel, 811 North Latham Street, stated that the proposed recreation center at Patrick Henry is too large for the neighborhood and would change the quiet environment of their residential neighborhood. Ms. Biegel stated that a letter was submitted to Council on April 28 stating the concerns of the community and the lack of interest in such a large facility. Ms. Biegel noted that such a facility would also increase the amount traffic in the area, which is also a major concern for the community. Ms. Biegel requested that the facility size be decreased, that the City only allow ingress/egress on Taney Avenue, and that there be no allowance for lights on the field in the future.

4) Jack Sullivan, 4300 Ivanhoe Place, spoke about a resolution passed by the Alexandria Democratic Party regarding campaign funding refund and more recently the group Democrats for a Better Alexandria passed an amendment requiring any member of Council receiving \$500 in contributions from any individual recuse themselves from any decisions made by Council that involves that party. Mr. Sullivan requested that Council considered endorsing the amendment by the Democrats for a Better Alexandria to tighten the ethics rule prior to the November election.

5) Randy Stephens, 5610 Bloomfield Dr., #2, requested that Council review the issue of grandfathered taxi certificates to ensure that drivers are not affected adversely by any changes to the ordinance.

6) Janice Wolk Grenadier, 15 West Spring Street, spoke about issues she has with the judicial system.

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

### **ACTION CONSENT CALENDAR (3-8)**

#### **Planning Commission**

3. Encroachment #2015-0001  
4825 Maury Lane  
Public Hearing and Consideration of a request for encroachments into the public right-of-way; zoned R-20/Residential Single-Family. Applicant: VJ and Jane K. Murrell  
Planning Commission Action: Recommend Approval 5-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 05/16/15, and is incorporated as part of this record by reference.)

4. Special Use Permit #2015-0015  
3230, 3234, & 3240 Colvin Street; 30 South Quaker Lane - Alexandria Car

Connection Inc.

Public Hearing and Consideration of a request to operate an automobile sales business; zoned I/Industrial. Applicant: Alexandria Car Connection Inc., represented by Masyed Saydi

Planning Commission Action: Recommend Approval 5-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 05/16/15, and is incorporated as part of this record by reference.)

5. Special Use Permit #2015-0018  
620 South Pickett Street (Parcel Address: 600 South Pickett Street) - RS Collision Center of Alexandria  
Public Hearing and Consideration of a request to operate a general automobile repair business; zoned I/Industrial. Applicant: RS Collision Center of Alexandria  
Planning Commission Action: Recommend Approval 5-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 05/16/15, and is incorporated as part of this record by reference.)

6. Special Use Permit #2015-0020  
107 North Fairfax Street - Dolci Gelati  
Public Hearing and Consideration of a request to operate a restaurant; zoned CD/Commercial Downtown. Applicant: Eric A. Roper  
Planning Commission Action: Recommend Approval 5-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 05/16/15, and is incorporated as part of this record by reference.)

7. Special Use Permit #2015-0024  
765 John Carlyle Street and 1900 Eisenhower Avenue - Carlyle Block P  
Public Hearing and Consideration of a request for an amendment to the Carlyle Special Use Permit (SUP #2012-0006) related to the construction of Carlyle Block P; zoned CDD #1/Coordinated Development District #1. Applicant: Carlyle Plaza LLC represented by Kenneth W. Wire, attorney  
Planning Commission Action: Recommend Approval as Amended 6-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 05/16/15, and is incorporated as part of this record by reference.)

8. Special Use Permit #2015-0010  
3846 King Street - Potomac Crescent Waldorf School  
Public Hearing and Consideration of a request to operate a day care center and a private academic school; zoned RA/Residential Multi-Family. Applicant: Northern Virginia Waldorf Initiative Inc.  
Planning Commission Action: Recommend Approval 5-0-1

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 05/16/15, and is incorporated as part of this record by reference.)

## **END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the consent calendar, with the exception of docket items #4, #5 and #7, which were considered under separate motions. The approvals were as follows:

3. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
8. 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.

4. Special Use Permit #2015-0015  
3230, 3234, & 3240 Colvin Street; 30 South Quaker Lane - Alexandria Car Connection, Inc.  
Public Hearing and Consideration of a request to operate an automobile sales business; zoned I/Industrial. Applicant: Alexandria Car Connection Inc. represented by Masyed Saydi  
Planning Commission Action: Recommend Approval 5-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 05/16/15, and is incorporated as part of this record by reference.)

Director of Planning and Zoning Moritz responded to questions from Council about the review process for special use permits and the parking in the area.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper 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.

5. Special Use Permit #2015-0018  
620 South Pickett Street (Parcel Address: 600 South Pickett Street) - RS Collision Center of Alexandria  
Public Hearing and Consideration of a request to operate a general automobile repair business; zoned I/Industrial. Applicant: RS Collision Center of Alexandria  
Planning Commission Action: Recommend Approval 5-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of

the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 05/16/15, and is incorporated as part of this record by reference.)

Director of Planning and Zoning Moritz and Ms. Horowitz, Division Chief, Planning and Zoning, responded to questions about the review process for special use permits and how the potential redevelopment of the area would affect businesses in the area.

**WHEREUPON**, upon, motion by Councilman Smedberg, seconded by Councilman Wilson 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.

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Mayor Euille requested a reconsideration of Docket Item No. 7 on the consent calendar.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council reconsidered Docket Item No. 7. 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.

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7. Special Use Permit #2015-0024  
765 John Carlyle Street and 1900 Eisenhower Avenue - Carlyle Block P  
Public Hearing and Consideration of a request for an amendment to the Carlyle Special Use Permit (SUP #2012-0006) related to the construction of Carlyle Block P; zoned CDD #1/Coordinated Development District #1. Applicant: Carlyle Plaza LLC represented by Kenneth W. Wire, attorney  
Planning Commission Action: Recommend Approval as Amended 6-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 05/16/15, and is incorporated as part of this record by reference.)

Mayor Euille made a disclosure statement that one of the owners of the proposed property made a campaign contribution to his congressional campaign but he had not personally benefitted from the proposed project and he would be participating in the discussion and voting for this item.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Wilson 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.

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

9. Public Hearing and Consideration of Selection of a Locally Preferred Alternative for the

## Potomac Yard Metrorail Station.

(A copy of the City Manager's memorandum dated May 10, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 05/16/15, and is incorporated as part of this record by reference.)

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

(1) Poul Hertel, 3716 Carriage House Court, spoke against alternative B as the preferred alternative for the metrorail station and protecting the George Washington Parkway during construction.

(2) Jennifer Hovis, 1705 Potomac Greens Drive, spoke in support of locally preferred alternative B for the Potomac Yard Metrorail Station.

(3) Robert Giroux, 2103 Jefferson Davis Highway, representing the Potomac Yard Special Tax District Committee for Tax Fairness, recognized his neighbors and submitted a petition. Mr. Giroux spoke against allowing a special tax district.

(4) Austin Cusak, 2212 Potomac Avenue, spoke against allowing a special tax district.

(5) Raefael Lima, 717 Diamond Avenue, spoke against allowing a special tax district.

(6) Tanya Culbert, 2107 Jefferson Davis Highway, spoke against allowing a special tax district.

(7) Vickie Lessa, 622 Custis Avenue, spoke against allowing a special tax district.

(8) Adrien Lopez, 717 Diamond Avenue, spoke against allowing a special tax district.

(9) Richard LaFace, 622 East Howell Avenue, spoke against allowing a special tax district.

(10) Adam Bramwell, 713 McKenzie Avenue, spoke against allowing a special tax district.

(11) Patricia Harris, 610 Howell Avenue, spoke against allowing a special tax district.

(12) Cindy Xu, 2103 Jefferson Davis Highway, spoke against allowing a special tax district.

(13) Anthony Istricio, 2113 Jefferson Davis Highway, spoke against allowing a special tax district.

(14) Jack Sullivan, 4300 Ivanhoe Place, expressed concern about the financing plan for building the metrorail station and noted that past plans based on commercial development have changed to residential, causing expected financial gains to change.

(15) Van Van Fleet, 26 Wolfe Street, representing the Old Town Civic Association,

expressed concern about the funding structures proposed for the metrorail station and he spoke against the establishment of the special tax district. Mr. Van Fleet stated Council should examine other financing options and focus on increasing the BRT ridership.

(16) Dino Drudi, 315 North West Street, spoke in support of the no-build option.

(17) Katy Cannady, 20 East Oak Street, spoke about the debt the City would incur by choosing alternative B and the amount of commercial revenue that would be lost. Ms. Cannady stated she preferred option A or the no-build option.

(18) David Dickson, 1624 South Nelson Street, Arlington, representing the Mount Vernon Group of the Sierra Club, spoke in support of the locally preferred alternative B for the Potomac Yard Metrorail Station.

(19) Steve Milone, 907 Prince Street, representing the Environmental Policy Commission, spoke in support of the locally preferred alternative B for the Potomac Yard Metrorail Station.

(20) David Fromm, 2307 East Randolph Avenue, spoke about maintaining the long-term vision and the possibility of spreading the tax responsibility for funding the metrorail station throughout the city to all the residents.

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and scheduled a Special City Council Meeting on May 20, 2015 for consideration of a locally preferred alternative for the Potomac Yard Metrorail Station. 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.

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\*\*\*At 12:33 p.m., City Council took a brief recess. The meeting resumed at 1:12 p.m.\*\*\*

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\*\*Please note: Docket Items No. 10 and 11 were considered prior to Docket Item No. 9\*\*

10. Public Hearing and Consideration of the Recommendation from the City Council Naming Committee on the Proposal to Rename 1 & 7 E. Del Ray Pocket Park the Judy Lowe Neighborhood Park.

(A copy of the City Manager's memorandum dated May 6, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 05/16/15, and is incorporated as part of this record by reference.)

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

(1) David Fromm, 2307 East Randolph Avenue, spoke in support of the recommendation.

(2) Bill Henderickson, 304 East Spring Street, spoke in support of the recommendation.

- (3) Marlon Lord, 2724 Hickory Street, spoke in support of the recommendation.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and adopted the recommendation of the City Council Naming Committee for the naming of 1 & 7 E. Del Ray Pocket Park to the Judy Lowe Neighborhood 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.

11. Public Hearing and Consideration of the Recommendation from the City Council Naming Committee on the Proposal to Name the Park Parcel at 2802 Mt. Vernon Avenue the Nancy Dunning Garden.

(A copy of the City Manager's memorandum dated May 6, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 05/16/15, and is incorporated as part of this record by reference.)

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

- (1) Pat Miller, 404 LaVerne Avenue, representing the Del Ray Business Association, spoke in support of the recommendation.

- (2) Kathryn Brown, 2724 Hickory Street, spoke in support of the recommendation.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Wilson and carried unanimously, City Council closed the public hearing and adopted the recommendation of the City Council Naming Committee to name the park parcel at 2802 Mt. Vernon Avenue the Nancy Dunning Garden. 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)**

12. Coordinated Development District Concept Plan #2015-0001  
Development Special Use Permit #2014-0033  
Transportation Management Plan SUP #2015-0030  
Coordinated Sign Special Use Permit #2015-0031  
3809-3839 Mount Vernon Avenue (Parcel Address: 3809, 3809-A, 3811, & 3811-A Mount Vernon Avenue) and 3907 Bruce Street - Mount Vernon Village Center  
Public Hearing and Consideration of a request for an extension to the date of expiration of the following previous approvals: (A) Coordinated Development District Concept Plan (CDD #6) #2011-0005; (B) Development Site Plan #2009-0016 to construct a mixed use project with residential and ground floor retail, with a Special Use Permit for building height increase in exchange for affordable housing units per Section 7-700 of the Zoning Ordinance; (C) Special Use Permit for Transportation Management Plan #2011-0058; and (D) Special Use Permit for Freestanding Sign and Coordinated



Sign Program #2011-0070; zoned CDD #6/Coordinated Development District #6.  
Applicant: Arlandria Center LLC represented by Duncan Blair, attorney  
Planning Commission Action: Recommend Approval: CDD Concept Plan, Development  
Special Use Permit, Transportation Management Plan SUP, and Coordinated Sign SUP  
6-0

(A copy of the Planning Commission report dated May 5, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 05/16/15, and is incorporated as part of this record by reference.)

Ms. Contreras, Urban Planner, Planning and Zoning, gave a presentation of the proposed project and extension and she along with, Mr. Moritz, Director, Planning and Zoning, responded to questions from Council.

Mayor Euille disclosed that the applicant has made a contribution to his campaigns in the past but he would still participate in the discussion and will be voting for this item.

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

(1) Duncan Blair, 524 King Street, the attorney representing the applicant, spoke in support of the extension and responded to questions from Council about reasons for the delay on the project, length of the requested extension, parking and landscaping.

**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.

13. Development Special Use Permit #2014-0005  
3100 Jefferson Davis Highway (Parcel Address: 3104 Jefferson Davis Highway) -  
Marino's Restaurant  
Consideration of a request for an extension to the date of expiration of a previously approved Development Special Use Permit #2010-0004, with modifications, to construct an addition to the existing building including Special Use Permit approval to operate two restaurants; zoned CSL/Commercial Service Low. Applicant: Ather Subzwari represented by Mike Razavi, engineer  
Planning Commission Action: Recommend Approval 6-0  
[This item was deferred from the February 21, 2015 & April 18, 2015 City Council Public Hearing. The public hearing was closed, however, City Council reserves the right to reopen the public hearing.]

(A copy of the City Manager's memorandum dated March 31, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 05/16/15, and is incorporated as part of this record by reference.)

Mr. Roberts, Urban Planner, gave a presentation and he, along with Mr. Moritz, Director, Planning and Zoning, and Mr. Kerns, Division Chief, Planning and Zoning responded to questions from Council about the dedication of the right-of-way, terms of the lease and plans for redevelopment of the Oakville Triangle.

**A motion was** made by Councilman Smedberg to deny the Planning Commission recommendation and not allow the extension. The motion failed for lack of a second.

**WHEREUPON**, upon motion by Councilman Pepper, seconded by Councilwoman Pepper and carried 6-1, City Council approved the Planning Commission recommendation with an addition to including a new condition 15(A) requiring a staff review in May 2020 and a Council review in 2025. The vote was as follows: In favor, Mayor Euille, Vice Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Wilson; Opposed, Councilman Smedberg.

## **ORDINANCES AND RESOLUTIONS**

14. Public Hearing, Second Reading, and Final Passage of an Ordinance to Proposed Increase in Ambulance Transport Fees Based on the Type of Service Provided. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 05/16/15, 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. 14; 05/16/15, 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 adopted an ordinance for a proposed increase in ambulance transport fees based on the type of service provided. 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. 4947**

AN ORDINANCE to amend and reordain Section 3-2-131 (IMPOSITION; EXCEPTIONS) of Article J (SERVICE CHARGES FOR CITY AMBULANCE AND HAZARDOUS MATERIALS INCIDENT RESPONSE SERVICES), Chapter 2 (TAXATION), 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 3-2-131 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. 3-2-131 - Imposition; exceptions.

(a) The following words and phrases, when used in this section, shall have the meanings set out below:

(1) Basic Life Support (BLS): Medical treatment rendered to, or procedures performed upon, a patient as defined by the "National Emergency Medicine Services Education and Practice Blueprint" for the medic B basic (EMT-Basic).

(2) Advanced Life Support, Level 1 (ALS-1): Medical treatment rendered to, or procedures performed upon, a patient beyond the scope of an EMT-Basic level, as defined by the National Emergency Medicine Services Education and Practice Blueprint.

(3) Advanced Life Support, Level 2 (ALS-2): Advanced life support treatment rendered to a patient that includes one or more of the following medical procedures:

(A) defibrillation/cardioversion,

(B) endotracheal intubation,

(C) cardiac pacing,

(D) chest decompression,

(E) intraosseous line, or

(F) the administration of three or more medications.

(4) Ground Transport Mileage (GTM): Distance traveled, measured in statute miles, from the location of the incident to a hospital or other facility to which a patient is transported.

(b) Except as hereinafter provided, there is hereby imposed a service charge of ~~\$400~~500 per BLS transport, ~~\$500~~650 per ALS-1 transport, ~~\$675~~800 per ALS-2 transport, plus a GTM charge of \$10 per mile, on each person who is transported by ambulance service by the emergency medical services division of the City of Alexandria Fire Department. The funds received shall be paid into the general fund of the city to aid in defraying the cost of providing such service.

(c) No charge shall be imposed on persons in the following instances:

(1) Persons in the custody of the police department or the office of the sheriff of the city;

(2) Persons determined to be medically indigent according to (i) the eligibility determination made by the hospital to which the person is transported, or (ii) Level A of the income level scales established by the health department of the city for the purpose of determining eligibility for health services;

(3) Victims of violent crime, as identified by the commonwealth's attorney for the city;

(4) Persons affected by fire, flood, storm, natural or man-made calamity or disaster, or by widespread public disturbance or disorder when an emergency rescue vehicle of the city responds as a matter of policy without call;

(5) City of Alexandria employees who become ill or are injured during working hours while carrying out work-related duties; or

(6) Children 18 years of age or younger who require emergency medical service and transport while attending school or a school-related activity.

Section 2. That this ordinance shall become effective on July 1, 2015.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 2-100 (Definitions) of Article II (Definitions); Section 4-1400 (NR/Neighborhood Retail Zone [Arlandria]) of Article IV (Commercial, Office and Industrial Zones); Section 6-700 (KR/King Street Urban Retail Zone) of Article VI (Special and Overlay Zones); Section 8-100 (Off Street Parking Required), Section 8-200 (General Parking Regulations), 8-400 (King Street Parking District) all of Article VIII (Off Street Parking and Loading); all of the City of Alexandria Zoning Ordinance, in

Accordance With the Text Amendment Heretofore Approved by City Council on April 18, 2015 as Text Amendment No. 2015-0002 to Revise the Multifamily Building Parking Regulations and Associated Changes. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 05/16/15, 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. 15; 05/16/15, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Wilson, seconded by Councilman Chapman and carried 5-2 by roll-call vote, City Council adopted an ordinance to amend and reordain Section 2-100 (Definitions) of Article II (Definitions); Section 4-1400(NR/Neighborhood Retail Zone) [Arlandria] of Article IV (Commercial, Office and Industrial Zones); Section 6-700 (KR/King Street Urban Retail Zone) of Article IV (Special and Overlay Zones); Section 8-100 (Off Street Parking Required), Section 8-200 (General Parking Regulations); 8-400 (King Street Parking District) all of Article VIII (Off Street Parking and Loading); all of the City of Alexandria Zoning Ordinance, in accordance with the Text Amendment heretofore approved by City Council on April 18, 2015 as Text Amendment No. 2015-0002 to revise the multifamily building parking regulations and association changes. The vote was as follows: In favor, Mayor Euille, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper and Councilman Wilson; Opposed, Vice Mayor Silberberg and Councilman Smedberg.

The ordinance reads as follows:

#### ORDINANCE NO. 4948

AN ORDINANCE to amend and reordain Section 2-100 (Definitions) of Article II (Definitions); Section 4-1400 (NR/Neighborhood retail zone [Arlandria]) of Article IV (Commercial, Office and Industrial Zones); Section 6-700 (KR/King Street Urban Retail Zone) of Article VI (Special and Overlay Zones); Section 8-100 (Off Street Parking Required), Section 8-200 (General Parking Regulations), 8-400 (King Street Parking District) all of Article VIII (Off Street Parking and Loading); all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on April 18, 2015 as Text Amendment No. 2015--0002 to revise the multifamily building parking regulations and associated changes.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2015-0002, 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 April 7, 2015 of a text amendment to the Zoning Ordinance to adopt revised parking regulations for multifamily residential buildings and associated changes, which recommendation was approved by the City Council at public hearing on April 18, 2015;

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; and

WHEREAS, in the motion to approve Text Amendment No. 2015-0002, the City Council gave direction to staff that new residential multifamily developments in parking districts located in Residential Permit Parking Districts 1 through 5 should be prohibited from obtaining Residential Permit Parking permits until such time that the old Town Area Parking Study (OTAPS) group makes its recommendation to the City Council regarding a comprehensive approach to the Residential Permit Parking concerns, which direction will be implemented by including the prohibition as a proposed condition on any applicable Development Special Use Permit;

Now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-100 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language in underline, as shown:

## **ARTICLE II. - DEFINITIONS**

*Sec. 2-100 - Definitions.*

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### 2-121.05 Bedroom

A room designated for sleeping that meets the standards for a sleeping room in the Virginia Uniform Statewide Building Code incorporated in the City of Alexandria Code by section 8-1-2 of the City Code.

### 2-182.05 Parking Ratio

A measurement that indicates the relationship between the number of parking spaces and the specified indicator in a particular land use such as square footage, number of seats, units, bedrooms.

### 2-201.1 Walkability Index

A City of Alexandria scoring system used to measure the degree to which a person can travel on foot between places to work, live, and play. The index considers the presence of neighborhood services, civic and community facilities, retail, and community anchors. It also considers the presence of sidewalks and other physical infrastructure which contribute to a safe and pleasant pedestrian experience.

Section 2. That Section 4-1400 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

## ARTICLE IV. - COMMERCIAL, OFFICE AND INDUSTRIAL ZONES

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### *Sec. 4-1400 - NR/Neighborhood retail zone (Arlandria).*

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#### 4-1407 - Parking.

The parking requirements of article XIII of the zoning ordinance and with an administrative permit granted by the director of planning and zoning, the following provisions shall apply as to off-street parking:

- (A) In order to maintain the existing supply of private off-street parking spaces, these spaces shall be retained and may be shared until such time as centralized parking facilities are constructed. Such shared arrangements shall be reviewed and approved by the director of planning and zoning;
- (B) Existing restaurants may add up to 20 outdoor dining seats with no additional off-street parking requirement;
- (C) When there is a change in use to a use which has the same or lesser parking requirement than the previous use, no additional parking shall be required. When there is a change in use which has a greater parking requirement than the previous use and is located within 500 feet of a public parking lot or facility and when the development proposal complies with the design and retail guidelines, no additional off-street parking is required subject to review and approval by the director of planning and zoning;
- (D) The on-site parking requirement for newly constructed buildings or additions to existing buildings of up to 5,000 square feet shall be 40 percent of the requirement in article VIII, provided the subject property is located within 500 feet walking distance of a public parking facility;
- (E) Newly constructed buildings, except for buildings to be occupied by live theater, with greater than 5,000 square feet or more than 500 feet from a public parking facility shall provide the off-street parking required by article VIII of the zoning ordinance;
- (F) Newly constructed residential apartment units shall ~~provide at least one on-site, off-street parking space per unit~~ shall comply with off-street parking required by article VIII of the zoning ordinance for multifamily buildings.

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Section 3. That Section 6-700 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language in underline, as shown:

## ARTICLE VI. - SPECIAL AND OVERLAY ZONES

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*Sec. 6-700 - KR/King Street Urban Retail Zone*

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*6-703 - Parking requirements for residential uses.*

Notwithstanding any contrary provisions of this ordinance, for residential uses, other than multifamily dwellings, a minimum of one parking space is required for each dwelling unit.

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Section 4. That Sections 8-100, 8-200, and 8-400 of the Zoning Ordinance be, and the same hereby are, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

ARTICLE VIII. - OFF-STREET PARKING AND LOADING

*Sec. 8-100 - Off-street parking required.*

(A)

- (1) *General requirement.* No land shall be used or changed in use, no structure or building shall be constructed, and no existing structure or building shall be changed in use, significantly enlarged or significantly altered as those terms are defined in section 8-200(F)(4), unless the off-street parking required by this Article VIII is provided for the entire land, structure or building.
- (2) *Special requirement.* No existing building or structure shall be enlarged as that term is defined in section 8-200(F)(4) unless the off-street parking required by this Article VIII is provided for such enlargement.
- (3) *Statutory exception.* Land, buildings or structures actually in use or constructed as of January 27, 1987, and prior thereto are exempted from the requirements of this Article VIII to the extent provided in section 8-200(F).
- (4) *Reduction of requirement by special use permit.* A special use permit may be obtained pursuant to section 11-500, which authorizes the provision of less off-street parking than is otherwise required by this Article VIII, subject to the following:
  - (a) The special use permit applicant shall demonstrate that providing the required parking would be infeasible.
  - (b) If the requested reduction exceeds five parking spaces, the special use permit applicant shall propose and have approved as a condition of the permit a parking management plan which shall include reasonable and effective measures, appropriate to the size, scale and location of the use, building or structure, which will mitigate the impacts of the proposed reduction in parking.
  - (c) City council, upon consideration of the special use permit application, finds that the proposed reduction in parking will not have an adverse impact on the nearby neighborhood, and that the application otherwise complies with the standards for approval set forth in section 11-504

(d) A special use permit may not reduce the number of off-street parking spaces otherwise required below the number of spaces which are provided at the time of the permit application, unless allowed by another provision of this ordinance or required by extraordinary circumstances.

(5) Alternative reduction of requirement. Required parking may be reduced in conjunction with the provision of low and moderate income housing as provided in section 7-700, and required parking may be reduced or waived where alley or interior court access is infeasible, in the RM zone pursuant to section 3-1107 and in the Old and Historic Alexandria District, Parker-Gray District, Town of Potomac Historic District, Rosemont Historic District and for designated buildings over 100 years old, pursuant to section 8-200(C)(5).

(6) Reduction of requirement by administrative special use permit. An administrative special use permit may be obtained pursuant to section 11-513, where sufficient parking to meet the requirement is available at all times the use is operational, despite the fact that the same parking spaces are used, dedicated or available for other uses at other times.

(7) Multifamily Dwelling Requirement Modification. In addition to the reductions allowed by this section, for Multifamily Dwellings, a special use permit may be obtained pursuant this Section 11-500 and this section 8-100(A)(4) which authorizes the provision of more off-street parking than is otherwise required by this Article VIII.

(B) It shall be unlawful to diminish the off-street parking facility required for any structure or premises by this Article VIII, unless another such facility, meeting all the requirements, is substituted.

(C) Notwithstanding the requirements of this Article VIII, those projects subject to approval under section 11-700 regarding Transportation Management Special Use Permits shall be required to provide for parking and loading in compliance with that section and the approved special use permit.

#### ***Sec. 8-200 - General parking regulations.***

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

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(2) Multifamily dwellings.

~~(a) One and three tenths (1.30) spaces for each unit up to and including one bedroom unit.~~

~~(b) One and three quarters (1.75) spaces for each two bedroom unit;~~



~~(c) Two and two-tenths (2.20) spaces for each three bedroom unit or larger.~~

(a) Parking Ratio.

i. Metro Station Walkshed Area: Multifamily dwellings located on property within the Metro Half-Mile Walkshed as shown on the Map approved herewith titled "City of Alexandria Metro Station Walkshed Map" as the same may be amended from time to time to incorporate new Metro stations:

i. Shall provide eight tenths (.80) of parking space per bedroom, unless the applicant shows, to the satisfaction of the Director, that the Multifamily Dwelling complies with any of the following in which case the ratio shall be reduced by the percentage as shown:

(A) Five percent (5%) if the Multifamily Dwelling is within a quarter (¼) of a mile of four or more active bus routes;

(B) Ten percent (10%) if the Multifamily Dwelling has a Walkability Index of 90-100 or five percent (5%) if the multifamily dwelling has a Walkability Index of 80-89; or

(C) Five percent (5%) if the Multifamily Dwelling includes twenty percent (20%) or more studio units;

ii. Outside the Metro Station Walkshed Area: Multifamily dwellings located on property not within the Metro Half-Mile Walkshed:

i. Shall provide one (1.0) parking space per bedroom, unless the applicant shows, to the satisfaction of the Director, that the Multifamily Dwelling complies with any of the following in which case the ratio shall be reduced by the percentage as shown:

(A) Ten percent (10%) if the Multifamily Dwelling is outside of the Metro ½ Mile Walkshed but within the Bus Rapid Transit ½ Mile Walkshed as shown on the Map approved herewith titled "City of Alexandria Bus Rapid Transit Walkshed Map" as the same may be amended from time to time to incorporate new operational Bus Rapid Transit Stops;

(B) Five percent (5%) if the Multifamily Dwelling is within a quarter (¼) of a mile of four or more active bus routes;

(C) Ten percent (10%) if the Multifamily Dwelling has a Walkability Index of 90-100 or five percent (5%) if the multifamily dwelling has a Walkability Index of 80-89; or

(D) Five percent (5%) if the Multifamily Dwelling includes twenty percent (20%) or more studio units.

iii. Optional Parking Ratio for Affordable Housing: If a multifamily building includes income-restricted units, the parking ratio for such units may be as follows:

- a. Three quarters (.75) of a parking space per unit if the affordable housing unit is income-restricted for households earning at or below sixty percent (60%) of Area Median Income for Washington-Arlington-Alexandria, DC-VA-MD-WV;
  - b. Sixty five hundredths (.65) of a parking space per unit if the affordable housing unit is income-restricted for households earning at or below fifty percent (50%) of Area Median Income for Washington-Arlington-Alexandria, DC-VA-MD-WV; and
  - c. Five tenths (.50) of a parking space per unit if the affordable housing unit is income-restricted for households earning at or below thirty percent (30%) of Area Median Income for Washington-Arlington-Alexandria, DC-VA-MD-WV;
  - d. The above parking ratios may be reduced by the following percentages if the applicant can show, to the satisfaction of the Director, that the Multifamily Dwelling in which the units are located complies with any of the following:
    - (A) Ten percent (10%) if the Multifamily Dwelling is within the Metro ½ Mile Walkshed or Bus Rapid Transit ½ Mile Walkshed, as shown on the Maps titled “City of Alexandria Metro Station Walkshed Map” and “City of Alexandria Bus Rapid Transit Walkshed Map”;
    - (B) Five percent (5%) if the Multifamily Dwelling is within a quarter (¼) of a mile of four or more active bus routes;
    - (C) Ten percent (10%) if the Multifamily Dwelling has a Walkability Index score of 90 – 100 or five percent (5%) if the Multifamily Dwelling has a Walkability Index score of 80-89; or
    - (D) Five percent (5%) if the Multifamily Dwelling includes twenty percent (20%) or more studio units.
- (b) Calculation of the Number of Bedrooms: For purposes of calculating the required number of parking spaces for a Multifamily Dwelling, the following shall apply:
- iv. studio units shall be considered one bedroom;
  - v. one bedroom units shall be considered one bedroom;
  - vi. two bedroom units shall be considered two bedrooms;
  - vii. any bedroom above the second bedroom in a unit may be included, but is not required to be included, in the total count; and
  - viii. if the Multifamily Dwelling includes affordable units that are exercising the optional parking ratio for affordable housing pursuant to 8-200(A)(2)(a)(iii) herein, such units shall be removed from the count and calculated separately with the applicable ratios.
- (c) Parking Requirement: the parking requirement for the Multifamily Dwelling shall be the number of bedrooms calculated pursuant to section (b) above multiplied by the parking ratio calculated pursuant to section (a) above, subject to the following:

- i. Parking Ratio Requirement adjustment: any parking requirement may be adjusted within five percent (5%) of the requirement if the Director determines that physical requirements of the building prevent compliance with the specific number of parking spaces required; and
- ii. The final ratio represents a minimum and a maximum requirement. Modification of the parking requirement may be requested with a special use permit pursuant to Sections 8-100(A)(4) and 8-100(A)(7).

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8-200(F) *Prior existing buildings and structures.*

- (1) Notwithstanding the provisions of section 8-100 and except as provided in section 8-200(F)(3) below, no off-street parking need be provided for land actually in use on June 25, 1963, for structures or buildings partially or fully constructed as of that date, or for structures or buildings for which a final site plan had been approved or a building permit had been applied for on that date, except as follows:
  - (a) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged or significantly altered between June 23, 1963, and January 27, 1987, the parking requirements of this Article XIII shall apply only to such change in use, enlargement or alteration; and
  - (b) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged or significantly altered after January 27, 1987, the parking requirements of this Article XIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, and such requirements shall apply only to the enlargement of the structure or building upon its completion, unless, as of January 27, 1987, a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued, or unless a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.
- (2) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3) below, any change in use in land which had been placed in use between June 23, 1963, and January 27, 1987, and any change in use, enlargement, significant enlargement or significant alteration of a structure or building which had been constructed between those dates shall be governed by the provisions of sections 8-200(F)(1)(a) and (b).
- (3) The provisions of this section 8-200(F) shall not apply to the enlargement, significant enlargement or significant alteration of single-family, two-family or row or townhouse dwellings.
- (4) For purposes of this section 8-200(F), the following definitions shall apply:
  - (a) "Significantly altered" and "significant alteration" shall mean the reconstruction, remodeling or rehabilitation of, or other physical changes to,

a structure or building, or a portion thereof, over any two-year period, whether or not involving any supporting members of the structure or building and whether altering interior or exterior components of the structure or building, which involves expenditures amounting to 33 1/3 percent or more of the market value of the structure or building, or portion thereof, at the time of the application for an alteration permit. The cost of the remodeling or rehabilitation of units that serve households at or below 60 percent Area Median Income (AMI) for 30 years or more shall be exempt from the calculation of expenditures pursuant to this section.

- (b) "Enlarged" and "enlargement" shall mean an addition to a structure or building which increases its floor area by less than 20 percent. In the case of uses whose parking requirements are determined by a factor other than floor area (e.g., dwelling units, seats, patient beds), these terms shall mean any action which increases this factor by less than 20 percent, whether or not accompanied by an increase in floor area.
  - (c) "Significantly enlarged" and "significant enlargement" shall mean an addition, or additions over any two-year period, to a structure or building which increases its floor area by 20 percent or more. In the case of uses whose parking requirements are determined by a factor other than floor area, these terms shall mean any action, or actions over the two-year period, which increases this factor by 20 percent or more, whether or not accompanied by an increase in floor area.
- (5) No single-family, two-family or townhouse dwelling shall be deemed a noncomplying use or structure because it failed to provide two required parking spaces on June 24, 1992, if the dwelling did provide one required parking space on that date.
- (6) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3), if any land has been changed in use to a multifamily residential use or any structure or building has been changed in use to a multifamily residential use, or a Multifamily Dwelling has been enlarged, significantly enlarged or significantly altered after May 16, 2015, the parking requirements of this Article XIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, however, any existing parking above the requirement may remain. This section shall not apply if a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of May 16, 2015, or if a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

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Sec. 8-400 - King Street Transit Parking District.

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- (3) Requirements. Within the King Street transit parking district, the following regulations shall apply to off-street parking:

- (1) Office buildings, including commercial, government and professional, shall have one parking space for each 530 square feet of floor area; provided, however, that the required parking may be reduced to not less than one parking space for each 665 square feet of floor area when the applicant, at the time of site plan approval, demonstrates through a parking study to the planning commission, or to the city council on appeal, which appeal may be filed within the time and in the manner prescribed by section 11-409(C), except that any aggrieved party may appeal, that the off-street parking provided is adequate for the site, and that there will be no unreasonable adverse effect on the surrounding residential neighborhoods.
- (2) Single-family, two-family, and row or townhouse ~~and multifamily dwellings~~ shall have one parking space per dwelling unit.
- (3) Freestanding retail and service operations shall have one parking space for each 500 square feet of floor area.
- (4) Freestanding restaurants shall have one parking space for each ten seats; except that for carry-out restaurants there shall be no requirement.
- (5) Automobile service stations shall have one parking space for each service bay; except that for self-service operations, there shall be provided one parking space for each employee.
- (6) Hotels shall have 0.7 of a parking space for each guest room.
- (7) Amusement enterprise shall have one parking space for each 200 square feet of floor area.
- (8) Hotel or office building projects with retail, restaurant or amusement enterprises as ancillary uses. No parking shall be required for the first 10,000 square feet of floor area for restaurants, for the first 10,000 square feet of floor area for retail uses and for the first 1,000 square feet of floor area for amusement enterprises; provided, that such uses occupy not more than 25 percent of the total floor area of the mixed use building project. Parking for the excess floor area for such ancillary uses above 25 percent shall be provided at one space for each 1,000 square feet of floor area.

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Section 5. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 6. That Sections 2-100, 4-1400, 6-700, 8-100, 8-200, and 8-400, as amended pursuant to Sections 1 through 4 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 7. That this ordinance shall become effective on the date and at the time of its final passage, and after such date, shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance for which an application for a preliminary site plan has not yet been filed with the Department of Planning and Zoning, 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 Section 8-200(F) of Article VIII or in Article XII of the Zoning Ordinance.

16. Public Hearing, Second Reading and Final Passage of an Ordinance Authorizing the Owner of the property located at 515 Mount Vernon Avenue to construct and maintain an encroachment for Outdoor Dining at that location. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 05/16/15, 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. 16; 05/16/15, 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 adopted an ordinance authorizing the owner of the property located at 515 Mount Vernon Avenue to construct and maintain an encroachment for outdoor dining at that location. 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. 4949

AN ORDINANCE authorizing the Owner of the property located at 515 Mount Vernon Avenue to construct and maintain an encroachment for outdoor dining at that location.

WHEREAS, Yates Holdings, LLC is the Owner ("Owner") of the property located at 515 Mount Vernon Avenue, in the City of Alexandria, Virginia; and

WHEREAS, Owner desire to establish and maintain outdoor dining which will encroach into the public sidewalk right-of-way at that location; and

WHEREAS, the public sidewalk right-of-way at that location will not be significantly impaired by this encroachment; and

WHEREAS, in Encroachment No. 2014-0005 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on December 2, 2014, which recommendation was approved by the City Council at its public hearing on December 13, 2014 and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Tenant be, and the same hereby are, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 515 Mount Vernon Avenue in the City of Alexandria as shown on the Encroachment Exhibit labeled as Exhibit A attached hereto and made a part hereof by this reference, said encroachment consisting of outdoor dining, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at their own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of their obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.

- (c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.
- (d) The Owner shall ensure that the outdoor dining located on the public right-of-way does not block egress pathways and does not block access to any Fire Department connection or Knox Boxes.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The terms "Owner" shall be deemed to include Yates Holdings, LLC and its successors in interest.

Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

- 17. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Title 9 (Licensing and Regulation), Chapter 12 (Taxicabs and Other Vehicles For Hire) of the Code of the City of Alexandria, Virginia, 1981, as Amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated May 6, 2015, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 05/16/15, and is incorporated as part of this record by reference.



A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 05/16/15, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 17; 05/16/15, and is incorporated as part of this record by reference.)

Mr. Garbacz, Division Chief, Transportation and Environmental Services, gave a presentation of the proposed changes to the taxicab ordinance and responded to questions from Council.

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

(1) Kyle Summers, 3014 Colvin Street, representing Alexandria Yellow Cab, spoke in support of the changes in the ordinance.

(2) Chand Dodhy, 3826 Mount Vernon Avenue, representing United Taxicab Operators Association, requested that Council deny the proposed changes in the ordinances and responded to questions from Council.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilman Wilson and carried unanimously by roll-call vote, City Council adopted an ordinance to amend and reordain Title 9 (Licensing and Regulation), Chapter 12 (Taxicabs and Other Vehicles for Hire) 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. 4950

AN ORDINANCE to amend and reordain Title 9 (LICENSING AND REGULATION), Chapter 12(TAXICABS AND OTHER VEHICLES FOR HIRE) of The Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Title 9, Chapter 12 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:

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

#### ARTICLE A. 1 - TAXICABS

#### DIVISION 1 - Generally

#### Sec. 9-12-1 - Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

(Intervening sections remain unchanged.)

(7.2) ~~*Driver transfer.* When a driver moves from his existing company to another company through the biennial transfer process set forth in section 9-12-31(i). For each such driver transfer approved, the number of authorizations held under the original company's certificate of public convenience and necessity shall be reduced by one authorization and the number of authorizations held under the new company's certificate of public convenience and necessity shall be increased by one authorization.~~ Reserved.

(Intervening sections remain unchanged.)

(14) *Taxicab.* Any motor vehicle having a seating capacity of not more than six passengers and not operating on a regular route or between fixed terminals, used in transportation of passengers for hire or compensation, and subject to regulation under this article and applicable law.

(15) *Taximeter.* A meter, instrument or device, approved by the hack inspector, attached to a taxicab which accurately and reliably measures ~~mechanically, and/or electronically~~ the distance driven and the waiting time upon which the fare is based.

(Intervening sections remain unchanged.)

(17) *Taxicab services.* The operation of a motor vehicle upon the streets, on call or on demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along the streets as directed by the passenger or passengers being transported, except as excluded by applicable law.

(Subsequent sections remain unchanged.)

Sec. 9-12-6 - Insurance or bond required.

(a) Every taxicab owner for which a vehicle permit has been issued under this article shall ~~file with the hack inspector a certificate of insurance or binder evidencing,~~ and keep in full force and effect at all times either:

(1) A public liability and property damage insurance policy with a company authorized to do business within the state covering each driver authorized by the vehicle owner to operate the vehicle as a taxicab in at least the amount of \$450,000 combined single limit, with not less than \$300,000 coverage for death, not less than \$100,000 coverage for bodily injury, and not less than \$50,000 coverage for property damage, and every such policy shall contain a clause obligating the company issuing the same to give 15 days' notice in writing to the hack inspector and the company with which the owner is affiliated before any cancellation thereof.

(2) An indemnity bond of a surety company, authorized to do business within the state in the same amounts and for the same purposes as the insurance policy stated in subsection (1) of this section; provided, that the director of finance of the city, after

investigation, shall be fully satisfied as to the financial responsibility of the surety company on such bond.

(3) Each certificate holder shall be responsible for maintaining records documenting compliance with the foregoing insurance requirements, including a certificate of insurance or insurance binder for all affiliated taxicabs and all authorized drivers. Such documents shall be available for inspection by the hack inspector during normal business hours. In addition, each certificate holder shall provide the hack inspector an annual report, at a time of the hack inspector's determination, setting forth:

- A. All affiliated taxicabs, including make, model, production year and VIN;
- B. All drivers authorized to drive each affiliated taxicab vehicle; and
- C. The manner in which each authorized driver and affiliated taxicab comply with the requirements of this section, including, without limitation, the name of the insurer and a certification that the policy complies the requirements of this section.

(4) In the event that the insurance provider or surety changes for one of its affiliated vehicles or authorized drivers, the certificate holder shall report such change to the hack office in writing within 48 hours of receiving notice of same.

#### Sec. 9-12-32 - Requirements for certificate holders.

Each certificate holder shall:

- (a) provide 24-hour service;
- (b) provide ~~a radio~~ two-way dispatch service located within the boundaries of the city that meets the following:

(Intervening sections remain unchanged.)

- (g) maintain a record of all taxicabs affiliated with the certificate holder, of the owners thereof and of all drivers thereof, including the current address and telephone number for each such owner and driver. This record shall be turned in not less than annually by a date to be determined by the director if T&ES and otherwise be available at all times for examination and inspection by the director, hack inspector or any police officer and shall be preserved for 12 months;

(Subsequent sections remain unchanged.)

#### DIVISION 3 - Driver's Permit

##### Sec. 9-12-42 - Application.

- (a) An application for a driver's permit under this division shall be made in writing under oath on forms provided for by the city manager, shall be filed with the hack inspector and shall provide the following:
  - (1) pertinent personal data;
  - (2) physical condition of the applicant;
  - (3) traffic record for five years previous to the date of the application including what driver's licenses have previously been issued to the applicant, and whether such license has ever been revoked or suspended;
  - (4) criminal record including state and local records;
  - (5) prior driving experience; ~~and~~

- (6) whether or not the applicant has ever been convicted, forfeited or entered a plea of nolo contendere on any traffic or criminal charge of any kind; and if so, the details thereof; and
- (7) a written certification from a company certificate holder that the applicant has taken and passed a written examination pursuant to Section 9-12-46 herein in a form reviewed and approved by the hack inspector.
- (b) Each applicant shall apply for the permit in person and have his or her fingerprints taken, which fingerprints shall constitute a part of the application.
- (c) Each applicant shall file with the application three copies of a recent photograph, of a size designated by regulation, one of which shall be attached to and become a part of the application, another to be permanently attached to the permit, if issued.
- (d) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution and for denial or revocation of this driver's permit."
- (e) Each applicant shall be subject to a brief oral examination by the hack inspector as to the applicant's ability to operate a taxicab, knowledge of the traffic laws of the city and state, knowledge of the city's roads and the laws of this article applicable to drivers at the time the driver's permit application is submitted; the applicant must successfully pass the oral examination before the hack inspector will further process the application for a driver's permit.

(Subsequent sections remain unchanged.)

#### Sec. 9-12-46 - Examination of applicant as to driving ability, etc.

Each applicant for a driver's permit pursuant to this division shall be required to pass an a written examination in a form approved by the given under the direction of the hack inspector as to the applicant's ability to operate a taxicab, knowledge of the traffic laws of the city and state, knowledge of the city's roads and the laws of this article applicable to drivers. The content, nature and form of such examination shall be determined by the hack inspector and may be periodically changed by the hack inspector from time to time as may be deemed necessary for the public interest and safety. This examination may be offered and taken by a company certificate holder or a third party and must be successfully completed, with a passing score of 75% or higher prior to application for a driver's permit pursuant to Section 9-12-42. After submission of the information set forth in section 9-12-42, payment of the fees set forth in section 9-12-43 and completion of any investigation required under sections 9-12B44 and 9-12B45, the hack inspector shall administer the referenced examination to the applicant, pursuant to such schedule as the hack inspector may determine. In the event the applicant passes the examination, the hack inspector shall issue a driver's permit to the applicant. Within 90 days after the applicant's passage of the referenced examination, the successful applicant shall complete the training requirements set forth in section 9-12-47 and submit written documentation thereof to the hack inspector. In the event the successful applicant fails to timely complete the training and provide documentation thereof in the manner set forth herein, the hack inspector shall revoke the successful applicant's driver's permit. The hack inspector may reinstate any such revoked driver's permit upon satisfaction of the training and documentation requirements.

#### Sec. 9-12-47 - Driver training.

~~After obtaining the driver's permit set forth in section 9-12-50(c), each successful applicant or holder of a driver's permit pursuant to this division shall attend a driver training course that has been approved by the city prior to receiving an annual driver's permit or any renewal thereof.~~

Reserved.

~~Sec. 9-12-48 - Company endorsement of driver.~~

~~No person may apply for a driver's permit without the endorsement of a certificate holder. Such endorsement shall be on a form provided by the city, submitted with the application for a driver's permit, and shall indicate the certificate holder's company's consent to authorize the driver, if a driver's permit is issued by the city, to operate a taxicab under the certificate.~~

Reserved.

Sec. 9-12-49 - Requirements for driver's permit.

A driver's permit shall not be issued to any person who:

(Intervening sections remain unchanged.)

- (f) has not provided a written certification from a company certificate holder that the applicant has taken and passed a written examination pursuant to Section 9-12-46 herein in a form reviewed and approved by the hack inspector. ~~endorsement of a certificate holder;~~
- (g) has not held a valid motor vehicle operator's license for a period of at least six months;
- (h) has not passed the applicable examinations required by section 9-12-46 ~~and completed the driver training course required by section 9-12-47, or~~
- (i) does not have a valid work authorization the Immigration and Naturalization Service, if required.

Sec. 9-12-56 - Records and reporting requirements.

(Intervening sections remain unchanged)

- (d) *Drivers and company certificate holders to report changes of affiliation.* Every driver of a taxicab, as well as the company certificate holder to which the driver is changing affiliation, shall notify the hack inspector within five business days when he changes his affiliation to another taxicab company.

Sec. 9-12-75 - Information to be shown on permits.

Each vehicle permit issued pursuant to this division shall contain at minimum the following information:

- (1) vehicle permit number;
- (2) name of the certificate holder under whose certificate the vehicle will be operated;
- (3) name of the owner;
- (4) expiration date;
- (5) year, make, model and vehicle identification number (VIN);
- (6) make and serial number of ~~radio and~~ taximeter; and

- (7) the fact that the permit is issued subject to the provisions of this article and may be suspended or revoked if the provisions of this article are violated.

Sec. 9-12-76 - Expiration of permit.

All vehicle permits issued under this division shall expire one year from the date of issuance ~~of the permit on June 30 next after issuance~~, unless sooner suspended or revoked. Vehicle permit issuance shall be coordinated with the vehicle and meter inspection schedule promulgated by the hack inspector.

Sec. 9-12-81 - Requirements for vehicles.

Every taxicab and the equipment used in connection therewith, subject to a vehicle permit pursuant to this division, shall at all times comply with the following minimum standards:

(Intervening sections remain unchanged.)

- (k) *Two-way communication ~~radios~~*. Every taxicab shall be equipped with a means of wireless two-way communication radio, properly installed and kept in working order at all times. Such means of communication radios shall be operated in compliance with the all applicable regulations of the Federal Communications Commission. Each ~~radio~~ unit will have the ability to conduct a two-way conversation with the taxicab dispatcher. ~~The hack inspector shall be provided with the serial number of each radio.~~

(Subsequent sections remain unchanged.)

DIVISION 6 - Fares

Sec. 9-12-131 - Taximeters.

- (a) All taxicabs shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be approved in advance by the hack inspector, operated mechanically or electronically and accurately track distance by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism the movement of the vehicle via GPS or other commercially reliable means, as approved by the hack inspector in consultation with the director of T&ES. It shall be inspected and certified by the hack inspector at an annual cost determined by regulation for each meter, at all points and connections which, if manipulated, would affect its correct reading and recording. Each taximeter shall be equipped with a mechanism or display which indicates when the vehicle is engaged and when it is not engaged; and the driver shall actuate the taximeter at the commencement of each trip and stop the taximeter at the termination of each trip. Any taximeter shall be subject to inspection upon demand by the hack inspector, or any police officer, and if the taximeter is determined to be inoperative or inaccurate, the taxicab shall cease to be operated until the taximeter is repaired, inspected and certified by the hack inspector.

(Subsequent section remains unchanged.)

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

## **DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

Planning Commission (continued)

None.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilman Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council adjourned the public hearing meeting of May 16, 2015 at 2:45 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:

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WILLIAM D. EUILLE MAYOR

ATTEST:

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Gloria Sitton, CMC Deputy City Clerk