

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Saturday, April 16, 2016
9:30 AM
Council Chambers**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson and Members of Council Willie Bailey, John Taylor Chapman, Timothy B. Lovain and Redella S. Pepper.

Absent: Councilman Paul C. Smedberg.

Also Present: Mr. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Anderson, Deputy City Attorney; Police Captain Andreas; Ms. Baker, Deputy City Manager; Mr. Lambert, Director, Transportation and Environmental Services; Ms. McIlvaine, Director, Office of Housing; Ms. Metcalf, Office of Housing; Mr. Moritz, Director, Planning and Zoning; Ms. Brandt Vorel, Planning and Zoning; Mr. Dambach, Planning and Zoning; Mr. Kerns, Planning and Zoning; Mr. Price, Planning and Zoning; Ms. Horowitz, Planning and Zoning; Mr. Browand, Recreation, Parks and Cultural Activities; Mr. Sindiong, Transportation and Environmental Services; Ms. Sanders, Transportation and Environmental Services; Mr. Garbacz, Transportation and Environmental Services; Ms. Jaatinen, Transportation and Environmental Services; Ms. Garvey, Director, Community and Human Services; Ms. Bryan, Information Technology Services; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All members of City Council were present, with the exception of Councilman Smedberg, who was absent.

2. Public Discussion Period.

The following persons participated on this item:

1. Edith Lam, 1108 Jefferson Street, a volunteer with the Virginia Cooperative Extension, spoke for increased awareness of the VCE and the free educational program that is offered in Alexandria and Arlington.

2. Reginald Morris, 1108 Jefferson Street, staff member with the Virginia Cooperative Extension, spoke about the VCE program and providing educational outreach to the community.

3. Mimi Goff, 1313 Bishop Lane, spoke about the need and problem with overcrowding at the City schools and the need for an additional secondary school.
4. Helen Desfosses, 400 Madison Street, Apt. 1201, chair, Alexandria Library Board, spoke about the Library budget funding and restoration of Sunday hours at three of the branches.
5. Gary Carr, 216 Aspen Street, spoke in support of the restoration of the running track at George Washington Middle School and to fully fund the School Board's budget and the capacity at the schools and the projected enrollment.
6. Lance Spencer, 1108 Vassar Road, representing the Clover College Park Civic Association, spoke to the dangerous high speed cut through traffic in Clover College Park for cars trying to bypass Quaker and Duke Street.
7. Julia Hart, 4515 Willard Avenue, Apt 1212S, Chevy Chase, Maryland, said she is an ACPS teacher and she spoke in support of funding for the City schools.
8. Stefanie Mills, 1340 Braddock Place, a teacher with ACPS, spoke in support of funding for the City schools for pre-k education.
8. Lorna Eaton, 1340 Braddock Place, a pre-k teacher with ACPS, spoke in support of funding for pre-k education.
9. Amy Salleh, 1340 Braddock Place, a pre-school teacher with ACPS, spoke in support of pre-k funding for the schools.
10. Sarah Adams, 1005 N. Daniel Street, Arlington, a pre-school teacher with ACPS, spoke in support of pre-k funding for the schools.
11. Beth Pellowitz, 1340 Braddock Place, an early childhood special education teacher with ACPS, spoke in support of pre-k funding for the schools.
12. Molly McCabe, 1340 Braddock Place, a kindergarten teacher with ACPS, spoke in support of pre-k funding for the schools.
13. Jane Richardson, 1340 Braddock Place, an early childhood education teacher with ACPS, spoke in support of pre-k funding for the schools.
14. Alan Dinsmore, 205 Aspen Street, representing the Commission on Aging, spoke of Council moving expeditiously on the consolidation of programs with the Charles Houston Center and moving to restore the funding of staff and programming at the Center; the dental program and restoration of funds in the amount of \$57,914 for the program; and the complete street programs funding in the CIP in the amount of \$557,000, which may not be sufficient for continuation of the pedestrian safe streets.
15. Janice Grenadier, 15 W. Spring Street, spoke of her illegal jailing and torture in Alexandria, and she spoke of the City Attorney's writing of a report on the reporting of misconduct of a Judge and attorney.

16. Dorothea Peters, 4513 Peacock Avenue, spoke about the Patrick Henry School and Rec Center, thanking the School Board for telling the architect not to have access on Latham and she spoke of option 1-A/D, which allowed access onto Latham. She said she was concerned about re-districting schools in Alexandria and asked for support of option 1-A.

17. Jody Manor, 103 N. Alfred Street, owner of Bittersweet, said their main street is under stress and there are declining sales tax revenues. He said the commercial building Bittersweet is in has declined in value over the last eight years, and that should be a grave concern, noting that 20 businesses have closed in the last year. He said they need to look at solutions, and they need to look at a public/private partnership that gets everything to work together, and a professional study needs to be made of how the assets can work together and there needs to be money in the budget for that study.

18. Liz Parker, 700 N. Latham Street, a member of the Patrick Henry Advisory Group, spoke of the plan for a driveway and parking lot on Latham Street. She said the School Board voted unanimously to limit design options to emergency only access on Latham Street. After that, in the community advisory meeting, the project team discussed trade-offs, and she urged Council to support the School Board decision for only emergency access on Latham Street.

19. Linda Hauenstein, 4807 Peacock Avenue, spoke of the Patrick Henry project, noting that option 1-A was the overwhelming favorite from the community, and there is a new option 1-A which includes bus access on Latham, and she said neighbors oppose option 1-A over concerns about safety issues for the children. She noted they applaud the School Board decision that only access be allowed for emergency vehicles. Ms. Hauenstein said she was concerned about the increasing cost of the rec center, and over having artificial turf because of health concerns for their children.

20. Basim Khan, 2 E. Glebe Road, executive director, Neighborhood Health, spoke in support of the Casey Clinic, noting that in 2004, they served 1,900 residents and now serve 7,500 low-income residents. He said they serve about 3 out of 4 Alexandrians living in poverty, and the goal is to serve all the residents.

21. Carol James, N. Vail Street, spoke of open space at Patrick Henry, stating that the new A-1 plan further reduces the green space at the site. She noted that the community pointed out to the consultant that they removed green space, and they were told they were planting a row of trees, but she said landscaping is not open space and does not promote recreational use. She said the site proposal is inconsistent with the City's own needs assessments, which stipulates people want open space, and that is their number one concern.

22. Bert Ely, 200 S. Pitt Street, on behalf of the Old Town Civic Association, spoke of the concerns of a possible creation of business improvement districts (BID) in the City, noting that it is a special tax district in a defined geographical area. He said a key motivation from some in organizing a waterfront/King Street BID arises from dissatisfaction with the quality of City services along King Street and along the waterfront. Mr. Ely went over numerous questions Council should consider before authorizing any BID.

After discussion, it was suggested that this come back to City Council for a work session discussion.

23. Brittany Pierce Lipinski, S. Glebe Road, an early childhood special education

teacher with ACPS, spoke in support of pre-k funding.

24. Jeannie Frank, 3700 Fort Worth Avenue, spoke of the planning for street striping on Ft. Williams Parkway for bike lanes, parking places and crosswalks and have been told it would be done as soon as resurfacing programs is completed in the Spring, and she and her husband oppose the striping and she asked that the concrete HOT lanes be removed on Ft. Williams and Colonel Ellis and Ft. Williams and Ft. Worth and return the corners to what they were originally planned.

Mr. Lambert, Director, Transportation and Environmental Services, responded to comments and noted that it was a resurfacing project and they have spoken with the neighborhood. The work being done now is maintenance work.

25. Jack Sullivan, 4300 Ivanhoe Place, representing the Seminary Hill Association, spoke to the expansion of Patrick Henry and the Rec Center and the issues - the subtle change in option A and A-1, and to the turfing of the fields. He said a study said that in the long run, turf fields are more expensive than natural grass, so accepting figures that turf is less expensive in the short-term isn't necessarily so.

26. Jerusalem Brown, 1306 Madison Street, spoke of the ECLI program and thanked Council for funding the Hopkins House ECLI program and investing in human services.

27. Merhawit Gebremedhin, 4291 Seminary Road, #307, spoke of the ECLI program at Hopkins House and thanked Council for investing in human services.

28. Marivel Meruvia, 3321 Slade Court, spoke of the ECLI program at Hopkins House and thanked Council for investing in human services.

29. Cory Pena, 307 Buchanan Street, spoke of her concern for the pre-k center and that it would remove 400 at-risk students from their neighborhood and put them in a pre-k center outside of their neighborhood in order to alleviate overcrowding.

30. Julie Jakopic, 3210 Landover Street, spoke to Hopkins House Early Childhood Learning Institute and to the problem with putting 400 students in one building, noting that they need the little kids to get everything they need.

Ms. Garvey, Director, Community and Human Services, responded to comments about the early care and education program.

31. Emma Garcia, 205 S. Whiting Street, spoke of support for investments in human services and said she participates in SCAN's parenting class and noted how it's helped her with her parenting skills.

32. Glenda Salmeron, 5249 Duke Street, Suite 308, spoke of how her life is better because of Council's investment in human services and the help she received when she was pregnant and as a new parent.

33. Eby Aka, 4744 Kenmore Avenue, #202, thanked Council for the great job they have done through the years for the early childhood programs.

34. Hamid Mitchell, 6034 Morgan Court, spoke of the investment in human services, noting that he is a past participant in PLTI and SCAN.

35. Joan Drury, N. Royal Street, spoke of the ethics discussion from past Tuesday's meeting, and she said it's not about Council's ethics, but the ethical decision making based on values of the citizens. She also spoke to the traffic impact studies and she said her question is does building development and increasing density and height in new development overshadow public safety.

36. Richard Merritt, 2729 Franklin Court, spoke in support of the one cent increase in property tax, as co-chair of the Alliance for Alexandria's Uninsured, noting that the General Assembly has shut the door on expanding the Medicaid program. He asked Council to make a significant investment in improving access to primary care services for those citizens that are not being cared for in health insurance.

37. Dolores Viehman, 1309 Prince Street, spoke on behalf of Senior Services of Alexandria to speak to the importance of human service organizations and of the senior clients they serve through the Meals on Wheels program.

38. Dan Hawkins, 1405 Roundhouse Lane, #301, the other co-chair for the Alliance for Alexandria's Uninsured, spoke of the concern for the unmet health care needs of the poor and underserved residents of the City and spoke of the health fair that was held with no City funding. He said they request that the City invest more funding to improve funding for primary care services.

39. Stacy Chittick, 108 Lake Cook Drive, said she is a parent and is a PTA president and spoke in support of fully funding the ACPS budget.

40. Kelli Back, 417 Earl Street, spoke on behalf of Washington United Methodist Church and as a member of the Alliance for Alexandria's Uninsured, in support of using revenue from a tax increase for increased access to primary care services for the City's most vulnerable residents.

41. Jamie Conrad, 107 W. Maple Street, said he and his wife attend Emmanuel Church on the Hill and he said he is co-chair of his church's outreach committee who decides which charities and causes get money they generate from their pumpkin sales. He spoke to the need for expansion of Medicaid to provide health insurance for the working poor and for three years the General Assembly has turned its back on these people. He said the Alliance for Alexandria's Uninsured have worked to raise funds but it is not enough. He said allocating four percent of the proposed one cent increase could make a difference in a lot of lives.

42. Robert Dugger, 10 Wolfe Street, spoke in support of pre-k education funding, noting that nothing raises the per capita income for a region better than high quality child care, and he asked Council to convene all the City's non and for profit public and church child care providers and develop a plan on how to use the early care and learning professionals to open new facilities to handle the 400 kids they are concerned about.

43. Gregory Sepper, 104 Cameron Mews, spoke in support of investment in human services needs, noting that he works at Carpenter's Shelter, and he spoke of the homeless and their work in helping those individuals.

44. Gwendolyn Lewis, 4950 Brenman Park Drive, #110, said she is the founder of the Concerned Citizens Network of Alexandria, and she said their mission is to empower an increased student achievement and reduce the drop-out rate in City schools. She said to improve the graduation rates among black and Hispanic students, the City and ACPS should support the expansion of programs that address issues that contribute to dropping out of high school.

45. David Kaplan, 418 Queen Street, spoke about the maximum tax rate, and he spoke to the back-log of projects in the CIP and said setting the tax rate that funds capital investments is the prudent and responsible thing to do. He spoke to the complete streets program, which is funded in the CIP, and asked for support of the bike and pedestrian master plan.

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

3. Special Use Permit #2016-0011
823 King Street (parcel address: 821 King Street) - Sweetgreen
Public Hearing and Consideration of a request to operate a restaurant; zoned: KR/King Street Retail. Applicant: Sweetgreen
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated April 16, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 4/16/16, and is incorporated as part of this record by reference.)

4. Encroachment #2016-0002
700 South Pitt Street
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a fence; zoned: RM/Residential Medium-Townhouse. Applicant: Thomas Campbell
Planning Commission Action: Recommend Approval 6-1

(A copy of the Planning Commission report dated April 16, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/16/16, and is incorporated as part of this record by reference.)

5. Special Use Permit #2015-0128
4800 Brenman Park Drive - Dog Park
Public Hearing and Consideration of a request to add lights to and to expand the Ben Brenman Dog Park; zoned: CDD #9/Coordinated Development District #9. Applicant: Department of Recreation, Parks, and Cultural Affairs

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 16, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 4/16/16, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously, City Council adopted the consent calendar, with the removal of item #4, which was considered under separate motion, as follows:

3. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.

The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

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City Council recessed for lunch at 1:00 and returned at 1:30.

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Planning Commission Action: Recommend Approval 6-1

(A copy of the Planning Commission report dated April 16, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/16/16, and is incorporated as part of this record by reference.)

Ms. Vorel, Planning and Zoning, Mr. Moritz, Director, Planning and Zoning, responded to questions of City Council about the encroachment.

Mr. Taylor, 1433 Otis Street, NE, Washington, D.C., architect for the owner, responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with an amendment to require that the encroachment expires after one year and asked staff to proceed with a vacation application and come back to Council when they are prepared to do so. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

6. Public Hearing on the Draft Fiscal Year 2017 Action Plan for Housing and Community Development.

(A copy of the City Manager's memorandum dated April 6, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing on the draft Fiscal Year 2017 action plan for Housing and Community Development and docketed the plan for final Council action on May 10, 2016. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

7. Public Hearing and Consideration of the Report of the City Council Naming Committee on a Proposed Plaque to be Installed on the Washington Street Urban Deck in Memory of Ronald F. Kirby.

(A copy of the City Manager's memorandum dated April 6, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing and approved the recommendation of the City Council Naming Committee on a plaque to be installed on the Washington Street Urban Deck in memory of Ronald F. Kirby. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. Master Plan Amendment #2015-0005
Pedestrian and Bicycle Master Plan
Public Hearing and Consideration of a request to include the Pedestrian and Bicycle Master Plan as a section of the Transportation Master Plan Chapter of the City's Master Plan. Staff: Department of Transportation and Environmental Services
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 16, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 4/16/16, and is incorporated as part of this record by reference.)

Ms. Sanders, Acting Deputy Director, Transportation and Environmental Services, along with Mr. Sindiong, Transportation and Environmental Services, and Ms. Hovis, chair, Pedestrian and Bicycle Plan Ad-hoc Work Group, made a presentation of the staff report and they responded to questions of City Council.

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

1. Casey Kane, 625 Prospect Place, member of the Ad Hoc Committee, as well as the Bicycle and Pedestrian Advisory Committee, spoke in support of the request.
2. Kimberley Kaplan, 418 Queen Street, spoke in support of the request.
3. James Durham, 622 Fort Williams Parkway, speaking on behalf of the Bicycle and Pedestrian Advisory Committee, spoke in support of the request, with the changes as recommended by the Transportation Commission.
4. Gerry Frank, 3700 Fort Worth Avenue, spoke in opposition to a portion of the master plan as pertains to bicycle lanes.
5. Jerry King, 400 E. Howell Avenue, chair, Alexandria Transportation Commission, spoke in support of the request on behalf of the Transportation Commission.

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

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with the amendments as recommended and endorsed by the Transportation Commission and the Planning Commission, as noted in the staff report. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

9. Coordinated Development District Concept Plan #2015-0005
1050, 1100, 1200, 1200 A North Fayette Street & 1219 First Street (parcel address 1225 First Street) - Braddock Gateway
Public Hearing and Consideration of a request for an amendment to a previously-approved CDD Conceptual Design Plan to change the use programming on the site, building height and configuration, and road location and circulation; zoned: CDD #15/Coordinated Development District #15. Applicant: Jaguar, L.C., represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated April 16, 2016, is file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 4/16/16, and is incorporated as part of this record by reference.)

Mr. Price, Planning and Zoning, made a presentation of the staff report.

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

1. Mary Catharine Gibbs, attorney for the applicant, 307 N. Washington Street, spoke in support of the project and responded to questions of City Council.

2. Rawley Vaughan, 1237 Madison Street, member of the Board of the Braddock Metro Citizens Coalition, spoke in support of the request.

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

Ms. McIlvaine, Director, Office of Housing, Mr. Kerns, Planning and Zoning, along with Ms. Gibbs, responded to questions of City Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with an amendment to correct conditions 52 and 54 to correct the language so it notes the housing contribution is \$5 million. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

ORDINANCES AND RESOLUTIONS

10. Public Hearing on an Ordinance on the Proposed Real and Personal Property Tax Rates and Proposed Effective Tax Rate Increase for Calendar Year 2016 (Fiscal Year 2017). (Adoption is Scheduled for Thursday, May 5, 2016.)

(A copy of the City Manager's memorandum dated April 6, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 4/16/16, 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. 10; 4/16/16, 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. 10; 4/16/16, and is incorporated as part of this record by reference.)

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

1. James Durham, 22 Fort Williams Parkway, representing the Alexandria Bicycle and Pedestrian Advisory Committee, said the Committee unanimously agreed in support of a two cent tax increase, provided that 100 percent is allocated to capital investments.

2. Jennifer Hovis, 1705 Potomac Greens Drive, spoke in support of a three cent tax increase and urged Council to apply the additional tax revenue to infrastructure needs.

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

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman Chapman and carried unanimously, City Council scheduled the ordinance for second reading and final passage on May 5, 2016. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Revise Title IX (Licensing and Regulations), Chapter 15 (Food Truck Vendors) of the City Code to Allow Regulations For On-Street Food Truck Vending. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 6, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 4/16/16, 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. 11; 4/16/16, 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. 11; 4/16/16, and is incorporated as part of this record by reference.)

Ms. Anderson, Deputy City Attorney, made a presentation of the staff report and she, along with Mr. Browand, Recreation, Parks and Cultural Activities, responded to questions of City Council about the survey on Alex Engage, the Traffic and Parking Board role in the parking space designation, the special events permitting process, the fees associated with the food trucks, and the hours of operation.

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

1. Darrel Drury, 1030 N. Royal Street, representing Vision, spoke to the on-line survey and responses.
2. Najiba Hiemi, 2717 15th Street, NW, Washington, D.C., executive director, the DMV Food Truck Association, spoke in support of the ordinance.

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

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council adopted the ordinance as recommended by staff to allow regulation for on-street food truck vending and asked staff to bring the locations to the Traffic and Parking Board and docket it for May for Council approval of the locations, subject to the recommendations of the Traffic and Parking Board. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

Ms. Anderson asked for clarification on the fee question.

Vice Mayor Wilson noted that he moved the staff recommendation to remove the fee for 2016.

The ordinance reads as follows:

ORDINANCE NO. 4991

AN ORDINANCE to amend and reordain Title 9 (Licensing and Regulations) of the Code of the City of Alexandria, Virginia, to add Chapter 15 (Food Truck Vendors) as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 9, Chapter 15 of the Code of the City of Alexandria, Virginia, as amended, be, and the same hereby is, amended by deleting the language shown in strikethrough and adding the language shown in underline as follows:

CHAPTER 15 - Food Truck Vendors

Sec. 9-15-1 - Title.

This chapter shall be known and may be cited as the City of Alexandria Food Truck Ordinance.

Sec. 9-15-2 - Purpose.

The purpose of this chapter is to permit food truck vendors on public and private property within the city with regulations that balance the integration of the food truck vendors with the impacts on the health, safety and general welfare of the city.

Sec. 9-15-3 - Administration and enforcement.

The city manager shall administer and enforce this chapter.

Sec. 9-15-4 - Scope.

This chapter shall apply to food trucks, as the same is defined herein, ~~vending on off street property only. Nothing in this chapter shall be interpreted to allow food truck vendors to vend on public rights-of-way within the city. Additionally, t~~ This chapter shall not apply to vendors selling non-food products or sales of food from pushcarts or trailers.

Sec. 9-15-5 - Definitions.

- (1) City manager. The city manager for the City of Alexandria, or his designee.
- (2) Farmer's market. A building, structure, or place authorized by the city for use by vendors to sell, offer for sale or solicit orders for any products or crafts sold, grown, raised or produced by them. This shall include outdoor food and crafts markets as set forth in the zoning ordinance.

- (3) Food. Any raw, cooked, or processed edible substance, beverage, ingredient, ice or water used or intended for use or for sale in whole or in part for human consumption.
- (4) Food truck. A food truck is a mobile food establishment as defined in section 11-2-4 of this code, but limited to food establishments located in a motor vehicle licensed to operate by a department of motor vehicles.
- (5) Food truck vendor. Any person who sells, offers for sale, or serves food from a food truck.
- (6) Private property. Real property owned by an individual or individuals who have exclusive rights over it and it is not owned by a public entity or open to the public generally.
- (7) Private residence. A dwelling place owned or inhabited by an individual or individuals, other than a multifamily dwelling as defined by the Alexandria Zoning Ordinance Section 2-137, as the same may be amended.
- (8) Public property. Property within the City of Alexandria, with the exception of public rights-of-way, that is owned by either the city of Alexandria or the Alexandria City Public Schools.
- (9) Public rights-of-way. The surface and area across, in, over, along, and upon the surface of the public streets, roads, bridges, sidewalks, lanes, courts, ways, alleys which are owned, under the jurisdiction or control of the city.
- (10) Pushcarts. Any wheeled vehicle or device other than a motor vehicle or trailer that may be moved with or without the assistance of a motor and that does not require registration by the department of motor vehicles, used for the displaying, storing, providing or transporting of Food, articles, or services, offered for sale or served by a vendor.

Sec. 9-15-6 - Authorization.

Notwithstanding any provision of the city code or zoning ordinance to the contrary, food trucks shall be permitted within the city limits subject to the rules and regulations contained in this chapter. ~~Food truck vendors are prohibited from vending on public rights-of-way within the city.~~

Sec. 9-15-7 - Permits and licenses required.

The following permits and licenses shall be required for all food trucks:

- A. Food truck permit as required pursuant to this title 9, chapter 15 of this code.
- B. Business license as required pursuant to title 9, chapter 1 of this code.
- C. Health permit as required by title 11, chapter 2 of this code.

- D. Fire prevention permit, if required, pursuant to title 4, chapter 2, article B of this code.

Sec. 9-15-8 - Food truck vendor permit required; fee for same.

- A. All food truck vendors shall obtain an annual food truck vendor permit from the city manager, with the exception of those food truck vendors who vend only at a special event pursuant to section 9-15-14 below.
- B. Prior to issuing the permit, the city manager shall determine that:
- i. the food truck vendor and food truck are in compliance with this chapter and with the administrative regulations promulgated by the city manager pursuant to section 9-15-10 herein;
 - ii. the food truck vendor has paid all applicable fees; and
 - iii. the food truck vendor has received all applicable permits as required herein.
- C. After reviewing the application and finding that the health, safety and general welfare of the public so demands, the city manager may refuse to issue a permit for reasons including, but not limited to, the following:
- i. The applicant for the permit has received three or more notices of violation of this chapter pursuant to section 9-15-17 below, including any violations of other sections of this code that are issued for violations relating to the operation of a food truck, in the 12 months prior to the date of the application;
 - ii. The applicant's permit has been suspended or revoked within the 12 months prior to the date of the application;
 - iii. Fraud, misrepresentations, or intentional false statements of material or relevant facts are contained in the application; or
 - iv. The applicant lacks the necessary permits or licenses to conduct the business proposed to be conducted.
- D. The city manager shall establish an annual food truck vendor permit fee which shall be updated annually.
- E. Exemptions from Permit Requirement. Food Trucks that are permitted with any of the following permits are not required to obtain a Food Truck Vendor Permit or comply with the provisions of this Chapter but shall comply with the conditions of the permit it is authorized under:
- i. Special Event Permit pursuant to Section 9-15-14;
 - ii. Special Use Permit pursuant to Section 11-500 of the Zoning Ordinance;

- iii. At a private residence at the direction of a resident for a private event that is not vending to the public and for which the food truck has the applicable licensing and follows the applicable regulations for a caterer; and
- iv. Food trucks that are stopping for only short term stops pursuant to Section 5-2-19 and 13-1-26 of the City Code provided the truck is selling pre-packaged food only.

Sec. 9-15-9 - Display of licenses and permits.

All food trucks shall display all required licenses, tags, and permits.

Sec. 9-15-10 - Administrative regulations.

The city manager is authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this chapter.

Sec. 9-15-11 - Compliance with other codes and regulations.

All food trucks and food truck vendors shall comply with all applicable provisions of this Code, the Code of the State of Virginia and the Federal Code.

Sec. 9-15-12 - Operational requirements for all food trucks.

The following rules shall apply to all food trucks:

- A. Hours.
 - i. Vending may take place between the hours of 7:00 a.m. and 8:00 p.m.
 - ii. A food truck may not vend for longer than four hours of continuous vending.
- B. Parking locational requirements.
 - i. Food truck vendors shall not have any exclusive right to any location on public property;
 - ii. Food trucks parked in a marked parking space must fit within the width and the length of the marked parking space;
 - iii. Occupation of any parking space shall not interfere with the lighting, trees, overhead wires, and/or utilities;
 - iv. The food truck vendor shall not block any other vehicle's or pedestrian's ingress or egress, cause traffic congestion, or be parked in any drive aisles or fire lanes;
- C. Vending locational requirements.
 - i. **no deliveries shall be received from another vehicle while a food truck is vending in a Designated On-Street Vending Location;**

- ii. Vending shall only take place from the inside of the food truck;
 - iii. Vending shall not take place to any person while such person is standing in the street unless said street has been closed to the public pursuant to a special event or street closure permit issued by the city;
 - iv. Vending shall not take place to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane; and
 - v. Food truck shall not be left unattended while vending.
- D. Signs. No sign shall be displayed except for a sign displaying a menu or signs that are imprinted on the exterior body of a licensed food truck. All signs shall also comply with the applicable provisions of Article IX of the zoning ordinance. The applicable regulations shall include, but not be limited to, that the food truck shall not:
- i. advertise other businesses on the food truck;
 - ii. use A-frame signs or remote signs;
 - iii. attach balloons or windblown signs to the food truck; or
 - iv. use animated or electronic signs.
- E. Noise.
- i. No music or other amplified announcements that are audible outside of the food truck shall be allowed, **except as allowed by Section 13-1-26 of the City Code**; and
 - ii. Food truck vendors shall comply with the noise code as set forth in section 11-5-1 et seq. of this code including utilizing generators that meet the requirements of the noise code.
- F. Storage. No merchandise, food, equipment, or other item related to the operation of a food truck, other than a trash receptacle required by subsection H below, shall be stored or kept adjacent to the food truck.
- G. Liquid waste. No liquid wastes used in the operation of the food truck or food vending shall be allowed to be discharged from the food truck except into an approved sewerage system as permitted by law.
- H. Trash. Portable receptacles for the disposal of waste materials or other litter shall be provided by the food truck vendor for the use of customers and all food truck vendors shall direct customers to place all waste and litter in the receptacles. All waste shall be removed and disposed of by the food truck vendor. Public trash receptacles shall not be used for compliance with this section.

Sec. 9-15-13 - Vending locations.

Vending may take place at the following locations:

- A. On private property, if the food truck vendor is legally parked on the property and has received written permission from the property owner and displays such written permission upon request;
- B. At any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request;
- C. On public property, including, but not limited to, parks subject to policy recommendations of the parks and recreation commission, parking lots, and community buildings, where such public property has sufficient space for the parking of vehicles and with the permission of the city manager;
- D. On public property owned by the Alexandria City Public Schools or the City of Alexandria School Board, where such public property has sufficient space for the parking of vehicles and with the permission of the superintendent of the schools or his designee;

E. At Designated On-Street Locations pursuant to Section 9-15-15;

Sec. 9-15-14 - Special events.

The city manager may permit food truck vendors to vend at a special event approved through the City of Alexandria Special Events Policy and Procedures, approved by the city council on January 23, 2010, as the same may be amended, provided that food truck vendors:

- A. who vend only at the special event and do not vend at other times on public right-of-way, public property or private property within the city, shall:
 - i. ~~not be required to pay the food truck vendor permit fee required by section 9-15-8 herein but shall be required to pay any fees associated with any applicable temporary permits; and~~
 - ii. obtain a temporary food truck vendor permit and any other temporary permits required by the special events permit, including but not limited to a permit to operate a temporary food establishment from the health department;
- B. shall vend only within the area designated for the special event; and
- C. shall comply with all regulations set forth in this chapter, unless such regulation is amended by the special event permit or permit to operate a temporary food establishment.

Sec. 9-15-15 – Designated On-Street Vending Locations.

The City Council may establish one or more designated vending locations within parking spaces on the public right of way where a food truck vendor may operate.

- A. Factors for Consideration of Location: City Council shall consider the following factors in determining whether a location should be used for vending:**
- a. **Concentration of people within a quarter (1/4) mile of the location;**
 - b. **Adequacy of parking in the surrounding area;**
 - c. **Adequacy of space on the street for circulation and safety; and**
 - d. **Amount of congestion.**
- B. Minimum Requirements of Location: At a minimum, the designated vending locations shall:**
- a. **be on streets that have at least sixty six (66) feet of right-of-way;**
 - b. **include no more than four (4) parking spaces in a row;**
 - c. **not be located in front or within twenty (20) feet from a commercial outdoor dining area measured along the curb line;**
 - d. **not be within ten (10) feet of an intersection, crosswalk, driveway, bus stop, taxi stand, or handicapped parking space;**
 - e. **not be situated in any part of any designated loading zone or fire lane; and**
 - f. **allow for adequate clearance for pedestrian traffic as determined by the director of T&ES based on the context of the specific site.**

Sec. 9-15-16 - Suspension or revocation of food truck vendor permit.

- A. The city manager may, after providing the opportunity for a hearing as provided herein, suspend or revoke a food truck vendor permit issued under the provisions of this article if the city manager finds that such person has violated any provision of this article on three or more occasions within a 12-month period.
- B. Prior to ordering the suspension or revocation of a food truck vendor permit, the city manager shall notify, in writing, the applicant or the permit holder, stating the reasons for the suspension or revocation. This notice shall be mailed, postage prepaid, to the applicant or to the permit holder at the business address appearing on the permit application, or if there is none, to the residential address appearing thereon. The notice shall state that the permit will be suspended or revoked unless a written request for hearing is filed with the city manager, by the applicant or the permit holder within 10 business days of the date the notice is mailed. If no request for a hearing is filed within this 10 business day period, the application or the permit shall be suspended or revoked by order of the city manager, and the suspension or revocation shall be final.
- C. If the applicant or the permit holder files a request for a hearing in accordance with this provision, the city manager, shall give written notice of the hearing to the

applicant or the permit holder at a time and place designated by the city manager. At the hearing the applicant or the permit holder may be represented by counsel, may cross-examine witnesses, and may present evidence in his or her favor.

- D. The city manager shall issue his determination in writing, to grant or deny the appeal within 10 business days of the conclusion of the hearing.

Sec. 9-15-17 - Enforcement and penalties.

- A. If the city manager determines that a violation of this chapter has occurred, he may cause a notice of violation to be served on any or all persons committing or permitting such violation.
- B. Any person who commits, permits, assists in, or attempts, whether by act or omission, a violation of any provision of this chapter shall be liable for a class four civil violation and the violation will be enforced pursuant to section 1-1-11 of the city code. The penalty for each individual violation shall be \$100 for the first violation, \$250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and \$500 for each additional violation of the same regulation or requirement arising from the same set of operative facts.
- C. Enforcement of penalties of this chapter of the city code shall not preclude enforcement of violations of other sections of the city code or zoning ordinance that may be applicable.

Section 2. That Title 9, Chapter 15 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.

12. Public Hearing, Second Reading and Final Passage of a Supplemental Appropriation Ordinance for the Support of the City Government for FY 2016. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 6, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 4/16/16, 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. 12; 4/16/16, 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. 12; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilmember Lovain and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the supplemental appropriation ordinance for the support of the City Government for

FY 2016. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4992

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for fiscal year 2016.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2016 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2015 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2016, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Community and Human Services	219,893
Transportation and Environmental Services	982,215
Commonwealth's Attorney's Office	28,856
Fire	35,821
Housing	947,911
Total Estimated Revenue	<u>\$ 2,214,696</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Community and Human Services	219,893
Transportation and Environmental Services	982,215
Fire	35,821
Commonwealth's Attorney's Office	28,856
Housing	947,911
Total Appropriation	<u>\$ 2,214,696</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2016 the source of such amount being other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2016, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Recreation, Parks and Cultural Activities	\$ 105,000
Clerk of the Circuit Court	<u>10,000</u>
Total Estimated Revenue	<u>\$ 115,000</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Recreation, Parks and Cultural Activities	\$ 105,000
Clerk of the Circuit Court	<u>10,000</u>
Total Appropriation	<u>\$ 115,000</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2016 the source of such amount being Component Unit - Schools Fund Balance, and further that the Council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit - Schools	\$ <u>1,354,073</u>
Total Appropriation	<u>\$ 1,354,073</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2016 the source of such amount being undesignated General Fund Balance, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Spendable General Fund Balance	\$ <u>16,985</u>
Total Estimated Revenue	<u>\$ 16,985</u>

APPROPRIATION:

Fire Department	\$ <u>16,985</u>
Total Appropriation	<u>\$ 16,985</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2016 the source of such

amount being General Fund Revenues for which the proceeds were received after July 1, 2015 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2016, as follows:

GENERAL FUND

ESTIMATED REVENUE:

General Fund Revenues	\$ 3,358
Total Estimate Revenues	<u>\$ 3,358</u>

GENERAL FUND

APPROPRIATION:

Fire Department	\$ 3,358
Total Appropriation	<u>\$ 3,358</u>

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

13. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Alexandria Community Services Board of the City Code. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 6, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 4/16/16, 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. 13; 4/16/16, 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. 13; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend the Alexandria Community Services Board membership. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4993

AN ORDINANCE to amend and reordain Section 12-2-1 (ESTABLISHMENT; COMPOSITION; APPOINTMENT; TERM OF OFFICE; REMOVAL) of Chapter 2 (ALEXANDRIA COMMUNITY

SERVICES BOARD), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-2-1 of Chapter 2 (ALEXANDRIA COMMUNITY SERVICES BOARD), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) 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. 12-2-1 - Establishment; composition; appointment; term of office; removal.

(a) There is hereby established a board to be known as the Alexandria Community Services Board, herein referred to as the board. The board shall be an "administrative policy community services board," as that term is defined in section ~~37.1-194.1~~ 37.2-100 of the Code of Virginia (1950), as amended.

(b) The board shall consist of ~~46~~ 12 members, each of whom shall reside in the city while serving and shall have resided in the city for at least one year next preceding his appointment. The members, except the sheriff who is a member by virtue of his office, shall be appointed by the mayor, with the advice and consent of the city council. ~~At least one of the members of the board shall be a licensed physician. Another~~ One member shall be the sheriff, or the sheriff's designee, who shall be a permanent member. The sheriff's designation, if any, shall be in writing and must be approved by the mayor, with the advice and consent of the city council. One third of the appointments to the board shall be identified consumers or family members of consumers, at least one of whom shall be a consumer receiving services. No employee or board member of an organization that receives funding from any community services board shall be appointed as a member of the board. The board shall not be composed of a majority of elected or appointed officials of the city; nor shall the city be represented on the board by more than two elected or appointed officials.

(c) Appointed members shall be appointed for terms of three years each except that, in the event that the terms of more than five members shall expire at one time, new appointments shall be staggered between one-, two- and three-year appointments to allow for no more than five terms to expire each year. The term of every member appointed shall run from July 1 of the year of appointment. No person shall be eligible to serve more than three terms; provided, that persons appointed to an initial term of less than three years may serve three additional terms. Vacancies shall be filled for the balance of the unexpired terms in the same manner as original appointments. Members shall serve without compensation but may receive such reimbursement for expenses as council may allow. Any member of the board may be removed by the appointing authority for cause after being given a written statement of the cause and an opportunity to be heard thereon.

Section 2. That the reduction in the total number of members shall be accomplished by attrition. No currently appointed members shall be removed from office prior to the current expiration date of the member's appointment.

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

* * * * *

Items 14, 15, 16, 17, 18, 19 and 20 were considered as one motion.

* * * * *

14. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 5-7-37 of the City Code to Allow Discretion in Requiring the Quarantine of Animals Who Have Been Vaccinated for Rabies After a Bite of a Person or of Another Animal. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 6, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 4/16/16, 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. 14; 4/16/16, 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. 14; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to allow discretion in requiring quarantine of animals who have been vaccinated for rabies after a bite of a person or another animal. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4994

AN ORDINANCE to amend and reordain Sections 5-7-37 of Article C (Dogs and Other Animals) of Chapter 7 (Animals and Fowl) of Title 5 (Transportation and Environmental Services) of the City of Alexandria Code.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-7-37 of the Code of the City of Alexandria be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

Sec. 5-7-37 - Confinement of animal which has committed an attack.

(a) When there is sufficient evidence to believe that an animal has exposed a person or other animal to rabies, at the discretion of the Health Director or the Health Director's designee, the exposing animal may be euthanized and tested or ~~Whenever a report is made, as provided by section 5-7-40, of a person having been bitten by an animal or a notice is~~

~~received by the police department, the health department, an animal control officer or the operators of the animal shelter of an animal having bitten a person or another animal, and, in the case of a dog, no summons or notice of violation has been issued charging maintenance of a vicious or dangerous dog, an animal control officer shall forthwith issue an order to the owner of the animal directing that the animal be confined under quarantine and kept under observation on the premises of the owner, or of a private kennel for a period of 10 days following the issuance of the order at the expense of the owner, during which time the animal shall never leave the premises, and the order shall be served upon the owner by an animal control officer in the manner provided by section 8.01-296, Code of Virginia. If, within the ten-day period, an authorized representative of the Health Director director of public health or a licensed veterinarian reports that the animal shows no symptoms of rabies and, in the case of a dog, no summons or notice of violation has been issued, the animal shall be released from quarantine. If a report of rabies is made or if, in the case of a dog, a summons or notice of violation is issued before the expiration of the ten-day period, during the observation period that animal develops signs of active rabies or dies, the animal shall be immediately removed by an animal control officer to the animal shelter pending a final disposition of the case; and costs to keep the animal at the animal shelter shall be charged to its owner. The animal may be euthanized and/or tested for rabies at the discretion of the Health Director or the Health Director's designee.~~

(b) If an owner does not comply with the provisions of an order issued pursuant to this section within 24 hours from the time he is served, the animal in question shall be impounded by an animal control officer, at the animal shelter, and kept under observation at the owner's expense for a period of 10 days, and the owner shall be charged with a violation of this section.

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

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 5-2-27 of the City Code Penalty for Violating the Conditions and Restrictions of the Code of the City of Alexandria for Hauling of Waste Materials, Construction Materials, etc. from a Criminal Penalty to a Civil Penalty. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated April 6, 2016, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 4/16/16, 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. 15; 4/16/16, 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. 15; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance on the penalty for violating the conditions and restrictions for hauling of

waste materials and construction materials from a criminal penalty to a civil penalty. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4995

AN ORDINANCE to amend and reordain Section 5-2-27 (HAULING OF WASTE MATERIALS, CONSTRUCTION MATERIALS, ETC., PROHIBITED) of Article A (GENERAL PROVISIONS), Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-2-27 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 5-2-27 - Hauling of waste materials, construction materials, etc., prohibited.

- (a)Hauling waste materials of any type, building or construction supplies of any type, bulk materials or commodities of any type, heavy vehicles or equipment of any type not licensed for street use, or dirt, debris or fill of any type is prohibited on all streets within the ~~city~~ City, except pursuant to a permit issued under subsection (b) of this section, or pursuant to an exemption under subsection (e) of this section.
- (b)The director of transportation and environmental services is hereby authorized to issue permits to haul such materials, supplies or equipment over the streets within the ~~city~~ City, subject to ~~such~~ conditions and restrictions specifying the time and route for such hauling, and subject to such additional conditions and restrictions, as the director may deem appropriate to promote traffic safety ~~and or~~ to minimize disruption to established residential, commercial, institutional and other areas in the ~~city~~ City.
- (c)Any person who, as the owner, lessee, operator or driver of a motor vehicle or trailer, commits, permits, directs, assists in or attempts any violation of this section shall be ~~guilty of a class two misdemeanor~~ liable for a civil violation as prescribed by subsection (f) of this Section.
- (d)Any person who, as the owner of any land, building or structure to or from which such materials, supplies or equipment are hauled, or the agent thereof having possession or control of such property as an employee, lessee, tenant, architect, builder, contractor or otherwise, commits, permits, directs, assists in or attempts any violation of this section shall be ~~guilty of a class two misdemeanor~~ liable for a civil violation as prescribed by subsection (f) of this Section.
- (e)The prohibitions set forth in subsection (a) of this section shall not apply to the hauling of such materials, supplies or equipment:

- (1)to or from any specific location or site at the rate of five or fewer trips for pickup or delivery of such materials, supplies or equipment in any consecutive 30-day period,
- (2)to the business location of a retail merchant for use by such merchant in the ordinary course of such merchant's business or from the business location of such a merchant in the ordinary course of such merchant's business to specific locations or sites, but subject to the limitation in clause (1) for each such location or site, nor
- (3)to the non-commercial hauling of such materials or equipment to or from a dwelling unit, by a resident ~~therein~~ thereof.

(f) Civil violations,

- (1)Any person who commits, permits, assists in or attempts, whether by act or omission, any violation of this section, shall be liable for a class four civil violation in accordance with section 1-1-11 of this Code.
- (2)The procedures described in section 1-1-11 of this Code shall apply to violations of this Section 5-2-27.
- (3)The imposition of a civil penalty for violating any provision of this section 5-2-27 shall neither excuse the violation nor permit it to continue.
- (4)The remedies provided in this section 5-2-27 are cumulative and not exclusive, and the designation of a violation of the provisions of this ordinance as a civil violation shall not be construed as prohibiting City officials from initiating appropriate administrative or civil procedures to prevent, correct, restrain, or abate violations of this section.

Section 2. That Section 5-2-27 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.

16. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 5-602 (Coordinated Development Districts Created, Consistency With Master Plan, Required Approvals) of Section 5-600 (CDD/Coordinated Development Districts) of Article X (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved By City Council as Text Amendment No. 2015-0006 Approved By City Council on January 30, 2016 to Establish the Oakville Triangle CDD. [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; 4/16/16, 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; 4/16/16, and is

incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to establish the Oakville Triangle CDD. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4996

AN ORDINANCE to amend and reordain Section 5-602 (Coordinated development districts created, consistency with master plan, required approvals) of Section 5-600 (CDD/Coordinated development districts) of Article X (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2015-0006 approved by City Council on January 30, 2016 to establish the Oakville Triangle CDD.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2015-0006, 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 January 7, 2016 of a text amendment to the Zoning Ordinance to add CDD #24/Oaville Triangle and Route 1 Corridor Coordinated Development District, which recommendation was approved by the City Council at public hearing on January 30, 2016;

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 5-602 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language, as shown:

CDD Number	CDD Name	Without a CDD Special Use	With a CDD Special Use Permit		
			Maximum Development	Maximu m Height	Uses

24	Oakville Triangle and Route 1 Corridor	The CSL, I and R2-5 zone regulations shall apply to the properties as generally depicted within Figure 23 of the approved <u>Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines</u> .	The development controls for each block including Gross Floor Area (GFA), the size of public open spaces, ground level open spaces, the land uses, and the ground floor uses shall comply with the <u>Oakville Triangle and Route 1 Vision Plan and Urban Design Standards and Guidelines</u> . All streets, blocks, sidewalks, building forms, building volumes, building heights, land uses, screening of parking, retail design, signage, open space and associated elements shall comply with the <u>Oakville-Route 1 Route 1 Vision Plan and Urban Design Standards</u> . Any variation from the standards shall require approval by the City Council as part of the DSUP or associated approval application(s).	Heights and height transitions shall be as depicted in the approved <u>Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines</u> .	1) Mixed-use development to include hotel, office, residential, home for the elderly, nursing home, parks and open spaces as defined in the zoning ordinance. 2) Primary retail, secondary retail, and maker uses as defined in the <u>Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines</u> . 3) Community Facilities as defined in the <u>Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and</u>
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Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 50-602, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on 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.

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Vacate City Right-of-Way at 418 West Braddock Road. (January 30, 2016) [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. 17; 4/16/16, 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. 17; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to vacate City right-of-way at 418 West Braddock Road. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4997

AN ORDINANCE to vacate a portion of the public right-of-way at 418 West Braddock Road (VAC No. 2015-0003 approved January 30, 2016).

WHEREAS, Brian Thomas (Owner) has applied for the vacation of a portion of the public right-of-way at Ruffner Road and West Braddock Road, adjacent to the property at 418 West Braddock Road in the City of Alexandria, Virginia; and

In Vacation No2015-0003, the planning commission recommended approval to the City Council on January 5, 2016, of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 30, 2016; and

WHEREAS, viewers, Kellie Meehan, Raighne Delaney and Jason Dechant have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of

the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation dated December 17, 2015 attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject to the conditions set forth below:

1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.

2. Easements shall be reserved for all existing public and private utilities within the area vacated. The Owner shall show all easements on the plat of consolidation.

3. The Owner may not construct any new buildings, or improvements, including driveways and parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidated plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation.

4. Owners shall pay the sum of \$10,750 to the City for the vacated land.

Section 3. The term "Owner" shall be deemed to include the Brian Thomas and his respective successors in interest.

Section 4. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 5. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own

expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

18. 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 Approved By City Council on January 30, 2016 to the Potomac West Small Area Plan Chapter of Such Master Plan as Master Plan Amendment No. 2015-0007 to Amend the Oakville Triangle/Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines and No Other Amendments, and To Repeal All Provisions of the Said Master Plan as May Be Inconsistent With Such Amendment. [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. 18; 4/16/16, 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. 18; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance for the Potomac West Small Area Plan Chapter of the Master Plan for Oakville Triangle/Route 1 Corridor Vision Plan. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4998

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by City Council on January 30, 2016 to the Potomac West Small Area Plan chapter of such master plan as Master Plan Amendment No. 2015-0007 to amend the Oakville Triangle/Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2015-0007, 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 January 7, 2016 of an amendment to the Potomac West Small Area Plan Chapter of the Master Plan of the City of Alexandria to amend the Oakville Triangle/Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines, which recommendation was approved by the City Council at public hearing on January 30, 2016;

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 Potomac West Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended as shown in the document labeled "Attachment 1: Proposed Master Plan Amendment Revisions and Content" attached hereto and incorporated fully herein by reference.

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.

19. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Sheet Nos. 025.01, 25.03, and 35-01 of the "Official Zoning Map, Alexandria, Virginia," Adopted by Section 1-300 (Official Zoning Map and District Boundaries), of the City of Alexandria Zoning Ordinance, By Rezoning the Property at 2000, 2100, 2200, 2316, 2320, 2412, 2514, 2610, 2700, 2706, 2800, 2920, 3000, 3006, 3014, 3100 - 3104, 3216, 3300, 3314, 3400 Jefferson Davis Highway; 400, 405 Fannon Street; 2500 Oakville Street; 300, 403, 405, 420 Swann Avenue; 300, 304, 308, 312, 400, 410, 420 434, 446 Calvert Aveh7e; 415-418 E. Raymond; 413, 415, 416-418, 420, 426-430 Hume Avenue (2900 Jefferson Davis Hwy); 414, 417, 419- 421, 423 Clifford; 401, 405, 406, 408-410, 412, 415 E. Glebe; 522 E. Mt Ida Avenue; 519 E. Howell Avenue; and 516, 518 E. Bellefonte Avenue from, CSL (Commercial Service Low), I (Industrial), R 2-5 (Residential) to CDD #24 (Coordinated Development District); in Accordance With the Said Zoning Map Amendment Heretofore Approved By City Council as Rezoning No. 2015-0004 Approved By the City Council on January 30, 2016 (Oakville Triangle). [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. 19; 4/16/16, 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; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to rezone property for Oakville Triangle. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 4999

AN ORDINANCE to amend and reordain Sheet Nos. 025.01, 25.03, and 35-01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 2000, 2100, 2200, 2316, 2320, 2412, 2514, 2610, 2700, 2706, 2800, 2920, 3000, 3006, 3014, 3100 – 3104, 3216, 3300, 3314, 3400 Jefferson Davis Hwy; 400, 405 Fannon St; 2500 Oakville St; 300, 403, 405, 420 Swann Ave; 300, 304, 308, 312, 400, 410, 420 434, 446 Calvert Av; 415-418 E Raymond; 413, 415, 416-418, 420, 426-430 Hume Av (2900 Jefferson Davis Hwy); 414, 417, 419- 421, 423 Clifford; 401, 405, 406, 408–410, 412, 415 E Glebe; 522 E Mt Ida Av; 519 E Howell Av; and 516, 518 E Bellefonte Av from, CSL(Commercial Service Low), I (Industrial), R 2-5 (Residential) to CDD #24 (Coordinated Development District); in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2015-0004 approved by the city Council on January 30, 2016 (Oakville Triangle).

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2015-0004 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 January 7, 2016 of a rezoning of the property at 2000, 2100, 2200, 2316, 2320, 2412, 2514, 2610, 2700, 2706, 2800, 2920, 3000, 3006, 3014, 3100 – 3104, 3216, 3300, 3314 3400 Jefferson Davis Hwy; 400, 405 Fannon St; 2500 Oakville St; 300, 403, 405, 420 Swann Ave; 300, 304, 308, 312, 400, 410, 420 434, 446 Calvert Av; 415-418 E Raymond; 413, 415, 416-418, 420, 426-430 Hume Av (2900 Jefferson Davis Hwy); 414, 417, 419- 421, 423 Clifford; 401, 405, 406, 408–410, 412, 415 E Glebe; 522 E Mt Ida Av; 519 E Howell Av; and 516, 518 E Bellefonte Av from, CSL(Commercial Service Low), I (Industrial), R 2-5 (Residential) to CDD #24 (Coordinated Development District), which recommendation was approved by the City Council at public hearing on January 30, 2016;

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 025.01, 25.03, and 35-01 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described and as shown on the exhibit labeled "Map Amendment Exhibit" attached hereto and incorporated herein by this reference:

The following addresses are rezoned from CSL/Commercial Service Low to CDD #24/Coordinated Development District #24:

2000, 2100, 2200, 2920, 3000, 3006, 3014, 3100 – 3104, 3216, 3300, 3314 3400 Jefferson Davis Hwy;
416-418, 420, 426-430 Hume Av (2900 Jefferson Davis Hwy); 414, 417, 419- 421, 423 Clifford;
401, 405, 406, 408–410, 412, 415 E Glebe;
522 E Mt Ida Av;
519 E Howell Av; and
516, 518 E Bellefonte Av

The following addresses are rezoned from I/Industrial to CDD #24/Coordinated Development District #24:

2316, 2320, 2412, 2514, 2610, 2700, 2706, 2800, Jefferson Davis Highway
400, 405 Fannon Street;
2500 Oakville Street;
300, 403, 405, 420 Swann Avenue;
300, 304, 308, 312, 400, 410, 420 434, 446 Calvert Avenue;
415-418 E Raymond Street;

The following addresses are being rezoned from R-2-5/Single and Two Family zone to CDD #24/Coordinated Development District #24:

413 and 415 Hume Avenue

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

Section 3. That Sheet No. 025.01, 25.03, and 35-01 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Vacate a Portion of the Public Right-of-Way at 5000 and 5001 Echols Avenue (VAC No. 2014-0003 Approved January 24, 2015 as Part of the Fillmore Project). [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. 20; 4/16/16, 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. 20; 4/16/16, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to vacate a portion of the public right-of-way at 5000 and 5001 Echols Avenue. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

The ordinance reads as follows:

ORDINANCE NO. 5000

AN ORDINANCE to vacate a portion of the public right-of-way at 5000 and 5001 Echols Avenue (VAC No. 2014-0003 approved January 24, 2016 as part of the Fillmore project).

WHEREAS, Fillmore Land Holdings, Inc (Owner) has applied for the vacation of a portion of the public right-of-way at adjacent to the property at 5000 and 5001 Echols Avenue in the City of Alexandria, Virginia; and

In Vacation No2014-0003, the planning commission recommended approval to the City Council on January 6, 2016 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 24, 2016; and

WHEREAS, viewers, Derek M. Hardwick, Jim McIntyre, and Ann Tucker have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation dated January 21, 2016 and prepared by Walter L. Phillips, Incorporated of Falls Church, VA attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject to the conditions set forth below:

1. The vacated right-of-way shall be consolidated with the adjoining lots, and the plat of consolidation approved by the Directors of P&Z and T&ES prior to release of the final site plan. The approved plat shall be recorded in the Land Records of the City of Alexandria.
2. The applicant shall be responsible for perpetual ownership, development and maintenance of the improvements constructed in the vacated right-of-way.
3. All remaining utilities in the vacated right of way shall be covered by utility easements.
4. This area shall be covered by a public access easement and an emergency vehicle access easement that allows the public to use the improvements constructed in the vacated public right-of-way.

Section 3. The term "Owner" shall be deemed to include the Fillmore Land Holdings, LLC and their respective successors in interest.

Section 4. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 5. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

21. Special Use Permit #2016-0009
322 North Alfred Street (parcel address: 326 North Alfred Street) - Bright Mind Daycare
Public Hearing and Consideration of a request to operate a daycare business; zoned:

RB/Residential Medium-Townhouse. Applicant: Bright Mind Daycare
Planning Commission Action: Deferred to May 3, 2016 hearing

22. Text Amendment #2016-0002

Sign Regulations

Public Hearing and Consideration of (A) initiation of a text amendment; (B) text amendment to Article IX of the Zoning Ordinance regarding regulations for signs allowed on properties in each zone. Staff: Department of Planning and Zoning

Planning Commission Action: Deferred to the May 3, 2016 hearing

City Council noted the deferrals.

* * * * *

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the public hearing meeting of April 16, 2016, was adjourned at 4:40 p.m. The voting was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Jacqueline M. Henderson
City Clerk and Clerk of Council