

**City of Alexandria  
Meeting Minutes  
City Council Public Hearing Meeting  
9:30 a.m.  
Saturday, January 28, 2017**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Mr. Banks, City Attorney; Ms. Triggs, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Anderson, Deputy City Attorney; Mr. Cox, Historic Preservation Manager; P&Z; Mr. Dambach, Division Chief, P&Z; Ms. Vorel, Urban Planner, P&Z; Ms. Mohan, Urban Planner, P&Z; Ms. Miliaras, Principal Planner, P&Z; Ms. Sample, Urban Planner, P&Z; Mr. Garbacz, Division Chief, Transportation and Environmental Services (T&ES); Mr. Useem, Chief Performance Officer, Office of Performance and Accountability; Ms. Shirer, Office of Performance and Accountability; Mr. Cooper, Code Administration; Mr. Ward, Information Technology Services (ITS); Police Captain Andreas; and Mr. Lloyd.

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

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## **OPENING**

### **1. Calling the Roll.**

Mayor Silberberg called the meeting to order and the Deputy City Clerk called the roll. All the members of Council were present with Councilman Smedberg arriving at 9:35 a.m. and Councilman Chapman arriving at 9:43 a.m.

### **2. Public Discussion Period.**

The following persons participated in the first portion of the public discussion period:

1. William Rivers, 15 West Mount Ida Avenue, representing the Advocates for Alexandria Aquatics, spoke about the partnership with the City to bring the City's aquatic needs and improvements to fruition and he stated he hoped to continue the partnership and keep the momentum going in this fiscal year.

2. Michael Doyle, 124 Princess Street, spoke about pedestrian safety in the City and

described how he suffered extensive injuries after being hit while crossing the street in Old Town. Mr. Doyle offered the following suggestions for improving pedestrian and traffic safety: (a) have more rigorous traffic enforcement, particularly at stop signs; (b) provide reading materials about safety measures to pedestrians and drivers; (c) advertise about basic pedestrian safety and guidelines with large signage at crosswalks; and (d) provide flags at stops for pedestrians to use when crossing the street to increase awareness and visibility.

3. Paula Glaser, 827 Wolfe Street, representing the Burgess Square Homeowners Association, expressed concerns about the proposed Alfred Street Baptist Church expansion, and she spoke about the non-sanctuary space increasing the amount of traffic and capacity of the church enormously. Ms. Glaser noted that the parking analysis is based solely on the sanctuary seating and she questioned whether the building even qualifies as a church under the City's current zoning ordinance.

4. Mary Lutz, 2 East Spring Street, spoke in support of continuing with the improvement to the pool at Chinguapin and she noted that there are many people who support moving forward with the improvements, both in the City and in surrounding areas. Ms. Lutz noted that the community is not happy they have to reiterate their desire to have improvements to Council again.

5. Bert Ely, 200 South Pitt Street, spoke about the proposals to amend or repeal the City's 72-Hour parking rule. Mr. Ely stated that before there are any changes to the rule there needs to be more public discussion about the options that would be offered for amendments and whether the rule should be uniform for the whole City or varied by neighborhoods.

6. Ronald Gouchenour, 3011 Hickory Street, spoke about the changes to the public discussion period during the beginning of the Saturday public hearing meetings and offered suggestions for enforcement of the 72-Hour parking rule.

7. Dino Drudi, 315 North West Street, spoke about the funding challenges the Washington Metropolitan Area Transit Authority is experiencing and he offered suggestions on how the funding and the governance of the authority might be improved.

8. Rahkia Nance, 7000 Irwell Lane, Alexandria, spoke in protest of hatred that was moving into the Alexandria community and she requested that City Council remain receptive to the concerns of the citizens and uphold the ideals outlined in their Statement of Inclusiveness.

9. Jennifer Peltak, 2936 Vermont Avenue, spoke in protest to there being an alt-right hub in the City and she requested that the City Council issue a statement on the City's values and a statement that explicitly denounces white supremacy. Ms. Peltak urged the Council to remain vigilant to harassment, calls to action or any other threatening behavior that might show up in the Alexandria community.

10. Mary Leonard, 805 Wolfe Street, spoke in opposition to the expansion of the Alfred Street Baptist Church and she noted that people would be displaced from the 22 housing units that would be demolished with the proposed expansion.

11. Mike Leonard, 805 Wolfe Street, spoke about the mass and scale of the proposed Alfred Street Baptist Church expansion and he pointed out that the proposed building would be larger than the most existing structures in the City, including City Hall.

12. Dorian Belz, 456 West Glebe Road, representing Casa Chirilagua Board of Directors, introduced his mentee, Alexis. Alexis thanked Mr. Belz and City Council for all the contributions to make Casa Chirilagua successful. Mr. Belz reported on the positive work they were doing in the community and how it impacts the City and makes it thrive through inclusiveness and expanding the world view. Mr. Belz stated that the organization would soon move into the Conservatory at Four Mile Run and they would keep Council updated on events to celebrate the move. Alexis presented Mayor Silberberg with a token of appreciation from Casa Chirilagua.

13. Pamela Zitron, 807 Wolfe Street, read a letter that she had published in the newspaper to the Board of Architectural Review about the Alfred Street Baptist Church expansion and her disappointment with the treatment the surrounding residents received at the Board of Architectural Review's hearing.

14. Neil B. Jurinski, 334 Commerce Street, spoke about pedestrian safety and he described injuries his wife suffered when she was hit by car while in a crosswalk. Mr. Jurinski suggested that the timing on red lights be changed to allow pedestrians lead time to cross the street safely.

15. Chris Morrell, 421 South Columbus Street, spoke about the parking and traffic concerns that the neighborhood had regarding the expansion of the Alfred Street Baptist Church.

The remaining speakers will be heard at the conclusion of the docketed items.

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3-9)**

### **Planning Commission**

3. Special Use Permit #2016-0077  
1508 Mount Vernon Avenue - Junction Bakery & Bistro  
Public Hearing and Consideration of a request for an amendment to SUP #2015-0102 to allow off-premises alcohol sales; zoned: CL/Commercial Low.  
Applicant: Noe Landini  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 01/28/17, and is incorporated as part of this record by reference.)

4. Special Use Permit #2016-0083  
311 North Henry Street  
Public Hearing and Consideration of a request to continue operation of a non-complying general automobile repair use; zoned: CL/Commercial Low.  
Applicant: Prime Auto Care, Inc., represented by Robert Byrnes  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the

Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 01/28/17, and is incorporated as part of this record by reference.)

5. Special Use Permit #2016-0084  
4251 Eisenhower Avenue - Public Recycling & Mulch Drop-off Center  
Public Hearing and Consideration of a request for an extension of a previously approved Special Use Permit (DSUP #2007-0026) to continue use of the City recycling and mulching facility; zoned: POS/Public Open Space.  
Applicant: City of Alexandria Department of Transportation & Environmental Services  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 01/28/17, and is incorporated as part of this record by reference.)

6. Special Use Permit #2016-0085  
1601 Duke Street (sub-parcel addresses: 1601A, 1603 & 1607 Duke St) - VINCI School  
Public Hearing and Consideration of a request to operate a private academic school; zoned: OCH/Office Commercial-High.  
Applicant: Vinci Education Corporation, represented by Mark Yoo, architect  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 01/28/17, and is incorporated as part of this record by reference.)

7. Special Use Permit #2016-0090  
307 North Washington Street  
Public Hearing and Consideration of a request for a parking reduction with setback and open space modifications; zoned: CD/Commercial Downtown.  
Applicant: Hart Washington Street, LLC  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 01/28/17, and is incorporated as part of this record by reference.)

8. Encroachment #2016-0009  
119 King Street - The Wharf Restaurant  
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a retractable awning; zoned: KR/King Street Retail.  
Applicant: Potomac Restaurants, LLC, by Mike Brumagin  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 01/28/17, and is incorporated as part of this record by reference.)

9. Special Use Permit #2016-0086  
400 Tennessee Avenue

Public Hearing and Consideration of a request to construct a new single-family dwelling on a developed substandard lot; zoned: R-8/Residential Single-family. Applicant: Larry and Brenda Kahan, represented by Duncan Blair, attorney  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 01/28/17, 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 Smedberg and carried unanimously, City Council approved the action consent calendar, with the exception of docket items #8 and #9, which were considered under separate motions. The approval was as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.

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

8. Encroachment #2016-0009  
119 King Street - The Wharf Restaurant  
Public Hearing and Consideration of a request for an encroachment into the public right-of-way for a retractable awning; zoned: KR/King Street Retail.  
Applicant: Potomac Restaurants, LLC, by Mike Brumagin  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 01/28/17, and is incorporated as part of this record by reference.)

Councilman Smedberg inquired about the use of retractable awnings in the historic district, particularly along King Street, and the policy governing their usage.

Mr. Moritz, Director, Planning and Zoning, and Mr. Cox, Historic Preservation Manager, Planning and Zoning, responded to the questions about the retractable awnings and the current policy governing their usage.

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

(1) Mike Brumagin, 119 King Street, spoke in support of the request for an encroachment and described the retractable awning the restaurant was planning to use. Mr. Brumagin requested that Council not delay the approval because a delay would have an effect on his business.

**A motion was made** by Councilman Smedberg and seconded by Councilman Chapman, to defer approval of the encroachment request until a policy for retractable awnings in the historic districts has been established. After a discussion by Council about the policy, Councilman Smedberg withdrew the motion from consideration.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilmember Lovain and carried 6-0-1, City Council closed the public hearing and approved the Planning Commission recommendation. City Council requested that a policy regarding retractable awnings be brought to Council for consideration as soon as possible. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none; Abstain, Councilman Smedberg.

9. Special Use Permit #2016-0086  
400 Tennessee Avenue  
Public Hearing and Consideration of a request to construct a new single-family dwelling on a developed substandard lot; zoned: R-8/Residential Single-family. Applicant: Larry and Brenda Kahan, represented by Duncan Blair, attorney  
Planning Commission Action: Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 01/28/17, and is incorporated as part of this record by reference.)

Ms. Vorel, Urban Planner, Planning and Zoning, gave a presentation on the request to construct a new single-family dwelling on a developed substandard lot and responded to questions from Council.

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

- (1) Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the request and stated that he was available to answer questions about the project.

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

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

10. Public Hearing and Adoption of the Proposed FY 2017 to FY 2022 City Strategic Plan.

(A copy of the City Manager's memorandum dated January 18, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 01/28/17,

and is incorporated as part of this record by reference.)

Mr. Useem, Chief Performance Officer, Office of Performance and Accountability, and Mr. Moritz, Director, Planning and Zoning, gave a presentation on the City Strategic Plan and responded to questions from Council about the proposed changes from the Tuesday legislative meeting discussion.

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

(1) Jack Sullivan, 4300 Ivanhoe Place, requested that the proposed Strategic Plan focus more on neighborhoods and make them the focus of the plan.

(2) Bob Eiffert, 1418 Juliana Place, representing the Commission on Aging, expressed the concerns of the older residents and he requested the inclusion of language under the Inclusive City section addressing affordable and accessible housing and inclusion of language that address aging in place in the Strategic Plan.

(3) Elizabeth McCall, 537 South Fairfax Street, representing the Alexandria Archaeological Commission (AAC), spoke about the history content in the Strategic Plan and she requested changes that would strengthen the language and highlight the inclusion of history, arts, and museums.

(4) Katy Cannady, 20 East Oak Street, spoke in support of some of the proposed changes to the Strategic Plan.

(5) Elliott Waters, 325 Cameron Station Boulevard, requested changes to the Strategic Plan, including adding an appendix that included a glossary of terms and list of achievements made since the previous plan.

(6) Ann Davin, 3307 Wyndham Circle, representing the Alexandria Archaeological Commission, spoke in support of including mentions of the Waterfront history in the plan and in support of the changes in the Strategic Plan that addressed historic preservation.

(7) Bert Ely, 200 South Pitt Street, representing the Old Town Civic Association, spoke in opposition of including an endorsement for the Old Town Business Improvement District (BID) in the Strategic Plan and requested that any reference to it be removed.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Wilson and carried unanimously, City Council closed the public hearing and adopted the Proposed FY2017 to FY2022 City Strategic Plan with the suggested changes in the document labeled Attachment A, as well as the following amendments:

- In the Vision Statement, insert the words, “active and secure older adults” after the phrase “children and youth.”
- In the Vision Statement, insert the words “with distinct, vibrant and safe neighborhoods” after the phrase “inclusive city of kindness” and delete the words “a safe community.”
- Insert in the Distinctive and Vibrant Neighborhoods, insert the revised sentence, after the phrase suburban and commercial areas, “Alexandria is committed to historic and archaeological preservation and interpretation, honoring its historic legacy.”

- In Distinctive and Vibrant Neighborhoods, change the word “formation” to “consideration” in the action item regarding the Business Improvement District.
- In Inclusive City section, revise the last action item to read, “Secure committed affordable and accessible housing, as well as seek affordable assisted living units through the development process.”
- In the Strong Economy section, insert the words “and museums attract” after the phrase “the historic district.”
- A glossary of terms will be added the City’s webpage in the Civic Engagement section with a notification in the City’s Strategic Plan on where to locate the glossary.

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

\*\*\*Councilman Smedberg left the meeting at this time and City Council recessed for lunch at 1:05 p.m.\*\*\*

\*\*\*City Council resumed the public hearing meeting at 1:34 p.m.\*\*\*

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

### **Planning Commission (continued)**

11. Development Special Use Permit #2015-0021  
4213 & 4141 Duke Street - Taco Bell  
Public Hearing and Consideration of a request for a Development Special Use Permit and site plan with modifications to the zone transition setback and to the additional setback from the centerline of Duke Street, to construct a new restaurant building with outdoor dining and a drive-through facility and associated site improvements; zoned: CG/Commercial General & CC/Commercial Community.  
Applicant: Taco Bell of America, LLC, represented by M. Catharine Puskar, attorney  
Planning Commission Action: Recommend Approval 6-0  
NOTE: 1/23/17 - THE APPLICANT HAS REQUESTED DEFERRAL OF THIS ITEM TO THE FEBRUARY 25, 2017 PUBLIC HEARING MEETING.

This item was deferred.

12. Text Amendment #2016-0008  
Sign Regulations in the Historic District  
Public Hearing and Consideration of a Text Amendment to Article IX Section 9-300 of the Zoning Ordinance regarding regulations for signs in the historic districts.  
Staff: City of Alexandria Department of Planning and Zoning  
Planning Commission Action: Initiate Text Amendment and Recommend Approval 6-0

(A copy of the Planning Commission report dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 01/28/17, and is incorporated as part of this record by reference.)

Ms. Sample, Urban Planner, Planning and Zoning, gave a presentation of the staff report and she, along with Mr. Moritz, Director, Planning and Zoning, and Mr. Cox, Historic Preservation Manager, Planning and Zoning, responded to questions from Council.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, and Councilwoman Pepper; Opposed, none; Absent, Councilman Smedberg.

## **OTHER**

13. Public Hearing and Consideration of an Appeal of the Old & Historic Alexandria District Board of Architectural Review's November 16, 2016 Decision to Approve a Permit to Demolish & Capsulate and a Certificate of Appropriateness at 317 South Lee Street. Appellant: Mary Palmer

(A copy of the appeal dated January 28, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 01/2/17, and is incorporated as part of this record by reference.)

Ms. Miliaras, Urban Planner, Planning and Zoning, gave a presentation on the appeal and she, along with Mr. Cox, Historic Preservation Manager, Planning and Zoning, Mr. Moritz, Director, Planning and Zoning, and Ms. Anderson, Deputy City Attorney, responded to questions about the appeal.

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

(1) Christine Roberts, 509 South Lee Street, representing the Board of Architectural Review (BAR) – Old and Historic District, explained the BAR decision on the project and was available to answer any questions about their decision.

(2) Scot McBroom, 405 South Washington Street, architect representing the applicant to the BAR, requested that the BAR decision be affirmed and he responded to questions from Council.

(3) Maria Hopper, 317 South Lee Street, applicant to the BAR, requested that the BAR decision be affirmed.

(4) Mary E. Palmer, 315 South Lee Street, appellant, spoke in support of the appeal and requested that Council overturn the BAR decision.

(5) Edwin Brown, 315 South Lee Street, appellant, spoke in support of the appeal and requested that Council overturn the BAR decision and he responded to questions from Council.

(6) Sally Harper, 6 West Rosemont Avenue, spoke in support of the appeal and requested that Council overturn the BAR decision.

(7) Roy Shannon, 201 North Union Street, Suite 230, attorney for the applicant to the BAR, requested that the BAR decision be affirmed and he responded to questions from Council.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried 6-0, City Council closed the public hearing and affirmed the Board of Architectural Review's decision and denied the appeal. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman Councilmember Lovain, and Councilwoman Pepper; Opposed, none; Absent, Councilman Smedberg.

## **ORDINANCES AND RESOLUTIONS**

**\*Please note that City Council approved the following ordinances as a block by roll-call vote.\***

14. Public Hearing, Second Reading, and Final Passage of an Ordinance Authorizing the Owners of the Property Located at 310 South Saint Asaph Street to Construct and Maintain an Encroachment into the Public Sidewalk Right-of-way at that Location for a Front Stoop Consisting of Steps and a Landing. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 01/28/17, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 01/28/17, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted an ordinance authorizing the owners of the property located at 310 South Saint Asaph Street to construct and maintain an encroachment into the public sidewalk right-of-way at that location for a front stoop consisting of steps and a landing. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, and Councilmember Lovain; Opposed, none; Absent, Councilman Smedberg.

The ordinance reads as follows:

### **ORDINANCE NO. 5048**

AN ORDINANCE authorizing the owner of the property located at 310 S. Saint Asaph Street to construct and maintain an encroachment into the public sidewalk right-of-way at that location for a replacement stoop consisting of stairs and a landing.

WHEREAS, Cheryl Jaeger is the owner ("Owner") of the property located at 310 S. Saint Asaph Street in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a replacement stoop consisting of stairs, a handrail, and a landing, which will encroach into the public sidewalk right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2016-0008, the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on December 6, 2016, which recommendation was approved by the City Council at its public hearing on December 17, 2016, and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 310 S. Saint Asaph Street in the City of Alexandria, as shown on the attached encroachment plat, said encroachment measuring approximately 51 square feet and consisting of stairs, a metal handrail, and a landing, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at her own expense, general liability insurance in the amount of \$1,000,000 with a company authorized to transact business in the Commonwealth of Virginia.

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

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

- a) Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.
- b) In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.

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

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

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

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

Section 8. The term "Owner" shall be deemed to include Cheryl Jaeger and her respective successors in interest.

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

15. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Section 7-202 (Permitted Structures) under Section 7-200 (Permitted Structures in Required Yards), and Section 7-2505 (Free Standing Garages to the Rear of the Main Building) under Section 7-2500 (Infill Regulations for Single- and Two-Family Residential Zones); both of Article VII (Supplemental Zone Regulations) of the City of Alexandria Zoning Ordinance, in Accordance with the Text Amendment heretofore Approved by City Council as Text Amendment No. 2016-0007. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 01/28/17, and is incorporated as part of this record by reference.)

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 15; 01/28/17, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 7-202 (Permitted Structures) under Section 7-200 (Permitted Structures in Required Yards), and Section 7-2505 (Free Standing Garages to the Rear of the Main Building) under Section 7-2500 (Infill Regulations for Single-and Two-Family Residential Zones); both of Article VII (Supplemental Zone Regulations) of the City of Alexandria Zoning Ordinance, in accordance with Text Amendment heretofore approved by City Council as Text Amendment No 2016-0007. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, and Councilwoman Pepper; Opposed, none; Absent, Councilman Smedberg.

The ordinance reads as follows:

#### **ORDINANCE NO. 5049**

AN ORDINANCE to amend and reordain Section 7-202 (PERMITTED OBSTRUCTIONS) under Section 7-200 (PERMITTED STRUCTURES IN REQUIRED YARDS), and Section 7-2505 (FREE STANDING GARAGES TO THE REAR OF THE MAIN BUILDING) under Section 7-2500 (INFILL REGULATIONS FOR SINGLE- AND TWO-FAMILY RESIDENTIAL ZONES); both of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2016-0007.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2016-0007, 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 December 6, 2016 of a text amendment to the Zoning Ordinance to adopt revised setback regulations, which recommendation was approved by the City Council at public hearing on December 17, 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 7-202 of the Zoning Ordinance be, and the same hereby is, amended by deleting the sections shown in strikethrough and adding the language shown as underlined:

#### **7-202 - Permitted obstructions.**

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

(A) In all yards:

- (1) Open fences which do not exceed three and one-half feet in height.
- (2) Awnings or canopies provided they do not project more than five feet in depth from the existing building face.

- (3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices or window sills projecting 12 inches or less into the yard.
  - (4) Chimneys projecting 30 inches or less into the yard, provided that such projection does not reduce the width of the remaining side or rear yard to less than five feet.
  - (5) Arbors and trellises. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than 8 feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new arbor or trellis' setback shall be five feet from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
  - (6) Flag poles which do not exceed 15 feet in height.
  - (7) Open stairs, provided that the stairs do not reduce a side or rear yard to less than five feet.
  - (8) Ramps and similar structures necessary to provide access for the handicapped.
  - (9) Porticos, provided that they do not extend more than six feet from the main building wall, do not extend more than nine feet in length, which dimensions include any roof overhang, and provided further that they remain open.
- (B) In any yard except a front yard:
- (1) Sandboxes, swings and other small items of children's play equipment.
  - (2) Clotheslines.
  - (3) Open and closed fences which do not exceed six feet in height. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than 6 feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new fence shall not exceed three and a half feet in height along the width of those window(s) or doorway(s). If the fence has a setback of five feet or more from that shared lot line, it is permitted to be taller than three and a half feet but shall not exceed six feet in height. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
  - (4) Small sheds, doghouses, dollhouses and structures used for storage, provided:
    - (a) On land zoned R-20, R-12, R-8, R-5 or R-2-5 and used for single-family dwellings, such structures may not exceed 80 square feet in floor area in the aggregate and eight feet in height when measured at the structure's highest point.
    - (b) On land zoned and used for semi-detached or townhouse dwellings, such structures may only be placed in the rear yard at the rear property line, may not exceed 50 square feet of floor area in the aggregate and seven feet in height when measured at the structure's highest point.
    - (c) If a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than 8 feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new small shed or structure used for storage's setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
  - (5) Freestanding air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured

at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available.

- (6) Open terraces and decks not over two feet above the average level of the adjoining ground and two feet above ground at any property line of the lot but not including a roofed-over terrace or porch.
- (7) Free-standing private garages to the rear of the main building in accordance with section 7-2505.
- (C) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.
- (D) In any residential zone a ground level covered open front porch is permitted to project a maximum of eight feet from the front building wall into the required front yard, or primary front yard if a corner lot, of a single-family, semi-detached, duplex or townhouse dwelling; provided that a special exception under section 11-1302 of this ordinance is approved.

Section 2. That Section 7-2505 of the Zoning Ordinance be, and the same hereby is, amended by deleting the sections shown in strikethrough and adding the language shown as underlined:

**7-2505 - Free-standing garages to the rear of the main building.**

- (A) Regardless of other regulations in this zoning ordinance, a free-standing private garage is permitted to the rear of the main building in accordance with the regulations in this section 7-2505 so long as it is the only garage on the lot or adjacent vacant lot under common ownership. The floor area of such a garage constructed in accordance with the standards of this section will be excluded from floor area calculated under the provisions of section 2-145(A)(6).
- (B) Standards.
  - (1) **Size.** For lots with a minimum of 5,000 square feet and with less than 8,000 square feet lot area, the garage shall have a floor area not greater than 250 square feet and a height not greater than 11.50 feet. For lots 8,000 square feet or larger, the garage shall have a floor area not greater than 500 square feet and a height not greater than 13.50 feet. The director may modify the height permitted in this section 7-2505(B)(1) when the height and design of the garage are appropriate and compatible with the main dwelling and with the character of the immediate neighborhood.
  - (2) ~~Setback. The garage shall be set back a minimum of three feet from the side or rear property line if windows face the property line; otherwise the minimum setback is 1 foot. The garage may be located in the rear yard if it complies with the following:–~~
    - (a) The garage shall be set back a minimum of one foot from any side or rear property line if the garage wall facing that property line has no windows or doors or if that lot line borders an alley;
    - (b) If the conditions of Item (a) above are not met, the setback shall be three feet; and
    - (c) If a wall of a dwelling on an adjacent lot has any windows or doors that have a sill lower than 13.50 feet, measured from grade, facing the shared property line

and located within three feet of that shared property line, the new garage's setback shall be five feet, including any roof overhang, from that shared property line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.

- (3) *Access.* If there is no direct access to the garage from an alley, a permeable-surfaced driveway is permitted in the side yard for access to the garage. Permeable-surfaced driveways can be composed of grass with ring and grid structure, gravel with a grid structure beneath, paving strips, a grid based surface, or other treatments without significant compaction of the base, but must be approved by the department of planning and zoning and the department of transportation and environmental services. Either the department of planning and zoning or the department of transportation and environmental services can grant an exemption to the permeable-surfaced driveway requirement in cases of steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material. Tandem parking in the driveway is permitted. Curb cuts must be approved in accordance with section 5-2-2 of the City Code and section 8-200(C)(5) of this zoning ordinance. The number of vehicles permitted on the lot is limited by section 8-200(C)(6).
- (4) *Compatibility.* The accessory garage shall be compatible with the main dwelling in regard to materials and design.
- (5) *Use.* The accessory garage shall be dedicated to the use and storage of motor vehicles.

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

Section 4. That Sections 7-202 and 7-2505, as amended pursuant to Section 1 and Section 2 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 5. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

- 16. Public Hearing, Second Reading, and Final Passage of Ordinances Amending Title 9 (Licensing and Regulation), Chapter 12 (Taxicabs and Other Vehicles for Hire) of The Code of the City of Alexandria, Virginia, 1981, as Amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated January 25, 2017, is on file in the Office of City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 01/28/17, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinances is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 16; 01/28/17, and is incorporated as part of this record by reference.

A copy of the ordinances 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. 16; 01/28/17, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-0, City Council closed the public hearing and adopted ordinances amending Title 9 (Licensing and Regulation), Chapter 12 (Taxicabs and Other Vehicles for Hire) of the Code of the City of Alexandria, Virginia, 1981, as amended. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain and Councilwoman Pepper; Opposed, none; Absent, Councilman Smedberg.

The ordinances read as follows:

#### **ORDINANCE NO. 5050**

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

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

Section 1. That Title 9, Chapter 12 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 9-12-34 to read as follows:

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

Sec. 9-12-34 - Authorizations not in use.

(a) If a certificate holder fails to operate any authorized vehicles for more than ~~90~~ 18 consecutive ~~days~~ months, the authorization to operate such inactive vehicles shall terminate automatically and revert to the city, and the city manager shall issue a new certificate for the lesser number of authorized vehicles that remain in use.

(b) The provisions of subsection (a) shall not be applicable to that portion of an increase in authorized vehicles granted under the provisions of section 9-12-30 for a period of 365 days after an increase in certificates is authorized.

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

#### **ORDINANCE NO. 5051**

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 9, Chapter 12 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Section 9-12-81 to read as follows:

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

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

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

- (a) *Vehicles to be clean.* All taxicabs shall at all times be kept clean and sanitary to the satisfaction of the hack inspector.
- (b) *Ventilation of vehicles; lights.* Every taxicab shall be equipped with properly functioning heating, air conditioning and windows and passenger cabin lights.
- (c) *Body types of vehicles; seating capacity.* Every taxicab shall be of a vehicle type approved by regulation with four doors, at least two seats and not less than five-passenger capacity; provided, however, that any taxicab, otherwise in compliance with the provisions of this article may, upon the written application to and approval of the city manager, and having only three doors, may be used to provide transportation to handicapped or otherwise physically disabled persons.
- (d) *Shades and curtains.* No taxicab shall be equipped with shades or curtains which can shield any occupant from observation.
- (e) *Speedometers.* Every taxicab shall be equipped with a standard speedometer, properly installed and kept in good working order at all times.
- (f) *Rear-view mirror.* Every taxicab shall be equipped with an adjustable rear-view mirror, properly installed.
- (g) *"Off duty" signs.* Every taxicab shall carry, prominently displayed on the front windshield, a sign bearing the words "off duty," whenever the vehicle is driven by an operator other than a duly licensed taxicab driver, or is transporting a nonpaying passenger, or is not in service.
- (h) *Information to be displayed on outside of vehicle.*
  - (1) Every taxicab shall bear on the rear thereof and on each side thereof in lettering at least three inches high the word "taxicab" or "cab."
  - (2) The certificate number under which the taxicab is operated, clearly visible, shall be placed on the rear and on each side of each taxicab.
  - (3) The prevailing rates of fare shall be displayed on each side of the taxicab by means of cards or stickers, furnished by the director of finance at a cost established by regulation, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.
- (i) *Display of permit.* Every driver shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab.

- (j) *Display light.* Every taxicab shall be equipped with a plainly visible light signal permanently affixed on the exterior of the cab of a design approved by the hack inspector, which signal shall be turned on and exhibited at all times when the taxicab is on duty and available for hire.
- (k) *Two-way communication.* Every taxicab shall be equipped with a means of wireless two-way communication, properly installed and kept in working order at all times. Such means of communication shall be operated in compliance with all applicable regulations of the Federal Communications Commission. Each unit will have the ability to conduct a two-way conversation with the taxicab dispatcher.
- (l) *Age of vehicles.* Except for hybrid or alternative fuel vehicles, no vehicle permit shall be issued for a taxicab that is older than ~~eight~~ 10 model years; ~~provided, however, that a taxicab that was lawfully being operated as of July 1, 2005, may continue in operation until July 1, 2007, provided such vehicle complies with all other provisions of this article.~~ No vehicle permit shall be issued for a hybrid or alternative fuel taxicab that is older than ~~40~~ 12 model years; ~~provided, however, that such a taxicab that was lawfully being operated as of July 1, 2005, may continue in operation until July 1, 2007, provided such vehicle complies with all other provisions of this article.~~
- (m) *Taximeters.* Every taxicab shall be equipped with a taximeter in compliance with section 9-12-131.

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

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

#### **Planning Commission (continued)**

None.

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City Council continued the Public Discussion Period at the time. The following persons participated in the public discussion period:

16. Janice Grenadier, 15 West Spring Street, spoke about corruption in the City.

17. Victor Justes, 2151 Jamieson Avenue, speaking on behalf of the Friends of the Beatley Central Library, spoke about the contributions that Beatley Central Library make and how they enrich the community. Mr. Justes requested continued support for Beatley Central Library and all the libraries.

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**THERE BEING FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried 6-0, City Council adjourned the public hearing meeting of January 28, 2017 at 3:45 p.m. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, and Councilwoman Pepper; Opposed, none; Absent, Councilman Smedberg.

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APPROVED BY:

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ALLISON SILBERBERG    MAYOR

ATTEST:

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Gloria Sitton, CMC    Deputy City Clerk