

**City of Alexandria
City Council Public Hearing
Meeting Minutes
Saturday, June 24, 2017
9:30 AM
Council Chambers**

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. Collins, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Farner, Deputy Director, (P&Z); Mr. Price, Urban Planner, P&Z; Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Sanders, Deputy Director, T&ES; Mr. Dambach, Division Chief, P&Z; Police Captain Andreas; Ms. Anderson, Deputy City Attorney; Mr. Kerns, Division Chief, P&Z; Ms. McIlvaine, Director, Office of Housing; Ms. Williams, Assistant Director, P&Z; Ms. El Gawish, Urban Planner, P&Z; Mr. Sindiong, Division Chief, T&ES; Ms. Metcalf, Office on Housing; Mr. Garbacz, Division Chief, T&ES; Ms. Labadie, Urban Planner, P&Z; Ms. Bryant, Information Technology Services (ITS); Mr. Hillary, ITS; and Mr. Lloyd.

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

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 9:39 a.m.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Canek Aguirre, 3801 Mt. Vernon Avenue, representing Tenants and Workers United, spoke about police data transparency and improving relationships between law enforcement and the communities they serve. Mr. Aguirre noted his support for an ordinance on police data and transparency. Mr. Aguirre stated that the citizens expected transparency and accountability from both elected officials and City employees and thanked the officers for

their service to the Alexandria community. Mr. Aguirre asked everyone present in support of police data transparency to stand.

2. Elizabeth Bennett Parker, 702 West View Terrace, representing Together We Bake, spoke about the Old Town Farmers Market and the need to have designated spots for local businesses at the market. Ms. Bennett Parker stated that the market policies needed to be reviewed in order to allow more local businesses to participate. Ms. Bennett Parker offered suggestions for making the Farmers Market policy more inclusionary of Alexandria businesses including prioritizing Alexandria-based businesses for participation, elimination of the grandfathering of existing businesses to allow new vendors to participate in the market, and giving preference to nonprofits/social enterprises provided they meet the rest of the market policy criteria.

3. Colida Johnson, 5851 Quantrell Avenue, #209, representing Together We Bake, spoke about the Old Town Farmers Market and the need for policy changes to allow more local businesses to participate.

4. David Chamowitz, 118 North Alfred Street, representing Volunteer Alexandria, spoke about the programs that the organization supports including the Snowbuddies Program, the alternative community service program supported by the Court Services Unit, as well as offering training in emergency management and preparedness. Mr. Chamowitz stated that Volunteer Alexandria hosts numerous fundraisers that support their programming.

5. Tom Sisk, 914 Queen Street, spoke about the Old Town Farmers Market and the need for policy changes to allow more local businesses to participate and create greater diversity at the market.

6. Janice Grenadier, 15 West Spring Street, spoke about issues with the court system and injustices against her.

7. Christopher Lewis, 550 Holmes Run Parkway, #1518, spoke in support of an ordinance on police data and transparency and he thanked Chief Brown for speaking in the community about the topic. Mr. Lewis stated it is important that we continue to collect clear data and be transparent on all police interactions. Mr. Lewis requested that the proceedings of the Police Advisory Group be shared publicly to honor transparency.

8. Jennifer Atkins, 2503 Dewitt Avenue, representing the Park and Recreation Commission, spoke about the sense of community and vibrancy that Simpson Park provides to the Alexandria community and how the events at the park highlight the importance of active public open spaces throughout the City.

9. Philip Matyas, 219 North Pitt Street, spoke about consideration for limited on-street parking in Old Town during certain hours to address parking concerns of the residents. Mr. Matyas requested that there be a policy limiting parking to residents from 6 p.m. to 7a.m. for the area.

10. Boyd Walker, thanked Mayor Silberberg for the statement on the City deciding to meet the goals of the Paris Climate Accord and he thanked City Council for signing onto the Accord. Mr. Walker noted that it will be incumbent on state and local governments to meet

the goals of the Accord and his organization would be supportive of the City's efforts.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public discussion period. 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 OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3-10)

Planning Commission

3. Special Use Permit #2017-0020
66 Canal Center Plaza, Suite 600 - ABI
Public Hearing and Consideration of a request for an illuminated wall sign higher than 35 feet above grade; zoned: W-1/Waterfront Mixed Use. Applicant: American Bankruptcy Institute, represented by Duncan Blair, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 06/24/17, and incorporated as part of this record by reference.)

4. Special Use Permit #2017-0029
305 Virginia Avenue - New Single Family Dwelling
Public Hearing and Consideration of a request to construct a new single family dwelling on a developed substandard lot; zoned: R-8/Single-family. Applicant: Virginia and Arise, LLC, represented by Duncan W. Blair, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 06/24/17, and incorporated as part of this record by reference.)

5. Special Use Permit #2017-0030
312 & 316 South Washington Street - Mixed Use Redevelopment
Public Hearing and Consideration of a request for a parking reduction and for open space and setback modifications for the conversion of an office building into a mixed-use building with commercial use on the first floor and residential units on the upper floors; zoned: CD/Commercial Downtown. Applicant: UrbanRock Old Town, LLC, represented by M. Catharine Puskar, attorney.
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 06/24/17, and is incorporated as part of this record by reference.)

6. Special Use Permit #2017-0039

7 King Street (parcel address: 101 & 107 North Union Street) - Vola's Restaurant
Public Hearing and Consideration of a request to amend SUP #2017-0002 to increase the number of indoor seats and add limited live entertainment; zoned: KR & WPR/King Street Retail & Waterfront Park and Recreation. Applicant: ARP Waterfront, LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 06/24/17, and is incorporated as part of this record by reference.)

7. Vacation #2017-0001
700 South Pitt Street
Public Hearing and Consideration of a request to vacate the public right-of-way for the installation of a fence to enclose an area that would function as a dwelling's front yard; zoned: RM/Townhouse Zone. Applicant: Thomas J. Campbell, represented by Frederick Taylor, architect
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7, 06/24/17, and is incorporated as part of this record by reference.)

8. Text Amendment #2017-0004
Tattoo Parlors
Public Hearing and Consideration of a Text Amendment to Section 2-111 and Section 2-183 of the Zoning Ordinance to remove tattoo parlors from amusement enterprises and classify them as personal service establishments. Staff: City of Alexandria Department of Planning and Zoning
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 06/24/17, and is incorporated as part of this record by reference.)

9. Text Amendment #2017-0005
Additional Uses in OCM(50) and OCM(100) Zones
(A) Initiation of a Text Amendment; and (B) Public Hearing and Consideration of a Text Amendment to Section 4-900 and Section 4-1000 of the Zoning Ordinance to add permitted uses, administrative special uses, and special uses to the OCM(50) and OCM(100) zones. Staff: City of Alexandria Department of Planning and Zoning
Planning Commission Action: Initiated 7-0 and Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 06/24/17, and is incorporated as part of this record by reference.)

10. Development Special Use Permit #2017-0007 (Amendment)
Development Special Use Permit #2016-0021 (Townhouses)

Transportation Management Plan Special Use Permit #2017-0045
(Amendment)
Transportation Management Plan Special Use Permit #2017-0046
(Townhouses)

5130 & 5140 Fillmore Avenue - Fillmore/Saint James

Public Hearing and Consideration of requests for: A) an amendment to previously-approved Development Special Use Permit #2016-0007 to remove Phase Two of the project and its related conditions; B) a Development Special Use Permit (#2016-0021) to construct 31 new residential townhouses and associated site improvements, with modifications to required yards and including Special Use Permit approvals for lots without frontage on a public street and for an overall site floor area ratio (FAR) of up to 2.0; C) an amendment to previously-approved Transportation Management Plan SUP #2014-0096 to remove Phase Two of the project(TMP SUP #2017-0045); and D) a TMP SUP (#2017-0046) for 31 townhouse units; zoned: CRMU-M/Commercial Residential Mixed Use - Medium. Applicants: St James Plaza Land, LLC (DSUP #2017-0007 and TMP SUP #2017-0045) & Craftmark Homes, Inc. (DSUP#2016-0021 and TMP SUP#2017-0046), represented by Duncan Blair, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 06/24/17, 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 consent calendar, with items #3, #5, #6, #8 and #10 considered under separate motions. The approval was as follows:

4. City Council approved the Planning Commission recommendation.

7. City Council approved the Planning Commission recommendation. The following viewers were appointed by Mayor Silberberg for the vacation: Michael Porterfield, Ann Tucker, and Shelli Vasser Gilliam (chair).

9. 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.

3. Special Use Permit #2017-0020
66 Canal Center Plaza, Suite 600 - ABI
Public Hearing and Consideration of a request for an illuminated wall sign higher than 35 feet above grade; zoned: W-1/Waterfront Mixed Use. Applicant: American Bankruptcy Institute, represented by Duncan Blair, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of

the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 06/24/17, and incorporated as part of this record by reference.)

Mr. Dambach, Division Chief, Planning and Zoning, explained that staff worked with the applicant and directed the use materials and designs that would blend as much as possible with the building. Mr. Dambach stated that the sign was as compatible as possible with the building. Mr. Dambach and Ms. Labadie, Urban Planner, Planning and Zoning, responded to questions from Council about the sign and its design.

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 application and responded to questions from Council about the project.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried 6-1, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg.

5. Special Use Permit #2017-0030
312 & 316 South Washington Street - Mixed Use Redevelopment
Public Hearing and Consideration of a request for a parking reduction and for open space and setback modifications for the conversion of an office building into a mixed-use building with commercial use on the first floor and residential units on the upper floors; zoned: CD/Commercial Downtown. Applicant: UrbanRock Old Town, LLC, represented by M. Catharine Puskar, attorney.
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 06/24/17, and is incorporated as part of this record by reference.)

Mr. Swidrak, Urban Planner, Planning and Zoning, gave a brief presentation of the proposal, specifically addressing the parking for the redevelopment. Mr. Dambach and Mr. Swidrak and Mr. Lambert, Director, Transportation and Environmental Services, responded to questions from members of Council.

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

1. Bert Ely, 200 South Pitt Street, representing the Old Town Civic Association, requested that residents of the building not be eligible to receive residential parking permits due to clear of lack of on-street parking spaces, especially during peak hours. Mr. Ely stated that Council could justify adding a condition to the SUP making residents ineligible for residential parking permits.

2. Philip Maytas, 219 North Pitt Street, spoke in opposition to the proposed project, highlighting the problems with parking in the area and open space.

3. Cathy Puskar, 2200 Clarendon Boulevard, Ste. 1300, Arlington, attorney for the applicant, spoke in support of the project and responded to questions from members of Council.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Wilson and carried 4-3, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg, Councilman Chapman, and Councilmember Lovain.

6. Special Use Permit #2017-0039
7 King Street (parcel address: 101 & 107 North Union Street) - Vola's Restaurant
Public Hearing and Consideration of a request to amend SUP #2017-0002 to increase the number of indoor seats and add limited live entertainment; zoned: KR & WPR/King Street Retail & Waterfront Park and Recreation. Applicant: ARP Waterfront, LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 06/24/17, and is incorporated as part of this record by reference.)

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

1. Philip Maytas, 219 North Pitt Street, spoke in opposition to the proposed amendment to the SUP.

2. Cathy Puskar, 2200 Clarendon Boulevard, Ste. 1300, Arlington, attorney for the applicant, spoke in support of the proposed amendment to the SUP and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, 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. Text Amendment #2017-0004
Tattoo Parlors
Public Hearing and Consideration of a Text Amendment to Section 2-111 and Section 2-183 of the Zoning Ordinance to remove tattoo parlors from amusement enterprises and classify them as personal service establishments. Staff: City of Alexandria Department of Planning and Zoning
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 06/24/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, 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.

10. Development Special Use Permit #2017-0007 (Amendment)
Development Special Use Permit #2016-0021 (Townhouses)
Transportation Management Plan Special Use Permit #2017-0045 (Amendment)
Transportation Management Plan Special Use Permit #2017-0046 (Townhouses)
5130 & 5140 Fillmore Avenue - Fillmore/Saint James
Public Hearing and Consideration of requests for: A) an amendment to previously-approved Development Special Use Permit #2016-0007 to remove Phase Two of the project and its related conditions; B) a Development Special Use Permit (#2016-0021) to construct 31 new residential townhouses and associated site improvements, with modifications to required yards and including Special Use Permit approvals for lots without frontage on a public street and for an overall site floor area ratio (FAR) of up to 2.0; C) an amendment to previously-approved Transportation Management Plan SUP #2014-0096 to remove Phase Two of the project(TMP SUP #2017-0045); and D) a TMP SUP (#2017-0046) for 31 townhouse units; zoned: CRMU-M/Commercial Residential Mixed Use - Medium. Applicants: St James Plaza Land, LLC (DSUP #2017-0007 and TMP SUP #2017-0045) & Craftmark Homes, Inc. (DSUP#2016-0021 and TMP SUP#2017-0046), represented by Duncan Blair, attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 06/24/17, and is incorporated as part of this record by reference.)

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 proposed project and responded to questions from Council.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with the following amendments: submitting a new condition #51 and then combine the existing #51 into a two-part #52 as the following:

J. Solid Waste

51. A registered Homeowners Association will be formed for the townhouses. If private collection is desired, the HOA shall request approval from the Director of Transportation and Environmental Services to opt-out of the City approved trash and recycling collection to allow for privately contracted collection. The point of collection shall be as agreed upon between the owner and the private collector duly licensed, provided that such point shall not be in a public right-of-way and shall not hinder or interfere with parking, traffic or pedestrians. All trash collectors for the project site are required to take their collected trash to the Alexandria/Arlington waste-to-energy facility. (T&ES)

52. Provide \$896 per receptacle to the Director of T&ES for purchase and installation of one (1) Victor Stanley Ironsites Series model SD-42 receptacle with Dome Lid dedicated to trash collection. The receptacle(s) shall be placed in the public right-of-way to serve open space and park sites. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan.* (T&ES)

52(a): Provide \$996 per receptacle to the Director of T&ES for the purchase and installation of one (1) Victor Stanley Ironsites Series Model SD-42 blue receptacle with Dome Lid dedicated to recycling collection. The receptacle(s) shall be placed in the public right of way to serve open space and park sites. Receptacles shall be generally located along the property frontage and at strategic locations in the vicinity of the site as approved by the Director of T&ES. Payment required prior to release of Final Site Plan. (T&ES)

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

11. Public Hearing and Second Reading on an Ordinance to Create the Old Town Business Improvement Service District.

(A copy of the City Manager's memorandum dated June 16, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 06/24/17, and is incorporated as part of this record by reference.)

Stephanie Landrum, CEO of Alexandria Economic Development Authority, along with her colleague, David Remington, gave a presentation on the Old Town Business Improvement Service District, clarifying some of the themes and issues that have come up with the growing discussion for the need for an organization to manage commercial properties and sustainability of the Old Town Business District. Ms. Landrum responded to questions from Council.

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

1. Yvonne Weight Callahan, 735 South Lee Street, representing the Old Town Civic Association, spoke about the lack of public input in the process and offered alternatives for the Old Town Business Improvement District (BID) moving forward.

2. Joe Haggerty, 2834 Duke Street, representing the Alexandria Chamber of Commerce, spoke in support of the establishing the Old Town BID.

3. Dak Hardwick, 2834 Duke Street, representing the Alexandria Chamber of Commerce, spoke in support of establishing the Old Town BID.

4. Robert Ray, IV, 400 Prince Street, spoke against establishing the Old Town BID.

5. Dan Hazelwood, 300 Queen Street, spoke against establishing the Old Town

BID.

6. Jack Sullivan, 4300 Ivanhoe Place, spoke against establishing the Old Town BID.
7. Nathan Macek, 15 East Walnut Street, spoke in support of establishing the Old Town BID.
8. David Martin, 1400 King Street, spoke in support of establishing the Old Town BID.
9. Margaret Janowsky, 106 West Braddock Road, spoke against establishing the Old Town BID.
10. Carol Supplee, 1124 King Street, spoke in support of establishing the Old Town BID.
11. Joseph F. Corey, 220 North Lee Street, spoke against establishing the Old Town BID.
12. Scott Clark, spoke against establishing the Old Town BID.
13. Mary Ray, 400 Prince Street, spoke against establishing the Old Town BID.
14. Thomas Singer, 919 King Street, spoke against establishing the Old Town BID.
15. Danielle Romanetti, 1219 King Street, spoke in support of establishing the Old Town BID.
16. Kathy Dalby, 1301 King Street, spoke in support of establishing the Old Town BID.
17. Maurisa Turner Potts, 5712 Ridge View Drive, Alexandria, spoke in support of establishing the Old Town BID.
18. Bert Ely, 200 South Pitt Street, spoke against establishing the Old Town BID.
19. Robert Pringle, 216 Wolfe Street, spoke against establishing the Old Town BID.
20. David Noble, 311 North Washington Street, spoke against establishing the Old Town BID.
21. Tom Osborne, 114 North Columbus Street, spoke in support of establishing the Old Town BID.
22. Teresa Pasiak-Macleod, 216 North Lee Street, property manager for the Crilley Warehouse, spoke against establishing the Old Town BID.
23. Annette Antonelli, spoke against establishing the Old Town BID.

24. Maria Elizabeth, 118 North Fayette Street, spoke in support of establishing the Old Town BID.

25. Katy Cannady, 20 East Oak Street, spoke against establishing the Old Town BID.

26. Chris Ferenc, 919 South Alfred Street, spoke in support of establishing the Old Town BID.

City Council took a recess at 1:35 pm and resumed the meeting at 2:15 p.m.

27. Rodger Digilio, 1115 King Street, spoke against establishing the Old Town BID.

28. Scott Shaw, 221 South Pitt Street, spoke in support of establishing the Old Town BID.

29. MaryBeth Avedesian, 7501 Wisconsin Avenue, representing Saul Centers, Inc., spoke against establishing the Old Town BID.

30. Amanda Lasker, 325 Cameron Street, spoke against establishing the Old Town BID.

31. Mike Porterfield, 16 West Bellefonte Avenue, spoke in support of establishing the Old Town BID.

32. Barbara Charles, 225 North Fairfax Street, spoke against establishing the Old Town BID.

33. Charlotte Hall, 9150 Union Farm Road, spoke in support of establishing the Old Town BID.

34. Boyd Walker, 1307 King Street, spoke against establishing the Old Town BID.

35. Stephanie Babin, 303 Hume Avenue, spoke in support of establishing the Old Town BID.

36. Patrick Hanbury, 309 Cameron Street, spoke in support of establishing the Old Town BID.

37. Philip Maytas, 219 North Pitt Street, spoke against establishing the Old Town BID.

38. Maria Wasowski, 306 Hume Avenue, spoke in support of establishing the Old Town BID.

39. Lynn Hampton, 215 Park Road, spoke in support of establishing the Old Town BID.

40. Jody Tarbox, 201 Commonwealth Avenue, spoke in support of establishing the

Old Town BID.

41. Lisa Schumaier, 2403 Leslie Avenue, spoke in support of establishing the Old Town BID.

42. Howard Bergman, 101 Quay Street, spoke against establishing the Old Town BID.

43. Sean Lenehan, 221 South Henry Street, spoke against establishing the Old Town BID.

44. Jody Manor, 103 North Alfred Street, spoke in support of establishing the Old Town BID.

45. Marianne Burtnett, 1115 Cameron Street, #409, spoke in support of establishing the Old Town BID.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. 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.

City Council requested clarification on the process for approval of the ordinance with respect to timeframe for adoption and the content of the proposed ordinance. In response, Mr. Jinks noted that the motion on the introduction of the ordinance was to allow Council to vote today or on Tuesday, June 27. Mr. Jinks also gave a description of the ordinance and what it would cover and he responded to questions about process for approval.

A motion was made by Councilman Bailey, seconded by Councilman Chapman, to defer action on the Old Town BID ordinance until the fall to develop a proposal with more balanced support.

City Council discussed the process moving forward for the Old Town BID, makeup and size of the board for the BID, costs and priorities for the BID, and what to consider at the June 27 Legislative meeting.

Councilmember Lovain offered an amendment to the motion to direct the City Manager to docket the Old Town BID ordinance for further consideration on Tuesday, June 27, 2017, at which time Council will vote on the ordinance as proposed or defer action until the fall, giving staff direction on the timeframe and scope of the discussion. The amendment was accepted by the maker and seconder of the motion.

The final motion reads as follows: City Council directed the City Manager to docket the Old Town BID ordinance for further consideration on Tuesday, June 27, 2017, at which time Council will vote on the ordinance as proposed or defer action until the fall, giving staff direction on the timeframe and scope of the discussion. 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.

12. Public Hearing and Consideration of a License Agreement with Mobilitie, LLC to Install Small Cell Facilities on Third Party Owned Poles in the Public Rights of Way in Various Locations Within the City of Alexandria.

(A copy of the City Manager's memorandum dated June 1, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12, 06/24/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the attached five year license agreement with Mobilitie, and authorized the City Manager to execute the license agreement and to take any other actions that are necessary to implement the agreement. 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 OF BOARDS, COMMISSIONS AND COMMITTEES (continued) **Planning Commission (continued)**

13. Master Plan Amendment #2017-0002
Old Town North Small Area Plan Amendment
(A) Initiation of a Master Plan Amendment; (B) Public Hearing and Consideration of an amendment to the Master Plan to replace the Old Town North Small Area Plan chapter approved in 1992 with an Updated Small Area Plan, including the Old Town North Urban Design Standards and Guidelines. Staff: City of Alexandria Department of Planning & Zoning
Planning Commission Action: Initiated 7-0 and Recommend Approval 7-0

(A copy of the Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 06/24/17, and is incorporated as part of this record by reference.)

Mr. Farner, Deputy Director, Planning and Zoning, gave a brief summation of the proposed amendment and responded to questions from City Council.

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

1. John T. Long, 400 Madison Street, representing Alexandria House, spoke in support of the project and requested that the transportation plan be reviewed for appropriate bicycle and pedestrian traffic in the area.
2. Deborah Rawls Dewey, 115 Montgomery Place, representing Rivergate Homeowners Association, spoke against converting Montgomery Street to a two-way street because of the increased traffic that will come with the change.
3. Cathy Puskar, 2200 Clarendon Boulevard, Ste. 1300, Arlington, attorney representing EDENS, Gables Residential and MRE Properties, Inc., spoke in support of the

proposed amendment.

4. Dr. Teresa Ann Yonkers, 801 Rivergate Place, representing Rivergate Homeowners Association, spoke against converting Montgomery Street to a two-way street.

5. Mary Catherine Gibbs, 700 North Fairfax Street, Suite 600, attorney representing NRG, spoke in support of the proposed amendment.

6. Christa Watters, 1186 North Pitt Street, member of the Old Town North Small Area Plan Advisory Group, spoke in support of the proposed amendment.

7. Elizabeth Chimento, 1200 North Pitt Street, member of the Old Town North Small Area Plan Advisory Group, spoke in support of the proposed amendment.

8. Teresa Lee, 117 Montgomery Place, spoke against converting Montgomery Street to a two-way street and she expressed concerns about parking in the area.

9. Kenneth Wire, 1750 Tysons Boulevard, Suite 1800, Tysons, Virginia, attorney representing Carr City Centers and AREP, spoke in support of the proposed amendment.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. 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.

City Council asked questions about the converting Montgomery Street a two-way street and how the concerns of the community could be addressed to alleviate turnarounds. Ms. Sanders, Deputy Director, Transportation and Environmental Services, offered some traffic solutions including increased signage and she noted that the Traffic and Parking Board could review the concerns of the community. Mr. Farner explained the staff rationale for recommending the change to Montgomery Street and he noted that there are some traffic planning solutions that can address the neighborhood's concerns. Staff also responded to questions from Council about parking and loading zones in the proposed plan area.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Wilson and carried unanimously, City Council approved the Planning Commission recommendation with an amendment on page 98, #17, to read as follows: Evaluates the feasibility of converting Montgomery Street and there will be a good faith effort to work with the community on issues that were discussed during the public hearing. 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.

ORDINANCES AND RESOLUTIONS

Please note: City Council adopted items #17 through #24 as a block. The items were also considered following docket item #13.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilwoman

Pepper and carried unanimously by roll-call vote, City Council adopted docket items 17 through 24. 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.

The approvals were as follows:

17. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Section 7-700 (Allowance for Increases in Floor Area Ratio, Density and Height and Reductions in Required Off-Street Parking as Incentive for Provision of Low- and Moderate-Income Housing) 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. 2017-0002. [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; 06/24/17, 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. 17; 06/24/17, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 7-700 (Allowance for Increases in Floor Area Ratio, Density and Height and Reductions in Required Off-Street Parking as Incentive for Provision of Low-and Moderate-Income Housing) 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. 2017-0002.

The ordinance reads as follows:

ORDINANCE NO. 5065

AN ORDINANCE to amend and reordain Section 7-700 (ALLOWANCE FOR INCREASES IN FLOOR AREA RATIO, DENSITY AND HEIGHT AND REDUCTIONS IN REQUIRED OFF-STREET PARKING AS INCENTIVE FOR PROVISION OF LOW- AND MODERATE-INCOME HOUSING) 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. 2017-0002.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2017-0002, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on May 2, 2017 of a text amendment to the Zoning Ordinance to increase the maximum bonus density that can be achieved, which recommendation was approved by the City Council at public hearing on May 13, 2017.

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 7-700 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:

Sec. 7-700 - Allowance for increases in floor area ratio, density and height and reductions in required off-street parking as incentive for provision of low- and moderate-income housing.

7-701 - Definitions.

For the purposes of this section 7-700, low- and moderate-income housing units shall be determined in accordance with regulations which are issued by the city manager and approved by the city council and which reflect the following guidelines.

- (A) Low- and moderate-income rental units are rental units for which the combined cost of rent and utilities does not exceed 30 percent of the maximum income limits used by the United States Department of Housing and Urban Development for its section 8 and Housing Voucher programs, as adjusted for family size and corresponding number of bedrooms, and which are occupied by persons or households whose gross income does not exceed the limits applicable to the section 8 program.
- (B) Low- and moderate-income sales units are units with sales prices for which a person or household whose gross annual income is at or below the median income for the Washington, D.C., Metropolitan Statistical Area, adjusted for family size, could qualify using the lending criteria applied by the Virginia Housing Development Authority in its single-family mortgage assistance program and which are occupied by persons or households whose gross annual income is at or below such median income level.

7-702 - When increases and reductions may be allowed.

Increases in allowable floor area ratio, density and height and reductions in required off-street parking may be allowed for a building which contains one or more dwelling units or a project which includes one or more such buildings through a special use permit when:

- (A) The applicant for the special use permit commits to providing low and moderate income sales or rental housing units in conjunction with the building or project which is the subject of the permit application in compliance with the following:
 - 1. Number of units required: The number of units required shall be equivalent to at least one-third (1/3) of the increase achieved by the bonus approved under this section 7-700. Equivalency can be established with a different number of units if the size (square footage or number of bedrooms) of the units provided achieves

an equivalent contribution as determined by the director of housing and approved with this SUP.

2. Location of units: The units may be provided within the building or project which is the subject of the permit application, or with the consent of the applicant and the director of housing and the director of planning and zoning and approval of this special use permit, the units may be provided:

- i. at an off-site location provided that:

1. a specific plan for the off-site location is approved with this SUP;
2. the off-site location meets all zoning requirements to include the units; and
3. the total contribution value of the off-site units is equivalent to the total contribution value of what would have been provided on site; or

- ii. by a cash contribution to the City of Alexandria Housing Trust Fund in an amount equivalent to the value of the units that would have been provided on-site, or

- iii. A combination of i and ii above if the total contribution is equal to the value of the units that would have been provided on site.

(B) The applicant for the special use permit agrees and provides sufficient assurance, by way of contract, deed or other recorded instrument acceptable to the city attorney, that the low-and/or moderate-income housing units to be provided will remain in these categories for the period of time specified in the special use permit.

(C) City council determines that the building or project which is subject to the special use permit, with the increase in allowable floor area ratio, density and height and the reduction in required off-street parking, meets the standards for the issuance of a special use permit set forth in section 11-500.

7-703 - Limits on increases which may be allowed.

(A) Floor area ratio and density may not be increased pursuant to this section 7-700 by more than ~~20~~30 percent of the floor area ratio and density otherwise permitted by this ordinance, unless a greater percentage increase is specifically designated in a small area plan chapter of the Master Plan. The increase permitted under this section 7-700 is exclusive of any other floor area ratio and density increases allowable under any other section of this ordinance.

(B) Height may not be increased pursuant to this section by more than 25 feet beyond the height otherwise permitted by this ordinance; provided, however, that no building located in any zone or height district where the maximum allowable height is 50 feet or less may be allowed to exceed such height limits.

(Ord. No. 4858, § 1, 2-22-14)

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

Section 3. That Section 7-700, 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.

18. Public Hearing, Second Reading and Final Passage of an Ordinance to Add the Station at Potomac Yard as a New Polling Place with Associated Changes in the Cora Kelly, Mt. Vernon and George Washington Precinct Boundaries. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated June 7, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 06/24/17, 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. 18; 06/24/17, 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. 3 of Item No. 18; 06/24/17, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to add the Station at Potomac Yard as a new polling place with associated changes in the Cora Kelly, Mt. Vernon and George Washington Precinct Boundaries.

The ordinance reads as follows:

ORDINANCE NO. 5066

AN ORDINANCE to amend and reordain Section 2-2-10 (ESTABLISHMENT OF ELECTION DISTRICTS AND VOTING PLACES) by establishing the Potomac Yard Election District for the November 17, 2017 General Election and thereafter from three existing districts: Cora Kelly Center Election District, Mt. Vernon Recreation Center Election District, and George Washington Middle School Election District.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the General Assembly of the Commonwealth of Virginia has established that, at the time a voting district is established, it shall have no more than 5,000 registered voters and no fewer than 500 registered voters. (Voting districts (or precincts) may grow to over 5,000 voters as long as the number of Election-Day voters does not exceed 4,000.) Currently, the proposed Potomac Yard precinct would have over 1,500 registered voters. Va. Code § 24.2-307 (1950 as amended).

Section 2. The Alexandria Electoral Board, which is comprised of three bipartisan members who are appointed by the Alexandria Circuit Court for staggered three year terms, is responsible for making recommendations to City Council concerning changes in precinct boundaries and the establishment of new precincts and polling places. City Council has the statutory authority to make these changes.

In making its recommendations to Council, the Electoral Board is primarily concerned with ensuring that precincts conform to legal requirements, are a manageable size, have suitable voting facilities and those voting facilities are fully accessible. The Electoral Board monitors any changes in the availability of polling place facilities and also considers the current number of registered voters, in-person turnout statistics, the size of the voting facility and any likely residential development within the precinct.

Section 3. In light of the requirement of the General Assembly of the Commonwealth of Virginia as expressed in Va. Code § 24.2-307, the Electoral Board has determined that a new voting precinct is needed to accommodate continuing growth in the Potomac Yard area and to reduce the size of the Cora Kelly Center, Mount Vernon Recreation Center and George Washington Middle School precincts.

Section 4. The boundaries for the new Potomac Yard Election District and the adjustments to the boundaries of the Cora Kelly Center Election District, Mt. Vernon Recreation Center Election District, and George Washington Middle School Election District shall be pursuant to the attached map "Proposed Creation of Potomac Yard Precinct".

Section 5. That Sections 2-2-10(aa) and (bb) of the Code of the City of Alexandria, Virginia, 1981 as amended, be amended and added, and the same is hereby adopted to read as follows:

(aa) ~~The Charles Houston Election District shall be added as a new election district by adjusting the boundaries for the Fire Department Headquarters District and Durant Center District as shown on Attachments 2 and 3 to Ordinance No. 4933~~ bounded and described by the census blocks shown on the map adopted by [section 2-2-13](#) of this Code as comprising the said district. The voting place within the Charles Houston Election District shall be the Charles Houston Recreation Center, located at 901 Wythe Street.

(bb) The Potomac Yard Election District shall be bounded and described by the census blocks shown on the map adopted by [section 2-2-13](#) of this Code as comprising the said district. The voting place within the Potomac Yard Election District shall be the Community Room at the Station at Potomac Yard, located at 650 Maskell Street.

Section 6. That this ordinance shall become effective upon the date and at the time of its final passage and the adjustments contained herein will be utilized for the November 17, 2017 general election and thereafter until or unless further modified and amended.

19. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Sections 2-201.1 and 2-201.2 of Article II (Definitions) and Division C (Board of Zoning Appeals) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved By City Council on May 13, 2017 as Text Amendment No. 2017-0003.

[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; 06/24/17, 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. 19; 06/24/17, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Sections 2-201.1 and 2-201.2 of Article II (Definitions) and Division C (Board of Zoning Appeals) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the Text Amendment Heretofore approved by City Council on May 13, 2017 as Text Amendment No. 2017-0003.

The ordinance reads as follows:

ORDINANCE NO. 5067

AN ORDINANCE to amend and reordain Sections 2-201.1 and 2-201.2 of Article II (Definitions) and Division C (Board of Zoning Appeals) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2017-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2017-0003, 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 May 2, 2017 of a text amendment to the Zoning Ordinance to adopt revised board of zoning appeals regulations, which recommendation was approved by the City Council at public hearing on May 13, 2017;

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 Sections 2-201.1 and 2-201.2 of the Zoning Ordinance be, and the same hereby are, amended by deleting the current sections in their entirety and inserting new language, as shown:

Sec. 2-100 - Definitions.

- For the purposes of this ordinance, the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

2-201.1 – Variance

A reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Editor's Notes: See Code of Virginia § 15.2-2201.

2-201.42 - Veterinary/animal hospital.

- A type of animal care facility where common household pets are provided with preventative care and/or are treated for illness, injury, or disease, but does not include animal shelters.

2-201.23 - Walkability index.

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

Section 1. That Division C of Article XI of the Zoning Ordinance be, and the same hereby is, amended by adding the language shown in underline and deleting the language shown in strikethrough, as shown:

DIVISION C. - BOARD OF ZONING APPEALS

Sec. 11-1000 - Board of zoning appeals.

11-1001 - Authority and establishment.

The board of zoning appeals is established to perform those duties set forth in section 9.18 of the city charter and in this Division C of Article XI.

Editor's Notes: See City Charter § 9.14 through § 9.21 and Code of Virginia § 15.2-2308 through § 15.2-2314.

11-1002 - Composition of board of zoning appeals.

The board of zoning appeals shall consist of seven members who are qualified voters and live in the City of Alexandria but who hold no office of profit under the city government. Members shall be appointed by the city council for four year terms and vacancies shall be filled by the city council for the unexpired portion of any term. Members shall serve without compensation,

but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings and such other travel as may be in the best interest of the city and the performance of the duties and activities of the board of zoning appeals. A member may be removed by the city council for neglect of duty or malfeasance in office, upon written charges and after a public hearing.

Editor's Notes: See City Charter § 9.14.

11-1003 – Organization and staff.

The board shall elect one of its members as chairman. The chairman shall preside at all meetings of the board and in his absence a member designated by the board shall act as chairman and shall preside. The board shall appoint a secretary and the city manager shall appoint such other employees as may be needed for the conduct of the work of the board. Within the limits of funds appropriated by the city council, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

Editor's Notes: See City Charter § 9.15 related to first three sentences and see Code of Virginia § 15.2-2308(D) related to last sentence.

11-1003~~4~~ - Meetings, minutes and records.

Meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under section 11-1008, and the staff. The board may make, alter and rescind rules and forms for its procedures, consistent with city ordinances and general laws of the Commonwealth of Virginia. The board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or not voting, indicating such fact. The board shall keep records of its examinations and other official actions. All such minutes and records shall be filed in the office of the board of zoning appeals and shall be a public record.

Editor's Notes: See City Charter § 9.16 related to the first sentence, see Code of Virginia § 15.2-2308(C) related to the second and third sentences, and see City Charter §§ 9.16 and 9.19 related to the fourth through sixth sentences.

11-1004~~5~~ - Powers and duties.

The board of zoning appeals shall have the following powers and duties:

~~(A) To hear and decide appeals as provided for in section 11-1200 where it is alleged there is error from any order, requirement, decision or determination made by the director in the administration or enforcement of this ordinance.~~ To hear and decide appeals as provided for in section 11-1200 from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this ordinance.

~~(B) To authorize upon appeal in specific cases such variance from the terms of this ordinance as is provided for in section 11-1100 and as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions will result in undue hardship; provided that the spirit of the ordinance shall be observed and substantial justice done.~~

(C) To hear and decide applications for and revoke special exceptions as provided for in section 11-1300.

(GD) To permit, when reasonably necessary in the public interest, any agency of the city, state or United States the use of land or the construction or use of buildings or structures in any zone in which they are prohibited by the ordinance, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants and of adjoining and surrounding property, and shall not unreasonably impair an adequate supply of light and air to adjacent property, increase congestion in streets, or increase public danger from fire or otherwise affect public safety. Notice of the public hearing shall be provided in accordance with section 11-300.

(DE) To permit the following exceptions to the zone regulations and restrictions, provided that by their design, construction and operation, such exceptions shall safeguard the health, safety and welfare of the occupants of the adjoining and surrounding properties, shall not unreasonably impair an adequate supply of light and air, shall not increase public danger from fire or otherwise unreasonably affect public safety, and shall not diminish or impair the established property values in surrounding areas:

(1) The extension of a zone where the boundary line of a zone divides a lot that was in single ownership on ~~June 24, 1992,~~ the effective date of the ordinance. An asterisk shall be placed on the zoning map for land so affected and such land shall be treated as if it were in the new zone.

(2) The reconstruction of a structure containing a nonconforming use which has been damaged by fire or other casualty, or act of God or the public enemy, if it has been damaged to the extent of more than 60 percent of fair market value as established by the opinion of three disinterested appraisers appointed by the city council, and if the board finds some compelling public necessity for a continuance of the use and such a continuance is not primarily to continue a monopoly.

Notice of the public hearing shall be provided in accordance with section 11-300.

(EF) To make, alter and rescind rules and forms for its procedures, and to prescribe procedures for the conduct of public hearings that it is required to hold, consistent with the ordinances and charter of the city and the general laws of the Commonwealth.

(FG) No provision of this Division C of Article XI shall be construed as granting the board of zoning appeals the power to rezone property or to base board decisions on the merits of the purpose and intent of ordinances adopted by city council. ~~No use variance may be approved by the board of zoning appeals.~~

Editor's Notes: See Code of Virginia § 15.2-2309 related to subsections (A), (B), (C), and (G) and see City Charter § 9.18 related to subsections (D) through (F) generally and see Code of Virginia § 15.2-2309 related to notice.

11-10056 - Limitations.

All provisions of this ordinance relating to the board of zoning appeals shall be strictly construed. The board, as a body of limited jurisdiction, shall act in full conformity with all

provisions and definitions in this ordinance and in strict compliance with all limitations contained therein.

Editor's Notes: See City Charter § 9.14 through § 9.21.

11-10067 - Periodic report.

The board shall report to the city council annually summarizing all appeals and applications made to it since its last previous report and summarizing its decisions on such appeals and applications. Such report shall include the board's observations and recommendations deemed advisable in order to assure full conformity with the requirements and limitations of this division C of Article XI pertaining to the jurisdiction and functions of the board or to amend the ordinance relating thereto. At the same time that each such report is filed with the council, copies thereof shall also be filed with the director, the planning commission, and the city attorney.

Editor's Notes: See Code of Virginia § 15.2-2308.

11-10078 - Final decisions subject to judicial review.

All final decisions of the board shall be subject to judicial review in the following manner.

(A) Any person, firm or corporation, jointly or severally aggrieved or in fact affected by any final decision of the board, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of the board, may appeal from such decision by filing a petition that shall be styled "In Re: [date] Decision of the Board of Zoning Appeals of the City of Alexandria" in the circuit court of the city specifying the alleged illegality of the action of the board within 30 days after the date of the decision of the board.

(B) The circuit court shall review the record, documents and actions taken by the board and may receive evidence. The court may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion.

(C) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board or, if no secretary exists, the chair of the board, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(D) Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The council, the landowner, and the applicant before the board shall be necessary parties to the proceedings in the circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board.

(E) The board shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called

for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(F) In the case of an appeal from the board to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.

(G) Costs shall not be allowed against the city, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.

Editor's Notes: See City Charter § 9.20 and Code of Virginia § 15.2-2314 related to subsection (A), see City Charter § 9.21 related to subsection (B), and Code of Virginia § 15.2-2314 related to subsections (C) through (G).

11-10089 - One year period within which to comply.

Any decision of the board shall be null and void and of no effect if the applicant to the board or his successor has not commenced and diligently and substantially pursued construction or operations allowable by virtue of such decision within one year from the date of the decision and thereafter diligently pursued its completion. In cases where there is an appeal from the board to the courts, the one-year period of time shall run from the date of a final decision by the court.

Editor's Notes: See City Charter § 9.14 through § 9.21 and Code of Virginia § 15.2-2308 through § 15.2-2314.

11-1010 – Ex parte communications and proceedings.

(A) The non-legal staff of the city may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the city, the applicant, landowner or his agent or attorney are all invited.

(B) Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under section 11-1008, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under section 11-1008 requests additional documents or materials be provided by the city other than those materials provided to the board, such request shall be made pursuant to Code of Virginia § 2.2-3704. Any such

materials furnished to a member of the board shall also be made available for public inspection pursuant to Code of Virginia subsection F of § 2.2-3707.

(C) For the purposes of this section, "non-legal staff of the city" means any staff who is not in the office of the attorney for the city, or for the board, or who is appointed by special law. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.

(D) This section shall not apply to cases where an application for a special exception has been filed.

Editor's Notes: See Code of Virginia § 15.2-2308.1.

Sec. 11-1100 - Variance.

11-1101 - Jurisdiction and authority.

Upon appeal, the board of zoning appeals shall exercise the jurisdiction and authority to grant a variance from the literal terms of this ordinance in accordance with the procedures, standards and limitations contained in this section 11-1100.

Editor's Notes: See other editor's notes in Section 11-1100.

11-1102 - Procedures for variance.

(A) Application for variance. ~~Any person owning, or having a possessory or contract interest in property and the consent of the owner~~ property owner, tenant, government official, department, board or bureau, may file an application for variance in regard to such property with the director. The application shall contain the following information and such additional information as the board of zoning appeals may, by rule, require:

- (1) Ten copies of a plot plan drawn to scale clearly showing the requested variance(s), the property involved, existing and proposed buildings or additions, property lines, and the location of and distance to adjacent buildings from the proposed building or addition.
- (2) The particular provisions or requirements of this ordinance which prevent the proposed construction on, or proposed use of, the property.
- (3) The existing zoning classification of the property.
- (4) The special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of this ordinance and a statement as to whether such conditions existed at the time the current owner acquired the property.
- (5) The particular characteristics or conditions which distinguish the land from other land in the same zone.
- (6) The particular hardship which would result if the specified provisions or requirements were to be applied to the subject property.

(7) The extent to which it would be necessary to vary the requirements of this ordinance in order to permit the proposed construction on, or use of, the property.

(8) An explanation of how the requested variance conforms to each of the standards set out in section 11-1103 below.

(9) The identity of all persons or entities who have a legal or equitable interest in the property and a description of the nature of that interest.

(B) Staff review and report. The director shall review the application to determine that it contains the required information; shall review the merits of the application and perform research as necessary to determine whether a variance under the terms of this section 11-1100 should be granted; shall prepare a staff report indicating its analysis and findings with respect to the standards in section 11-1103 and regarding the effect and impact on the neighborhood if the variance were to be granted; and shall forward its report to the board of zoning appeals. The director shall also transmit a copy of the application to the planning commission which may send a recommendation to the board or appear as a party at the hearing.

(C) Docketing and notice. At the time the director determines that the application is complete, he shall docket the matter for public hearing before the board of zoning appeals for a date to occur no later than 30 working days from the date of such determination and docketing.

(D) Public hearing by board of zoning appeals. After a duly noticed public hearing in accordance with section 11-300, on the application for variance, the board shall either approve, deny or approve with conditions the application for a variance. Its decision shall be supported by findings of fact and conclusions with respect to the standards of section 11-1103. The concurring affirmative vote of four members shall be necessary to decide in favor of the applicant.

(E) Withdrawal of application. An application for variance may not be withdrawn by the applicant after it has been docketed for public hearing without the consent of the board.

Editor's Notes: See Code of Virginia §§ 15.2-2309 and -2310 and see City Charter § 9.19.

11-1103 - Standards for variances.

The board of zoning appeals shall not vary the regulations of this ordinance as authorized above unless it finds that:

~~(A) The particular physical surroundings, shape, topographical condition or other extraordinary situation or condition of the specific property involved would effectively prohibit or unreasonably restrict the utilization of the property or would constitute a clearly demonstrable hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;~~

~~(B) The conditions upon which the petition for a variance is based are not applicable generally to other property within the same zoning classification;~~

~~(C) The property was acquired in good faith and any hardship produced by the ordinance was not created by the owner of such property;~~

~~(D) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof;~~
~~(E) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety;~~
~~(F) The variance, if granted, will not alter the essential character of the area or be a substantial detriment to adjacent property;~~
~~(G) The strict application of this ordinance would produce undue hardship;~~
~~(H) Such undue hardship is not shared generally by other properties in the same zone and vicinity; and~~
~~(I) No other remedy exists whereby the same relief was, is or may be available from another approval body of the city as part of its review of a site plan or other development application.~~

(A) It meets the definition of a variance as defined in section 2-201.1;

(B) The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance;

(C) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

(D) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(E) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

(F) The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

(G) The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance or the process for modification of a zoning ordinance at the time of the filing of the variance application.

Editor's Notes: See Code of Virginia § 15.2-2309.

11-1104 - Conditions and restrictions.

The board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to reduce, minimize, or mitigate the effect of such variance upon other property in the neighborhood, and better to carry out the general intent of the ordinance. The board may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. In addition, a variance shall specify whether it is granted generally for all potential uses or whether its effect is limited to specific uses of the property. Failure to comply with any such conditions and restrictions shall constitute a violation

of this ordinance. Violations of this ordinance may be enforced and penalized in accordance with section 11-200.

Editor's Notes: See Code of Virginia § 15.2-2309 related to the second sentence and see City Charter § 9.18 related to the remainder.

11-1105 - Burden of applicant.

The applicant for a variance shall bear the burden of producing evidence to prove by a preponderance of the evidence ~~establishing~~ that the requested variance satisfies the standards set out in section 11-1103.

Editor's Notes: See Code of Virginia § 15.2-2309.

11-1106 - Reconsideration.

If an application for a variance is denied, the board of zoning appeals shall not consider an application for the same variance on the same site again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.

Editor's Notes: See Code of Virginia § 15.2-2310.

11-1107 – Conformance and expansion

The property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

Editor's Notes: See Code of Virginia § 15.2-2309.

Sec. 11-1200 - Appeals.

11-1201 - Appeals from administrative ruling.

~~The board of zoning appeals is authorized to hear appeals where it is alleged there is error from any order, requirement, decision or determination made by the director in the administration or enforcement of this ordinance and jurisdiction on appeal is not given to another body.~~ To hear and decide appeals as provided for in section 11-1200 from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this ordinance. For purposes of this section, determination means any order, requirement, decision or determination made by the director.

Editor's Notes: See Code of Virginia § 15.2-2309.

11-1202 - Extent of the board's appeal powers.

In exercising the authority herein granted the board may, in conformity with the provisions of this ordinance, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from.

Editor's Note: See City Charter § 9.19.

11-1203 - How appeals may be taken.

Appeals to the board may be taken by any person aggrieved or by an officer, department, board, commission or agency of the city affected by a decision of the director. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule by filing with the director and with the board a notice of appeal specifying the grounds of the appeal. The director shall forthwith forward to the board all the papers constituting the record upon which the action appealed from was taken. The board may prescribe a fee to be paid to the city whenever an appeal is taken. Notice of the public hearing shall be provided in accordance with section 11-300.

Editor's Notes: See Code of Virginia § 15.2-2309.

11-1204 - Stay of proceedings.

A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the director certifies to the board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the board or by a proper court on notice to the director and on due cause shown.

Editor's Notes: See City Charter § 9.17.

11-1205 - Decisions on appeal.

(A) Within a reasonable time after the notice of appeal has been filed, the board shall hold a public hearing, give public notice thereof as well as due notice to the parties in interest, decide the appeal, and file with the director its written findings of fact and conclusions with respect to the appeal.

(B) The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(C) The decision on such appeal shall be based on the board's judgment of whether the director was correct. The determination of the director shall be presumed to be correct. At a hearing on an appeal, the director shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision.

(D) In exercising the powers conferred upon it the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, appealed from, and make such order, requirement, decision or determination as should be made, and to that end shall have all the power of the director.

(E) If the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

(F) The concurring affirmative vote of four members shall be necessary to reverse a decision.

(G) The director shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing.

Editor's Notes: See City Charter § 9.17 related to subsection (A), see Code of Virginia § 15.2-2312 related to subsection (B), see Code of Virginia § 15.2-2309 related to subsection (C), see Code of Virginia § 15.2-2312 and City Charter § 9.19 related to subsection (D), see Code of Virginia § 15.2-2311 related to subsection (E), see City Charter § 9.19 related to subsection (F), and see City Charter § 9.19 related to subsection (G).

11-1206 - Proceedings to prevent construction of a building.

Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the director to the board of zoning appeals.

Editor's Notes: See Code of Virginia § 15.2-2313.

11-1207 – Written Notice or Order

Any written notice of a zoning violation or a written order of the director shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with section 11-1200 and that the decision shall be final and unappealable if not appealed within 30 days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. [Effective until 7/1/17 - The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the director that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.] [Effective on 7/1/17 - The appeal period shall not commence until the statement is given and the written notice of a zoning violation or a written order of the director is sent by registered mail to, or posted at, the last known address or usual place of abode of the property owner or its registered agent, if any. There shall be a rebuttable presumption that the property owner's last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission.]

Editor's Notes: Code of Virginia § 15.2-2311.

11-1208 – Decision on Appeal Binding

A decision by the board on an appeal taken pursuant to section 11-1200 shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator in accordance with section 11-1207. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to

challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order.

Editor's Notes: Code of Virginia § 15.2-2311.

11-1209 – Civil Penalties

No civil penalties shall be assessed by a court having jurisdiction during the pendency of the 30-day appeal period.

Editor's Notes: Code of Virginia § 15.2-2311.

11-1210 – Change to Decision

In no event shall a written order, requirement, decision or determination made by the director or other administrative officer be subject to change, modification or reversal by any director or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the director or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the director or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the city, modification is required to correct clerical errors.

Editor's Notes: See Code of Virginia § 15.2-2311(C).

Sec. 11-1300 - Special exception.

11-1301 - Authority.

The board of zoning appeals is authorized to review applications for those special exceptions established by this section 11-1300.

Editor's Notes: See other editor's notes in Section 11-1300.

11-1302 - Special exception established.

A lot in a single family, two family or townhouse zone may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

(A) Fences on corner lots.

(B) Yard and setback requirements for enlargement of a dwelling, as follows:

(1) Yard and setback requirements applicable to the extension or enlargement of a single family, two family or townhouse dwelling only, within any one noncomplying plane of such dwelling.

(2) As used in this subsection, the term noncomplying plane means the vertical plane established by a wall, one story or more in height, of a main building which wall:

(a) Does not comply with the yard or setback requirements of this ordinance,

(b) Existed prior to the effective date of any change to the yard or setback regulations or restrictions applicable to such wall, and

(c) Extends for more than 50 percent of the length of the building along the side containing such wall.

(3) The term noncomplying plane does not include any plane established in whole or in part by entrances, steps or other projections into a required yard.

(4) Nothing in this subsection shall be deemed to authorize the extension or enlargement of a single family, two family or townhouse dwelling beyond the height or floor area ratio permitted by the zone in which such dwelling is located, nor to authorize the approval of more than one special exception per dwelling under the provisions of this subsection.

(C) Yard and setback requirements for a ground level, single story, covered front porch, limited to the main architectural entrance of a dwelling, facing a front yard, or primary front yard if a corner lot, and subject to the following requirements:

(1) Limitation on yard and setback reductions:

(a) The porch deck shall project a maximum of eight feet from the front building wall plane.

(b) The front building wall plane shall be established by the wall of the dwelling which extends for more than 50 percent of the length of the building, and faces the front yard, or primary front yard if a corner lot.

(c) The front yard, or primary front yard if a corner lot, shall not be reduced to less than fifteen feet from the front property line.

(2) The applicant for a ground level covered front porch shall demonstrate by clear and convincing evidence that the proposed porch is compatible with the existing building architecture, neighboring properties and neighborhood character, and will comply with the following requirements:

(a) No portion of the porch shall extend beyond the end of the walls of the front building facade, except where the resulting lot and structure retain a side or front yard which complies with the zone requirements.

(b) The roof line of the porch shall be in scale with the existing building architecture.

(c) No second floor balcony, deck, or enclosed construction shall be permitted above the front porch.

(d) A ground level covered front porch shall remain open, and shall at no time be enclosed with building walls, glass or screens; provided that railings, no higher than the minimum height required by the building code, and with balusters evenly spaced so as to leave at least 50 percent of the perimeter length of the railings open, shall be permitted.

(3) Nothing in this subsection shall be deemed to authorize the extension or enlargement of a single family, two family or townhouse dwelling beyond the height or floor area ratio permitted by the zone in which such dwelling is located, nor to authorize the approval of more than one special exception per dwelling under the provisions of this subsection.

(D) Established front yard setback requirements for a main dwelling required by section 7-2503, subject to the following requirements:

(1) Limitation on front setback increase or decrease.

(a) An adjustment is allowed of as much as ten percent from the average front setback line calculated for the project or five feet, whichever is less.

(b) The front setback increase or decrease shall be the minimum necessary to achieve the desired result.

(2) The applicant shall demonstrate by clear and convincing evidence that the proposed change in front setback for the dwelling is necessary for environmental and/or critical construction reasons and that the dwelling in the proposed location will be compatible with the character of the rest of the neighborhood block and will not be detrimental to the maintenance of a an established setback along the street.

Editor's Notes: See City Charter § 9.18 and Code of Virginia § 15.2-2309.

11-1303 - Procedures for special exception.

(A) Application. ~~Any person owning, or having an interest in property and the consent of the owner~~ property owner, tenant, government official, department, board or bureau, may file an application for a special exception in regard to such property with the director. The application shall contain the following information and such additional information as the board of zoning appeals may, by rule, require:

1. Ten copies of a plot plan drawn to scale clearly showing the requested special exception(s), the property involved, existing and proposed buildings or additions, property lines, and the location of and distance to adjacent buildings from the proposed building or addition.
2. The particular provisions or requirements of this ordinance which prevent the proposed construction on, or proposed use of, the property.
3. The existing zoning classification of the property.
4. The special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of this ordinance and a statement as to whether such conditions existed at the time the current owner acquired the property.
5. An explanation of how the requested special exception conforms to each of the standards set out in section 11-1304 below.

(B) Staff review and report. The director shall review the application and determine that it contains the required information; shall review the merits of the application; shall prepare a staff report indicating its findings; and shall forward the report to the board of zoning appeals. The director shall also transmit a copy of the application to the planning commission which may send a recommendation to the board or appear as a party at the hearing.

(C) Docketing and notice. At the time the director determines that the application is complete, he shall docket the matter for public hearing before the board of zoning appeals for a date to occur no later than 30 working days from the date of such determination.

(D) Public hearing by board of zoning appeals. The board of zoning appeals shall conduct a public hearing, in accordance with section 11-300, on the application for a special exception and approve, deny or approve the application with conditions. The decision of the board shall state the reasons therefor. The concurring affirmative vote of four members shall be necessary to decide in favor of the applicant.

(E) Withdrawal of application. An application for a special exception may not be withdrawn by the applicant without the consent of the board after it has been docketed for public hearing.

Editor's Notes: See Code of Virginia §§ 15.2-2309 and -2310 and City Charter §§ 9.18 and 9.19.

11-1304 - Standards for special exception.

In order to grant an application for a special exception under this section 11-1300, the board must find that the strict application of the ordinance creates an unreasonable burden on the use and enjoyment of the property which outweighs the material zoning purpose for which the specific provision of the ordinance at issue was designed. In making its determination, the board shall consider and weigh the following issues, as applicable.

(A) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to adjacent properties.

(B) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.

(C) Whether approval of the special exception will alter the essential character of the area or the zone.

(D) Whether the proposal will be compatible with development in the surrounding neighborhood.

(E) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

(F) In the case of fences, whether the size, configuration or other unusual characteristic of the lot requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant harm to adjacent properties or the neighborhood.

Editor's Notes: See City Charter § 9.18.

11-1305 - Conditions and restrictions.

Conditions and restrictions may be imposed on the premises benefited by a special exception as may be necessary to reduce, minimize, or mitigate the effect of the special exception upon other property in the neighborhood and better to carry out the general intent of the zoning ordinance. A guarantee or a bond may be required of the applicant to ensure that the conditions imposed are being and will be complied with. Failure to comply with any such conditions or restrictions shall constitute a violation of this ordinance and cause to revoke the permit, after notice and hearing is had. Violations of this ordinance may be enforced and penalized in accordance with section 11-200.

Editor's Notes: See Code of Virginia § 15.2-2309.

11-1306 - Burden on applicant.

The applicant for a special exception shall bear the burden of producing evidence establishing that the requested special exception satisfies the standards set out in section 11-1304.

Editor's Notes: See City Charter § 9.18(d).

11-1307 - Special exception not authorized.

A special exception otherwise available under this section shall not be approved where the same relief was, is or may be available from the planning commission, board of architectural review or city council as part of its review of a site plan or other development application and such relief was either not granted or not sought.

Editor's Notes: See City Charter § 9.18(d).

11-1308 - Reconsideration.

If an applicant for a special exception is denied, a subsequent application for the same relief on the same site shall not be considered again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.

Editor's Notes: See Code of Virginia § 15.2-2310.

11-1309 – Revocation.

The board may revoke a special exception previously granted by the board if the board determines that there has not been compliance with the terms or conditions of the permit. Notice of the public hearing shall be provided in accordance with section 11-300.

Editor's Notes: See Code of Virginia § 15.2-2309.

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

Section 4. That Sections 2-201.1 and 2-201.2 of Article II (Definitions) and Division C (Board of Zoning Appeals) of Article XI (Development Approvals and Procedures), as amended pursuant to Section 1 and 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.

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 2-4-114 (Creation, Composition and Organization of the George Washington Birthday Celebration Committee) By Adding a Member to the George Washington Birthday Celebration Committee. [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; 06/24/17, 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. 20; 06/24/17, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 2-4-114 (Creation, Composition and Organization of the George Washington Birthday Celebration Committee) by adding a member to the George Washington Birthday Celebration Committee.

The ordinance reads as follows:

ORDINANCE NO. 5068

AN ORDINANCE to amend and reordain Section 2-4-114 (CREATION, COMPOSITION AND ORGANIZATION OF THE GEORGE WASHINGTON BIRTHDAY CELEBRATION COMMITTEE) by adding a member to the George Washington Birthday Celebration Committee.

WHEREAS, the City Council finds and determines that:

1. That the George Washington Birthday Celebration Committee (GWBCC), in its meeting of May 22, 2017, received and discussed a request from the Sons of the American Revolution (SAR) to be added as a member of the GWBCC.

2. After full consideration of the request from SAR the GWBCC voted to approve the request and thereafter recommended to City Council that SAR be added to the GWBCC. The letter from SAR to City Council is attached as Exhibit A.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-4-114(b) of the Code of the City of Alexandria, Virginia, 1981 as amended, be amended by adding section (16) to read as follows:

(16) one member to be nominated by the George Washington Chapter of the Sons of the American Revolution;

Section 2. That Section 2-4-114(b) 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.

21. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Sections 2-4-210 (Creation, Composition and Organization) and 2-4-211 (Functions) of Article Z (Alexandria Towing Advisory Board) of Chapter 4 (Committees, Boards, and Commissions) of Title 2 (General Government) of the Code of the City of Alexandria, VA, 1981, as Amended. [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. 21; 06/24/17, 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. 21; 06/24/17, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Sections 2-4-210 (Creation, Composition and Organization) and 2-4-211 (Functions) of Article Z (Alexandria Towing Advisory Board) of Chapter 2 (Committees, Boards, and Commissions) of Title 2 (General Government) of the Code of the City of Alexandria, VA, 1981, as amended.

The ordinance reads as follows:

ORDINANCE NO. 5069

AN ORDINANCE to amend and reordain Sections 2-4-210 (CREATION, COMPOSITION AND ORGANIZATION) and 2-4-211 (FUNCTIONS) of Article Z (ALEXANDRIA TOWING ADVISORY BOARD) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, VA, 1981, as amended..

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Title 2, Chapter 4, Article Z, Sections 2-4-210 and 2-4-211 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the language shown in strikethrough and adding the language shown as underlined:

Sec. 2-4-210 - Creation, composition and organization.

- (a) There is hereby established a board known as the Alexandria Towing Advisory Board ("board").
- (b) The board shall consist of 65 members to be appointed by the city council. The composition of the board shall be as follows:
 - 1. Two members from ~~the Alexandria law-enforcement agencies Police Department~~, to be nominated by the ~~chief of police~~ head of the agency;
 - 2. Two members representing licensed towing and recovery operators doing business in the City of Alexandria; and
 - 3. ~~Two~~One citizens at large, ~~one of which shall have with preference given to a citizen who~~ has expertise in property management or is a business owner.
- (c) A quorum of the board shall consist of at least one ~~police~~ Alexandria law-enforcement member, one towing operator member and one citizen member.
- (d) Members of the board shall be appointed in the manner prescribed in article A of this title.
- (e) Members shall serve for a term of three years. Terms shall be staggered so that no more than half the board will come up for reappointment in any year.

(f) A board chair, vice-chair and secretary shall be elected annually by the board members at its organizational meeting. The board chair shall rotate annually between a representative of a local law-enforcement agency, a representative of a licensed towing and recovery operator, and one member of the general public.

(g) The board may adopt bylaws, rules and regulations governing its procedures so long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose. (Ord. No. 4809, 5/18/13, Sec. 1)

Sec. 2-4-211 - Functions.

The board shall:

(a) Provide a forum for an annual review of the rates and policies related to the towing, storage and retrieval of vehicles towed from private property by the property owner or their authorized agent; and

(b) To review and recommend approval ~~approve~~ as necessary of any contracts by the city for municipal towing or other towing at the direction of city officials or their authorized agents; and

(c) To provide a forum for public hearing, discussion and recommendations to city staff and the city council related to the towing, storage and retrieval of vehicles towed from private property by the property owner or their authorized agent. (Ord. No. 4809, 5/18/13, Sec. 1)

Section 2. That Title 2, Chapter 4, Article Z, Sections 2-4-210 and 2-4-211, as amended pursuant to Section 1 of this ordinance, be, and the same hereby are, reordained as part of the Code of the City of Alexandria.

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

22. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 3-2-353 (Contested Parking Citations) of the Code of the City of Alexandria, Virginia.
[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. 22; 06/24/17, 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. 22; 06/24/17, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend Section 3-2-353 (Contested Parking Citations) of the Code of the City of Alexandria, Virginia.

The ordinance reads as follows:

ORDINANCE NO. 5070

AN ORDINANCE to amend and reordain Section 3-2-353 (CONTESTED PARKING CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING

CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-353 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby, is amended and reordained to read as follows.

Sec. 3-2-353 Contested parking citations.

The registered owner of any motor vehicle receiving a parking citation issued for a violation of the provisions of sections 3-2-336, 5-8-72, 5-8-114, 9-12-162 through 9-12-164, 10-3-1242, 10-4-1 through 10-4-18, 10-4-22 through 10-4-25, 10-4-28, 10-4-30, 10-4-33 through 10-4-42, 10-4-44 of this code or other authorized person who wishes to contest the same may do so, by contacting the parking adjudication office or by executing on an appropriate form provided by the director of finance, or his designee, an affidavit of his intent to contest the citation in court. The director of finance, or his designee, shall certify the same in writing on an appropriate form to the general district court or, in the case of a juvenile, the juvenile and domestic relations court. ~~The registered owner ticket~~ must be contested ~~the ticket~~ within three years of the issuance of the parking citation.

Section 2. That this ordinance shall become effective upon January 1, 2017.

23. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Appropriations for the Support of the City Government for Fiscal Year 2018.
[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. 23; 06/24/17, 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. 23; 06/24/17, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to make appropriations for the support of the City Government for Fiscal Year 2018.

The ordinance reads as follows:

ORDINANCE NO. 5071

AN ORDINANCE making appropriations for the support of the government of the City of Alexandria, Virginia, for Fiscal Year 2018.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to Section 6.07 of the City Charter, the sum of \$1,343,685,563 be, and the same hereby is, appropriated for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2017 and ending on the thirtieth day of June 2018.

Section 2. That, pursuant to Section 6.07 of the City Charter, the sum of \$1,343,685,563 appropriated in Section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2017 and ending on the thirtieth day of June 2018 be, and the same hereby is, further appropriated to the following City departments, major operating units, component units, and major categories of expenditures in the amounts set forth below:

<u>Department/Unit/Component Unit/ Category of Expenditure Appropriation</u>	<u>-</u>
18 th Circuit Court	\$1,694,424
18 th General District Court	147,191
18 th Juvenile Court	79,446
City Attorney	2,941,270
City Clerk and Clerk of Council	486,640
City Council	591,441
City Manager	2,100,999
Clerk of the Court	1,778,624
Code Administration	7,697,698
Commonwealth's Attorney	3,525,775
Contingent Reserves	775,931
Court Service Unit	1,713,393
Economic Development Activities	5,486,986
Emergency Communications	7,902,087
Finance	14,017,753
Fire	53,624,369
General Debt Service- ACPS	28,530,550
General Debt Service - City	40,973,127
General Services	14,450,459
Health	6,871,818
Human Resources	3,714,522
Human Rights	872,995
Human and Community Services	93,450,850

Information Technology Services	11,006,357
Internal Audit	421,894
Non-Departmental	10,234,469
Office of Communications	1,435,869
Office of Historic Alexandria	3,973,768
Office of Housing	8,430,472
Office of Management and Budget	1,276,371
Office of Project Implementation	3,167,889
Other Correctional Activities	3,928,537
Other Educational Activities	12,277
Other Health Activities	1,764,347
Performance and Accountability	521,236
Planning and Zoning	6,192,020
Police	63,203,949
Recreation, Parks and Cultural Activities	23,758,302
Registrar of Voters	1,202,318
Sheriff	31,424,031
Transit Subsidies	37,460,806
Transportation and Environmental Services	46,098,479
Capital Projects	145,265,804
Component Unit – Library	7,512,190
Component Unit – Schools	283,997,814
Internal Services	3,873,755
Interfund Transfers	<u>354,094,258</u>
TOTAL APPROPRIATIONS	\$ 1,343,685,563

Section 3. That, pursuant to Section 6.07 of the City Charter, the sum of \$1,343,685,563 appropriated in Section 1 of this ordinance for the support of the City of Alexandria in the fiscal year beginning on the first day of July 2017 and ending on the thirtieth day of June 2018 be, and the same hereby is, further appropriated to the following principal objects of city expenditures:

<u>Object of Expenditures</u>	<u>Appropriation</u>
Personnel Service	\$ 298,153,693
Non-Personnel Services	161,584,354
Capital Outlay	749,509

Debt Service	71,973,907
Component Unit – Library	7,467,590
Component Unit – Schools	283,997,814
Component Unit – Alexandria Transit Company	16,524,879
Equipment Replacement	3,873,755
Interfund Transfers	354,094,258
Capital Projects	<u>145,265,804</u>
TOTAL APPROPRIATIONS	\$ 1,343,685,563

Section 4. That the sum of \$1,343,685,563 appropriated in Section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2017 and ending on the thirtieth day of June 2018 is expected to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
General Property Taxes	\$489,425,502
Other Local Taxes	139,292,518
Permits, Privilege Fees and Licenses	11,869,145
Fines and Forfeitures	6,610,517
Intergovernmental Revenue	177,129,047
Charges for Services	57,429,056
Revenue from Use of Money and Property	7,623,076
Miscellaneous Revenue	11,669,910
Bond Proceeds – Future Sale	75,151,153
Spendable Fund Balance – ACPS Operating Fund	5,032,932
Spendable Fund Balance – Sanitary Sewer Fund	700,000
Spendable Fund Balance – Capital Projects Fund	1,600,000
Spendable Fund Balance – Transportation	1,000,000
Spendable Fund Balance – General Fund	3,605,400
Spendable Fund Balance – Code Fund	150,000
Spendable Fund Balance – Internal Services Fund	469,600
Spendable Fund Balance - ACPS Other Funds	833,448
Interfund Transfers	<u>354,094,258</u>
TOTAL ESTIMATE REVENUE	\$ 1,343,685,563

Section 5. That, pursuant to Section 6.14 of the City Charter, the sum of \$145,265,804 be, and the same hereby is, appropriated for Capital Improvement Project

expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2017 and ending on the thirtieth day of June 2018. This sum, which consists of the \$145,265,804 appropriated as Capital Projects in Section 3 of this ordinance, is appropriated as follows: (i) \$126,265,804 capital projects that are included in the City government Fiscal Year 2018 - 2027 Capital Improvement Program adopted by City Council on May 4, 2017; and (ii) \$19,000,000 to the capital projects identified in the Alexandria City Public Schools' capital budget approved by the School Board on May 25, 2017.

Section 6. That the sum of \$145,265,804 appropriated in Section 5 of this ordinance for capital improvement project expenditures of the City of Alexandria and the Alexandria City Public Schools in the fiscal year beginning on the first day of July 2017 and ending on the thirtieth day of June 2018 is expected to be derived from the following sources of revenue:

<u>Source of Revenue</u>	<u>Amount</u>
Intergovernmental Revenue	\$ 15,127,955
Transfer In from Special Revenue – Sewer	2,250,000
Transfer In from Special Revenue – Stormwater	700,000
Transfer in from General Fund (Cash Capital)	37,866,696
Transfer in from NVTa	4,450,000
Prior Year General Fund Cash Capital and General Obligation Bonds	1,600,000
Prior Year Transportation Program Balances	1,000,000
Revenue from Use of Money and Property	1,890,000
Miscellaneous Revenue	1,850,000
Private/Developer Capital Contributions	3,380,000
Bond Proceeds – Future Sale – Including Sewer Funds	<u>75,151,153</u>
TOTAL ESTIMATED REVENUE	\$ 145,265,804

Section 7. That the sum of \$354,094,258 be, and the same hereby is, authorized to be transferred between the following funds maintained by the City, as set forth below:

<u>From</u>	<u>Amount</u>	<u>To</u>	<u>Amount</u>
General Fund	\$38,399,870	Special Revenue Fund	\$ 38,399,870
General Fund	9,741,855	Potomac Yard Fund	9,741,855
Special Revenue Fund - Sewer	3,613,775	General Fund	3,613,775
Special Revenue Fund – Stormwater	326,384	General Fund	326,384
Special Revenue Fund - Recreation	202,470	General Fund	202,470

Special Revenue Fund – Code	897,555	General Fund	897,555
General Fund	5,148,242	Special Revenue Fund – Affordable Housing	5,148,242
Special Revenue Fund – Sewer	2,250,000	Capital Projects Fund	2,250,000
Special Revenue Fund –Stormwater	700,000	Capital Projects Fund	700,000
General Fund	37,866,696	Capital Projects Fund	37,866,696
Potomac Yard Fund	5,543,630	General Fund	5,543,630
NVTA Fund	4,450,000	Capital Projects Fund	4,450,000
General Fund	12,045,879	NVTA Fund	12,045,879
General Fund	214,061,472	Component Unit – Schools	214,061,472
NVTA Fund	12,045,879	Component Unit – Alexandria Transit Company	12,045,879
General Fund	<u>6,860,551</u>	Component Unit – Library	<u>6,860,551</u>
TOTALS	<u>\$ 354,094,258</u>	TOTALS	<u>\$ 354,094,258</u>

Section 8. That the sum of \$1,343,685,563 appropriated in Section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2017 and ending on the thirtieth day of June 2018 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each City department, major operating unit, component unit, and major category of expenditure, to the funds maintained by the City as shown in Table I on the pages following this ordinance.

Section 9. That the sum of \$1,343,685,563 appropriated in Section 1 of this ordinance for the support of the government of the City of Alexandria in the fiscal year beginning on the first day of July 2017 and ending on the thirtieth day of June 2018 is, for accounting purposes and in accordance with generally accepted accounting principles, attributed, for each major source of revenue, to the funds maintained by the City as shown in Table II on the pages following this ordinance.

Section 10. That the City Council of the City of Alexandria, Virginia does hereby make provision for and appropriation to the funds hereafter named in the amounts required to defray the expenditures and liabilities of the City for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2017 but which are payable in fiscal year

2018 and for which amounts were appropriated but not expended in fiscal year 2017 and further, that the City Council does hereby allot the amounts so appropriated to the several City departments for fiscal year 2018 as follows:

GENERAL FUND

18 th Circuit Court	\$ 72,000
City Attorney	
1,000	
City Manager's Office	10,000
Code Administration	26,000
Communications	64,000
Community and Human Services	680,000
Court Service Unit	116,000
Economic Development	20,000
Emergency Communications	86,000
Finance	799,000
Fire	487,000
General Services	1,552,000
Health	53,000
Historic Alexandria	65,000
Housing	22,000
Human Resources	120,000
Information Technology Services	607,000
Internal Audit	15,000
Non-Departmental	480,000
Performance & Accountability	160,000
Planning and Zoning	87,000
Police	653,000
Project Implementation	11,000
Recreation, Parks and Cultural Activities	1,184,000
Sheriff	535,000
Transit Subsidies	175,000
Transportation and Environmental Services	<u>3,130,000</u>
Total General Fund	\$11,210,000

Section 11. 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 2018 the source of such amount being 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:

General Fund Balance	\$ 114,000
Total Estimated Revenue	<u>\$ 114,000</u>

APPROPRIATION:

Planning and Zoning	\$ 114,000
Total Appropriation	<u>\$ 114,000</u>

Section 12. That this ordinance shall become effective upon the date and at the time of its final passage.

24. Public Hearing, Second Reading and Final Passage of a Supplemental Appropriation Ordinance for the Support of the City Government for FY 2017. [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. 24; 06/24/17, 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. 24; 06/24/17, and is incorporated as part of this record by reference.)

City Council adopted a supplemental appropriation ordinance for the support of the City Government for FY 2017.

The ordinance reads as follows:

ORDINANCE NO. 5072

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for fiscal year 2017.

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 2017 the source

of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2016 but not appropriated, and further that the council does hereby allot or reduce the amount so appropriated to the several city departments for fiscal year 2017, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Transportation and Environmental Services	\$ (420,625)
Community and Human Services	165,483
Court Service Unit	40,000
Total Estimated Revenue	<u>\$ (215,142)</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Transportation and Environmental Services	\$ (420,625)
Community and Human Services	165,483
Court Service Unit	40,000
Total Appropriation	<u>\$ (215,142)</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 for fiscal year 2017, the source of such amount being Equipment Replacement Reserve Fund, and further that the Council does hereby allot the amount so appropriated for fiscal year 2017, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

Department of Project Implementation	\$ 9,700
Fire Department	521,672
Total Equipment Replacement Reserve Fund	<u>\$ 531,372</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 2017 the source of such amount being General Fund Revenue, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Intergovernmental State Revenue	\$ 211,667
Real Property Tax Revenue	<u>\$ 300,000</u>
Total Estimated Revenue	<u>\$ 511,667</u>

APPROPRIATION:

Alexandria Health Department	\$	211,667
Planning and Zoning	\$	<u>300,000</u>
Total Appropriation	\$	<u><u>511,667</u></u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

APPROPRIATION:

Non-Departmental	\$	(400,000)
City Attorney's Office		400,000
General Services		(15,812)
Community and Human Services		<u>15,812</u>
Total Appropriation	\$	<u><u>0</u></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 in fiscal year 2017 the source of such amount being donations or other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for fiscal year 2017, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Alexandria Police Department	\$	700,000
Finance Department	\$	<u>31,250</u>
Total Estimated Revenue	\$	<u><u>731,250</u></u>

SPECIAL REVENUE FUND

APPROPRIATION:

Alexandria Police Department	\$	700,000
Finance Department	\$	<u>31,250</u>
Total Appropriation	\$	<u><u>731,250</u></u>

Section 6. 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 2017, the source of such amount being Sanitary Sewer Fund Balance, and further that the Council does hereby allot the amount so appropriated for fiscal year 2017, as follows:

SANITARY SEWER FUND

ESTIMATED REVENUE:

Transportation and Environmental Services	\$ 1,314,431
Total Estimated Revenue	<u>\$ 1,314,431</u>

APPROPRIATION:

Transportation and Environmental Services	\$ 1,314,431
Total Appropriation	<u>\$ 1,314,431</u>

Section 7. 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 2017, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2017, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	\$ 1,084,375
Total Estimated Revenue	<u>\$ 1,084,375</u>

APPROPRIATION:

Capital Projects	\$ 1,084,375
Total Appropriation	<u>\$ 1,084,375</u>

Section 8. That this ordinance shall be effective upon the date and at the time of its final passage.

Please note: Mayor Silberberg left the meeting at 5:38 p.m. to attend the U. S. Conference of Mayors in Miami Beach, Florida.

14. Special Use Permit #2017-0042
Special Use Permit #2017-0043
115 South Union Street - Hotel and Restaurant
Public Hearing and Consideration of requests for: A) a Special Use Permit for hotel use with a parking reduction and loading area reduction; and B) a Special Use Permit for restaurant use; zoned: CD/Commercial Downtown. Applicant: 115 Union CMB-GME LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommend Approval 7-0

(The Planning Commission report dated June 6, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 06/24/17, and is incorporated as part of this record by reference.)

Mr. Dambach, Division Chief, Planning and Zoning, gave a brief presentation of the proposed special use permit.

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

1. Rick Badwey, 115 South Union Street, spoke in support of the special use permit.
2. Philip Maytas, 219 North Pitt Street, offered alternatives for loading and parking for the proposed special use permit.
3. Cathy Puskar, 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia, attorney representing the applicant, spoke in support of the special use permit and responded to questions from Council.

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

15. Consideration of a Proposal to Modify and Extend the Public Parking Agreement at 115 South Union Street to 2047. (This item is not a public hearing item)

(The City Manager's memorandum dated June 19, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 06/24/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Bailey and carried unanimously, City Council authorized the City Manager to enter into an amendment to the agreement dated January 16, 1987 between 115 South Union CMB-GME, LLC, successor in interest to Bloomvale, Inc., and the City of Alexandria to modify and extend that public parking agreement through 2047 to protect and enhance the public's long term access to parking at 115 S. Union St. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Mayor Silberberg.

16. Development Special Use Permit #2016-0040
Transportation Management Plan Special Use Permit #2017-0056
1100 & 1070 North Fayette Street - Braddock Gateway Phase II
Public Hearing and Consideration of a request for (A) a Development Special Use Permit and site plan with modifications to construct a multi-family building with ground floor retail, including a Special Use Permit for more than one mechanical penthouse; and (B) a Special Use Permit for a Transportation Management Plan; zoned: CDD#15/Coordinated Development District #15. Applicant: Jaguar Development, LLC, represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommend Approval 7-0

(The Planning Commission report dated June 6, 2017, is on file in the Office of the City

Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 06/24/17, and is incorporated as part of this record by reference.)

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

Mr. Price, Urban Planner, Planning and Zoning, gave a presentation and responded to questions from Council.

1. Mary Catherine Gibbs, 700 North Fairfax Street, Suite 600, attorney representing the applicant, spoke in support of the proposed project and noted Mayor Silberberg's request for a water feature in the proposed park. Ms. Gibbs responded to questions from Council about the LEED certification and community engagement and input for the proposed project.

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

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

ORDINANCES AND RESOLUTIONS

Please note: Docket items 17 through 23 were considered as a block following docket item 13.

17. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Section 7-700 (Allowance for Increases in Floor Area Ratio, Density and Height and Reductions in Required Off-Street Parking as Incentive for Provision of Low- and Moderate-Income Housing) 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. 2017-0002. [ROLL-CALL VOTE]
18. Public Hearing, Second Reading and Final Passage of an Ordinance to Add the Station at Potomac Yard as a New Polling Place With Associated Changes in the Cora Kelly, Mt. Vernon and George Washington Precinct Boundaries. [ROLL-CALL VOTE]
19. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Sections 2-201.1 and 2-201.2 of Article II (Definitions) and Division C (Board of Zoning Appeals) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved By City Council on May 13, 2017 as Text Amendment No. 2017-0003. [ROLL-CALL VOTE]

20. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 2-4-114 (Creation, Composition and Organization of the George Washington Birthday Celebration Committee) By Adding a Member to the George Washington Birthday Celebration Committee. [ROLL-CALL VOTE]
21. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Sections 2-4-210 (Creation, Composition and Organization) and 2-4-211 (Functions) of Article Z (Alexandria Towing Advisory Board) of Chapter 4 (Committees, Boards, and Commissions) of Title 2 (General Government) of the Code of the City of Alexandria, VA, 1981, as Amended. [ROLL-CALL VOTE]
22. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 3-2-353 (Contested Parking Citations) of the Code of the City of Alexandria, Virginia. [ROLL-CALL VOTE]
23. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Appropriations for the Support of the City Government for Fiscal Year 2018. [ROLL-CALL VOTE]
24. Public Hearing, Second Reading and Final Passage of a Supplemental Appropriation Ordinance for the Support of the City Government for FY 2017. [ROLL-CALL VOTE]
25. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend and Reordain Sections 4-900 (OCM (50)/Office Commercial Medium (50) Zone) and 4-1000 (OCM(100)/Office Commercial Medium (100) Zone) of Article IV (Commercial, Office and Industrial Zones) and Section 11-513 (Administrative Special Use Permit) Under Section 11-500 (Special Use Permits) of Division B (Development Approvals) of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in Accordance with the Text Amendment Heretofore Approved by City Council as Text Amendment No. 2017-0005.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 06/24/17, 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. 25; 06/24/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilwoman and carried 6-0, City Council passed the ordinance on first reading and scheduled the ordinance for public hearing, second reading and final passage on Tuesday, June 27, 2017. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Mayor Silberberg.

26. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Amend and Reordain Sections 2-111 (Amusement Enterprise) and 2-183

(Personal Service Establishment) Under Section 2-100 (Definitions) of Article II (Definitions) of the City of Alexandria Zoning Ordinance, in Accordance with the Text Amendment Heretofore Approved By City Council as Text Amendment No. 2017-0004.

(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. 26; 06/24/17, 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. 26; 06/24/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilman Bailey and carried 6-0, City Council passed the ordinance on first reading and scheduled it for public hearing, second reading and final passage on Tuesday, June 27, 2017. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none. Absent, Mayor Silberberg.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE DISCUSSED, upon motion by Councilwoman Pepper, seconded by Councilman Bailey and carried 6-0, City Council adjourned the public hearing meeting of June 24, 2017 at 6:15 p.m. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none; Absent, Mayor Silberberg.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Gloria Sitton, CMC City Clerk