

**City of Alexandria
Meeting Minutes
City Council Public Hearing
Saturday, November 18, 2017, 9:30 AM**

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; Ms. McIlvaine, Director, Office of Housing; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities (RPCA); Ms. Horowitz, Urban Planner, Planning and Zoning (P&Z); Ms. Swidrak, Urban Planner, P&Z; Mr. Kerns, Division Chief, P&Z; Ms. Taylor, Director, Finance; Mr. Greenlief, Revenue Chief, Finance; Ms. Miliaras, Principal Planner, P&Z; Mr. Moritz, Director, P&Z; Mr. Cox, Division Chief, P&Z; Mr. Geratz, Principal Planner, P&Z; Ms. McIlvaine, Director, Office of Housing, Mr. Cooper, Code Administration, Ms. Anderson, Deputy City Attorney; Mr. Lambert, Director, Transportation and Environmental Services; Ms. Sims, Urban Planner, P&Z; Mr. Dambach, Division Chief, P&Z; Mr. Ward, Information Technology Services; Police Captain Andreas; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All the members of Council were present, with Councilman Chapman and Councilman Smedberg arriving at 9:40 a.m.

2. Public Discussion Period

The following persons participated in the public discussion period:

1. Jeremy Grandstaff, 5270 Duke Street, Apt. 414, spoke in support of implementing and funding the Vision Zero plan immediately.

2. Sarah Hashimi, 1111 Belle Pre Way, spoke in support of implementing and funding the Vision Zero plan immediately.

3. Leonardo Contardo, 409 Lee Street, spoke in support of implementing and funding the Vision Zero plan immediately.

4. Jessica Brown (with Ryan Brown), 49 Skyhill Road, #102, spoke in support of implementing and funding the Vision Zero plan immediately.

5. Norm Lisy, 313 South Columbus Street, spoke in support of implementing and funding the Vision Zero plan immediately.

6. Oscar Gonzalez, 404 South Saint Asaph Street, spoke in support of implementing and funding the Vision Zero plan immediately.

7. Alan Dinsmore, 205 Aspen Street, spoke in support of implementing and funding the Vision Zero plan immediately.

8. Jim Durham, 622 Fort Williams Parkway, spoke in support of implementing and funding the Vision Zero plan immediately.

9. Mike Doyle, 124 Princess Street, spoke in support of implementing and funding the Vision Zero plan immediately.

Mayor Silberberg thanked all the speakers for commenting on the Vision Zero plan and additional invited public comment on the plan and she noted that there would be a public hearing on the docket for December. City Manager Jinks noted that the draft plan is on the website for public inspection, as well as an additional document about traffic safety plan from the Police Department on the website.

10. Ronald Gochenour, 3011 Hickory Street, spoke about his requests for services and information from City Council that he has not received and about the need to maintain sufficient services for the citizens.

11. Bert Ely, 200 South Pitt Street, spoke about parking in Old Town and the advertisement of free parking on residential streets exacerbating the problem. Mr. Ely would like to reduce visitor parking on residential streets to make more parking available to residents without the pay to park option.

12. Janice Grenadier, 15 West Spring Street, spoke about issues with the City government and judicial system and injustices against her.

13. Marieannette Otero, 10811 Hampton Mail Terrace, #210, Rockville, Maryland, representing Safe Routes to Schools National Partnership, spoke in support of implementing and funding the Vision Zero plan immediately.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg 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 (3-4)

Planning Commission

3. Special Use Permit #2017-0087
4800 Brenman Park Drive
Public Hearing and Consideration of a Request for Park Improvements consisting of a New Scoreboard and Batting Cages; zoned: CDD #9/Coordinated Development District #9. Applicant: City of Alexandria Department of Recreation, Parks & Cultural Affairs
Planning Commission Action: Recommended Approval 6-0

(The Planning Commission report dated November 9, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/18/17, and is incorporated as part of this record by reference.)

4. Special Use Permit #2017-0100
5380 Eisenhower Avenue
Public Hearing and Consideration of a request for a Special Use Permit for New Uses Generally categorized as Light Assembly and Production Uses, Retail and Service Uses, Storage and Distribution Uses, Research and Laboratory Uses, and Social Service Uses, and for a Parking Reduction; zoned: OCH/Office Commercial High Applicant: Boundary Companies, LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommended Approval 6-0

(The Planning Commission report dated November 9, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/18/17, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities responded to a question from Council about the permitting procedures for field use throughout the City.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the action consent calendar (docket item 3), with docket item 4, considered under separate motion. The approval was as follows:

3. 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.

4. Special Use Permit #2017-0100
5380 Eisenhower Avenue
Public Hearing and Consideration of a request for a Special Use Permit for New Uses Generally categorized as Light Assembly and Production Uses, Retail and Service

Uses, Storage and Distribution Uses, Research and Laboratory Uses, and Social Service Uses, and for a Parking Reduction; zoned: OCH/Office Commercial High Applicant: Boundary Companies, LLC, represented by M. Catharine Puskar, attorney Planning Commission Action: Recommended Approval 6-0

(The Planning Commission report dated November 9, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/18/17, and is incorporated as part of this record by reference.)

Ms. Horowitz, Urban Planning, Planning and Zoning, responded to a question from Council about the reduction in parking for uses in the area and how balance for parking for the uses is maintained. Ms. Horowitz also responded to questions about the redevelopment potential for the parcel in the area.

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

5. Public Hearing on the Proposed City Legislative Package for the 2018 General Assembly Session.

(A copy of the City Manager's memorandum dated November 18, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/18/17, and is incorporated as part of this record by reference.)

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

1. Holly Bowers, 800 South Washington Street, spoke in support of ending gerrymandering in the Commonwealth and she requested other supporters stand to recognize their support. Ms. Bowers thanked Council for inclusion of their support for redistricting reform measures in the Legislative Package.

2. Kathie Hoekstra, 1310 North Chambliss Street, spoke in support of ending gerrymandering in the Commonwealth and thanked Council for their inclusion redistricting reform measures in the Legislative Package.

3. Amanda Parker Hazelwood, 207 East Spring Street, thanked Council for their inclusion of redistricting reform in the Legislative Package.

4. Bob Eiffert, 1418 Juliana Place, thanked Council for the progressive Legislative Package it has submitted to the General Assembly and he noted the support for the Northern Virginia Aging Network.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council: (2) closed the public hearing on the legislative

package; and (2) scheduled the legislative package for adoption on Tuesday, November 28, 2017. 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)

6. Master Plan Amendment #2017-0005
Rezoning #2017-0002
Development Special Use Permit #2016-0041
Transportation Management Plan Special Use Permit #2017-0102
400 & 418 North Washington Street, 413 & 417 North Columbus Street - Sunrise Senior Living
Public Hearing and Consideration of requests for: (A) a Resolution to Amend the Braddock Road Metro Small Area Plan Chapter of the Master Plan to Amend the Land Use Designation for 413 and 417 North Columbus Street from RM to CD; (B) Amendment to the Official Zoning Map to change the Zone at 413 and 417 North Columbus Street from RM to CD; (C) a Development Special Use Permit and Site Plan with modifications to Construct a Home for the Elderly, including a request for a Special Use Permit to increase the floor area ratio from 1.5 to 2.5; and (D) a Special Use Permit for a Transportation Management Plan; zoned: CD/Commercial Downtown and RM/Townhouse. Applicant: Sunrise Development, Inc., represented by Kenneth Wire, attorney
Planning Commission Action: Recommended Approval of All Requests 6-0

(The Planning Commission report dated November 9, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/18/17, and is incorporated as part of this record by reference.)

Mr. Swidrak, Urban Planner, Planning and Zoning, gave a presentation on the proposed project and he along, with Mr. Kerns, Planning and Zoning, and Ms. McIlvaine, Office of Housing, responded to questions from Council about the parking and affordable housing units in the facility. Mr. Wire, attorney for the applicant, explained the additional auxiliary unit that would be offered as part of this project.

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

1. Mary Parker, 920 South Alfred Street, representing the Commission on Persons with Disabilities, spoke in favor of the proposed project.
2. Bob Eiffert, 1418 Juliana Place, representing the Commission on Persons with Disabilities, spoke in favor of the proposed project and responded to questions from Council.
3. Bill Harris, 1106 Pacukahoe Lane, spoke in favor of the proposed project.
4. Greg Ricketts, 420 North Washington Street, spoke in favor of the proposed project.

5. Allison Ricketts, 420 North Washington Street, spoke in favor of the proposed project.

6. Kenneth Wire, 1750 Tysons Boulevard, Tysons, Virginia, attorney representing the applicant, spoke in support of the project and responded to questions from Council about affordable housing and auxiliary units in the project.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Wilson, City Council closed the public hearing and approved the Planning Commission recommendations with the following amendments:

- Amend condition #1 to read as follows: The Final Site Plan shall be in substantial conformance with the preliminary plan dated August 24, 2017, and as amended on October 2, 2017, and as discussed during the public hearing on November 18, 2017, and comply with the following conditions of approval.

- Amend condition #29 to read as follows: The applicant will voluntarily provide two (20) auxiliary grant funded units for a period of forty (40) years per the conditions of approval and the Memorandum of Understanding. The applicant will seek the use of additional floor area up to 2.5 FAR and a maximum of 93 units in order to provide a second auxiliary grant unit. All building alterations will be approved before the release of the Final Site Plan to the satisfaction of the Directors of Planning and Zoning and the Office of Housing.

- Amend condition #30 to read as follows: The applicant shall develop a Memorandum of Understanding (MOU) with the City of Alexandria to be approved prior to the release of the Final Site Plan. The MOU will require the applicant to apply the same rules and regulations applicable to all market rate units to the affordable units.

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 took a 30 minute recess and reconvened the meeting at 12:35 p.m. ***

7. BAR Case #2017-00287
Public Hearing to Consider an Appeal of the Old & Historic Alexandria District Board of Architectural Review's (BAR) September 6, 2017 Decision Denying a Request for After-the-Fact Painting of Unpainted Masonry at 402 South Pitt Street.
Applicant: Amy & Paul Reed
Appellant: Amy & Paul Reed

(The Board of Architectural Review report dated November 18, 2017 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/18/17, and is incorporated as part of this record by reference.)

Ms. Miliaras, Principal Planner, Planning and Zoning, gave a presentation on the appeal explaining the after-the fact painting of unpainted masonry and she, along with Mr. Cox,

responded to questions from Council about regulations, removal of paint from painted masonry, criteria for determining if the painting was a violation, and notification of residents in the historic districts of the regulations.

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

1. Paul Reed, 402 South Pitt Street, appellant, spoke in support of the appeal and requested that Council allow the after-the fact approval of painting unpainted masonry.
2. Amy Reed, 402 South Pitt Street, appellant, spoke in support of the appeal and requested that Council allow the after-the-fact approval of painting unpainted masonry.
3. Duncan Blair, 520 King Street, attorney for the applicant, spoke in the support of the appeal and requested that Council allow the after-the-fact approval of painting unpainted masonry. Mr. Blair responded to questions from Council about the painted masonry and the process for removal of the paint, if necessary.
4. Christine Roberts, 509 South Lee Street, representing the Board of Architectural Review – Old and Historic District, explained the BAR decision and responded to questions from Council about the decision.
5. Elizabeth McCall, 517 South Fairfax Street, representing the Old Town Civic Association, spoke in support of the BAR decision and requested that Council uphold the decision.
6. Melanie K. Wieland, 424 Wolfe Street, spoke in support of the appeal and requested that Council overturn the BAR decision.

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

A motion was made by Councilman Smedberg to overturn the decision of the BAR and to allow the request for the after-the-fact approval of the painting unpainted masonry. The motion failed for lack of a second.

City Council inquired about the notice to homeowners of regulations for the Historic District and how the law is applied in these cases. City Council requested that staff bring back an analysis of a policy for prohibiting painting in the historic districts.

A motion was made by Councilman Smedberg, seconded by Vice Mayor Wilson to overturn the decision of the BAR and allow the request for the after-the-fact approval of painting unpainted masonry. The vote was as follows: In favor, Vice Mayor Wilson and Councilman Smedberg; Opposed, Mayor Silberberg, Councilman Bailey, Councilman Chapman, Councilmember Lovain, and Councilwoman Pepper. The motion failed 2-5.

WHEREUPON, upon motion by Councilmember Lovain, seconded by Councilman

Chapman and carried 5-2, City Council affirmed the decision of the BAR made on September 6, 2017, to deny the request for after-the-fact approval of painting unpainted masonry, finding that the painting of unpainted masonry is inappropriate and inconsistent with the standards for a Certificate of Appropriateness outlined in Section 10-105(A)(2) of the Alexandria Zoning Ordinance, for the reasons as stated in the staff report, and for any additional reasons stated by City Council at the hearing. The vote was as follows: In favor, Mayor Silberberg, Councilman Bailey, Councilman Chapman, Councilmember Lovain, and Councilwoman Pepper; Opposed, Vice Mayor Wilson and Councilman Smedberg.

8. BAR Case #2017-00289

Public Hearing to Consider an Appeal of the Old & Historic Alexandria District Board of Architectural Review's (BAR) September 6, 2017 Decision Denying a Request for a Waiver of Fence Height at 205 North Columbus Street.

Applicant: Robert & Kathy Agnor

Appellant: Robert & Kathy Agnor

(The Board of Architectural Review report dated November 18, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/18/17, and is incorporated as part of this record by reference.)

Ms. Miliaras, Principal Planner, Planning and Zoning, gave a presentation on the appeal and explained the BAR decision. Ms. Miliaras and Mr. Cox, Division Chief, Planning and Zoning responded to questions from Council about the appeal.

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

1. Robert Agnor, 205 North Columbus Street, appellant, spoke in support of the appeal and requested that fence height be increased.

2. Margaret Miller, 310 Prince Street, representing the Board of Architectural Review – Old and Historic District, explained the decision of the BAR on the project.

3. Erin Pierce, 203 North Columbus Street, spoke in against the appeal and requested that Council uphold the BAR decision.

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

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Chapman and carried unanimously, City Council affirmed the decision of the BAR to approve a Certificate of Appropriateness and waiver of the six foot height limitation to allow an 8 for fence to be constructed, finding that the fence is architecturally appropriate and consistent with the character of the district and with the standards for a Certificate of Appropriateness outlined in Section 10-105 (A)(2) of the Alexandria Zoning Ordinance, for the reason as stated in the staff report, and for any additional reasons stated by City Council at the 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

9. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend Section 3-2-141 (Transient Lodging Definitions) and to adopt Section 3-2-152 (Short-Term Residential Registry) of the Code of the City of Alexandria, Virginia.

(A copy of the City Manager's memorandum dated November 13, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 11/18/17, 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. 9; 11/18/17, 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. 9; 11/18/17, and is incorporated as part of this record by reference.)

Mr. Greenlief, Revenue Chief, gave a presentation on the short-term residential registry, and he, along with Ms. Taylor, Director, Finance, responded to questions from Council.

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

1. Tom Kaiden, 625 North Washington Street, representing Visit Alexandria and the Alexandria Hotel Association, spoke in support of the ordinance.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend Section 3-2-141 (Transient Lodging Definitions) and to adopt Section 3-2-152 (Short-Term Residential Registry) of the Code of the City of Alexandria, Virginia. 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 ordinance reads as follows:

ORDINANCE NO. 5091

AN ORDINANCE to amend and reordain Section 3-2-141 (DEFINITIONS), and adopt 3-2-152 (SHORT-TERM RESIDENTIAL RENTAL REGISTRY) of Article K (TRANSIENT LODGING TAX) 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 3-2-141 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. 3-2-141 Definitions.

The following words and phrases when used in this article shall, for the purposes of this article, have the following respective meanings, except where the context clearly indicates a different meaning:

- (1) *Hotel*. Any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, rooming house, short-term residential rental as defined in section 3-2-152, or other lodging place within the city offering lodging to any transient as hereinafter defined for compensation and, except for short-term residential rental as defined in section 3-2-152, which can lodge four or more persons at any one time.
- (2) *Lodging*. Any space or room furnished any transient.
- (3) *Person*. Any individual, firm, partnership, association, corporation, person acting in a representative capacity or any group of individuals acting as a unit.
- (4) *Room rental*. The total charge, exclusive of any tax imposed on such charge, made by any hotel for lodging furnished any transient. If the charge made by any hotel to a transient includes any charge for services or accommodations in addition to that of lodging, then that portion of the total charge as represents only lodging rental shall be distinctly set out and billed to the transient by the hotel as a separate item.
- (5) *Transient*. Any person who, for a period of not more than 90 consecutive days or, for short-term residential rentals, for a period of fewer than 30 consecutive days, either at his own expense or at the expense of another obtains lodging in any hotel, as hereinabove defined, for which lodging a charge is made.

Section 2. That Section 3-2-152 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby, is ordained to read as follows.

Sec. 3-2-152 Short-Term Residential Rental Registry.

(a) The following words and phrases when used in this section shall, for the purposes of this section, have the following respective meanings, except where the context clearly indicates a different meaning:

- (1) *Operator*. The proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term residential rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.
- (2) *Short-term residential rental*. The provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.
- (b) There is hereby established a short-term residential rental registry. Upon offering any short-term residential rentals, all operators shall register with the department of finance. This shall be an annual registration for each property offered for short-term residential rental and shall require the operator to provide the complete name of the operator and the address of each property in the city offered for short-term residential rental by the operator.
- (c) *Registry exemptions*. The following shall not be required to register pursuant to this section if such person is (i) licensed by the Commonwealth of Virginia Real Estate Board or is

a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.) of the Code of Virginia, 1950, as amended; (iii) licensed or registered with the Commonwealth of Virginia Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the city, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

(d) *Penalties.* Failure to register a property within 30 days of being offered for short-term residential rental shall result in a penalty to be paid by the operator in the amount of five hundred dollars (\$500). The director may waive such penalty if the failure to register was due to no fault of the operator. Until such time as the operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term residential rental. Upon repeated violation of the registration requirement as it relates to a specific property, and upon notice, the operator shall be prohibited from registering said property and from offering that property for short-term residential rental. Such prohibition may, for good cause, be appealed to the director.

(e) *Multiple violations of other laws.* An operator required to register a property may be prohibited by the city from offering a specific property for short-term residential rental within the city, upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term residential rental.

(f) *Non-contravention.* Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term residential rental of property through general land use and zoning authority. Nothing in this section shall be construed to supercede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants; the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.) of the Code of Virginia, 1950, as amended; the declaration of a common interest community as defined in § 55-528 of the Code of Virginia, 1950, as amended; the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) of the Code of Virginia, 1950, as amended; or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et seq.).

(g) *Administration.* Notwithstanding any other provision of this article, the director may enter into agreements, subject to local law, with computer platform hosts of short-term residential rentals, and with data-analytic vendors for short-term residential rentals, to facilitate the efficient collection of the transient lodging tax pursuant to this article.

Section 3. That this ordinance shall become effective upon January 1, 2018.

10. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Section 6-403 of Article VI (Special and Overlay Zone) and Section 7-1200 (Utilities) of Article VII (Supplemental Zoning Regulations) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on October 14, 2017 as Text Amendment No. 2017-0008.

(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. 10; 11/18/17, 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. 10; 11/18/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and to reordain Section 6-403 of Article VI (Special and Overlay Zone) and Section 7-1200 (Utilities) of Article VII (Supplemental Zoning Regulations) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on October 14, 2017 as Text Amendment No. 2017-0008. 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 ordinance reads as follows:

ORDINANCE NO. 5092

AN ORDINANCE to amend and reordain Section 6-403 (General Regulations and Exceptions) of Section 6-400 (Height Districts) of Article VI (Special and Overlay Zone) and Section 7-1200 (Utilities) of Article VII (Supplemental Zone Regulations) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved on October 14, 2017 by city council as Text Amendment No. 2017-0008.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2017-0008, 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 October 3, 2017 of a text amendment to the Zoning Ordinance to adopt small cell facility regulations, which recommendation was approved by the City Council at public hearing on October 14, 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 6-403 of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-403 - General regulations and exceptions.

- (A) Relationship of height to setback. In all height districts, the allowable height of a building at any point shall not exceed twice the distance from the face of the building at that point to the centerline of the street facing such building.

- (B) Mechanical appurtenances. Chimney, towers, tanks, machinery, equipment, penthouses or other necessary mechanical appurtenances to a main building may be erected as a part of the main building to their required heights, regardless of any other height provisions or restrictions of this ordinance, provided that the following requirements are met.
- (1) All necessary rooftop mechanical appurtenances and penthouses shall be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.
 - (2) The following limitations apply to rooftop mechanical penthouses:
 - (a) Only one penthouse is permitted unless the number is increased by a special use permit;
 - (b) The penthouse shall not exceed 15 feet unless the height is increased by a special use permit;
 - (c) The penthouse must be limited in size to the minimum space required to house necessary mechanical equipment; and
 - (d) No equipment may be placed above the roof of the penthouse to increase its height if such equipment could be located on the roof of the building itself.
 - (3) For buildings located within the Old and Historic Alexandria District or the Parker Gray District, or for buildings outside such districts designated pursuant to section 10-300, the board of architectural review having jurisdiction of the matter may, after public hearing, waive or modify the screening requirement of subsection (B)(1) of this section, if the board finds such requirement to be architecturally inappropriate. The board of architectural review for the Parker Gray District may delegate the waiver authority under this subsection (3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.
- (C) Church steeples. No church building shall exceed the height for each zone, as limited by the Height District Maps, except that a church steeple may be erected to a height of 90 feet, or to a height in excess of 90 feet but not in excess of 150 feet with a special use permit. For purposes of this section 6-403(C), steeple shall mean a decorative or symbolic architectural component including a tower, spire, belfry or similar component extending above the ridge line of the building roof, or the highest point of the roof of the building.
- (D) Reception or transmission structures. ~~All radio and television reception or transmission structures require an administrative permit to be issued by the director based on the following considerations:~~

~~(1) Whether the proposed size and height of the structure is compatible with the height and scale of adjacent buildings and is the minimum necessary to conduct the anticipated transmission or reception activity;~~

~~(2) Whether the proposed location of the structure is one that has the least negative impact on surrounding buildings and neighborhoods of the locations available and is the least visible position which still provides adequate transmission and reception; if there is no unobtrusive location for the structure, whether alternative methods of achieving transmission or reception are reasonably feasible; and~~

~~(3) Whether the proposed material and screening of the structure is adequate and appropriate to minimize the visual impact of the structure. All radio and television reception or transmission structures may be erected only in compliance with Section 7-1205 and Section 7-1206.~~

- (E) Noncomplying buildings and structures. Any building or structure lawfully in existence on June 24, 1992 which does not comply with the provisions of this section 6-400, shall be categorized as a noncomplying structure subject to section 12-100; provided, however, that any building or structure in existence on June 24, 1992 and immediately prior to such date categorized as an illegal building or structure because of height, shall continue to be so categorized.

Section 2. That the following section of Section 7-1200 of the Zoning Ordinance be, and the same hereby are, amended by inserting new language shown in underline, as follows:

Article VII – Supplemental Zone Regulations

Sec. 7-1200 - Utilities.

7-1201 - Permitted utilities.

The following utilities are permitted in any zone in the city: the erection, construction, alteration or maintenance by public utilities, public service corporations, municipal departments, public commissions or public authorities of underground gas, steam, water or sewage supply, collection or disposal systems and underground or overhead electric, communication, telephone or cable transmission or distribution systems, including poles, wires, lines, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, freestanding pad mounted transformers and electric switches, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such utilities, corporations, departments, commissions or authorities, or for the public health, safety or general welfare; provided, that such freestanding pad mounted transformers and electric switches have been approved after public hearing by site plan, special use permit or certificate of appropriateness or as part of the city's capital improvement program, or have been approved either by both the director of transportation and environmental services and the director of planning and zoning, in accordance with guidelines established by the directors and approved by city council, after affording informal notice and opportunity to comment to affected parties or by city council, after public hearing,

on an appeal from disapproval by one or both directors. Notwithstanding the foregoing, small cell facilities shall be regulated by Section 7-1206.

7-1202 - Special use utilities.

The following utility uses are permitted by public utilities, public service corporations, municipal departments, public commissions or public authorities only with a special use permit:

- (A) Tanks, towers, standpipes or other facilities for storing water, sewage or other liquids or gases, electric power substations, telephone exchange buildings and structures, and pumping stations;
- (B) Overhead transmission, distribution or communication wires, lines, cables or facilities for the transmission of telecommunication suspended, mounted or carried by poles, towers or other structures which:
 - (1) Exceed 65 feet in height;
 - (2) Have one or more arms, cross arms or similar apparatus which would extend out more than six feet from the side thereof;
 - (3) Have a diameter in excess of three feet if it is a pole-like structure; or
 - (4) Exceed four square feet in area at any cross section, or have a side exceeding two feet in width if it is a tower or other type structure.
- (C) Notwithstanding the foregoing, small cell facilities shall be regulated by Section 7-1206.

7-1203 - Uses not considered utilities.

The following are not included in the above-named lists of uses: buildings, offices, motor vehicles, bus or car barns, garages, shops, railroad yards or siding, freight terminals, warehouses, service or storage yards or facilities or any use separately listed in a zone.

7-1204 - Compliance with other regulations.

Notwithstanding anything to the contrary in this section 7-1200, all development shall comply with chapter 3, title 5, of the city code pertaining to underground utilities.

7-1205 – Radio and television reception or transmission structures.

All non-small cell facility radio and television reception or transmission structures require an administrative permit to be issued by the director based on the following criteria:

- (1) Whether the proposed size and height of the structure is compatible with the height and scale of adjacent buildings and is the minimum necessary to conduct the anticipated transmission or reception activity;
- (2) Whether the proposed location of the structure is one that has the least negative impact on surrounding buildings and neighborhoods of the locations available

and is the least visible position which still provides adequate transmission and reception; if there is no unobtrusive location for the structure, whether alternative methods of achieving transmission or reception are reasonably feasible; and

- (3) Whether the proposed material and screening of the structure is adequate and appropriate to minimize the visual impact of the structure.

7-1206 – Small cell facilities.

- (A) For purposes of section 7-1206, the following definitions apply:

- (1) Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.
- (2) Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.
- (3) Existing structure means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of Transportation of the Commonwealth of Virginia of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.
- (4) Micro-Wireless Facility means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.
- (5) Small Cell Facility means a wireless facility that meets both of the following qualifications:
- (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and
- (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems,

grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

(6) Utility pole means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth of Virginia that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

(7) Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

(8) Wireless infrastructure provider means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

(9) Wireless services means (a) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (b) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d) provided to personal mobile communication devices through wireless facilities; and (c) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

(10) Wireless services provider means a provider of wireless services.

(11) Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

(B) *Administrative Approval:* Notwithstanding any other provisions of this Zoning Ordinance, no special exception, special use permit, or variance shall be required for any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider:

(1) has permission from the owner of the structure to co-locate equipment on that structure and

(2) applies pursuant to this Section.

- (3) Notwithstanding anything to the contrary in this Section, the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from these permitting requirements and fees.
- (C) *Application Process:* An applicant for a small cell facility permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. The application may include up to thirty-five (35) permit requests on the same application. Within 10 days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.
- (D) *Filing Fee:* The fee for processing the application shall be \$100 each for the first five (5) permit requests and \$50 for each additional permit request on an application.
- (E) *Action by the director:* The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including the specific reason for disapproval pursuant to Section 7-1205(F). The 60-day period may be extended by the director in writing for a period not to exceed an additional 30 days. The application shall be deemed approved if the director fails to act within the initial 60 days or the extended 30-day period. Approval for a permit shall not be unreasonably conditioned, withheld, or delayed.
- (F) *Reasons for disapproval limited:* The director may disapprove a proposed location or installation of a small cell facility only for the following reasons:
- (1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
 - (2) The public safety or other critical public service needs;
 - (3) Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or
 - (4) Conflict with the regulations in Article X – Historic Districts and Buildings of this ordinance.

(G) Conditions of Approval: An applicant may voluntarily submit, and the director may accept, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.

(H) Abandoned Facilities: Nothing in this subsection shall preclude the director from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities.

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

Section 4. That Section 6-403 of Article VI (Special and Overlay Zone) and Section 7-1200 (Utilities) of Article VII (Supplemental Zone Regulations) 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.

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2018.

(A copy of the City Manager's memorandum dated November 13, 2017, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/18/17, 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. 11; 11/18/17, 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. 11; 11/18/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted an ordinance to make supplemental appropriations for the support of the City Government for Fiscal Year 2018. 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 ordinance reads as follows:

ORDINANCE NO. 5093

AN ORDINANCE making provision 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 the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named 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 council does hereby allot the amounts so appropriated to the several city departments for Fiscal Year 2018, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

Sheriff	\$	2,119
Information Technology Services		25,008
General Services		117,669
Transportation and Environmental Services		978,306
Fire		611,671
Police		53,549
Community and Human Services		15,879
Recreation		112,104
Total Equipment Replacement Reserve Fund	\$	<u>1,916,305</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 2018 the source of such amount being external grant awards for which the proceeds were received or accepted prior to June 30, 2017, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2018, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Housing	\$	<u>2,964,078</u>
Total Estimated Revenue	\$	<u>2,964,078</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Housing	\$	<u>2,964,078</u>
Total Appropriation	\$	<u>2,964,078</u>

Section 3. 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 2018 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2017 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2018, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Commonwealth's Attorney	\$ (5,817)
Sheriff	6,136
Fire Department	421,143
Housing	830,498
Community and Human Services	(231,673)
Alexandria Transit Company	652,392
Transportation and Environmental Services	109,295
Total Estimated Revenue	<u>\$ 951,476</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Commonwealth's Attorney	\$ (5,817)
Sheriff	6,136
Fire Department	421,143
Housing	830,498
Community and Human Services	(231,673)
Alexandria Transit Company	652,392
Transportation and Environmental Services	109,295
Total Estimated Revenue	<u>\$ 951,476</u>

Section 4. 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 2018 the source of such amount being the residual balances accumulated as of June 30, 2017, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2018, as follows:

DONATIONS AND OTHER SPECIAL REVENUE FUNDS

ESTIMATED REVENUE:

Commonwealth's Attorney's Office	\$ 128
Code Administration	(13,851)
Sheriff	2,520
Other Public Safety	82,876

Court Service Unit	23,683
Human Rights	28,574
Planning and Zoning	984,961
Emergency Communications	19,954
General Services	5,237
Transportation and Environmental Services	239,560
Finance	25,000
Fire	5,006
Police	17,488
Housing	1,502,693
Community and Human Services	607,085
Alexandria Health Department	41,420
Historic Alexandria	691,535
Non-Departmental	30,638
Recreation, Parks and Cultural Activities	718,594
Total Estimated Revenue	<u>\$ 5,013,101</u>

DONATIONS AND OTHER SPECIAL REVENUE FUND

APPROPRIATION:

Commonwealth's Attorney's Office	\$ 128
Sheriff	2,520
Other Public Safety	82,876
Court Service Unit	23,683
Human Rights	28,574
Planning and Zoning	984,961
Emergency Communications	19,954
General Services	5,237
Transportation and Environmental Services	239,560
Finance	25,000
Fire	5,006
Police	17,488
Housing	1,502,693
Community and Human Services	607,085
Alexandria Health Department	41,420
Historic Alexandria	691,535
Non-Departmental	30,638
Recreation, Parks and Cultural Activities	718,594
Total Estimated Revenue	<u>\$ 5,013,101</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 2018 the source of such amount being the residual balances accumulated as of June 30, 2017, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2018, as follows:

OTHER SPECIAL REVENUE FUND – SEIZED ASSETS

ESTIMATED REVENUE:

Commonwealth's Attorney	\$ 90,042
Total Estimated Revenue	<u>\$ 90,042</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Commonwealth's Attorney	\$ 90,042
Total Appropriation	<u>\$ 90,042</u>

Section 6. 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 and liabilities of the city for Fiscal Year 2018, the source of such amount being Committed General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Committed General Fund Balance	\$ 7,071,908
Total Estimated Revenue	<u>\$ 7,071,908</u>

APPROPRIATION:

City Manager's Office	\$ 100,000
City Attorney's Office	100,000
Fire	146,543
Housing	92,000
Human Rights	10,000
Historic Alexandria	52,954
Planning and Zoning	132,800
Transportation and Environmental Services	1,402,800
Commonwealth's Attorney	26,050
General Services	210,500
Sheriff	69,335
Recreation	89,915
Information Technology Services	135,000
Registrar	594,191
Community and Human Services	152,000
Human Resources	345,000
Non-Departmental – Cash Capital	<u>5,036,991</u>
Total Appropriation	<u>\$ 7,071,908</u>

Section 7. 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 and liabilities of the city for Fiscal Year 2018, the source of such amount being Equipment Replacement Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

General Services	\$ 43,884
Fire	<u>1,013,938</u>
Total Equipment Replacement Reserve Fund	<u>\$ 1,057,822</u>

Section 8. 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 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 Revenue	\$ 150,000
Total Estimated Revenue	<u>\$ 150,000</u>

APPROPRIATION:

Alexandria Health Department	\$ 150,000
Total Appropriation	<u>\$ 150,000</u>

Section 9. 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

Emergency Communications	\$ (22,553)
Transportation and Environmental Services	22,553
Finance	(120,826)
Human Resources	<u>120,826</u>
Total Appropriation	<u>\$ 0</u>

Section 10. 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 require to defray certain expenditures and liabilities of the city in the fiscal year 2018, the source of such amount being Bond Proceeds generated from the September Bond Refunding,

authorized by City Council in Spring 2017, and further that the council does hereby allot the amount so appropriated for fiscal year 2018, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Bond Proceeds	<u>\$ 124,205,981</u>
Total Estimated Revenue	<u>\$ 124,205,981</u>

APPROPRIATION:

Payment to Refunding Bond Escrow	<u>\$ 124,205,981</u>
Total Estimated Revenue	<u>\$ 124,205,981</u>

Section 11. 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 2018, 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 2018, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects	<u>\$ 1,624,191</u>
Total Estimated Revenue	<u>\$ 1,624,191</u>

APPROPRIATION:

Capital Projects	<u>\$ 1,624,191</u>
Total Appropriation	<u>\$ 1,624,191</u>

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

12. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain the Master Plan of the City of Alexandria, Virginia, by Adopting and Incorporating therein the Amendment heretofore Approved by City Council to Amend the Potomac Yard/Potomac Greens Small Area Plan Chapter of Such Master Plan as Master Plan Amendment No. 2017-0004 and No Other Amendments, and to Repeal All Provisions of the Said Master Plan as May Be Inconsistent with Such Amendment.

(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. 12; 11/18/17, 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. 12; 11/18/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-1 by roll-call vote, City Council adopted an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council to amend the Potomac Yard/Potomac Greens Small Area Plan Chapter of such Master Plan as Master Plan Amendment No. 2017-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg.

The ordinance reads as follows:

ORDINANCE NO. 5094

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by City Council to amend the Potomac Yard/Potomac Greens Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2017-0004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2017-0004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 3, 2017 of an amendment to the Potomac Yard/Potomac Greens Small Area Plan Chapter of the City of Alexandria Master Plan, which recommendation was approved by the City Council at public hearing on October 14, 2017;
2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Potomac Yard/Potomac Greens Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by:

- a) Amending Item #1c on Page 71, "CDD Guidelines for Potomac Yard / Potomac Greens," to state that the maximum amount of development permitted in this CDD shall be 2,239 total residential units; and

b) Removing Note #1 from Item #1 and removing its related footnote indicators from items #1c and #1d of the “CDD Guidelines for Potomac Yard / Potomac Greens” on Page 71; and

c) Amending map 24A on Page 66a, “Potomac Yard – CDD 10 Predominant Height Limits” to graphically show the location of the parcel at 2551 Main Line Boulevard and to state that the maximum allowable building height for the parcel is 70 feet, except that up to 73-feet maximum height may be allowed on the eastern half of the site, only if necessary to accommodate a parking garage entrance on Swann Avenue.

Section 2. That the Director of Planning and Zoning be, and hereby is, directed to record the foregoing master plan amendment as part of the Master Plan of the City of Alexandria, Virginia.

Section 3. That all provisions of the Master Plan of the City of Alexandria, Virginia, as may be inconsistent with the provisions of this ordinance be, and same hereby are, repealed.

Section 4. That the Master Plan of the City of Alexandria, as amended by this ordinance, be, and the same hereby is, reordained as the Master Plan of the City of Alexandria, Virginia.

Section 5. That the city clerk shall transmit a duly certified copy of this ordinance to the Clerk of the Circuit Court of the City of Alexandria, Virginia, and that the said Clerk of the Circuit Court shall file same among the court records.

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

13. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Section 5-602 (Coordinated Development Districts Created, Consistency with Master Plan, Required Approvals) of Section 5-600 (CDD/Coordinated Development Districts) of Article V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in Accordance with the Text Amendment heretofore Approved by City Council as Text Amendment No. 2017-0006 to Increase the Maximum Number of Residential Units within CDD 10.

(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. 13; 11/18/17, 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. 13; 11/18/17, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-1 by roll-call vote, City Council adopted an ordinance to amend and

reordain Section 5-602 (Coordinated Development Districts Created, Consistency with Master Plan, Required Approvals) of Section 5-600 (CDD/Coordinated Development Districts) of Article V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the Text Amendment heretofore approved by City Council as Text Amendment No. 2017-0006 to increase the maximum number of residential units within CDD 10. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg.

The ordinance reads as follows:

ORDINANCE NO. 5095

AN ORDINANCE to amend and reordain Section 5-602 (Coordinated development districts created, consistency with master plan, required approvals) of Section 5-600 (CDD/Coordinated Development Districts) of Article V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2017-0006 to increase the maximum number of residential units within CDD 10.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2017-0006, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 3, 2017 of a text amendment to the Zoning Ordinance to increase the maximum number of residential units within CDD#10, which recommendation was then approved as amended by the City Council at public hearing on October 14, 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, as such recommendation was amended;

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-602 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown as underlined below:

CDD #	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			<i>Maximum FAR and/or Development Levels</i>	<i>Maximum Height</i>	<i>Uses</i>

10	Potomac Yard / Potomac Greens	<p>The RB zone regulations shall apply to the area south of the Monroe Avenue Bridge and east of the Metro Tracks, the CSL zone regulations shall apply on the first 250 feet east of Route 1, and the I zone regulations shall apply on the remainder of the site; except that the U/T regulations shall apply to an area approximately 120 feet wide located just west of the Metrorail right-of-way (area shown on the plat for Case REZ #95-0005) for the purpose of accommodating the relocated rail mainline on the yard, and except also that the area known as the "Piggyback Yard" and Slaters Lane portion of Potomac Yard (as shown on the plat for Case REZ #95-0004) may be developed pursuant to the CRMU-L zone provided that the Piggyback Yard: - shall contain no more than 275 dwelling units; - shall contain no more than 60,000 square feet of commercial space, of which no more than 30,000 square feet shall be office; - shall be planned and developed pursuant to a special use permit; - shall have a maximum height of 50 feet; - shall generally be consistent with the goals and the guidelines of the small area plan.</p>	<p>Up to 2,072,346 square feet of office space², except that office square footage may be converted to retail square footage through the Special Use Permit process.</p> <p>Up to 170 hotel rooms.</p> <p>Up to 163,817 square feet of retail space.</p> <p>Up to 2,137 <u>2,239</u> residential units.</p> <p>Note 2: Office floor area may be converted to ground floor retail use through a Special Use Permit.</p>	<p>Heights shall be as shown on the map entitled "Predominate Height Limits for CDD" (Map No. 24, Potomac Yard/Potomac Greens Small Area Plan Chapter of 1992 Master Plan (2008ed.)) <u>as may be revised.</u></p>	<p>Predominantly residential, with a mix of land uses to include office, retail and service, hotel, parks and open spaces, and community facilities.</p>
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Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 5-602, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Planning Commission (continued)

14. The following item was deferred at the November 9, 2017 Planning Commission hearing, and is for information only.

Text Amendment #2017-0001

Floor Area Ratio

(A) Initiation of a Text Amendment; (B) Public Hearing and Consideration of a Text Amendment to the Zoning Ordinance to amend Section 2-145, 2-195, and 7-202, and to add new Section 2.113.1 and 2-194.1 regarding floor area ratio. Staff: City of Alexandria Department of Planning and Zoning

The Planning Commission deferred Text Amendment #2017-0001 for further study and discussion on detailed elements of the amendment.

City Council noted the deferral.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, the public hearing meeting of November 18, 2017 was adjourned at 2:50 p.m. 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.

APPROVED BY:

ALLISON SILBERBERG MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk