

**City of Alexandria  
City Council Public Hearing  
Saturday, February 24, 2018 9:30 AM  
Meeting Minutes**

Present: Mayor Allison Silberberg, Vice Mayor Justin M. Wilson, Members of Council Willie F. Bailey, 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. Cox, Historic Preservation Manager, P&Z; Ms. Miliaras, Urban Planner, P&Z; Ms. Durham, Division Chief, Recreation, Parks, and Cultural Activities (RPCA); Mr. Smith, Urban Planner, P&Z; Ms. Horowitz, Urban Planner, P&Z; Mr. Price, Urban Planner, P&Z; Mr. Chesley, Deputy Director, RPCA; Mr. Shelby, Urban Planner, P&Z; Mr. Geratz, Principal Planner, P&Z; Mr. Adelakun, Urban Planner, P&Z; Ms. Sims, Urban Planner, P&Z; Ms. Orr, Deputy Director, Transportation and Environmental Services; 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 Council called the roll. All the members of Council were present, with Councilman Bailey and Councilman Chapman arriving at 9:37 a.m. and 9:42 a.m.

2. Public Discussion Period

The following persons participated in the public discussion period:

1. Charles Ziegler, representing the Friends of Beatley Central Library, 309 North Langley Street, spoke in support of funding the public libraries in the upcoming budget.

2. Ronald Gochenour, 311 Hickory Street, spoke about security at the City Schools and how a recent incident was handled by the Police Department. Mr. Gochenour also spoke about respecting the work of City employees.

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

4. Dino Drudi, 315 North West Street, spoke the closing of Montgomery Street for development construction and how it is affecting the bus routes and other traffic. Mr. Drudi requested information on how developers obtain permission to use the public rights-of-way for construction staging and if there was a charge for use of the right-of way.

5. Tim Foley, 310 Commerce Street, spoke about parking on Commerce Street and how the residents have a hard time accessing spaces on the street. Mr. Foley noted that he has reached out to Parking Enforcement for help because the situation is creating an undue burden on the residents. Mr. Foley requested information how to address the parking problem in his neighborhood.

6. Gary Carr, 216 Aspen Street, representing the Northern Virginia Urban League, spoke about the importance of the Freedom House museum and its role in telling the history of the domestic slave trade in this country and in the City of Alexandria.

7. Chris Kinard, 124 Sanborn Place, representing the Mount Vernon Court Community Association, spoke in opposition to the SUP application for a beer garden at 310 Mount Vernon Avenue. Mr. Kinard noted concerns from the neighborhood about noise and the pedestrian impact on the neighborhood and how the proposed is inconsistent with the Del Ray/Arlandria Plans.

8. Philip Maytas, 219 North Pitt Street, spoke about the notice process for SUPs and he stated that he did not receive a notice for a project that was close to his property.

In response, Mr. Moritz, Director, Planning and Zoning, stated that the Planning and Zoning Department have a specific process for posting notice and take pictures of each notice posted as proof.

**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**

#### **Planning Commission**

3. Special Use Permit #2017-0126  
1725 Duke Street - Sancerre Restaurant  
Public hearing and consideration of a request to operate a restaurant with outdoor dining, live entertainment, and off-premises alcohol sales; zoned: OCH/Office Commercial High. Applicant: Sancerre, LLC  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated February 7, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 02/24/18, and is incorporated as part of the record by reference.)

Council asked questions about outdoor dining hours and administrative approvals of changes to SUPs.

## **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. 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.

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

4. Public Hearing and Consideration of a two (2) year license agreement renewal with Fight for Children for the Alexandria Boxing Club at Charles Houston Recreation Center located at 901 Wythe Street.

(A copy of the City Manager's memorandum dated February 14, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 02/24/18, and is incorporated as part of this record by reference.)

Ms. Durham, Division Chief, Recreation, Parks and Cultural Activities, gave a brief presentation of the license agreement renewal and she, along with Mr. Chesley, Deputy Director, Recreation, Parks, and Cultural Activities, and representatives from Fight for Children and the Alexandria Boxing Club, responded to questions from Council regarding sparring partners at boxing clubs.

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

1. Michael Diffley, 635 First Street, spoke in support of the license agreement renewal.
2. Jeffrey Johnson, 705 Mace Drive, Fort Washington, Maryland, spoke in support of the license agreement renewal.
3. Dennis Porter, 4080 Duke Street, spoke in support of the license agreement renewal.
4. Vito Su, 1200 Braddock Place, #507, spoke in support of the license agreement

renewal.

5. Bobby Ritchey, spoke in support of the license agreement renewal.

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilmember Lovain 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 Councilman Chapman, seconded by Vice Mayor Wilson and carried unanimously, City Council authorized the City Manager to execute a two year license agreement with Fight for Children. 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)**

5. Special Use Permit #2017-0124  
116 King Street (parcel addresses: 114 and 118 King Street) - Urbano 116  
Public hearing and consideration of a request to operate a restaurant; zoned: KR/King Street Retail. Applicant: Urbano 116, LLC  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated February 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 02/24/18, and is incorporated as part of this record by reference.)

Mr. Adelakun, Urban Planner, Planning and Zoning, gave a presentation of the SUP and he along with, Ms. Horowitz, Urban Planner, Planning and Zoning, and Mr. Moritz, Director, Planning and Zoning, responded to questions from Council about the proposed restaurants, including concerns about noise, parking and alcohol sales.

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

1. Philip Maytas, 219 North Pitt Street, spoke in opposition to the proposed project, citing issues with the changes to the interior of the building, problems with the reduction of parking, use of public right-of-way, and the number of seats in the restaurants.

**WHEREUPON**, upon, motion by Vice Mayor Wilson, seconded 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.

6. Text Amendment #2018-0001  
NR Zone

(A) Initiation of a Text Amendment; and (B) Public hearing and consideration of a Text Amendment to the Zoning Ordinance to amend sections 4-1403, 4-1403.1, and 4-1404 of the Zoning Ordinance to add permitted uses, administrative uses, and special uses to the NR zone. Staff: City of Alexandria Department of Planning & Zoning  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated February 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 02/24/18, and is incorporated as part of this record by reference.)

Ms. Horowitz, Urban Planner, Planning and Zoning, gave a presentation on the Text Amendment and she, along with Mr. Moritz, Director, Planning and Zoning, responded to questions from Council.

**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.

7. 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 sections 2-145, 2-195, and 7-202 and to add new sections 2-113.1 and 2-194.1 regarding floor area ratio. Staff: City of Alexandria Department of Planning and Zoning  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated February 7, 2018, is on file in the of City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 02/24/18, and is incorporated as part of the record by reference.)

Mr. Smith, Urban Planner, Planning and Zoning, and Mr. Shelby, Urban Planner, Planning and Zoning, gave a presentation on the Text Amendment regarding floor area ratio and responded to questions from Council about the changes.

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

1. Kenneth Wire, 1750 Tysons Blvd., Suite 1800, Tysons, Virginia, representing NAIOP Northern Virginia, spoke in support of the Text Amendment and responded to questions from Council.

**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 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.

\*\*\*City Council took a recess at 12:50 p.m. and the meeting resumed at 1:23 p.m.\*\*\*

8. Development Special Use Permit #2016-0003  
Special Use Permit #2017-0125  
Special Use Permit #2018-0003  
203, 205, 211 Strand Street - The Strand  
Public hearing and consideration of requests for: (A) a Development Special Use Permit and site plan with modifications to construct 18 new residential units and ground floor retail at 211 Strand and 205 Strand, including Special Use Permit requests for height over 30 feet in the Potomac River Vicinity Height District, for 2 mechanical penthouses, and a parking reduction; (B) a Special Use Permit for a restaurant in the W-1 zone; and (C) a Special Use Permit for a restaurant in the W-1 zone; zoned: W-1/Waterfront. Applicant: The IDI Strand LC, represented by Kenneth Wire, attorney  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated February 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 02/24/18, and is incorporated as part of this record by reference.)

Mr. Price, Urban Planner, Planning and Zoning, gave a presentation of the proposed project and he, along with Mr. Moritz and Mr. Geratz, responded to questions from Council about the project

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

1. Kenneth Wire, 1750 Tysons Blvd., Suite 1800, Tysons, Virginia, spoke in support of the project and responded to questions from Council.
2. Yvonne Weight Callahan, 735 South Lee Street, representing Old Town Civic Association, spoke in support of the project.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper, City Council closed the public hearing and approve the Planning Commission recommendation.

Vice Mayor Wilson offered the following amendments to the motion: (1) add language at the end of condition #18 stating, "at the owners expense" for clarification; (2) delete language from condition 41, "insert elements needed"; (3) delete condition 109 (l) (duplicate condition); (4) change the word street to alley in condition 111; and (5) strike (a) (b) and (c) from condition #23. The amendments were accepted by the maker and seconder of the motion.

City Council approved the following motion: City Council closed the public hearing and approved the Planning Commission recommendation with the following amendments: (1) add language at the end of condition #18 stating, "at the owners expense" for clarification; (2) delete language from condition 41, "insert elements needed"; (3) delete condition 109 (l) (duplicate condition); (4) change the word street to alley in condition 111; and (5) strike (a) (b) and (c) from condition #23. 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.

9. BAR Case # 2016 - 00160

An appeal of the Old & Historic Alexandria District Board of Architectural Review's (BAR) December 20, 2017 decision approving a Certificate of Appropriateness with conditions for the width of double gates at 420 South Lee St., Applicant: Thomas Byrne

Appellant: Thomas Byrne

(A copy of the Board of Architectural Review report dated February 13, 2018. is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 02/24/18, and is incorporated as part of this record by reference.)

Ms. Miliaras, Urban Planner, gave a presentation on the appeal and recommendation from staff to uphold the decision of the BAR, and she, along with Mr. Cox, Historic Preservation Manager, Planning and Zoning and Ms. Anderson, Deputy City Attorney, responded to questions from Council about the appeal.

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

1. Thomas Byrne, 420 South Lee Street, appellant, spoke in support of the appeal and requested that the BAR decision be reversed.

2. John Goebel, 726 Snowden Hallowell Way, representing Board of Architectural Review – Old and Historic District, gave an overview of the decision of the BAR and responded to questions from Council.

3. Elaine Johnston, 831 South Fairfax Street, representing the Historic Alexandria Foundation, requested that Council affirm the ruling of the BAR.

4. Danny Smith, 401 South Lee Street, representing Historic Alexandria Resources Commission, requested that Council affirm the decision of the BAR.

5. Yvonne Weight Callahan, representing the Old Town Civic Association, requested that Council affirm the decision of the BAR.

6. Amanda Byrne, 420 South Lee Street, spoke in support of the appeal.

7. Donald Holley, 421 South Lee Street, spoke in support of the appeal.

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilman

Chapman 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 Councilwoman Pepper, seconded by Councilman Smedberg and carried unanimously, City Council affirmed the decision of the Board of Architectural Review - Old and Historic District. 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**

(All ordinances are approved by roll-call vote)

City Council approved ordinances for docket items #10-#21 as a block, with the exception of #19, which was approved by a separate roll-call vote. 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. Public Hearing, Second Reading, and Final Passage of an ordinance to amend and reordain Article A (Solicitation for Charitable Purposes) of Chapter 10 (Solicitations) of Title 9 (Licensing and Regulation) of the Code of the City of Alexandria, Virginia, 1981, as amended.

(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; 02/24/18, 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; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Article A (Solicitations) for Charitable Purposes) of Chapter 10 (Solicitations) of Title 9 (Licensing and Regulation) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

### **ORDINANCE NO. 5104**

AN ORDINANCE to amend and reordain Article A (Solicitation for Charitable Purposes) of Chapter 10 (Solicitations) of Title 9 (Licensing and Regulation) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:



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

**Sec. 9-10-1 - Definitions.**

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

Charitable organization. Any person which is or holds itself out to be organized or operated for any charitable purpose, or any person which solicits or obtains contributions solicited from the public. This definition shall not be deemed to include any church or convention or association of churches, primarily operated for nonsecular purposes and no part of the net income of which inures to the direct benefit of any individual; nor shall it include any political party as defined in section ~~24.1-1~~ 24.2-101, Code of Virginia (1950), as amended, or any political campaign committee required by local, state or federal law to file a report or statement of contributions and expenditures; ~~nor shall it include any labor union registered under section 40.1-76, Code of Virginia (1950), as amended, nor any trade association;~~ nor shall it include any authorized individual who solicits, by authority of such organization, solely on behalf of a registered charitable organization or on behalf of an organization excluded from the definition of charitable organization.

Charitable purpose. Any charitable, benevolent, humane, philanthropic, patriotic or eleemosynary purpose and the purposes of influencing legislation or influencing the actions of any public official or instigating, prosecuting or intervening in litigation.

Contribution. Any gift, bequest, devise or other grant of any money, credit, financial assistance or property of any kind or value, including the promise to contribute, except payments by the membership of an organization for membership fees, dues, fines or assessments or for services rendered to individual members, and except money, credit, financial assistance or property received from any governmental authority. The term "contribution" shall not include any donation of blood or any gift made pursuant to article 2, section 32.1-~~289~~ 291.1 et seq., chapter 8, title 32.1 of the Code of Virginia (1950), as amended, also known as the Revised Uniform Anatomical Gift Act.

Director. The city manager or his or her designee.

Person. Any individual, organization, trust, foundation, association, partnership, corporation, society, or other group or combination acting as a unit.

Sale, sell and sold. The transfer of any property or the rendition of any service to any person in exchange for consideration, including any purported contribution without which such property would not have been transferred or such services would not have been rendered.

Solicit and solicitation. The request or appeal, directly or indirectly, for any contribution on the plea or representation that such contribution will be used for a charitable purpose, including without limitation, the following methods of requesting such contribution:

- (1) Any oral or written request;
- (2) Any announcement to the press, over the radio or television, or by telephone or telegraph concerning an appeal or campaign to which the public is requested to make a contribution for any charitable purpose connected therewith;
- (3) The distribution, circulation, posting or publishing of any handbill, written advertisement or other publication which directly or by implication seeks to obtain public support; or
- (4) The sale of, offer or attempt to sell any advertisement, advertising space, subscription, ticket or any service or tangible item in connection with which any appeal is made for any

charitable purpose or where the name of any charitable organization is used or referred to in any such appeal as an inducement or reason for making any such sale, or when or where in connection with any such sale, any statement is made that the whole or any part of the proceeds from any such sale will be donated to any charitable purpose.

A solicitation, as defined herein, shall be deemed to occur when the request is made, at the place the request is received, whether or not the person making the same actually receives any contribution. (Ord. No. 2662, 3/13/82, Sec. 2)

**~~Sec. 9-10-2 - Registration of charitable organizations.-~~**

~~(a) Every charitable organization, except as otherwise provided in this article or by state law, which intends to solicit contributions within the city, or have funds solicited on its behalf in the city, shall, prior to any solicitation, file an initial registration statement with an upon forms acceptable to the director. It shall be the duty of the president, chairperson or principal officer of such charitable organization to keep the statements required by this article accurate and up-to-date on at least an annual basis.-~~

~~(b) Any charitable organization may file with the director evidence, including but not limited to a copy of the registration statement it has filed with the state commissioner, pursuant to the requirements of chapter 5, section 57-48, et seq., title 57 of the Code of Virginia, (1950), as amended, a copy of the letter of exemption provided for by section 57-60 of the state code, or other evidence of compliance and, therefore, exemption pursuant to section 57-50 of the state code. Such filing shall be deemed to be compliance with the requirements of this section. The director may require that any or all of the information listed below be included in the statement:-~~

~~(1) The name of the organization and the purpose for which it was organized;-~~

~~(2) The principal address of the organization, the address of any of its offices within the city and its designated agent for service of process within the Commonwealth of Virginia. If no such agent is designated, the organization shall be deemed to have designated the secretary of the commonwealth;-~~

~~(3) The names and addresses of any chapters, branches or affiliates of the organization located in the city;-~~

~~(4) The place where and the date when the organization was legally established, the form of its organization, and a reference to any determination of its tax-exempt status under the Internal Revenue Code;-~~

~~(5) The names and addresses of the officers, directors, trustees, principal salaried executive staff officer, if any, and any person having custody of financial records of the organization;-~~

~~(6) A statement indicating whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others;-~~

~~(7) A statement indicating whether the organization is authorized by any other governmental agency or authority within the Commonwealth of Virginia to solicit contributions and whether it, or any officer, professional fund-raiser or professional solicitor thereof, is or has ever been enjoined by any court or otherwise prohibited from soliciting contributions in any jurisdiction;-~~

~~(8) The general purpose or purposes for which the contributions to be solicited shall be used;-~~

~~(9) The name or names under which it intends to solicit contributions;-~~

~~(10) The names of the individuals or officers of the organization who will have final responsibility for the custody of the contributions;-~~

~~(11) The names of the individuals or officers of the organization responsible for the final distribution of the contributions;-~~

~~(12) A statement indicating whether the organization or any officer thereof, or any~~

~~professional solicitor or professional fund-raiser retained by the organization has ever been convicted in any jurisdiction of embezzlement, larceny or other crime involving the obtaining of money or property by false pretenses or the misapplication of funds impressed with a trust, unless such person has received a pardon for such offense, and, if so, a description of the pertinent facts;~~

~~(13) A statement showing the percentage which the organization's fund-raising expenses for the preceding fiscal year bore to such support it received directly from the public during that year; and~~

~~(14) The director may also require additional information which is listed in section 57-49 of the Code of Virginia (1950), as amended. Such additional information may only be required, however, when it is deemed by the director to be reasonably necessary in order to ensure compliance with the requirements and purpose of this article. (Ord. No. 2662, 3/13/82, Sec. 2)~~

### **~~Sec. 9-10-3 - Publication of warning concerning certain charitable organizations.~~**

~~If the director shall determine that any charitable organization required to be registered pursuant to the provisions of this article is not registered and is soliciting in the city, he or she may, after 10 days' written notice mailed to the charitable organization, cause to be printed in one (1) or more newspapers of general circulation in the city a notice in substantially the following form:~~

#### **~~WARNING - UNREGISTERED CHARITABLE SOLICITATION~~**

~~The organization named below has solicited contributions from area residents for allegedly charitable purposes. It has not registered with the director as required by law. Contributors are cautioned that their contributions to such organizations may be used for noncharitable purposes.~~

~~A copy of such warning shall immediately be forwarded to the state commissioner for agriculture and consumer services or his or her duly authorized delegate. (Ord. No. 2662, 3/13/82, Sec. 2)~~

### **~~Sec. 9-10-4 - Information filed to become public records.~~**

~~Registration statements required to be filed under this article shall become public records in the office of the director and shall be open to the general public for inspection during normal working hours and under such conditions as the director may prescribe. A reasonable charge may be made for any copies of such documents and information as may be furnished any person by the director. (Ord. No. 2662, 3/13/82, Sec. 2)~~

### **~~Sec. 9-10-5 - Prohibited acts.~~**

~~In addition to the prohibited acts enumerated in section 57-57 of the Code of Virginia (1950), as amended, it shall be unlawful for any person to violate any of the provisions of this section in connection with any solicitation regulated by this article:~~

~~(1) No charitable organization shall use or exploit the fact of its registration under this article so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the city, except that any such registered charitable organization may use and advertise the following statement in connection with any solicitation for which it has registered under this article: "Registered with the City of Alexandria, Virginia, as required by law. Such registration does not imply any endorsement by the city of a public solicitation for contributions."~~

~~(1)(2) No person shall knowingly make any false or misleading statement or otherwise engage in any deceptive practice.~~

~~(2)(3)~~— No person shall use the endorsement of any individual or organization without the endorser's written consent; provided, however, participation in a solicitation is deemed to be such consent. Nothing contained in this section shall prevent the publication of names of contributors, without their written consent, in an annual or other periodic report issued by a charitable organization for the purpose of reporting on its operations and affairs to its membership or for the purpose of reporting contributions to contributors.

~~(3)(4)~~ No person shall denominate any membership fee or purchase price of goods or services sold as a contribution or as a donation or in any other manner represent or imply that the member or the purchaser of such goods or services will be entitled to an income tax deduction for his or her cost, or any portion thereof, unless there shall first have been obtained a signed opinion of counsel or an Internal Revenue Service ruling or determination letter holding such cost to be deductible. No charitable organization, other than an organization exempt under section 57-60(aA)(3) of the Code of Virginia (1950), as amended, shall represent or imply that a contributor will be entitled to an income tax deduction for his contribution unless there shall first have been obtained a signed opinion of counsel or an Internal Revenue Service ruling or determination letter holding gifts to such organization to be so deductible.

~~(4)(5)~~— No person shall use or display the name or emblem of a charitable organization in a solicitation without the organization's consent.

~~(5)(6)~~a. No professional solicitor shall solicit in the name of or on behalf of any charitable organization unless such solicitor has written authorization of two (2) officers of such organization, which authorization shall bear the signature of the solicitor and shall expressly state on its face the period for which it is valid, not to exceed one (1) year from the date issued. A copy of such authorization shall be filed with the director.

b. Professional solicitors shall carry such written authorization on or about their person when making any such solicitation and shall exhibit the same on request to any person solicited by them or to any police officer of the city or agent of the director.

~~(6)(7)~~— No charitable organization shall accept any contribution exceeding five dollars (\$5.00) in cash or tangible personal property without providing, upon request of the donor, a written receipt signed by the person accepting such contribution.

~~(7)(8)~~— No person shall solicit within the city if such person has been convicted in any jurisdiction of embezzlement, larceny or other crime involving the obtaining of money or property by false pretenses or the misapplication of funds impressed with a trust, unless such person has received a pardon for such offense or the public is informed of such conviction in a manner approved in writing by the director before any solicitation occurs. No person shall solicit within the city if such person has ever been enjoined by any court or otherwise prohibited from soliciting in any jurisdiction, unless the director shall first determine in writing that such person is entitled to solicit in such jurisdiction at the time of soliciting within the city and that the reason for such injunction or prohibition does not involve moral turpitude.

~~(9)~~— No person shall solicit within the city for the benefit of any other person located without the city, if such other person refuses to supply any information required by the provisions of this article. A solicitation shall be deemed to be on behalf of every person who receives, directly or indirectly, more than 10 percent of the gross amount collected.

~~(10)~~— No person shall knowingly or willfully make any false statement in any registration statement required by this article. (Ord. No. 2662, 3/13/82 Sec. 2)

#### **Sec. 9-10-6 - Enforcement.**

(a) The director, upon his or her own motion or upon complaint of any person, may

investigate any person and/or charitable organization to determine whether such person and/or charitable organization has violated any provision of this article ~~or has filed any required registration statement which contains false and misleading statements.~~ The director shall submit his or her findings in writing to the city attorney.

(b) Whenever the commonwealth's attorney or the city attorney shall have reason to believe that any person and/or charitable organization is operating in violation of any provision of this article ~~or has knowingly or willfully made any false statement in any registration statement or that a charitable organization has failed to file a registration statement as required by this article,~~ or that there is employed or is about to be employed in any solicitation or collection of contributions by or for a charitable organization any device, scheme or artifice to defraud or to obtain money or property from the public by means of any false pretense, representation or promise or that the officers or representatives of any charitable organization have refused or failed after notice to produce any records of such organization or that funds raised by solicitation activities are not devoted or will not be devoted to charitable purposes, the commonwealth's attorney or the city attorney may bring an action in the name of the city against such charitable organization and/or its officers to enjoin such charitable organization from continuing such violation, solicitation or collection, or from engaging therein, or doing any acts in furtherance thereof and for such other relief as the court deems appropriate. (Ord. No. 2662, 3/13/82, Sec. 2)

**Sec. 9-10-7 - Liability imposed by other laws not decreased.**

Nothing contained in this article shall be construed as making lawful any act or omission which is now unlawful, or as decreasing the liability, civil or criminal, of any person imposed by any existing law. (Ord. No. 2662, 3/13/82, Sec. 2)

**Sec. 9-10-8 - Application to court for relief.**

Any person aggrieved by any final decision or order of the director issued pursuant to this article may, within 15 days from the date of such order, apply for relief to the circuit court of the city. Either party may appeal any final order of such court in the same manner as provided by law in cases other than cases of appeals of right. (Ord. No. 2662, 3/13/82, Sec. 2)

**Sec. 9-10-9 - Penalties.**

Any person who willfully and knowingly violates or causes to be violated any provision of this article, ~~or who shall willfully and knowingly give false and incorrect information to the director in filing statements required by this article, whether such statement is verified or not,~~ shall be guilty of a misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not less than \$100 or no more than \$500 or to be imprisoned in the Alexandria Correctional Center for not more than six (6) months, or both. (Ord. No. 2662, 3/13/82, Sec. 2)

**Secs. 9-10-10 through 9-10-20 - reserved.**

Section 2. That Article A 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.

11. Public Hearing, Second Reading, and Final Passage of an ordinance to amend and

reordain Chapter 13 (Environmental Offenses) of Title 11 (Health, Environmental and Sanitary Regulations) of the Code of the City of Alexandria, Virginia, 1981, as amended.

(A copy of the City Manager's memorandum dated February 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 02/24/18, 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; 02/24/18, 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; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Chapter 13 (Environmental Offenses) of Title 11 (Health, Environmental and Sanitary Regulations) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

#### ORDINANCE NO. 5105

AN ORDINANCE to amend and reordain Chapter 13 (ENVIRONMENTAL OFFENSES) of Title 11 (HEALTH, ENVIRONMENTAL AND SANITARY REGULATIONS) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Chapter 13 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

##### **Sec. 11-13-1 - Definitions.**

The following terms, as used in this chapter, shall have the meanings set forth below:

(a) "Bulk waste" shall mean solid, tangible objects that are subject to disposal. Bulk waste shall include, but is not limited to, appliances, furniture, bedding material, motor vehicle parts and tires, mechanical equipment, mechanical parts and carpets.

(b) "Commercial waste" shall mean all waste from any retail, wholesale or commercial establishment that has been, or is in the process of being, dumped.

(c) "Dump" shall mean to discharge, deposit, inject, dispose of, spill, leak or place any waste into or on any land or water so that such waste, or any constituent of such waste, may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

(d) "Hazardous waste" shall mean a solid waste or combination of solid wastes that

has been, or is in the process of being, dumped and which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

(1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or

(2) pose a substantial present or potential danger to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Hazardous wastes shall include, but are not limited to, insecticides, poisons, corrosives, combustibles, caustics, acids, infectious materials, explosives, compressed gases, biological and chemical materials, radioactive materials, flammable materials and petroleum products.

(e) "Household hazardous waste" shall mean any solid waste derived from households (including single and multiple residences, hotels, motels, crew quarters, campgrounds, picnic grounds and recreation areas) that has been or is in the process of being dumped and which, except for the fact that it is derived from a household, would be classified as a hazardous waste, including but not limited to, nickel, cadmium, mercuric oxide, manganese, zinc-carbon or lead batteries; solvent-based paint, paint thinner, paint strippers or other paint solvents; toxic art supplies; used motor oil and unusable gasoline or kerosene; fluorescent or high-intensity light bulbs; ammunition and fireworks; ~~banned pesticides and restricted-use pesticides, as defined in the Virginia Code and applicable regulations. All empty household product containers and any household products in legal distribution, storage or use shall not be considered household hazardous waste.~~

(f) "Industrial waste" shall mean all materials or substances related to manufacturing, processing or production that have been, or are in the process of being, dumped.

(g) "Permit" shall mean a valid written document issued by a federal, state or local entity authorizing the work or activity described in the document.

(h) "Person" shall mean any individual, firm, owner, sole proprietorship, partnership, corporation, unincorporated association, governmental body, municipal corporation, executor, administrator, trustee, guardian, agent, occupant or other legal entity.

(i) "Solid waste" shall mean any garbage, refuse, sludge and other discarded material that has been, or is in the process of being, dumped. Solid waste includes any solid, liquid, semisolid or contained gaseous material that results from industrial, commercial or community activities but does not include (i) solid or dissolved material in domestic sewage, (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the Virginia Water Control Board, or (iii) source, special nuclear or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

(j) "Sanitary sewer" shall mean pipelines or conduits, pumping stations and force mains, and all other construction, devices and appliances appurtenant thereto, used for the collection and conveyance of sewage to a treatment works or point of ultimate disposal.

(k) "Stormwater" shall mean precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

(l)(k) "Stormwater system" shall mean all man-made facilities, structures and natural watercourses used for collecting and conveying stormwater to, through and from drainage areas to the points of final outlet, including but not limited to streets, curbs and

gutters, inlets, conduits and appurtenant features, canals, creeks, channels, catch basins, ditches, drains, sewers, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, flood walls, levees, pumping stations and wetlands.

(m)(l)— "Structural waste" shall mean all building materials resulting from erecting, removing, repairing, remodeling or razing buildings or other structures that have been, or are in the process of being, dumped.

(n)(m)— "Waste" shall mean any commercial, hazardous, household hazardous, industrial, solid, structural, bulk, or yard waste as defined in this section.

(o)(n) "Waters" shall mean any waters adjacent to or within the city or owned by the city, including, but not limited to, rivers, lakes, bays, tributaries or ponds.

(p)(o) "Yard waste" shall mean decomposable waste materials generated by yard and lawn care that have been, or are in the process of being, dumped. Yard waste includes all materials derived from trees, shrubbery, leaves, fallen branches, lawn trimmings and other woody waste.

## **Sec. 11-13-2 - Illegal dumping prohibited.**

(a) It shall be unlawful for any person to dump any waste on any property, in any waters or in any sanitary sewer or stormwater system, except as authorized by law or by applicable permit. It shall be the burden of the alleged violator to show proof of any applicable permits.

(b) In the event waste is dumped from a motor vehicle or water craft in violation of this section, the owner of such motor vehicle or water craft shall be presumed to be the person ejecting such waste, and such owner shall have the burden of coming forward with evidence to rebut the presumption.

(c) It shall be unlawful for any person to throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain or otherwise discharge into the stormwater system any substance, whether liquid or solid, other than stormwater with the exception of the following:

- 1) Water line flushing;
- 2) Landscape irrigation;
- 3) Diverted stream flows;
- 4) Rising groundwaters;
- 5) Uncontaminated groundwater infiltration;
- 6) Uncontaminated pumped groundwater;
- 7) Discharges from potable water sources, foundation drains, irrigation waters, springs, or water from crawl spaces or footing drains;
- 8) Lawn watering;
- 9) Individual residential car washing;
- 10) Flows from riparian habitats and wetlands;
- 11) Dechlorinated swimming pool discharges;



12) Street wash water;

13) Discharges from firefighting activities; and

14) Discharges for which a valid VPDES or NPDES permit has been issued.

(d) If any of the foregoing exceptions are identified as significant sources of pollutants, and thus cause a negative impact on the quality of the waters of the Commonwealth of Virginia, such situation or occurrence shall be deemed unlawful.

#### **Sec. 11-13-3 - Unlawful storage and accumulation of waste.**

It shall be unlawful for any person to accumulate, store, leave, place or deposit, or allow to be accumulated, stored, left, placed or deposited, any waste on any property within the city except as authorized by law or by applicable permit. It shall be the burden of the alleged violator to show proof of an applicable permits.

#### **Sec. 11-13-4 - Failure to keep property clean and free of accumulations of waste.**

It shall be unlawful for any person to fail to keep property within the city clean and free of accumulations or deposits of waste.

#### **Sec. 11-13-5 - Removal of certain substances thrown, dropped or deposited on highway at scene of motor vehicle accident.**

Any person removing a wrecked or damaged motor vehicle from a street or highway in the city shall remove any glass, metal, plastic, liquid, hazardous or solid waste, or any other injurious substance dropped, thrown or deposited upon the street or highway from such vehicle. Failure to remove such materials prior to leaving or departing from the location from which the vehicle is removed shall constitute an offense under this chapter.

#### **Sec. 11-13-6 - Proof of proper disposal required.**

(a) Any person required to remove any waste from any property, waters, sanitary sewer or stormwater system, as required by this chapter, shall provide proof that the waste that was removed was disposed of in accordance with all applicable local, state and federal regulations.

(b) A disposal receipt showing proper disposal shall be submitted to the enforcement officer who originated the charge or complaint. The receipt shall indicate on its face the date, time and place of disposal. It shall also, to the extent practicable, state the identifiable quantity or volume of waste that was removed.

(c) Failure to dispose of waste in accordance with all applicable city, state and federal regulations or to submit the required disposal receipt shall constitute an offense under this chapter.

#### **Sec. 11-13-7 - Enforcement.**

Any city law enforcement officer, duly designated sworn special police officer, the director of transportation and environmental services or his designee, the director of public health or his designee, the director of code administration-enforcement or his designee, or the chief fire marshal or any of his deputies, is authorized and shall have authority to enforce all provisions of this chapter.

## Sec. 11-13-8 - Violations.

~~(a) A person who violates any provision of this chapter shall be guilty of a Class 1 misdemeanor. Each day of violation shall constitute a separate offense.~~

~~(b) In addition to any penalty imposed for each violation of this chapter, a judge hearing the case may direct the person responsible for the violation to correct the violation and remedy any damage to the property where the spill or dump occurred. Each day's default in the performance of such correction or remediation shall constitute a violation of, and a separate offense under, this chapter. A person convicted of a violation of this chapter may also be ordered by the court to perform public service relating to the correction or remediation of an area polluted by solid waste. (Ord. No. 4211, 6/16/01, Sec. 1)~~

(a) Criminal Penalties. A person who violates the following provisions of this chapter shall be guilty of a Class 1 misdemeanor. Each day of violation shall constitute a separate offense. Offenses punishable as criminal offenses hereunder include:

a. Dumping of any hazardous, household hazardous, bulk, or industrial waste:  
or

b. Dumping of any other waste with intentional disregard for the water quality of the waters of the Commonwealth of Virginia. Three citations for the same or similar violation within a 24-month period shall create a presumption of such intentional disregard and knowingly and willfully violating the provisions of this section. The burden of proof shall lie with the defendant to rebut such presumption.

(b) Civil Penalties. Any other violation of this chapter not set forth in section (a) above shall be punishable as a class four civil violation pursuant to City Code Section 1-1-11(b)(4).

(c) Injunctive Relief. In addition to any penalty imposed for each violation of this chapter, a judge hearing the case may direct the person responsible for the violation to correct the violation and remedy any damage to the property where the spill or dump occurred. Each day's default in the performance of such correction or remediation shall constitute a violation of, and a separate offense under, this chapter. A person convicted of a violation of this chapter may also be ordered by the court to perform public service relating to the correction or remediation of an area polluted by solid waste.

Section 2. That Chapter 13 amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

12. Public Hearing, Second Reading, and Final Passage of an ordinance to amend and reordain Section 3-2-227 (SAME-CREDIT FOR TAX PAID TO OTHER JURISDICTIONS) of Division 3 (TANGIBLE PERSONAL PROPERTY AND MACHINERY AND TOOLS) of Article M (LEVY AND COLLECTION OF PROPERTY TAXES) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

(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; 02/24/18, 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; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 3-2-227 (SAME-CREDIT FOR TAX PAID TO OTHER JURISDICTIONS) of Division 3 (TANGIBLE PERSONAL PROPERTY AND MACHINERY AND TOOLS) of Article M (LEVY AND COLLECTION OF PROPERTY TAXES) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

#### ORDINANCE NO. 5106

AN ORDINANCE to amend and reordain Section 3-2-227 (SAME—CREDIT FOR TAX PAID TO OTHER JURISDICTIONS) of Division 3 (TANGIBLE PERSONAL PROPERTY AND MACHINERY AND TOOLS) of Article M (LEVY AND COLLECTION OF PROPERTY TAXES) 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 3-2-227 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding the text shown in underline as follows:

#### **Sec. 3-2-227 - Same—credit for tax paid to other jurisdictions.**

If any person subject to tax under section 3-2-224 of this article has paid a similar tax ~~in another~~ that was legally assessed in another jurisdiction of the Commonwealth of Virginia for any period covered by the provisions of that section, he shall be entitled, upon presentation of evidence of payment, to a credit in an amount not to exceed the tax imposed by that section and section 3-2-226 of this article for that period. The credit shall be given to both where the motor vehicle, boat or trailer subject to levy is the identical property for which the similar tax was paid elsewhere, and also where the said motor vehicle, boat or trailer is a substitute for one for which the similar tax was paid elsewhere.

Section 2. That Section 3-2-227 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.

13. Public Hearing, Second Reading, and Final Passage of an ordinance to amend and

reordain Section 2-5-11 (FINANCIAL DISCLOSURE STATEMENT REQUIRED) of Article B (FINANCIAL DISCLOSURE) of Chapter 5 (OFFICERS AND EMPLOYEES) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

(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; 02/24/18, 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; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 2-5-11 (FINANCIAL DISCLOSURE STATEMENT REQUIRED) of Article B (FINANCIAL DISCLOSURE) of Chapter 5 (OFFICERS AND EMPLOYEES) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

#### ORDINANCE NO. 5107

AN ORDINANCE to amend and reordain Section 2-5-11 (FINANCIAL DISCLOSURE STATEMENT REQUIRED) of Article B (FINANCIAL DISCLOSURE) of Chapter 5 (OFFICERS AND EMPLOYEES) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

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

#### **Sec. 2-5-11 - Financial disclosure statement required.**

(a) In addition to those public officials and employees who may be required by Article 5 of the State and Local Government Conflict of Interests Act, Va. Code section 2.2-3113 et seq., to file annual financial disclosure statements, all persons holding the following offices or positions in the city shall file an annual financial disclosure statement on a form prescribed by the Virginia Conflict of Interest and Ethics Advisory Council in accordance with the provisions of the State and Local Government Conflict of Interests Act. Such forms shall be filed in the office of the city clerk on or before ~~January 15~~ the date required by the State and Local Government Conflict of Interests Act in the Virginia State Code.

(1) Mayor and members of city council;

(2) City manager, deputy city managers, assistant city managers, and special assistants and assistants to the city manager;

(3) City attorney and deputy city attorney;

(4) City clerk and deputy city clerk;

(5) City treasurer and purchasing agent;

(6) All directors and deputy directors of all city departments and offices, as well as all additional key leadership personnel as may be designated or required from time to time by the city manager:

(7) Director and deputy director of the department of health;

(8) Director and deputy director of the Alexandria library;

(9) Members of the following boards and commissions of the city:

a. planning commission;

b. school board;

c. Alexandria Redevelopment and Housing Authority;

d. board of zoning appeals;

e. board of architectural review;

f. board of equalization and assessment review;

g. Alexandria Industrial Development Authority;

h. Alexandria Sanitation Authority doing business as Alexandria Renew Enterprises;

i. human rights commission; and

j. building code board of appeals.

(10) Administrative assistants employed by the mayor and members of council pursuant to section 3.06.1 of the city charter.

(11) Members of the community policy and management team created by section 12-12-1 of this code.

(b) A person required to file a financial disclosure statement shall verify in writing, under oath, that to the best of his or her knowledge the information in the financial disclosure statement is true and complete.

Section 2. That Article 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.

14. 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 such master plan as Master Plan Amendment No. 2017-0008 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. 14; 02/24/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of council, marked Exhibit No. 2 of Item No. 14; 02/24/18, and is incorporated as part of this record by reference.)

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 the city council to such master plan as Master Plan Amendment No. 2017-0008 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

This ordinance reads as follows:

#### ORDINANCE NO. 5108

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment approved by city council on January 20, 2018 to the Beauregard chapter of such master plan as Master Plan Amendment No. 2017-0008 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. 2017-0008, 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 January 4, 2018 of an amendment to the Beauregard Chapter of the Master Plan of the City of Alexandria to change the land use designation of the property located at 2280 N. Beauregard Street from Senior Housing to residential, which recommendation was approved by the City Council at public hearing on January 20, 2018;

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 Beauregard Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended to revise the land use designation on the property located at 2280 N. Beauregard Street from senior housing to residential on Map #23 and Map #25 of the Beauregard Chapter as shown in the map that is attached hereto and incorporated fully herein by reference.

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

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

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

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

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

15. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section No. 5-602 (Coordinated development districts created, consistency with master plan, required approvals) of Article No. 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. 2017-0009.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 02/24/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of council, marked Exhibit No. 2 of Item No. 15; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section No. 5-602 (Coordinated Development Districts Created, Consistency with Master Plan, Required Approvals) of Article No. V (Mixed Use Zones) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approve by city council as Text Amendment No 2017- 0009.

The ordinance reads as follows:

#### ORDINANCE NO. 5109

AN ORDINANCE to amend and reordain Section No. 5-602 (Coordinated development districts created, consistency with master plan, required approvals) of Article No. 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. 2017-0009.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2017-0009, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on January 4, 2018 of a text amendment to the Zoning Ordinance to adopt revised uses and associated regulations to Coordinated Development District #23 to amend the permitted uses, which recommendation was approved by the City Council at public hearing on January 20, 2018;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

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

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

Section 1. That Section 5-602(A) of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough below and adding the language in underline below to CDD #23:

Under CDD Name:

~~Goodwin House~~ Fillmore/Beauregard

Under Without a CDD Special Use Permit:

RC/High density and apartment zone RA/Multifamily zone regulations shall apply to the Goodwin House ~~Neighborhood~~ Property (T.M. 011.03-01-06).

RA/Multi-family zone regulations shall apply to the Church of the Resurrection Property (T.M. 011.03-01-05) and as may be subdivided in the future.



Under With a CDD Special Use Permit, Maximum FAR and/or Development Levels:

Goodwin House Property:

Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions.

All other property:

Maximum FAR: 2.5

Minimum Open Space: 25% that is usable and accessible. The open space can be provided on the ground level, as a rooftop amenity or combined, but with a maximum of 50% of the open space percentage shall be permitted to be rooftop open space. The remainder shall be located at grade level. This percentage of open space shall exclude public right-of-ways and streets with public access easements.

All proposed development shall conform to the Beauregard Urban Design Standards and Guidelines, as may be amended.

Under With a CDD Special Use Permit, Maximum Height:

The maximum heights shall conform to the CDD Concept Plan with an overall maximum height of 150 for buildings not shown on the Concept Plan.

Under With a CDD Special Use Permit, Uses:

Senior housing, senior affordable housing, home for the elderly, nursing care facility, multi-family housing, and churches.

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.

16. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 011.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 2280 North Beauregard Street from, RA/Multifamily to Coordinated Development District #23 in accordance with the said zoning map amendment heretofore approved by city council as Rezoning 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. 16; 02/24/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of council, marked Exhibit No. 2 of Item No. 16; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Sheet No. 011.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 2280 North Beauregard Street from RA/Multifamily to Coordinated Development District #23 in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2017-0005.

The ordinance reads as follows:

#### ORDINANCE NO. 5110

AN ORDINANCE to amend and reordain Sheet No. 011.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 2280 North Beauregard Street from, RA/Multifamily to Coordinated Development District #23 in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2017-0005.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2017-0005, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on January 4, 2018 of a rezoning of the property at 2280 North Beauregard Street from, RA/Multifamily to Coordinated Development District #23, which recommendation was approved by the City Council at public hearing on January 20, 2018;

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 011.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the

same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 2280 North Beauregard Street, 011.03-01-05

From: RA/Multifamily

To: Coordinated Development District #23

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

Section 3. That Sheet No. 011.03 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

17. Public Hearing, Second Reading, Final Passage of an Ordinance Amendment Clarifying the Boundaries of the City's Residential Rental Inspection Program.

(A copy of the City Manager's memorandum dated February 7, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 02/24/18, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 17; 02/24/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of council, marked Exhibit No. 3 of Item No. 17; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance amendment clarifying the boundaries of the City's Residential Rental Inspection Program.

The ordinance reads as follows:

#### Ordinance No. 5111

AN ORDINANCE to amend and reordain Sections 8-1-111 (DEFINITIONS), 8-1-113 (RENTAL INSPECTION DISTRICTS ESTABLISHED), and 8-1-120 (RIGHT OF ENTRY) of Article G-1 (RESIDENTIAL RENTAL INSPECTION DISTRICTS), of Title 8 (BUILDING CODE REGULATIONS) of the Code of the City of Alexandria, Virginia, 1981, as amended.

WHEREAS, Code of Virginia §36-105.1:1 and Virginia Administrative Code Section 13VAC5-63-470 authorize localities to establish programs to inspect residential rental dwelling units for compliance with the Virginia Uniform Statewide Building Code; and

WHEREAS the City of Alexandria established such a program in 2010 and codified it as City of Alexandria Code of Ordinances Sections 8-1-110 et seq.; and

WHEREAS Section 8-1-113 identified the geographical boundaries of the program by their “census tract” numbers; and

WHEREAS the City’s census tract numbers have changed since the adoption of 8-1-113; and

WHEREAS the City has no intention of adjusting the boundaries of the residential rental dwelling inspection program, or to bring any additional structures into the program, but only seeks to clarify that the 2000 census tracts continue to set the boundaries of the program; and

WHEREAS the City wishes to address other non-substantive / stylistic issues contained within City of Alexandria Code of Ordinances Sections 8-1-110 et seq.;

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sections 8-1-111, 8-1-113, and 8-1-120 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby are, amended by eliminating the language that is struck-through and by adding the language that is underlined.

Sec. 8-1-111 - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building Code* means the Virginia Uniform Statewide Building Code.

*Code official* means the director of the department of code administration, any technical assistants who are employees of the department, or any designee of the director.

*Conditions which immediately affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit* include items that violate fire safety; lack of or poor condition of sanitary facilities; absence of adequate heating systems or equipment; items which affect the safe operation of electrical and mechanical systems; items which affect structural integrity of the building and/or the ability of the building envelope to keep out weather, or one or more other conditions that if not corrected would be reasonably expected to become conditions that affect the safe, decent and sanitary living conditions of the occupants.

*Disqualifying violation* includes those conditions which affect safe, decent and sanitary living conditions of persons occupying a residential rental dwelling unit, or other conditions that violate the provisions of the building code, or multiple building code violations that indicate in their totality that the dwelling unit is not being properly maintained.

*Dwelling unit* means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household. The term "dwelling unit" shall not include hospitals, nursing homes, convalescent homes or similar facilities providing medical care to the aged, infirm or disabled.

*Multiple-family development* means any structure, consisting of 10 or more residential rental dwelling units under common ownership and occupied for valuable consideration. The term "multiple-family development" shall not include mobile homes under common ownership in a mobile home park or subdivision; nor shall such term include single-family detached dwellings, duplex dwellings, or townhouse dwellings under common ownership.

*Owner* means the person or entity shown on the current real estate assessment books or current real estate assessment records of the city or the fee simple titleholder of the property if ownership has changed since such tax assessment records were last updated.

*Residential rental dwelling unit* means a dwelling unit that is leased or rented to one or more tenants month to month or for any period in excess of 30 days including, but not limited to, condominiums, manufactured or mobile homes, single-family detached dwellings, duplex dwellings, townhouse dwellings or multi-family dwellings (which shall include efficiency apartments and condominiums). However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance ~~by the local governing body~~.

Sec. 8-1-113 - Rental inspection districts established.

Based upon the findings of city council as set forth in section 8-1-112 herein above, the following areas are included and hereby declared to be rental inspection districts which are subject to the requirements of this article:

East District: Year 2000 City of Alexandria Census tracts 7.00, 8.02, 12.02, 12.03, 12.04, 13.00, 14.00, 16.00, 18.01, 18.02, and 20.01.

West District. Year 2000 City of Alexandria Census tracts 1.01, 1.03, 1.04, 1.05, 3.01, 3.02, 3.03, 4.01, 4.02, 5.00, and 6.00.

A map showing the rental inspection districts described in section 8-1-113 is hereby adopted as a part of this article, and shall be available for public inspection in the code enforcement bureau. Said districts are hereinafter referred to collectively as "inspection districts" and individually as "inspection district."

Sec. 8-1-120 - ~~Right of entry~~ Enforcement.

Any person failing to comply with the inspection requirements of this article shall be subject to the civil penalties as stated in section 8-1-6.

Section 2. That Sections 8-1-111, 8-1-113, and 8-1-120, as amended pursuant to Section 1 of this Ordinance, be, and the same hereby are, re-ordained as part of the Code of the City of Alexandria.

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

18. Public Hearing, Second Reading, and Final Passage of an ordinance to repeal Section 13-1-28 (PLACARDS, POSTERS, ETC.) of Chapter 1 (GENERAL OFFENSES) of Title 13 (MISCELLANEOUS OFFENSES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 02/24/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of council, marked Exhibit No. 2 of Item No. 18; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to repeal Section 13-1-28 (PLACARDS, POSTERS, ETC.) of Chapter 1 (GENERAL OFFENSES) of Title 13 (MISCELLANEOUS OFFENSES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

#### ORDINANCE NO. 5112

AN ORDINANCE to repeal Section 13-1-28 (PLACARDS, POSTERS, ETC.) of Chapter 1 (GENERAL OFFENSES) of Title 13 (MISCELLANEOUS OFFENSES) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 13-1-28, Chapter 1, Title 13 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, repealed in its entirety, as follows:

#### **~~Sec. 13-1-28 -- Placards, posters, etc.~~**

~~No placards, posters or signs unsightly, detrimental to the neighborhood or dangerous to traffic shall be erected in or on the streets, sidewalks or private property in the city. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor.~~

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

19. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Section 2-100 (Definitions) of Article II (Definitions); Section 6-600 (Mount Vernon Avenue Urban Overlay Zone) of Article VI (Special and Overlay Zones); Section 8-100 (Off-Street Parking Required), Section 8-200 (General Parking Regulations), Section 8-300 (Central Business District), and Section 8-400 (King Street Transit Parking District) all of Article VIII (Off-Street Parking and Loading); and Section 11-500

(Special Use Permits) of Article XI (Development Approvals and Procedures); all of the City of Alexandria Zoning Ordinance, in Accordance with the Text Amendment heretofore Approved by City Council on January 20, 2018 as Text Amendment No. 2017-0010 to Revise the Commercial Parking Requirements, Including Associated Changes.

(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; 02/24/18, 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; 02/24/18, 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 2-100 (Definitions) of Article II (Definitions); Section 6-600 (Mount Vernon Avenue Urban Overlay Zone) of Article VI (Special and Overlay Zones); Section 8-100 (Off-Street Parking Required), Section 8-200 (General Zones); Section 8-100 (Off-Street Parking Required), Section 8-200 (General Parking Regulations), Section 8-300 (Central Business District), and Section 8-400 (King Street Transit Parking District) all of Article VIII (Off-Street Parking and Loading); and Section 11-500 (Special Use Permits) of Article XI (Development Approvals and Procedures); all the City of Alexandria Zoning Ordinance, in accordance with the Text Amendment heretofore approved by City Council on January 20, 2018 as Text Amendment No. 2017-0010 to revise the Commercial Parking Requirements, including associated changes. 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. 5113

AN ORDINANCE to amend and reordain Section 2-100 (Definitions) of Article II (Definitions); Section 6-600 (Mount Vernon Avenue Urban Overlay Zone) of Article VI (Special and Overlay Zones); Section 8-100 (Off-Street Parking Required), Section 8-200 (General Parking Regulations), Section 8-300 (Central Business District), and Section 8-400 (King Street Transit Parking District) all of Article VIII (Off-Street Parking and Loading); and Section 11-500 (Special Use Permits) of Article XI (Development Approvals and Procedures); all of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council on January 20, 2018 as Text Amendment No. 2017-0010 to revise the commercial parking requirements, including associated changes.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2017-0010, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require,

recommended approval to the City Council on January 4, 2018 of a text amendment to the Zoning Ordinance to adopt revised commercial parking requirements and associated changes, which recommendation was approved by the City Council at public hearing on January 20, 2018;

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, with amendments;

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 2-100 of the Zoning Ordinance be, and the same hereby is, amended by adding a new subsection 2-142.1, which new language shall be inserted as shown below in underline:

**Section 2-142.1 - Enhanced Transit Area. An area with access to high capacity transit service, as depicted on the Enhanced Transit Area Map dated December 18, 2017, which is kept on file in the office of the city clerk.**

Section 2. That Section 6-600 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

**ARTICLE VI. – SPECIAL AND OVERLAY ZONES**

**Sec. 6-600 - Mount Vernon Avenue urban overlay zone.**

\*\*\*\*\*

**6-606 - Form based development.**

The following system for new development within the overlay zone has been designed to supplement and substitute for the conventional zoning rules found in the CL zone in order to assure that new buildings and additions to existing buildings include the most desirable characteristics of Mount Vernon Avenue and are compatible with existing buildings in the area. Form based development provides an option for developers and property owners who choose to build pursuant to the following standards instead of the rules for development under the CL zone.

\*\*\*\*\*



(E) *Standards and requirements for form based development.* An application for form based development SUP shall be reviewed for consistency and compliance with the following:

- (1) The standards for SUP approval in section 11-500.
- (2) Chapter 6 of the Mount Vernon Avenue Business Plan, as adopted as part of the Potomac West Small Area Plan, which includes the city's goals for the urban design and streetscape elements for buildings on Mount Vernon Avenue, and enumerates both general and specific elements for applicants to follow related to, without limitation, building height, setbacks, coverage, buffering, access and parking locations, facade treatment and articulation, scale and massing, and architecture.
- (3) The following specific rules regarding open space and parking based on the size and scope of development:
  - (a) *Tier 1: Lots of 7,000 square feet or less.*
    - (1) *Open space.* The undeveloped land resulting from the building coverage in chapter 6 of the Mt. Vernon Avenue Business Area Plan should be located, designed and planted so as to serve as an amenity for residents and users of the building.
    - (2) *Parking.* The parking requirements of Section 8-200 (a) shall not apply for land locked interior lots. ~~and may be reduced for~~ For corner lots and lots with rear access as part of the form based development SUP review process **the provisions of Article VIII shall apply.**
  - (b) *Tier 2: Lots of 7,001—15,000 square feet.*
    - (1) *Open space.* A minimum of 15 percent of the lot area shall be provided in open and usable ground level open space. The provision of additional open space at ground level and in the form of roof tops, terraces or similar non-ground level open space is strongly encouraged.
    - (2) *Parking.* For residential uses, a minimum of one space for each dwelling unit is required. **For office, restaurant, or specific commercial uses, the provisions of article VIII shall apply.** For any other use, a minimum of 50 percent of the number of parking spaces otherwise required under section 8-200 of this ordinance shall be provided, plus such additional number as is feasible consistent with achieving the goals of chapter 6 of the Mount Vernon Avenue Business Area Plan.

\*\*\*\*\*

Section 3. That Sections 8-100 through 8-400 of the Zoning Ordinance be, and the same hereby are, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

#### **ARTICLE VIII. - OFF-STREET PARKING AND LOADING**

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

- (A) (1) *General requirement.* No land shall be used or changed in use, no structure or building shall be constructed, and no existing structure or building shall be changed in use, significantly enlarged or significantly altered as those terms are defined in section 8-200(F)(4), unless the off-street parking required by this Article VIII is provided for the entire land, structure or building.
- (2) *Special requirement.* No existing building or structure shall be enlarged as that term is defined in section 8-200(F)(4) unless the off-street parking required by this Article VIII is provided for such enlargement.
- (3) *Statutory exception.* Land, buildings or structures actually in use or constructed as of January 27, 1987, and prior thereto are exempted from the requirements of this Article VIII to the extent provided in section 8-200(F).
- (4) *Reduction of requirement by special use permit.* A special use permit may be obtained pursuant to section 11-500, which authorizes the provision of less off-street parking than ~~is otherwise~~ **the minimum requirements** required by this Article VIII, subject to the following:
  - (a) The special use permit applicant shall demonstrate that providing the required parking would be infeasible.
  - (b) If the requested reduction exceeds five parking spaces, the special use permit applicant shall propose and have approved as a condition of the permit a parking management plan which shall include reasonable and effective measures, appropriate to the size, scale and location of the use, building or structure, which will mitigate the impacts of the proposed reduction in parking.
  - (c) City council, upon consideration of the special use permit application, finds that the proposed reduction in parking will not have an adverse impact on the nearby neighborhood, and that the application otherwise complies with the standards for approval set forth in section 11-504.
  - (d) A special use permit may not reduce the number of off-street parking spaces otherwise required below the number of spaces which are provided at the time of the permit application, unless allowed by another provision of this ordinance or required by extraordinary circumstances.
- (5) *Alternative reduction of requirement.* Required parking may be reduced in conjunction with the provision of low and moderate income housing as provided in section 7-700, and required parking may be reduced or waived where alley or interior court access is infeasible, in the RM zone pursuant to section 3-1107 and in the Old and Historic Alexandria District, Parker-Gray District, Town of Potomac Historic District, Rosemont Historic District and for designated buildings over 100 years old, pursuant to section 8-200(C)(5).
- (6) *Reduction of requirement by administrative special use permit.* An administrative special use permit may be obtained pursuant to section 11-513, where sufficient parking to meet the requirement is available at all times the use is operational, despite the fact that the same parking spaces are used, dedicated or available for other uses at other times.

**(7) Shared Parking:** Off-street parking may be used to satisfy the requirements of Section 8-200(A) for two or more uses provided the following requirements are met:

**(a) An application shall be filed with the Director of Planning and Zoning for an administrative permit on such forms and subject to such procedures as the director may establish for that purpose.**

**(b) A shared parking agreement must be submitted in writing and approved by the Director of Planning and Zoning and the Director of Transportation and Environmental Services, outlining the uses, the square footage occupied by each use, the location of the parking facility, and the number of spaces that each use would share.**

**(c) If the uses are not on the same property, the distance between the shared parking facility and the off-site uses is no more than 1,000 feet from the nearest corner of each lot containing the uses to the nearest lot line of the property with the shared parking facility, provided there are no active railroad tracks, interstate highways, or waterways located between the parking facility and the uses using the parking facility.**

**(d) The shared parking is sufficient to meet the minimum amount required for all uses, according to the following calculation:**

**(i) Determine the minimum parking requirements for each individual use pursuant to Section 8-200(A).**

**(ii) Multiply each amount by the corresponding percentages for each of the time periods set forth in the following table:**

<b><u>Time Period</u></b>	<b><u>Weekday Daytime</u></b>	<b><u>Weekday Evening</u></b>	<b><u>Weekend Daytime</u></b>	<b><u>Weekend Evening</u></b>
<b><u>Office</u></b>	<b><u>100 %</u></b>	<b><u>5%</u></b>	<b><u>5%</u></b>	<b><u>5%</u></b>
<b><u>Hotel</u></b>	<b><u>80%</u></b>	<b><u>100%</u></b>	<b><u>80%</u></b>	<b><u>100%</u></b>
<b><u>Medical Care Facility, Amusement Enterprise, Theaters/ Auditoriums/ Assembly halls, Specific Commercial, and General Commercial</u></b>	<b><u>60%</u></b>	<b><u>90%</u></b>	<b><u>100%</u></b>	<b><u>70%</u></b>
<b><u>Restaurant</u></b>	<b><u>50%</u></b>	<b><u>80%</u></b>	<b><u>80%</u></b>	<b><u>100%</u></b>
<b><u>Residential</u></b>	<b><u>60%</u></b>	<b><u>100%</u></b>	<b><u>90%</u></b>	<b><u>100%</u></b>

**(iii) Sum the total requirement for each use for each time period.**

**(iv) The time period with the highest value shall be the required minimum for all uses sharing the spaces.**

**(v) Only the uses listed in the table are eligible for shared parking under this section.**

- (78) ~~Multifamily dwelling requirement modification~~ *Exceeding the parking maximum requirement by special use permit.*** In addition to the reductions allowed by this section, for multifamily dwellings, a **A** special use permit may be obtained pursuant to section 11-500 and ~~section 8-100(A)(4)~~, which authorizes the provision of more off-street parking than is otherwise required by this Article VIII, **subject to the following:**

**(a) The special use permit applicant shall demonstrate that providing the excess parking is necessary for the purpose of the use, as demonstrated by a parking study.**

**(b) If the requested increase exceeds five parking spaces, the special use permit applicant shall propose designs and plans for the conversion of excess parking spaces to public parking, storage, bike parking, additional use space, or some alternative purpose in the event the spaces are underutilized.**

**(c) City council, upon consideration of the special use permit application, finds that the proposed increase in parking will not have an adverse impact on the nearby neighborhood, and that the application otherwise complies with the standards for approval set forth in section 11-504.**

- (9) *Parking requirement exemption from minimum requirements.***  
**Nonresidential uses that have a parking requirement of 2 spaces or less shall be exempt from providing the spaces.**

- (B) It shall be unlawful to diminish the off-street parking facility required for any structure or premises by this Article VIII, unless another such facility, meeting all the requirements, is substituted.
- (C) Notwithstanding the requirements of this Article VIII, those projects subject to approval under section 11-700 regarding Transportation Management Special Use Permits shall be required to provide for parking and loading in compliance with that section and the approved special use permit.

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

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

\*\*\*\*\*

- (5) ~~*Hotels or motels:* one space for each guest room or dwelling unit except that for buildings over three stories in height, one space for each two guest rooms or dwelling units; provided, that on sites for which preliminary site plans have been approved after July 6, 1966, one space for each guest room or dwelling unit plus~~

~~one employee parking space for each 15 guest rooms or dwelling units or major fraction thereof. See also section 8-200(B)(21).~~

**(a) Within the Enhanced Transit Area**

**i. Minimum requirement – 0.2 spaces per guest room**

**ii. Maximum requirement – 0.4 spaces per guest room**

**(b) Outside the Enhanced Transit Area**

**i. Minimum requirement – 0.25 spaces per guest room**

**ii. Maximum requirement – 0.7 spaces per guest room**

**(c) Any other uses on the property shall be subject to the general parking requirements of this Article.**

**(d) Parking for meeting spaces above 5,000 square feet within a hotel shall be determined according to the requirements for Specific Commercial uses.**

- (6) *Hospitals, nursing homes, sanitariums and convalescent homes:* one space for each two patient beds.
- (7) *Community buildings, fraternal organizations, civic clubs, lodges, museums, libraries and similar uses:* one space for each 200 square feet of floor area.
- (8) *Theaters, auditoriums, assembly halls and ~~Restaurants~~:* one space for each four seats except that for restaurants used to serve employees, but not the general public, of a multi-story office building of four stories or more in height and located entirely within such building with no direct ingress or egress to the restaurant from the exterior of the building except those required for service and emergency purposes and without any sign identifying such restaurant from the exterior of the restaurant or building: one space for each eight seats. Provided that this exception shall be permitted only with a special use permit.
- (9) ~~*Clinics, medical or dental*~~ **Medical Care Facilities:** one space for each 200 square feet of floor area.
- (10) *Churches:* one space for each five seats in the principal auditorium or one space for each ten classroom seats, whichever is greater.
- (11) *Schools, elementary:* one space for each 25 classroom seats. *Schools, high:* one space for each ten classroom seats. ~~*Schools, day nursery or nursery: two spaces for each classroom. Schools, commercial, including, but not limited to, secretarial, conservatories, art and craft and the like: one space for each two seats.*~~
- (12) *Automobile service stations:* one space for each gasoline pump.
- (13) *Amusement enterprises (indoor):* one space for each 200 square feet of floor area on all floors.–
- (14) *Amusement enterprises (outdoor):* one space for each 400 square feet of ~~lot~~ **designated use** area. **For the purposes of this section, designated use area does not include areas devoted exclusively to landscaping or parking.**

- (15) *Homes for the elderly*: one space per each two units plus one space for each two guest rooms, except for homes for the low income elderly, one space per each four units plus one space for each four guest rooms only with a special use permit.

- (16) ~~Retail~~ **Specific Commercial** uses: the required number of parking spaces shall be determined by Table A

**(a) Within the Enhanced Transit Area**

**i. Minimum requirement – 0.25 spaces per 1,000 square feet of floor area**

**ii. Maximum requirement – 3.0 spaces per 1,000 square feet of floor area**

**(b) Outside the Enhanced Transit Area**

**i. Minimum requirement – 0.75 spaces per 1,000 square feet of floor area**

**ii. Maximum requirement – 4.0 spaces per 1,000 square feet of floor area**

**(c) The following uses are specific commercial for the purposes of determining parking requirements:**

**i. Animal care facility**

**ii. Convenience store**

**iii. Day care center**

**iv. Light assembly, service and crafts**

**v. Massage establishment**

**vi. Personal Service Establishment**

**vii. Private school, commercial**

**viii. Retail shopping establishment**

**(17) Restaurant:**

**(a) Within the Enhanced Transit Area**

**i. Minimum requirement – 1.0 space per 1,000 square feet of floor area**

**ii. Maximum requirement – 3.0 spaces per 1,000 square feet of floor area**

**(b) Outside the Enhanced Transit Area**

**i. Minimum requirement – 1.0 spaces per 1,000 square feet of floor area**

**ii. Maximum requirement – 4.0 spaces per 1,000 square feet of floor area**

**(c) For portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats shall be exempt from the parking requirement.**

- ~~(17)(18)~~ **Nonretail Miscellaneous commercial** uses, including, but not limited to, ~~personal service shops, equipment and repair businesses,~~ **health and athletic clubs, garden centers, outdoor food and crafts markets, and funeral homes and all other commercial uses not otherwise defined** ~~the like~~: one space for each 400 square feet of floor area.

~~Retail uses: the required number of parking spaces shall be determined by the following table:~~

Total Floor Area in Square Feet per Floor		Required Number of Parking Spaces per Given Square Feet of Floor Area											
Not Less Than	Not More Than	Ground floor Parking Districts						Other Floors Parking Districts					
		1	2	3	4	5	6	1	2	3	4	5	6
—	1,500	1 per 200	1.1 per 200	1.2 per 200	1.2 per 200	1.2 per 200	1 per 200	1 per 300	1.1 per 300	1.2 per 300	1.2 per 300	1.2 per 300	1 per 300
1,500	5,000	1 per 210	1.1 per 210	1.2 per 210	1.2 per 210	1.2 per 210	1 per 210	1 per 310	1.1 per 310	1.2 per 310	1.2 per 310	1.2 per 310	1 per 310
5,000	20,000	1 per 220	1.1 per 220	1.2 per 220	1.2 per 220	1.2 per 220	1 per 220	1 per 320	1.1 per 320	1.2 per 320	1.2 per 320	1.2 per 320	1 per 320
20,000	—	1 per 230	1.1 per 230	1.2 per 230	1.2 per 230	1.2 per 230	1 per 230	1 per 330	1.1 per 330	1.2 per 330	1.2 per 330	1.2 per 330	1 per 330

(18)(19) Office buildings uses, including ~~commercial~~, governmental, medical, and professional:

**(a) Within the Enhanced Transit Area**

**i. Minimum requirement – 0.25 spaces per 1,000 square feet of floor area**

**ii. Maximum requirement – 1.5 spaces per 1,000 square feet of floor area**

**(b) Outside the Enhanced Transit Area**

**i. Minimum requirement – 0.75 spaces per 1,000 square feet of floor area**

**ii. Maximum requirement – 2.25 spaces per 1,000 square feet of floor area**

(a) The required number and type of parking spaces shall be determined by the following table:

In Parking Districts  
(spaces required/square feet of floor area)

	1	2	3	4	5	6
Minimum	1/500	1/450	1/475	1/475	1/475	1/600
Minimum car pool space set aside	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%

~~Parking district 6 shall encompass the area located within a radius of 2,000 feet from any entrance to any Washington/Metropolitan Transit Authority rail station. The boundaries of this and parking districts 1 through 5 shall be shown on the map designated "City of Alexandria Parking District Boundaries," dated May 26, 1987, signed by the mayor, the clerk of the council, the chairman of the planning commission, which map is on file in the office of the planning commission and which is hereby made a part of this Article VIII.~~

~~(b) The car pool parking spaces required by section 8-200(A)(18)(a) above to be provided in conjunction with an office building shall be reserved for car pool vehicles until 10:30 a.m. on work days. Each space so reserved and provided without charge for car pool vehicles may be counted as three spaces toward the minimum number of parking spaces required for an office building. For purposes of this section 8-200(A)(18), a car pool shall mean three or more people traveling together on a continuing and prearranged basis in a private motor vehicle. Each space similarly reserved and provided without charge for van pool vehicles may be counted as eight spaces toward the minimum number of parking spaces required for an office building. For purposes of this section 8-200(A)(18), a van pool shall mean eight or more people traveling together on a continuing and prearranged basis in a motor vehicle designed for the transportation of persons. The provision of transit fare media (flash passes, tickets and tokens) at 100 percent subsidy to occupants of an office building may be used to reduce the required number of parking spaces on the basis of one space for each two persons for whom such transit fare media are provided on an annual basis. The total reduction attributable to the provision of car pool vehicle parking spaces, van pool vehicle parking spaces, and transit fare media shall not exceed 30 percent of the total number of parking spaces required by section 8-200(A)(a) above. Compliance with these provisions allowing reductions in the number of required parking spaces where car pool and van pool spaces are provided without charge and where subsidized transit fare media are provided to building occupants shall be established in an annual report prepared by the office building owner or occupant and submitted to the director. Failure to adhere to these provisions shall result in disallowance of the credit allowed hereunder to the extent of the failure to adhere.~~

~~(19)~~**(20)**      *Industrial warehouse building:*

(a) Where 75 percent or more of the floor area of the building is used for long-term storage the following provisions shall apply: one space for each 400 square feet of office area of all floors, in addition to the following requirements:

Total Floor Area in Square Feet Per Floor (Excluding Office Floor Area)		Required Parking Space Per Given Square Feet of Floor Area
Not Less Than	Not More Than	



—	5,000	1 space per 2,500 square feet (or one per floor, whichever is greater)
5,000	10,000	1 space per 3,000 square feet (or one space per floor, whichever is greater)
10,000	50,000	1 space per 5,000 square feet (or one space per floor, whichever is greater)
50,000	—	1 space per 7,000 square feet (or one space per floor, whichever is greater)

(b) For the purpose of this section 8-200(A)(19), long-term storage shall mean the storage of items for more than 30 days.

~~(20)~~**(21)** *Industrial buildings used for other than long-term storage purposes:*

- (a) One space for each 400 square feet of office area of all floors, in addition to the requirements of the following table:
- (b) The parking requirements for industrial uses in this section 8-200(A)(20) shall be considered sufficient for industrial users having a maximum of 20 employees.
- (c) Additional parking shall be required at a rate of one parking space for each three employees in excess of 20.
- (d) Parking requirements shall at no time be considered sufficient for any other use of the premises, and additional spaces shall be provided to meet requirements when there is any change to a different industrial use or to a commercial use.

Total Floor Area in Square Feet per Floor (excluding office floor area)		Required Number of Parking Spaces per Given Square Feet of Floor Area Parking Districts					
Not More Than	Not Less Than	1	2	3	4	5	6
—	5,000	1 sp. per 400 sq. ft.	1.1 sp. per 400 sq. ft.	1.2 sp. per 400 sq. ft.	1.2 sp. per 400 sq. ft.	1.2 sp. per 400 sq. ft.	1.1 sp. per 400 sq. ft.
5,000	10,000	1 sp. per 500 sq. ft.	1.1 sp. per 500 sq. ft.	1.2 sp. per 500 sq. ft.	1.2 sp. per 500 sq. ft.	1.2 sp. per 500 sq. ft.	1.1 sp. per 500 sq. ft.
10,000	—	1 sp. per 600 sq. ft.	1.1 sp. per 600 sq. ft.	1.2 sp. per 600 sq. ft.	1.2 sp. per 600 sq. ft.	1.2 sp. per 600 sq. ft.	1.1 sp. per 600 sq. ft.

**(e) The boundaries of parking districts 1 through 6 shall be shown on the map designated "City of Alexandria Parking District Boundaries," dated May 26, 1987, signed by the mayor, the clerk of the council, the**

chairman of the planning commission, which map is on file in the office of the planning commission and which is hereby made a part of this Article VIII.

- (21) ~~Hotels within parking district 1 shall provide a minimum of .7 parking space per room and one parking space per each eight restaurant and meeting room seats. For purposes of this section 8-200(A)(21), a room shall be defined as an enclosed, private and secure area designed to provide overnight accommodation to not more than four persons.~~

\*\*\*\*\*

(C) *Location of parking facilities.*

- (1) For all single-family detached and two-family residential dwellings, required off-street parking facilities shall be located on the same lot as the main building. Tandem parking is permitted to meet this requirement.
- (2) For all multifamily dwellings, required off-street parking facilities shall be located on the same lot as the main building lot, on a lot separated from the main building lot by an alley or directly across the street from the main building when separated by a minor local street only.
- (3) For all commercial or industrial uses, the distance from the off-street parking facility to the commercial or industrial use which it serves shall not exceed ~~500~~**1,000** feet measured as a straight line from the nearest corner of the lot containing the structure to the nearest ~~usable portion of the lot~~ line of the property with the shared parking facility, used for parking, provided that there are no active railroad tracks, interstate highways, or waterways located between the parking facility and the uses using the parking facility and such off-street parking facility shall be permitted on land in a commercial or industrial zone only. An application shall be filed with the Director of Planning and Zoning for an administrative permit for off-site parking on such forms and subject to such procedures as the director may establish for that purpose.

\*\*\*\*\*

(E) *Provision of compact car spaces.*

- (1) Parking facilities providing for ten or more required off-street parking spaces for a non-retail use may provide up to 75 percent of the required spaces as compact car parking spaces. Parking facilities providing ten or more required off-street parking spaces for a ~~retail~~ specific commercial, restaurant, or miscellaneous commercial use may provide up to 30 percent of the required spaces as compact car parking spaces. Each compact car parking space shall be adequately signed to indicate the intended use ~~and shall be provided as close as possible to the entrance of the building or structure to which such space is accessory;~~ provided, however, that any parking facility for which a preliminary

site plan has been submitted to the director on or before June 24, 1975, shall be treated as an existing parking facility subject to section 8-200(E)(2).

- (2) Nonstructured surface parking facilities in existence on June 24, 1975, may be restriped for compact car parking spaces in conformance with these regulations; provided that compliance with section 11-410(CC)(5) of the site plan regulations, except for the setback requirement for a parking facility abutting a public road or sidewalk, is demonstrated to the director. If the director determines that the facility does not so comply, said nonstructured surface parking facilities may be restriped for compact car parking spaces only if a site plan has been submitted and approved in accordance with section 11-400 of this ordinance.
- (3) Structured parking facilities in existence on June 24, 1975, may be restriped for compact car parking spaces in conformance with these regulations without the necessity of complying with section 11-410(CC)(5) of the site plan regulations.
- (4) For purposes of this section, a compact car shall mean an automotive vehicle having a width of less than six feet and a length of less than 16 feet.
- (5) ~~The parking of vehicles other than compact cars, as defined above, in compact car parking spaces provided by this section 8-200(E) is hereby prohibited. It shall be unlawful for any owner or operator of parking facilities with compact car parking spaces striped in conformance with these regulations to permit any person to park any vehicle other than a compact car in a compact car parking space.~~

(F) *Prior existing buildings and structures.*

\*\*\*\*\*

- (7) Notwithstanding the provisions of section 8-100 above, if any land, structure, or building has been changed in use to a hotel, office, restaurant, or specific commercial use, or any hotel, office, restaurant, or specific commercial use has been enlarged, significantly enlarged or significantly altered after February 24, 2018, the parking requirements of this Article XIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration; however, any existing parking above the requirement may remain. This section shall not apply if a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of February 24, 2018, or if a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

\*\*\*\*\*

**Sec. 8-300 - Central business district.**

\*\*\*\*\*

(B) *Application of certain requirements.* Within the central business district any lot or group of contiguous lots of record as of June 28, 1983, containing less than 10,000 square feet shall not be subject to the requirements of the following: sections 8-200(A)(9), (11), (12), **(13), (14),** (16), ~~(17)~~, (18), (19), ~~and (20)~~ **and (21)** and section 8-200(B); provided, however, that any lots subdivided after June 28, 1983, into lots of 10,000 square feet or less and developed or redeveloped individually or as a single entity shall comply with all provisions of sections 8-200(A) and (B). In addition, whenever a parcel or contiguous parcels of land within this area containing over 10,000 square feet or more are redeveloped, or whenever a parcel or contiguous parcels of undeveloped land within this area containing 10,000 square feet or more are developed, the requirements of section 8-200(A) shall apply. In addition, the provisions of section 8-200(A) shall not apply to restaurants. Furthermore, the provisions of sections 8-200(A) and (B) shall not apply within the boundaries of any urban renewal (redevelopment) project located within the central business district and for which project a cooperation agreement between the city and the Alexandria Redevelopment and Housing authority has been entered into nor to city hall nor to public uses (including the art center) which are located in torpedo plant building number two.

(C) *Valet parking.* **Valet parking shall be permitted with an administrative special use permit approval pursuant to Section 11-513(N).**

- ~~(1) Within the central business district, no valet parking operation which involves the pick-up, delivery, stacking, storing, parking or unparking of motor vehicles by a valet or parking attendant from, to or on any public right-of-way shall be permitted after July 1, 1987, as, or in connection with, any principal or accessory use of lands, buildings or structures.~~
- ~~(2) The provisions of section 8-300(C)(1) to the contrary notwithstanding, such valet parking operation may be permitted provided that:~~
  - ~~(a) The motor vehicles so served are parked, stored and unparked exclusively in an off-street parking facility; and~~
  - ~~(b) A special use permit separately authorizing and governing such valet parking operation is applied for and granted pursuant to the provisions of section 11-500 of this ordinance.~~

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

\*\*\*\*\*

(B) *Requirements.* Within the King Street transit parking district, the following regulations shall apply to off-street parking; **uses not listed shall provide parking pursuant to Section 8-200(A):**

- ~~(1) Office buildings, including commercial, government and professional, shall have one parking space for each 530 square feet of floor area; provided, however, that the required parking may be reduced to not less than one parking space for each 665 square feet of floor area when the applicant, at the time of site plan approval,~~

~~demonstrates through a parking study to the planning commission, or to the city council on appeal, which appeal may be filed within the time and in the manner prescribed by section 11-409(C), except that any aggrieved party may appeal, that the off-street parking provided is adequate for the site, and that there will be no unreasonable adverse effect on the surrounding residential neighborhoods.~~

- (2) Single-family, two-family, and row or townhouse shall have one parking space per dwelling unit.
- (3) ~~Freestanding retail and service operations shall have one parking space for each 500 square feet of floor area.~~
- (4) ~~Freestanding restaurants shall have one parking space for each ten seats; except that for carry-out restaurants there shall be no requirement.~~
- (5) Automobile service stations shall have one parking space for each service bay; except that for self-service operations, there shall be provided one parking space for each employee.
- (6) ~~Hotels shall have 0.7 of a parking space for each guest room.~~
- (7) ~~Amusement enterprise shall have one parking space for each 200 square feet of floor area.~~
- (8) Hotel or office building projects with retail, restaurant or amusement enterprises as ancillary uses. No parking shall be required for the first 10,000 square feet of floor area for restaurants, for the first 10,000 square feet of floor area for retail uses and for the first 1,000 square feet of floor area for amusement enterprises; provided, that such uses occupy not more than 25 percent of the total floor area of the mixed use building project. Parking for the excess floor area for such ancillary uses above 25 percent shall be provided at one space for each 1,000 square feet of floor area **pursuant to Section 8-200(A).**

(C) *Valet parking.* ~~By utilizing valet parking as defined in section 2-201, the area of space in any parking facility as measured in square feet may be reduced by no more than 40 percent, subject to review of the director and the director of transportation and environmental services to ensure compliance with **On-street valet parking operations shall be permitted with an administrative special use permit pursuant to Section 11-513(N)** the following regulations:~~

- (1) ~~The number of parking spaces required by section 8-400(B) above shall not be reduced; however, the requirements of section 8-200(D)(2) relating to aisles and striping shall not apply.~~
- (2) ~~All required parking shall be located only in a structured parking facility.~~
- (3) ~~Kiosks, fare gates, walkways, customer waiting areas and all other facilities necessary to accommodate valet parking shall be shown on the site plan.~~
- (4) ~~Attendant parking service shall be available for the days and hours required by the director and the director of transportation and environmental services as specified in site plan approval.~~
- (5) ~~No vehicle shall be parked or temporarily stored by an attendant on streets or alleys, including sidewalks, abutting the structured parking facility.~~

- ~~(6) Failure to institute valet parking upon the occupancy of the building for which valet parking is provided or cessation of valet parking after occupancy has commenced as required by section 8-400(C)(4) above shall constitute a violation of this ordinance.~~
- ~~(7) No site plan for a structured parking facility designated for valet parking shall become effective unless and until the owner covenants and agrees, on behalf of itself and its successors in interest, to provide valet parking in accordance with the requirements of section 8-400(C)(4) above in an executed contract to be attached to the approved site plan and kept in city records.~~
- ~~(D) Design standards. Within the King Street transit parking district, all off-street parking shall conform to the following parking design standards to the satisfaction of the director:~~
- ~~(1) No less than 75 percent of the parking provided shall be in a structure, unless a special use permit is obtained.~~
- ~~(2) That part of a building fronting directly on a public street, sidewalk, plaza or other public area shall not be used for off-street parking except entrance/exit to the parking facility, except in those cases where the planning commission finds it to be physically impossible to do otherwise.~~
- ~~(3) Any surface parking area shall be landscaped.~~
- ~~(4) Open space shall contain such improvements as benches, walkways and other natural and manmade amenities for the use and enjoyment of residents, visitors and workers.~~
- ~~(E) Conflict with other requirements. The provisions of this section 8-400 are to be read in conjunction with section 8-200(A)(18) and, in the case of an inconsistency as to the required number of spaces, to apply the least restrictive minimum number.~~

\*\*\*\*\*

Section 4. That Section 11-500 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough as shown:

## **ARTICLE XI. – DEVELOPMENT APPROVALS AND PROCEDURES**

### **Section 11-500 Special Use Permits**

\*\*\*\*\*

#### **Sec. 11-513 – Administrative Special Use Permit**

*(M) Specific standards for outdoor dining.*

- (1) Outdoor dining shall be accessory to an approved indoor restaurant.
- (2) Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance.

- (3) A maximum of 20 seats may be located at outdoor tables in front of the restaurant. ~~The outdoor seats permitted require no additional dedicated off-street parking spaces and are separate from the indoor seats.~~
- (4) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant, unless a neighborhood standard has been established with a different time. Within the NR Zone, the Mount Vernon Avenue Urban Overlay Zone and the West Old Town neighborhood areas, outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday. Within the Old Town Small Area Plan, outdoor dining shall be closed and cleared of all customers by 11:00 p.m. daily, consistent with the King Street outdoor dining overlay zone section 6-805(E).
- (5) No live entertainment shall be permitted in the outdoor seating area.
- (6) Outdoor seating areas shall not include advertising signage, including on umbrellas.
- (7) On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.
- (8) A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas planters, wait stations, and other components to be located within the area, and such additional information as the director may reasonably require.
- (9) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.
- (10) Reserved.
- (11) The provisions of the King Street outdoor dining overlay zone in section 6-800 apply to regulate outdoor dining within the Central Business District.

\*\*\*\*\*

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

Section 6. That Sections 2-100, 6-600, 8-100, 8-200, 8-300, 8-400, and 11-500, as amended pursuant to Sections 1 through 4 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

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

20. 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 Blocks 4 and 5 of the Eisenhower East Small Area Plan Chapter of such Master Plan as Master Plan Amendment No. 2017-0009 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. 20; 02/24/18, 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; 02/24/18, and is incorporated as part of this record by reference.)

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 Blocks 4 and 5 of the Eisenhower East Small Area Plan Chapter of such Master Plan as Master Plan Amendment No. 2017-0009 and no other amendments, and to repeal all provisions of the said Master Plan as may be inconsistent with such amendment.

The ordinance reads as follows:

#### ORDINANCE NO. 5114

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 Blocks 4 and 5 of the Eisenhower East Small Area Plan Chapter of such master plan as Master Plan Amendment No. 2017-0009 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. 2017-0009, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on January 4, 2018 of an amendment to the Eisenhower East Small Area Plan Chapter of the City of Alexandria Master Plan to make updates to Block 4 and Block 5, which recommendation was approved by the City Council at public hearing on January 20, 2018;

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 Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended as shown in the document titled "Master Plan Amendment #2017-0009, Eisenhower East Small Area Plan Update Phase 1," attached to this ordinance as Exhibit A and incorporated fully herein by reference.

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

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

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

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

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

21. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend and Reordain Sheet No. 061.02 of the "Official Zoning Map, Alexandria, Virginia," Adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by Rezoning a Portion of the Property at 201 Cambridge Road from RC/High Density Apartment to R-8/Single Family in Accordance with the said Zoning Map Amendment heretofore Approved by City Council as Rezoning No. 2017-0001.

(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; 02/24/18, 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; 02/24/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Sheet No. 061.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning a portion of the property at 201 Cambridge Road from RC/High Density Apartment to R-8/Single Family in accordance with the said Zoning Map Amendment heretofore Approved

by City Council as Rezoning No. 2017-0001.

The ordinance reads as follows:

#### ORDINANCE NO. 5115

AN ORDINANCE to amend and reordain Sheet No. 061.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning a portion of the property at 201 Cambridge Road from RC/High Density Apartment to R-8/Single Family in accordance with the said zoning map amendment heretofore approved by City Council as Rezoning No. 2017-0001.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2017-0001, 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 September 7, 2017 of a rezoning of a 3.44 acre portion of the property at 201 Cambridge Road from RC/High Density Apartment to R-8/Single Family, which recommendation was approved by the City Council at public hearing on September 16, 2017;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

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

Section 1. That Sheet No. 061.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: a portion of 201 Cambridge Road, as shown on the Document titled "Rezoning #2017-0001, Development Special Use Permit #2104-0029, 201 Cambridge Road," attached to this ordinance as Exhibit 1 and incorporated fully herein by reference; Tax Map # 061.02-06-13

From: RC/High Density Apartment  
To: R-8/Single Family

Section 2. That the Director of Planning and Zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 061.02 of the "Official Zoning Map, Alexandria,

Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)**  
**DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**Planning Commission (continued)**

None.

\*\*\*\*\*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting of February 24, 2018 at 2:46 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