

**City of Alexandria
City Council Public Hearing
Saturday, March 17, 2018 9:30 AM
Meeting Minutes**

Present: Mayor Allison Silberberg, Vice Mayor 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. Baker, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning (P&Z); Ms. Horowitz, Urban Planner, P&Z; Ms. Sims, Urban Planner, P&Z; Ms. Vu, Urban Planner, P&Z; Mr. Adelakun, Urban Planner, P&Z; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. McIlvaine, Director, Office of Housing; Ms. Christensen, Acting Division Chief, P&Z; Mr. Imm, Urban Planner, P&Z; Mr. Farner, Deputy Director, P&Z; Ms. Ruggiero, Deputy Director, Recreation, Parks, and Cultural Activities; Ms. El Gawish, Urban Planner, P&Z; Police Captain Andreas; Mr. Barre, Information Technology Systems; and Mr. Lloyd.

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

OPENING

1. Calling the Roll.

Mayor Silberberg called the meeting to order and the City Clerk called the roll. All the members of Council were present.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Mia Taylor, 3801 Mount Vernon Avenue, representing Tenants and Workers United, spoke about the relationship of the Alexandria Sheriff's Department with the Immigration and Customs Enforcement (ICE), particularly their protocols for deal with ICE. Ms. Taylor noted that there were concerns with longer detentions than necessary, requested that the Sheriff require the issuance of judicial warrants for detainees, and the use of an intergovernmental agreement with ICE for housing detainees. Ms. Taylor asked that Council consider the information she shared and asked those present in support of this request stand.

2. Jonathan Krall, 6A East Mason Avenue, representing Grassroots Alexandria,

spoke about the relationship with ICE and how civil rights of many citizens are being affected by the policies of the Alexandria's Sheriff's Department. Mr. Krall noted concerns with the acceptance of administrative warrants and the termination of the intergovernmental agreement with ICE.

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

4. Alex Howe, 650 Potomac Avenue, Apt. 201, representing the Democratic Socialist of America, spoke about the relationship with ICE and requested that the intergovernmental agreement with the Sheriff's Department and ICE and that people will only be released to ICE with a judicial warrant. Mr. Howe also spoke about the possibility of Amazon locating its new headquarters in the region and he noted that the process is missing transparency to the public. Mr. Howe noted his concerns for offering billions of dollars in incentives to bring them here and how it will affect the City should it come to the region.

5. Dino Drudi, 315 North West Street, spoke about issues with repairs at Metro and the caliber of the new management for the transit system. Mr. Drudi spoke in support of the Sheriff cooperating with the Federal government and working with ICE.

6. Melissa Stamps, 1201 Braddock Place, Apt. 801, spoke about issues with the ICE and impact of their actions on families in the community. Ms. Stamps spoke in opposition to the Sheriff's Department and ICE use of inappropriate procedures and informal contractual arrangements.

7. Philip Maytas, 219 North Pitt Street, spoke in support of the Sheriff's Department enforcement of policies to assist ICE. Mr. Maytas spoke about the impact of residential parking and how he has requested a conditional for restricted parking on certain streets in the King Street area.

Council had a discussion about the issues concerning ICE and requested that the City Manager schedule a time for the Sheriff to come and present to Council his policies concerning the matter.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3-4)

Planning Commission

3. Special Use Permit #2017-0117
3141 & 3147 Duke Street (parcel addresses: 3125 & 3127 Duke Street)
Public hearing and consideration of a request for additional outdoor dining; zoned: CG/Commercial General. Applicant: Glory Days Grill of Alexandria, LLC
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 03/17/18, and is incorporated as part of this record by reference.)

4. Special Use Permit #2018-0001
1001 A Queen Street (parcel address: 300 North Patrick Street)
Public hearing and consideration of a request for a five-year review of a rooming house and for a change of ownership; zoned: CL/Commercial Low. Applicant: Edward V. Jordan Living Trust
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 03/17/18, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council approved the action consent calendar. The approvals were as follows:

3. City Council approved the Planning Commission recommendation.
4. 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

5. Public Hearing and Consideration of a License Agreement Between the City of Alexandria and Spirit Cruises, LLC., for Use of the City's Marina.

(A copy of the City Manager's memorandum dated March 12, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 03/17/18, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved the license agreement between the City of Alexandria and Spirit Cruises, LLC., for use of the City's marina. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued) **Planning Commission (continued)**

6. Special Use Permit #2017-0133
218 North Lee Street, 2nd floor
Public hearing and consideration of a request to operate a restaurant (currently grandfathered); zoned: CD/Commercial Downtown. Applicant: Tandoori Nights of Alexandria, LLC, represented by M. Catharine Puskar, attorney

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No 1 of Item No. 6; 03/17/18, and is incorporated as part of this record by reference.)

Mr. Adelakun, Urban Planner, Planning and Zoning, gave a presentation of the proposed restaurant project and he along with Ms. Horowitz, Urban Planner, Planning and Zoning, responded to questions from Council about the project.

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

1. Magee Whelan, 209 North Fairfax Street, spoke in support of the project.
2. Teresa Macleod, 216 North Lee Street, representing Crilley Warehouse, LP, spoke in support of the proposed project.
3. Robert Brant, 2200 Clarendon Blvd., Suite 1300, Arlington, Virginia, attorney for the applicant, spoke in support of the proposed project and responded to questions from Council about ventilation and hours of operation.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. 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 #2018-0003
Small Accessory Buildings
(A) Initiation of a Text Amendment; and (B) Public hearing and consideration of a Text Amendment to the Zoning Ordinance to amend sections 7-202 and 2-145 regarding small accessory buildings in required yards and floor area ratio. Staff: City of Alexandria Department of Planning & Zoning
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2018, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 03/17/18, and is incorporated as part of this record by reference.)

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.

8. Special Use Permit #2017-0091
3410 Mount Vernon Avenue (parcel address: 3408 Mount Vernon Av) - Secret
Garten Restaurant
Public hearing and consideration of a request to amend Special Use Permit

95-0033 to extend hours of operation; to add off-premises alcohol sales; for outdoor dining; and for a parking reduction; zoned: CG/Commercial General. Applicant: Abe Hadjiesmaeiloo
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No 1 of Item No. 6; 03/17/18, and is incorporated as part of this record by reference.)

Vice Mayor Wilson recused himself from consideration and voting on this item, on the advice of the City Attorney, as he is property owner near the property and was part of the Board of Directors for the Homeowners Association for many years.

Ms. Sims, Urban Planner, Planning and Zoning, gave a presentation of the proposed project, and she along with Ms. Horowitz, Urban Planner, Planning and Zoning, responded to questions from Council about the proposed restaurant project.

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

1. C. J. Cross, 3508 Gunston Road, spoke in support of the proposed project.
2. Al Havinga, 104 Sanborn Place, representing the Mount Vernon Court Community Association, spoke in opposition to the project and presented four issues for the opposition including crime, access the back lot, establishment of an annual meeting with the applicant, and power washing of the property at the property at a reasonable hour.
3. Chris Kinard, 124 Sanborn Place, spoke in opposition to the project and how this project is not improving the vibrancy of the area.
4. Kenneth Wire, 1750 Tysons Blvd. Suite 1800, Tysons, Virginia, spoke in support of the proposed project and responded to questions from Council about the proposed project
5. Abe Hadjiesmaeiloo, 3410 Mount Vernon Avenue, applicant, spoke in support of the proposed project.

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

City Council asked questions of staff and the applicant related to the hours of operation, access and ADA requirement for the back lot, buffering for noise to the lot, additional parking for the project, proximity of the project to the homes in the area, and SUP review period.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Councilmember Lovain and carried 5-1, City Council approved the Planning Commission recommendation with the following amendments: (1) amend condition #23 relating to power washing by adding language stating, "shall not be completed using any kinds of detergent and should not occur

after 4 p.m."; (2) amend condition #36 by adding an 18 months review; and (3) add language stating that additional tree density should be included with the planters along the perimeter to shield the neighborhood from noise. The vote was as follows: In favor, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg; Vice Mayor Wilson recused himself from voting on this item.

9. Special Use Permit #2017-0122
417 King Street (parcel address: 411 King Street)- Taco Bell Cantina
Public hearing and consideration of a request to operate a restaurant with outdoor dining; zoned: KR/King Street Retail. Applicant: TB Cantina, LLC
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 03/17/18, and is incorporated as part of this record by reference.)

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

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

1. Katy Cannady, 20 East Oak Street, spoke in opposition to the proposed project.
2. Michael Hobbs, 419 Cameron Street, spoke about changing the closing hours for the proposed restaurant, citing that most restaurant in Old Town had earlier hours for closing.
3. Stan Protigal, 112 South West Street, spoke in opposition to the proposed project.
4. Yvonne Weight Callahan, 735 South Lee Street, representing Old Town Civic Association, stated that the proposal was not consistent with the standards for the King Street Retail zone and the closing hours would exceed the standard.
5. Philip Maytas, 219 North Pitt Street, spoke in opposition to the proposed project, noting the lack of parking in Old Town and changes to hours of operation.
6. Cathy Puskar, 2200 Clarendon Blvd, Suite 1300, attorney for the applicant, spoke in support of the proposed project and responded to questions from Council about the hours of operation and the outdoor dining.

WHEREUPON, upon motion by Councilman Wilson, seconded by Councilmember Lovain and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with the amendment to condition #5 to change the hours of outdoor dining from 1 a.m. to ending at 11 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.

****City Council took a recess at 12:47 p.m. and resumed the meeting at 1:20 p.m.****

10. Old Town North Small Area Plan Implementation

Public hearing and consideration of the establishment of an Old Town North Streetscape and Open Space Fund and a policy for developer contributions to implement the Old Town North Small Area Plan. Staff: City of Alexandria Department of Planning & Zoning

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 03/17/18, and is incorporated as part of this record by reference.)

Mr. Farner, Deputy Director, Planning and Zoning, gave presentation on the plan implementation and he, along with Mr. Moritz, Director, Planning and Zoning, responded to questions from Council about the possibility of changing the direction Montgomery Street from one-way to two-way, development of the NRG site, and developer contributions and what projects they would fund. Mr. Moritz noted that this not a part of the discussion and decision for this item and would need to go through a community engagement process before such a decision would be considered.

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

1. Clarence Tong, 629 Tivoli Passage, representing North Old Town Independent Citizens Association (NOTICE), spoke about clarifying the conversion of Montgomery Street from a one-way to a two-way street and expressed concern on behalf of the association, noting there has not be any neighborhood engagement. Mr. Tong noted there were traffic problems on Montgomery Street and the impact of new traffic patterns on pedestrian safety. Mr. Tong asked that the proposal be amended and he submitted a petition on behalf of the association.

2. Frances Zorn, 400 Madison Street, #308, representing the Alexandria House Condo Board, spoke about the possible conversion of Montgomery Street to a two-way street and to postpone any action until community engagement has occurred. Ms. Zorn asked that the proposal be amended.

3. Claire Tamburro, 1900 S. Eads Street, #227, spoke about the possible conversion of Montgomery Street and the effects that would have on the neighborhood and the businesses and the area.

4. Teresa Lee, 117 Montgomery Place, spoke about the conversion of Montgomery Street and how it would affect the traffic in the neighborhood and she wanted to ensure that Council would honor the process that would allow for community engagement before any changes were made to Montgomery Street.

5. Ron Taylor, 769 Glen Eagles Drive, Fort Washington, Maryland, a business owner in the area, spoke about the possibility of changing Montgomery Street to a two-way street and how the new traffic pattern will impact his business and the neighborhood around Montgomery Street.

6. Kenneth Wire, 1750 Tysons Blvd, Suite 1800, Tysons, Virginia, attorney for the applicant, spoke in support the plan implementation 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, approved the Planning Commission recommendation and created the Old Town North Streetscape and Open Space fund and establish a developer contribution for redevelopment of site 1-10 at the rate of \$9.00 per square foot. 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.

11. Development Special Use Permit Stage 2 #2017-0023
Encroachment #2018-0002
2410 and 2460 Mill Road - Hoffman Blocks 4 & 5
Public hearing and consideration of requests for: (A) a Development Special Use Permit and site plan with modifications to construct a mixed-use retail and residential complex, including Special Use Permit requests to increase the height of mechanical penthouses and the number of penthouses requested; and (B) an Encroachment into the public right-of-way for residential balconies and architectural projections; zoned: CDD #2/Coordinated Development District #2. Applicant: S/C Eisenhower, LLC, represented by Duncan Blair, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2018, and is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No, 1 of Item No. 11; 03/17/18, and is incorporated as part of this record by reference.)

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

1. Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the proposed project and responded to questions from Council.
2. Douglas Firstenberg, 7200 Wisconsin Avenue, Suite 700, Bethesda, Maryland, applicant, spoke in support of the proposed project and responded to questions from Council.

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

Council inquired about affordable housing in the project and administrative approval of changes to the special use permit for live entertainment.

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-1, City Council approved the Planning Commission recommendation with an amendment to condition #27 noting that live entertainment shall be permitted with the issuance of an administrative special use permit. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilmember Lovain, Councilman Pepper, and Councilman Smedberg; Opposed, Councilman Bailey.

ORDINANCES AND RESOLUTIONS

(Ordinances are approved by roll-call vote)

WHEREUPON, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council waived the reading of the docket items #12- #18 and approved the ordinances in a block by 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.

12. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 1600 North Frazier Street (VAC No. 2017-0009) (Implementation Ordinance for Vacation approved by City Council on January 20, 2018). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 03/17/18, 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; 03/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 1600 North Frazier Street (VAC No. 2017-0009).

The ordinance reads as follows:

ORDINANCE NO. 5116

AN ORDINANCE to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 1600 North Frazier Street (VAC No. 2017-0009).

WHEREAS, Brooke and Michael J. Beach (Owner) have applied for the vacation of a portion of the public right-of-way on North Frazier Street, adjacent to the property at 1600 North Frazier Street in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2017-0009, the planning commission recommended approval to the City Council on January 4, 2018 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 20, 2018; and

WHEREAS, viewers, David Kaplan, Ann Tucker, and John LaValle have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

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

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

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

3. Owner shall pay the sum of the fair market value, as determined by the Director of Real Estate Assessments, to the City for the vacated land.

Section 3. The term "Owner" shall be deemed to include Brooke and Michael J. Beach, and their respective successors in interest.

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

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

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and

attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 1615 North Frost Street (VAC No. 2017-0011) (Implementation Ordinance for Vacation approved by City Council on January 20, 2018). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 03/17/18, 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; 03/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 1615 North Frost Street (VAC No. 2017-0011).

The ordinance reads as follows:

ORDINANCE NO. 5117

AN ORDINANCE to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 1615 North Frost Street (VAC No. 2017-0011).

WHEREAS, Cassandra and Shawn McLaughlin (Owner) have applied for the vacation of a portion of the public right-of-way on North Frazier Street, adjacent to the property at 1615 North Frost Street in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2017-0011, the planning commission recommended approval to the City Council on January 4, 2018 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 20, 2018; and

WHEREAS, viewers, David Kaplan, Ann Tucker, and John LaValle have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

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

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation labeled as Parcel 2 attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

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

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

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

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

4. Owner shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments, to the City for the vacated land.

Section 3. The term "Owner" shall be deemed to include Cassandra and Shawn McLaughlin, and their respective successors in interest.

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

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

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

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

14. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 4001 Lawrence Avenue (VAC No. 2017-0012) (Implementation Ordinance for Vacation approved by City Council on January 20, 2018). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 03/17/18, 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; 03/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 4001 Lawrence Avenue (VAC No. 2017-0011).

The ordinance reads as follows:

ORDINANCE NO. 5118

AN ORDINANCE to vacate a portion of the public right-of-way on North Frazier Street, adjacent to the property at 4001 Lawrence Avenue (VAC No. 2017-0012).

WHEREAS, Paul and Sitta Zehfuss (Owner) have applied for the vacation of a portion of the public right-of-way on North Frazier Street, adjacent to the property at 4001 Lawrence Avenue in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2017-0012, the planning commission recommended approval to the City Council on January 4, 2018 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 20, 2018; and

WHEREAS, viewers, David Kaplan, Ann Tucker, and John LaValle have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation labeled as Parcel 3 attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

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

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

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

3. Owner shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments, to the City for the vacated land.

Section 3. The term "Owner" shall be deemed to include Paul and Sitta Zehfuss, and their respective successors in interest.

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

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

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

15. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way on Maury Lane, adjacent to the property at 4905 Maury Lane (VAC No. 2017-0010) (Implementation Ordinance for Vacation approved by City Council on January 20, 2018). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 03/17/18, 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; 03/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to vacate a portion of the public right-of-way on Maury Lane, adjacent to the property at 4905 Maury Lane (VAC. No. 2017-0010).

The ordinance reads as follows:

ORDINANCE NO. 5119

AN ORDINANCE to vacate a portion of the public right-of-way on Maury Lane, adjacent to the property at 4905 Maury Lane (VAC No. 2017-0010).

WHEREAS, Elise M. Fulstone and William H. Tabor (Owner) have applied for the vacation of a portion of the public right-of-way on Maury Lane, adjacent to the property at 4905 Maury Lane in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2017-0010, the planning commission recommended approval to the City Council on January 4, 2018 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 20, 2018; and

WHEREAS, viewers, Shelli Vasser Gilliam, John Humphrey, and Jason Dechant have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

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

1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the

plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.

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

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

4. Owner shall pay the fair market value for the vacated right-of-way, as determined by the Director of Real Estate Assessments to the City for the vacated land.

Section 3. The term "Owner" shall be deemed to include Elise M. Fulstone and William H. Tabor, and their respective successors in interest.

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

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

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

16. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way along the south side of Mill Road near the intersection of the east side of Stovall Street, at 2460 Mill Road (VAC No. 2017-0008) (Implementation Ordinance for Vacation associated with Hoffman Blocks 4 & 5 project approved by City Council on January 20, 2018).[ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 03/17/18, 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; 03/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to vacate a portion of public right-of-way along the south side of Mill Road near the intersection of the east side of Stovall Street, at 2460 Mill Road (VAC. No. 2017-0008).

The ordinance reads as follows:

ORDINANCE NO. 5120

AN ORDINANCE to vacate a portion of the public right-of-way along the south side of Mill Road near the intersection of the east side of Stovall Street, at 2460 Mill Road (VAC No. 2017-0008).

WHEREAS, S/C Eisenhower, LLC, applied on behalf of Hoffman Building II LLC (Owner), for the vacation of a portion of the public right-of-way at Mill Road, adjacent to the property at 2460 Mill Road in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2017-0008, the planning commission recommended approval to the City Council on January 4, 2018 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on January 20, 2018; and

WHEREAS, viewers, Raighne Delaney, Joseph LaMountain, and Jeanette Ankoma-Sey have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

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

1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the

plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.

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

Section 3. The term "Owner" shall be deemed to include Hoffman Building II LLC, and their respective successors in interest.

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

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

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

17. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sections 4-1403 (PERMITTED USES), 4-1403.1 (ADMINISTRATIVE SPECIAL USES), and 4-1404 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0001 (Implementation Ordinance for Text Amendment No. 2018-0001 regarding uses in the NR/Neighborhood Retail zone (Arlandria) approved by City Council on February 24, 2018). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 03/17/18, 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. 17; 03/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Sections 4-1403 (PERMITTED USES), 4-1403.1 (ADMINISTRATIVE SPECIAL USES), and 4-1404 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by

City Council as Text Amendment No. 2018-0001.

The ordinance reads as follows:

ORDINANCE NO. 5121

AN ORDINANCE to amend and reordain Sections 4-1403 (PERMITTED USES), 4-1403.1 (ADMINISTRATIVE SPECIAL USES), and 4-1404 (SPECIAL USES) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0001, 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 February 6, 2018 of a text amendment to the Zoning Ordinance to adopt Text Amendment No. 2018-0001, which recommendation was approved by the City Council at public hearing on February 24, 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 Sections 4-1403, 4-1403.1, and 4-1404 of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1403 - Permitted uses.

In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

(A) Permitted ground floor uses. The following uses are permitted on the ground floor of buildings facing the sidewalk:

- (1) Retail establishment;
- (2) Personal service establishment, except ~~banks~~, pawnshops, check cashing, payday loan and title loan businesses;
- (3) Banks, business and professional offices, medical ~~laboratory or offices~~ and laundromats, provided:
 - (a) The business facade shall be no wider than 30 feet along the street;
 - (b) No more than two such uses or entrances shall adjoin each other;
- (4) Restaurants, when located within a shopping center or hotel;
- (5) Day care center;

- (6) Private school, commercial, with a maximum of 20 students on the premises at any one time and with a frontage of less than 30 feet along Mount Vernon Avenue;
- (7) Animal care facility with no overnight accommodation;
- (8) Health and athletic club if located within a shopping center, hotel or office complex;
- (9) Utilities, as permitted by section 7-1200.

(B) Permitted uses above the ground floor:

- (1) Uses listed under section 4-1403;
- (2) Dwelling unit;
- ~~(3) Office;~~
- (43) Church;
- ~~(54)~~ Private school, commercial with more than 20 students on the premises at any one time.

4-1403.1 - Administrative special uses.

The following uses may be allowed in the NR zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Animal care facility with overnight accommodation located in a shopping center;

- (A.1) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Reserved;
- (E) Massage establishment;
- (F) Valet parking;
- (G) Outdoor dining;
- (H) Live theater;
- (I) Health and athletic club, other than pursuant to section 4-1403(A)(8);
- (J) Outdoor display of retail goods.

4-1404 - Special uses.

The following uses may be allowed with a special use permit:

- (A) Amusement enterprise
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-1403.1(A);
- (B) Banks, business and professional offices, medical laboratories/offices and laundromats, other than pursuant section 4-1403(A)(3);
- (C) Convenience store;
- (D) ~~Reserved;~~ Public parking lot;
- (E) ~~Reserved;~~ Private school, commercial, with more than 20 students on the premises at any one time or with a frontage of more than 30 feet along Mount Vernon Avenue;
- (F) Fraternal or private club;
- (G) Live theater, other than pursuant to section 4-1403.1(H);
- (H) ~~Reserved;~~ Bus shelter on private property;
- (I) Nursing or convalescent home or hospice;

- (J) Outdoor food and crafts market, other than pursuant to section 4-1403.1(C);
- (K) Private school, academic, with more than 20 students on the premises at one time;
- (L) Public building;
- (M) Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1(A.1);
- (N) Townhouse dwellings, subject to the RB regulations for density, lot requirements, bulk and open space, and height and; allowed only in locations where the development of residential units will not interfere with the existing or the creation of the desired streetscape pattern of contiguous and active retail uses.
- (O) Congregate housing facility:
 - (P) Health and athletic club, other than pursuant to sections 4-1403(A)(8) or 4-1403.1(I)
 - (Q) Home for the elderly;
 - (R) Outdoor garden center, other than pursuant to section 4-1403.1(B);
 - (S) Public building;
 - (U) Social service use.

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

Section 3. That Sections 4-1403, 4-1403.1, and 4-1404, as amended pursuant to Section 1 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

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

18. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sections 2-145 (FLOOR AREA RATIO) and 2-195 (STORY) of Article II (DEFINITIONS), amend and reordain 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and add new Sections 2-113.1 (ARCHITECTURAL FEATURE) and 2-194.1 (STAIRS) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2017-0001 (Implementation Ordinance for Text Amendment No. 2017-0001 regarding floor area ratio approved by City Council on February 24, 2018). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 03/17/18, 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; 03/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 2-145 (FLOOR AREA RATIO) and 2-195 (STORY) of Article II (DEFINITIONS), amend and reordain 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and add new Sections 2-113.1 (ARCHITECTURAL FEATURE) and 2-194.1 (STAIRS) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by City Council as Text Amendment No. 2017-0001.

The ordinance reads as follows:

ORDINANCE NO. 5122

AN ORDINANCE to amend and reordain Sections 2-145 (FLOOR AREA RATIO) and 2-195 (STORY) of Article II (DEFINITIONS), amend and reordain 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and add new Sections 2-113.1 (ARCHITECTURAL FEATURE) and 2-194.1 (STAIRS) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2017-0001.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment 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 February 6, 2018 of a text amendment to the Zoning Ordinance to adopt Text Amendment No. 2017-0001, which recommendation was approved by the City Council at public hearing on February 24, 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 2-113.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-113.1 - Architectural feature.

Awnings, cornices, eaves, sills, canopies, gutters, overhangs or similar features (not including bay windows and balconies) that are unenclosed projections that extend beyond an exterior face of a wall or column.

Section 2. That Section 2-145 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-145 - Floor area.

- A. For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. It shall include all space which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. These areas shall be measured from exterior faces of walls or any extended area under roof, ~~but does not include areas under the eaves of the roof and are to be measured from the shared lot line in the case of party walls.~~ Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:
- (1) Stairs, and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
 - (2) Floor space used for ~~water tanks and heating and cooling equipment~~ utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).
 - (3) Basements.
 - (4) Attic floor area with ~~less than five feet of ceiling height as measured from the attic floor, or floor joists if there is no floor, to the bottom of the roof rafter or truss member supporting the outer roof structure with a ceiling height of 7 feet or less or where the space with the ceiling height of 7 feet or more is less than 3-4 feet wide, as measured from the attic floor or floor joists if there is no floor, to the bottom of the roof rafters or underside of the roof deck if there are no rafters.~~
 - (5) Open front porches and porticos in accordance with section 7-2504.
 - (6) Free-standing garages to the rear of the main building in accordance with section 7-2505.
 - (7) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.
 - (8) Space under open balconies (decks) and similar structures projecting from the first floor or below.
 - (9) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum depth of 8 feet.
 - (10) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.
- B. For properties except for those specified in subsection A. above, the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under ~~a roof or roofs on a lot.~~ These areas shall be measured from the exterior faces of walls and from the eaves of all roofs where they extend beyond the wall line or from the center line of party walls and shall include all space with a headroom of seven feet six inches or more, whether or not provided with a finished floor or ceiling. These areas shall be measured from the exterior faces of walls or any extended area

under roof and are to measured from the shared lot line in the case of party walls. It shall include all space which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. It shall include all space within an above grade parking garage. Excluded shall be elevator and stair bulkheads, accessory water tanks, cooling towers, and similar construction not susceptible to storage or occupancy. Basements and subbasements shall be excluded from the floor area ratio computations, but for the purpose of computing off-street parking requirements that portion of such areas as are occupied by permitted uses shall be subject to the provisions of Article VIII. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

- (1) Stairs and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
- (2) Floor space used for utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).
- (3) Lavatories of which only a maximum of 50 square feet of each lavatory can be excluded. The maximum total of excludable area for lavatories shall be no greater than of 10% of gross floor area.
- (4) Basements (except shall be included for purposes of calculating the off-street parking requirements pursuant to Article VIII).
- (5) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.
- (6) Space under open balconies (decks) and similar structures projecting from the first floor or below.
- (7) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum of depth of 8 feet.
- (8) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.
- (9) Loading spaces of which only a maximum of 850 square feet for each required loading space per section 8-200(B)(2) can be excluded.
- (10) Any floor area that was used as a private or public garage prior to March 17, 2018 with a height of less than 7 feet 6 inches.
- (11) Floor area excluded as part of a development site plan that was approved prior to March 17, 2018 within a Coordinated Development District.

Section 3. That Section 2-194.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-194.1 - Stairs.

A series of two or more risers leading from one level or floor to another. For the purposes of calculating floor area, a stair shall include a landing at each end which shall have the same width as the corresponding stair flight and extends for four feet from the stair. The term stairs also includes escalators.

Section 4. That Section 2-195 of the Zoning Ordinance be, and the same hereby is,

amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-195 - Story.

That portion of a building included between the surface of any floor and the surface of the next floor above it, or any space which has or may have a floor ~~with a minimum clear headroom of seven feet, six inches.~~ with a minimum clear headroom that shall be deemed habitable space by the Virginia Uniform Statewide Building Code (USBC).

Section 5. That Section 7-202 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-202 - Permitted obstructions.

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

(A) In all yards:

- (1) Open fences which do not exceed three and one-half feet in height.
- (2) Awnings or canopies provided they do not project more than five feet in depth from the existing building face.
- (3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices, ~~or~~ window sills, and roof overhangs projecting ~~42~~ 30 inches or less into the yard.
- (4) Chimneys projecting 30 inches or less into the yard, provided that such projection does not reduce the width of the remaining side or rear yard to less than five feet.
- (5) Arbors and trellises. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new arbor or trellis' setback shall be five feet from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
- (6) Flag poles which do not exceed 15 feet in height.
- (7) Open stairs, provided that the stairs do not reduce a side or rear yard to less than five feet.
- (8) Ramps and similar structures necessary to provide access for the handicapped.
- (9) Porticos, provided that they do not extend more than six feet from the main building wall, do not extend more than nine feet in length, which dimensions include any roof overhang, and provided further that they remain open.

(B) In any yard except a front yard:

- (1) Sandboxes, swings and other small items of children's play equipment.
- (2) Clotheslines.
- (3) Open and closed fences which do not exceed six feet in height. If a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill

lower than six feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new fence shall not exceed three and a half feet in height along the width of those window(s) or doorway(s). If the fence has a setback of five feet or more from that shared lot line, it is permitted to be taller than three and a half feet but shall not exceed six feet in height. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.

- (4) Small sheds, doghouses, dollhouses and structures used for storage, provided:
 - (a) On land zoned R-20, R-12, R-8, R-5 or R-2-5 and used for single-family dwellings, such structures may not exceed 80 square feet in floor area in the aggregate and eight feet in height when measured at the structure's highest point.
 - (b) On land zoned and used for semi-detached or townhouse dwellings, such structures may only be placed in the rear yard at the rear property line, may not exceed 50 square feet of floor area in the aggregate and seven feet in height when measured at the structure's highest point.
 - (c) If a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new small shed or structure used for storage's setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.
- (5) Freestanding air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55 dB(A)) when measured at any property line of the lot, and provided it is placed in a location which has the least adverse impacts to adjoining lots of those locations available.
- (6) Open terraces and decks not over two feet above the average level of the adjoining ground and two feet above ground at any property line of the lot but not including a roofed-over terrace or porch.
- (7) Free-standing private garages to the rear of the main building in accordance with section 7-2505.

(C) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.

(D) In any residential zone a ground level covered open front porch is permitted to project a maximum of eight feet from the front building wall into the required front yard, or primary front yard if a corner lot, of a single-family, semi-detached, duplex or townhouse dwelling; provided that a special exception under section 11-1302 of this ordinance is approved.

Section 6. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 7. That Sections 2-145 (FLOOR AREA RATIO) and 2-195 (STORY) of Article II (DEFINITIONS), Section 7-202 (PERMITTED OBSTRUCTIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Sections 2-113.1 (ARCHITECTURAL FEATURE) and 2-194.1 (STAIRS) of Article II (DEFINITIONS), as amended or added pursuant to Sections 1 through 5 of this ordinance, be, and the same hereby are, reordained or ordained as part of the City of Alexandria Zoning Ordinance.

Section 8. 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 any application for any land use approval has not yet been filed with the Department of Planning and Zoning, however during a period of 6 months from the date of its final passage an applicant may choose to apply the previous floor area definition in whole or apply the floor area definition that is the subject of this ordinance in whole.

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 March 17, 2018 at 3:52 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