

**City of Alexandria  
City Council Public Hearing  
Saturday, November 17, 2018, 9:30 A.M.  
Meeting Minutes**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Collins, Deputy City Manager; Ms. Taylor, Legislative Director; Ms. Baker, Deputy City Manager; Ms. Ruggiero, Deputy Director, Recreation, Parks & Cultural Activities (RPCA); Ms. Landrum, President/CEO, Alexandria Economic Development Partnership; Mr. Browand, Division Chief, RPCA; Mr. Johnson, Director, Torpedo Factory Art Center; Ms. Miliaras, Principal Planner, Planning & Zoning (P&Z); Mr. Cox, Historic Preservation Manager, P&Z; Ms. Sample, Urban Planner III, P&Z; Ms. Brandt-Vorel, Urban Planner II, P&Z; Ms. McIlvaine, Director, Office of Housing; Mr. Kerns, Division Chief, P&Z; Ms. Contreras, Principal Planner, P&Z; Bob Garbacz, Division Chief, Transportation & Environmental Services (T&ES); Ms. Zechman-MBrown, Assistant City Attorney; Mr. Lawrence, Urban Planner III, P&Z; Mr. Imm, Principal Planner, P&Z; and Ms. Diez, Deputy Director, T&ES; Mr. Bradford, Information Technology Services; Mr. Andreas, Captain, Alexandria Police Department; and Mr. Lloyd.

Recorded by: Alexis Lacy, Deputy City Clerk and Clerk of Council.

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**OPENING**

1. Calling the Roll.

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

City Council received a presentation from Mr. Jinks and Ms. Landrum, President/CEO, Alexandria Economic Development Partnership regarding the Amazon Headquarters, Virginia Tech Innovation campus, and the development of National Landing.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Bert Ely, 200 S. Pitt Street, spoke about the impact of the Amazon Headquarters on traffic, housing, and employment in the City.
2. Janice Grenadier, 15 W. Spring Street, spoke about her issues with the judicial issues and the inability to resolve her issues with the judiciary.

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

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3-6)**

### **Planning Commission**

3. Special Use Permit #2018-0086  
215 South Union Street - B. Doughnut  
Public hearing and consideration of a request for a special use permit to operate a restaurant; zoned: W-1/ Waterfront Mixed-use. Applicant: LaPlata Doughnuts, LLC  
Planning Commission Action: Recommended Approval 6-0.

(A copy of the Planning Commission report dated November 1, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/17/18 and is incorporated as part of this record by reference.)

4. Special Use Permit #2018-0087  
300 Montgomery Street - Montgomery Center  
Public hearing and consideration of a request for a special use permit for additional square footage for a projecting sign on the corner of North Fairfax Street and Montgomery Street; zoned: CRMU-X/ Commercial Residential Mixed-use (Old Town North). Applicant: Bruce Machanic  
Planning Commission Action: Recommended Approval 6-0.

(A copy of the Planning Commission report dated November 1, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/17/18 and is incorporated as part of this record by reference.)

5. Master Plan Amendment #2018-0009  
Rezoning #2018-0004 309 North Patrick Street  
Public hearing and consideration of requests for: (A) an amendment to the Braddock Road Metro Station Small Area Plan to amend the land use designation from CL/ Commercial Low to RM/Residential Medium; (B) to rezone a lot from CL/ Commercial Low with a proffer to RB/ Townhouse; zoned: CL/Commercial Low with proffer. Applicant: Zelaya Homes, LLC, represented by Mary Catharine

Gibbs, attorney

Planning Commission Action: Recommended Approval 7-0.

(A copy of the Planning Commission report dated November 1, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/17/18 and is incorporated as part of this record by reference.)

6. Rezoning #2018-0003 3050

Potomac Avenue and a portion of 3601 Jefferson Davis Highway - APTA  
Rezoning Public hearing and consideration of a request for an amendment to the official zoning map to change the zone at 3050 Potomac Avenue from CDD#10 to CDD#19 and to change the zone for a portion of 3601 Jefferson Davis Highway from CDD#19 to CDD#10; zoned: CDD#10 / Coordinated Development District #10 and CDD#19 / Coordinated Development District #19. Applicant: CPYR Shopping Center, LLC and APTA Centennial Properties, LLC, represented by M. Catharine Puskar, attorney

Planning Commission Action: Recommended Approval 6-0.

(A copy of the Planning Commission report dated November 8, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/17/18 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 closed the public hearing and approved consent calendar items 4, 5, and 6 as a block and approved docket item 3 under a separate motion. The recommendations were as follows:

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

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing and approved consent calendar item 3. The recommendation 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**

7. Public Hearing on the Proposed City Legislative Package for the 2019 Virginia General Assembly Session.

(The City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/17/18 and is incorporated as part of this record by reference.)

Ms. Taylor, Legislative Director, gave a presentation about the proposed Legislative Package for the 2019 General Assembly Session and responded to questions from Council.

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

1. Jamie Conrad, 107 W. Maple St., representing One Virginia, spoke about the upcoming census and redistricting, and responded to questions from Council.
2. Mary Elizabeth Hendrix, 4801 Kenmore Ave., Apt. 322, representing American Association of University Women, spoke about City Council supporting the ratification of the Equal Rights Amendment.
3. Kerry Donley, 609 N. Pickett St., spoke about City Council supporting common sense gun legislation.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously City Council closed the public hearing and approved the following recommendations: City Council scheduled adoption of the Legislative Package on Tuesday, November 27 after a work session with the Alexandria General Assembly delegation to be held that same night. 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. Public Hearing and Consideration of a Governance Recommendation for Torpedo Factory Art Center Vibrancy and Sustainability Plan.

Ms. Baker, Deputy City Manager, Ms. Ruggiero, Deputy Director, Recreation, Parks & Cultural Activities, and Mr. Johnson, Director, Torpedo Factory Art Center gave a presentation and responded to questions from Council.

(The City Manager's memorandum dated November 7, 2018, is on file in the in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/17/18

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

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

1. Matthew Stensrud, 3006 Landover St., representing the Commission for the Arts, spoke in support of the governance recommendations.
2. Sahand Minaie, 5142 9<sup>th</sup> St. N., spoke in support of the City managing the building but against the City deciding certain art issues such as leases of spaces.
3. Larry Goldberg, 2219 Martha's Rd., representing the Friends of the Torpedo Factory Art Center, spoke in support of the continuation of the art center.
4. Lisa Schumaier, 2403 Leslie Ave., spoke against the City's governance recommendations.
5. Betty Grisham, 5306 Mt. Vernon Memorial Highway, spoke about delaying the decision on the governance process.
6. Ivy Whitlatch, 1117 Prince St., representing Alexandria Archaeological Commission, spoke about considering the Archaeological Commission when making decision during the process developing of the plan.
7. Tatyana Schremko, 217 S. Royal St., representing TFFA, spoke about giving artists more autonomy and cooperating with them during the process of developing the plan.

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Wilson and carried 4-3 City Council called the question on the item. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, and Councilman Smedberg; Opposed, Mayor Silberberg, Councilmember Lovain, and Councilwoman Pepper. \*Note: the motion was made after the call for the question.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously City Council closed the public hearing and approved the following recommendations: (1) directed the City Manager to develop, via a public process in coordination with stakeholders, a Torpedo Factory Art Center Vibrancy and Sustainability Plan, and bring that plan to City Council for consideration; (2) recognized that substantial capital funding, in the order of \$10 million to \$15 million, will be required in the decade ahead in order to address current and future Torpedo Factory Art Center facility deficiencies, as well as to address to-be-determined future program needs; and (3) affirmed that the City of Alexandria Office of the Arts will continue as the long-term managing entity responsible for management and operations of the Torpedo Factory Art Center. 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. Public Hearing and Consideration of a renewed Five Year License Agreement with Five-Year License Agreement with Zayo Group LLC to Permit Zayo Group LLCs Existing Conduits and Fiber Optic Cables to Remain in the City of Alexandria's Public Rights-Of-Ways and to Allow Placement of Additional Conduits and Fiber Optic Cable Telecommunication Services, Not Cable Television Services in the City of Alexandria.

(The City Manager's memorandum dated November 7, 2018, is on file in the in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 11/17/18 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously City Council closed the public hearing and approved the five-year license agreement with Zayo, and authorized the City manager to execute the license agreement and to take any other actions that are necessary to implement the agreement. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

10. Consideration and Public Hearing to place a memorial plaque at the Windmill Hill Park shoreline commemorating Captain Ryan Wojtanowski's service to the community as an advocate for environmental stewardship.

(The City Manager's memorandum dated November 13, 2018, is on file in the in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 11/17/18 and is incorporated as part of this record by reference.)

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

1. Susan Gitlin, 609 Little St., spoke about Captain Wojtanowski's life and read a statement from a friend in support of the plaque.
2. Scott Barstow, 801 N. Pitt St., representing the environmental policy commission, spoke about Captain Wojtanowski's contribution to the park in support of the plaque.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilwoman Pepper and carried unanimously City Council closed the public hearing and approved the recommendation of the City Council Naming Committee to place a plaque at the Windmill Hill Park shoreline commemorating Captain Ryan Wojtanowski. 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)

### 11. Text Amendment #2018-0010

#### Consolidation of the Boards of Architectural Review

Public hearing and consideration of a text amendment to the Zoning Ordinance to amend Article X and add Section 10-400 to create the Alexandria board of architectural review and dissolve the Old and Historic Alexandria District and Parker-Gray District boards of architectural review and to amend Sections 6-403, 7-802, 8-200, 8-602, 9-301, and 11-513 to change the references to the Alexandria board of architectural review. Staff: City of Alexandria Department of Planning and Zoning

Planning Commission Action: Recommended Approval 7-0.

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

Ms. Miliaras, Principal Planner, Planning & Zoning; Mr. Cox, Historic Preservation Manager, Planning & Zoning; and Ms. Sample, Urban Planner III, Planning & Zoning gave a presentation and responded to questions from Council.

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

1. James Spencer 229 N. West St., representing Parker-Gray Board of Architectural Review, spoke in support of the consolidation of the Boards of Architectural Review.

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

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

12. Development Special Use Permit #2017-0006 Transportation Management Plan Special Use Permit #2018-0048 3846 King Street - Fairlington Presbyterian Church Public hearing and consideration of requests for: (A) a development special use permit and site plan with modifications to construct a multifamily residential building including a special use permit to increase the floor area ratio in exchange for affordable housing units pursuant to Section 7-700 of the Zoning

Ordinance and an extension in the period in which construction must be commenced under Section 11-418 of the Zoning Ordinance; and (B) a special use permit for a tier 1 transportation management plan; zoned: RA/Multifamily. Applicants: Wesley Housing Development Corporation and Fairlington Presbyterian Church Corporation, represented by Duncan Blair, attorney  
Planning Commission Action: Recommended Approval 7-0.

(A copy of the Planning Commission report dated November 1, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/17/18 and is incorporated as part of this record by reference.)

Ms. Brandt-Vorel, Urban Planner II, Planning & Zoning; Ms. McIlvaine, Director, Office of Housing; Mr. Kerns, Division Chief; Planning & Zoning; Ms. Contreras, Principal Planner, Planning & Zoning; and Mr. Garbacz, Division Chief, Transportation & Environmental Services; and Ms. Zechman-Brown, Assistant City Attorney gave a presentation to Council and responded to questions about traffic flow, parking, trash pick-up, and access to the site during construction for the school and other people.

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

1. Duncan Blair, 524 King St., attorney representing Wesley Housing Development Corporation and Fairlington Presbyterian Church Corporation, spoke about the adjustment to Section 7-700 and responded to questions from Council.
2. Juli Wilson-Black, 3846 King St., representing Fairlington Presbyterian Church, spoke in support of the project and the measures to address concerns and the need for affordable housing.
3. Shelley Murphy, 613 E. Nelson Ave., representing Wesley Housing Development Corporation, spoke about the corporation and the work it does in providing affordable housing.
4. Betsy Faga, 2280 N. Beuregard St., spoke in support of the project.
5. Tom Fulton, 4020 Ellicott St., representing Seminary Hill Association, spoke in opposition of the project.
6. Laura Brooks, 4640 36<sup>th</sup> St. S., Apt. A1, Arlington, spoke in support of the project.
7. Connie Desroisers, 11 W. Windsor Ave., spoke in support of the project.
8. Tyler Cole, 4815 27th Rd, spoke in support of the project.
9. Zak Butterfield, 3846 King St., spoke about safety concerns during construction and access for pickup and drop-off for students at the Potomac Crescent Waldorf School.



10. Susan Pries, 3822 Jason Ave., spoke in opposition to the project.

11. Heather Rao, 3911 Longstreet Ct., Annandale, spoke about the design working group's efforts to work with the community on site design.

12. Grant Cole, N. Early St., spoke in opposition to the project.

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

**WHEREUPON**, upon motion by Councilmember Lovain, 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.

13. Consideration of Requests for a Loan of Up to \$7.65 Million to Wesley Housing Development Corporation (Wesley) for the Fairlington Presbyterian Church Affordable Housing Development, for a Rental Assistance Grant of \$270,000 and for Adoption of a Resolution Designating the Development Site a Revitalization Area. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 14, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/17/18 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilmember Lovain, seconded by Councilwoman Pepper and carried unanimously by roll-call vote City Council (a) approved a loan of up to \$7.65 million to Wesley (including \$400,000 previously approved for predevelopment) for development of 81 affordable rental units; (b) approved a grant of \$270,000 to provide rental assistance subsidies, pursuant to the City's pilot program, to help make nine units deeply affordable; (c) adopted a Resolution Designating the Project Site a Revitalization Area pursuant to VA Code Section 36-55.30:2; and (d) authorized the City Manager to execute all documents related to the City loan and its support for Wesley's application for low income housing tax credits. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Bailey, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none.

The resolution reads as follows:

#### **RESOLUTION NO. 2856**

**WHEREAS**, pursuant to Section 36-55.30:2.A of the Code of the Virginia of 1950, as amended, the City Council of the City of Alexandria, Virginia, desires to designate the Site which will include the proposed Fairlington Presbyterian Church Apartments as the area (the "Area") described on Exhibit A attached hereto, as a revitalization area;

**WHEREAS**, the proposed Area will include a project to construct a new multifamily building containing approximately 81 rental units affordable to households at a range of incomes, from 40 to 60% of the Area Median Income, thereby creating a mixed-income community within a larger neighborhood.

**WHEREAS**, private enterprise and investment are not reasonably expected, without assistance, to produce decent, safe and sanitary housing and supporting facilities that will meet the needs of low- and moderate-income persons and families in such Area and thereby create a desirable economic mix of residents in such area.

**WHEREAS**, the affordable housing proposed in this Area would not be economically feasible without the provision of federal low-income housing tax credits and significant City investment at advantageous rates and terms; and

**WHEREAS**, the proposed development will provide a critical source of affordable housing for current and future low-and-moderate income residents at a range of incomes whose tenancy and local employment is essential to the Area's future economic development and sustainability, as well as to the City's strategic plan goal of maintaining neighborhoods that are diverse, inclusive and true mixed-income communities;

**NOW, THEREFORE, BE IT HEREBY DETERMINED** as follows:

Private enterprise and investment are not reasonably expected, without assistance, to produce the construction of decent, safe and sanitary housing and supporting facilities that will meet the needs of low- and-moderate income persons and families in the Area and thereby create a desirable economic mix of residents in the Area.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that pursuant to Section 36-55.30:2.A of the Code of Virginia 1950, as amended, the Area is hereby designated as a revitalization area.

14. Master Plan Amendment #2018-0008  
Text Amendment #2018-0014  
Coordinated Development District Concept Plan Amendment #2018-0006  
Development Special Use Permit #2018-0002 2602 Main Line Boulevard (2600 and 2606 Main Line Boulevard) - Potomac Yard Landbay H - West Silverstone  
Public hearing and consideration of requests for: (A) an amendment to the Potomac Yard/Potomac Greens small area plan chapter of the Master Plan to amend the uses in CDD#10/Coordinated Development District #10 to include home for the elderly/life care facility; (B) initiation of and a text amendment to the

Zoning Ordinance to amend the provisions of Section 5-602 to amend the allowable office square footage and add maximum square footage/dwelling units for home for the elderly/life care facility in CDD#10/Coordinated Development District #10; (C) an amendment to the previously approved CDD#2017-0001 Conceptual Design Plan to convert a portion of the office use within Landbay H and add home for the elderly/life care facility use; and (D) a development special use permit and site plan with modifications to construct two home for the elderly/life care facility buildings, with ground floor retail on the south building, including special use permit requests for bonus height for the provision of affordable housing per Section 7-700 of the Zoning Ordinance, for an additional mechanical penthouse on each building, for penthouses in excess of 15 feet in height, for a parking increase, and for a loading space reduction; zoned: CDD#10/Coordinated Development District #10 (Potomac Yard/Potomac Greens Small Area Plan). Applicants: City of Alexandria (Text Amendment only). Silverstone Alexandria, LP c/o Silverstone Senior Living, represented by M. Catherine Puskar, attorney  
Planning Commission Action: Recommended Approval 6-0.

(A copy of the Planning Commission report dated November 8, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 11/17/18 and is incorporated as part of this record by reference.)

Mr. Lawrence, Urban Planner III, Planning & Zoning; Mr. Imm, Principal Planner, Planning & Zoning; and Ms. Diez, Deputy Director, Transportation & Environmental Services; gave a brief presentation and responded to question from Council

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

1. M. Catharine Puskar, 2200 Clarendon Blvd., Suite 1300, Arlington, attorney representing the applicant, spoke about the architecture of the building and land use.

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

15. Rezoning #2018-0008  
Development Special Use Permit #2016-0038  
Transportation Management Plan Special Use Permit #2018-0085  
1604-1614 King Street and 1604 Dechantal Street - King Street Condos  
Public hearing and consideration of a request for: (A) an amendment to the official zoning map to change the zone at 1604 Dechantal Street from OCH to KR; (B) a development special use permit and site plan with modifications to construct a

49-unit multifamily dwelling and convert the existing townhouses to 10 multifamily dwelling units, including a special use permit request to increase the floor area ratio from 2.0 to 3.0 in the KR zone; (C) a special use permit for a transportation management plan; zoned KR/King Street Urban Retail and OCH / Office Commercial High. Applicant: City of Alexandria (Rezoning only). Dechantal Associates, Inc.

Planning Commission Action: Recommended Approval 6-0.

(A copy of the Planning Commission report dated November 8, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 11/17/18 and is incorporated as part of this record by reference.)

Mr. Swidrak, Urban Planner II, Planning & Zoning; Mr. Kerns, Division Chief; Planning & Zoning, gave a brief presentation and responded to questions from Council.

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

1. Peter C. Labovitz, 510 Wolfe St., representing Dechantal Associates, LLC., spoke in support of the project and described how collaborative the process was.
2. K. Scott Barstow, 111 Harvard St., represented 7 homes on Harvard Street, spoke in support of the project with some recommendations for glass on the building facade.

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

16. Recommendation: Eisenhower West-Landmark Van Dorn Developer Contribution Policy Staff: City of Alexandria Department of Planning and Zoning  
Planning Commission Action: Recommended Approval 6-0.

(A copy of the Planning Commission report dated November 8, 2018, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 11/17/18 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 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.

## **ORDINANCES AND RESOLUTIONS**

**Please note the following:**

**City Council approved docket items 17, 18, 19, 20, and 21 as a block.**

**City Council approved item no. 22 under a separate motion.**

**City Council approved docket items 23, 24, 25, 26, 27, 28, 29, 30, and 31 as a block.**

**City Council approved docket item no. 32 under a separate motion.**

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council adopted ordinance in docket items 17, 18, 19, 20, and 21 as a block. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none. Absent, Councilman Bailey.

17. Public Hearing, Second Reading, and Final passage of an ordinance to amend and reordain Section 2-4-114 (CREATION, COMPOSITION AND ORGANIZATION) of Article O (GEORGE WASHINGTON BIRTHDAY CELEBRATION COMMITTEE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the 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; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 2-4-114 (CREATION, COMPOSITION AND ORGANIZATION) of Article O (GEORGE WASHINGTON BIRTHDAY CELEBRATION COMMITTEE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

### **ORDINANCE NO. 5166**

AN ORDINANCE to amend and reordain Section 2-4-114 (CREATION, COMPOSITION AND ORGANIZATION) of Article O (GEORGE WASHINGTON BIRTHDAY CELEBRATION COMMITTEE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) 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 Section 2-4-114 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. 2-4-114 - Creation, composition and organization.**

(a) There is hereby established a standing committee to be known as the George Washington Birthday Celebration Committee.

(b) The committee shall consist of 19 20 members who, other than the members identified below in paragraphs (6) and (7) (9) and (10), shall be appointed by the city council.

The composition of the committee shall be as follows:

- (1) one member to be nominated by the American Legion;
- (2) one member to be nominated by the Veterans of Foreign Wars; two citizen members that are veterans;
- (3) one member to be nominated by any other veterans organization;
- (3 4) one member to be nominated the Masonic Fraternity;
- (5) two representatives of the city's business community to be nominated by the Chamber of Commerce;
- (4 6) one member to be nominated by the Alexandria Jaycees City of Alexandria Pipe and Drums;
- (7) one member to be nominated by the Federation of Civic Associations;
- (5 8) four seven citizen members;
- (6 9) the city manager or the manager's designee;
- (7 10) the director of the transportation division of the department of transportation and environmental services;
- (8 11) one member to be nominated by the Gadsby's Tavern Museum Society;
- (9 12) one member to be nominated by the Friendship Veterans Fire Engine Association;
- (10 13) one member to be nominated by the City of Alexandria Chapter of the Daughters of the American Revolution;
- (11 14) one member to be nominated by the First Virginia Regiment of the Continental Line;
- (12 15) one member who attends high school in the City of Alexandria;
- (13 16) one member to be nominated by the George Washington Chapter of the Sons of the American Revolution.

(c) The members identified above in subsections (b)(6) (9) and (b)(7)(10) shall serve during their tenure as employees of the city. The terms of all other members shall be for two years; provided, however, that the member identified above in subsection (b)(12) (15) shall cease to be a member upon graduation from high school.

(d) The committee shall receive staff support from the director of the department of recreation, parks and cultural activities.

Section 2. That Section 2-4-114 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.

18. Public Hearing, Second Reading, and Final Passage of an ordinance to amend and reordain Section 2-4-150 (CREATION, COMPOSITION, ORGANIZATION AND TERM) of Article T (CITIZEN CORPS COUNCIL) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the 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; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 2-4-150 (CREATION, COMPOSITION, ORGANIZATION AND TERM) of Article T (CITIZEN CORPS COUNCIL) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

### **ORDINANCE NO. 5167**

AN ORDINANCE to amend and reordain Section 2-4-150 (CREATION, COMPOSITION, ORGANIZATION AND TERM) of Article T (CITIZEN CORPS COUNCIL) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) 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 Section 2-4-150 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 as follows:

#### **Sec. 2-4-150 - Creation, composition, organization and term.**

(a) The Citizen Corps Council, initially established on December 8, 2003, is hereby

established by ordinance and designated as a standing committee known as the Citizen Corps Council.

(b) The fifteen members of the council shall be appointed by the City Council as follows:

- (1) five citizen members;
- (2) a representative of the Alexandria Chapter of the American Red Cross;
- (3) a representative of the Alexandria business community;
- (4) a representative of Alexandria civic associations;
- (5) a representative of the Alexandria Commission on Persons with Disabilities;
- (6) a member in good standing of the CERT program;
- (7) a citizen designated by the Alexandria School Board;
- (8) a representative of the Crime Prevention Council, or an individual with law enforcement or crime prevention experience;
- (9) a representative of the Emergency Medical Services Council, Medical Reserve Corps, or a person with emergency medical response experience; and
- (10) two members of city council, appointed by the mayor, who shall be non-voting members.

(c) The members of the committee shall be appointed in the manner prescribed in title 2, chapter 4, article a of this code. The members shall serve for a term of three years, and such terms shall be staggered.

Section 2. That Section 2-4-150 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.

19. Public Hearing, Second Reading, and Final Passage of an ordinance to amend and reordain Section 3-2-353 (CONTESTED PARKING CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the 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; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 3-2-353 (CONTESTED



PARKING CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

### **ORDINANCE NO. 5168**

AN ORDINANCE to amend and reordain Section 3-2-353 (CONTESTED PARKING CITATIONS) of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

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

#### **Sec. 3-2-353 – Contested parking citations.**

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

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

20. Public Hearing, Second Reading, and Final Passage of an ordinance to amend and reordain Article A (GENERAL PROVISIONS) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the 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; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member

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

City Council adopted an ordinance to amend and reordain Article A (GENERAL PROVISIONS) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

The ordinance reads as follows:

### **ORDINANCE NO. 5169**

AN ORDINANCE to amend and reordain Article A (GENERAL PROVISIONS) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) 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 A of Chapter 4 of Title 2 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:

#### **ARTICLE A - General Provisions**

...

#### **Sec. 2-4-4 - Composition, terms and duties of committees.**

(a) The composition, term of office, mission and function and other substantive duties relating to the work of any committee are those set forth by the terms of a committee's enabling legislation together with any additional functions or duties that may be assigned to a committee from time to time by the city council or other appropriate local authority.

(b) Whenever the city council has heretofore made or hereafter makes an appointment or reappointment of any person to any committee, and neither the law governing the appointment nor the council specifies any term of office for the person appointed then the appointment shall be deemed to be made for a term of two years beginning on the date of appointment.

(b.1) Unless otherwise specified in city code, state law or in a document creating the committee, no person shall be eligible for reappointment to any committee after having served 10 consecutive years as a member thereof. This provision may be waived by city council by resolution. Notwithstanding the foregoing, any person serving on a committee serving as of the effective date of this ordinance who would be rendered ineligible for reappointment by operation of this section shall be eligible for reappointment for one additional term without resolution of city council.

(c) In addition to any other function or duty that may be vested in a committee by its

enabling legislation or otherwise, each committee shall:

(1) designate one of its members as head of the committee and one member to act as the secretary of the committee for the purpose of keeping and preparing minutes or reports of all meetings or actions taken at any meeting and designate such other officers as required by its enabling legislation. Where an officer or employee of the city has been assigned to assist a committee, such officer or employee may be designated as secretary unless the assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint any additional officers as it may deem proper.

(2) prepare and file with the executive secretary a copy of all such minutes or reports not more than 30 days after the conclusion of any meeting of the committee. A notation shall appear on the minutes indicating whether they have been officially approved by the committee.

(d) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each standing committee shall:

(1) hold at least one regular meeting each year and as many additional meetings as may be required by its enabling legislation or as the business of the committee may require.

(2) prepare and submit to the city council an annual report within 60 days after the close of the fiscal year or as shortly thereafter as possible. The report shall include, but not be limited to, a listing of the members of the committee, a description of the committee's principal activities during the reporting period and any recommendations of the committee for improving its functions and duties or making changes in other laws, procedures, policies or programs within the subject matter of its jurisdiction, including recommendations for additional federal or state legislation. These reports shall become available for public inspection and copying after submission to the city council.

(3) in addition to its annual report, any committee is authorized to make additional or special reports, oral or written, to the city manager of the city council at any other time that the committee determines that such reports may be needed, except that, no report requesting additional city funds or staff shall be submitted to the city council until it shall first have been submitted to the city manager for his comments and recommendations.

(4) prepare, in consultation with the city manager an annual budget, showing both the funding and staff directly assigned to the committee and estimated sums and staff time that may be used by the committee but are not directly assigned to it.

...

#### **Sec. 2-4-7 - Appointments to committees.**

(a) Unless an appointment or reappointment to a committee is expressly vested by law in the courts or in some other body, all appointments shall be made by the city council. No person shall be appointed to any committee without the affirmative votes of at least four members of the council.

(b) Before appointing or reappointing any person to a committee, the executive secretary shall give public notice of the impending appointment and cause the same to be advertised in the form and manner prescribed by law for public notices at least 21 days prior to consideration by the city council of the appointment or reappointment. In

so far as practicable, the notice shall indicate the name of the committee, the number of positions to be filled, any special occupational, professional or other qualifications that may be required for a particular position and the time within which the application required by subsection (c) of this section must be filed. Where a position can be filled only by a designated member, the notice shall also include the name of the organization, group or committee from which such member must be designated.

(c) No person shall be appointed or reappointed by the city council to any committee until there is first submitted and filed with the executive secretary an application form. No person shall submit an application for membership for more than one committee position at any city council meeting at which appointments to committees are considered. Such application shall include personal data with respect to the applicant's name, address, age, educational background, practical experience, length of residency, employment of the applicant or any relative by the city and any special qualifications that the applicant possesses for a particular position. Applications must be filed with the executive secretary not less than seven days prior to the date that the appointment will be considered by the city council.

(d) Unless its enabling legislation expressly so provides, or unless waived by a majority of the city council when it deems such waiver in the best interest of the city and such waiver is not prohibited by any provision of law, no person shall be appointed to a committee unless at the time of the appointment the person is a resident of and residing in the city, and the person shall cease to be a member of a committee upon becoming a resident of any other jurisdiction.

(e) No person who holds any office or position in the city for compensation shall be appointed to any committee which is involved in, responsible for, oversees or regulates the subject matter, policy or rules of the city department or agency by which the person is employed. The executive secretary shall review all applications for appointments to committees. The executive secretary shall advise the council whether, in his or her opinion, the appointment of the person to the committee for which application has been made would result in such a situation.

(f) No person shall be appointed by the city council to more than one standing committee, or to more than one standing committee and one temporary committee, at the same time except as a designated member; provided, that, for the purposes of this subsection, a regional committee shall not be considered a standing or a temporary committee.

(g) Any person appointed to a committee shall, upon appointment, agree to comply with the provisions of chapter 5 of this title, concerning ethics, conflicts of interest and ownership of real property and, where applicable, the provisions of sections 2-5-11 to 2-5-16 of this code.

(h) Every person appointed by the city council to any committee shall, on or before undertaking a position on such committee, qualify by taking the following oath or affirmation either: i) verbally before the city clerk of the circuit court, or other officer authorized to administer oaths or affirmations, or ii) in writing on a form provided by the office of the city clerk and clerk of council:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia, and that I will faithfully and

impartially discharge and perform all the duties incumbent on me as (insert title of office) according to the best of my ability (so help me God).

(i)(1) The head of each committee shall keep or cause to be kept a record of each appointee's attendance at meetings of the committee, and shall, on or before July 1 of each year, forward to the executive secretary in writing, a copy of each attendance record for the immediately preceding 12 months. Appointees to committees shall attend at least 75 percent of the meetings of the bodies on which they serve each year. If the attendance record reflects that any appointee does not attend at least 75 percent of the meetings, the executive secretary shall advertise a vacancy so that city council can proceed to fill the vacancy at the first regular council meeting held in September, following any year during which an appointee has not attended at least 75 percent of the meetings. The executive secretary shall also forthwith notify the appointee of this action. The office of any appointee who has not attended the required number of meetings shall be automatically deemed vacant on the date of the abovementioned council meeting in September. If at any time during a year, a majority of the committee concludes that an appointee will be, based upon the appointee's attendance record, unable to meet the 75 percent attendance requirement, it may immediately direct the committee head to request the city council to declare the position vacant. If council determines that sufficient meetings have already been missed such that the 75 percent attendance requirement will not be met, it may declare the position vacant and may make an appointment to fill the vacancy for the remainder of the existing term of office of the appointee whose position was declared vacant.

(2) The committee head may excuse the absence of an appointee from a meeting or meetings if informed by the appointee of the absence within a reasonable period of time in advance of the meeting. Such excused absences shall not be considered by the committee head when preparing the appointee's attendance record but shall be noted as "excused absences" on the record.

(j) Any person appointed to a committee by the city council may be removed by the city council for neglect of duty or violations of this article or any other provision of law.

(k) Notwithstanding any contrary provision of this chapter, a member of city council, who serves a member of a committee established pursuant to this code, may appoint another person to represent the council member as an alternate member of such committee. Any such alternate member shall be appointed in writing, filed with the executive secretary and city clerk. Any such alternate member shall serve at the pleasure of the council member making the appointment, and, in the absence of the council member, may exercise any or all of the rights, privileges and duties of the council member on such committee.

...

**Secs. 2-4-11 through 2-4-20 - reserved.**

Section 2. That Article A of Chapter 4 of Title 2 of the City Code as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

21. Public Hearing, Second Reading, and Final Passage of an ordinance to amend and reordain Chapter 14 (Delivery of Unsolicited Publications) of Title 9 (Licensing and Regulation) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the 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; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Chapter 14 (Delivery of Unsolicited Publications) 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. 5170**

AN ORDINANCE to amend and reordain Chapter 14 (DELIVERY OF UNSOLICITED PUBLICATIONS) 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 Chapter 14 of Title 9 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:

#### **CHAPTER 14 - Delivery of Unsolicited Publications**

##### **Sec. 9-14-1 - Definitions.**

As used in this chapter:

(a) Deliver means to deliver, distribute, deposit, throw, cast or place, or cause or permit to be delivered, distributed, deposited, thrown, cast or placed, a publication, directly or indirectly by contractor, agent, employee or otherwise, but shall not include delivery by the United States Postal Service, delivery by handing or transmitting directly to the owner or occupant then present on the property, or delivery by placing within a receptacle or container expressly maintained by the owner or occupant of property for

the receipt of newspaper deliveries.

(b) Distributor means an entity who engages in the business of circulating or delivering newspapers.

(c) Publication means any printed material issued monthly or more frequently, whether printed in broadsheet, tabloid or other sheet or booklet form, and shall include without limitation a newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service in accordance with statute or regulation, any collection of advertising or solicitations appended together in booklet or magazine form and any newspaper distributed without cost to or subscription by the recipient.

(d) Publisher means a person who engages in the business of printing and issuing for circulation, or causing to be printed and issued for circulation, a publication.

(e) Unsolicited publication means a publication to which no owner or occupant of the premises to which it is delivered currently subscribes or has not requested.

#### **Sec. 9-14-2 - Obligations of publishers and distributors.**

(a) Any publisher delivering or causing delivery of an unsolicited publication to a location within the City of Alexandria shall:

(1) provide reasonable methods, including but not limited to, telephonic means, e-mail means and regular mail means, to allow owners and/or occupants of premises located within the City of Alexandria to communicate to the publisher that they do not wish to receive the unsolicited publication issued by the publisher; notice of all such methods shall be regularly included in, on or with the unsolicited publications issued by the publisher;

(2) implement a process or system whereby the addresses of all persons making requests for no delivery pursuant to section (a)(1) hereto are timely communicated to any and all applicable distributors responsible for distributing the unsolicited publication issued by the publisher;

(3) timely communicate the address of all persons making requests for no delivery made pursuant to section (a)(1) hereto to all applicable distributors pursuant to the process or system implemented pursuant to section (a)(2) hereto;

(4) implement and communicate to the requesting person a means of tracking requests for no delivery made pursuant to section (a)(1) hereto, including, by way of example, the assignment of a tracking number or some other reference system, so as to allow all persons making such requests to reference same in the event there is the need for follow-up or further communication;

(5) implement and utilize a process or system to timely follow up with all applicable distributors to ensure compliance with requests made pursuant to section (a)(1) hereto;

(6) upon written request from the director of the office of citizen assistance city manager or designee, provide the City of Alexandria with contact information for any applicable distributor to allow the city to follow up with that distributor on any complaint received by the city from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereto; and

(7) the requirements set forth in sections (a)(1) through (a)(6) hereto shall not apply to requests made by residents for temporary cessation of deliveries.

(b) Any distributor delivering unsolicited publications in the City of Alexandria shall:

- (1) not distribute to any address where the owner or occupant has made a request for no delivery pursuant to section (a)(1) hereof and such request has been communicated to the distributor by the publisher pursuant to sections (a)(2) and (a)(3) hereto;
- (2) in making deliveries, use their best efforts to place publications in proximity to the entrances of the units to which the distributor intends delivery; unsolicited publications (other than those in properly located and maintained newspaper boxes or racks) should not be placed on streets, sidewalks, public rights-of-way, or other public property and shall not be distributed by placing them at intervals along a block, or by placing several near the entrance to a multi-unit building, other than in direct relation to the number of publications requested by the occupants of the block or building;
- (3) implement and utilize a system or procedure for tracking and executing a publisher's direction regarding requests for no delivery made pursuant to section (a)(1) hereto;
- (4) upon written request from the city manager director of the office of citizen assistance or designee, use their best efforts to provide the City of Alexandria with facts and details related to complaints received by the city from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereto;
- (5) take any corrective measures requested by the City of Alexandria after its completion of any investigation into complaints received by the city from a resident regarding delivery of an unsolicited publication after making a request pursuant to section (a)(1) hereof; and
- (6) the requirements set forth in sections (b)(1) through (b)(5) hereto shall not apply to requests made by residents for temporary cessation of deliveries.

### **Sec. 9-14-3 - Removal.**

- (a) If the publication can be located, the distributor thereof shall remove any publication delivered in violation of section 9-14-2(b)(2) within 24 hours following notice and demand by the owner or occupant of the premises.
- (b) If the publication can be located, the distributor thereof shall remove any publication delivered in violation of section 9-14-2(b)(2) within 24 hours following notice and demand by the city manager director of the office of citizen assistance or designee.
- (c) Violation of this section 9-14-3 shall constitute a separate and independent violation from the antecedent violation of section 9-14-2.

### **Sec. 9-14-4 - Enforcement by the city.**

- (a) Any resident of the City of Alexandria wishing to make a complaint regarding delivery of an unsolicited newspaper in violation of this chapter to the property at which they reside or which they own shall provide the following information to the city manager director of the office of citizen assistance or designee:
  - (1) the name of the requesting person;
  - (2) the address that was the subject of the request;
  - (3) the date of and method used to make the request;
  - (4) the tracking number or other reference information provided by the publisher in response to the request; and
  - (5) the name and publication date of the unsolicited publication that is the subject of the complaint.



(b) Any resident of the City of Alexandria wishing to make a complaint regarding a publisher's failure to provide a tracking number or other means of reference for a no delivery request in violation of section 9-14-2(a)(4) of this chapter shall provide the following information to the city manager director of the office of citizen assistance or designee:

- (1) name of the requesting person;
- (2) the address that was the subject of the request;
- (3) the date of and method used to make the request; and
- (4) the name and publication date of the unsolicited publication that is the subject of the complaint.

(c) Any person wishing to make a complaint unrelated to a no delivery request and regarding improper placement of unsolicited publications by a distributor of unsolicited publications in violation of section 9-14-2(b)(2) of this chapter shall provide the following information to the city manager director of the office of citizen assistance or designee:

- (1) the name of the complaining person;
- (2) the location of the alleged improper placement and time the condition was observed; and
- (3) the name and publication date of the unsolicited newspaper that is the subject of the complaint.

(d) Any person wishing to make a complaint for failure to remove an improperly delivered unsolicited publication in violation of section 9-14-3(a) shall provide the same information as is required in section 9-14-4(a), plus the date, time and manner of communication of the request to remove.

The city shall have no obligation to take any action on a complaint that does not contain the required information set forth above.

#### **Sec. 9-14-5 - Penalties.**

(a) Violation of section 9-14-2 shall constitute a class five civil violation, pursuant to section 1-1-11 of this code; provided, however, that for the purpose of determining whether a subsequent violation is subject to an enhanced penalty, delivery of the same publication to the same address within a 12-month period shall constitute a violation arising from the same set of operative facts.

(b) Violation of section 9-14-3 shall constitute a class four civil violation, pursuant to section 1-1-11 of this code; provided, however, that for the purpose of determining whether a subsequent violation is subject to an enhanced penalty, the failure to remove the same publication from the same address within a 12-month period shall constitute a violation arising from the same set of operative facts.

Section 2. That Chapter 14 of Title 9 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.

22. Public Hearing, Second Reading and Final Passage of an Ordinance to add Section

2-129.1 (CONGREGATE RECREATIONAL FACILITIES) of Article II (DEFINITIONS) and to amend and reordain Section 6-105 (SPECIAL USES) and 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0007 (Implementation Ordinance for Text Amendment No. 2018-0007 approved by City Council on October 13, 2018). [ROLL-CALL VOTE]

(A copy of the memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to add Section 2-129.1 (CONGREGATE RECREATIONAL FACILITIES) of Article II (DEFINITIONS) and to amend and reordain Section 6-105 (SPECIAL USES) and 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0007.

The ordinance reads as follows:

#### **ORDINANCE NO. 5171**

AN ORDINANCE to add Section 2-129.1 (Congregate recreational facilities) of Article II (DEFINITIONS) and to amend and reordain Section 6-105 (Special uses) and 6-403 (General regulations and exceptions) of Article VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0007.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-0007, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 2, 2018 of a text amendment to the Zoning Ordinance to add provisions to allow by special use permit lighting at congregate recreational facilities, which recommendation was approved by the City Council at public hearing on October 13, 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 2-129.1 of the Zoning Ordinance be, and the same hereby is, added by inserting the language shown in underline, as follows:

2-129.1 Congregate recreational facilities

A use devoted to recreational activities typically or often pursued as a group or team, such as athletic fields, children's play apparatus areas, archery ranges, court game facilities, indoor and outdoor swimming pools, amphitheaters, band shells, and outdoor theaters, not including drive-in theaters.

Section 2. That Section 6-105 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:

The following uses may be allowed in the POS zone pursuant to a special use permit:

(A) Public park and community recreation buildings, including enclosed and semi-enclosed shelters and pavilions, providing functions and facilities such as gymnasiums, meeting rooms, game rooms, arts and crafts centers, and dining and dancing facilities;

(B) Active and/or ~~c~~Congregate recreational facilities such as: ;

(1) Athletic fields, children's play apparatus areas, archery ranges and court game facilities;

(2) Indoor and outdoor swimming pools;

(3) Indoor and outdoor roller skating and ice skating rinks;

(4) Amphitheaters, band shells and outdoor theaters, not including drive-in theaters;

(5) Miniature golf courses and similar amusement and recreational facilities;

(C) Commercial facilities customarily incidental and subordinate to the operation of public recreational uses, such as refreshment stands and small shops providing sporting goods and related services.

(D) Cultural facilities such as botanical gardens, arboretums, nature centers, conservatories, historic sites, archeological sites, monuments and memorials;

(E) Plant, tree and flower nurseries;

(F) Public utility rights-of-way, man-made lakes, ponds and water courses, and similar public works compatible with the purposes of the POS zone;

(G) Facilities for the lighting of any area in the POS zone for nighttime use;

(H) Outdoor food and crafts market;

(I) Temporary public school classroom trailers in conjunction with adjacent public schools. This subsection shall expire on June 30, 2006. Any trailers permitted under the authority of this subsection shall be removed by that date.

(J) Public recycling center, provided that the director finds that the use does not interfere with an established active or passive recreation area; that no trees will be removed to accommodate the use, unless such removal is approved by the director of

parks, recreation and cultural activities, and that uses adjacent to the recycling site are compatible with recycling activities.

(K) Indoor and outdoor roller skating and ice skating rinks, miniature golf courses.

Section 3. That Section 6-403 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:

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

(B) *Mechanical appurtenances.* Chimney, towers, tanks, machinery, equipment, penthouses or other necessary mechanical appurtenances to a main building may be erected as a part of the main building to their required heights, regardless of any other height provisions or restrictions of this ordinance, provided that the following requirements are met.

(1) All necessary rooftop mechanical appurtenances and penthouses shall be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.

(2) The following limitations apply to rooftop mechanical penthouses:

(a) Only one penthouse is permitted unless the number is increased by a special use permit;

(b) The penthouse shall not exceed 15 feet unless the height is increased by a special use permit;

(c) The penthouse must be limited in size to the minimum space required to house necessary mechanical equipment; and

(d) No equipment may be placed above the roof of the penthouse to increase its height if such equipment could be located on the roof of the building itself.

(3) For buildings located within the Old and Historic Alexandria District or the Parker Gray District, or for buildings outside such districts designated pursuant to section 10-300, the board of architectural review having jurisdiction of the matter may, after public hearing, waive or modify the screening requirement of subsection (B)(1) of this section, if the board finds such requirement to be architecturally inappropriate. The board of architectural review for the Parker Gray District may delegate the waiver authority under this subsection (3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.

(C) *Church steeples.* No church building shall exceed the height for each zone, as limited by the Height District Maps, except that a church steeple may be erected to a height of 90 feet, or to a height in excess of 90 feet but not in excess of 150 feet with a special use permit. For purposes of this section 6-403(C), steeple shall mean a decorative or symbolic architectural component including a tower, spire, belfry or similar component extending above the ridge line of the building roof, or the highest point of the roof of the building.

(D) *Reception or transmission structures.* All radio and television reception or transmission structures may be erected only in compliance with section 7-1205 and section 7-1206.

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

(F) *Lighting for congregate recreational facilities and dog parks.*

(1) Subject to the limitations in subsection (2) below, poles for lighting the following uses may be constructed to a height which otherwise exceeds that permitted by the zone with a special use permit:

(a) Congregate recreational facilities and

(b) Dog parks.

(2) The following limitations apply:

(a) Poles include luminaire assemblies;

(b) Poles may be up to 80 feet in height;

(c) The applicant shall demonstrate that the increased pole height will mitigate the impact of lighting in terms of spillage and glare;

(d) Poles shall be setback a minimum of 35 feet from any right-of-way or residential property line; and

(e) Poles may be located in any zone.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 5. That Sections 2-129.1, 6-105, and 6-403, as amended pursuant to Sections 1 through 3 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 6. 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.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 5-1 by roll-call vote, City Council adopted an ordinance to add Section 2-129.1 (CONGREGATE RECREATIONAL FACILITIES) of Article II (DEFINITIONS) and to amend and reordain Section 6-105 (SPECIAL USES) and 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-0007. The vote was as follows: In favor, Vice Mayor Wilson, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, Mayor Silberberg. Absent: Councilman Bailey.

**WHEREUPON**, upon motion by Vice Mayor Wilson, seconded by Councilman Smedberg and carried 6-0 by roll-call vote, City Council adopted ordinance in docket items 23, 24, 25, 26, 27, 28, 29, 30, and 31 as a block. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none. Absent: Councilman Bailey.

23. 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 the Beauregard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2018-00005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for Master Plan Amendment No. 2018-00005 associated with Monday Properties approved by City Council on October 13, 2018). [ROLL-CALL VOTE]

(A copy of the memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23; 11/17/18, 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 the Beauregard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2018-00005 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. 5172**

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 the Beauregard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2018-00005 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. 2018-00005, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 4, 2018 of an

amendment to the Beauregard Small Area Plan Chapter of the Master Plan of the City of Alexandria to amend the use to include residential uses at the site and to increase the height and to amend the framework streets to remove the parallel road in the Adams Neighborhood, which recommendation was approved by the City Council at public hearing on October 13, 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 Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by replacing Figures 15, 23, 25, 30, and 33E, attached hereto and incorporated fully herein by reference, as new pages in the Beauregard Small Area Plan Chapter of the Master Plan of the City of Alexandria, Virginia.

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.

24. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 5-602(A) (Coordinated development districts created, consistency with master plan, required approvals) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-00006 (Implementation Ordinance for Text Amendment No. 2018-00006 associated with Monday Properties approved by City Council on October 13, 2018). [ROLL-CALL VOTE]

(A copy of the memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 11/17/18, and is incorporated as part of this record by reference

A copy of the ordinance referred to in the above item, of which each item Member of Council received not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Section 5-602(A) (Coordinated development districts created, consistency with master plan, required approvals) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-00006.

### **ORDINANCE NO. 5173**

AN ORDINANCE to amend and reordain Section 5-602(A) (Coordinated development districts created, consistency with master plan, required approvals.) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2018-00006.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2018-00006, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 4, 2018 of a text amendment to the Zoning Ordinance to amend CDD No. 21 to change the height reference to the Beauregard Small Area Plan, which recommendation was approved by the City Council at public hearing on October 13, 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 5-602(A) 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, for CC #21, as follows:



CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum F.A.R. and/or Development Levels	Maximum Height	Uses
21	Beauregard	<p>The RA zone shall apply to the existing residential portion of the Garden District, Greenway and Town Center neighborhoods. The CG zone regulations shall apply to the existing shopping center in the Town Center neighborhood. In addition to the requirements herein, in the Greenway. Garden District and Town Center neighborhoods, the following shall apply:</p> <ul style="list-style-type: none"> <li>- The FAR of the existing development shall not increase over the existing FAR.</li> <li>- No building shall be constructed within 50 feet of curb of North Beauregard Street</li> </ul> <p>The OC zone regulations shall apply to the Adams Neighborhood.</p> <p>The R-12 zone regulations shall apply to the Upland Park Neighborhood.</p> <p>The RC zone regulations shall apply for the Southern Towers Neighborhood.</p> <p>The neighborhoods as referenced herein, shall be the boundaries depicted in the CDD Concept Plan.</p>	Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions.	<p>Maximum heights shall be as depicted in the Beauregard <del>Urban Design Standards and Guidelines dated March 18, 2013</del> <u>Small Area Plan dated June 16, 2012, as may be amended.</u></p>	Mixed-use development to include, office, residential, retail and personal service, hotel, parks and open spaces, public buildings and community facilities.

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(A), 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.

25. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and

reordain Sheet No. 055.01 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 properties at 1, 11, 44, 66, and 99 Canal Center Plaza from, W-1 to CRMU-H with proffers in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2017-0003 (Implementation Ordinance for Rezoning No. 2017-0003 associated with Canal Center Rezoning approved by City Council on October 13, 2018). [ROLL-CALL VOTE]

(A copy of the memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 25; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 25; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordain Sheet No. 055.01 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 properties at 1, 11, 44, 66, and 99 Canal Center Plaza from, W-1 to CRMU-H with proffers in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2017-0003.

#### **ORDINANCE NO. 5174**

AN ORDINANCE to amend and reordain Sheet No. 055.01 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 properties at 1, 11, 44, 66, and 99 Canal Center Plaza from, W-1 to CRMU-H with proffers in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2017-0003.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2017-0003, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 4, 2018 of a rezoning of the properties at 1, 11, 44, 66, and 99 Canal Center Plaza from W-1 to CRMU-H with proffers, which recommendation was approved by the City Council at public hearing on October 13, 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. 055.01 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:

1 Canal Center Plaza, Alexandria, Virginia 22314, 055.01-04-13

11 Canal Center Plaza, Alexandria, Virginia 22314, 055.01-04-15

44 Canal Center Plaza, Alexandria, Virginia 22314, 055.01-04-16

66 Canal Center Plaza, Alexandria, Virginia 22314, 055.03-03-62

99 Canal Center Plaza , Alexandria, Virginia 22314, 055.01-04-14

From: W-1

To: CRMU-H with proffers

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. 055.01 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.

26. Public Hearing, Second Reading and Final Passage of an Ordinance to authorize the owner of the property located at 699 Prince Street to construct and maintain an encroachment for a marquee awning at that location. (Implementation Ordinance for Encroachment No. 2018-0005 associated with 114 South Washington Street and 699 Prince Street approved by City Council on October 13, 2018). [ROLL-CALL VOTE]

(A copy of the memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 26; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 26; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to authorize the owner of the property located at 699 Prince Street to construct and maintain an encroachment for a marquee awning at that location.

**ORDINANCE NO. 5175**

AN ORDINANCE authorizing the owner of the property located at 699 Prince Street to construct and maintain an encroachment for a marquee awning at that location.

WHEREAS, J. Street 699 Prince, LLC is the Owner ("Owner") of the property located at 699 Prince Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a marquee awning which will encroach into the public sidewalk right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2018-0005 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on October 2, 2018, which recommendation was approved by the City Council at its public hearing on October 13, 2018 and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 699 Prince Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of a marquee awning, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

Property Damage:	\$1,000,000 each occurrence
	\$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to

be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

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

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owners' or Tenant's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.
- (d) Pursuant to section 5-2-29(h)(2) of the City Code: "The owner or any successor in interest shall remove the encroachment if the City determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the City shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found or fails to remove the encroachment within the time specified, the City shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal."
- (e) The encroachment ordinance shall be approved prior to the release of the Final Site Plan.

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

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

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

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

Section 8. The terms "Owner" shall be deemed to include J. Street 699 Prince, LLC and its respective successors in interest.

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

27. Public Hearing, Second Reading, and Final Passage of an Ordinance authorizing the owner of the property located at 815 Green Street to construct and maintain an encroachment into the public right-of-way at that location for a fence and existing steps (Implementation Ordinance for Encroachment approved by City Council on September 15, 2018). [ROLL-CALL VOTE]

(A copy of the 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. 27; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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. 27; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance authorizing the owner of the property located at 815 Green Street to construct and maintain an encroachment into the public right-of-way at that location for a fence and existing steps.

### **ORDINANCE NO. 5176**

AN ORDINANCE authorizing the owner of the property located at 815 Green Street to construct and maintain an encroachment into the public right-of-way at that location for a fence and existing steps.

WHEREAS, Cecily Crandall is the owner ("Owner") of the property located at 815 Green Street in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to construct and maintain a fence and obtain authorization for existing steps, which will encroach into the public right-of-way at that location; and

WHEREAS, the public right-of-way at that location will not be significantly impaired by

this encroachment; and

WHEREAS, in Encroachment No. 2018-0009, the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on September 4, 2018, which recommendation was approved by the City Council at its public hearing on September 15, 2018, and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public right-of-way at 815 Green Street in the City of Alexandria, as shown on the attached encroachment plat, said encroachment measuring approximately 161 square feet and consisting of existing stairs and a continuation of an existing fence perpendicular to the sidewalk, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

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

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

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

encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. The Owner shall bear all costs associated with removal of the encroachments.

- c) The fence shall not be installed within one (1.0) foot of a city-owned paved surface.

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

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

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

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

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

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

28. Public Hearing, Second Reading, and Final Passage of an Ordinance Authorizing the Owners of the Property Located at 2701 Dewitt Avenue to Establish and Maintain an Encroachment into the Public Right-of-Way at that Location along the Frontage of Dewitt Avenue and East Randolph Avenue for an Existing Fence (Implementation Ordinance for an Encroachment Approved by City Council on September 15, 2018). [ROLL-CALL VOTE]

(A copy of the 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. 28; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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. 28; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance authorizing the owners of the property located at 2701 Dewitt Avenue to establish and maintain an encroachment into the public right-of-way at that location along the frontage of Dewitt Avenue and East Randolph Avenue for an existing fence.

### **ORDINANCE NO. 5177**

AN ORDINANCE authorizing the owners of the property located at 2701 Dewitt Avenue to establish and maintain an encroachment into the public right-of-way at that location along the frontage of Dewitt Avenue and East Randolph Avenue for an existing fence.

WHEREAS, Jesse L. Houck and Rachel G. Houck are the owners ("Owners") of the property located at 2701 Dewitt Avenue in the City of Alexandria, Virginia; and

WHEREAS, Owners desire to obtain authorization for an existing fence, which will encroach into the public right-of-way at that location along the frontage of Dewitt Avenue and East Randolph Avenue; and

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

WHEREAS, in Encroachment No. 2018-0001, the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on September 4, 2018, which recommendation was approved by the City Council at its public hearing on September 15, 2018, and

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

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

Section 1. That Owners be, and the same hereby are, authorized to establish and maintain an encroachment into the public right-of-way at 2701 Dewitt Avenue in the City of Alexandria, as shown on the attached encroachment plat, said encroachment measuring approximately 90 square feet and consisting of an existing fence along the frontage of Dewitt Avenue and East Randolph Avenue, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided that this authorization to establish and maintain the encroachment shall not be construed to relieve Owners of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

This liability insurance policy shall identify the City of Alexandria and Owners as named

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

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

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

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

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

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

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

Section 8. The term “Owners” shall be deemed to include Jesse L. Houck and Rachel G. Houck and their respective successors in interest.

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

29. Public Hearing, Second Reading, and Final passage of an Ordinance Authorizing the Owner of the Property Located at 1620 Prince Street to Construct and Maintain an Encroachment into the Sidewalk Right-of-Way at that Location for the Installation of Two Bollards (Implementation Ordinance for the Hilton Garden Inn Encroachment Authorized by City Council on October 13, 2018). [ROLL-CALL VOTE]

City Council adopted an ordinance authorizing the owner of the property located at 1620 Prince Street to construct and maintain an encroachment into the sidewalk of the right-of-way at that location for the installation of two bollards.

### **ORDINANCE NO. 5178**

AN ORDINANCE authorizing the owner of the property located at 1620 Prince Street to construct and maintain an encroachment into the sidewalk right-of-way at that location for the installation of two bollards.

WHEREAS, Carr 1620 Prince Street, LLC is the owner (“Owner”) of the property located at 1620 Prince Street in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to install and maintain two six-inch diameter bollards on either side of a loading bay, which will encroach into the sidewalk right-of-way at that location along the frontage of Daingerfield Road; and

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

WHEREAS, in Encroachment No. 2018-0007, the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on October 2, 2018, which recommendation was approved by the City Council at its public hearing on October 13, 2018, and

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

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

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public right-of-way at 1620 Prince Street in the City of Alexandria, as shown on the attached encroachment plat, said encroachment measuring approximately 2 square feet and consisting of two six-inch diameter bollards on either side of the loading bay entrance facing Daingerfield Road, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided that this authorization to establish

and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

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

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

- d) Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.
- e) In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City. The Owner shall bear all costs associated with removal of the encroachments.
- f) The bollards shall be painted the color of the loading bay rim.

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

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

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed

to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

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

Section 8. The term "Owner" shall be deemed to include Carr 1620 Prince Street, LLC and its respective successors in interest.

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

30. Public Hearing, Second Reading, and Final Passage of an Ordinance Authorizing the Owners of the Property Located at 100 East Luray Avenue to Construct and Maintain an Encroachment into the Public Right-of-Way at that Location for a Fence and Side Yard Access. [ROLL-CALL VOTE]

(A copy of the 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. 30; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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. 30; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance authorizing the owners of the property located at 100 East Luray Avenue to construct and maintain an encroachment into the public right-of-way at that Location for a fence and side yard access.

### **ORDINANCE NO. 5179**

AN ORDINANCE authorizing the owners of the property located at 100 East Luray Avenue to construct and maintain an encroachment into the public right-of-way at that location for a fence and side yard access.

WHEREAS, Katherine and Brian Bartholomay are the owners ("Owners") of the property located at 100 East Luray Avenue in the City of Alexandria, Virginia; and

WHEREAS, Owners desire to construct and maintain a fence to provide increased access to what visually reads as the side yard of the property, which will encroach into the public right-of-way at that location, along the portion of the property that borders Newton

Street; and

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

WHEREAS, in Encroachment No. 2018-0011, the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on September 4, 2018, which recommendation was approved by the City Council at its public hearing on September 15, 2018, and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owners be, and the same hereby are, authorized to establish and maintain an encroachment into the public right-of-way at 100 East Luray Avenue in the City of Alexandria, as shown on the attached encroachment plat, said encroachment measuring approximately 879 square feet and located along Newton Street adjacent to the Owners' property, to construct a fence and provide access to a side yard, for a period of one year from the date of this Ordinance, or until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city, whichever is sooner; provided that this authorization to establish and maintain the encroachment shall not be construed to relieve Owners of liability for any negligence on their part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

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

This liability insurance policy shall identify the City of Alexandria and Owners as named insureds and shall provide for the indemnification of the City of Alexandria and Owners against

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

- g) Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.
- h) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owners shall remove any structure that encroached into the public right-of-way, within 60 days upon notification by the City, and the Owners shall bear all costs of removal.
- i) No fencing may be installed within one foot (1.0') of a city-owned paved surface.

- j) The authorization granted herein to construct and maintain this encroachment shall expire on November 17, 2019, and the encroachment shall terminate no later than that date.

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

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

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

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

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

31. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2019. (PRIMARY ORDINANCE) [ROLL-CALL VOTE]

(A copy of the 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. 31; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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. 31; 11/17/18, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to make supplemental appropriations for the support of the City government for fiscal year 2019.

#### **ORDINANCE NO. 5180**

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2019.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts required to defray the expenditures and liabilities of the city for which commitments were established in the form of encumbrances or otherwise on or before June 30, 2017, but which are payable in Fiscal Year 2018, and for which amounts were appropriated but not expended in Fiscal Year 2017 and further that the council does hereby allot the amounts so appropriated to the several city departments for Fiscal Year 2018, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

General Services	\$	136,326
Transportation and Environmental Services		481,462
Fire		824,994
Police		815,244
Community and Human Services		47,464
Recreation		341,140
Total Equipment Replacement Reserve Fund		<u>\$ 2,646,630</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019 the source of such amount being external funds for which the proceeds were received or accepted prior to June 30, 2018, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2018, as follows:

AFFORDABLE HOUSING FUND

ESTIMATED REVENUE:

Housing	<u>\$ 11,963,510</u>
Total Estimated Revenue	<u>\$ 11,963,510</u>

AFFORDABLE HOUSING FUND

APPROPRIATION:

Housing	<u>\$ 11,963,510</u>
Total Appropriation	<u>\$ 11,963,510</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019 the source of such amount being external grant funds for which the proceeds were received or accepted prior to June 30, 2018, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2018, as follows:

SPECIAL REVENUE FUND



ESTIMATED REVENUE:

Housing	\$ 3,144,828
Total Estimated Revenue	<u>\$ 3,144,828</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Housing	\$ 3,144,828
Total Estimated Revenue	<u>\$ 3,144,828</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2018 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2019, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Commonwealth's Attorney	\$ 5,814
Sheriff	558
Fire	1,896,557
Housing	306,119
Community and Human Services	562,513
Historic Alexandria	195,511
Transportation and Environmental Services	506,154
Total Estimated Revenue	<u>\$ 3,473,226</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Commonwealth's Attorney	\$ 5,814
Sheriff	558
Fire	1,896,557
Housing	306,119
Community and Human Services	562,513
Historic Alexandria	195,511
Transportation and Environmental Services	506,154
Total Estimated Revenue	<u>\$ 3,473,226</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2019 the source of such amount being the residual balances accumulated as of June 30, 2018, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2019, as follows:

## DONATIONS AND OTHER SPECIAL REVENUE FUNDS

### ESTIMATED REVENUE:

Historic Alexandria	\$	58,062
Community and Human Services		47,200
Recreation, Parks and Cultural		30,000
Police Department		10,000
Code Administration		254,000
Transportation and Environmental Services		114,769
Total Estimated Revenue		<u>\$ 514,031</u>

## DONATIONS AND OTHER SPECIAL REVENUE FUND

### APPROPRIATION:

Historic Alexandria	\$	58,062
Community and Human Services		47,200
Recreation, Parks and Cultural		30,000
Police Department		10,000
Code Administration		254,000
Transportation and Environmental Services		114,769
Total Estimated Revenue		<u>\$ 514,031</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in Fiscal Year 2019 the source of such amount being the residual balances accumulated as of June 30, 2018, in accounts for donations, fees and other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2019, as follows:

## OTHER SPECIAL REVENUE FUND – SEIZED ASSETS

### ESTIMATED REVENUE:

Police Department	\$	(1,101,906)
Commonwealth's Attorney		92,182
Total Estimated Revenue		<u>\$ (1,009,724)</u>

## SPECIAL REVENUE FUND

### APPROPRIATION:

Police Department	\$	(1,101,906)
Commonwealth's Attorney		92,182
Total Estimated Revenue		<u>\$ (1,009,724)</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain

expenditures and liabilities of the city for fiscal year 2019, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2019, as follows:

## CAPITAL PROJECTS

### ESTIMATED REVENUE:

Capital Projects – Bond Premium Proceeds	\$ 1,425,000
Capital Projects – Cash Capital	687,577
Capital Projects – Code Funds	254,000
Capital Projects – Grant Funds	(3,207,000)
Capital Projects – Donations and Contributions	62,750
Capital Projects – Comcast Revenue	264,435
Capital Projects – Bond Proceeds	<u>\$ (25,000,000)</u>
Total Estimated Revenue	<u>\$ (25,513,238)</u>

### APPROPRIATION:

Delete: Combined Sewer Outflow (AlexRenew)	\$ (25,000,000)
Increase: Fire Station 203 Project	900,000
Add: Various Private Capital Contribution Projects	62,750
Add: DASH Deck and Retaining Wall Repairs	287,000
Add: Staffing for APEX Project	254,000
Add: PSC and EOC Repairs	175,577
Add: Data Storage Project	264,435
Add: RealWare Upgrade Analysis	75,000
Add: Ewald Park Demolition	150,000
Create: Contingent ACPS Mt. Vernon Roof Repair	525,000
Adjust: Various Grant-funded Projects	<u>\$ (3,207,000)</u>
Total Appropriation	<u>\$ (25,513,238)</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

## GENERAL FUND

Emergency Communications	\$ (62,766)
Transportation and Environmental Services	(281,007)
Commonwealth's Attorney	(47,951)
Sheriff's Office	(139,072)
Information Technology Services	(40,168)
Human Resources	(37,187)
Planning and Zoning	(37,428)
City Attorney's Office	5,856
Finance	(171,012)
General Services	(120,996)
Project Implementation	(104,130)
Fire	(101,502)
Police	(103,572)
Housing	(32,841)
Community and Human Services	(50,539)

Alexandria Health Department	(68,693)
Historic Alexandria	(26,260)
Recreation	(27,773)
Alexandria Libraries	(63,077)
Non-Departmental	1,510,118
Total Appropriation	\$ <u>0</u>

Section 9. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2019 the source of such amount being Component Unit - Schools Fund Balance, and further that the Council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit - Schools	\$ 4,464,580
Total Appropriation	\$ <u>4,464,580</u>

Section 10. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures of the city for fiscal year 2019 the source of such amount being Component Unit – Alexandria Libraries Fund, and further that the Council does hereby allot the amount so appropriated, as follows:

COMPONENT UNIT

APPROPRIATION:

Component Unit – Libraries	\$ (32,581)
Total Appropriation	\$ <u>(32,581)</u>

Section 11. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019 the source of such amount being external grant funds for which the proceeds were received or accepted prior to June 30, 2018, but which were not expended by such date, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2018, as follows:

SPECIAL REVENUE FUND – ALEXANDRIA TRANSIT COMPANY (DASH)

ESTIMATED REVENUE:

Alexandria Transit Company	\$ 322,453
Total Estimated Revenue	\$ <u>322,453</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Alexandria Transit Company	\$ 322,453
Total Estimated Revenue	\$ <u>322,453</u>

Section 12. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019, the source of such amount being Committed General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Committed General Fund Balance	\$ 3,290,899
Total Estimated Revenue	<u>\$ 3,290,899</u>

APPROPRIATION:

City Attorney's Office	\$ 125,000
City Council	25,308
City Manager's Office	109,500
Commonwealth's Attorney	109,123
Communications	50,000
Emergency Communications	100,000
General Services	2,500
Historic Alexandria	85,000
Housing	27,000
Human Resources	208,000
Non-Departmental	20,000
Cash Capital – General Services	462,577
Cash Capital – Recreation	150,000
Cash Capital – Information Technology Services	75,000
Other Public Safety	672,269
Planning and Zoning	268,752
Recreation	90,000
Sheriff	86,948
Alexandria Economic Development Partnership	73,309
Economic Development Activities	522,000
Alexandria Libraries – Law Library	28,613
Total Appropriation	<u>\$ 3,290,899</u>

Section 13. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2019, the source of such amount being Equipment Replacement Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

Transportation and Environmental Services	\$ 30,000
Fire	<u>654,400</u>
Total Equipment Replacement Reserve Fund	<u>\$ 684,400</u>

Section 14. That this ordinance shall be effective upon the date and at the time of its final passage.

32. Public Hearing, Second Reading and Final Passage of an Ordinance to Make a Supplemental Appropriation for the Support of the City Government for Fiscal Year 2019 (Union Station Project). [ROLL-CALL VOTE]

(A copy of the 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. 32; 11/17/18, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each item Member of Council received 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. 32; 11/17/18, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Councilwoman Pepper and carried 5-0 by roll-call vote, City Council closed the public hearing and adopted an ordinance to Make a Supplemental Appropriation for the Support of the City Government for Fiscal Year 2019 (Union Station Project). The vote was as follows: In favor, Mayor Silberberg, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none. Absent: Councilman Bailey. Recused: Vice Mayor Wilson.

### **ORDINANCE NO. 5181**

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2019.

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

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2019, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2019, as follows:

#### **CAPITAL PROJECTS**

##### **ESTIMATED REVENUE:**

Capital Projects – Bond Premium	\$ 495,000
Total Estimated Revenue	<u>\$ 495,000</u>

##### **APPROPRIATION:**

Add: Union Station Slab Repair	\$ 495,000
Total Appropriation	<u>\$ 495,000</u>

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

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

**DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

**Planning Commission (continued)**

None.

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**THERE BEING NO FURTHER BUSINESS TO CONSIDER**, upon motion by Councilman Smedberg, seconded by Councilman Chapman and carried 6-0 City Council adjourned the public hearing November 17, 2018 at 4:13 p.m. The vote was as follows: In favor, Mayor Silberberg, Vice Mayor Wilson, Councilman Chapman, Councilmember Lovain, Councilwoman Pepper, and Councilman Smedberg; Opposed, none. Absent: Councilman Bailey.

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APPROVED BY:

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**ALLISON SILBERBERG MAYOR**

ATTEST:

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Alexis Lacy Deputy City Clerk