

**City of Alexandria**  
**Tuesday, July 9, 2019 5:30 PM**  
**City Council Public Hearing Meeting**  
**Meeting Minutes**

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Present: Mayor Justin M. Wilson, Vice Mayor Elizabeth Bennett-Parker, Members of Council Canek Aguirre, John Taylor Chapman, Amy B. Jackson, Redella S. Pepper, and Mohamed E. Seifeldin.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Baker, Deputy City Manager; Ms. Snow, Assistant City Attorney; Mr. Duval, Deputy Director, Transportation and Environmental Services (T&ES); Mr. Cox, Division Chief, Planning and Zoning (P&Z); Mr. Geratz, Principal Planner, P&Z; Mr. Coleman, Deputy Director, General Services; Ms. Ford, Urban Planner, P&Z; Ms. Christensen, Division Chief, P&Z; Mr. Moritz, Director, Planning and Zoning; Mr. LaColla, Division Chief, P&Z; Ms. Dietz, Deputy Director, T&ES; Mr. Tran, Environmental Program Manager, T&ES; Ms. Eggerton, Sustainability Coordinator, T&ES; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Affairs (RPCA); Ms. Horowitz, Urban Planner, P&Z; Mr. Skrabak, Deputy Director, T&ES; Ms. Free, Urban Planner, P&Z; Ms. Triggs, Deputy City Manager; Mr. Kerns, Division Chief, P&Z, Mr. Randall, Urban Planner, P&Z; Mr. Sharma, T&ES; Mr. Barre, Information Technology Services; Police Captain Andreas, and Mr. Lloyd.

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

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## **OPENING**

### 1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All members of Council were present, except for Councilman Chapman, who arrived at 6:15 p.m.

### 2. Public Discussion Period

The following persons participated in the public discussion period:

1. Jack Sullivan, 4300 Ivanhoe Place, spoke about the possible changes to Seminary Road and the decision made by the Traffic and Parking Board.

2. Robert Eiffert, 1418 Juliana Place, spoke about the safety of Seminary Road and the decision made by the Traffic and Parking Board.

3. Michael Curry, 1418 Juliana Place, spoke about the safety of Seminary Road and the decision made by the Traffic and Parking Board.

4. Fran Vogel, 41 North Early Street, representing Strawberry Hill Civic Association, spoke about the safety of traffic on Seminary Road.
5. Tom Fulton, 4020 Ellicott Street, representing Seminary Hill Association, spoke about the safety of the traffic on Seminary Road.
6. Susan Keightley, 501 Slaters Lane, representing MOMS Demand Action, spoke about the need for gun safety and in support of legislation on tonight's docket.
7. James Durham, 622 Fort William Pkwy, spoke about the safety on Seminary Road.
8. Lauren Jenkins, 45 Carriage House Circle, spoke about the safety on Seminary Road.
9. Carolyn Griglione, 1416 Ivanhoe Street, Seminary Rd, reported that she had filed an appeal of the Traffic and Parking decision and requested more information from City staff on Alternative 3 for changes to Seminary Road.
10. Jim Mathis, 3737 Seminary Road, spoke about the safety of the traffic on Seminary Road.
11. Michael Michaelis, 3976 Seminary Road, spoke about the traffic on Seminary Road and the need for more safety measures and he requested that Council review Alternative #3 for changes to road.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none.

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES  
ACTION CONSENT CALENDAR (3-12)**

**Planning Commission**

3. Special Use Permit #2019-0034  
3830 Seminary Road - Hahu Language Center  
Public hearing and consideration of a request for a special use permit to operate a commercial private school; zoned: R-20/ Single-family.  
Applicant: Eyoel Tesfaye  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 07/09/19, and is incorporated as part of this record by reference.)

4. Special Use Permit #2019-0035  
413 West Windsor Avenue - Single-Family Residence  
Public hearing and consideration of a request for a special use permit to construct a single-family dwelling on a developed substandard lot; zoned: R-8/ Single-family.  
Applicant: Daryl and Carolyn Andrews, represented by Gaver Nichols, architect  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 07/09/19, and is incorporated as part of this record by reference.)

5. Special Use Permit #2019-0038  
1 Cameron Street (Parcel Address: 5 Cameron Street) - Chart House  
Public hearing and consideration of a request for a special use permit for outdoor speakers at an existing restaurant (amending SUP #1944); zoned: CD/ Commercial Downtown. Applicant: Alexandria Waterfront Associates Limited Partnership, represented by Duncan W. Blair, attorney  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 07/09/19, and is incorporated as part of this record by reference.)

6. Special Use Permit #2019-0040  
3540 Wheeler Avenue - ACPS School Bus Facility  
Public hearing and consideration of a request for a special use permit to expand a breakroom at the existing noncomplying use for general automotive repair and motor vehicle storage uses; zoned: I/ Industrial and POS/ Public Open Space and Community Recreation. Applicant: Alexandria City Public Schools, represented by H. (Skip) Maginniss, architect  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 07/09/19, and is incorporated as part of this record by reference.)

7. Special Use Permit #2019-0041  
200 Stovall Street - Stovall Street Food Hall  
Public hearing and consideration of a request for a special use permit to operate a restaurant with live entertainment; zoned: CDD #2/ Coordinated Development District #2. Applicant: Scott Shaw  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 07/09/19, and is incorporated as part of this record by reference.)

8. Encroachment #2019-0001  
500 Wolfe Street - Encroachment

Public hearing and consideration of a request for an encroachment into the public right-of-way to install a fence; zoned: RM/ Townhouse. Applicant: Elena and Amanda Delle Donne  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 07/09/19, and is incorporated as part of this record by reference.)

9. Development Special Use Permit #2019-0018  
2410 and 2460 Mill Road - Hoffman Blocks 4 & 5 Amendment  
Public hearing and consideration of a request for a development special use permit and site plan with modifications to reduce the height of the West Tower Building of the mixed-use retail and residential complex approved in DSUP#2017-0023, including special use permit requests to increase the height of mechanical penthouses and the number of penthouses requested; zoned: CDD #2/Coordinated Development District #2. Applicant: HTC 4/5 Project Owner LLC, represented by Duncan W. Blair, attorney  
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 07/09/19, and is incorporated as part of this record by reference.)

10. FOR INFORMATION ONLY  
City Charter Section 9.06 Case #2019-0001  
1201 & 1203 Janney's Lane Public  
Receipt of a Report from the Planning Commission in regard to the proposed purchase of property and the resulting change in use of that property is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. Applicant: Alexandria City Public Schools  
Planning Commission: Approved 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 07/09/19, and is incorporated as part of this record by reference.)

11. Release of Capital Improvement Program Contingency Funds for Land Acquisition of 1201 and 1203 Janney's Lane for Public School (MacArthur Elementary) Purposes.

(A copy of the City Manager's memorandum dated June 28, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 07/09/19, and is incorporated as part of this record by reference.)

12. Appointment of a Member of Council to the Douglas MacArthur Elementary School Project Advisory Committee.

(A copy of the City Manager's memorandum dated June 28, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No 1 of Item No. 12; 07/09/19, and is incorporated as part of this record by reference.)

## END OF ACTION CONSENT CALENDAR

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett- Parker and carried unanimously, City Council closed the public hearing and approved the consent calendar, with the exception of docket item #8, which was approved under a separate motion. The approvals were as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. City Council approved the Planning Commission recommendation.
7. City Council approved the Planning Commission recommendation.
9. City Council approved the Planning Commission recommendation.
10. City Council received the Planning Commission approval as information.

11. City Council allocated Capital Improvement Program Contingency Funds in the amount of \$1,015,000 for the purchase of the 1201 and 1203 Janney's Lane properties as part of the Douglas MacArthur Elementary School modernization project.

12. City Council appointed Councilwoman Amy Jackson to the Douglas MacArthur Elementary School Project Advisory Committee ("Committee").

The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

8. Encroachment #2019-0001  
500 Wolfe Street - Encroachment  
Public hearing and consideration of a request for an encroachment into the public right-of-way to install a fence; zoned: RM/ Townhouse. Applicant: Elena and Amanda Delle Donne  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 07/09/19, and is incorporated as part of this record by reference.)

City staff responded to questions from Council about the comprehensive plan for address encroachments throughout the City.

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

1. Duncan Blair, 520 King Street, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

**WHEREUPON**, upon motion Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, including the clause to reevaluate the use of the encroachment for public use in 10 years (consistent with the CIP). The reevaluation would be administrative. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

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

13. Environmental Action Plan Phase 2 Green Building and Land Use and Open Space Chapters  
Public hearing and consideration of the Phase 2 updates to the Green Building and Land Use and Open Space chapters of the City's Environmental Action Plan. Staff: City of Alexandria, Departments of Planning & Zoning, Transportation & Environmental Services, General Services, and Recreation, Parks, and Cultural Activities.  
Planning Commission Action: Recommended Approval 6-1

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 07/09/19, and is incorporated as part of this record by reference.)

Ms. Horowitz, Urban Planner, Planning and Zoning, gave a presentation, along with Mr. Browand, Division Chief, Recreation, Parks and Cultural Activities, and they along with Mr. Moritz, Director, Planning and Zoning, responded to questions from Council.

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

1. Praveen Kathpal, 207 Clifford Avenue, chair of the Environmental Policy Commission, spoke in support of the Phase 2 Green Building updates, highlighting the carbon neutral building policies recommended by the Planning Commission and responded to questions from Council.
2. Brendan Owens, 411 North West Street, member of the Environmental Policy Commission, spoke in support of the Phase 2 Green Building updates.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parke, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

14. Second Reading, and Final Passage of the Environmental Action Plan (EAP) 2040. (Public Hearing Completed)

(A copy of the City Manager's memorandum dated June 28, 2019, is on file in the Office

of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 07/09/19, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council adopted the Environmental Action Plan 2040. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

\*City Council took a recess at 6:51 p.m. and reconvened the meeting at 7:22 p.m.\*

15. Consideration of a Contingent Contract to Sell City-Owned Property at 912, 916, 920 King Street and 116 South Henry Street.

(A copy of the City Manager's memorandum dated June 28, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 07/09/19, and is incorporated as part of this record by reference.)

Mr. Coleman, Deputy Director, General Services, gave a presentation on the proposed contract, and he along with, Mr. Cox, Planning and Zoning responded to questions from Council about the project, affordable housing contributions and cost of the property.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker, and carried 5-2, City Council authorized the City Manager to enter into a contract that is consistent with the attached contract, subject to the amendment to the sales contract that the 85 parking spaces will be replaced on the site in addition to the parking that is proposed in the project. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, and Councilwoman Pepper; Opposed, Councilwoman Jackson and Councilman Seifeldein.

16. Public Hearing and Consideration of a One (1) Year Lease Agreement Renewal with Child and Family Network Centers at Leonard Chick Armstrong Recreation Center Located At 25 West Reed Avenue.

(A copy of the City Manager's memorandum dated June 19, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 16; 07/09/19, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public hearing and authorized the City Manager to execute the lease agreement for a one-year lease agreement renewal between Child and Family Network Centers and the City of Alexandria for the use of one (1) classroom to conduct a pre-school program for children from low-income families. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

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

### **Planning Commission (continued)**

17. Text Amendment #2019-0004  
Rezoning #2019-0005  
Coordinated Development District Conceptual Design Plan #2019-0002  
600 South Pickett Street - Greenhill South CDD  
Public hearing and consideration of requests for: (A) the initiation of and a text amendment to the Zoning Ordinance to amend the provisions of Section 5-602(A) to establish Coordinated Development District (CDD) #28; (B) an amendment to the official zoning map to change the zone from I/ Industrial zone to CDD#28/ Coordinated Development District #28; and (C) a request for a Coordinated Development District Conceptual Design Plan; zoned I/ Industrial. Applicants: City of Alexandria (Text Amendment only) and Greenhill Capital Corp., represented by Mary Catherine Gibbs, attorney  
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 07/09/19, and is incorporated as part of this record by reference.)

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

1. Mary Catherine Gibbs, attorney for the applicant, spoke in support of the proposal and responded to questions from Council about the future development of the project.
2. Cathy Puskar, attorney for BTM Pickett Properties, LLC, spoke about the effects of the development on her clients' property and responded to questions from Council about by-right development and how this proposal might impact the property.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

18. Development Special Use Permit #2018-0020  
100 Madison Street, 501 North Union Street, 100 Jones Point Drive, 1460 & 1500 Duke Street, 370, 500, 590, 600, & 800 Holland Lane, and 1500 & 1600 Eisenhower Avenue - RiverRenew Combined Sewer Remediation Project  
Public hearing and consideration of a request for a development special use permit and site plan for a utility consisting of three outfall locations that include construction for above-grade development and equipment access points for the combined sewer outfall project; zoned: W-1/ Waterfront Mixed Use, WPR/Waterfront Park and Recreation, CDD #1/Coordinated Development District #1, RB/Townhouse, UT/Utilities and Transportation, OCH/Office Commercial High, CD/Commercial Downtown, OCM(100)/Office Commercial Medium (100). Applicant: Alexandria Renew Enterprises, represented by Jonathan P. Rak, attorney  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office

of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 18; 07/09/19, and is incorporated as part of this record by reference.)

Mr. Geratz, Principal Planner, Planning and Zoning, gave a presentation on the proposed project and he, along with City staff from Planning and Zoning, Transportation and Environmental Services,

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

1. David Stafford, 701 Caen Place, representing Ford's Landing, spoke in support of the proposal. Mr. Stafford expressed concern about seismic vibrations and noted that monitoring was a concern for the residents of Ford's Landing.

2. Ann Shack, 501 Tobacco Quay, spoke the removal of the contaminated soil and requested that the soil be barged out of the City instead of removed by trucks, in an effort to decrease the amount of contaminants in the air.

3. Jonathan Rak, attorney for the applicant, spoke in support of the proposal and responded to questions from Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

19. Master Plan Amendment #2019-0002  
Rezoning #2019-0003  
Coordinated Development District Conceptual Design Plan #2019-0003  
Development Special Use Permit #2018-0028  
Transportation Management Plan Special Use Permit #2019-0033  
2393, 2395, 2403, 2415, and 2421 Mill Road - Eisenhower East Small Area Plan Amendment and WMATA Office Building - Block 15A  
Public hearing and consideration of requests for: (A) Initiation of a Master Plan Amendment; (B) Public hearing and consideration of an amendment to the Eisenhower East Small Area Plan Chapter of the Master Plan to divide Block 15 into Blocks 15 and 15A; (C) amendments to the official zoning map to change the zoning for a portion of 2393 Mill Road from UT/Utilities and Transportation zone to CDD #2/Coordinated Development District #2, for 2395 Mill Road from OCM(100)/Office Commercial Medium (100) zone to CDD #2/Coordinated Development District #2 and UT/Utilities and Transportation, for a portion of 2403 Mill Road from OCM(100) /Office Commercial Medium (100) zone and UT/Utilities and Transportation to CDD #2/Coordinated Development District #2, for a portion of 2415 Mill Road from OCM(100)/Office

Commercial Medium (100) zone to CDD #2/Coordinated Development District #2, and for a portion of 2421 Mill Road from OCM(100)/Office Commercial Medium and UT/Utilities and Transportation zone to CDD #2/Coordinated Development District #2 and UT/Utilities and Transportation; (D) an amendment to Coordinated Development District #2 to add Block 15A; (E) a Development Special Use Permit and site plan to construct a new office building with above-grade parking; (F) a Transportation Management Plan Special Use Permit for the proposed construction; zoned: OCM(100)/Office Commercial Medium (100) & UT/Utilities and Transportation. Applicant: City of Alexandria (Master Plan Amendment only) and Washington Metropolitan Area Transit Authority (WMATA), represented by Jonathan P. Rak, attorney  
Planning Commission Action: Recommended Approval 4-0

(A copy of the Planning Commission report dated June 25, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19; 07/09/19, and is incorporated as part of this record by reference.)

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

1. Nina Albert, Director for Real Estate, Washington Metropolitan Area Transit Authority (WMATA), spoke in support of the project and responded to questions from Council about the proposed development including information about voluntary contributions, public art, inclusion of Capital Bikeshare facilities, access to the Metro station, timing of the development project and number of employees at the facility.

2. Jonathan Rak, attorney for the applicant, spoke in support of the project and responded to questions from Council.

3. Paul Smedberg, 726 Potomac Street, Chair of the WMATA board, spoke in support of the project and responded to questions from Council, noting the LEED Platinum building to the Eisenhower area.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett Parker and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Vice Mayor Bennett-Parker and carried 4-3, City Council approved the Planning Commission recommendation with the following amendments: delete conditions #90 and #91 and revise condition 13(e) to read as follows: Failure to achieve LEED Certification (or equivalent) for the residential project and/or LEED gold (or equivalent) for the commercial project will be evaluated by City staff, and if staff determines that a good faith, reasonable, and documented effort was not made to achieve these certification levels, then any City-wide Green Building policies existing at the time of staffs' release of Final Site Plan will apply. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilwoman Pepper; Opposed, Councilman Chapman, Councilwoman Jackson and Councilman Seifeldein.

## ORDINANCES AND RESOLUTIONS

20. Introduction and First Reading. Consideration. Passage on First Reading of an Ordinance to Prohibit Firearms on City Property. (Second Reading, Public Hearing and Final Passage Scheduled for Saturday, September 14, 2019.)(This item is not a public hearing)

(A copy of the City Manager's memorandum dated June 28, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20; 07/09/19, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 20; 07/09/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 20; 07/09/19, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council approved the ordinance on first reading and scheduled it for public hearing, second reading, and final passage on Saturday, September 14, 2019. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

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**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinances for docket items 21 -24 as a block by roll-call vote. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The approvals were as follows:

21. Public Hearing, Second Reading and Final Passage of an Ordinance to authorize the owner of the property located at 901 and 901 A North Fairfax Street to construct and maintain an encroachment for a garage vent on Montgomery Street at that location (Implementation Ordinance for Encroachment No. 2018-0013 associated with 901 and 901 A North Fairfax Street approved by City Council on January 12, 2019).

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21; 07/09/19, and is incorporated as part of this record by reference.

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

received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 21; 07/09/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and approved the ordinance to authorize the owner of the property located at 901 and 901 A North Fairfax Street to construct and maintain an encroachment for a garage vent on Montgomery Street at that location.

The ordinance reads as follows:

ORDINANCE NO. 5232

AN ORDINANCE authorizing the owner of the property located at 901 and 901 A North Fairfax Street to construct and maintain an encroachment for a garage vent on Montgomery Street at that location.

WHEREAS, 901 North Fairfax Alexandria Owner LLC is the Owner (“Owner”) of the property located at 901 and 901A North Fairfax Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a garage vent along Montgomery Street 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. 2018-0013 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 January 3, 2019, which recommendation was approved by the City Council at its public hearing on January 12, 2019 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 on Montgomery Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of a garage vent, approximately 28’ long by 3’ deep, 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 Owner'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.

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 "Owners" shall be deemed to include 901 North Fairfax Alexandria Owner 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.

22. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 034.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 101 East Windsor Avenue, from RB/Residential Townhouse to R-2-5/Residential Single and Two-Family in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2019-0004 (Implementation Ordinance for Rezoning No. 2019-0004 associated with the 101 East Windsor Avenue Residential Rezoning approved by City Council on June 22, 2019).

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 07/09/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22; 07/09/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to amend and reordain Sheet No. 034-04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 101 East Windsor Avenue, from RB/Residential Townhouse to R-2-5/Residential Single and Two-Family in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2019-0004.

The ordinance reads as follows:

ORDINANCE NO. 5233

AN ORDINANCE to amend and reordain Sheet No. 034.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 101 East Windsor Avenue from, RB/Residential Townhouse to R-2-5/Residential Single and Two-Family in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2019-0004.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2019-0004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on June 4, 2019 of a rezoning of the property at 101 East Windsor Avenue from, RB/Residential Townhouse to R-2-5/Residential Single and Two-Family, which recommendation was approved by the City Council at public hearing on June 22, 2019;

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. 034.04 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: Lot 336, 101 East Windsor Avenue, Alexandria, Virginia 22301, 034.04-06-01.C.

From: RB/Residential Townhouse  
To: R-2-5/Residential Single and Two-Family

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

Section 3. That Sheet No. 034.04 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.

23. Public Hearing, Second Reading and Final Passage of an Ordinance to delete Section 2-103 (Accessory Building) of Article II (DEFINITIONS) and Section 7-2505; to add Section 2-125.1 (BUILDING WALL, FRONT), Section 2-197.4 (SUBDIVISION), Section

2-197.5 (TITLE LOAN BUSINESS) of Article II (DEFINITIONS), Section 7-2505 (FREE STANDING GARAGES TO THE REAR OF THE MAIN BUILDING), Section 7-2506 (ATTACHED GARAGES), Section 7-2507 (TREE COVERAGE REQUIREMENTS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); to amend and reordain Section 2-145 (FLOOR AREA), Section 2-149 (GARAGE, PRIVATE), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.2 (STRUCTURE, ORNAMENTAL), Section 2-197.3 (STRUCTURE, SUBORDINATE) of Article II (DEFINITIONS), Section 7-103 (USE LIMITATIONS), 7-2200 (TREE COVERAGE REQUIREMENTS), 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) and 7-2502 (ATTACHED PRIVATE GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1302 (SPECIAL EXCEPTIONS ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0003 (Implementation Ordinance for Text Amendment No. 2019-0003 approved by City Council on June 22, 2019).

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23; 07/09/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 23; 07/09/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance to delete Section 2-103 (Accessory Building) of Article II (DEFINITIONS) and Section 7-2505; to add Section 2-125.1 (BUILDING WALL, FRONT), Section 2.197.4 (SUBDIVISION), Section 2.197.5 (TITLE LOAN BUSINESS) of Article II (Definitions), Section 7-2505 (FREE STANDING GARAGES TO THE REAR OF THE MAIN BUILDING), Section 7-2506 (ATTACHED GARAGES), Section 7-2507 (TREE COVERAGE REQUIREMENTS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); to amend and reordain Section 2-145 (FLOOR AREA), Section 2-149 (GARAGE, PRIVATE), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.2 (STRUCTURE ORNAMENTAL), Section 2-197.3 (STRUCTURE, SUBORDINATE) of Article II (DEFINITIONS), Section 7-103 (USE LIMITATIONS), 7-2200 (TREE COVERAGE REQUIREMENTS), 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) and 7-2502 (ATTACHED PRIVATE GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1302 (SPECIAL EXCEPTIONS ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0003.

The ordinance reads as follows:

#### ORDINANCE NO. 5234

AN ORDINANCE to delete Section 2-103 (ACCESSORY BUILDING) of Article II

(DEFINITIONS) and Section 7-2505; to add Section 2-125.1 (BUILDING WALL, FRONT), Section 2-197.4 (SUBDIVISION), Section 2-197.5 (TITLE LOAN BUSINESS) of Article II (DEFINITIONS), Section 7-2505 (FREE STANDING GARAGES TO THE REAR OF THE MAIN BUILDING), Section 7-2506 (ATTACHED GARAGES), Section 7-2507 (TREE COVERAGE REQUIREMENTS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); to amend and reordain Section 2-145 (FLOOR AREA), Section 2-149 (GARAGE, PRIVATE), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.2 (STRUCTURE, ORNAMENTAL), Section 2-197.3 (STRUCTURE, SUBORDINATE) of Article II (DEFINITIONS), Section 7-103 (USE LIMITATIONS), 7-2200 (TREE COVERAGE REQUIREMENTS), 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) and 7-2502 (ATTACHED PRIVATE GARAGES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), and Section 11-1302 (SPECIAL EXCEPTIONS ESTABLISHED) of Division C (BOARD OF ZONING APPEALS) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0003, 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 June 4, 2019 of a text amendment to the Zoning Ordinance to revise the infill regulations for and create a new special exception for residential garages, which recommendation was approved by the City Council at public hearing on June 22, 2019;
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 2-103 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety.

Section 2. That Section 2-125.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-125.1 Building wall, front.

The wall of a principal structure located in the closest proximity to a front property line.

Section 3. That Section 2-145(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, as follows:

2-145 – Floor area.

- A. For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. It shall include all space which is deemed habitable space by the Virginia Uniform Statewide Building Code (USBC) or seven feet or more in height, whichever is less. These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:
- (1) Stairs, and elevators. The term stairs includes ramps and other similar structures deemed necessary to provide access to persons with disabilities.
  - (2) Floor space used for utilities, which may include accessory water tanks, cooling towers, mechanical and electrical equipment, and any similar construction not susceptible to storage or occupancy (but not including ductwork, pipes, radiators or vents).
  - (3) Basements.
  - (4) Attic floor area with a ceiling height of seven feet or less or where the space with the ceiling height of seven feet or more is less than four feet wide, as measured from the attic floor or floor joists if there is no floor, to the bottom of the roof rafters or underside of the roof deck if there are no rafters.
  - (5) Porticos and portions of porches up to eight feet in depth located on the first or ground floor without second-story enclosed construction above the portico or porch.
  - (6) Free-standing garages to the rear of the main building in accordance with section 7-25051.
  - (7) Architectural features up to a maximum projection of 30 inches extending beyond an exterior face of a building wall or column.
  - (8) Space under open balconies (decks) and similar structures projecting from the first floor or below.
  - (9) Space under open balconies and similar structures projecting from a floor above the first floor up to a maximum depth of eight feet.
  - (10) Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do not use poles or posts for structural support.
  - (11) Sheds and other small accessory buildings in accordance with section 7-202(B)(4).

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Section 4. That Section 2-149 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-149 - Garage, private.

A ~~building structure~~ designed for the storage of not more than three motor-driven vehicles, including carports and other covered parking structures.

Section 5. That Section 2-197.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

~~2-197.1- Structure, ornamental~~accessory.

~~An individual structure fixed to the ground having a purely decorative or commemorative quality or value, or designed exclusively for the outdoor display of an object having a purely decorative or commutative quality or value, and containing no storage, mechanical, habitable, or occupiable space.~~A subordinate structure, the use of which is incidental to that of the main building or to the use of the premises.

Section 6. That Section 2-197.2 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

~~2-197.2 - Subdivision~~Structure, ornamental.

~~The division of a lot, parcel or tract of land into two or more lots, plots, sites, parcels or other divisions for the purpose, whether immediate or future, of sale or building development and including the re-subdivision of existing lots, parcels, tracts or other divisions of existing and duly recorded subdivisions. Any tract of land upon which a street, alley or public right-of-way is dedicated shall be considered a subdivision.~~An individual structure fixed to the ground having a purely decorative or commemorative quality or value, or designed exclusively for the outdoor display of an object having a purely decorative or commutative quality or value, and containing no storage, mechanical, habitable, or occupiable space.

Section 7. That Section 2-197.3 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

~~2-197.3 - Title loan business~~Structure, subordinate.

~~A business regulated by section 6.2-2200 et seq. of the Virginia Code.~~An accessory structure with a gross floor area that is less than 33 percent of the gross floor area and less than 50 percent of the height of the principal structure.

Section 8. That Section 2-197.4 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-197.4 - Subdivision.

The division of a lot, parcel or tract of land into two or more lots, plots, sites, parcels or other divisions for the purpose, whether immediate or future, of sale or building development and including the re-subdivision of existing lots, parcels, tracts or other divisions of existing and duly recorded subdivisions. Any tract of land upon which a street, alley or public right-of-way is dedicated shall be considered a subdivision.

Section 9. That Section 2-197.5 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-197.5 - Title loan business.

A business regulated by section 6.2-2200 et seq. of the Virginia Code.

Section 10. That Section 7-103 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-103 - Use limitations.

The following limitations apply to accessory uses and structures:

- (A) No accessory use or structure shall be located forward of the front building line, except as provided in section 7-202(A).
- (B) No accessory use or structure shall be located in a required rear or side yard, except as provided in section 7-202.
- (C) Accessory structures shall be included in the calculations required by this ordinance for the purpose of complying with height and bulk regulations.
- (D) An accessory use or structure shall be located on the same lot as the principal structure or use served, except where it is located on an adjoining lot which contains no principal structure building and which is adjacent to and in common ownership with the lot on which the principal structure building which it does serve is located or as otherwise expressly authorized by the provisions of this ordinance.

Section 11. That Section 7-2200 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-2200 - ~~Reserved.~~Tree coverage requirement.

The supplemental regulations in this section apply to residential lots in the R-20, R-12, R-8, R-5, R-2-5, and lots developed or proposed to be developed with single-family and two-family dwellings in the RA and RB zones, not including property located within the Old and Historic Alexandria and Parker-Gray Districts. The tree coverage requirements are as follows:

- (A) For all construction that requires a grading plan, trees must be planted, or existing trees preserved to provide a minimum of 25 percent canopy cover over the lot. Refer to the City of Alexandria Landscape Guidelines to determine tree crown coverage allowances.
- (B) The director shall approve this requirement as part of the grading plan.

Section 12. That Section 7-2500 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:

~~Sec. 7-2500 - Infill regulations for single- and two-family residential zones.~~Private Garages.

~~7-2501 – Applicability.~~Freestanding private garages to the rear of the main building.

~~The supplemental regulations in this [section 7-2500](#) apply to residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts). These regulations supplement the residential zone regulations in Article III of this zoning ordinance.~~The supplemental regulations in this section 7-2501 apply to residential lots developed or proposed to be developed with a single-family or two-family dwelling in the R-20, R-12, R-8, R-5, R-2-5, RA and RB zones, not including property located within the Old

and Historic Alexandria and Parker-Gray Districts. Freestanding private garages are only permitted when in compliance with the following standards:

(A) Regardless of other regulations in this zoning ordinance, a freestanding garage is permitted to the rear of the main building in accordance with the regulations in this section 7-2502 so long as it is the only garage on the lot or adjacent vacant lot under common ownership. The floor area of such a garage constructed in accordance with the standards of this section will be excluded from the floor area calculated under the provisions of section 2-145(A)(6).

(B) Standards.

(1) Size. For lots with a minimum of 2,500 square feet and with less than 8,000 square feet lot area, the garage shall have a floor area not greater than 250 square feet and a height not greater than 11.50 feet. For lots 8,000 square feet or larger, the garage shall have a floor area not greater than 500 square feet and a height not greater than 13.50 feet. The director may modify the height permitted in this section 7-2502(B)(1) when the height and design of the garage are appropriate and compatible with the main dwelling and with the character of the immediate neighborhood.

(2) Setback. The freestanding garage may be located in the required side or rear yard if it complies with the following:

(a) The garage and any architectural features shall be setback a minimum of one foot

from any side or rear property line if the garage wall facing that property line has no windows or doors or if that lot line borders an alley;

(b) If the conditions of item (a) above are not met, the setback, including all architectural features, shall be three feet; and

(c) If a wall of a dwelling on an adjacent lot has any windows or doors that have a sill lower than 13.50 feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new garage's setback shall be five feet, including any architectural features, from that shared property line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and for a minimum of five feet in each direction from that window or doorway.

(d) The freestanding garage must be located completely behind the rear wall of the dwelling unless, the director determines that locating the garage completely behind the rear building wall is not possible due to topography, shape of the lot, placement of the existing dwelling on the lot or other environmental concerns, in these cases the garage must be located completely behind the front building wall, and approved by the director as to location.

(3) Access. If there is no direct access to the freestanding garage from an alley, any new or replaced driveways providing access to the freestanding garage must be constructed of a permeable material and may be located in the side yard for access to the garage. Permeable-surfaced driveways can be composed of grass with ring and grid structure, gravel with a grid structure beneath, paving strips, a grid-based surface, or other treatments without significant compaction of the base, but must be approved by the Directors of Planning and Zoning and Transportation and Environmental Services. Either Director can grant an exemption to the permeable-surfaced driveway requirement in cases of steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental

reasons would require the use of non-permeable surfacing material. Tandem parking in the driveway is permitted. Curb cuts must be approved in accordance with section 5-2-2 of the City Code and section 8-200(C)(5) of this zoning ordinance. The number of vehicles permitted on the lot is limited by section 8-200(C)(6).

(4) Compatibility. The freestanding garage shall be compatible with the principal structure in regards to materials and design.

(5) Use. The freestanding garage shall be dedicated to the use and storage of motor vehicles

#### 7-2502 - Reserved. Attached private garages.

The supplemental regulations in this section 7-2502 apply to residential lots developed or proposed to be developed with a single-family dwelling in the R-20, R-12, R-8, R-5, R-2-5, RA and RB zones, not including property located within the Old and Historic Alexandria and Parker-Gray Districts. Private garages attached to the principal structure are only permitted when in compliance with the following standards:

(A) An attached garage shall be no closer to the front property line than the front building

wall facing the primary front yard and must be in compliance with the required yards established by the zone, and shall have the vehicle opening facing the side or rear yard, unless:

(1) For interior lots an attached garage is permitted if it complies with the following:

(a) It is located within a contextual block face where 50 percent of the developed lots have attached garages with the vehicle opening facing a primary front yard

on the same street the new vehicle opening will face;

(b) The width of the vehicle opening is less than 33 percent of the width of the dwelling facing the front property line;

(c) The front wall of the garage is set back at least 8 feet from the front building wall facing the primary front yard and;

(d) The vehicle opening is located at least 18.50 feet from the interior edge of the public sidewalk or 20 feet from the property line if there is no sidewalk.

(2) For corner or through lots an attached private garage is permitted if it complies with the following:

a) The vehicle opening faces a secondary front yard and;

(b) The garage wall is no closer to the front property line than the front building wall facing the primary front yard.

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#### ~~7-2505 - Free-standing garages to the rear of the main building.~~

~~(A) Regardless of other regulations in this zoning ordinance, a free-standing private garage is permitted to the rear of the main building in accordance with the regulations in this section 7-2505 so long as it is the only garage on the lot or adjacent vacant lot under common ownership. The floor area of such a garage constructed in accordance with the standards of this section will be excluded from floor area calculated under the provisions of section 2-145(A)(6).~~

~~(B) Standards.~~

- ~~(1) **Size.** For lots with a minimum of 5,000 square feet and with less than 8,000 square feet lot area, the garage shall have a floor area not greater than 250 square feet and a height not greater than 11.50 feet. For lots 8,000 square feet or larger, the garage shall have a floor area not greater than 500 square feet and a height not greater than 13.50 feet. The director may modify the height permitted in this section 7-2505(B)(1) when the height and design of the garage are appropriate and compatible with the main dwelling and with the character of the immediate neighborhood.~~
- ~~(2) **Setback.** The garage may be located in the rear yard if it complies with the following:–~~
  - ~~(a) The garage shall be set back a minimum of one foot from any side or rear property line if the garage wall facing that property line has no windows or doors or if that lot line borders an alley;–~~
  - ~~(b) If the conditions of item (a) above are not met, the setback shall be three feet; and~~
  - ~~(c) If a wall of a dwelling on an adjacent lot has any windows or doors that have a sill lower than 13.50 feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new garage's setback shall be five feet, including any roof overhang, from that shared property line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.–~~
- ~~(3) **Access.** If there is no direct access to the garage from an alley, a permeable-surfaced driveway is permitted in the side yard for access to the garage. Permeable-surfaced driveways can be composed of grass with ring and grid structure, gravel with a grid structure beneath, paving strips, a grid based surface, or other treatments without significant compaction of the base, but must be approved by the department of planning and zoning and the department of transportation and environmental services. Either the department of planning and zoning or the department of transportation and environmental services can grant an exemption to the permeable-surfaced driveway requirement in cases of steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material. Tandem parking in the driveway is permitted. Curb cuts must be approved in accordance with section 5-2-2 of the City Code and section 8-200(C)(5) of this zoning ordinance. The number of vehicles permitted on the lot is limited by section 8-200(C)(6).~~
- ~~(4) **Compatibility.** The accessory garage shall be compatible with the main dwelling in regard to materials and design.–~~
- ~~(5) **Use.** The accessory garage shall be dedicated to the use and storage of motor vehicles.–~~

~~7-2506 **Attached garages.**–~~

~~Private garages that are an integral part of the main residential dwelling are only permitted under the following standards.–~~

~~(A) **Access to garage.**–~~

- ~~(1) **Lot with width 65 feet or more.** If the lot width is 65 feet or more, an attached garage shall have the vehicle opening facing the side yard. Such a garage may be no closer to the front property line than the plane of the front building wall. In the case of a corner lot, an attached garage may face a secondary front yard if the proposed location and design of the door is consistent with the block and~~

~~neighborhood character. Such a garage may be no closer to the front property line than the plane of the secondary front building wall.~~

~~(2) Lot with width less than 65 feet. If the lot width is less than 65 feet, an attached garage with a vehicle entrance facing the front yard is permitted, but must be set back a minimum of eight feet from the plane of the front building wall. No roof or covering is permitted in front of such a garage and any construction above shall not extend forward of the front plane of the garage. The garage door shall be compatible with the design of the residence.~~

~~(B) Driveway surface. A non-tandem parking or garage access arrangement is permitted only if the parking area is a permeable surface, unless the department of planning and zoning or the department of transportation and environmental services determines that a permeable-surfaced driveway is not appropriate due to steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material.~~

~~7-2507 Tree coverage requirement.~~

~~(A) For all construction that requires a grading plan, trees must be planted or existing trees preserved to provide a minimum of 25 percent canopy cover over the site. Refer to the City of Alexandria Landscape Guidelines to determine tree crown coverage allowances.~~

~~(B) The director shall approve this requirement as part of the grading plan.~~

Section 13. That Section 11-1302 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:

11-1302- Special exception established.

including property located within the Old and Historic Alexandria and Parker-Gray Districts, subject to the following requirements:

(1) It is located within a block face or contextual block face where at least 50 percent of the developed lots have attached garages with the vehicle opening facing a primary front yard on the same street where the new vehicle opening will face.

(2) The width of the vehicle opening shall be less than 33 percent of the width of the building facing the front property line.

(3) The garage is no closer to the front property line than the front building wall facing the primary front yard, unless

(a) The applicant demonstrates by clear and convincing evidence that locating the garage completely behind the front building wall is not possible due to topography, shape of the lot, placement of the existing dwelling on the lot

or other environmental concerns.

(4) It is in compliance with the required yards established by the zone.

(5) Nothing in this subsection shall be deemed to authorize the extension or enlargement of a dwelling beyond the height or floor area ratio permitted by

the

zone in which such dwelling is located, nor to authorize the approval of more than one special exception per lot under the provisions of this subsection.

Section 14. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 15. That Sections 2-103, 2-125.1, 2-145, 2-149, 2-197.1, 2-197.2, 2-197.3, 2-197.4, 2-197.5, 7-103, 7-2200, 7-2501, 7-2502, 7-2505, 7-2506, 7-2507, and 11-1302, as added, deleted, or amended pursuant to Sections 1 through 13 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

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

24. Public Hearing and Second Reading. Consideration. Final passage on Second Reading of an Ordinance Soliciting Franchise Proposals to Use the Alexandria City Marina Area to Dock an Historic or a Replica Historic Tall Ship Consistent with the Waterfront Small Area Plan.

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 24; 07/09/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 24; 07/09/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and adopted an ordinance soliciting franchise proposals to use the Alexandria City Marina Area to Dock an historic or a replica historic tall ship consistent with the Waterfront Small Area Plan.

The ordinance reads as follows:

#### ORDINANCE NO. 5235

AN ORDINANCE to grant to \_\_\_\_\_, its successors and assigns, a franchise under certain conditions, permitting the franchisee to use the public rights-of-way and on other public property to moor an historic or a replica historic tall ship for the operation of tours, private charters, sightseeing cruises, private events and educational programming at the City waterfront for the benefit of the public.

THE CITY COUNCIL OF ALEXANDIA HEREBY ORDAINS:

Section 1. That this Franchise is hereby granted to \_\_\_\_\_, hereinafter referred to as "Grantee", its successors and assigns, to permit the Grantee to moor an historic or a replica historic tall ship and to design, construct and upgrade City infrastructure for the mooring of an historic or a replica historic tall ship in the City Marina (the City Marina is that area defined by City Code Sec. 6-3-2 –of the Code of the City of Alexandria, 1950, as amended) consistent with the Waterfront Small Area Plan and to conduct tours, private charters, sightseeing cruises, private events and educational programming at the City waterfront, including but not limited to the City Marina and the right to use public rights-of-ways and other public property for the benefit of the public.

Section 2. That the said Franchise is awarded to the Grantee after public notice and invitation for bids, as required by law, pursuant to Section 3 of Ordinance No. \_\_\_\_, and after the invitation for bids was duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. That the Grantee be, and hereby is, granted a Franchise for \_\_\_\_ years to moor and conduct tours, sightseeing cruises, private events and educational programming at the City waterfront, including but not limited to the City Marina and other public rights-of-ways and public property for the benefit of the public. The Grantee may also design, construct and upgrade City infrastructure for the mooring of the historic or a replica historic tall ship with the City's prior written consent and in compliance with all applicable federal, state and local laws. The Grantee shall strictly comply with the terms of this Ordinance and with the Franchise Agreement attached hereto and incorporated fully herein by reference, together with all applicable laws and regulations of the City of Alexandria, the Commonwealth of Virginia and the United States, and any regulatory agency having jurisdiction including without limitation, with the following conditions:

1. Comply with all requests of the City Manager.
2. This Franchise may be assigned or transferred; provided, however, that no such assignment or transfer shall be effective without the prior written consent of the City, which consent will not be unreasonably withheld.
3. The Grantee will obtain liability insurance to the satisfaction of the City Attorney, which insurance shall name the City as and additional insured.
4. Additional conditions provided in the Franchise Agreement attached hereto and incorporated fully herein by reference.
5. The Grantee shall remove its property at its own expense at the expiration of termination of this Franchise or any extension hereof unless otherwise agreed to in writing that the City will accept such changes at no compensation to the Grantee.

Section 4. That the City Manager be and hereby is authorized to execute such documents as may be required to effectuate this Franchise hereby granted.

Section 5. That the City Clerk be and hereby is authorized to attest the execution of said documents and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That as soon as this Ordinance has been finally passed, the City Clerk shall cause to be advertised once a week for two successive weeks in a newspaper published in the City of Alexandria, a descriptive notice of the proposed ordinance contained in Section 1 of this Ordinance, and, in addition thereto, shall by such advertisement invite bids for the Franchise proposed to be granted by such proposed ordinance, by publishing with the descriptive notice of such Ordinance a notice which shall be in substantially the following form:

#### NOTICE

BIDS ARE INVITED BY THE CITY OF ALEXANDRIA, VIRGINIA, FOR THE GRANT OF A FRANCHISE PERMITTING THE FRANCHISEE TO USE THE CITY OF ALEXANDRIA MARINA TO MOOR AN HISTORIC OR A REPLICA HISTORIC TALL SHIP TO CONDUCT TOURS AND SIGHTSEEING FOR THE BENEFIT OF THE PUBLIC. DETAILED CONDITIONS, TERMS AND SPECIFICATIONS FOR THE FRANCHISE ARE ON FILE AT THE DEPARTMENT OF RECREATION, PARKS AND CULTURAL ACTIVITIES, C/O JACK BROWAND, DIVISION CHIEF, 1108 JEFFERSON STREET, ALEXANDRIAVA 22314. ALL DOCUMENTS RELATING TO THIS FRANCISE ARE ALSO AVAILABLE FOR REVIEW AT [WWW.ALEXANDRIAVA.GOV/RECREATION](http://WWW.ALEXANDRIAVA.GOV/RECREATION).

THE TERM OF THE FRANCHISE IS NEGOTIABLE, BUT IT SHALL BE FOR A MINIMUM OF FIVE YEARS.

ALL BIDS ARE TO BE SUBMITTED IN WRITING AND DELIVERED BY MAIL TO RPCA, C/O JACK BROWAND, DIVISION CHIEF, 1108 JEFFERSON STREET, ALEXANDRIAVA 22314 OR EMAIL TO [JACK.BROWAND@ALEXANDRIAVA.GOV](mailto:JACK.BROWAND@ALEXANDRIAVA.GOV) ON OR BEFORE AUGUST 23, 2019 AT 4:00 P.M. EASTERN TIME. AT THAT TIME BIDS SHALL BE PUBLICLY OPENED AND BIDDERS IDENTIFIED. THE LOCATION OF THE BID OPENING WILL BE THE LEE CENTER, 1108 JEFFERSON STREET, ALEXANDRIA VA 22314.

IN ADDITION, IDENTIFICATION OF THE BIDS SHALL BE ANNOUNCED IN OPEN SESSION OF THE CITY COUNCIL OF THE CITY OF ALEXANDRIA IN THE COUNCIL'S CHAMBER, CITY HALL, 301 KING STREET, SECOND FLOOR, ALEXANDRIA, VIRGINIA 22314, ON SEPTEMBER 24, 2019, AT 7:00 PM AT THAT TIME, THE MAYOR SHALL REFER THE BIDS RECEIVED TO THE CITY MANAGER TO EVALUATE, REVIEW AND CONSIDER IN THE MANNER PRESCRIBED BY LAW, INCLUDING THE SELECTION OF, AND NEGOTIATION OF A FRANCHISE AGREEMENT WITH, A PREFERRED BIDDER. AS SOON THEREAFTER AS PRACTICABLE, THE CITY MANAGER WILL RECOMMEND THE SUCCESSFUL BIDDER, AND PRESENT THE NEGOTIATED FRANCHISE AGREEMENT, FOR CONSIDERATION AND APPROVAL BY CITY COUNCIL.

THE CITY RESERVES THE RIGHT IN THE CITY MANAGER'S SOLE DISCRETION TO REJECT ANY AND ALL BIDS; TO TERMINATE NEGOTIATIONS AT ANY STAGE OF THE SELECTION PROCESS, AND TO READVERTISE THE ORDINANCE WITH OR WITHOUT MODIFICATION.

THE DESCRIPTION NOTICE OF THE PROPOSED FRANCHISE NOTICE IS AS FOLLOWS:

The proposed ordinance will grant a franchise, under certain conditions, permitting the Grantee to use the City marina, and on other public property to moor an historical tall ship and

to conduct tours, sightseeing cruises, private events, and educational programming. (Complete text of ordinance available in the office of the City Clerk).

Section 7. That this Ordinance shall become effective on the date and at the time of its final passage.

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

**Planning Commission (continued)**

None.

\*\*\*Councilman Aguirre thanked his colleagues and staff for all the help during this session.\*\*\*

\*\*\*Councilman Seifeldein also thanked everyone for all the hard work this session. Councilman Seifeldein noted that he and Vice Mayor Bennett-Parker are working on a memorandum about rebranding Columbus Day to Indigenous People's Day.\*\*\*

\*\*\*Councilwoman Jackson noted that there will be the City's Birthday Celebration on Saturday.\*\*\*

**Closed meeting.**

25. Consideration of a closed executive session for consultation with legal counsel regarding actual or probable litigation.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously, City Council convened in closed executive session at 10:56 p.m., to consult with legal counsel and staff regarding actual or probable litigation where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body; specifically, the settlement of a lawsuit involving a personal injury claim against the City; pursuant to Sections 2.2-3711(A)(7) of the Code of Virginia. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilwoman Jackson and carried unanimously, City Council reconvened in open session at 11:25 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council adopted the resolution regarding the closed executive session previously circulated to Council. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

The resolution reads as follows:

**RESOLUTION NO. 2895**

**WHEREAS**, the Alexandria City Council has this 9th day of July, 2019 recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED**, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

**WHEREUPON**, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously, City Council authorized the City Attorney to enter into settlement agreements to resolve the litigation in the following case against the City: Nicole Borland v. City of Alexandria and the Commonwealth of Virginia. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

\*\*\*\*\*

**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilman Aguirre, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council adjourned the special public hearing meeting of July 9, 2019 at 11:26 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

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APPROVED BY:

\_\_\_\_\_  
JUSTIN M. WILSON    MAYOR

ATTEST:

\_\_\_\_\_  
Gloria A. Sitton,CMC    City Clerk

