

City of Alexandria
Saturday, November 16, 2019 9:30 AM
City Council Public Hearing Meeting
Meeting Minutes

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; Mr. Moritz, Director, Planning and Zoning (P&Z), Mr. Kerns, Division Chief, P&Z; Ms. Contreras, Urban Planner, P&Z; Mr. Adelakum, Urban Planner, P&Z, Ms. Horowitz, Urban Planner, P&Z; Ms. Orr, Deputy Director, Transportation and Environmental Services; Ms. Snow, Assistant City Attorney; Mr. Imm, Urban Planner, P&Z; Mr. Geratz, Principal Planner, P&Z; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities; Ms. K. Taylor, Director, Finance; Ms. S. Taylor, Legislative Director; Ms. Free, Urban Planner, P&Z, Mr. Lucarelli, Urban Planner, P&Z; Mr. Barre, Information Technology Services; Police Captain Fard, and Mr. Lloyd.

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

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 with Council, with Councilwoman Pepper, arriving during the public discussion period.

2. Public Discussion Period

The following persons participated in the public discussion period:

1. Janice Grenadier, 15 West Spring Street, spoke about the injustices she has experienced from the Courts and from law enforcement.

2. Ronald Gouchenour, 311 Hickory Street, spoke about the safety and traffic along the newly repaved Seminary Road.

3. Elliott Waters, 325 Cameron Station Blvd. spoke about the City of Alexandria increasing its profile as a city of kindness and inclusiveness.

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Jackson and carried 6-0, 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 and Councilman Seifeldein; Opposed, none; Absent, Councilwoman Pepper.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (3-7)

Planning Commission

3. Special Use Permit #2019-0075
1406 King Street (Parcel Address: 1410 King Street) - Deli, News, & More
Public Hearing and consideration of a request for a Special Use Permit to operate a convenience store; zoned: KR/King Street urban retail. Applicant: Jong Suk Choi
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated November 7, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 11/16/19; and is incorporated as part of this record by reference.)

4. Special Use Permit #2019-0078
705 Prince Street - Your Life Energy
Public Hearing and consideration of a request for a Special Use Permit to operate a health profession office; zoned; RM/Townhouse. Applicant: Maricela Noble
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated November 7, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/16/19, and is incorporated as part of this record by reference.)

5. Development Special Use Permit #2018-0012
1101 and 1102 Finley Lane - Pickett's Ridge Phase II - Fourth Extension
Public Hearing and consideration of a request for an extension in the period in which construction must be commenced under Section 11-418 of the Zoning Ordinance and to update standard conditions under Development Special Use Permit #2015-0017; zoned: R-20/Single-Family. Applicant: Sutton Building Corporation
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated November 7, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/16/19, and is incorporated as part of this record by reference.)

6. Development Special Use Permit #2019-0021
Special Use Permit #2019-0090
Special Use Permit #2019-0091

650 South Van Dorn Street - Modera Tempo

Public Hearing and consideration of a request for a Development Special Use Permit and site plan with modifications (amending DSUP# 2011-0030) to reallocate residential parking spaces in the garage for commercial/retail uses, including Special Use Permits for a parking reduction to permit more than 30% compact commercial parking spaces and to exceed the maximum commercial parking; zoned: CDD #17/ Coordinated Development District #17. Applicant: Gateway Holding I, LLC, represented by Kenneth W. Wire, attorney

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission reported dated November 7, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/16/19, and is incorporated as part of this record by reference.)

7. Development Special Use Permit #2019-0024

Transportation Management Plan Special Use Permit #2019-0087

760 John Carlyle Street, 1700 & 1800 Eisenhower Avenue, 800 Bartholomew Street - Carlyle Plaza Two

Public Hearing and consideration of request for a development special use permit and site plan (amending DSUP #2013-0025); for a Transportation Management Plan; and for an extension in the period in which construction must be commenced under Section 11-418 of the Zoning Ordinance and to update conditions; zoned: CDD #11/ Coordinated Development District #11. Applicant: Carlyle Plaza, LLC; represented by Jonathan P. Rak, attorney

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission reported dated November 7, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Seifeldein, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council approved the action consent calendar, with the exception of docket item #6, which was approved under 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.
7. City Council approved the Planning Commission recommendation.

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

6. Development Special Use Permit #2019-0021
Special Use Permit #2019-0090
Special Use Permit #2019-0091
650 South Van Dorn Street - Modera Tempo

Public Hearing and consideration of a request for a Development Special Use Permit and site plan with modifications (amending DSUP# 2011-0030) to reallocate residential parking spaces in the garage for commercial/retail uses, including Special Use Permits for a parking reduction to permit more than 30% compact commercial parking spaces and to exceed the maximum commercial parking; zoned: CDD #17/ Coordinated Development District #17. Applicant: Gateway Holding I, LLC, represented by Kenneth W. Wire, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission reported dated November 7, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 11/16/19, and is incorporated as part of this record by reference.)

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

1. Kenneth Wire, 1750 Tysons Blvd, attorney for the applicant, spoke in support of the amendment and responded to questions from Council about the change in parking.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation, with an amendment to condition #64(a), stating the following, "Upon the request by the applicant, the residential and commercial parking counts may be adjusted through administrative review, provided the adjusted parking counts comply with the parking requirements in the Zoning Ordinance, subject to the approval of the Directors of Planning and Zoning and Transportation & Environmental Services." 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

8. Public Hearing and Consideration of Proposed City Legislative Package for the 2020 Virginia General Assembly Session.

(A copy of the City Manager's memorandum dated November 11, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/16/19, and is incorporated as part of this record by reference.)

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

1. Jamie Conrad, 107 West Maple Street, representing One Virginia 2021, spoke about gerrymandering and its effects on Virginia and requested that support for an amendment remain in the legislative package.
2. Dino Drudi, 315 North West Street, spoke about support for the CSO in the

legislative package and how the assembly should be lobbied for the money for the cost.

3. Kathie Hoekstra, 1310 North Chambliss Street, spoke about climate targets and requested that the legislative package include information from the EAP that sets a mandatory portfolio standard.

4. Bill Pugh, 1200 North Quaker Lane, requesting that energy and climate priorities be added to the list in the legislative package.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and scheduled a work session with Alexandria's General Assembly delegation for final review of the Legislative Package immediately preceding the Tuesday, November 26, 2019 Legislative Meeting and to schedule final adoption of the Legislative Package for Tuesday, December 10, 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.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing and approved docket items 9, 10, and 11 as a block. 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 approval was as follows:

9. Public Hearing and Final Consideration of a Recommendation to extend the waiver from the Special Events Policy to allow for programs and events on consecutive weekends at Waterfront Park in support of the City's King Street Corridor Initiative.

(A copy of the City Manager's memorandum dated November 6, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 11/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and approved the recommendation to extend the waiver from the Special Events Policy to allow for programs and events on consecutive weekends at Waterfront Park in support of the City's King Street Corridor Initiative.

10. Public Hearing and Final Consideration of a Five Year License Agreement with Teleport Communications America, Inc. ("Teleport"), to authorize existing telecommunications facilities and to authorize the installation of conduits and fiber optic cables in the City of Alexandria's public rights of ways but not for cable television.

(A copy of the City Attorney's memorandum dated November 16, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 11/16/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and approved the five year license agreement with Teleport, and authorized the City Manager to execute the license agreement and to take any other actions that are necessary to implement the license agreement.

11. Public Hearing and Final Consideration of a Five Year License Agreement with Crown Castle Fiber LLC., to authorize existing telecommunications facilities and to authorize the installation of conduits and fiber optic cables in the City of Alexandria's public rights of ways but not for cable television.

(A copy of the City Attorney's memorandum dated November 16, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/12/19, and is incorporated as part of this record by reference.)

City Council closed the public hearing and approved the five year license agreement with Crown Castle, and authorized the City Manager to execute the license agreement and to take any other actions that are necessary to implement the license agreement.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

12. Special Use Permit #2019-0079
Encroachment #2019-0006
10 Duke Street - The Mill Restaurant
Public Hearing and consideration of a request for (A) a Special Use Permit to operate a restaurant and (B) an Encroachment for a balcony, steps and signage into the public right-of-way on Duke Street; zoned: W-1/ Waterfront mixed use. Applicant: Murray Bonitt, represented by Duncan W. Blair, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated November 7, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/16/19, and is incorporated as part of this record by reference.)

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

1. Duncan Blair, 524 King Street, attorney for the applicant, spoke in support of the project and responded to questions from Council about ADA accommodations for the property.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with the addition of the following condition, "An increase to the area of encroachment is permitted to allow an ADA accessible entrance at Duke Street. Any increase in addition to the 86 square feet will require an amended yearly leasing fee from the Office of Real Estate Assessments and an additional evaluation from T&ES and P&Z." 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.

13. Development Special Use Permit #2019-0022
4643 Taney Avenue - Patrick Henry School Amendment
Public Hearing and consideration of a request for a Development Special Use Permit and Site Plan (amending DSUP #2016-0009) for an extension to the time of validity

under Section 11-418 of the Zoning Ordinance, including Special Use Permits to allow an increase in density and to exceed the allowable off-street parking, to allow interim use of the old school building with a temporary parking lot and driveway during the construction of a new Douglas MacArthur school.; zoned: R-12/ Single-family. Applicant: Alexandria City Public Schools (ACPS)

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/16/19, and is incorporated as part of this record by reference.)

Mr. Lucarelli, Planning and Zoning, gave a presentation on the proposal, and he along with other City staff and Alexandria City Public School staff responded to questions from members of Council about parking for the school, recreation center patrons and the neighborhood, recreation area for students, and

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

1. Lisa Porter, 1100 Janney's Lane, representing the Clover College Park Civic Association, spoke in support of the proposal.
2. Dana Chambers, 314 Cloverway Drive, representing Douglas MacArthur/Patrick Henry Collaborative Swing Space Committee, spoke in support of the proposal.
3. Andrew Garrahan, 707 Braxton Place, spoke in support of the proposal.

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.

14. Text Amendment #2018-0008
Continuum of Care Facility

A) Initiation of a Text Amendment and B) Public Hearing and consideration of a Text Amendment to the definitions; residential zones; commercial, office, and industrial zones; mixed use zones; special and overlay zones; and parking sections to define continuum of care facility and allow it as a special use in various zones and establishing the regulations for such use. Staff: City of Alexandria Department of Planning & Zoning
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated November 7, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 11/16/19, 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 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 Councilwoman Jackson 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.

ORDINANCES AND RESOLUTIONS

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously by roll-call vote, City Council approved the ordinances for docket items 15, 16, and 17 as block. The approval was as follows:

15. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the City Code to Amend the Composition of the Commission for Women. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 10, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 11/16/19, and is incorporated as part of this record by reference.

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. 2 of Item No. 15; 11/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 3 of Item No. 15; 11/16/19, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend the City Code to amend the composition of the Commission for Women.

The ordinance reads as follows:

ORDINANCE NO. 5253

AN ORDINANCE to amend and reordain Section 12-6-2 (COMPOSITION; APPOINTMENT, TERMS AND COMPENSATION OF MEMBERS; FILLING VACANCIES; CHAIRPERSON AND VICE CHAIRPERSON), and Section 12-6-3 (MEETINGS--QUORUM; RULES OF PROCEDURE; ANNUAL REPORT TO COUNCIL) of Chapter 6 (COMMISSION FOR WOMEN), Title 12 (EDUCATION, SOCIAL SERVICES AND WELFARE) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That section 12-6-2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended and reordained as follows:

Sec. 12-6-2 Composition; appointment, terms and compensation of members; filling vacancies; chairperson and vice chairperson.

The commission shall consist of ~~15~~ **16** members appointed at large by the city council, **one of which shall be a youth member, between the ages of 16 and 24.** Members shall be appointed for terms of three years each which shall expire as of May 31. Any vacancy shall be filled by the council for the unexpired portion of a term. A chairperson and a vice chairperson shall be chosen by a majority vote of all the members of the commission. Members shall serve without compensation but may receive such reimbursement for expenses as the council may from time to time allow.

Section 2. That section 12-6-3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is hereby, amended and reordained reads as follows:

Sec. 12-6-3 Meetings-quorum; rules of procedure; annual report to council.

The commission shall meet at least once each month from September to June, and may meet in July and August. All meetings shall be open to the public. All members of the commission shall be entitled to vote, **including the youth member,** and the decisions of the commission shall be determined by a majority vote of the members present. A quorum of eight members present is required before the commission can take official action. A member present but not voting shall be considered in counting a quorum.

In matters concerning the procedure for meetings not covered by this chapter, the commission may establish its own rules, provided these are not contrary to the mandate or spirit of this chapter. The commission shall render each year by June 30, to the city council a written report of its activities under the provisions of this chapter along with any comments and recommendations as it may choose to make.

Section 3. Notwithstanding any contrary provision of law establishing the existing terms of their appointment, the terms of the members of the Commission for Women serving on May 31, 2001, shall be determined by drawing lots as follows: five members shall serve until May 31, 2002, five members shall serve until May 31, 2003, and five members shall serve until May 31, 2004.

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

16. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain Section 2-113.1 (ARBOR), Section 2-113.2 (ARCHITECTURAL FEATURE), Section 2-113.3 (ATTIC), Section 2-183 (PERGOLA), Section 2-183.1 (PERSONAL SERVICE ESTABLISHMENT), Section 2-183.2 (PLAT), Section 2-183.3 (PORCH), and Section 2-183.4 (PORTICO) of Article II (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-801 (VISION CLEARANCE REQUIRED), Section 7-902 (SETBACK REQUIREMENTS), and Section 7-1702 (FENCES IN SECONDARY FRONT YARDS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria

Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0006 (Implementation Ordinance for Text Amendment No. 2019-0006 associated with Fences on Corner lots, Fences with Zone Transition, Height of Accessory Structures in Required Yards, and Sheds and Other Small Accessory Buildings in the Historic District approved by City Council on October 19, 2019).

(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. 2 of Item No. 15; 11/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 3 of Item No. 15; 11/16/19, and is incorporated as part of this record by reference.)

City Council adopted an ordinance to amend and reordaine Section 2-113.1 (ARBOR), Section 2-113.2 (ARCHITECTURAL FEATURE), Section 2-113.3 (ATTIC), Section 2-183 (PERGOLA), Section 2-183.1 (PERSONAL SERVICE ESTABLISHMENT), Section 2-183.2 (PLAT), Section 2-183.3 (PORCH), and Section 2-183.4 (PORTICO) of Article II (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-801 (VISION CLEARANCE REQUIRED), Section 7-902 (SETBACK REQUIREMENTS), and Section 7-1702 (FENCES IN SECONDARY FRONT YARDS) of Article VII (SUPPLMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0006.

The ordinance reads as follows:

ORDINANCE NO. 5254

AN ORDINANCE to amend and reordain Section 2-113.1 (ARBOR), Section 2-113.2 (ARCHITECTURAL FEATURE), Section 2-113.3 (ATTIC), Section 2-183 (PERGOLA), Section 2-183.1 (PERSONAL SERVICE ESTABLISHMENT), Section 2-183.2 (PLAT), Section 2-183.3 (PORCH), and Section 2-183.4 (PORTICO) of Article II (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-801 (VISION CLEARANCE REQUIRED), Section 7-902 (SETBACK REQUIREMENTS), and Section 7-1702 (FENCES IN SECONDARY FRONT YARDS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2019-0006.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0006, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 3, 2019 of a text amendment to the Zoning Ordinance to adopt new definitions and practical updates to the supplemental zone regulations, including permitted obstructions in yards, vision clearance, setback requirements, and fences in secondary front yards, which recommendation was approved by the City Council at public hearing on October 19, 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 2-113.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

2-113.1 – Arbor.

A free-standing structure consisting of a trellis or interwoven lattice pieces typically covered with climbing shrubs or vines. These structures usually define a point of entry or the division of two places along a path.

Section 2. That the following Sections of Article II of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-113.42 - Architectural feature.

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

2-113.23 Attic.

A space or room, usually with sloping ceilings, created partially or wholly from the space immediately beneath a roof and above the uppermost story of rooms with finished ceilings.

Section 3. That Section 2-183 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

Section 2-183 – Pergola

A structure of colonnades or pillars supporting an open roof of crossing rafters or trellis that may be freestanding or connected to a building.

Section 4. That following Sections of Article II of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-183.1 - Personal service establishment.

A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:
Arts and crafts studios or stores;

Appliance repair and rental;
 Banks, savings and loans, and credit unions;
 Bicycle repair;
 Barbershops and beauty shops;
 Contractors' offices, without accessory storage;
 Dressmakers and tailors;
 Dry-cleaning and laundry pickup stations;
 Laundromat;
 Locksmiths;
 Musical instrument repair;
 Optical center;
 Pawnshops;
 Private school, academic, with a maximum of 20 students on the premises at any one time;
 Professional photographer's studios;
 Shoe repair;
 Furniture upholstering shops;
 Watch repair;
 Printing and photocopy service;
 Tattoo parlors;
 Personal service establishments do not include, as either a primary or accessory use, automobile-oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; or any use separately listed in a zone.

2-183.42 - Plat.

A schematic representation of land divided or to be divided.

2-183.23 - Porch.

A covered, open structure that adjoins the exterior of a dwelling. A porch shall not be enclosed with walls, glass, screens, or similar. Railings shall be permitted no higher than three-and-one-half feet or the minimum height required by the Virginia Uniform Statewide Building Code (USBC), whichever is higher. Balusters shall be spaced so as to leave at least 50 percent of the perimeter length of the railings open.

2-183.34 - Portico.

A porch that adjoins any entrance of a dwelling, does not project more than six feet from a building wall, and is not more than nine feet in length. These dimensions shall include any roof overhang.

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

7-202 - Permitted obstructions.

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

(A) In all yards:

(1) Open fences which do not exceed ~~three and one-half feet in height~~ four feet in height.

(5) Arbors ~~and~~, trellises and pergolas.

(a) That do not exceed 10 feet in height;

(b) that are not used for parking or storage of motor vehicles; and

(c) that remain 80 percent open and uncovered by any material other than plantings.

(d) Outside of the Old and Historic Alexandria District and the Parker- Gray District, if a wall on a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new arbor or trellis' setback shall be five feet from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway._

(C) In any yard except a front yard:

(2) Sheds and other small accessory buildings:

(a) For lots developed with single and two-family dwellings, not located in a historic district, such structures may not exceed 100 square feet in floor area in the aggregate and may have a building height no greater than ten feet.

(b) For lots developed with townhouse dwellings or single or two-family dwellings located within a historic district, such structures may not exceed 65 square feet of floor area in the aggregate and may have a building height no greater than eight feet.

(c) Outside of the Old and Historic Alexandria District and the Parker-Gray District, if a wall of a dwelling on an adjacent lot has any windows or doorways that have a sill lower than eight feet, measured from grade, facing the shared property line and located within three feet of that shared property line, the new small shed or structure used for storage's setback shall be five feet, including any roof overhang, from that shared lot line. This setback from that shared lot line is required at the location of the affected window(s) or doorway(s) and is required to extend along the width of those window(s) or doorway(s) and shall extend for a minimum of five feet in each direction from that window or doorway.

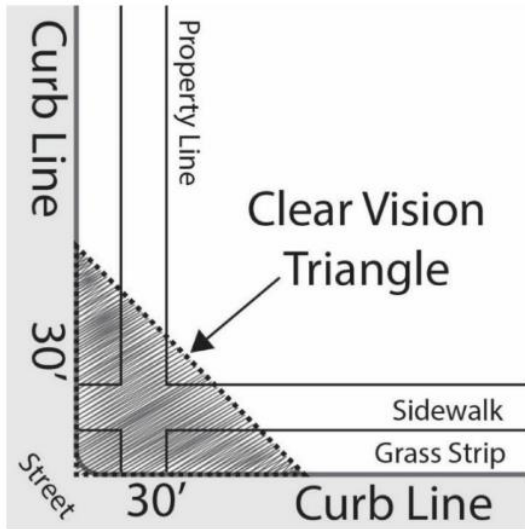
Section 6. That 7-801 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline and inserting the diagram, as follows:

7-801 - Vision clearance required.

For the purposes of safety of travel on streets and highways, buildings on corner lots shall observe the setback provisions of the respective streets on which the building is located; provided, that within the area enclosed by a diagonal line connecting two points located 30 feet from the intersecting curb line ~~centerline of the intersecting streets and a line joining points on such centerlines at distances from their intersections as prescribed below,~~ there shall be no structure, fences, shrubbery or other obstruction to vision more than four feet above the three and one-half curbline curb grade with the following exception:

(A) Trunk of a tree but not branches or foliage less than 8 feet in height as measured from grade. All residential zones and the CL, CC and CSL zones: 100 feet

(B) All commercial, office, industrial and mixed-use zones: 75 feet.



Section 7. That Section 7-902 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:

7-902 - Setback requirements.

(C) *Industrial*. No building or structure in the industrial zone shall be permitted within 100 feet of a residential zone line with exception of the following:

- (1) Fences and walls with a height not in excess of ten feet.

Section 8. That 7-1702 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 and inserting the diagram, as follows:

7-1702 - Fences in secondary front yards.

B. A fence not exceeding six feet in height may be located in a secondary front yard if it complies with the following:

- (1) ~~It is located no closer to the front yard property line than the rear wall of the building structure that adjoins the secondary front yard;~~
- (2) ~~Except for cases governed by section 7-1702(B)(3), it is set back from the edge of the sidewalk or from the property line where there is no sidewalk at least two feet on lots of 25 feet width or less, and three feet on other lots; and~~
- (3) ~~Where the secondary front yard is located on a block face on which the adjacent house as well as the majority of the houses face the street, fences over three and one-half feet but not exceeding six feet shall be permitted if located no closer to the property line than half the distance between the property line and the building face.~~

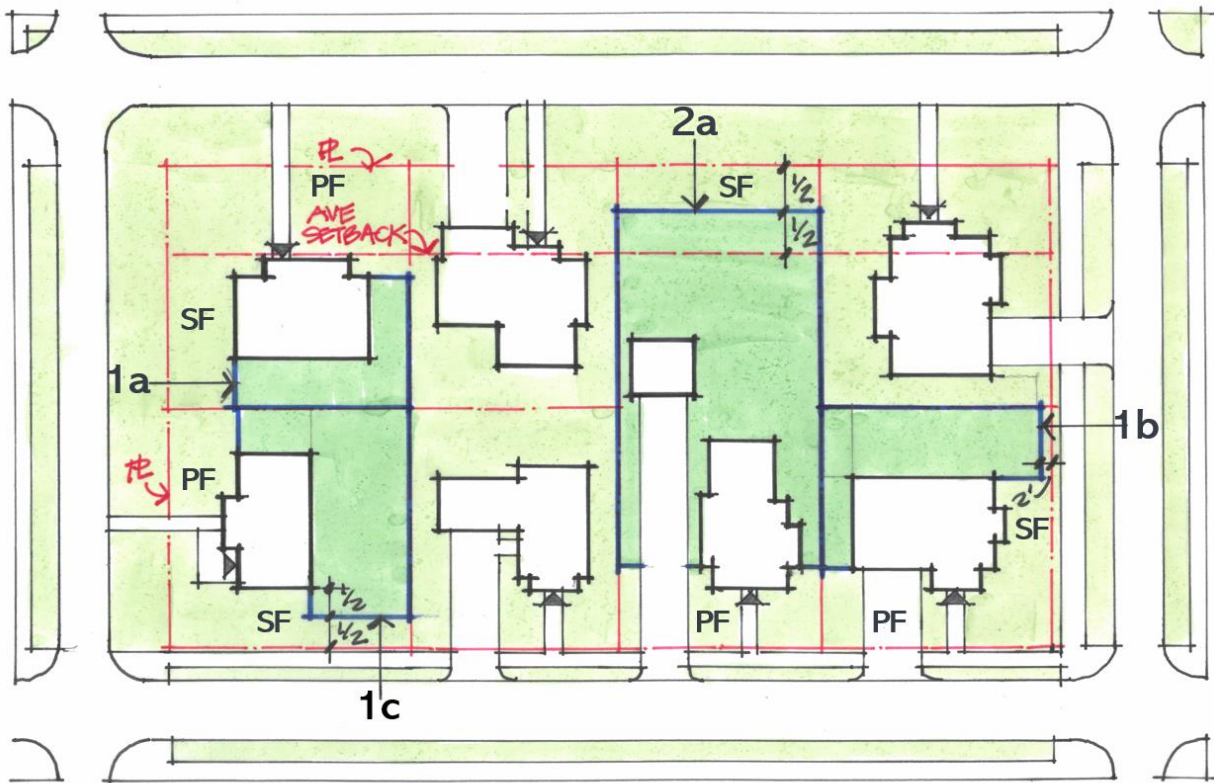
- (1) Corner Lots

- (a) It is located no closer to the front secondary yard property line than the rear building wall that adjoins the secondary front yard.
- (b) Except for cases governed by section 7-1702(B)(1)(c), it is set back from the edge of the sidewalk by two feet or if there is no sidewalk at least two feet from the property line.
- (c) Where the secondary front yard is located on a block face on which the principal structures on the abutting properties face the street, a fence of between four and six feet in height shall be permitted if located no closer to the property line than half the distance between the property line and the building face.

(2)

Through Lots

- (a) Where the secondary front yard is located on a block face on which the principal structures on the abutting properties on the same side of the street face that street, a fence of between four and six feet in height shall be permitted if located no closer to the property line than half the distance between the property line and the average setback utilizing the two abutting properties.
- (b) Where the secondary front yard is located on a block face on which the principal structures on the abutting properties on the same side of the street do not face such street or there is no abutting house(s), a fence of between four and six feet in height shall be permitted if located three feet from the property line.



Fences in Secondary Yards on Corner and Through Lots

Section 9. That the director of planning and zoning be, and hereby is, directed to

record the foregoing text amendment.

Section 10. That Section 2-113.1 (ARBOR), Section 2-113.2 (ARCHITECTURAL FEATURE), Section 2-113.3 (ATTIC), Section 2-183 (PERGOLA), Section 2-183.1 (PERSONAL SERVICE ESTABLISHMENT), Section 2-183.2 (PLAT), Section 2-183.3 (PORCH), and Section 2-183.4 (PORTICO) of Article II (DEFINITIONS); Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-801 (VISION CLEARANCE REQUIRED), Section 7-902 (SETBACK REQUIREMENTS), and Section 7-1702 (FENCES IN SECONDARY FRONT YARDS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), as amended pursuant to Sections 1 through 8 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 11. 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.

17. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2020. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 6, 2019, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 11/16/19, and is incorporated as part of this record by reference.

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. 2 of Item No. 17; 11/16/19, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which 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. 3 of Item No. 17; 11/16/19, 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 2020.

The ordinance reads as follows:

ORDINANCE NO. 5255

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2020.

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, 2019, but which are payable in Fiscal Year 2020, and for which amounts were appropriated but not expended in Fiscal Year 2019 and further that the council does hereby allot the amounts so appropriated to the several city departments for Fiscal Year 2019, as follows:

EQUIPMENT REPLACEMENT RESERVE FUND

General Services	\$ 173,628
Transportation and Environmental Services	447,472
Fire	501,484
Police	520,046
Sheriff	3,857
Recreation	<u>32,588</u>
Total Equipment Replacement Reserve Fund	<u>\$ 1,679,075</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 2020 the source of such amount being external funds for which the proceeds were received or accepted prior to June 30, 2019, 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 2020, as follows:

AFFORDABLE HOUSING FUND

ESTIMATED REVENUE:

Housing	\$ 12,422,851
Total Estimated Revenue	<u>\$ 12,422,851</u>

AFFORDABLE HOUSING FUND

APPROPRIATION:

Housing	\$ 12,422,851
Total Appropriation	<u>\$ 12,422,851</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 2020 the source of such amount being external grant funds for which the proceeds were received or accepted prior to June 30, 2019, 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 2020, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Housing	\$ 2,987,647
Total Estimated Revenue	<u>\$ 2,987,647</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Housing	\$ 2,987,647
Total Appropriation	<u>\$ 2,987,647</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 2020 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2019 but not appropriated, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2020, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Economic Development Activities	\$ 60,000
Transit Subsidies	259,260
Fire	1,735,479
Housing	72,282
Police	167,939
Community and Human Services	921,988
Historic Alexandria	10,500
Sheriff	9,367
Transportation and Environmental Services	<u>15,091,388</u>
Total Estimated Revenue	<u>\$ 18,328,203</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Economic Development Activities	\$ 60,000
Transit Subsidies	259,260
Fire	1,735,479
Housing	72,282
Police	167,939
Community and Human Services	921,988
Historic Alexandria	10,500
Sheriff	9,367
Transportation and Environmental Services	<u>15,091,388</u>
Total Appropriation	<u>\$ 18,328,203</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 2020 the source of such amount being the residual balances accumulated as of June 30, 2019, 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 2020, as follows:

DONATIONS AND OTHER SPECIAL REVENUE FUNDS

ESTIMATED REVENUE:

Historic Alexandria	\$	50,000
Community and Human Services		50,500
Recreation, Parks and Cultural		72,093
Police Department		68,000
Code Administration		389,392
Transportation and Environmental Services		63,850
Total Estimated Revenue	\$	<u>693,835</u>

DONATIONS AND OTHER SPECIAL REVENUE FUND

APPROPRIATION:

Historic Alexandria	\$	50,000
Community and Human Services		50,500
Recreation, Parks and Cultural		72,093
Police Department		68,000
Code Administration		389,392
Transportation and Environmental Services		63,850
Total Appropriation	\$	<u>693,835</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 2020 the source of such amount being the residual balances accumulated as of June 30, 2019, 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 2020, as follows:

OTHER SPECIAL REVENUE FUND – SEIZED ASSETS

ESTIMATED REVENUE:

Police Department	\$	916,750
Commonwealth's Attorney		101,455
Total Estimated Revenue	\$	<u>1,018,205</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Police Department	\$	916,750
Commonwealth's Attorney		101,455
Total Appropriation	\$	<u>1,018,205</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 2020, 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 2020, as follows:

CAPITAL PROJECTS

ESTIMATED REVENUE:

Capital Projects – Cash Capital	2,419,245
Capital Projects – Developer Contributions	9,060
Capital Projects – Grant Funds	<u>\$ 15,091,388</u>
Total Estimated Revenue	<u>\$ 17,519,693</u>

APPROPRIATION:

Increase: Route 1 Transit Way Project Completion	\$ 1,256,416
DASH Transit Enhancements and Expansion	11,933,161
APD Vehicle Gates Replacement	319,000
DCHS Interim Building Improvements	566,104
Burke Library Ground Floor Concept Design	75,000
Replacement Lifeguard Stands at Chinquapin	15,000
AJIS Support Improvement	79,891
APD Shooting Range Improvements	83,250
Lyceum Drain Install	13,000
DASH Retaining Wall Repair	40,000
Replacement Sound System for Lee Center Auditorium	28,000
City Hall Exterior Painting / Repairs	500,000
ITS Cybersecurity Project Acceleration	700,000
Various Developer and Grant-funded Projects	<u>\$ 1,910,871</u>
Total Appropriation	<u>\$ 17,519,693</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

Transportation and Environmental Services	\$ 2,753,872
General Services	<u>\$ (2,753,872)</u>
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 2020 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	\$ 181,461
Total Appropriation	<u>\$ 181,461</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 2020 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	\$ 24,820
Total Appropriation	<u>\$ 24,820</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 2020 the source of such amount being external grant funds for which the proceeds were received or accepted prior to June 30, 2019, 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 2020, as follows:

SPECIAL REVENUE FUND – ALEXANDRIA TRANSIT COMPANY (DASH)

ESTIMATED REVENUE:

Alexandria Transit Company	\$ 3,338,175
Total Estimated Revenue	<u>\$ 3,338,175</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Alexandria Transit Company	\$ 3,338,175
Total Appropriation	<u>\$ 3,338,175</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 2020, the source of such amount being Committed General Fund Balance, and further, that the council

does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Committed General Fund Balance	\$ 7,362,696
Total Estimated Revenue	<u>\$ 7,362,696</u>

APPROPRIATION:

18 th Circuit Court	\$ 14,000
City Attorney's Office	863,776
City Manager's Office	75,000
Commonwealth's Attorney	27,000
Community and Human Services	76,448
Court Service Unit	5,000
Emergency Communications	320,000
General Services	964,500
Historic Alexandria	170,000
Housing	27,000
Human Resources	300,000
Information Technology Services	12,000
Office of Management and Budget	25,000
Non-Departmental	300,000
Cash Capital - 18 th Circuit Court	79,891
Cash Capital – General Services	1,596,354
Cash Capital – Recreation	243,000
Cash Capital – Information Technology Services	700,000
Office of Performance and Accountability	11,000
Other Public Safety	197,402
Planning and Zoning	170,000
Recreation	270,273
Sheriff	131,358
Transportation and Environmental Services	50,000
Economic Development Activities	708,874
Alexandria Libraries	24,820
Total Appropriation	<u>\$ 7,362,696</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 2020, 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	\$ 100,000
Alexandria Libraries	10,000
General Services	<u>199,500</u>
Total Equipment Replacement Reserve Fund	<u>\$ 309,500</u>

Section 14. 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 2020 the source of such amount being General Fund Revenue, and further that the Council does hereby allot the amount so appropriated to the several city departments, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Intergovernmental State Revenue	\$ 57,000
Miscellaneous Revenue	<u>\$ 575,000</u>
Total Estimated Revenue	<u>\$ 632,000</u>

APPROPRIATION:

Alexandria Health Department	\$ 57,000
General Services	<u>\$ 575,000</u>
Total Appropriation	<u>\$ 632,000</u>

Section 15. That this ordinance shall be effective upon the date and at the time of its final passage.

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) **DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimous, City Council adjourned the public hearing meeting of November 16, 2019 at 11:23 a.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.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk