

City of Alexandria
Saturday, March 14, 2020 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 (via telephone conference call), Redella S. Pepper, and Mohamed E. Seifeldin.

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Triggs, Deputy City Manager; Ms. Collins, Deputy City Manager; Mr. Skrabak, Deputy Director, T&ES, Ms. Orr, Deputy Director, T&ES; Mr. Ziemann, T&ES; Mr. Imm, Principal Planner, Mr. Kerns, Division Chief, P&Z; Mr. LaColla, Division Chief, P&Z; Mr. Cook, P&Z; Mr. Farner, Deputy Director, P&Z; Ms. McIlvaine, Director, Office of Housing; Mr. Lawrence, Principal Planner, P&Z; Ms. Harwell, Urban Planner, P&Z; Mr. Browand, Division Chief, Recreation, Parks, and Cultural Activities; Ms. Garvey, Director, Department of Community and Human Services; Ms. Williams, Assistant Director, P&Z; Mr. Browning, Information Technology Services; 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 the exception of Councilwoman Pepper, she arrived at 9:55 a.m. Councilwoman Jackson participated in the meeting via telephone conference.

2. Public Discussion Period.

The following persons participated the public discussion period:

1. Said Chahmoune, Alexandria, spoke about unfair treatment of his wife and services offered by the City.
2. Janice Grenadier, Alexandria, spoke about public corruption and injustices with the courts.
3. Mark Ingrao, Centerville, representing the NVBIA, spoke about concerns on housing affordability in the region.
4. Carolyn Griglione, Alexandria, spoke about the positive changes on Seminary Road since the road configuration.

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Chapman 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**

Planning Commission (3-5)

3. Encroachment #2019-00011
430 South Pickett Street - Encroachment
Public Hearing and consideration of a request for an Encroachment into the public right-of-way on South Pickett Street for a seat wall and trench drain; zoned: CDD #17a/Coordinated Development District #17a. Applicant: NGI-MDG Alexandria, LLC., represented by Nixon Jefferson, agent Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 3, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 03/03/20, and is incorporated as part of this record by reference.)

4. Zoning Text Amendment #2020-00002
Day Care Center Uses in the Mount Vernon Overlay Zone
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to allow day care centers as a permitted use on the ground floor of properties located within the Mount Vernon Overlay provided that the use shall occupy no more than 30 feet frontage, and provided further that additional frontage space may be permitted with a Special Use Permit. Staff: City of Alexandria, Department of Planning & Zoning Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 3, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 03/03/20, and is incorporated as part of this record by reference.)

5. Development Special Use Permit #2019-00040 1701 and 1705 North Beauregard Street - Ferdinand T. Day School Gymnasium Addition
Public Hearing and consideration of a request for a Special Use Permit and a Site Plan to construct an elevated gymnasium between the existing public school building and parking structure (amending DSUP #2016 0039); zoned: CDD #4/Coordinated Development District #4 Applicant: Alexandria City Public Schools (ACPS) Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 3, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 03/14/20, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously, City Council approved the action consent calendar, 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.

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

6. Resolution to Endorse Metropolitan Washington Council of Governments (COG) Targets to Address the Region's Housing Needs. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated March 4, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 03/14/20, and is incorporated as part of this record by reference.)

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

1. Shelley Murphy, Alexandria, spoke in support of the resolution.
2. Jonathan Krall, Alexandria, spoke in support of the resolution.
3. Carter Flemming, Alexandria, representing the Seminary Hills Civic Association, spoke via call-in, about concerns regarding the rush for approval of the resolution and responded to questions from Council.
4. Betsy Faga, Arlington, spoke in support of the resolution.
5. Fran Vogel, Alexandria, spoke via call-in, about concerns regarding details of the resolution and requested that action on the resolution be delayed.
6. Ken Notis, Alexandria, spoke in support of the resolution.
7. Dino Drudi, Alexandria, spoke in opposition to the resolution.

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 Councilman Chapman, seconded by Councilwoman

Pepper and carried unanimously by roll-call vote, City Council endorsed the Council of Governments' (COG) Resolution Adopting the Targets to Address the Region's Housing Needs and affirming Alexandria's commitment to meet its allocation of the COG target. 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. 2926

WHEREAS, in September 2018, under the direction of its Board of Directors, the Metropolitan Washington Council of Governments (COG) launched a Regional Housing Initiative to determine what it would take to increase housing production - beyond targets planned in its Cooperative Forecast – in order to meet needs of the region's projected future workforce; and

WHEREAS, the resolution adopted by the Board directed COG staff, as well the Planning Directors Technical Advisory Committee (PDTAC) and the Housing Directors Advisory Committee (HDAC), to conduct research to assess regional housing needs, specifically the amount of additional housing, location of additional housing and the cost/affordability of the additional housing needed for the Washington area's future workforce, as well as to identify impediments to housing production; and

WHEREAS, the connection between housing supply and economic competitiveness emerged as a key learning from the Amazon HQ2 selection process attracting broad interest from COG's 24 member-jurisdictions as well as among business, finance, philanthropy, and other private sectors not previously focused on housing issues; and

WHEREAS, Alexandria senior staff actively participated in the COG Planning, Housing and Chief Administrative Officer Committees which assisted COG with this housing assessment work; and

WHEREAS, Mayor Justin Wilson participated on the COG Board's housing subcommittee to facilitate peer discussion among other elected leaders to achieve consensus regarding the region's housing challenges and actions necessary to address them; and

WHEREAS, at the July 2019 COG Leadership Retreat, results of the housing assessment were organized as three regional targets around Amount, Accessibility, Affordability which targets were adopted for formal consideration by the Board; and

WHEREAS, at its September 11, 2019 meeting, the COG Board unanimously approved the regional targets for the forecast period from 2020-2030, including,

(1) increasing the amount of housing units to be produced regionally by 75,000 to 320,000 ("Amount")

(2) locating at least 75% of all new housing in activity centers or near high-capacity transit ("Accessibility")

(3) ensuring 75% of all new housing produced be affordable to low- and middle-income households (“Affordability”)

WHEREAS, member jurisdictions were encouraged to share the regional housing targets widely within their communities and to adopt local targets to address housing production, accessibility and affordability, as well as to work with nonprofit, private and philanthropic sectors to advance the COG regional targets; and

WHEREAS, in September and early October 2019, City Council, Planning Commission and the Alexandria Housing Affordability Advisory Committee were each briefed on the Regional Housing Initiative, with these bodies informally endorsing the COG targets, including the share allocated to Alexandria related to additional housing production by 2030 (approximately 3,000 more units) with a goal that 75% of these, or 2,250 of these be affordable to low and moderate income workers; and

WHEREAS, the Department of Planning and Zoning and the Office of Housing presented a revised work plan to Planning Commission and City Council which prioritized various housing initiatives and accelerated their timing on the long-range interdepartmental work plan to occur in FY 2020-21; and

WHEREAS, the revised work plan was approved by City Council; and is currently being implemented by the departments; and

WHEREAS, consistent with its commitment to housing affordability as a tangible expression of Alexandria’s commitment to diversity and inclusivity, and to Alexandria’s role as a regional leader in housing collaboration and innovation, both of which contributed significantly to the City’s success in the Amazon HQ2 competition and in being selected for Virginia Tech’s Innovation Campus, and consistent with Alexandria’s aspiration to continue to lead regionally in the competition for economic growth and financial sustainability benefitting all of its residents, City Council wishes to formally endorse the targets now through this resolution; and

WHEREAS, in adopting the COG Regional Housing Initiative’s targets, including an aspirational jurisdictional housing goal which essentially doubles the affordable housing target set in the 2013 Housing Master Plan, City Council directs staff to continue its efforts to maximize housing production, including affordable housing production, through land use and regulatory (non-financial) tools to the greatest extent feasible, including by developing a zoning for housing strategy for City Council’s review.

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT the Alexandria City Council endorses the Resolution R27-2019 unanimously adopted by the Metropolitan Washington Council of Governments Board to establish targets to address the region’s housing needs, including aspirational targets regarding housing affordability as are thereby allocated to Alexandria.

This resolution shall be effective on the date and at the time of adoption.

7. Public Hearing and Consideration of a License Agreement with ARP Waterfront, LLC for the use of a Portion of the City Marina Plaza for Outdoor Dining associated with Special Use Permit #2017-0002.

(A copy of the City Manager's memorandum dated March 4, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 03/14/20, 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 approved the license agreement and authorized the City Manager to execute the 3-year license agreement with ARP Waterfront, LLC f. 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.

7a. Consideration of a Resolution Designating the Acting City Manager During Temporary Absence of the City Manager. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated March 12, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7a; 03/14/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council approved the resolution designating the Acting City Manager during temporary absence of the City Manager. 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. 2927

WHEREAS, Section 4.05 of the City Charter provides that, in the event of the temporary absence, disability or resignation of the City Manager, the City Council may by resolution appoint a person to perform the duties of City Manager until the Manager returns to duty, or a successor to the City Manager is duly appointed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA:

1. That, in the scheduled absence of City Manager Mark B. Jinks, the City Manager may designate one of the following individuals to be appointed and authorized to perform the duties of the City Manager: Deputy City Manager Debra Collins, Deputy City Manager Laura B. Triggs, Deputy City Manager Emily Baker, Director of Transportation & Environmental Services Yon Lambert and Director of Recreation, Parks and Cultural Activities James Spengler.

2. In the event the City Manager is unable to perform his duties due to illness, emergency or other unforeseen situation, and is unable to designate a person according to Section 1 above, the following is the order in which these persons shall act in the position of City Manager:

- (a) Deputy City Manager Debra Collins, until Mr. Jinks returns to duty.

(b) In the absence of Ms. Collins, Deputy City Manager Laura Triggs, until either Mr. Jinks or Ms. Collins returns to duty.

(c) In the absence of Mr. Jinks, Ms. Collins, and Ms. Triggs, Deputy City Manager Emily Baker, until Mr. Jinks, Ms. Collins, or Ms. Triggs returns to duty.

(d) In the absence of Mr. Jinks, Ms. Collins, Ms. Triggs, and Ms. Baker, Director of Transportation & Environmental Services Yon Lambert, until Mr. Jinks, Ms. Collins, Ms. Triggs, or Ms. Baker returns to duty; and

(e) In the absence of Mr. Jinks, Ms. Collins, Ms. Triggs, Ms. Baker, and Mr. Lambert, Director of Recreation, Parks and Cultural Activities James Spengler, until Mr. Jinks, Ms. Collins, Ms. Triggs, Ms. Baker or Mr. Lambert returns to duty.

3. That this resolution shall take effect upon its adoption, and shall replace Resolution No. 2662, which shall be, and hereby is, rescinded.

7b. Resolution Consenting to a Local Emergency Declaration for COVID-19. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated March 13, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7b; 03/14/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Pepper and carried unanimously, City Council approved the resolution consenting to a Local Emergency Declaration for COVID-19. 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. 2928

DECLARATION OF LOCAL EMERGENCY CITY OF ALEXANDRIA, VIRGINIA

WHEREAS, the Director of Emergency Management of the City of Alexandria, Virginia finds that, due to the Coronavirus Disease 2019 (COVID-19). COVID-19 is a Communicable Disease of Public Health Threat for Virginia and is of sufficient severity and magnitude to warrant a coordinated response by City departments, agencies, and voluntary organization.

THEREFORE, IT IS HEREBY DECLARED, that a local emergency exists throughout the City of Alexandria; and

IT IS FURTHER DECLARED AND ORDERED, that during the existence of said emergency, the powers, functions and duties of the Director of Emergency Management shall be those prescribed by State law, as well as the Governor's Executive Order of March 12,

2020, the President's Declaration of National Emergency of March 13, 2020, and the ordinances, resolutions and operations plans of the City of Alexandria, and that any actions taken under this declaration shall be directed at the prevention or response for, damages, loss, hardship or suffering threatened by, or resulting from, the emergency.

The declaration is effective March 14, 2020, at 1700 hours and this declaration shall expire at June 10, 2020, unless extended or sooner terminated by the Director of Emergency Management in writing.

7c. Consideration of an Allocation of City Funds to the ACTNow COVID-19 Response Fund and for an ALIVE Food Bank Bulk Food Purchase.

(A copy of the City Manager's memorandum dated March 13, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7c; 03/14/20, and is incorporated as part of this record by reference.)

Vice Mayor Bennett-Parker recused herself from voting on the item because of work-related affiliation.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried by a vote of 6-0-1, City Council: (1) authorized the allocation of \$100,000 of City matching funds to the ACTNow COVID-19 Response Fund; (2) authorized the allocation of \$20,000 to ALIVE to purchase bulk food equivalent to 17,000 meals; and (3) authorized the City Manager to execute all necessary documents required. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none; Abstained, Vice Mayor Bennett-Parker.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. Special Use Permit #2019-00118
105 and 107 North Union Street - Riverside Taco
Public Hearing and consideration of a request to amend SUP #2018-00111 to permit outdoor speakers and live acoustic entertainment; zoned: CD/Commercial downtown and WPR/Waterfront Park and Recreation zones. Applicant: ARP Waterfront, LLC, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 03/14/20, and is incorporated as part of this record by reference.)

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

1. Cathy Puskar, attorney for the applicant via call-in, spoke on behalf of the applicant and responded to questions from Council.

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 Councilwoman Pepper, seconded by Councilman Seifeldein and carried unanimously, City Council approved the Planning Commission recommendation, with the removal of condition #33. 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.

9. Master Plan Amendment #2019-00008
3601 Potomac Avenue and 3601 Richmond Highway - North Potomac Yard
Public Hearing and consideration of a request for an amendment to the North Potomac Yard Small Area Plan chapter of the Master Plan to facilitate the Virginia Tech Innovation Campus including an increase to heights; an amendment to square footages and locations of proposed uses; an amendment to the framework streets and location of pedestrian connections; and an amendment to the North Potomac Yard Urban Design Standards and Guidelines to add the North Potomac Yard Design Excellence addendum; zoned: CDD #19/Coordinated Development District #19 (North Potomac Yard Small Area Plan) Applicants: City of Alexandria (Design Guidelines only); CPYR Theater, LLC and CPYR Shopping Center LLC, represented by M. Catharine Puskar, attorney Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report dated March 6, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 03/14/20, and is incorporated as part of this record by reference.)

Mr. Lawrence, Principal Planner, Planning and Zoning, and Mr. Farner, Deputy Director, Planning and Zoning, gave a presentation on the proposal and he, Mr. Farner, Ms. McIlvaine, Director, Office of Housing, and City Attorney Anderson responded to questions from Council about the project, affordable housing, density bonuses, green building policies and housing contributions. Council requested a memorandum from staff on options available to explore opportunities to add density for additional affordable housing for the Potomac Yard area.

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

1. Kenneth Wire, attorney for applicant, spoke in support of the application and responded to questions from Council.
2. Cathy Puskar, attorney for the applicant via call-in, spoke in support of the application.

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, with language amendments. 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 1:04 p.m. for lunch. The meeting resumed at 1:43 p.m*

- 10. Special Use Permit #2019-00113**
Riparian Area Adjacent to 1A Prince Street - Tall Ship Providence Pier
Public Hearing and consideration of a request for a Special Use Permit for facilities used for the docking and berthing of watercraft and privately owned public use buildings; zoned: WPR/Waterfront Park and Recreation. Applicant: Tall Ship Providence Foundation, represented by M. Catharine Puskar, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 03/14/20, and is incorporated as part of this record by reference.)

Ms. Harwell, Urban Planner, Planning and Zoning, gave a presentation of the proposal for the project.

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

1. Cathy Puskar, attorney for the applicant, via call-in, spoke on behalf of the applicant and responded to questions from Council.

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 Councilwoman Pepper, seconded by Councilman Chapman 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.

- 11. Development Special Use Permit #2019-00016**
226 and 228 West Glebe Road - Le Glebe
Public Hearing and consideration of a request for a Development Special Use Permit with modifications to construct a mixed-use building with four (4) residential units, ground floor retail, and associated site improvements, including a Special Use Permit for an increase in height; zoned: CL/Commercial Low. Applicant: West Glebe Rd LLC, represented by Kenneth W. Wire, attorney
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report dated March 6, 2020 is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 03/14/20, and is

incorporated as part of this record by reference.)

Mr. Cook, Urban Planner, Planning and Zoning, gave a presentation for project and he and Mr. Imm, Principal Planner, Planning and Zoning, and Mr. Kerns, Division Chief, Planning and Zoning, responded to questions from Council about the project,

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

1. Kenneth Wire, attorney for applicant, spoke in support of the application and responded to questions from Council.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper 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.

A motion was made by Councilwoman Pepper to approve the Planning Commission recommendation. The motion failed for lack of a second.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried by a vote of 6-1, City Council approved the Planning Commission recommendation, with amendments to condition #14f to include metal paneling, and condition #17e to meet the 2009 green building standards. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, Councilman Seifeldein.

ORDINANCES AND RESOLUTIONS

12. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the owner of the property located at 2200 and 2200A Mill Road to construct and maintain encroachments for residential balcony overhangs into the public right-of ways on Dock Lane (Implementation Ordinance for Encroachment No. 2017-0004 associated with 2200 Mill Road - Eisenhower East Block 20 approve by City Council on December 16, 2017). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 03/14/20, and is incorporated as part of this record by reference.)

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 03/14/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance authorizing the owner of the property located at 2200 and 2200A Mill Road to construct and maintain encroachments for residential balcony overhangs into the public rights of way on Dock Lane. 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 ordinance reads as follows:

ORDINANCE NO.5270

AN ORDINANCE authorizing the owner of the property located at 2200 and 2200A Mill Road to construct and maintain encroachments for residential balcony overhangs into the public right-of ways on Dock Lane.

WHEREAS, Mill Road Block 20 LLC is the Owner (“Owner”) of the property located at 2200 and 2200A Mill Road, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain residential balcony overhangs into the public right-of ways on Dock Lane which will encroach into the public right-of-way at this location; and

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

WHEREAS, in Encroachment No. 2017-0004 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 December 5, 2017, which recommendation was approved by the City Council at its public hearing on December 16, 2017; and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

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

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at 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 Owners 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 encroachments, 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 "Owner" shall be deemed to include Mill Road Block 20, 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.

13. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES) and Section 7-1201 (PERMITTED UTILITIES), Section 7-1202 (SPECIAL USE UTILITIES), Section 7-1205 (Radio and television reception or transmission structures), and Section 7-1206 (General provisions pertaining to installation of wireless facilities) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) and add Section 7-1207 (Installation of Small Cell Facilities on Existing Structures), Section 7-1208 (Installation of standard facilities on existing structures), Section 7-1209 (Installation of new structures to support small cell facilities), Section 7-1210 (Installation of a new structure to support standard facilities), Section 7-1211 (Modification, replacement, or installation of additional wireless facilities on an existing structure), and Section 7-1212 (Aesthetic standards governing wireless facility installations) 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. 2019-00008 (Implementation Ordinance for Text Amendment No. 2019-00008 relating to telecommunications and wireless facility regulations approved by City Council on February 22, 2020). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 03/14/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 13; 03/14/20, and is incorporated as part of this record by reference.)

Councilman Seifeldein noted that he would be abstaining from voting on this item in concert of his actions prior on this item.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried by roll-call vote of 6-0-1, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES) and Section 7-1201 (PERMITTED UTILITIES), Section 7-202 (SPECIAL USE UTILITIES), Section 7-1205 (Radio and television reception or transmission structures), and Section 7-1206 (General provisions pertaining to installation of wireless facilities) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) and add Section 7-1207 (Installation of Small Cell Facilities on Existing

Structures), Section 7-1208 (Installation of standard facilities on existing structures), Section 7-1209 (Installation of new structures to support small cell facilities), Section 7-1210 (Installation of a new structure to support standard facilities), Section 7-1211 (Modification, replacement, or installation of additional wireless facilities on an existing structure), and Section 7-1212 (Aesthetic standards governing wireless facility installations) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) of the City of Alexandria Zoning Ordinance. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, none; Abstained, Councilman Seifeldein.

The ordinance reads as follows:

ORDINANCE. NO. 5271

AN ORDINANCE to amend and reordain Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES) and Section 7-1201 (PERMITTED UTILITIES), Section 7-1202 (SPECIAL USE UTILITIES), Section 7-1205 (RADIO AND TELEVISION RECEPTION OR TRANSMISSION STRUCTURES), and Section 7-1206 (GENERAL PROVISIONS PERTAINING TO INSTALLATION OF WIRELESS FACILITIES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) and add Section 7-1207 (INSTALLATION OF SMALL CELL FACILITIES ON EXISTING STRUCTURES), Section 7-1208 (INSTALLATION OF STANDARD FACILITIES ON EXISTING STRUCTURES), Section 7-1209 (INSTALLATION OF NEW STRUCTURES TO SUPPORT SMALL CELL FACILITIES), Section 7-1210 (INSTALLATION OF A NEW STRUCTURE TO SUPPORT STANDARD FACILITIES), Section 7-1211 (MODIFICATION, REPLACEMENT, OR INSTALLATION OF ADDITIONAL WIRELESS FACILITIES ON AN EXISTING STRUCTURE), and Section 7-1212 (AESTHETIC STANDARDS GOVERNING WIRELESS FACILITY INSTALLATIONS) 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. 2019-00008.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2019-0008, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 4, 2020 of a text amendment to the Zoning Ordinance to adopt provisions relating to telecommunications and wireless facility regulations to conform with state and federal law, which recommendation was approved by the City Council at public hearing on February 22, 2020;
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 6-403 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown

in underline, as follows:

6-403 - General regulations and exceptions.

(D) All radio and television reception or transmission structures may be erected only in compliance with Section 7-1205 and ~~Section 7-1206~~ through Section 7-1212.

Section 1. That Section 7-1201 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

7-1201 - Permitted utilities.

The following utilities are permitted in any zone in the city: the erection, construction, alteration or maintenance by public utilities, public service corporations, municipal departments, public commissions or public authorities of underground gas, steam, water or sewage supply, collection or disposal systems and underground or overhead electric, communication, telephone or cable transmission or distribution systems, including poles, wires, lines, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, freestanding pad mounted transformers and electric switches, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such utilities, corporations, departments, commissions or authorities, or for the public health, safety or general welfare; provided, that such freestanding pad mounted transformers and electric switches have been approved after public hearing by site plan, special use permit or certificate of appropriateness or as part of the city's capital improvement program, or have been approved either by both the director of transportation and environmental services and the director of planning and zoning, in accordance with guidelines established by the directors and approved by city council, after affording informal notice and opportunity to comment to affected parties or by city council, after public hearing, on an appeal from disapproval by one or both directors. Notwithstanding the foregoing, wireless facilities shall be regulated by sections 7-1206 through 1212.

Section 2. That Section 7-1202 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:

7-1202 - Special use utilities.

~~The following utility uses are permitted by public utilities, public service corporations, municipal departments, public commissions or public authorities only with a special use permit:~~

~~(A) Tanks, towers, standpipes or other facilities for storing water, sewage or other liquids or gases, electric power substations, telephone exchange buildings and structures, and pumping stations;~~

~~(B) Overhead transmission, distribution or communication wires, lines, cables or facilities for the transmission of telecommunication suspended, mounted or carried by poles, towers or~~

other structures which:

- ~~(1) Exceed 65 feet in height;~~
- ~~(2) Have one or more arms, cross arms or similar apparatus which would extend out more than six feet from the side thereof;~~
- ~~(3) Have a diameter in excess of three feet if it is a pole-like structure; or~~
- ~~(4) Exceed four square feet in area at any cross section, or have a side exceeding two feet in width if it is a tower or other type structure.~~

~~(C) Notwithstanding the foregoing, small cell facilities shall be regulated by section 7-1206.~~

(A) Special use permit required. The following utility uses are permitted by public utilities, public service corporations, municipal departments, public commissions or public authorities only with a special use permit:

(1) Tanks, towers, standpipes or other facilities for storing water, sewage or other liquids or gases, electric power substations, telephone exchange buildings and structures, and pumping stations; and

(2) Overhead transmission, distribution, or communication wires, lines, or cables, and facilities for the transmission of wireline communications that are suspended, mounted on, or carried by poles, towers or other structures which:

- (i) Exceed 50 feet in height;
- (ii) Have one or more arms, cross arms or similar apparatus which would extend out more than six feet from the side thereof;
- (iii) Have a diameter in excess of three feet if it is a pole-like structure; or
- (iv) Exceed four square feet in area at any cross section, or have a side exceeding two feet in width if it is a tower or other type structure.

(B) Exception. Notwithstanding the foregoing, wireless facilities shall be regulated by sections 7-1206 through 7-1212.

Section 3. That Section 7-1205 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

7-1205 - Radio and television reception or transmission structures.

All radio and television reception or transmission structures may be erected in accordance with the following criteria:

- (1) Whether the proposed size and height of the structure is compatible with the height and scale of adjacent buildings and is the minimum necessary to conduct the anticipated transmission or reception activity;
- (2) Whether the proposed location of the structure is one that has the least negative impact on surrounding buildings and neighborhoods of the locations available and is the least visible position which still provides adequate transmission and reception; if there is no unobtrusive location for the structure, whether alternative methods of achieving transmission or reception are reasonably feasible; and
- (3) Whether the proposed material and screening of the structure is

adequate and appropriate to minimize the visual impact of the structure. This section does not apply to small cell facilities, standard facilities, or receiving antennas subject to 47 C.F.R. Section 1.4000.

Section 4. That Section 7-1206 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:

7-1206 - ~~Small cell facilities~~ General provisions pertaining to installation of wireless facilities.

(A) ~~[Definitions.] For purposes of section 7-1206, the following definitions apply:~~

~~(1) Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.~~

~~(2) Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.~~

~~(3) Existing structure means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of Transportation of the Commonwealth of Virginia of an agreement with the owner of the structure to colocate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.~~

~~(4) Micro-wireless facility means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.~~

~~(5) Small cell facility means a wireless facility that meets both of the following qualifications:~~

~~(i) Each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and~~

~~(ii) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.~~

~~(6) Utility pole means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth of Virginia that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.~~

~~(7) Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network,~~

~~including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.~~

~~(8) Wireless infrastructure provider means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.~~

~~(9) Wireless services means (a) "personal wireless services" as defined in 47 U.S.C. §332(c)(7)(C)(i); (b) "personal wireless service facilities" as defined in 47 U.S.C. §332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. §332(d) provided to personal mobile communication devices through wireless facilities; and (c) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.~~

~~(10) Wireless services provider means a provider of wireless services.~~

~~(11) Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.~~

~~(B) Administrative approval. Notwithstanding any other provisions of this Zoning Ordinance, no special exception, special use permit, or variance shall be required for any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider:~~

~~(1) Has permission from the owner of the structure to co-locate equipment on that structure; and~~

~~(2) Applies pursuant to this section.~~

~~(3) Notwithstanding anything to the contrary in this section, the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from these permitting requirements and fees.~~

~~(C) Application process. An applicant for a small cell facility permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. The application may include up to 35 permit requests on the same application. Within ten days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.~~

~~(D) Filing fee. The fee for processing the application shall be \$100.00 each for the first five permit requests and \$50.00 for each additional permit request on an application.~~

~~(E) Action by the director. The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including the specific reason for disapproval pursuant to section 7-1205(F). The 60-day period may be extended by the director in writing for a period not to exceed an additional 30 days. The application shall be deemed approved if the director fails to act within the initial 60 days or the extended 30-day period. Approval for a permit shall not be~~

unreasonably conditioned, withheld, or delayed.

~~(F) Reasons for disapproval limited. The director may disapprove a proposed location or installation of a small cell facility only for the following reasons:~~

~~(1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;~~

~~(2) The public safety or other critical public service needs;~~

~~(3) Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or~~

~~(4) Conflict with the regulations in article X, historic districts and buildings of this ordinance.~~

~~(G) Conditions of approval. An applicant may voluntarily submit, and the director may accept, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.~~

~~(H) Abandoned facilities. Nothing in this subsection shall preclude the director from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities. (Ord. No. 3653, §§ 1, 2, 6-22-93; Ord. No. 3774, § 2, 1-21-95; Ord. No. 3844, § 1, 2-24-96; Ord. No. 5092, § 2, 11-18-17)~~

(A) Definitions. For purposes of sections 7-1206 through 7-1212, the following definitions apply:

(1) Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

(2) Ancillary equipment means wireless facilities other than antennas and associated cabling, and includes radio transceivers, power supplies, and other equipment associated with an antenna but not integrated with an antenna into a single component.

(3) Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure.

(4) Existing structure means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the city or the Department of Transportation of the Commonwealth of Virginia of an agreement with the owner of the structure to co-locate equipment on that structure. Existing structure includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including lattice towers, monopoles, buildings, utility poles, light poles, flag poles, signs, and water towers.

(5) Micro-wireless facility means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

(6) New structure means a wireless support structure that has not been installed or constructed or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval. New structure does not include any utility pole as

defined in Section 7-1206(A)(10).

(7) Public right-of-way means the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive or bridge, in which the city holds a property interest or which is under the control or management of the city for use by the travelling public.

(8) Small cell facility means a wireless facility that meets each of the following conditions:

(a) The facilities—

(i) Are mounted on structures 50 feet or less in height including their antennas; or

(ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

(iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(b) Each antenna associated with the deployment, excluding ancillary equipment, is no more than three cubic feet in volume;

(c) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(d) The facilities do not require antenna structure registration under Federal Communications Commission regulations; and

(e) The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in Federal Communications Commission regulations.

(9) Standard facility means a wireless facility that does not meet the definition of small cell facility in section 7-1206(A)(8).

(10) Utility pole means a structure owned, operated, or owned and operated by a public utility, the city, or the Commonwealth of Virginia that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

(11) Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

(i) Equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul; and

(ii) Radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

(iii) Wireless facility does not include radio or television broadcast facilities or amateur radio facilities, which are subject to Section 7-1205.

(12) Wireless infrastructure provider means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

(13) Wireless services means (a) personal wireless services as defined in 47 U.S.C. § 332(c)(7)(C)(i); (b) personal wireless service facilities as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d) provided to personal mobile communication devices through

wireless facilities; and (c) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

(14) Wireless services provider means a provider of wireless services.

(15) Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

(B) Microwireless facilities. Notwithstanding anything to the contrary in this article, the installation, placement, maintenance, or replacement of microwireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from the permitting requirements and fees of this article.

(C) Applications to include proposed wireless facilities. Any application for a new structure under this article shall include and identify the facilities to be attached to the proposed new structure. The director shall reject as incomplete any application for a new structure under this section that does not also propose installation of specific wireless facilities to be attached to the new structure.

(D) Conditions of approval. Notwithstanding any other provision of this article, an applicant may voluntarily submit, and the city may accept, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities or standard facilities.

(E) Abandoned facilities. Nothing in this subsection shall preclude the director from adopting reasonable rules with respect to the removal of abandoned wireless support structures or wireless facilities within 12 months in accordance with Section 2-101.

(F) Construction Period. If the director or the city council approve an application and construction of the approved project has not commenced within two years of final approval any approved permit shall be deemed automatically revoked. If construction has commenced within two years of final approval, but has not been completed in that time, the director may request that the successful applicant demonstrate that construction is continuing and is being diligently pursued; if the director is not satisfied that construction will be completed within a reasonable time, the director may revoke any approved permit.

Editor's note— See Code of Virginia § 15.2-2316.3 related to subsections (A)(1), (A)(3) through (A)(6), (A)(9) through (A)(15); see 47 C.F.R. § 1.6002(l) related to subsection (A)(8); see Code of Virginia § 15.2-2316.4(C) related to subsection (B); see Code of Virginia § 15.2-2316.4(B)(5) related to subsection (D); see Code of Virginia § 15.2-2316.4(B)(6) related to subsection (E); and see Code of Virginia § 15.2-2316.4:2(A)(10) related to subsection (F)

Section 5. That Section 7-1207 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

7-1207 - Installation of small cell facilities on existing structures.

(A) Administrative approval. Notwithstanding any other provisions of this zoning ordinance, no special exception, special use permit, or variance shall be required for any small cell facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider:

(1) Has permission from the owner of the structure to co-locate equipment on that structure; and

(2) Applies pursuant to this section.

(B) Application process. An applicant for a permit under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. The application may include up to 35 permit requests on the same application. Within ten days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.

(C) Filing fee. The fee for processing the application shall be \$100.00 each for the first five permits requested on a single application and \$50.00 for each additional permit request on an application.

(D) Action by the director. The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including the specific reason for disapproval pursuant to section 7-1207(E). The application shall be deemed approved if the director fails to act within the 60 day period. Approval for a permit shall not be unreasonably conditioned, withheld, or delayed.

(E) Reasons for disapproval limited. The director may disapprove a proposed location or installation of a small cell facility on an existing structure only for the following reasons:

(1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

(2) The public safety;

(3) Other critical public service needs;

(4) In the case of an installation on or in the public rights-of-way or on other publicly owned or publicly controlled property, aesthetic impact as further specified in Section 7-1212, except for attachments to utility poles and other privately-owned structures where the applicant has an agreement for attachment to the structure;

(5) In the case of an installation on or in the public rights-of-way or on other publicly owned or publicly controlled property, the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property, except for attachments to utility poles and other privately owned structures where the applicant has an agreement for attachment to the structure; or

(6) Conflict with the regulations in article X, historic districts and buildings, of this ordinance.

(F) Exception. This section does not apply to any eligible facilities request, as defined in Section 7-1211(A).

Editor's note— See Code of Virginia § 15.2-2316.4(A) related to subsection (A); see Code of Virginia § 15.2-2316.4(B) related to subsection (B); see Code of Virginia § 15.2-2316.4(B)(2) related to subsection (C); see Code of Virginia §§ 15.2-2316.4(B)(1) and 15.2-2316.4(B)(3) related to subsection (D); and see Code of Virginia § 15.2-2316.4(B)(4) related to subsection (E).

Section 6. That Section 7-1208 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

7-1208 - Installation of standard facilities on existing structures.

(A) Administrative approval. Notwithstanding any other provisions of this zoning ordinance, no special exception, special use permit, or variance shall be required for any standard facility installed by a wireless services provider or wireless infrastructure provider on an existing structure, provided that the wireless services provider or wireless infrastructure provider applies pursuant to this section.

(B) Application process. An applicant for a permit under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. Within ten days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.

(C) Filing fee. The fee for processing the application shall be \$500.00.

(D) Action by the director. The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including

(i) The specific reason for disapproval; and

(ii) Any modifications to the project described in the application that if made would permit the city to approve the application. The 60-day period may be extended by the director in writing for a period not to exceed an additional 30 days. The application shall be deemed approved if the director fails to act within the initial 60 days or the extended 30-day period, provided that the director and the applicant may agree to extend the applicable deadlines by mutual consent.

(E) Reasons for disapproval. The director may disapprove a proposed location or installation of a standard facility on an existing structure for any reason that is consistent with the standards of 47 U.S.C. § 332(c)(7), provided that the director shall not disapprove an application on the basis of:

(1) The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;

(2) The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or

(3) The wireless facility technology selected by the applicant for use at the project.

(F) The director shall release any written record supporting the written explanation required by Section 1208(D) within thirty days following the written notice of disapproval.

(G) Prohibited application requirements. The city shall not impose any requirement on an applicant that is prohibited by Section 15.2-2316.4:2 of the Code of Virginia.

(H) Exception. This section does not apply to any eligible facilities request, as defined in Section 7-1211(A).

Editor's note— See Code of Virginia §§ 15.2-2316.3 and 15.2-2316.4:1(A) related to subsection (A); see Code of Virginia § 15.2-2316.4:1(C)(1) related to subsection (B); see Code of Virginia § 15.2-2316.4:1(B)(1) related to subsection (C); see Code of Virginia §§ 15.2-2316.4(B)(1), 15.2-2316.4:1(C)(2)(b), and 15.2-2316.4:1(E), related to subsection (D); see Code of Virginia §§ 15.2-2316.4:1(F)(2) and 15.2-2316.4:2 related to subsection (E); and see Code of Virginia § 15.2-2316.4:2 related to subsection (F).

Section 7. That Section 7-1209 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

7-1209 - Installation of new structures to support small cell facilities.

(A) Administrative approval. Notwithstanding any other provisions of this zoning ordinance, no special exception, special use permit, or variance shall be required for any application by a wireless infrastructure provider or wireless services provider, for the installation of a new structure to support small cell facilities.

(B) Application process. An applicant for a permit under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant. Within ten business days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete.

(C) Filing fee. The fee for processing the application shall be \$100.00 each for the first five permit requests and \$50.00 for each additional permit request on an application.

(D) Action by the director. The application must be approved or disapproved by the director within 60 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including (i) the specific reason for disapproval pursuant to section 7-1209(E); and (ii) any modifications to the project described in the application that if made would permit the city to approve the application. The director shall release any written record supporting the written explanation required by this section within thirty days following the written notice of disapproval. The application shall be deemed approved if the director fails to act within the initial 60 days or the extended 30-day period.

(E) Reasons for disapproval. The director may disapprove a proposed location or installation of a small cell facility on a new structure for any reason that is consistent with the standards of 47 U.S.C. § 332(c)(7), provided that the director shall not disapprove an application on the basis of:

- (1) The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;
- (2) The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity;
- (3) The wireless facility technology selected by the applicant for use at the project; or
- (4) Any conflict with an applicable height restriction.

(F) Prohibited application requirements. The city shall not impose any requirement on an applicant that is prohibited by Section 15.2-2316.4:2 of the Code of Virginia.

Editor's note— See Code of Virginia §§ 15.2-2316.3 and 15.2-2316.4:1(A) related to subsection (A); see Code of Virginia § 15.2-2316.4:1(C)(1) related to subsection (B); see Code of Virginia §§ 15.2-2316.4(B)(2) and 15.2-2316.4:1(B)(1) related to subsection (C); see Code of Virginia §§ 15.2-2316.4(B)(1), 15.2-2316.4:1(C)(2)(b), 15.2-2316.4:1(E), and 15.2-2316.4:1(F)(2) related to subsection (D); see Code of Virginia §15.2-2316.4:2 related to subsection (E); and see Code of Virginia 15.2-2316.4:2 related to subsection (F).

Section 8. That Section 7-1210 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

7-1210 - Installation of a new structure to support standard facilities.

(A) Application process.

(1) An applicant for a standard facility permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose, which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant.

(2) The director shall determine whether the proposed new structure exceeds a maximum height of 50 feet. If the proposed new structure falls below the specified maximum height, the application shall be reviewed in accordance with the administrative process set forth in Section 7-1210(C). If the proposed new structure exceeds the specified maximum height, the applicant shall obtain a special use permit, pursuant to the procedures set forth in Section 7-1210(D). Notwithstanding any provision of the zoning ordinance, the fees and processing periods for such a special use permit shall not exceed those set forth in this section.

(3) Within ten business days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. The director shall also notify the applicant if the director has determined that the applicant must obtain a special use permit.

(B) Prohibited application requirements. The city shall not impose on an applicant for a standard facility to be installed on a new structure any requirement that is prohibited by Section 15.2-2316.4:2 of the Code of Virginia.

(C) Administrative approval.

(1) If a proposed new structure does not exceed the maximum permitted height as listed in Section 7-1210(A)(2), the application must be approved or disapproved by the director within 150 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including (i) the specific reason for disapproval pursuant to section 7-1210(C)(2); and (ii) any modifications to the project described in the application that if made would permit the city to approve the application.

(2) The director may disapprove a proposed location or installation of a standard facility on a new structure that falls below the maximum height permitted for the zone or height district in which the proposed new structure is to be located for any reason that is consistent with the standards of 47 U.S.C. § 332(c)(7), provided that the director shall not disapprove an application on the basis of:

(i) The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;

(ii) The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity;

(iii) The wireless facility technology selected by the applicant for use at the project.

(D) Special use permit required.

(1) If a proposed new structure exceeds the maximum permitted height as listed in Section 7-1210(A)(2), a special use permit is required. Any application for a special use permit under this subsection must be approved or disapproved by the city council within 150 days of receipt of the complete application. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval including:

(i) the specific reason for disapproval pursuant to section 7-1210(D)(2); and

(ii) any modifications to the project described in the application that if made would permit the city to approve the application. The director shall release any written

record supporting the written explanation required by this section within thirty days following the written notice of disapproval.

(2) The council may disapprove a proposed location or installation of a new structure under this subsection if the proposed location or installation conflicts with the criteria set out in Section 11-504, provided that the reason for denial is consistent with the standards of 47 U.S.C. § 332(c)(7)(B) and that the council shall not disapprove an application on the basis of:

(i) The applicant's business decision with respect to its designed service, customer demand for service, or quality of its service to or from a particular site;

(ii) The applicant's specific need for the project, including the applicant's desire to provide additional wireless coverage or capacity; or

(iii) The wireless facility technology selected by the applicant for use at the project.

(E) Filing fee. The fee for processing an application under Section 7-1210(C) shall be \$5,250. The fee for processing an application under Section 7-1210(D) shall be (1) \$5,250.00 if for construction of a new standard facility on a support structure or (2) \$335.00 for approval as part of a development site plan application in accordance with Section 11-400.

Editor's note— See Code of Virginia 15.2-2316.4:1(C)(1) related to subsection (A)(3); see Code of Virginia § 15.2-2316.4:2 related to subsection (B); see Code of Virginia § 15.2-2316.4:1(C)(2)(a) related to subsection (C)(1); see Code of Virginia §§ 15.2-2316.4(B)(4) and 15.2-2316.4:2 related to subsection (C)(2); see Code of Virginia §§ 15.2-2316.4:1(C)(2)(a), 15.2-2316.4:1(E), and 15.2-2316.4:1(F)(2) and 47 CFR § 1.6003(c)(iv) related to subsection (D)(1); see Code of Virginia § 15.2-2316.4:2 related to subsection (D)(2); and see Code of Virginia §§ 15.2-2316.3 and 15.2-2316.4:1(B)(2) related to subsection (E).

Section 9. That Section 7-1211 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

7-1211 - Modification, replacement, or installation of additional wireless facilities on an existing structure.

(A) Definition. For purposes of this section 7-1211, the term "eligible facilities request" shall have the same meaning as in 47 C.F.R. § 1.6100, or any successor regulation.

(B) Application required. A wireless services provider or wireless infrastructure provider shall apply for a permit for any eligible facilities request.

(C) Application process.

(1) An applicant for an eligible facilities request permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose, which shall include a statement identifying the applicant and providing a valid electronic mail address for the applicant.

(2) The director shall determine whether the proposed modification, replacement or installation constitutes an eligible facilities request. Within thirty days after receipt of an application and a valid electronic mail address for the applicant, the director shall notify the applicant by electronic mail whether the application qualifies as an eligible facilities request.

(3) If the proposed modification, replacement or installation does constitute an eligible facilities request, the application shall be further reviewed in accordance with 47 C.F.R. § 1.6100 and the application may be approved in accordance with the timeframes and procedures of that regulation.

(4) If the proposed modification, replacement or installation is for a small cell facility and does not constitute an eligible facilities request the application shall be reviewed in accordance with this section.

(5) If the proposed modification, replacement or installation is for a standard facility and does not constitute an eligible facilities request the application shall be reviewed in accordance with the procedures and standards set forth in this section.

(D) Filing fee. The fee for processing an application under this section shall be (1) \$500 for standard facilities per application and (2) shall be \$100.00 each for the first five permit requests and \$50.00 for each additional permit request on an application for small cell facilities.

Editor's note— See 47 CFR §1.6100 related to subsections (A) through (C), and see Code of Virginia §§ 15.2-2316.4(B)(2) and 15.2-2316.4:1(B)(1) related to subsection (D).

Section 10. That Section 7-1212 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

7-1212 - Aesthetic standards governing wireless facility installations.

(A) Design guidelines. The director may develop and promulgate design guidelines applicable to each of the following types of facility installations:

(1) Wireless facilities installed on existing structures in the public rights-of-way;

(2) Wireless facilities installed on rooftops and building facades;

(3) Wireless support structures designed to support standard facilities; and

(4) Wireless support structures designed to support small cell facilities.

(B) Scope of guidelines. The design guidelines may include reasonable requirements regarding:

(1) The kinds of materials of which a wireless support structure may be composed;

(2) The color, shape, texture, and general appearance of wireless support structures, ancillary equipment cabinets, and antennas;

(3) The arranging, screening, camouflaging, or landscaping of wireless facilities and wireless support structures; and

(4) Such other characteristics or factors that the director deems appropriate, consistent with the goal of allowing the deployment of wireless facilities in a manner consistent with the aesthetic character of the city and the zoning district in which an applicant proposes to install its facilities.

(C) Characteristics of guidelines. The design guidelines shall be no more burdensome than those applied to other types of facilities deployed in similar locations in the city. The guidelines shall be detailed and clear and shall be written in such a way that:

(1) Applicants may readily determine whether a design meets the guidelines; and

(2) The discretion of the director in determining whether a design meets the guidelines is minimized.

(D) Historic districts. The director shall develop and submit to the board of architectural review for approval design guidelines for the city's historic districts that are consistent with this section and the existing design guidelines for the historic districts.

(E) Compliance with design guidelines. In developing application forms and related requirements, the director may require applicants to submit information demonstrating that proposed installations of wireless facilities and wireless structures comply with the design guidelines pertinent to the types of facilities proposed in each application. Applicants shall comply with all such applicable design guidelines in designing and constructing wireless

facilities and wireless structures. The director may reject any application that includes a proposed design that does not comply with any applicable guideline.

(F) Setbacks. Applications shall meet all setback requirements for the district in which the wireless facilities are to be located. The director may reject any application that includes a proposed design that does not comply with such setback requirements.

(G) Publication of guidelines. The final design guidelines shall be made available to the public, wireless providers, and wireless infrastructure providers before they take effect and shall be readily available on the city's website.

Editor's note— See Code of Virginia §§ 15.2-2316.4(B)(4)(c), 15.2-2316.4(B)(4)(d) and 15.2-2316.4:2(A)(6) related to subsection (A); see Code of Virginia § 15.2-2316.4:2(A)(6) related to subsection (B); see Code of Virginia § 15.2-2316.4(B)(4)(d) related to subsection (D); and see Code of Virginia § 15.2-2316.4:2(A)(9) related to subsection (F).

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

Section 3. That Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES) and Section 7-1201 (PERMITTED UTILITIES), Section 7-1202 (SPECIAL USE UTILITIES), Section 7-1205 (RADIO AND TELEVISION RECEPTION OR TRANSMISSION STRUCTURES), and Section 7-1206 (GENERAL PROVISIONS PERTAINING TO INSTALLATION OF WIRELESS FACILITIES) of Article VII (SUPPLEMENTAL ZONE REGULATIONS) and add Section 7-1207 (INSTALLATION OF SMALL CELL FACILITIES ON EXISTING STRUCTURES), Section 7-1208 (INSTALLATION OF STANDARD FACILITIES ON EXISTING STRUCTURES), Section 7-1209 (INSTALLATION OF NEW STRUCTURES TO SUPPORT SMALL CELL FACILITIES), Section 7-1210 (INSTALLATION OF A NEW STRUCTURE TO SUPPORT STANDARD FACILITIES), Section 7-1211 (MODIFICATION, REPLACEMENT, OR INSTALLATION OF ADDITIONAL WIRELESS FACILITIES ON AN EXISTING STRUCTURE), and Section 7-1212 (AESTHETIC STANDARDS GOVERNING WIRELESS FACILITY INSTALLATIONS) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), as amended pursuant to Sections 1 through 10 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

14. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2019-00004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for Master Plan Amendment No. 2019-00004 the Eisenhower East Small Area Plan approved by City Council on February 22, 2020).[ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 03/14/20, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 14; 03/14/20, and is incorporated as part of this record by reference.)

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 an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2019-00004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment. 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 ordinance reads as follows:

ORDINANCE. NO. 5272

AN ORDINANCE to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the Eisenhower East Small Area Plan chapter of such master plan as Master Plan Amendment No. 2019-00004 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

WHEREAS, the City Council of the City of Alexandria finds and determines that:

1. In Master Plan Amendment No. 2019-00004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 4, 2020 of an amendment to the Master Plan of the City of Alexandria to replace the Eisenhower East Small Area Plan Chapter with an updated small area plan, which recommendation was approved by the City Council at public hearing on February 22, 2020;

2. The said amendment has heretofore been approved by the planning commission and city council after full opportunity for comment and public hearing.

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Eisenhower East Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by replacing the existing chapter with the document entitled Eisenhower East Small Area Plan dated February 22, 2020, attached hereto and incorporated fully herein by reference.

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

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

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

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

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

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 Councilman Aguirre, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council adjourned the public hearing meeting of March 14, 2020 at 2:31 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.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

