

**City of Alexandria
City Council Public Hearing Meeting
Saturday, September 12, 2020, 9:30 AM
Meeting Minutes**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Collins, Deputy City Manager; Ms. Triggs, Deputy City Manager; Ms. Baker, Deputy City Manager; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. LaColla, Division Chief, P&Z, Mr. Geratz, Principal Planner, P&Z, Mr. Kerns, Division Chief, P&Z; Ms. Horowitz, Principal Planner, P&Z; Mr. Roakes, Urban Planner, P&Z, Ms. Ruggiero, Deputy Director, Recreation, Parks, and Cultural Activities; Mr. Johnson, Program Manager, Recreation, Parks, and Cultural Activities; Ms. Oleynik, Urban Planner, T&ES; Ms. McIlvaine, Director, Office of Housing; Ms. Sample, Urban Planner, P&Z; Mr. Swidrak, Urban Planner, P&Z; Mr. Barre, Information Technology Services; Mr. Smith, Information Technology Services; and Ms. Quinn, City Manager's Office.

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 via video conference.

Mayor Wilson noted that due to the COVID-19, pandemic emergency , the September 12, 2020 Public Hearing meeting of the Alexandria City Council is being held electronically pursuant to Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on June 20, 2020 and/or Section

4.0-00(g) in HB29 and HB30 to undertake essential business. All the members of the City Council and staff are participating from remote locations through a video conference call on Zoom. The meeting can be accessed by the public through the live broadcast on the government channel 70, streaming on the City's website, and can be accessed via Zoom.

City Council received an update on the flooding event that occurred in the City this week from Mr. Lambert, Director of Transportation and Environmental Services and he reviewed what the City is doing to address the issues that are affecting neighborhoods. City Council gave Mr. Lambert a list of questions and concerns that they would like reviewed during a scheduled work session on flood mitigation and stormwater investments on September 22 at the Legislative meeting.

2. Public Discussion Period.

The following persons participated in the public discussion period:

1. Jim Burkart, Alexandria, spoke about the recent flooding that occurred in the City of Alexandria.
2. Andrea Koslow, Alexandria, spoke about the recent flooding that occurred in the City of Alexandria.
3. Janice Grenadier, Alexandria, spoke about corruption in the courts.
4. Brian Sands, Alexandria, spoke about the recent flooding that occurred in the City of Alexandria.
5. Whitney Redding, Alexandria, representing Friends of Holmes Run, spoke about urbanization taxing the watershed and how it is affecting the environment and about the deferral of capital investment for capacity issues in the area.

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

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR

Planning Commission (3-6)

3. Special Use Permit #2019-00107
300 King Street (Parcel Address: 302 King Street) - Kisso Asian Bistro

Public Hearing and consideration of a request for a Special Use Permit to increase the hours of operation and to add delivery vehicles at an existing grandfathered restaurant; zoned: KR/King Street Urban Retail. Applicant: Ren Yong Cai

Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 09/12/20, and is incorporated as part of this record by reference.)

4. Special Use Permit #2020-00039
2050 Ballenger Avenue - Catholic University of America
Public Hearing and consideration of a request for a Special Use Permit for a private academic school; zoned: CDD#1/Coordinated Development District #1. Applicant: The Catholic University of America, represented by David S. Houston, agent
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 09/12/20, and is incorporated as part of this record by reference.)

5. Encroachment #2020-00003
1217 Colonial Avenue - Residential Encroachment
Public Hearing and consideration of a request for an Encroachment into the public right-of-way on Colonial Avenue for a retaining wall; zoned: RB/Townhouse. Applicant: John D. Bullington, represented by Minturn Wright, attorney
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 09/12/20, and is incorporated as part of this record by reference.)

6. Zoning Text Amendment #2020-00005
Zoning Ordinance Practical Updates
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Section 1-700 to add to the list of zones the RMF Zone; to amend definitions for floor area (Section 2-145(A)(11) and (12)), medical care facilities (Section 2-174) and townhouse dwelling and two-family dwelling (Sections 2-138 and 2-140); to amend the RB and RM zone grandfathering provisions (Section 3-707(B) and 3-1108 (B)); to amend Section 3-1406 to add the effective date of the ordinance; to allow open porches meeting specific criteria in required side yards (Sections 7-202 and 11-302); to add Section 7-202(E) to allow fences taller than 6 feet between

residential properties and certain other uses; to clarify provisions regarding fences on corner lots (Sections 7-1700, 7-1701 and 7-1702); to add Section 7-2600 to limit the percentage of a window that may be blocked by art, signs or other materials; to amend Section 11-804 to remove reference to a repealed law; to amend various provisions related to the Board of Zoning Appeals to comply with the Code of Virginia (Sections 11-1008, 11-1103, 11-1104, and 11-1207); to amend Section 12-101(B)(3) to expand the applicability of the residential reversion criteria; to amend Section 12-102(D) to correctly reference the KR zone and apply residential reuse to specific blocks along King Street. Staff: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 09/12/20, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, City Council approved the consent calendar, with the exception of item #6, which was considered under separate motion. The approval was 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.

6. Zoning Text Amendment #2020-00005
Zoning Ordinance Practical Updates
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Section 1-700 to add to the list of zones the RMF Zone; to amend definitions for floor area (Section 2-145(A)(11) and (12)), medical care facilities (Section 2-174) and townhouse dwelling and two-family dwelling (Sections 2-138 and 2-140); to amend the RB and RM zone grandfathering provisions (Section 3-707(B) and 3-1108 (B)); to amend Section 3-1406 to add the effective date of the ordinance; to allow open porches meeting specific criteria in required side yards (Sections 7-202 and 11-302); to add Section 7-202(E) to allow fences taller than 6 feet between residential properties and certain other uses; to clarify provisions regarding

fences on corner lots (Sections 7-1700, 7-1701 and 7-1702); to add Section 7-2600 to limit the percentage of a window that may be blocked by art, signs or other materials; to amend Section 11-804 to remove reference to a repealed law; to amend various provisions related to the Board of Zoning Appeals to comply with the Code of Virginia (Sections 11-1008, 11-1103, 11-1104, and 11-1207); to amend Section 12-101(B)(3) to expand the applicability of the residential reversion criteria; to amend Section 12-102(D) to correctly reference the KR zone and apply residential reuse to specific blocks along King Street. Staff: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 09/12/20, 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 approved the Planning Commission recommendation, with the following proposed amendment to read as:

12-102 - Noncomplying structures.

Noncomplying structures shall be permitted to continue indefinitely and shall be considered legal structures, but subject to the following restrictions:

(D) Residential reuse. A building which faces the unit through 1400 1500 block of King Street and which is a noncomplying structure because it exceeds the floor area ratio of the CD zone, may be converted from nonresidential to same residential use, notwithstanding any requirement of the CD zone applicable to residential uses, provided that a special use permit is approved to allow such conversion.

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

7. Public Hearing and Consideration of a Form Lease for Renewing and Issuing Leases to Artists and Arts Organizations through March 31, 2022 at the Torpedo Factory Art Center located at 105 N. Union Street.

(A copy of the City Manager's memorandum dated September 2, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 09/08/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion Councilwoman Pepper, seconded by Councilman

Chapman and carried unanimously, City Council closed the public hearing and authorized the City Manager to renew current leases and issue new leases to artists and arts organizations. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

8. Zoning Text Amendment #2019-00007
Increased Density for Public School Sites
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Section 7-2100 to allow for an increase in density for public school use. Staff: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 09/12/20, and is incorporated as part of this record by reference.)

Mr. Geratz, Principal Planner, Planning and Zoning gave a presentation on the text amendment and responded to questions from Council.

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

1. William Pfister, Alexandria, spoke in support of the text amendment.
2. Peter Benavage, Alexandria, representing the Seminary West Civic Association and the Alexandria Federation of Civic Association, spoke support the text amendment.
3. Roy Byrd, Alexandria, representing Clover College Park Civic Association, spoke in support of the text amendment.
4. Reginald Brown, Alexandria, spoke in support of the text amendment.

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

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council approved the Planning

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

9. Rezoning #2020-00002

Development Special Use Permit #2020-00010

1009, 1101, 1201 & 1203 Janney's Lane and 1099 Francis Hammond Parkway - Douglas MacArthur Elementary School

Public Hearing and consideration of requests for: (A) an amendment to the official zoning map to change the POS/Public open space and community recreation zone portion to R-8/Single-family zone at 1101 Janney's Lane, change the R-20/Single-family zone to R-8/Single-family zone at 1201 and 1203 Janney's Lane, and change the R-8/Single-family zone portion to POS/Public open space and community recreation zone at 1099 Francis Hammond Parkway; and (B) a Development Special Use Permit and site plan to demolish the existing building and construct a new public school, including Special Use Permits for an increase in floor area and height pursuant to Section 7-2100 of the Zoning Ordinance (if Text Amendment #2019-00007 is approved), to exceed the maximum parking requirement, an indoor and outdoor recreation facility and community center use, and modifications to the front and rear yard setbacks; zoned: R-8/Single-family, R-20/Single-family, and POS/Public Open Space and Community Recreation. Applicants: Alexandria City Public Schools and City of Alexandria

Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 09/12/20, and is incorporated as part of this record by reference.)

Mr. Geratz, Principal Planner, Planning and Zoning, gave a presentation on the proposed project and he along with Mr. Kerns, Division Chief, Planning and Zoning, and Ms. Gulick, ACPS representative, and Dr. Hutchings, Superintendent, ACPS, responded to questions from Council about the layout of the project, traffic management, parking, open space and other environmental amenities.

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

1. Lisa Porter, Alexandria, member of the McArthur Advisory Group, spoke in support of the project with modifications.

2. William Pfister, Alexandria, representing the Seminary Hill Association on the McArthur Advisory Group, spoke in support of the project.

3. James Byrnes, Alexandria, spoke in about the process for the proposal of the project.

4. Meredith Pugh, Alexandria, spoke in support of the project.
5. Stewart Bartley, Alexandria, spoke in support of the project.
6. Dr. Gregory Hutchings, Superintendent for ACPS, spoke in support of the project and responded to questions from Council about cost, design, traffic management and timeline for construction.
7. Kathie Hoekstra, Alexandria, spoke in support of the project, particularly the amenities that would benefit the environment.
8. Carolyn Lyle, Alexandria, spoke in support of the project, particularly the amenities that would benefit the environment.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson 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 Jackson, seconded by Councilman Seifeldein 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, Councilman Pepper, and Councilman Seifeldein; Opposed, none.

10. Special Use Permit #2020-00045
3410 Mount Vernon Avenue (Parcel Address: 3408 Mount Vernon Avenue) - Hops 'N Shine
Public Hearing and consideration of a request for a Special Use Permit for outdoor live entertainment; increase in indoor and outdoor seats; increase in hours of indoor and outdoor hours of operation; an outdoor bar, outdoor cooking and outdoor games; and delivery vehicles for an existing restaurant (amending SUP #2017-0091); zoned: CG/Commercial General. Applicant: Abe Hadjiesmaeiloo
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 09/12/20, and is incorporated as part of this record by reference.)

Mayor Wilson recused himself from consideration of this item as he is an adjacent property owner.

Mr. Roakes, Urban Planner, Planning and Zoning, gave a presentation and he, along with Ms. Horowitz, Principal Planner, Planning and Zoning and Mr. Moritz, responded to questions from Council.

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

1. Matt Rofougaran, Reston, Virginia, spoke in support of the permit.
2. C. J. Cross, Alexandria, spoke in support of the permit.
3. Paymon Hadjiesmaeiloo, Arlington, Virginia, spoke in support of the permit.
4. Stephen Harris, Alexandria, requested that the permit not receive approval until all the conditions of the original special use permit are met.
5. Tara Zurawski, Alexandria, spoke in support of the permit.
6. Meghan Kissell, Alexandria, spoke in support of the permit.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Aguirre and carried 6-0, City Council closed the public hearing. The vote was as follows: In favor, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Recused, Mayor Wilson.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried 6-0, City Council approved the Planning Commission recommendation. In favor, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Recused, Mayor Wilson.

11. Vacation #2019-00002
2 East Mason Avenue - Vacation
Public Hearing and consideration of a request to vacate a portion of the public right-of-way adjacent to 2 East Mason Avenue and along Commonwealth Avenue to add area to a residential side yard for a fence; zoned: RB/Townhouse.
Applicants: Elizabeth and Jesse Jardim
Planning Commission Action: Recommended Approval 5-1

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 09/12/20, and is incorporated as part of this record by reference.)

Ms. Horowitz, Principal Planner, Planning and Zoning, gave a presentation on

the proposed vacation and she, along with Mr. Moritz, Director, responded to questions from Council.

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

1. Elizabeth Jardim, Alexandria, spoke in support of this vacation and she responded to questions.

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 Councilman Aguirre and carried unanimously, City Council approved the Planning Commission recommendation and Mayor Wilson appointed the following viewers for the vacation: Shelli Vasser Gilliam, Jason DeChant, and Mary Wilson. 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.

12. Zoning Text Amendment #2020-00003
Small Business Practical Updates
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend sections in Articles II - VIII, XI and XII to amend commercial use definitions, commercial use conditions and home occupation requirements and to change certain uses from requiring Special Use Permits and Administrative Use Permits to either Administrative Special Use Permits or permitted uses.
Staff: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 09/12/20, and is incorporated as part of this record by reference.)

Ms. Horowitz, Principal Planner, Planning and Zoning, gave a presentation on the proposed text amendments and she along with Mr. Moritz, responded to questions from Council.

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

1. Alex Montgomery, Alexandria, spoke in support of the text amendment.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein 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 and carried Councilman Seifeldein, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation for the text amendments with the exception of the amendment for daycare centers. The vote was as follows: Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Jackson and carried 6-1, City Council approved the inclusion a daycare centers in the zoning text amendment on separate motion. 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.

13. Development Special Use Permit #2019-00033
Special Use Permit #2020-00036
116 South Henry Street - GCP Henry Street
Public Hearing and consideration of a request for (A) a Development Special Use Permit and site plan with modifications to construct a 16-unit mixed-use retail/residential building with ground floor commercial uses facing South Henry Street, a three-unit multi-family residential building facing South Patrick Street and a 142-space automated parking garage, including special use permits for motor vehicle parking or storage for more than 20 vehicles for the six-story automated parking structure, to increase the number of dwellings per acre to no more than 54.45, to exceed the maximum parking requirement, and for a loading space reduction to allow reduced loading space ceiling height and modifications for open space, setbacks, crown coverage and street tree requirements; and (B) a Special Use Permit for a restaurant; zoned: CD/Commercial Downtown. Applicant: Galena Capital Partners, represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommended Approval 5-0

Ms. Sample, Urban Planner, Planning and Zoning, gave a presentation and she along with Ms. McIlvaine, Director, Office of Housing,

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

1. Mary Catherine Gibbs, attorney for the applicant, spoke in support of the project and responded to questions from Council.

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

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried 6-1, City Council approved the Planning Commission, with an amendment to Condition #40, adding a period after the word "Parking". 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.

14. Development Special Use Permit #2019-00032
Special Use Permit #2020-00033
Transportation Management Plan Special Use Permit #2020-00034
912, 916 and 920 King Street - GCP King Street
Public Hearing and consideration of a request for (a) a Development Special Use Permit and site plan with modifications to construct a 30-unit multifamily building with ground-floor commercial uses, including Special Use Permits to increase the floor area ratio to 2.5 in the KR zone, a parking reduction to provide all required parking spaces in the garage at 116 South Henry Street and a loading reduction to allow for reduced loading space ceiling height; (b) a Special Use Permit for a restaurant; and (c) a Special Use Permit for a Transportation Management Plan; zoned: KR/King Street Urban Retail. Applicant: Galena Capital Partners, represented by Mary Catherine Gibbs, attorney
Planning Commission Action: Recommended Approval 5-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 09/12/20, and is incorporated as part of this record by reference.)

Mr. Swidrak, Urban Planner, Planning and Zoning, gave a presentation on the proposed project and he, along with Mr. Moritz, responded to questions from Council.

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

1. Steve Milone, Alexandria, representing Old Town Civic Association, spoke in about the mass and scale of the project and parking and about the pedestrian alley.
2. Mary Catherine Gibbs, attorney for the applicant, spoke in support of the project 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.

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Pepper and carried 6-1, City Council approved the Planning Commission recommendation with the following amendments: amend condition 6(a)(public access easements) to read: "The pedestrian alley from the King Street right-of-way to the southern property line" and amendment condition 119(i)(disclosures): Residents are not eligible for residential street parking permits because the property is not located within a residential permit parking district and are not eligible for a permit in a sub-district based on code requirements. 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

15. Public Hearing, Second Reading and Final Passage of an ordinance to prevent the spread of the Novel Coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, by requiring face coverings in certain indoor and outdoor locations. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated September 2, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 15; 09/12/20, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk and Council, marked Exhibit No. 2 of Item No. 15; 09/12/20, 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. 3 of Item No. 15; 09/12/20, and is incorporated as part of this record by reference.)

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

1. Alan Pounders, Alexandria, spoke in opposition to the proposed ordinance.
2. Drew Dormer, Alexandria, spoke in opposition to the proposed ordinance.
3. Joe Chamberlain, Alexandria, spoke in opposition to the proposed ordinance.

4. Lisa McNichols, Alexandria, spoke in opposition to the proposed ordinance.

5. Tom McCarthy, Alexandria, spoke in opposition to the proposed ordinance.

6. Lynne Rusillo, Alexandria, spoke in opposition to the proposed ordinance.

7. Sametta Barnett, Alexandria, spoke in opposition to the proposed ordinance.

WHEREUPON, upon motion by Councilwoman Jackson, seconded by Councilman Jackson 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 Jackson, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council approved on second reading and final passage an ordinance to prevent the spread of the Novel Coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, by requiring face coverings in certain indoor and outdoor locations, with an amendment to the ordinance on page 5 omitting lines 11 beginning with the sentence, "If compliance..." through lines 15 and including the following language in the "Physical Activity" section on page 4, "while persons are swimming, biking, jogging or engaged..." 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. 5293

AN ORDINANCE TO PREVENT THE SPREAD OF THE NOVEL CORONAVIRUS, SARS-CoV-2, AND THE DISEASE IT CAUSES, COMMONLY REFERRED TO AS COVID-19 BY REQUIRING FACE COVERINGS IN CERTAIN INDOOR AND OUTDOOR LOCATIONS.

WHEREAS, on March 11, 2020, the World Health Organization declared the outbreak of the novel coronavirus, SARS-CoV-2, and the disease it causes, commonly referred to as COVID-19, a pandemic (for reference in this ordinance, this virus and the disease that it causes are referred to as "COVID-19"); and

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Number Fifty-One (“EO 51”) declaring a state of emergency for the Commonwealth of Virginia because of the COVID-19 pandemic; EO 51 acknowledged the existence of a public health emergency arising from the COVID-19 pandemic and that it constitutes a “disaster” as defined by Virginia Code § 44-146.16 because of the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, on March 14, 2020, effective at 5:00 p.m. and extending through June 10, 2020, at 5:00 p.m., or as may be amended by the City Council, the City Manager, in his capacity as Director of Emergency Management, issued a Declaration of Local Emergency applicable throughout the entire City of Alexandria, Virginia, pursuant to authority granted pursuant to City Code Section 4-3-5, Virginia Code Sections 44-146.21 and 15.2-1413, which City Declaration was unanimously consented to by the City Council on March 14, 2020, pursuant to City Resolution No. 2928, as required by applicable law; on June 9, 2020, the City Manager extended such Declaration of Local Emergency through September 30, 2020 which extension was unanimously consented to by the City Council on June 9, 2020; and

WHEREAS, COVID-19 spreads from person to person and, at this time, it appears that COVID19 is spread primarily through viral respiratory droplets, which are expelled when an infected person coughs, sneezes, talks, sings, or engages in physical activity; and confined spaces when people are in close contact with one another (within about six feet) increase the ability of individuals to breathe in these respiratory droplets, contract COVID-19, and is more likely to spread COVID-19 within the community; (See *Xponential Fitness v. Arizona*, No CV-20-01310-PHX-DJH, 2020 WL 3971908 at *1); [World Health Organization Scientific Brief, July 9, 2020](#)) and

WHEREAS, COVID-19 is extremely easy to transmit, can be transmitted by infected people who show no symptoms, and the population has not developed herd immunity (See *Xponential Fitness v. Arizona*, No CV-20-01310-PHX-DJH, 2020 WL 3971908 at *1) ; and

WHEREAS, at this time, there is no known cure, no effective treatment, no vaccine; and because people may be infected but asymptomatic, they may unwittingly infect others (See *South Bay United Pentecostal Church v Newsom*, 140 S. Ct. 1613 (May 29, 2020) (Roberts concurring in denial of application for injunctive relief); on the fact that there is no effective treatment as of the date of this ordinance, see also [WHO Report: Coronavirus disease \(COVID-19\) advice for the public: MythBusters](#), [Mayo Clinic: Coronavirus disease 2019 \(COVID-19\)](#)); and

WHEREAS, the World Health Organization, the United States Centers for Disease Control and Prevention (“Centers for Disease Control”) and the Virginia Department of Health have identified several behaviors and practices that are fundamental in controlling the spread of COVID-19 in the community: frequently washing hands, sanitizing frequently touched surfaces, wearing a cloth face covering

when in public, maintaining a separation of at least six feet between people who do not regularly live together, limiting the size of gatherings in public places, and limiting the duration of gatherings; (See [CDC Considerations for Events and Gatherings July 2020](#), [CDC Consideration for Restaurants and Bars July 17, 2020](#), and [Virginia Department of Health COVID 19 Resources](#)); and

WHEREAS, with respect to people wearing face coverings when in public, current evidence suggests that transmission of COVID-19 occurs primarily between people through direct, indirect, or close contact with infected people through infected secretions such as saliva and respiratory secretions, or through their respiratory droplets, which are expelled when an infected person coughs, sneezes, talks or sings; and some outbreak reports related to indoor crowded spaces have suggested the possibility of aerosol transmission, combined with droplet transmission, for example, during choir practice, in food establishments, or in fitness classes; (See [World Health Organization Scientific Brief, July 9, 2020](#)); and

WHEREAS, the Centers for Disease Control states that cloth face coverings are strongly encouraged in settings where persons might raise their voice (e.g., shouting, chanting, singing) ([See CDC Report Considerations for Events and Gatherings July 7, 2020](#)); and

WHEREAS, the Centers for Disease Control advises, in restaurants: (i) wearing cloth face coverings when less than six feet apart from other people or indoors; (ii) wearing face coverings as much as possible when not eating; (iii) maintaining a proper social distancing between persons who do not regularly live together; and (iv) sitting outside when possible (See [CDC Personal and Social Activities Website dated July 30, 2020](#)); and

WHEREAS, for these and related reasons, the Virginia Department of Health has stated that those businesses that operate indoors and at higher capacity, where physical distancing “recommendations” are not observed, sharing objects is permitted, and persons are not wearing cloth face coverings, create higher risk for the transmission of COVID-19 (See [VHD Website](#)); and

WHEREAS, since Governor Northam issued EO 51 on March 13, 2020, he has issued several more Executive Orders jointly with Orders of Public Health Emergency issued by M. Norman Oliver, MD, MA, State Health Commissioner, pertaining to COVID-19; as of the date of adoption of this ordinance, “Executive Order Number Sixty-Seven (2020) and Order of Public Health Emergency Seven, Phase Three Easing of Certain Temporary Restrictions Due to Novel Coronavirus (COVID-19)” (collectively referred to as “EO 67”), which became effective at 12:00 a.m. on July 1, 2020, is in effect; and

WHEREAS, the City of Alexandria is an urban jurisdiction situated in the metropolitan Washington, DC region with a compact downtown area that attracts

visitors from around the region, and across the country and world, and includes workers who live outside the City and residents who regularly visit other jurisdictions, making it particularly susceptible to the spread of COVID-19.

NOW THEREFORE, THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Sec. 1. Purpose

For the reasons stated in the recitals, the purpose of this ordinance is to prevent the spread of COVID-19.

Sec. 2. Authority

This ordinance is authorized by [Charter Section 2.04\(h\)](#) “to make and enforce all regulations necessary to preserve and promote public health and sanitation and protect the inhabitants of the city from contagious, infectious or other diseases.” [Section 15.2-1102](#) of the State Code generally and [Section 2.01](#) of the City Charter grants the authority for a City to exercise all powers, not expressly prohibited by the state code or the constitution, that are necessary “to promote the general welfare of the city and the safety, health, peace, good order, comfort, convenience and morals of its inhabitants.”

Sec. 3. Definitions

The following definitions apply to this ordinance:

- A. “Face covering” means an item normally made of cloth or various other materials, often with elastic bands or cloth ties, that is secured over the wearer’s nose and mouth in an effort to contain or reduce the spread of potentially infectious respiratory secretions at the source (i.e., the person’s nose and mouth).
- B. “Physical Distancing” means maintaining the physical distance of separation, which may change depending on the activity an individual is engaged in, as required by any applicable Executive Order of the Governor or Order of Public Health Emergency of the State Health Commissioner. In the event there is no other applicable requirement, “physical distancing” means maintaining at least six feet of distance between persons who do not regularly live together.
- C. “Public place” means any place
 - 1. That is:
 - i. indoors, other than a person’s residence or personal vehicle, or
 - ii. outdoors where physical distancing between persons not living in the same household cannot be maintained, and
 - 2. generally open to the public including, but not limited to, public parks and open spaces, sidewalks, trails, retail stores, food establishments, theaters,

personal care and personal grooming services, common areas of condo or apartment buildings, and transportation other than a personal vehicle.

Sec. 4. Face Coverings

A. *Face coverings required.* Face coverings must be worn by all persons in public places except as provided in Sections 4(B).

B. *Exemptions.* The requirements of this ordinance do not apply to the following persons:

1. *Children and Students.*

- i. Children 10 years of age and under; provided, that children under 10 years of age may be required to wear face coverings if a plan submitted to the Commonwealth for a school or other facility where children congregate so requires;
- ii. students in daycare centers or participating in-person classes in K-12 education or institutions of higher education shall be governed by the plans submitted to the Commonwealth for such institutions, if one exists, and not by this ordinance.

2. *Medical Condition or Disability.* Persons for whom:

- i. wearing a face covering poses a substantial mental or physical health risk, such as persons who have trouble breathing while wearing a face covering or are unconscious, incapacitated, or otherwise unable to remove the face covering without assistance;
- ii. persons with a health condition preventing the use of a face covering;
- iii. persons with a disability preventing the use of a face covering, or
- iv. persons seeking to communicate with the hearing impaired and for which the mouth needs to be visible.

Any person who declines to wear a face covering pursuant to this exception shall not be required to produce or carry medical documentation verifying the stated condition nor shall the person be required to identify the precise underlying medical condition.

3. *Physical Activity.* While persons are swimming, biking, jogging, or engaged in other physical activity where wearing a face covering has been determined to pose a health risk. Additionally, any outdoor activity considered "Recreational Sports" under the Governor's Executive Order 67 shall be governed by that Executive Order as the same may be amended, and not by this ordinance.

4. *Eating or drinking.* While a person is actively eating food or drinking a beverage. Face coverings are still required to be worn while waiting to receive

food or beverages, or during substantial breaks between periods of eating and drinking.

5. *Work Conditions.* If wearing a face covering would subject the person to an unsafe work condition, as determined by federal, state, or local occupational safety regulators or workplace safety guidelines.

6. *Government or medical services.* When temporary removal of the face covering is necessary to secure government or medical (including dental) services.

7. *Religious rituals.* Face coverings may be removed to participate in a religious ritual.

D. *Responsibility of adults accompanying minors.* Adults accompanying minors between the ages of 10 years old and 17 years old must attempt to prompt the minors to wear face coverings while in public places.

Sec. 7. Effect of More Restrictive Executive Order or Order of Public Health Emergency.

This ordinance, or any part thereof, shall not be effective if there is a more restrictive requirement in an Executive Order or an Order of Public Health Emergency in effect.

Sec. 8. Compliance

If the City Manager or his designee determines that a person subject to this ordinance is not in compliance, he will request compliance and work with the person to obtain voluntary compliance including the provision of a covering with no cost to the person.

D. Injunctive relief.

The City, the City Council, and any City officer authorized by law, may seek to enjoin the continuing violation of any provision of this ordinance by bringing a proceeding for an injunction in any court of competent jurisdiction.

Sec 9. Duration

This ordinance is effective 12:00 a.m., October 1, 2020 and expires at the time the Local Declaration of Emergency expires, unless amended by the City Council; or when the waiver of Virginia Code § 18.2- 422, currently established in EO 67, Section (C)(3), or as it may be further amended or superseded, ends.

Sec. 10. Effect of this Ordinance on the Powers of the Director of Emergency Management.

This ordinance does not affect the powers of the City Manager, acting as the Director of Emergency Management, pursuant to Virginia Code § 44-146.21 during the COVID-19 disaster.

Sec. 11. Severability.

It is the intention of the City Council that any part of this ordinance is severable. If any part is declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity does not affect any other part of this ordinance.

Please note: City Council considered items 16 and 17 together.

16. 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 Braddock Road Metro Station Small Area Plan chapter of such master plan as Master Plan Amendment No. 2020-00002 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. 2020-00002 associated with 701 North Henry Street approved by City Council on July 7, 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 and Council, marked Exhibit No. 1 of Item No. 16; 09/12/20, 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. 16; 09/12/20, 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 approved on second reading and final passage 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 Braddock Road Metro Station Small Area Plan chapter of such master plan as Master Plan Amendment No. 2020-00002 and no other amendments, and to repeal all provisions of 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. 5294

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 Braddock Road Metro Station Small Area Plan chapter of such master plan as Master Plan Amendment No. 2020-00002 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. 2020-00002, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on June 25, 2020 of an amendment to the Braddock Road Metro Station Small Area Plan Chapter of the Master Plan of the City of Alexandria to amend the Development and Land Use Tables, which recommendation was approved by the City Council at public hearing on July 7, 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 Braddock Road Metro Station Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by updating the Development and Land Use Tables, attached hereto and incorporated fully herein by reference, as a new chapter of the Master Plan of the City of Alexandria, Virginia.

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

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

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

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

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

DRAFT

17. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 054.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 701 North Henry Street from, CSL/Commercial Service Low to CRMU-M/Commercial Residential Mixed Use (Medium) in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2020-00001 (Implementation Ordinance for Rezoning No. 2020-00001 associated with 701 North Henry Street approved by City Council on July 7, 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 and Council, marked Exhibit No. 1 of Item No. 17; 09/12/20, 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. 17; 09/12/20, 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 approved on second reading and final passage and ordinance to amend and reordain Sheet No. 054.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 701 North Henry Street from, CSL/Commercial Service Low to CRMU-M/Commercial Residential Mixed Use (Medium) in accordance with the said zoning map amendment heretofore approve by city council as Rezoning No. 2020-00001. 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. 5295

AN ORDINANCE to amend and reordain Sheet No. 054.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 701 North Henry Street from, CSL/Commercial Service Low to CRMU-M/Commercial Residential Mixed Use (Medium) in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2020-00001.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2020-00001, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require,

recommended approval to the City Council on June 25, 2020 of a rezoning of the property at 701 North Henry Street from CSL/Commercial Service Low to CRMU-M/Commercial Residential Mixed Use (Medium), which recommendation was approved by the City Council at public hearing on July 7, 2020;

2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 054.04 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 701 North Henry Street, Alexandria, Virginia
22314, 054.04-05-17

From: CSL/Commercial Service Low
To: CRMU-M/Commercial Residential Mixed Use (Medium)

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

Section 3. That Sheet No. 054.04 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

18. Public Hearing, Second Reading, and Final Passage of an Ordinance to Amend City Code Section 2-5-31 Regarding the Employee Homeownership Incentive Program to Update Assistance Amounts Pursuant to FY 2021 Budget. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk and Council, marked Exhibit No. 1 of Item No. 18; 09/12/20, 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. 18; 09/12/20, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and approved on second reading and final passage and ordinance to amend City Code Section 2-5-31 regarding

the Employee Homeownership Incentive Program to update assistance amounts pursuant to FY2021 Budget. 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. 5296

AN ORDINANCE to amend and reordain Section 2-5-36, in Article C (EMPLOYEE HOMEOWNERSHIP INCENTIVE PROGRAM) of Chapter 5 (OFFICERS AND EMPLOYEES) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-5-36 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

(a) The ~~maximum~~ amount of each loan under this article shall be as follows:

~~(1) Applicant who is a full-time (40 hours per week or equivalent) employee - \$10,000.~~

(1) For full time employees (40 hours per week or equivalent):

a. \$15,000 for applicants with household incomes below 80% of the Area Median Income (AMI);

b. \$11,500 for applicants with household incomes from 80 - 120% of AMI; and

c. \$7,500 for applicants with household incomes greater than 120% of AMI.

AMI shall be guided by determinations, based on household size, which are published annually by the U.S. Department of Housing and Urban Development for the Washington DC metropolitan statistical area.

~~(2) Applicant who is a For Ppart-time (less than 40 hours but at least 20 hours per week or equivalent) employees (less than 40 hours but at least 20 hours per week or equivalent), eligibility will be based on household income as set out above - \$10,000 times the ratio of and the loan amount prorated based on the number of hours per week the applicant is regularly employed over 40 (or equivalent denominator).~~

(b) For each covered entity, the total amount of loans under this article in any fiscal year shall not exceed the sum lawfully appropriated therefor or allocated thereto by the Alexandria City Council, from funds other than state funds, and for covered entities other than the City of Alexandria, shall in addition not exceed the sum approved for such loans by such covered entity. Loans under this article shall be subject to such funding availability, and provided on a first-come, first-served basis.

Section 2. That Section 2-5-36 as amended pursuant to Section 1 of this ordinance,

be, and the same hereby is, reordained as part of the City of Alexandria City Code.

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

19. Public Hearing, Second Reading and Final Passage of a Supplemental Appropriation Ordinance for the Support of the City Government for FY 2021. [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk and Council, marked Exhibit No. 1 of Item No. 19; 09/12/20, 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. 19; 09/12/20, and is incorporated as part of this record by reference.)

Vice Mayor Bennett-Parker recused herself from voting on this item as a result of her employment. Councilman Chapman noted that he would be participating in the consideration on this item since he would not receive funding as small business owner in the City of Alexandria.

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Aguirre and carried 6-0, City Council closed the public hearing and approved on second reading and final passage a supplemental appropriation ordinance for the support of the City Government for FY 2021. The vote was as follows: In favor, Mayor Wilson, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none; Recused, Vice Mayor Bennett-Parker.

The ordinance reads as follows:

ORDINANCE NO. 5297

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2021

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the City for Fiscal Year 2021 the source of such amount being CARES Act Funds for which the proceeds were authorized and adjusted after July 1, 2020 but not appropriated, and further that the council does hereby allot or reduce the amount so appropriated to the several city departments for Fiscal Year 2021, as follows:

CARES ACT FUND

APPROPRIATION:

Housing	\$ 1,000,000
Community and Human Services	5,990,000
Alexandria City Public Schools	290,000
Non Departmental	<u>6,629,478</u>
Total Appropriation	<u>\$ 13,909,478</u>

CARES ACT FUND

ESTIMATED REVENUE:

Housing	\$ 1,000,000
Community and Human Services	5,990,000
Alexandria City Public Schools	290,000
Non Departmental	<u>6,629,478</u>
Total Appropriation	<u>\$ 13,909,478</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the City for Fiscal Year 2021 the source of such amount being CARES Act Funds for which the proceeds were authorized and adjusted after July 1, 2020 but not appropriated, and further that the council does hereby allot or reduce the amount so appropriated to the several city departments for Fiscal Year 2021, as follows:

CARES ACT FUND

APPROPRIATION:

Voter Registration	\$ <u>98,504</u>
Total Appropriation	<u>\$ 98,504</u>

CARES ACT FUND

ESTIMATED REVENUE:

Voter Registration	\$ <u>98,504</u>
Total Appropriation	<u>\$ 98,504</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the City for Fiscal Year 2021 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2020 but not appropriated, and further that the council does hereby allot or reduce the amount so appropriated to the several city departments for Fiscal Year 2021, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Community and Human Services	\$ 1,405,375
Fire Department	594,984
Court Service Unit	<u>49,980</u>
Total Estimated Revenue	<u>\$ 2,050,339</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Community and Human Services	\$ 1,405,375
Fire Department	594,984
Court Service Unit	<u>49,980</u>
Total Estimated Revenue	<u>\$ 2,050,339</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the City in Fiscal Year 2021 the source of such amount being donations or other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2021, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Community and Human Services	\$ 35,000
Total Estimated Revenue	<u>\$ 35,000</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Community and Human Services	\$ 35,000
Total Estimated Revenue	<u>\$ 35,000</u>

Section 5. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the CARES Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

APPROPRIATION:

Alexandria Health Department	\$ (350,000)
Non Departmental	<u>350,000</u>
Total Appropriation	<u>\$ 0</u>

Section 6. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for Fiscal Year 2021, the source of such amount being Committed General Fund Balance, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Committed General Fund Balance	\$ 608,874
Total Estimated Revenue	<u>\$ 608,874</u>

APPROPRIATION:

Economic Development Activities	\$ 608,874
Total Appropriation	<u>\$ 608,874</u>

Section 7. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the City for Fiscal Year 2021 the source of such amount being Developer Contributions, and further that the Council does hereby allot the amount so appropriated for Fiscal Year 2021, as follows:

OTHER SPECIAL REVENUE

ESTIMATED REVENUE:

Planning and Zoning	\$ 190,000
Total Estimated Revenue	<u>\$ 190,000</u>

APPROPRIATION:

Planning and Zoning	\$ 190,000
Total Estimated Revenue	<u>\$ 190,000</u>

Section 8. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter stated the amount hereafter stated that is required to defray certain expenditures and liabilities of the Alexandria City Public Schools for Fiscal Year 2021, the source of such amount being CARES Act Funds, and further, that the council does hereby allot the amount so appropriated, as follows:

GENERAL FUND

ESTIMATED REVENUE:

Alexandria City Public Schools	\$ 290,000
Total Estimated Revenue	<u>\$ 290,000</u>

APPROPRIATION:

Alexandria City Public Schools	\$ 290,000
Total Appropriation	<u>\$ 290,000</u>

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

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

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Chapman, seconded by Councilman Aguirre and carried unanimously, City Council adjourned the public hearing meeting of September 12, 2020 at 6:22 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:

Gloria A. Sitton, CMC City Clerk