

**City of Alexandria  
City Council Public Hearing Meeting  
Saturday, November 14, 2020 9:30 AM  
Virtual Meeting  
Meeting Minutes**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Kerns, Division Chief, P&Z; Mr. Imm, Urban Planner, P&Z; Ms. Triggs, Deputy City Manager; Ms. Collins, Deputy City Manager; Ms. Suehr, Director, Department of Project Implementation; Mr. Swidrak, Urban Planner, P&Z; Mr. Geratz, Principal Planner, P&Z; Ms. Quinn, Management Analyst, City Manager's Office; Mr. Lucarelli, Urban Planner, P&Z; Ms. Cooper, Urban Planner, P&Z; Ms. Contreras, Urban Planner, P&Z; Mr. Demeke, Information Technology Services (ITS); Mr. Smith, ITS; Mr. Barre, ITS; Mr. Sherman, ITS; Ms. Horowitz, Principal Planner, P&Z; Ms. S. Taylor, Legislative Director; Ms. K. Taylor, Director, Finance; Ms. Kott, Division Chief, Department of Project Implementation; Mr. Trahn, Transportation and Environmental Services (T&ES); Mr. Sharma, Acting Deputy Director, T&ES; Ms. Miliaras, Principal Planner, P&Z; Mr. Eger, General Services; Mr. Knight, T&ES; Ms. Hinton, T&ES; Mr. Randall, Urban Planner, P&Z; Ms. McLean, Executive Assistant, City Manager's Office; Mr. LaColla, Division Chief, P&Z; Ms. Jovovic, Office of Housing;

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

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## **OPENING**

### **1. Calling the Roll.**

Mayor Wilson called the meeting to order and the City Clerk called the roll. All the members of City Council were present via Zoom webinar.

Mayor Wilson stated that due to the COVID-19 Pandemic Emergency, the November 14, 2020 Public Hearing Meeting of the Alexandria City Council is being held electronically pursuant to the Virginia Code Section 2.2-3708.2(A)(3), the Continuity of Government ordinance adopted by the City Council on June 20, 2020 and Section

4.0-01(g) in HB29 and HB30, enacted by the 2020 Virginia General Assembly (Virginia Acts of Assembly Ch. 1283 and 1289), to undertake essential business. All the members of the City Council and staff are participating from remote locations through a video conference on Zoom. This meeting is being held electronically, unless a determination is made that it is safe enough to be held in person in the City Council Chamber at 301 King Street, Alexandria, Virginia. The meeting can be access by the public through the live broadcast on the government channel 70, streaming on the City's website, and can be accessed via Zoom.

2. Work Session with Alexandria's Delegation to the General Assembly.

City Council held the work session with the City's Delegation to the General Assembly to discuss the City's proposed Legislative Package for the upcoming session. The following members of the Delegation were present: Senator Richard Saslaw, Senator Adam Ebbin, Senator George Barker, Delegate Charniele Herring, and Delegate Mark Levine.

3. Public Discussion Period.

The following persons participated in the public discussion period:

1. Zack DesJardins, Alexandria, spoke about the bicycle infrastructure in the City and the possibility of extending bicycle lanes on Commonwealth Avenue.
2. Nathan McKenzie, Alexandria, spoke about the bicycle infrastructure and the repaving options on Commonwealth Avenue including bicycle lanes and pedestrian improvements.
3. Janice Grenadier, Alexandria, spoke about corruption with the courts.
4. Rachel Wilson and Abigail St. Jean, Alexandria, spoke about the possibility of creation of bottle recycling fee that would help with conservation along the Potomac River.
5. James Hook, Alexandria, spoke about the bicycle infrastructure and inclusion on extended bicycle lanes along Commonwealth Avenue.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public comment 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**

None.

## END OF ACTION CONSENT CALENDAR

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

4. Public Hearing for Consideration of the Proposed Alexandria Legislative Package for the 2021 General Assembly.

(A copy of the City Manager's memorandum dated November 9, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 11/14/20, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council: (1) closed the public hearing and received the proposals for the City's 2021 Legislative Package, as recommended by Council's Legislative Subcommittee; and (2) scheduled final adoption of the Legislative Package for Tuesday, December 8, 2020. 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)

5. Special Use Permit #2019-00039  
Riparian area adjacent to 0 Prince Street (used and owned by 200 Strand Street)  
- Old Dominion Boat Club Pier Expansion  
Public Hearing and consideration of a request for a Special Use Permit to replace and expand a facility used for the docking or berthing of boats or ships; zoned: W-1/Waterfront Mixed Use. Applicant: Old Dominion Boat Club (ODBC), represented by Duncan W. Blair, attorney  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 11/14/20, and is incorporated as part of this record by reference.)

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

1. Robert Dugger, Alexandria, expressed concern about the impact of the project on taxpayers in the City considering the agreement between the City and the Old Dominion Boat Club.
2. Brian Buzzell, Alexandria, spoke in support of the project and expressed concern about the agreement with Old Dominion Boat Club.

3. Duncan Blair, Alexandria, attorney for the applicant, spoke in support of the project and responded to questions from Council.

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

6. Development Special Use Permit #2020-10022  
5001 Eisenhower Avenue - Victory Center Retail Building  
Public Hearing and consideration of a request for a Development Special Use Permit (with site plan) to construct a new retail building with a drive-through facility; zoned: OCM(100) / Office Commercial Medium (100). Applicant: 5001 Eisenhower Office Owner, LLC, represented by, Kenneth W. Wire, 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. 6; 11/14/20, and is incorporated as part of this record by reference.)

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

1. Kenneth Wire, attorney for the applicant, spoke in support of the proposal 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 Vice Mayor Bennett-Parker and carried unanimously, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

7. Zoning Text Amendment #2020-00008

Temporary Program for Business Relief and to Address Public Need Related to COVID-19

(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to establish a temporary program for business relief and to address public need related to COVID-19. Staff: City of Alexandria, Department of Planning & Zoning

Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 11/14/20, and is incorporated as part of this record by reference.)

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

8. Special Use Permit #2020-00063  
515 Mount Vernon Avenue - Lena's Restaurant  
Public Hearing and consideration of a request for a Special Use Permit amending SUP #2014-00100 to permit live entertainment; zoned: CSL/Commercial Service Low. Applicant: Yates Restaurant Group LLC, a Virginia Limited Liability Company, represented by Duncan W. Blair, attorney  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 11/14/20, and is incorporated as part of this record by reference.)

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

1. Duncan Blair, Alexandria, attorney for the applicant, spoke in support of the proposal and responded to questions from Council about the project.

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

**WHEREUPON**, upon motion by Councilwoman Jackson, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation with an amendment to condition #11 to read: Live entertainment serving as the primary attraction at the restaurant shall be allowed for the

indoor dining area until 2 a.m. Event advertising and admission or a cover fee may be associated with live entertainment. Limited live entertainment that is subordinate to the restaurant use and takes the form of amplified background music is a by-right use given the restaurant location in a commercial complex. The applicant must comply with the City's noise ordinance. 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. Development Special Use Permit #2020-10020  
2401 and 3251 Potomac Avenue- Potomac Yard Metro Station - South Pavilion  
Public Hearing and consideration of a request for a Development Special Use Permit and site plan, with Subdivision to amend the previously approved Metro Station (DSUP #2018-0017) to add a south pavilion entrance at the end of Glebe Road, a bridge connecting the pavilion to the approved bridge system, and emergency egress stairs at the bridge knuckle; zoned: UT/Utilities and Transportation. Applicants: City of Alexandria and Washington Metropolitan Area Transit Authority (WMATA)  
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; 11/14/20, and is incorporated as part of this record by reference.)

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

10. Special Use Permit #2020-00065  
765 John Carlyle Street and 1900 Eisenhower Avenue - Carlyle Block P Special Use Permit  
Public Hearing and consideration of a request for a Special Use Permit to change the use from office and retail to residential and increase the gross square footage allowable for block p within the allowed maximum for the Carlyle District. and to amend the Design guidelines for Block P which includes an increase in height from 200' to 210' (amending SUP#2018-0039) (Carlyle Block P); zoned: CDD #1/Coordinated Development District #1. Applicant: Carlyle Plaza, LLC, represented by Jonathan P. Rak, attorney  
Planning Commission Action: Recommended Approval 7-0

(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; 11/14/20, and is incorporated as part of this record by reference.)

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

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

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

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by 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. Master Plan Amendment #2020-00004  
Development Special Use Permit #2020-00009  
3425 North Beauregard Street - Benchmark at West Alex  
Public Hearing and consideration of requests for: (A) an amendment to the Alexandria West Small Area Plan Chapter of the Master Plan to change the height map to increase the maximum allowable height from 100' to 120'; and (B) a Development Special Use Permit and site plan to change the use at an existing pad site from office to continuum of care (amending DSUP #2013-00001); zoned: CRMU-H/Commercial Residential Mixed Use (high). Applicant: Orr-BSL King, LLC, represented by Duncan W. Blair, attorney  
Planning Commission Action: Recommended Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 11/14/20, and is incorporated as part of this record by reference.)

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

1. Duncan Blair, Alexandria, attorney for the applicant, spoke in support of the proposal and responded to questions from Council about the project.

**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 Councilwoman Pepper, seconded by Councilwoman Jackson and carried 6-1, City Council approved the Planning Commission recommendation. The vote 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

**\*\*Please note that docket items 13, 15, 16, and 17 were considered as a block.\*\***

12. Public Hearing, Second Reading and Final Passage of an Ordinance to enact Chapter 7 (COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE)) of Title 7 (PLANNING AND DEVELOPMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 4, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 11/14/20; 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 of Council, marked Exhibit No. 2 of Item No. 12; 11/14/20, 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. 3 of Item No. 12; 11/14/20 and is incorporated as part of this record by reference.)

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

1. Abigail Johnson, Williamsburg, Virginia, spoke in support of the ordinance.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 5-2 by roll-call vote, City Council closed the public hearing and adopted an ordinance to enact Chapter 7 (COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY- [C-PACE]) of Title 7 (PLANNING AND DEVELOPMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. The vote was follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, Councilman Aguirre and Councilman Seifeldein.

The ordinance reads as follows:

### ORDINANCE NO. 5307

AN ORDINANCE to enact Chapter 7 (COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING PROGRAM) of Title 7 (PLANNING AND DEVELOPMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.



THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 7 of Title 7 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the addition of the following new chapter in underline as follows:

**CHAPTER 7 – Commercial Property Assessed Clean Energy (C-PACE) Financing Program**

**Sec. 7-7-1 – Purpose.**

The purpose of this chapter is to create a "City of Alexandria Commercial Property Assessed Clean Energy (C-PACE) Financing Program," in accordance with the Commonwealth of Virginia's Clean Energy Financing Law, section 15.2-958.3 of the Code of Virginia of 1950, as amended (hereinafter the "Act"). The C-PACE Program will facilitate loans made by Capital Providers to Borrowers to finance renewable energy production and distribution facilities, energy efficiency improvements, resiliency improvements, water usage efficiency improvements, or stormwater management improvements for which loans may be offered. Resiliency improvements may include mitigation of flooding or the impacts of flooding or stormwater management improvements with a preference for natural or nature-based features and living shorelines as defined in section 28.2-104.1. Subject to the limitations set forth in this chapter, the Act, or other applicable law, each C-PACE Loan, inclusive of principal, interest, and any financed fees, costs, or expenses, will be secured by a voluntary special assessment lien on the property that is the subject of such Loan.

**Sec. 7-7-2 – Definitions.**

For the purpose of this chapter, the following words shall have the meanings respectively ascribed to them as follows:

(a) "Act" means Virginia's "financing clean energy, resiliency, and stormwater management programs" law, section 15.2-958.3 of the Code of Virginia of 1950, as amended.

(b) "Amendment" means an amendment of the C-PACE Lien as permitted under the Loan Documents and Program Guide.

(c) "Assignment" means an assignment of the Loan Payments and/or C-PACE Lien pursuant to the terms of the assignment document.

(d) "Borrower" means:

(1) The owner(s) of Eligible Property who obtain(s) a C-PACE Loan from a Capital Provider in accordance with the Program Guide; or

(2) A successor in title to the Borrower.

(e) "Capital Provider" means:

(1) A private lending institution that has been approved by the Program Administrator in accordance with the Program Guide to originate a C-PACE Loan and its successors and assigns; or

(2) The current holder of a C-PACE Loan.

(f) "City" or "City of Alexandria" means the City of Alexandria, Virginia.

(g) "City Council" or "Council" means the City Council of the City of Alexandria, Virginia.

(h) "Commonwealth" means the "Commonwealth of Virginia."

(i) "C-PACE" means Commercial Property Assessed Clean Energy.

(j) "C-PACE Lien" or "Lien" means a voluntary special assessment lien duly Recorded against an Eligible Property to secure Loan Payment. Each Lien (i) shall run with the land, and those portions of Loan Payment secured by such Lien that have not yet become due are not eliminated by foreclosure of a property tax lien, and (ii) shall have the same priority status as a real property tax lien, except that such Lien shall have priority over any previously recorded mortgage or deed of trust lien on the Property only if a written subordination agreement is executed by the holder of each such previously recorded lien. Such subordination agreement shall be Recorded with the Lien, and shall be in a form and substance acceptable to the prior lienholder in its sole and exclusive discretion. Prior to the Recording of any Lien, Borrower must submit to the Capital Provider evidence that: (i) Borrower is current on payments on all loans secured by a mortgage or deed of trust lien on the Eligible Property and on property tax payments to the City, (ii) Borrower is not insolvent or subject to bankruptcy proceedings, and (iii) Borrower's title to the Eligible Property is not in dispute.

(k) "C-PACE Lien Certificate" means the voluntary special assessment lien document duly recorded among the Land Records against an Eligible Property to secure a C-PACE Loan.

(l) "C-PACE Loan" or "Loan" means a loan from a Capital Provider to a Borrower to finance a Project, in accordance with the Program Guide.

(m) "C-PACE Program" or "Program" means the program established by the City through this chapter, in accordance with the Act, that facilitates the financing of Eligible Improvements and provides for a C-PACE Lien to be levied and recorded against the Property to secure the C-PACE Loan.

(n) "C-PACE Program Agreement" means the Agreement between the Borrower, City, and Capital Provider, and their respective successors and assigns, which includes the terms and conditions for participation in the C-PACE Program; the Borrower's acknowledgment and consent for the City to impose a voluntary special assessment and record a C-PACE Lien Certificate against the Borrower's Eligible Property; and a summary of the terms of the C-PACE Loan. A copy of the draft C-PACE Program Agreement is included herein as Exhibit A.

(o) "Delinquent Payment" means any C-PACE Loan payment that was not paid by a Borrower in accordance with the Loan Documents.

(p) "DMME Guidelines" means the Uniform Statewide Financial Underwriting Guidelines for C-PACE Loans, issued on December 1, 2015, by the PACE Stakeholder Committee organized by the Virginia Department of Mines, Minerals, and Energy (DMME), as amended from time to time.

(q) "Eligible Improvement" means the initial acquisition and installation of clean energy, energy efficiency, water efficiency, resiliency, or stormwater improvements

for both existing properties and new construction, as further prescribed in this chapter and the Program Guide.

(r) "Eligible Property" or "Property" means real property located within the City other than residential property with fewer than five dwelling units or a condominium as defined in Virginia Code § 55.1-2000.

(s) "Financing Agreement" means the written agreement, as may be amended, modified, or supplemented from time to time, between a Borrower and a Capital Provider, regarding matters related to the extension and repayment of a C-PACE Loan to finance Eligible Improvements.

(t) "Land Records" means the land records of the Clerk of the Circuit Court of the City of Alexandria.

(u) "Loan Amount" means the aggregate amount of a Loan, inclusive of principal, interest, and any financed fees, costs, or expenses, all as provided for in the Loan Documents.

(v) "Loan Documents" means the C-PACE Program Agreement, Financing Agreement, a C-PACE Lien Certificate, and any other document, agreement, or instrument executed in connection with a C-PACE Loan.

(w) "Loan Payment," means the periodic installment payments of the C-PACE Loan by a Borrower, due and payable to the City or Capital Provider as permitted by the Act in such amounts and at such times as described in the Loan Documents.

(x) "Program Administrator" means the person or entity retained by the City to administer the Program in accordance with the requirements of the Act, this chapter, and the Program Guide.

(y) "Program Fee(s)" means the fee(s) authorized by the Act and charged to participating Borrowers to cover the costs to design and administer the Program, including without limitation, compensation of the Program Administrator and recovery of expenses incurred by the City.

(z) "Program Guide" means a comprehensive document setting forth the procedures, eligibility rules, restrictions, Program Fee(s), responsibilities, and other requirements applicable to the governance and administration of the Program.

(aa) "Program Manager" means the City Manager or such person designated in writing by the City Manager to supervise the Program and act as liaison with the Program Administrator.

(bb) "Project" means the construction or installation of Eligible Improvements on Eligible Property.

(cc) "Residential Property" means improved real property used or occupied, or intended to be used or occupied, for residential purposes with fewer than five dwelling units.

(dd) "Stabilized Occupancy" means the occupancy level that an income producing Property is expected to achieve after the property is exposed to the market for lease over a reasonable period of time and at comparable terms and conditions to other similar properties.

(ee) "Stabilized Value" means the market value of the Property after it reaches stabilized occupancy as evidenced by an appraisal of the Property.

(ff) "Subordination Agreement" means a written agreement executed by the holder of each existing lien, mortgage, or deed of trust on Eligible Property that is the subject

of a C-PACE Loan, which allows the C-PACE lien to have senior priority to the existing mortgage or deed of trust.

(gg) "Useful Life" means the normal operating life of the Fixed asset as determined by Generally Accepted Accounting Principles (GAAP).

### **Sec. 7-7-3 – Effective Date.**

This chapter shall become effective immediately following its adoption.

### **Sec. 7-7-4 – C-PACE Program; Eligible Improvements.**

(a) C-PACE Program. The C-PACE Program shall be available throughout the City of Alexandria, provided that the Borrower, the Property, and the proposed Eligible Improvements all qualify for the Program. The following types of Eligible Improvements may be financed with a C-PACE Loan:

(1) Renewable energy production and distribution facilities, including but not limited to, solar photovoltaic, solar thermal, geothermal, wind, fuel cells, biomass systems, biogas, or methane recovery systems;

(2) Energy usage efficiency systems reasonably expected to reduce the energy usage of the eligible property, including but not limited to, high efficiency lighting and building systems, heating, ventilation and air conditioning upgrades, air duct sealing, high efficiency boilers and furnaces, high efficiency hot water heating systems, combustion and burner upgrades, fuel switching, heat recovery and steam traps, cogeneration systems, building shell or envelope improvements, reflective roof, cool roof, or green roof systems, weather-stripping, fenestration and door improvements and modifications, insulation (both in walls, roofs, floors and foundations and in heating, ventilation and air conditioning systems' radiant barriers), building energy management systems, process equipment upgrades, and other forms of conservation; provided, that for qualifying improvements that are part of a new building or structure, such qualifying improvements shall exceed the minimum energy efficiency requirements of then applicable law, ordinance, regulation or code;

(3) Electric vehicle charging infrastructure;

(4) Water usage efficiency improvements such as recovery, purification, recycling, and other forms of water conservation. For new construction, these improvements qualify for program financing only if they exceed the minimum water usage efficiency requirements of then applicable law, ordinance, regulation, or code;

(5) Stormwater improvements that reduce onsite stormwater runoff into the stormwater system such as reduction in the quantity of impervious surfaces, and onsite filtering of stormwater;

(6) Improvements that reduce the impacts of water or wind-related natural or manmade events, such as installation of wet and dry floodproofing, raising mechanical and electrical equipment and reinforcement of building envelope to reduce impacts of wind;

(7) Construction, renovation, or retrofitting of a Property directly related to the accomplishment of any purpose listed in subsections (1), (2), or (3) above, whether such Eligible Improvement was erected or installed in or on a building or

on the ground, it being the express intention of the City to allow Eligible Improvements that constitute, or are a part of, the construction of a new structure or building to be financed with a C-PACE Loan; or

(8) Any other category of improvement approved by the Program Administrator with the consent of the Program Manager as qualifying for financing under the C-PACE Act and the Program.

(b) Use of C-PACE Loan Proceeds. The proceeds of a C-PACE Loan may be used to pay for the construction, development, and consulting costs directly related to Eligible Improvements, including without limitation, the cost of labor, materials, machinery, equipment, plans, specifications, due diligence studies, consulting services (e.g., engineering, energy, financial, and legal), Program Fees, C-PACE Loan fees, capitalized interest, interest reserves, and C-PACE transaction underwriting and closing costs.

(c) Program Applications; Prioritization. The Program Administrator will develop a Program application process that allows for the review and approval of proposed Eligible Improvements and C-PACE Loan Documents. Program applications will be processed on a first come, first serve basis; provided, however, that the applicant meets eligibility requirements as set forth in the Program Guide.

#### **Sec. 7-7-5 - C-PACE Loan Requirements; Program Fees; Reporting; Program Administrator; Program Guide.**

(a) Source of Loans. C-PACE Loans shall be originated by Capital Providers. The City shall have no obligation to originate or guarantee any C-PACE Loans.

(b) C-PACE Loan Amount Thresholds. The minimum Loan Amount that may be financed for each Project is fifty thousand dollars (\$50,000). The maximum Loan Amount that may be financed for each Project is twenty-five million dollars (\$25,000,000) or thirty percent (30%) of the Stabilized Value of the Property, whichever is greater. The Program Administrator may also accept other forms of valuation including, but not limited to, assessed value or value derived from a minimum assessment agreement. There shall be no limit on the total value of all C-PACE Loans issued under the Program.

(c) C-PACE Loan Interest. The interest rate of a C-PACE Loan shall be as set forth in the Loan Documents.

(d) C-PACE Loan Term. The term of a C-PACE Loan shall not exceed the (i) Useful Life of the Project Improvement with the longest Useful Life or (ii) thirty (30) years, whichever is less.

(e) C-PACE Loan Amortization. The amount of the C-PACE Loan shall be fully amortized in the C-PACE Payments over the term of the C-PACE Loan as agreed by the Borrower and the Capital Provider.

(f) Apportionment of Costs. All of the costs incidental to the financing, administration, collection, and enforcement of the C-PACE Loan shall be borne by the Borrower.

(g) Financing Agreements. Capital Providers may use their own Financing Agreements for C-PACE Loans, but the Financing Agreement may not conflict with the provisions of this chapter, the Act, or the C-PACE Program Agreement. To the extent of any conflict, this chapter, the Act, and the C-PACE Program Agreement shall prevail.

(h) C-PACE Program Agreement. In order to participate in the C-PACE Program, Borrower and Capital Provider shall enter into a C-PACE Program Agreement with the City, which sets forth certain terms and conditions for participation in the City's C-PACE Program. This Agreement shall be binding upon the parties and their respective successors and assigns until the C-PACE Loan is paid in full. Each C-PACE Program Agreement shall be in substantially the form provided herein in Exhibit A. The C-PACE Program Agreement may be modified as necessary to further the Program's purpose and to encourage Program participation, including such additions, deletions, or alterations as may be approved by the Program Manager and City Attorney, so long as such modifications do not conflict with the Program Guide, this chapter, or the Act.

(i) Repayment of C-PACE Loan; Collection of Loan Payments. C-PACE Loans will be repaid by the Borrower through Loan Payments. Upon assignment of the Lien to the Capital Provider, as described in §7-7-6(c) hereof, the Borrower shall make all such Loan Payments directly to the Capital Provider pursuant to the Financing Agreement, and the Capital Provider shall be responsible, subject to and in accordance with the terms of the Financing Agreement, for all billing, collection, enforcement and administrative duties in respect of each of the Loan, and the Loan Payment and the Lien. In the alternative, C-PACE Loans may be serviced by the Program Administrator, and the Program Administrator shall remit Loan Payments it receives from Borrowers to the Capital Provider within thirty (30) days of receipt.

(j) C-PACE Loan Assumed. The Borrower shall assume the obligation to repay all remaining unpaid Loan Payments, whether it obtained ownership of the Property voluntarily or involuntarily, which are due upon acquisition of the Property, if any, and which accrue during Borrower's period of ownership. Only the current Loan Payment and any Delinquent Payments, together with any costs of collection, shall be payable at the settlement of a Property upon sale or transfer, unless otherwise agreed to by the Capital Provider.

(k) Transfer of C-PACE Loans.

(1) C-PACE Loans may be transferred, assigned, or sold by a Capital Provider to another Capital Provider at any time unless the C-PACE Loan is paid in full provided that Capital Provider shall:

A. Notify the Borrower and Program Administrator prior to the billing date of the next Loan Payment due;

B. Record a C-PACE Loan Assignment among the Land Records; and

C. Deliver a copy of the recorded C-PACE Assignment to the Borrower, City, and Program Administrator as set forth in the C-PACE Program Agreement and Program Guide.

(2) Recordation of the C-PACE Assignment shall constitute an assumption by the new Capital Provider of the rights and obligations of the original Capital Provider contained in the Loan Documents.

(l) Program Fees. The Program will be self-financed through Program Fee(s) charged to participating Borrowers. The Program Fee(s) are established to cover the actual and reasonable costs to design and administer the Program, including the compensation of a third-party Program Administrator. Program Fee(s) will be assessed as a percentage fee of the C-PACE Loan paid at closing. The amount(s)

of the Program Fees shall be set forth in the Program Guidelines. Program Fee(s) may be changed by the Program Manager from time to time and shall only apply to C-PACE Loans executed after the date the revised Fees are adopted. The Capital Provider shall collect the Program Fee(s) from Borrower at Loan closing, and shall remit any such Program Fee(s) so collected to the Program Administrator within ten (10) days of the date of such closing, without requiring demand or notice from the Program Administrator.

(m) Notification of Proposed Loan and Closing. The Program Guide will set forth the C-PACE Loan notification requirements and Loan closing process.

(n) Reporting. The City may require the Capital Provider and/or the Program Administrator to provide a written report with summary information regarding the C-PACE Loan Program, the portfolio performance of participating Capital Providers, or other Program statistics as required in the Program Guide.

(o) Program Administrator. The City will enter into a contract with a third-party Program Administrator pursuant to the City's procurement process and in accordance with any requirements of the Virginia Public Procurement Act. The Program Administrator's principle duties shall be those set forth in its contract with the City, which may include, but not be limited to:

- (1) Creating the Program Guide and revising and updating the Guide, as necessary;
- (2) Certifying that prospective C-PACE service providers and Capital Providers are eligible to participate in the program;
- (3) Processing C-PACE applications to determine Project eligibility for a C-PACE Loan and related Eligible Improvements;
- (4) Coordinating the billing and collection process by serving as a servicer for C-PACE Loans or subcontracting with a qualified C-PACE Loan servicer;
- (5) Ensuring compliance with the requirements of the C-PACE Program; and
- (6) Performing marketing, outreach, and promotion for participation in the C-PACE Program.

In the alternative, the City may use any public C-PACE administrator established by the Commonwealth for the purposes of administering local C-PACE programs. The Program Administrator:

- (1) Will endeavor to conduct a competitive, open-market Program, available to all pre-certified Capital Providers, contractors, engineers, and consultants who apply to provide services or funding for the Program, and;
- (2) Shall not grant any Capital Provider or service provider an exclusive right to provide services or funding for the Program.

(p) Program Guide.

(1) The Program Guide shall be developed by the Program Administrator under the direction of, and in consultation with the Program Manager. The Program Guide and any subsequent amendments thereto shall become effective only:

- A. To the extent that the Program Guide and such amendments do not contravene this chapter or the Act; and
- B. After review by the City Attorney and written approval by Program Manager.

(2) The Program Guide shall include, without limitation:

- A. Disclosures about program fees, costs, and program processes;
  - B. Eligibility requirements for participation in the program by Capital Providers, Contractors, and other stakeholders;
  - C. Eligibility requirements for Borrowers, Eligible Improvements, and projects. Eligibility of Property Owners shall be contingent upon submission of a Property Owner Certification and any necessary Lender Consents;
  - D. Technical assessment requirements, which may be based on the size and type of the building and the size and scope of the proposed Eligible Improvements;
  - E. Template Program forms, including but not limited to, the program application, Property Owner Certification, and C-PACE assignment; and
  - F. Suggested underwriting criteria including, without limitation, underwriting guidelines established by the Virginia Department of Mines, Minerals, and Energy or the Mid-Atlantic PACE Alliance Regional C-PACE Toolkit published in June 2018, such as financial ratios related to:
    - 1. Total loan (including program loan) to value benchmarks;
    - 2. Program assessment to value benchmarks;
    - 3. Savings to investment ratio; and
    - 4. Debt service coverage ratio.
- (3) The Program Guide may incorporate other appropriate underwriting guidelines consistent with this type of Program. The Program Guide will be designed to create an open, competitive, and efficient Program. The Program Administrator may modify the Program Guide from time to time subject to the approval of the Program Manager and in accordance with the intent and purpose of the C-PACE Program as approved by the City Council.
- (4) The Program Guide, including any amendments thereto, shall contain the following provisions:
- A. "This Program Guide (this "Guide") has been prepared for purpose of providing a more detailed description of the requirements, rules, procedures, and fees applicable to the City of Alexandria Commercial Property Assessed Clean Energy (C-PACE) Financing Program (the "Program"). This Guide and all provisions hereof are subject to the applicable chapter of the Codified Ordinances of the City of Alexandria, Virginia (the "Chapter"), in all respects including, without limitation, the provisions of the Chapter governing the amendment of this Guide. In the case of any conflict between the provisions of this Guide and the provisions of the Chapter, the provisions of the Chapter shall control."
- "THIS GUIDE IS ONLY A REFERENCE DOCUMENT, AND CREATES NO LEGAL RIGHTS IN FAVOR OF ANY BORROWER, CAPITAL PROVIDER, SERVICE PROVIDER, CONTRACTOR, OR ANY OTHER PERSON, NOR DOES IT IMPOSE ANY LEGAL DUTY OR OBLIGATION ON THE CITY OF ALEXANDRIA, VIRGINIA."

#### **Section 7-7-6 – Levy of Assessment; Recordation; Priority; Amendment.**



(a) Levy of Voluntary Special Assessment Lien. Beginning on the effective date of this chapter and for each C-PACE Loan made under the Program, the City Council hereby levies a voluntary special assessment (C-PACE Lien) against each Property benefitting from Eligible Improvements financed with C-PACE Loans, in an amount equal to the C-PACE Loan, upon recordation of the C-PACE Lien Certificate.

(b) Notification of Closing. Upon the financial closing of a Project, the Capital Provider will promptly provide notice thereof to each of Program Manager and Administrator, which notice shall include: (i) a statement of the Loan Amount, (ii) a copy of the Financing Agreement executed by Borrower and Capital Provider, (iii) a written subordination agreement with each holder of a prior mortgage or deed of trust lien on the Eligible Property, and (iv) evidence that (A) Borrower is current on payments on loans secured by a mortgage or deed of trust lien on the Property and on property tax payments to the City, (B) Borrower is not insolvent or subject to bankruptcy proceedings, and (C) Borrower's title to the Eligible Property is not in dispute.

(c) Recordation of C-PACE Lien Certificate; Assignment. Upon receipt of such notice in §7-7-6(a) hereof, the Capital Provider, as authorized by the City for such purposes, shall promptly Record the Certificate of Levy and Lien of Special Assessment on behalf of the City. Promptly thereafter, the Capital Provider, as authorized by the City for such purposes, shall assign the Lien from the City to the Capital Provider, to cause the Capital Provider to be named as the holder of the Lien in the land records of the City, by Recording an Assignment of Special Assessment Lien. Such assignment shall include only the City's right, title and interest in and to the Loan Payment and the Lien, and the City shall retain all of its other rights and remedies, including any special powers of enforcement or collection to which the City, by virtue of its status as a political subdivision of the Commonwealth, is entitled or empowered to exercise under applicable laws of the Commonwealth.

(d) Priority. The C-PACE Lien shall have the same priority as a real property tax lien and priority over any previously recorded lien, mortgage, or deed of trust, as evidenced by Subordination Agreement(s) obtained from each prior lien holder, mortgagee, or trustee(s) of any deed(s) of trust. Only the current Loan Payment and any Delinquent Payments, in addition to real property taxes levied by the City, shall constitute a first lien on the Property.

(e) Amendment of Lien. Upon written request by a Capital Provider in accordance with the Program Guide, the Program Manager may execute an amendment of the C-PACE Lien after the closing of a C-PACE Loan. The Program Administrator will record the Amendment in the Land Records.

#### **Section 7-7-7 – Role of the City; Limitation of Liability.**

(a) By executing the Loan Documents including the C-PACE Program Agreement, or by otherwise participating in the Program, the Borrower and Capital Provider acknowledge and agree that as a condition of participation in the Program:

(1) The City undertakes no obligations under the Program except as expressly stated herein or in the C-PACE Program Agreement;

(2) In the event of a default by a Borrower, the City has no obligation to use City funds to make Loan Payments to any Capital Provider including, without

limitation, any fees, expenses, and other charges and penalties, pursuant to a Financing Agreement between the Borrower and Capital Provider;

(3) No C-PACE Loan, Loan Payment, C-PACE Lien, or other obligation arising from any Loan Document, the Act, or the chapter shall be backed by the credit of the City, the Commonwealth, or its political subdivisions, including, without limitation, City taxes or other City funds;

(4) No C-PACE Loan, Loan Payment, C-PACE Lien or other obligation arising from any Loan Document, the Act, or the chapter shall constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction;

(5) The City has not made any representations or warranties, financial or otherwise, concerning a Borrower, Eligible Property, Project, Capital Provider, or C-PACE Loan;

(6) The City makes no representation or warranty as to, and assumes no responsibility with respect to, the accuracy or completeness of any Loan Document, or any Assignment or amendment thereof;

(7) The City assumes no responsibility or liability in regard to any Project, or the planning, construction, or operation thereof;

(8) Each Borrower or Capital Provider shall, upon request, provide the City with any information associated with a Project or a C-PACE Loan that is reasonably necessary to confirm that the Project or C-PACE Loan satisfies the requirements of the Program Guide; and

(9) Each Borrower, Capital Provider, or other participant under the Program, shall comply with all applicable requirements of the Program Guide.

#### **Sec. 7-7-8 – Additional Provisions.**

(a) Severability. The provisions of this chapter are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the chapter or provision to any person or circumstance is invalid, the remaining provisions of the chapter shall not be affected by that decision and continue in full force and effect.

Section 2. That Chapter 7 as enacted pursuant to Section 1 of this ordinance, be, and the same hereby is, enacted 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.

13. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-4-180 (CREATION, COMPOSITION AND ORGANIZATION) of Article W (ALEXANDRIA GANG PREVENTION COMMUNITY TASK FORCE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 4, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 11/14/20; 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 of Council, marked Exhibit No. 2 of Item No. 13; 11/14/20, 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. 3 of Item No. 13; 11/14/20 and is incorporated as part of this record by reference.)

**WHEREUPON**, motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 2-4-180 CREATION, COMPOSITION AND ORGANIZATION) of Article W (ALEXANDRIA GANG PREVENTION COMMUNITY TASK FORCE) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. The 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. 5308**

AN ORDINANCE to amend and reordain Section 2-4-180 (CREATION, COMPOSITION AND ORGANIZATION) of Article W (ALEXANDRIA GANG PREVENTION COMMUNITY TASK FORCE) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 2-4-180 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 2-4-180 - Creation, composition and organization.

(a) There is hereby established a task force known as the Alexandria Gang Prevention Community Task Force ("task force").

(b) The task force shall consist of 17 members to be appointed by the city council. The composition of the commission shall be as follows:

- (1) two members from the city council;
- (2) one member from the Alexandria School Board;
- (3) the city manager or his designee;
- (4) one member from and representing TC Williams High School;
- (5) one member from and representing Alexandria City Middle Schools;
- (6) one member from and representing Alexandria City Elementary Schools;
- (7) one member from and representing private schools in Alexandria;
- (8) one member from and representing the Latino community;
- (9) one member from and representing the African-American community;
- (10) two at-large members from and representing the youth of the City of Alexandria;
- (11) one member from and representing the Alexandria Interfaith Council;
- (12) two citizens-at-large;
- (13) one representative of the Alexandria business community; and
- (14) one representative from and representing the parents of youth of the City of Alexandria.

(c) Members of the task force shall be appointed in the manner prescribed in article A of this title; provided, that a member who, under subsection (b), is representing an organization shall be nominated by the organization and appointed by city council.

(d) Members shall serve for a term of three years.

(e) All members of the commission shall, by virtue of their education, experience, interests, or employment, have a competence in one or more of the following areas:

- (1) crime prevention;
- (2) knowledge of the criminal laws and procedures of the Commonwealth of Virginia;
- (3) gang suppression, prevention and intervention;
- (4) education;
- (5) social work; or
- (6) counseling.

Section 2. That Section 2-4-180 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.

14. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 2-4-100 (CREATION, COMPOSITION AND

ORGANIZATION) of Article L (ALEXANDRIA COMMUNITY CRIMINAL JUSTICE BOARD) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated November 4, 2020, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 11/14/20; 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 of Council, marked Exhibit No. 2 of Item No. 14; 11/14/20, 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. 3 of Item No. 14; 11/14/20 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Aguirre and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend and reordain 2-4-100 (CREATION, COMPOSITION AND ORGANIZATION) of Article L (ALEXANDRIA COMMUNITY CRIMINAL JUSTICE BOARD) of Chapter 4 (COMMITTEES, BOARDS, AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended. The 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. 5309

AN ORDINANCE to amend and reordain Section 2-4-100 (CREATION, COMPOSITION AND ORGANIZATION) of Article L (ALEXANDRIA COMMUNITY CRIMINAL JUSTICE BOARD) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS) of Title 2 (GENERAL GOVERNMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 2-4-100 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 2-4-100 - Creation, composition and organization.

(a) There is hereby established a board to be known as the Alexandria Community Criminal Justice Board.

(b) The board shall consist of 19 members to be appointed by the city council. The composition of the board shall be as follows:

- (1) one judge of the Alexandria general district court;
- (2) one judge of the Alexandria circuit court;
- (3) one judge of the Alexandria juvenile and domestic relations court;
- (4) the chief magistrate for the city;
- (5) the chief of police;
- (6) the sheriff;
- (7) the commonwealth's attorney;
- (8) the administrator of the city's community services board;
- (9) a local educator;
- (10) the chief public defender;
- (11) a person appointed by city council to serve as its representative;
- (12) the director of the city's office of adult probation and parole;
- (13) four citizens;
- (14) the director of the city's court services unit;
- (15) one representative of the business community; and
- (16) one representative of non-profit organizations.

(c) Members of the board shall be appointed in the manner prescribed by article A of this chapter; provided, that:

- (1) the member who is a local educator shall be nominated by the superintendent of schools and confirmed by city council;
- (2) the member who is a representative of the business community shall be recommended by the Alexandria Chamber of Commerce; and
- (3) all members of the board, except for the citizen members, shall be exempt from the application requirement set forth in section 2-4-7(c) of this code.

15. Public Hearing, Second Reading and Final Passage of an Ordinance to vacate a portion of the public right-of-way on Commonwealth Avenue, adjacent to the property at 2 East Mason Avenue (VAC No. 2019-00002) (Implementation Ordinance for Vacation No. 2019-00002 associated with 2 East Mason Avenue approved by City Council on September 12, 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. 15; 11/14/20, 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. 15; 11/14/20 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to vacate a portion of the public right-of-way on Commonwealth Avenue, adjacent to the property at 2 East Mason Avenue (VAC No. 2019-00002). 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. 5310

AN ORDINANCE to vacate a portion of the public right-of-way on Commonwealth Avenue, adjacent to the property at 2 East Mason Avenue (VAC No. 2019-00002).

WHEREAS, Jesse and Elizabeth Jardim (Owner) have applied for the vacation of a portion of the public right-of-way on Commonwealth Avenue and East Mason Avenue, adjacent to the property at 2 East Mason Avenue in the City of Alexandria, Virginia; and

WHEREAS, in Vacation No. 2019-00002, the planning commission recommended approval to the City Council on September 1, 2020 of a vacation of public right of way, which recommendation was approved by the City Council at public hearing on September 12, 2020; and

WHEREAS, viewers, Jason Dechant, Mary Morgan Wilson, and C.E. Palmer Johnson have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that the portion of the public right-of-way to be vacated is no longer desirable for public use and that the public interest will not be harmed by this vacation; therefore,

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

Section 1. That the vacation of the public right-of-way to Owner, as shown on the plat of vacation attached hereto and incorporated herein by reference, be, and the same hereby is, approved.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject to the conditions set forth below:

1. The Owner shall prepare a plat of consolidation, showing the property vacated and all easements therein, and consolidating such property with their abutting property, and the plat of consolidation shall be filed with the Director of Planning and Zoning, the Director of Transportation and Environmental Services, and among the land records of the City.

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2. Easements shall be reserved for all existing public and private utilities within the area vacated. The Owner shall show all easements on the plat of consolidation.

3. Except for a fence, the Owner may not construct any buildings, or improvements, including driveways and parking spaces, on the vacated area and may not use the vacated land area to derive any increased development rights for the lands adjacent to the vacated area, including increased floor area, subdivision rights or additional dwelling units. This restriction shall appear as part of the deed of vacation and shall also appear as a note on the consolidated plat, both of which shall be approved by the Director of Planning and Zoning prior to recordation.

4. Owner shall pay \$1,186 to the City for the vacated land.

Section 3. The term "Owner" shall be deemed to include Jesse and Elizabeth Jardim, and their respective successors in interest.

Section 4. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 5. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 6. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to Owner. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and Owner as grantee, and such recordation shall be done by the grantee at his or her own expense. In the event no such deed is recorded within 18 months of the effective date, this ordinance shall be void and of no effect.

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 North Potomac Yard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2020-00005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for Master Plan Amendment No. 2020-00005 associated with North Potomac Yard (3601 Potomac Avenue) approved by City Council on October 17, 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. 16; 11/14/20, 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. 16; 11/14/20 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously by roll-call vote, City Council adopted 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 North Potomac Yard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2020-00005 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. 5311

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 North Potomac Yard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2020-00005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2020-00005, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on October 6, 2020 of an amendment to the North Potomac Yard Small Area Plan Chapter of the Master Plan of the City of Alexandria to amend Figure 4.5B: Maximum Building Heights to increase building height from 85 feet to 95 on Block 15 and increase building height from 90 feet to 115 feet on Block 18, which recommendation was approved by the City Council at public hearing on October 17, 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 North Potomac Yard Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by updating Figure 4.5b: Maximum Building Heights, 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

17. 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 (correction)).[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. 17; 11/14/20, 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. 17; 11/14/20 and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously by roll-call vote, City Council adopted an ordinance to amend and reordain the Master Plan of the City of Alexandria, Virginia, by adopting and incorporating therein the amendment heretofore approved by city council to the 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. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldin; Opposed, none.

The ordinance reads as follows:

#### ORDINANCE NO. 5312

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.

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

**Planning Commission (continued)**

**None.**

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously, the public hearing meeting of November 14, 2020 was adjourned at 1:00 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed none.

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APPROVED BY:

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JUSTIN M. WILSON    MAYOR

ATTEST:

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Gloria A. Sitton, CMC City Clerk