

***DOCKET ITEM #9***  
***Zoning Text Amendment #2021-00001***  
***Permitted & Administrative Uses in Coordinated***  
***Development District (CDD) Zones***

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<b>Issue:</b> Permitted and Administrative Uses in Coordinated Development District (CDD) Zones	Planning Commission Hearing:	May 4, 2021
	City Council Hearing:	May 15, 2021
<b>Description:</b> (A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend Section 5-602 to allow certain uses in CDD zones to be permitted or administrative uses.		
<b>Applicant:</b> City of Alexandria, Department of Planning & Zoning		
<b>Staff:</b> Karl Moritz, Director, Department of Planning & Zoning Rob Kerns, Division Chief, Land Use Services Nathan Randall, Urban Planner III, Development		
<b>Staff recommendation:</b> Staff recommends that the Planning Commission INITIATE and recommend APPROVAL of the text amendment.		

## **I. ISSUE**

The Department of Planning & Zoning proposes a text amendment to the Zoning Ordinance to add 11 new permitted uses and four new administrative uses in all Coordinated Development District (CDD) zones. The purpose of this change is to reduce the regulatory burden on these uses and to enhance the consistency between how they are regulated in CDD zones and the City's standard zoning districts.

## **II. BACKGROUND**

Coordinated Development Districts (CDDs) were added to the Zoning Ordinance in the 1990s as a zoning tool to coordinate the redevelopment of various properties in the City, particularly when such sites are owned by different entities. CDDs are a blend of a traditional zoning and special features. One of those special features is the required approval of a CDD Concept Plan at Planning Commission and City Council prior to redevelopment approval. Another is that CDDs include two sets of zoning provisions for their respective sites: one set that applies before redevelopment envisioned in the CDD Concept Plan is constructed and the other set that is administered as a part of, and after, the construction of redevelopment projects. Over the years, 28 such CDD zones have been approved, including at Potomac Yard, Cameron Station, Carlyle, and Mark Center (see Attachment #2 for the location of all CDD zones).

Nearly all uses in Coordinated Development District (CDD) zones are considered in the Zoning Ordinance to be special uses requiring full-hearing Special Use Permit approval. Only few exceptions to this rule exist, such as the two uses (health and athletic clubs and day care centers) listed in Section 5-602(E) and a few areas, such as the Carlyle neighborhood, in which the regulation of certain uses has been determined by the conditions contained within Special Use Permit (SUP) or Development Special Use Permit (DSUP) approvals.

As a result of the general rule, two public hearings were sometimes required for the same project or site – once for a Development Special Use Permit to construct a new building and again for an individual business seeking to operate in them, especially on the ground-level of mixed-use buildings that are common in CDD zones. As a matter of efficiency, applicants have been encouraged to seek SUP approval for such “ground-level retail” spaces in new buildings at the same time as the DSUP approval for those new buildings. Amendments to the terms of the individual SUP approval may require yet another full-hearing SUP request, however, depending on the nature of the original approval and subsequent changes.

Over the last several years, City Council has approved multiple “Small Business Zoning” text amendments to the Zoning Ordinance. The most recent of these efforts, ZTA#2020-0003, was approved in September 2020 (the staff report for that text amendment is provided as Attachment #3 of this report.) The purpose of the changes has been to adjust the level of regulatory approval or the restrictive rules for a variety of uses to ensure that they are proportional to the need to control neighborhood impacts. The resulting text amendments, which generally have attracted little concern from residents and considerable support from businesses, removed entirely the need for a SUP for a variety of uses, and for others, moved them to an administrative SUP process that is speedier and less costly.

In some cases, staff has applied the same approach to land uses in CDDs – inserting text that clarifies that if a land use is permitted in a standard (or Euclidean) zone, it should be a permitted use in a CDD zone. But while staff did not include CDDs in all of the previous “Small Business Zoning” reforms, it was staff’s intent to do so and, we believe, City Council and the Planning Commission’s expectation. Recently, with the approval of the Oakville Triangle CDD, Planning Commissioners noted that the future success of places like Landmark Mall, Oakville Triangle, and others in attracting retail and services could hinge upon removing barriers to opening desired businesses. Further, it was noted that if a land use has so little potential for neighborhood impacts that it can be a “permitted use” in a Euclidean zone (which is often mixed within or close to residential neighborhoods), it should be permitted in a CDD where the location of potentially conflicting uses can be separated from the start.

Early CDDs were structured to be highly prescriptive about the kinds of land uses that would be permitted in each building, such as requiring a constrained list of retail types in specific locations. Over time, it became clear that additional flexibility was necessary, partly because not every ground floor can successfully compete for the same limited set of land uses, and partly because we found other land uses, such as child day care, are needed in our activity centers and can be a valuable contribution to livability. Planning Commission and City Council encouraged staff to find ways to be, within reason, more flexible within CDDs.

Even where land uses are allowed in CDDs, the unique structure of CDDs has required virtually every business/land use, no matter how inoffensive or compatible with a small area plan, to go through the full hearing SUP process. For potential business owners, that process involves a minimum time of three months and additional expense and uncertainty. Staff routinely hears of businesses who had to pay rent on their intended space for months before they could move in, because of the SUP requirement. Nothing about the areas of the City covered by CDDs specifically supports this more intensive and costly review; on the contrary, within CDDs there is already an inherent level of structure to support the idea that permitted or administrative uses in other zones should also be so eligible in CDDs.

### **III. PROPOSAL**

The text amendment proposal to allow certain uses to be permitted or administrative uses in Coordinated Development District (CDD) zones under certain conditions comprises three changes to Section 5-602 of the Zoning Ordinance as follows (see also Attachment #1 for the actual proposed text changes to the Zoning Ordinance):

#### ***1. Establish a total of three exemptions to the full-hearing SUP requirement in Section 5-602(D)***

The first text change would formally establish two new exemptions, for a total of three, to the requirement that “any proposed development” in a CDD Concept Plan shall require a (CDD) Special Use Permit: for specific permitted uses listed in a revised Section 5-602(E) and for specific administrative uses listed in new Section 5-602(F). The existing exemption, referring to Section 5-608 allowing the option of development outside of a CDD Concept Plan and CDD SUP/DSUP, would remain unchanged.

## ***2. Revise Section 5-602(E) to allow 11 new permitted uses in all CDD zones***

The second text change would establish 11 new uses as permitted uses in all CDD zones under certain conditions, in addition to the two existing permitted uses in Section 5-602(E). These uses include those informally referred to as “ground-level retail” when located on the lower level of a mixed-use building – such as restaurants, outdoor dining on private property, personal services, and retail shopping establishments (up to 20,000 square feet in size). Additional uses, including medical-related and certain public uses, have also been included. The full list of the 13 proposed new and existing permitted uses is as follows:

- Health and athletic club or fitness studio
- Day care center
- Health profession office
- Medical laboratory
- Outdoor dining on private property
- Personal service establishment
- Private school, commercial
- Public school
- Radio or television broadcasting office and studio
- Recreation and entertainment use, indoor;
- Restaurant
- Retail shopping establishment, up to 20,000 gross square feet
- Social service use

The uses in this revised section of the Ordinance would only be permitted uses when meeting both of the following circumstances:

- a. When located in a building (or immediately adjacent to one) already constructed pursuant to an approved Coordinated Development District Special Use Permit (CDD SUP) or Development Special Use Permit (CDD DSUP); and
- b. When the CDD SUP or CDD DSUP approval for the specific building in question does not specifically prohibit the use in question.

## ***3. Add new Section 5-602(F) to allow four new administrative uses in all CDD zones***

The third and final text change to the Ordinance would allow four new administrative uses, requiring Administrative Special Use Permit approval, in all CDD zones under certain conditions. Those new administrative uses are: any use with live entertainment, outdoor dining other than on private property, retail shopping establishments over 20,000 square feet in size, and valet parking.

The uses in this new section of the Ordinance would only be permitted when meeting all following circumstances, the first two of which are the same as listed in Change #2 above:

- a. When located in a building (or immediately adjacent to one) already constructed pursuant to an approved Coordinated Development District Special Use Permit (CDD SUP) or Development Special Use Permit (CDD DSUP);

- b. When the CDD SUP or CDD DSUP approval for the specific building in question does not specifically prohibit the use in question; and
- c. When meeting the Administrative SUP approval procedures and performance standards listed in Section 11-513, unless the CDD SUP or DSUP includes different standards for Administrative SUP approval, in which case the different standards in the CDD SUP or DSUP shall govern.

The selection of the new permitted and administrative uses for inclusion in Section 5-602(E) and 5-602(F) is based in part on how these uses are regulated today in the CRMU, or mixed-use, zones. A few of the exceptions between the current CRMU zones and the current proposal for CDDs are: restaurants would be permitted without regard to whether they are specifically located in a “commercial complex,” outdoor dining would be permitted when on private property and as an administrative use when not – also regardless of whether it is located in a “commercial complex,” and any use with live entertainment would be allowed by Administrative SUP instead of full-hearing SUP. Staff believes the CRMU zones, intended for mixed-use buildings, are a good approximation of the conditions in CDD zones given that so many CDDs include mixed-use buildings. The differences between CRMU zones and this proposal account for the fact that, in CDDs, these uses would be located in new redevelopment projects and would have the benefit of various design features to help mitigate potential impacts.

It is the intent of this text amendment that the permitted and administrative use lists noted above should be read as a supplement to the uses listed as special uses (allowed by full-hearing SUPs) in the individual CDD zone tables contained in Section 5-602(A). Uses not included in either the permitted or administrative use lists above, not located in buildings already approved and constructed pursuant to a CDD Special Use Permit or Development Special Use Permit, or administrative uses not meeting standards, may still be allowed by full-hearing SUP if listed as special uses in the individual CDD zone tables. It is also important to note that this text amendment would not change the geography of where, within a building or development approved and constructed pursuant to a CDD SUP or DSUP, any permitted or administrative uses would be located. They would continue to be allowed only in locations identified as part of the CDD SUP or DSUP approval.

#### **IV. COMMUNITY**

In addition to the community outreach that occurred as part of the Small Business Zoning initiative last year (see Attachment #3 for the staff report), at which themes like those in the current proposal were discussed, staff presented this proposal at a virtual public meeting held on April 6, 2021. The public meeting was advertised via eNews and on the Department of Planning & Zoning’s website. Questions asked in the meeting included technical clarifications and a desire for additional time for the public to consider the specifics of the text amendment prior to the scheduled public hearings. Staff received a letter on April 14, 2021 from the Cameron Station Civic Association asking for consideration of this text amendment to be deferred to allow their group additional time to consider the proposal and to ask questions of staff. Staff has not received any other comments about the proposal as of the writing of this report.

**V. STAFF RECOMMENDATION**

Staff recommends approval of the proposed text amendment to allow certain permitted and administrative uses in Coordinated Development District (CDD) zones in certain circumstances and consistent with the text changes shown in Attachment #1 of this report. The proposal would help streamline the approval process for these specific uses in CDD zones and would better align the treatment of those uses – which are currently regulated with a high level of control – with their level of regulation in standard zones. Given that CDD-zoned land often involves the construction of brand-new buildings as part of redevelopment projects, potential land-use impacts can be mitigated through good design and urban planning even more often than may be typical for standard zones. The specific changes proposed here are based in part on how various uses, some of which are considered to be “ground-level retail” in mixed-use buildings, are regulated in the CRMU zones. The new permitted and administrative uses now proposed for CDDs are reasonable uses that would be regulated, with a few exemptions, as they have been in the CRMU zones either for many years or consistent with the changes adopted as part of last year’s Small Business Zoning initiative. The text amendment proposed here is a logical and reasonable extension of that endeavor to reduce the regulatory burden on businesses in CDD zones.

**Staff:**

Karl Moritz, Director, Department of Planning & Zoning  
Rob Kerns, Division Chief, Land Use Services  
Nathan Randall, Urban Planner III, Development

**Attachments:** Proposed Changes to Zoning Ordinance Text  
Map of CDD Zones in Alexandria  
Small Business Zoning Text Amendment (ZTA#2020-00003) Staff Report

**Attachment #1 : Proposed Changes to Zoning Ordinance Text**

5-602

(D) ...Except as provided in Sections 5-602(E), 5-602(F), and 5-608, any proposed development within a CDD constitutes a special use for which a special use permit is required pursuant to this Section 5-600 and Section 11-500...

(E) ~~Within each CDD, Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to Sections 5-602(A) and 5-602(D) of this ordinance, the following uses are permitted in each CDD when located in or immediately adjacent to a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein in specific conflict with the approved CDD Concept Plan or DSUP:~~

- (1) Health and athletic club or fitness studio ~~in an office complex;~~
- (2) Day care center;
- (3) Health profession office;**
- (4) Medical laboratory;**
- (5) Outdoor dining located on private property;**
- (6) Personal service establishment;**
- (7) Private school, commercial;**
- (8) Public school;**
- (9) Radio or television broadcasting office and studio;**
- (10) Recreation and entertainment use, indoor;**
- (11) Restaurant;**
- (12) Retail shopping establishment, up to 20,000 gross square feet;**
- (13) Social service use.**

**(F) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to Sections 5-602(A) and 5-602(D) of this ordinance, the following uses may be allowed in each CDD by administrative approval, pursuant to Section 11-513 of this ordinance, when located in or immediately abutting a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:**

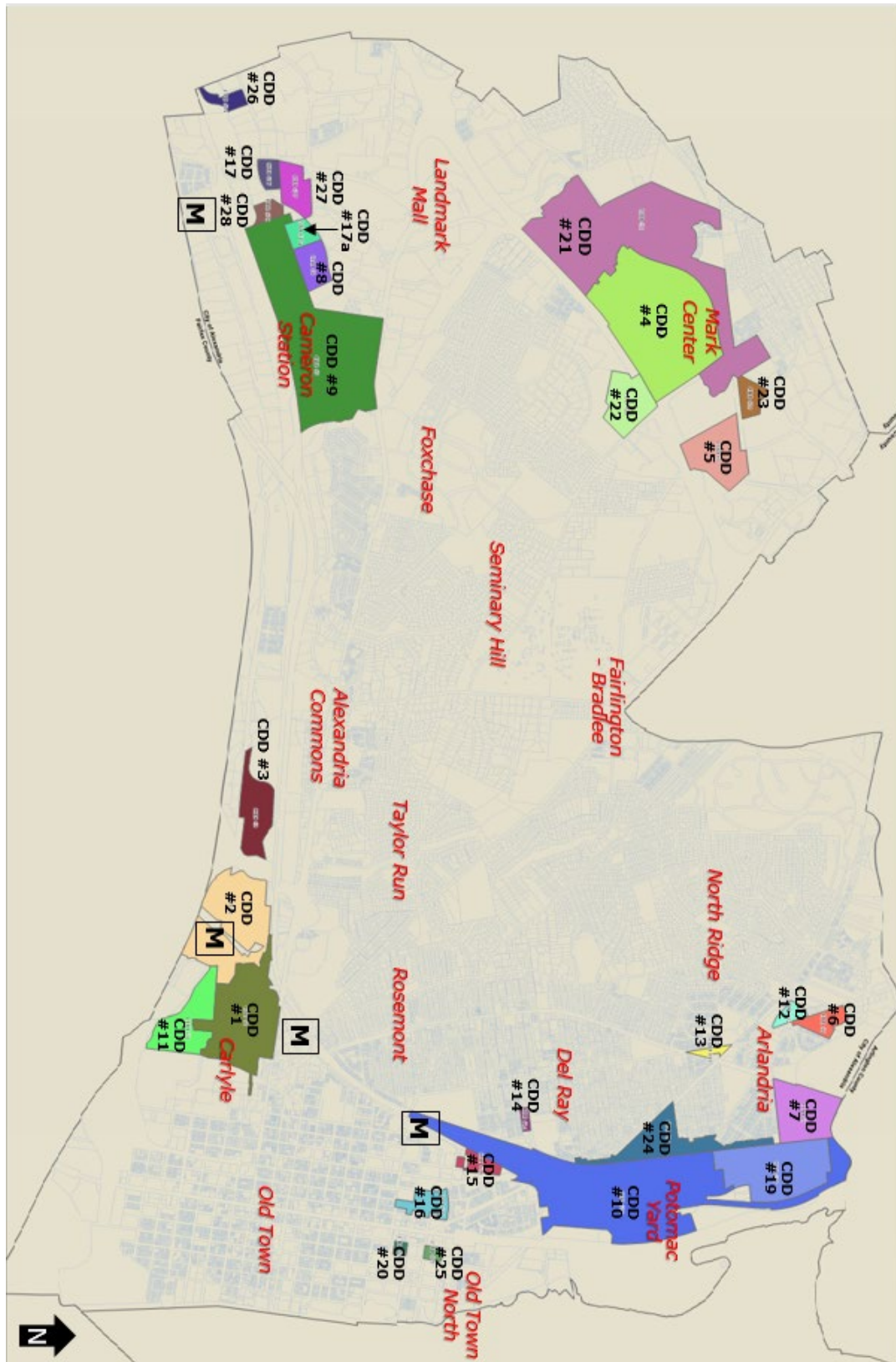
**(1) Any use with live entertainment;**

**(2) Outdoor dining other than pursuant to Section 5-602(E)(5);**

**(3) Retail shopping establishment, larger than 20,000 gross square feet;**

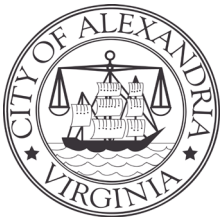
**(4) Valet parking.**



**Attachment #2 : CDD Zone Locations in Alexandria**

**Attachment #3:**

Small Business Zoning Text Amendment (ZTA2020-00003) Staff Report



## ***Zoning Text Amendment #2020-00003***

### ***Small Business Practical Updates***

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<b>Issue:</b> Small Business Practical Updates	Planning Commission Hearing:	September 1, 2020
	City Council Hearing:	September 12, 2020
<b>Description:</b> 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.		
<b>Staff:</b> City of Alexandria, Department of Planning & Zoning: Karl Moritz, Director, Department of Planning & Zoning Tony LaColla, Division Chief, Land Use Services Ann Horowitz, Principal Planner, Land Use Services Mary Christesen, Principal Planner, Land Use Services Sam Shelby, Urban Planner III, Land Use Services Kaliah Lewis, Senior Planning Technician, Boards and Commissions Unit		
<b>Staff recommendation:</b> Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendment.		

**CITY COUNCIL ACTION, SEPTEMBER 12, 2020:** City Council approved the Planning Commission recommendation for the text amendments, with the exception of the amendment for daycare centers.

City Council approved the inclusion a daycare centers in the zoning text amendment on separate motion.

**PLANNING COMMISSION ACTION, SEPTEMBER 1, 2020:** On a motion by Commissioner Brown, and seconded by Commissioner Lyle, the Planning Commission voted to initiate Zoning Text Amendment #2020-00003, as submitted. The motion carried on a vote of 6-0. On a motion by Commissioner Brown, and seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Zoning Text Amendment #2020-00003, as submitted. The motion carried on a vote of 6-0.

**Reason:** The Planning Commission agreed with staff analysis.

Chair Macek stated that he would prefer restaurants as permitted uses and advised staff to monitor restaurant use for a possible text amendment in the future.

Vice-chair McMahon questioned the type of SUP amendment review an outdoor seating use would be subject to if it proposed a 33% or more expansion. Staff responded that either an SUP hearing or a site plan amendment would be required and any expansion below 33% could be

accommodated through the administrative SUP process. She asked the reasons for SUP hearing review for a medical care facility. Staff replied that it identified potential impacts related to

emergency vehicles, the size of the facility and the number of patients and recommended an SUP use for these reasons.

Speakers:

Charlotte Hall, representing the Old Town Business Association, spoke in support of the text amendment to reduce the review times for new businesses. She added that the temporary outdoor business expansion allowed through emergency authorization has been successful in this regard.

## I. SUMMARY

The Department of Planning & Zoning proposes to ease the regulatory processes required of certain uses and to create more opportunities for present-day uses in the City through Zoning Ordinance text amendments. A decrease in the number of Special Use Permit (SUP) approvals that require public hearing review or administrative SUP review would increase the number of commercial uses that could open in a shorter time period, with a reduced outlay of funds and have a minimal impacts on the City's quality of life. In addition, updates to the zoning ordinance language to coordinate with present day terminology and business practices are recommended.

The proposed text amendments in this report would minimize regulatory requirements and expand business opportunities for these uses:

### Restaurant

Shifting from either Special Use Permit approval or administrative SUP approval to only administrative SUP approval. An exception would be for restaurants offering live entertainment, which would continue to require SUP approval.

### Outdoor dining

Expanding the opportunities for outdoor dining in more commercial settings and increasing the instances for administrative SUP approval from SUP approval.

### Outdoor food and crafts market

Expanding the opportunities for outdoor markets and increasing the instances for administrative SUP approval from SUP approval.

### Health and athletic club or fitness studio operating as a private commercial school

Combining all types of health and fitness uses and shift from requiring SUP approval to a permitted use.

### Amusement enterprise

Expand the uses in this category and shift from requiring SUP approval to a permitted use for indoor operations. Outdoor operations would continue to require SUP approval.

### Day care center

SUP approval in some zones to a permitted use in all commercial zones.

### Social service use

SUP approval to a permitted use.

### Convenience store

SUP approval to a permitted use.

### Food and beverage production retail use

A permitted retail use would be allowed for uses up to 5,000 square feet from the existing 3,500 square feet.

SUP Minor Amendment criteria

Increase the number of commercial uses that can be approved through administrative SUP.

Home occupation

Allowing patrons at all home occupation businesses.

## **II. BACKGROUND**

Rationale for Proposed Text Amendments

In recent years, staff concluded that some commercial uses were subject to higher levels of regulatory approval or restrictive rules than what was necessary to control neighborhood impacts. These regulations did not correlate with actual impacts as evidenced by the lack of complaints and zoning violations, Planning Commission and City Council approvals of SUPs on consent calendars, and sufficient regulations associated with other Zoning and City Code requirements. Additionally, staff has tracked business inquiries to learn of Zoning Ordinance updates required to accommodate new and evolving commercial uses.

Public Engagement

After introducing the proposed regulatory changes to the Planning Commission at its October 3, 2019 hearing, staff presented the proposed changes to the business and residential communities and elicited feedback at nine meetings between December 2019 and February 2020. Residents on the west and east ends of the City, the Federation and the Del Ray Land Use Committee expressed their thoughts on the proposed text amendments. Outreach took place for the business community at a City Hall meeting and at the Wire Gill law offices. Staff also met with the Alexandria Business Association, the National Association of Industrial and Office Parks local chapter, and the Chamber of Commerce Government Relations Committee to learn of their views on the proposed changes.

At the February 4, 2020 Planning Commission hearing, staff informed the commission of the public engagement responses to the text amendment proposals. The residential community's concerns generally focused on the noise and parking impacts that may result if SUP review shifted to administrative SUP review or to by-right uses. One group recommended establishing maximum evening hours of operation for home occupation businesses and perhaps limiting patrons to six a day. Overall, the business community supported the proposed changes as it would significantly reduce the time and fees for opening a business. They expressed concern, however, that staff may have difficulty approving Administrative SUPs within the standard 30 – 40 day time frame with an increase in administrative SUP cases.

## **III. SMALL BUSINESS PRACTICAL UPDATE RECOMMENDATIONS**

The staff recommended text amendments balance an appropriate level of Zoning Ordinance regulation to limit impacts, the public engagement feedback, and the Planning Commission's input. Several articles of the Zoning Ordinance – Definitions, Commercial Office and Industrial

Zones, Mixed Use Zones, Special and Overlay Zones, Off-Street Parking and Loading, Development Approvals and Procedures – contain amendments to reduce regulations for specific uses and to align language with current commercial trends.

#### **A. Uses proposed for reduced regulatory review**

##### Restaurant

*Shift from either Special Use Permit (SUP) or administrative SUP approval to only administrative SUP approval*

Most restaurants are proposed for administrative SUP approval. The criteria for the staff-only approval found in Section 11-513(L) deletes the limitation on number of seats, hours of operation, number of delivery vehicles, and off-premises alcohol service. The number of permitted by right restaurants would increase as the definition for shopping center, amended as “commercial complex,” has expanded to include all commercial groupings of at least two independent businesses under common ownership and with shared parking facilities. The revised definition would allow for permitted restaurants not only in additional shopping center locations, but also in mixed use buildings.

##### Outdoor dining

*Expand quantity of requests eligible for administrative SUP approval*

More outdoor dining uses could be approved administratively with the proposed changes to the criteria for administrative SUP approval in Section 11-513(M): increase of seats from 20 to 40; hours of operation until 11 p.m.; and off-premises alcohol sales. An added outdoor dining definition allows it to accompany any use that prepares food, not only restaurants. Like restaurants, outdoor dining would be permitted at commercial complexes on privately-owned property.

##### Outdoor food and crafts market

*Expand quantity of requests eligible for administrative SUP approval*

This use proposed as an “outdoor market” is an expansion of the “outdoor food and crafts market” that is allowed through SUP or administrative SUP approval. A definition for “outdoor market” has been added to expand options for outdoor market sale items. Criteria for administrative SUP approval in Section 11-513(F) have been simplified as impacts are not expected with the allowance for on and off premises alcohol sales, on-site food preparation, and hours of operation until 10 p.m. Outdoor markets are proposed for all commercial zones where they are not presently allowed.

##### Health and athletic club or fitness studio operating as a private commercial school

*Shift from either Special Use Permit (SUP) approval or administrative SUP to a permitted use.*

The new definition for health and fitness uses combines fitness studios, currently defined as private commercial schools, to the existing health and athletic club definition. Under the proposed redefinition, health and athletic clubs have been shifted from SUP and Administrative SUP uses to permitted uses as private commercial schools are permitted in all commercial zones. The potential impacts for both are limited to parking and noise, which are sufficiently monitored through the existing parking and noise ordinance regulations. As such, the health and athletic club Administrative SUP criteria have been deleted from Section 11-513.

Amusement enterprise

*Special Use Permit (SUP) approval to a permitted use.*

The amusement enterprise definition has been redefined as “Recreation and entertainment use” and expands the uses to include recent inquiries for commercial facilities, such as indoor athletic fields, ball courts and children’s play areas. Staff has found that the parking and noise ordinance regulations adequately control amusement enterprises, presently an SUP use, and propose that indoor recreation and entertainment uses are permitted uses. As outdoor amusement enterprises have the potential for intensified impacts associated with noise and glare, this group of operations is featured in the amendments as requiring SUP approval.

Day care center

*Permitted uses in all commercial zones*

Although day care centers appear in most commercial zones as permitted uses, staff has added the use in the permitted category in all commercial zones where they do not exist or require administrative SUP approval. The requirement for a pick-up and drop off plan sufficiently limits impacts associated with this use.

Social service use

*Special Use Permit (SUP) approval to a permitted use.*

Given that a social service use operates identically to by-right business and professional offices and personal service uses, staff recommends transferring social services use from requiring SUP approval to permitted uses in all commercial zones.

Convenience store

*Special Use Permit (SUP) approval to a permitted use.*

When included in the retail definition as a use, convenience stores would not require SUP approval. The product line of groceries and convenience stores, once unique and distinguishable, have blurred in recent years with grocery operations offering prepared fast food and pharmacy-related items and convenience stores providing more basic food selections to be prepared at home, such as fresh fruits and vegetables, dairy products and meats. Consequently, the typically small-sized convenience stores do not pose any more impacts than a by-right retail grocery store, with operations monitored through the Zoning Ordinance parking and loading requirements and the City Code regulations for noise and property maintenance.

Food and beverage production retail use

*Broaden the opportunities for a permitted use.*

Presently, a food and beverage production use under 3,500 square feet is considered a permitted retail operation. Any use over 3,500 square feet typically requires SUP approval. Staff proposes an increase to the by-right retail use threshold of 5,000 square feet to provide flexibility for maker spaces which also sell products on-site. The increase of 1,500 square feet would not significantly increase impacts and would allow food and beverage producers more flexibility in selecting tenant spaces that suit their business plan.



SUP minor amendment criteria

*Streamline the minor amendment requirements*

The existing SUP minor amendment criteria in section 11-511 contains several specific thresholds for administrative SUP approval eligibility. A business expanding its operation is only eligible for administrative review if, for example, it proposes no more than 12 additional restaurant seats, not to exceed 100; no more than two additional hours of operation; or less than a 20% increase in classroom seats. Staff proposes that the specific details related to a business expansion are deleted, relying on the SUP parameters of Section 11-513 to dictate SUP administrative approval eligibility. Otherwise stated, if a business proposes to expand its operation within the standards for a new Administrative SUP, it may be accomplished administratively, if the following criteria are also addressed:

- An expansion does not exceed 33% of floor area;
- The changes are so insignificant that they will have little or no zoning impact on the adjacent properties or the neighborhood;
- There have been no substantiated violations of the special use permit conditions within the last five years;
- The proposed change does not amend or delete conditions that were included to address community concerns.

Home occupation

*Allowance for patrons*

For consistency, staff proposes that all home occupations are allowed up to two customers at any one time and no more than 12 a day, as those providing in-home instruction are permitted to do. Neighborhood impacts are minimized through the addition of customer visits between the hours of 7 a.m. and 9 p.m., daily.

**B. Additional proposed text amendments**

As part of the text amendment document, staff has taken the opportunity to not only to recommend revisions for the regulatory review of several uses, but also to ensure that definitions are relevant and updated. If no longer applicable, definitions are proposed for deletion. The overall review of commercial uses has also led to the addition of new uses and the slight amendment of others in the ordinance.

**1. Definitions in Article II**

Deleted:

*Amusement machine; Amusement arcade*

Unnecessary to specify as separate uses as these would fall under the new recreation and entertainment use definition.

*Nursery school*

Outdated term in the Zoning Ordinance and has been replaced with day care center.

*Restaurant, accessory; Restaurant nightclub; Restaurant, coffee or ice cream shop;  
Restaurant, smoke-free; Food court*

Unnecessary to specify as terms are not included elsewhere in the zoning ordinance and are cover in the restaurant definition.

*Variety goods and Video rental and sales in retail definition*  
Obsolete references.

*Smoking*  
Not referenced in the Zoning Ordinance and regulated by the state code requirements.

Amended:  
*Accessory use*  
Specifying staff method for determining when a use is accessory by applying less than 33% of gross square footage area of the business tenant space as a criterion.

*Animal care facility with no overnight accommodation*  
Added as a personal service which will allow this in all commercial zones and remain a permitted use.

*Shopping center redefined as commercial complex*  
Staff considers the shopping center definition to be overly restrictive as it limits qualifying commercial centers to at least five independent retail businesses with shared parking, and at least 35,000 square feet of floor area in size. Staff finds that common ownership sufficiently mitigates impacts, however, the existing criteria for number of businesses and square footage disqualify most commercial centers in the City. Complaints are rarely submitted for businesses in these settings. To allow more by-right opportunities for restaurants, hotels and outdoor dining at commercial centers, staff proposes amending the shopping center definition using the term, commercial complex and reducing the number of businesses to two, deleting a square footage requirement, and including mixed-use buildings in a commercial or mixed-use zone. Mixed-use buildings also encompass the same common ownership and shared parking features of shopping centers and Development Special Use Permits evaluate the commercial uses that should be a part of the building and their impacts.

Added:  
*Crematorium*  
*Funeral home*  
*Limited live entertainment*  
*Live entertainment*

## **2. Uses added and amended**

*Any use with live entertainment*  
To accommodate any use that proposes live entertainment, as newly defined in Article II, this use has been added as an SUP use in every commercial zone.

*Medical care facility*

Although the focus of this proposed text amendment is on commercial uses, the Alexandria Health Department requested, as part of its Community Health Improvement Plan Update and P&Z's Zoning for Housing Prioritization Plan, the addition of the medical care facility use to multi-family residential zones to provide conveniently-located options for medical care in areas of residential density. Staff proposes the addition of medical care facilities as an SUP use in the RA/Multifamily, RCX/Medium density apartment, RC/High density apartment, RD/High density apartment and RMF/Residential multifamily zones. Medical care facilities are also SUP uses in commercial zones.

*Crematorium*

As a use affecting environmental quality, crematoriums have been added to Industrial zone as an SUP use.

*Private commercial schools and limit on students*

Staff has deleted the restriction of a maximum of 20 students at ground floor commercial space in zones that incorporate commercial centers (e.g. KR, NR, Mount Vernon Overlay). The limitation on number of students is coupled with the requirement that a private commercial school storefront may not exceed 30 feet, which staff retains. It believes the 30-foot frontage restriction is sufficient to maintain a vibrant streetscape.

*Use limitation sections*

Language is introduced in the commercial zone use limitations sections to ensure that ground level commercial windows remain visually open to create a fluid, interactive space between commercial enterprises and pedestrians.

#### **IV. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission initiate and support the text amendments as noted on the attachment to align regulatory approvals with actual neighborhood impacts. The proposed amendments address residents' concern related to noise impacts on residential properties as larger-scale outdoor uses and live entertainment at businesses require SUP approval. The text amendments also respond to the business community's need for quicker and less expensive regulatory processes, which it found important for commercial success prior to March 2020 and is even more critical now as businesses face unprecedented challenges in this changing economic environment.

**Staff:**

Karl Moritz, Director  
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**Attachments:** Proposed Zoning Text Amendments

**Cameron Station Civic Association**  
200 Cameron Station Blvd.  
Alexandria, VA 22304

April 14, 2021

**Via Email**

Mayor Justin Wilson  
Members of City Council and the Planning Commission  
City Hall  
301 King Street  
Alexandria, Virginia 22314

**Re: Request to Defer Proposed Text Amendment to CDD Zones**

Mayor Wilson and Members of City Council and of the Planning Commission:

The Cameron Station Civic Association (“CSCA”) is writing this letter to request a deferral of the City making a decision on certain proposed text amendments to allow permitted and administrative uses in CDD Zones.<sup>1</sup> The deferral is needed to allow for adequate and informed public input.

The CSCA has been a supporter of local businesses as is most recently evidenced by its February 26, 2021 letter in support of Tri Pointe Homes request for a DSUP and TMP relating to the latter’s redevelopment project at Victory Center. We are very mindful of the severe financial impact caused by the pandemic on small businesses in our City. The CSCA is also aware that the City has tried to right-size the level of regulation for starting a business while trying to maintain neighborhood quality of life. In this regard, the City already changed uses to permitted or administrative uses for small businesses in June 2016<sup>2</sup>, June 24, 2017<sup>3</sup> and then again in September 2020.<sup>4</sup> This is the fourth such change to zoning laws for the same purposes in less than five years.

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<sup>1</sup> Materials on this matter posted by City staff are located at:< <https://www.alexandriava.gov/Development>>.

<sup>2</sup> On June 18, 2016, City Council approved a text amendment to the Zoning Ordinance to “allow administrative review of special use permits for certain uses that now require a special use permit; allow uses to be permitted by-right for certain uses that now require a special use permit; update various use categories and definitions to clarify and identify certain uses; amend the criteria for Minor Amendment and Outdoor Dining administrative review of special use permits; and various technical corrections.”

<sup>3</sup> On June 24, 2017, City Council approved text amendments to the Zoning Ordinance to, among other things, “to amend Sections 4-900 and 4-1000 with additional by-right, administrative SUP, and SUP uses.”

<sup>4</sup> On September 12, 2020, City Council approved a text amendment to the Zoning Ordinance 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.”

What makes this fourth change to zoning laws unique is the lack of public outreach and the rush to pass these measures without adequate and informed public input. In this regard, the City issued a press release on March 24 to announce a virtual meeting on the proposed text amendments on April 6 (just nine business days later). That press release contained no information about what the proposed text amendments would be nor was such information provided prior to the virtual meeting on April 6. Not surprisingly under such circumstances, the public meeting took about 21 minutes. All that was provided at the meeting was a nine page presentation which the public had inadequate time to digest or comprehend. The presentation provided insufficient specific analysis for why any of the twelve new proposed permitted uses or the four new administrative uses were needed. In fact, some of the permitted uses like “Radio/TV studio” logically seem to be the type of uses that could potentially adversely affect the quality of life. This presentation also, for the first time, alerted the public to the fact that these proposed text amendments were scheduled for public hearings before the Planning Commission on May 4 (less than one month after the one and only public outreach meeting) and before City Council on May 15 (just five weeks after the April 6 virtual meeting).

The CSCA strongly feels that more public outreach is required. More information also needs to be disseminated by City Staff. At a minimum, it would be helpful to know the reasons why each of the fourteen new permitted uses and each of the four new administrative uses are necessary. It would also be helpful to the public and hopefully also to members of both the Planning Commission and City Council to know whether or not nearby communities such as Arlington or Fairfax treat the fourteen new permitted uses and four new administrative uses in the same or a similar manner under their zoning ordinances. The CSCA has repeatedly heard that one of the main reasons for such changes to our zoning laws is that the City zoning ordinance is more onerous than those in nearby jurisdictions making it tougher for small businesses to do business in Alexandria. Accordingly, this would seem to be highly pertinent information for the public and decision makers to have.

Based on the forgoing, the CSCA requests that the public hearings on this matter before both the Planning Commission and City Council be deferred. We further request that City Staff publicly disseminate the information noted directly above and that the City thereafter have additional virtual public meetings in order to get adequate and informed public input. We believe that these actions would result in a fair and equitable accommodation to both local businesses and to Alexandria residents.

If there are any questions concerning these comments, please contact the undersigned at [aimpastato54@gmail.com](mailto:aimpastato54@gmail.com), or by phone at (703) 567-5075.

Sincerely,

/s/

Arthur A. Impastato  
President  
Cameron Station Civic Association

cc: Karl Moritz  
Nathan Randall  
Maya Contreras