

**City of Alexandria
City Council Public Hearing Meeting
Saturday, September 18, 2021 9:30 AM
Council Chamber
Meeting Minutes**

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

Absent: None.

Also Present: Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Mr. Moritz, Director, Planning and Zoning (P&Z); Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Mr. Kerns, Division Chief; P&Z; Ms. Oleynik, Planner, T&ES; Ms. Ford, Urban Planner, P&Z; Ms. Horowitz, Principal Planner, P&Z; Mr. Shelby, Urban Planner, P&Z, Mr. Swidriak, Urban Planner, P&Z, Ms. Sample, Urban Planner, P&Z, Ms. Miliaras, Principal Planner, P&Z, Mr. Gonsalves, Assistant City Manager; Mr. Smith, Information Technology Services (ITS); Mr. Demeke, ITS; and Mr. Moss, ITS.

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

OPENING

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All members of City Council were present with Councilman Aguirre attending the meeting via Zoom webinar from his home located at 801 North Howard Street, #205, Alexandria, Virginia, 22304, for medical reasons.

2. Public Discussion Period

The following persons participated in the public discussion period:

1. Janice Grenadier, Alexandria, spoke about corruption in the courts.
2. Erik Olson, Alexandria, spoke about a recent incident he had with the

Alexandria Police.

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

**REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES
ACTION CONSENT CALENDAR (3-6)**

Planning Commission

3. Development Special Use Permit #2021-10018
4300 King Street, 3101 Park Center Drive, and 4401 Ford Avenue - Park Center Public Hearing and consideration of a request for a Development Special Use Permit with modifications to construct an outdoor amenity space, dog park, bus stops, and various pedestrian improvements (amending DSUP #2018-00004); zoned: CRMU-H/Commercial Residential Mixed Use (High). Applicant: Lowe Enterprises Real Estate Group, represented by Kenneth W. Wire, attorney
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 3; 09/18/21, and is incorporated as part of this record by reference.)

4. Special Use Permit #2021-00060
Special Use Permit #2021-00061
Encroachment #2021-00005
2412 and 2514 Richmond Highway, and 2500 Oakville Street
Public Hearing and consideration of requests for: (A) a Special Use Permit for increased mechanical penthouse height per Section 6-403(B)(3); (B) a Special Use Permit for a waiver of sign requirements per Section 9-103(D); and (C) Encroachments into the public right-of-way on Fannon Street for signs; zoned: CDD #24/Coordinated Development District #24. Applicant: Inova Health Care Services, represented by M. Catharine Puskar, 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 Item No. 4; 09/18/21, and is incorporated as part of this record by reference.)

5. Zoning Text Amendment #2021-00008
Extension of Temporary Program for Business Relief and to Address Public Need Related to COVID-19 to April 1, 2022 (A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to extend the

expiration of an existing temporary program for business relief from January 1, 2022 to April 1, 2022. Staff: City of Alexandria
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 09/18/21, and is incorporated as part of this record by reference.)

6. Master Plan Amendment #2021-00005
Beauregard Small Area Plan Amendments
Public Hearing and consideration of amendments to the Beauregard Small Area Plan chapter of the Master Plan to: add proposed land-use designations, consistent with existing uses as shown in the Plan, for all properties in the Small Area Plan currently without a proposed land-use designation; add proposed maximum height limitations, consistent with existing zoning height limitations, at all properties in the Small Area Plan currently without a proposed maximum height limitation; change the existing land-use designation for the property at 4880 Mark Center Drive from office to office/residential/commercial; and remove the property at 4880 Mark Center Drive from the existing and proposed office-only use maps in the Plan. Applicant: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 09/18/21, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilwoman Jackson and carried unanimously, City Council approved the consent calendar. The approvals were as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.
6. 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.

ROLL-CALL CONSENT CALENDAR (7-11)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to authorize the owner of the property located at 2800 Hope Way to construct and maintain an encroachment for a portion of a staircase on North Beauregard Street (Implementation Ordinance for Encroachment No. 2021-00001 associated with 2800 Hope Way - The Spire & Episcopal Church of the Resurrection approved by City Council on May 15, 2021). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 09/18/21, 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 Item No. 7; 09/18/21 and is incorporated as part of this record by reference.)

8. 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 Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2020-00009 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. 2020-00009 associated with 5701, 5701B, 5801, 5815, 5901 Duke Street - Landmark Neighborhood CDD approved by City Council on July 6, 2021). [ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 09/18/21, 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 Item No. 8; 09/18/21 and is incorporated as part of this record by reference.)

9. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 047.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 5701, 5701 B, a portion of 5815, and 5901 Duke Street from CR/Commercial Regional to CDD #29/Coordinated Development District #29 and 5801 and a portion of 5815 Duke Street from CRMU-M/Commercial Residential Mixed Use (Medium) to CDD #29/Coordinated Development District #29 in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00003 (Implementation Ordinance for Rezoning

No. 2021-00003 associated with 5701, 5701B, 5801, 5815, 5901 Duke Street - Landmark Neighborhood CDD approved by City Council on July 6, 2021).
[ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 09/18/21, 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 Item No. 9; 09/18/21, and is incorporated as part of this record by reference.)

10. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00002 (Implementation Ordinance for Text Amendment No. 2021-00002 associated with 5701, 5701B, 5801, 5815, 5901 Duke Street - Landmark Neighborhood CDD approved by City Council on July 6, 2021).
[ROLL-CALL VOTE]

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 09/18/21, 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 Item No. 10; 09/18/21, and is incorporated as part of this record by reference.)

11. Public Hearing, Second Reading and Final Passage of a Supplemental Appropriation Ordinance for the Support of the City Government for FY 2022.
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated September 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 09/18/21, 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 Item No. 11; 09/18/21, 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 Item No. 11; 09/18/21, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper , seconded by Councilman Chapman and carried unanimously by roll-call vote, City council approved the roll-call consent calendar. The approvals were as follows:

7. City Council adopted an ordinance to authorize the owner of the property located at 2800 Hope Way to construct and maintain an encroachment for a portion of staircase on North Beauregard Street (Implementation Ordinance for Encroachment No. 2021-00001 associated with 2800 Hope Way - The Spire & Episcopal Church of the Resurrection approved by City Council on May 15, 2021)

The ordinance reads as follows:

ORDINANCE NO. 5363

AN ORDINANCE authorizing the owner of the property located at 2800 Hope Way to construct and maintain an encroachment for a portion of a staircase on North Beauregard Street.

WHEREAS, Trustees of the Episcopal Church of the Resurrection, for the benefit of the Diocese of Virginia, is the Owner (“Owner”) of the property located at 2800 Hope Way, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a portion of a staircase on North Beauregard Street which will encroach into the public sidewalk right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2021-00001 the Planning Commission of the City of Alexandria recommended approval to the City Council subject to certain conditions at one of its regular meetings held on May 4, 2021, which recommendation was approved by the City Council at its public hearing on May 15, 2021; and

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Owner be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way on North Beauregard Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of a portion of a staircase, until the encroachment is removed

right-of-way, within 60 days, upon notification by the City. The applicant shall bear all cost associated with the removal of the encroachments.

(d) Within the encroachment areas identified in Encroachment Plat, no additional equipment or structures may be erected, and no existing equipment or structures shall be enlarged or intensified without prior approval of the Directors of Planning & Zoning and Transportation & Environmental Services.

(e) The applicant shall install a movable planter or other permanent landscaping feature to the satisfaction of the Directors of P&Z and T&ES to guide pedestrians and cyclists traveling downhill on the North Beauregard Street multi-use path around the southside of the staircase.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Owner shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Owner maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Owner the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Owner without cost to the city. If Owner cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Owner, and shall not be liable to Owner for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

Section 8. The terms "Owner" shall be deemed to include Trustees of the Episcopal Church of the Resurrection, for the benefit of the Diocese of Virginia and its respective successors in interest.

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

8. 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 Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2020-00009 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. 2020-00009 associated with 5701, 5701B, 5801, 5815, 5991 Duke Street - Landmark Neighborhood CDD approved by City Council on July 6, 2021).

The ordinance reads as follows:

ORDINANCE NO. 5364

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 Landmark/Van Dorn chapter of such master plan as Master Plan Amendment No. 2020-00009 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. 2020-00009, 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 24, 2021 of an amendment to the Landmark/Van Dorn Chapter of the Master Plan of the City of Alexandria through the Landmark Van Dorn Corridor Plan overlay to facilitate redevelopment of the Landmark site with a mix of uses and the Inova hospital campus including various amendments to the figures and text related to framework streets, open space, pedestrian and bicycle facilities, the connection to/from I-395, the existing parking garage, the transit hub, active retail streets and ground floor heights, streetwall, gateway and placemaking locations, screening of above grade parking structures, and building heights, which recommendation was approved by the City Council at public hearing on July 6, 2021;
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 Landmark/Van Dorn Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by making the changes indicated in

on the following pages, 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.

9. City Council adopted an ordinance to amend and reordain Sheet No. 047.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 5701, 5701B, a portion of 5815, and 5901 Duke Street from CR/Commercial Regional to CDD #29/Coordinated Development District #29 and 5801 and a portion of 5815 Duke Street from CRMU-M/Commercial Residential Mixed Use (Medium) to CDD #29/Coordinated Development District #29 in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00003 (Implementation Ordinance for Rezoning No. 2021-00003 associated with 5701, 5701B, 5801, 5815, 5901 Duke Street - Landmark Neighborhood CDD approved by City Council on July 6, 2021).

The ordinance reads as follows:

ORDINANCE NO. 5365

AN ORDINANCE to amend and reordain Sheet No. 047.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the properties at 5701, 5701 B, a portion of 5815, and 5901 Duke Street from CR/Commercial Regional to CDD #29/Coordinated Development District #29 and 5801 and a portion of 5815 Duke Street from CRMU-M/Commercial Residential Mixed Use (Medium) to CDD #29/Coordinated Development District #29 in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2021-00003.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2021-00003, 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 24, 2021 of a rezoning of the properties at 5701, 5701 B, a portion of 5815, and 5901 Duke Street from CR/Commercial Regional to CDD #29/Coordinated Development District #29 and 5801 and a portion of 5815 Duke Street from CRMU-M/Commercial Residential Mixed Use (Medium) to CDD #29/Coordinated Development District #29, which recommendation was approved by the City Council at public hearing on July 6, 2021;
2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;
3. All requirements of law precedent to the adoption of this ordinance have been complied

with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 047.02 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 5701 Duke Street, Alexandria, Virginia 22304, 047.02-03-06

From: CR/Commercial Regional
To: CDD #29/Coordinated Development District #29

LAND DESCRIPTION: 5701 B Duke Street, Alexandria, Virginia 22304, 047.02-03-07

From: CR/Commercial Regional
To: CDD #29/Coordinated Development District #29

LAND DESCRIPTION: 5801 Duke Street, Alexandria, Virginia 22304, 047.02-03-05

From: CRMU-M/Commercial Residential Mixed Use (Medium)
To: CDD #29/Coordinated Development District #29

LAND DESCRIPTION: 5815 Duke Street, Alexandria, Virginia 22304, 047.02-03-09

From: CR/Commercial Regional and CRMU-M/Commercial Residential Mixed Use (Medium)
To: CDD #29/Coordinated Development District #29

LAND DESCRIPTION: 5901 Duke Street, Alexandria, Virginia 22304, 047.02-03-08

From: CR/Commercial Regional
To: CDD #29/Coordinated Development District #29

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

Section 3. That Sheet No. 047.02 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

10. City Council adopted an ordinance to amend and reordain Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00002 associated with 5701, 5701B, 5801, 5815, 5901 Duke Street - Landmark Neighborhood CDD approved by City Council on July 6, 2021).

The ordinance reads as follows:

ORDINANCE NO. 5366

AN ORDINANCE to amend and reordain Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00002.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2021-00002, 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 24, 2021 of a text amendment to the Zoning Ordinance to establish Coordinated Development District No. 29 (Landmark Neighborhood), which recommendation was approved by the City Council at public hearing on July 6, 2021;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-602 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language as follows:

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

CDD #	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum FAR and/or Development Levels	Maximum Height	Use
29	Landmark Neighborhood	CRMU-L regulations shall apply	<p>Maximum floor area: 5.6 million sq. ft., excluding public facilities (e.g. fire station) and the existing above-grade parking structure. Additional floor area may be requested pursuant to Section 7-700 of the Zoning Ordinance.</p> <p>Minimum non-residential uses: 20% of total floor area, excluding parking.</p> <p>Open Space: minimum 25% per development block. The open space for the Hospital Campus shall be provided as required by the CDD#29 Concept Plan Special Use Permit.</p> <p>Minimum yards: None. The supplemental yard and setback regulations of Section 7-1000 do not apply.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.</p>	The minimum and maximum heights shall conform to the CDD-29 Concept Plan Special Use Permit.	<p>Active Recreational Uses; Animal care facility; Any use with live entertainment; Apartment hotel; Business and professional office; Child care home; Church; Congregate housing facility; Congregate recreational facility; Continuum of care facility; Day care center; Dwelling, multifamily; Dwelling, townhouse; Elder care home; Food or beverage production exceeding 5,000 sq.ft., which includes a retail component; Fraternal or private club; Health and athletic club or fitness studio; Health profession office; Helistop; Hospice; Hospital; Hotel; Light assembly, service, and crafts; Medical care facility; Medical laboratory; Nursing or convalescent home or hospice; Outdoor dining; Outdoor market; Passive Recreational Use; Personal service establishment; Public Park; Private school, academic; Private school, commercial; Public building; Public school; Radio or television broadcasting office and studio; Recreation and entertainment use; Restaurant; Retail shopping establishment; Social Service Use; Valet parking; and Veterinary/animal hospital</p>

record the foregoing text amendment.

Section 3. That Section 5-602, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

11. City Council adopted a supplemental appropriation ordinance for the support of the City Government for FY2022.

The ordinance reads as follows:

ORDINANCE NO. 5367

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia for Fiscal Year 2022.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the American Recovery Plan Act Fund, the proceeds for which were appropriated to a Non Departmental Account by City Council in June 2021, in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

ARPA FUND

City Manager's Office	\$	620,000
Court Service Unit		500,000
Information Technology Services		300,000
Alexandria Libraries		44,000
Economic Development Activities - AEDP		840,000
Economic Development Activities – Visit Alexandria		620,000
Transportation and Environmental Services		5,852,000
Office of Housing		2,050,000
Community and Human Services		15,553,357
Office of Historic Alexandria		595,000
Recreation		730,000
Office of Performance and Analytics		111,643
Non-Departmental		<u>(27,816,000)</u>

Total Appropriation \$ 0

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the City for Fiscal Year 2022 the source of such amount being external grant awards for which the proceeds were authorized and adjusted after July 1, 2021 but not appropriated, and further that the council does hereby allot or reduce the amount so appropriated to the several city departments for Fiscal Year 2022, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Court Service Unit	\$ 49,980
Total Estimated Revenue	<u>\$ 49,980</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Court Service Unit	\$ 49,980
Total Appropriation	<u>\$ 49,980</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the City in Fiscal Year 2021 the source of such amount being donations or other special revenues, and further that the council does hereby allot the amount so appropriated to the several city departments for Fiscal Year 2021, as follows:

SPECIAL REVENUE FUND

ESTIMATED REVENUE:

Office of Historic Alexandria	\$ 38,000
Total Estimated Revenue	<u>\$ 38,000</u>

SPECIAL REVENUE FUND

APPROPRIATION:

Office of Historic Alexandria	\$ 38,000
Total Appropriation	<u>\$ 38,000</u>

Section 4. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2021, the source of such amount being Capital Project Fund revenue, and further that the Council does hereby allot the amount so appropriated for fiscal year 2021, as follows:

CAPITAL PROJECTS

APPROPRIATION:

ACPS – Land Acquisition	\$ (17,920,000)
ACPS – 1703 Beauregard Building Purchase	\$ <u>17,920,000</u>
Total Appropriation	\$ <u>0</u>

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage.

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

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

12. Public Hearing and Consideration of an Amendment to Five-Year License Agreement dated December 1, 2019, between the City of Alexandria, Virginia and Crown Castle Fiber, LLC., to Permit Crown Castle to Install an 150 foot Build of Four Conduits and Fiber Optic Cables in the City of Alexandria’s Public Rights-of-Ways.

(A copy of the City Manager’s memorandum dated September 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 12; 09/18/21, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing on the proposed amendment to the existing License Agreement with Crown Castle and authorized the City Manager to execute the Amendment and take other actions that are necessary to implement the 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.

13. Public Hearing and Consideration of A Second Amendment to a Five-Year License Agreement dated December 1, 2018, between the City of Alexandria Virginia and Zayo Group, LLC. to Permit Zayo to Install Two Conduit and Fiber Optic Builds (a northern

build of approximately 3,201 linear feet and a southern build of approximately 2,978 linear feet) to 701 East Glebe Road in the City of Alexandria's Public Rights-of-Ways.

(A copy of the City Manager's memorandum dated September 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 13; 09/18/21, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public hearing on the proposed amendment to the existing License Agreement with Zayo and authorized the City Manager to execute the Second Amendment and to take other actions that are necessary to implement the Second 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.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)
Planning Commission (continued)

14. Zoning Text Amendment #2021-00003
Zoning Ordinance Practical Updates
(A) Initiation of a Text Amendment; and (B) Public Hearing and Consideration of a Text Amendment to the Zoning Ordinance to amend sections 1-400, 7-203, 7-2501 and 11-1302 to correct technical errors; to amend various sections of Article II to correct technical errors in definitions, define accessory building and clarify definitions related to accessory uses and structures, floor area, open space and trellises; to amend various sections of Articles IV to clarify lot requirements and bulk and open space regulations for mixed use buildings; to amend section 6-403 to allow solar energy systems as mechanical equipment not subject to maximum height limits; to amend various sections of Article VII to clarify language related to accessory uses and structures and home occupations, to allow electric vehicle charging structures in required yards, to allow permeable driveways to access accessory buildings containing accessory dwellings, to repeal limitations on aesthetic guidelines governing wireless facilities and to prohibit the use of tall trellises as fences; to amend section 8-200 to allow tandem parking for small multifamily dwellings; to amend various sections of Article XI, Division C to establish procedures for the Board of Zoning Appeals to extend zones for split-zoned properties and to amend section 13-114 to reflect recommendations by the Virginia Department of Environmental Quality, as part of the 2020 Chesapeake Bay Audit and required under the Virginia Administrative Code. Staff: City of Alexandria, Department of Planning & Zoning
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 14; 09/18/21, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Vice Mayor

Bennett-Parker and carried unanimously, City Council closed the public hearing and approved the Planning Commission recommendation with the amendment for the memorandum from Karl Moritz, Director, Planning and Zoning, stating the following:

Outside of the Old and Historic Alexandria and the Parker-Gray Districts, if a principal dwelling on an abutting lot has any openings with sill or threshold heights lower than the height of the following proposed accessory buildings and structures, as measured from grade, facing the shared lot line and within three feet of the shared lot line, the following accessory structures and buildings shall be located at least five feet from the shared lot line along the width of the openings and for a minimum of five feet in each direction, along the shared lot line, beyond the width of the openings.

- (1) Arbors, trellises and pergolas;
- (2) Accessory buildings occupied by an accessory dwelling unit;
- (3) Freestanding private garages pursuant to section 7-2500;
- (4) Sheds and other small storage structures and
- (5) Fences exceeding three-and-one-half feet in height.

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.

15. Encroachment #2021-00004

421 Gibbon Street

Public Hearing and consideration of a request for an Encroachment into the public right-of-way along Gibbon Street; zoned: RM/Townhouse. Applicants: Christine and Sam Thuot

Planning Commission Action: Recommended Approval 6-0

(A copy of the of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 15; 09/18/21, is incorporated as part of this record by reference.)

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

1. Christine Thuot, Alexandria, applicant, spoke in support of the encroachment and responded to questions about the structure and flood mitigation measures taken to protect their property.

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 Seifeldin; Opposed, none.

16. Development Special Use Permit #2021-10021

220 South Union Street - Hotel Indigo

Public Hearing and consideration of a request for a Development Special Use Permit with site plan to modify the conditions of approval to permit greater flexibility regarding access, use and valet-assisted management of the underground parking garage (amending DSUP #2012-00019); zoned: W-1/Waterfront Mixed Use. Applicant: Carr 220 South Union Street LLC, represented by Kenneth W. Wire, attorney
Planning Commission Action: Recommended Approval 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 16; 09/18/21, and is incorporated as part of this record by reference.)

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

1. Ken Wire, attorney for the applicant, spoke in support of the development special use permit and responded to questions from Council about the parking capacity of the garage.

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

WHEREUPON, upon motion by Councilman Seifeldein, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council approved the Planning Commission recommendation with the following amendment to condition #37: Parking spaces within the parking garage that are required to comply with zoning requirements for the hotel use may be made available for public/off-site use. This request shall be to the satisfaction of the Directors of P&Z and T&ES. 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.

17. Development Special Use Permit #2021-10012
101 Duke Street - South Union Street Townhouses
Public Hearing and consideration of a request for a Development Special Use Permit with site plan to construct six four-story townhouses with attached two-car parking garages and modifications to the side yard setback requirements for Lots 3, 4 and 6, lot width requirements for Lots 1 and 6, crown coverage requirement for Lots 1, 2, 5 and 6, and vision clearance for Lot 1, and a Special Use Permit to increase the floor area ratio to 2.0; zoned: W-1/Waterfront Mixed Use. Applicant: Eleventh Street Development, LLC, represented by Kenneth W. Wire, attorney
Planning Commission Action: Recommended Approval 5-1

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

1. Israel Negron, Alexandria, spoke about parking related to the project and how it will affect the neighborhood and requested that parking study be done of the area.

2. Ana Gomez-Acebo, Alexandria, spoke about the effect the project would have on the historic character of the neighborhood and Duke Street. Ms. Gomez-Acebo also referenced a notice received for a demolition permit for before the Board of Architectural Review for the project, stormwater issues, Waterfront amenities,

3. Gail Rothrock, Alexandria, spoke in opposition to the demolition of the parking garage.

4. Martha Peterson, Alexandria, submitted a petition on behalf of the neighborhood and spoke in opposition to the plan as it exists as it impacts the neighbors.

5. Steven Peterson, Alexandria, spoke about the easement needed by the developer on the shared alley and responded to questions from Council.

6. Roy Shannon, attorney for owners at 109 Duke Street, spoke about the parking issues that will be created by this project and that use requested for the project was not the active use envisioned by the Waterfront Plan and he responded to questions from Council.

7. Dan Alban, Alexandria, spoke in support of the project and the need for more housing in the area.

8. Luca Gattoni-Celli, Alexandria, spoke in support of the project and the need for more housing in the area.

9. Ken Wire, attorney for the applicant, spoke in support of the project and responded to questions from Council about parking and the demolition of the garage, height and setback of the project, modifications to the project as directed by the Board of Architectural Review, and use of the alley by the applicant and the neighbors.

WHEREUPON, upon motion by Vice Mayor Bennett-Parker, 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 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.

18. FOR INFORMATION ONLY
City Charter Section 9.06 Case #2021-00003
1703 North Beauregard Street
Receipt of the Planning Commission's report concurring that the proposed purchase of

property by the City of Alexandria on behalf of Alexandria City Public Schools and the resulting change in use of that property is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. Applicant: Alexandria City Public Schools

Planning Commission Action: Approved 6-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 18; 09/18/21, and is incorporated as part of this record by reference.)

City Council received this item for information only noting the comment from City Manager Jinks noting that the City is not purchasing the property but are funding the property so that the schools can acquire 1703 North Beauregard Street.

ORDINANCES AND RESOLUTIONS

19. Public Hearing, Second Reading and Final Passage of an Ordinance to Create the Landmark Community Development Authority ("CDA"). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated September 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 19; 09/18/21, 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 Item No. 19; 09/18/21, 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 Item No. 19; 09/18/21, 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 create the Landmark Community Development Authority ("CDA"). 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. 5368

An ORDINANCE creating the Landmark Community Development Authority.

WHEREAS, the City Council of the City of Alexandria, Virginia (the “Council”), has received a petition (the “Petition”) from Landmark Mall, LLC, and Seritage SRC Finance, LLC (collectively, the “Landowners”), for the creation of the Landmark Community Development Authority (the “CDA”), and the Landowners have represented that they own at least fifty-one percent (51%) of the land area or assessed value of the land within the proposed CDA district(the “CDA District”);

WHEREAS, a public hearing has been held on September 18, 2021, by the Council on the adoption of this Ordinance and notice has been duly provided as set forth in §§15.2-5104 and 15.2-5156 of the Virginia Water and Waste Authorities Act, Chapter 51, Title 15.2, Code of Virginia of 1950, as amended (the “Act”);

WHEREAS, the Council proposes to create the CDA in order to provide the public infrastructure, facilities and services described in the Petition in connection with the development or redevelopment of certain real property located in the City of Alexandria, Virginia (the “City”), collectively known as “Landmark Mall,” into a mixed-used development that is anticipated to include (a) multi-family residential apartment buildings, hotel space and retail space, (b) commercial and medical office buildings with healthcare service and retail components and (c) hospital and other medical facilities;

WHEREAS, the CDA is expected to (a) enter into one or more contractual obligations as authorized under §§15.2-5101, 15.2-5114, 15.2-5125 and 15.2-5158 of the Act (such obligations are referred to herein as “CDA Payment Obligations”) to finance, or facilitate the City’s financing of, all or a portion of the costs of the public infrastructure, facilities and services described in the Petition through the issuance of the City’s general obligation bonds, including any refunding bonds (the “City Bonds”), and (b) request that the Council establish special assessments on the taxable property within the CDA District in connection with the financing of such public infrastructure, facilities and services;

WHEREAS, the Council proposes to set forth certain agreements with the CDA, the Landowners, Landmark Landholdings, LLC (the “Developer”), and the Industrial Development Authority of the City of Alexandria (the “IDA”) pursuant to a Memorandum of Understanding among the City, the Landowners, the Developer, the CDA and the IDA (the “Memorandum of Understanding”);

WHEREAS, the creation of the CDA to assist in and the establishment of special assessments on the taxable real property within the CDA District to support the funding of the public infrastructure, facilities and services described in the Petition (a) will benefit the citizens of the City by promoting increased employment opportunities, a strengthened economic base, increased tax revenues and additional business, retail and recreational opportunities and (b) will be necessary or desirable for development or redevelopment within or affecting the CDA District or to meet the increased demands placed upon the City as a result of development or redevelopment within or affecting the CDA District; and

WHEREAS, the Landowners have waived in writing their right to withdraw their signatures from the Petition in accordance with §15.2-5156(B) of the Act;

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

1. Creation of CDA; Powers under the Act. The Landmark Community Development Authority is hereby created as a political subdivision of the Commonwealth of Virginia in accordance with the applicable provisions of the Act. The CDA shall have the powers set forth in the Act.

2. Boundaries of CDA. The CDA boundaries shall initially include the property identified in the attached Exhibit A (the "Initial CDA District"). In accordance with §15.2-5157 of the Act, a copy of this Ordinance shall be recorded in the land records of the Circuit Court of the City of Alexandria for each tax map parcel in the Initial CDA District upon its adoption. The boundaries of the Initial CDA District (a) may be expanded by the Council by subsequent ordinance upon petition filed pursuant to the Act and (b) may be adjusted by the City to exclude certain land as long as the owners of at least fifty-one percent (51%) of the land area or assessed value of land that will remain in the CDA District after the adjustment originally petitioned for the creation of the CDA.

3. Facilities and Services. The CDA is created for the purpose of exercising the powers set forth in the Act, including acquiring, financing, funding, designing, constructing, equipping and providing for the construction, installation, operation, maintenance (unless dedicated to and accepted by the appropriate governmental entity other than the CDA), enhancement, replacement, relocation and alteration of all or portions of the public infrastructure, facilities and services more particularly described in the Petition (the "Infrastructure") (or otherwise facilitating such undertakings by, and in cooperation with, the City), which description is incorporated herein by reference. The CDA shall not provide services which are provided by, or obligated to be provided by, any authority already in existence pursuant to the Act unless such authority provides the certification required by §15.2-5155(B) of the Act.

4. Articles of Incorporation. Attached hereto as Exhibit B are the proposed Articles of Incorporation of the CDA. The City Manager is authorized and directed to execute and file such Articles of Incorporation on behalf of the Council with the State Corporation Commission in substantially the form attached as Exhibit B with such changes, including insubstantial changes to the boundary description of the CDA District described therein, as the City Manager may approve. The City Manager is authorized to approve such changes or corrections to the Articles of Incorporation prior to filing with the State Corporation Commission as do not change the purpose or function of the CDA as set forth in this Ordinance and in the Petition.

5. Capital Cost Estimates. The Council hereby finds, in accordance with §15.2-5103(B) of the Act, that it is impracticable to include capital cost estimates, project proposals and project service rates, except as preliminarily summarized in the Petition.

6. Membership of the Authority.

(a) The powers of the CDA shall be exercised by a board (the "CDA Board") consisting of five (5) members.

(b) All members of the CDA Board shall be appointed by the Council pursuant to §15.2-5113 of the Act. The Mayor shall make recommendations for, and the Council shall approve, the appointment of such members. Members of the CDA Board shall be selected from the members of the Council.

(c) The initial members of the CDA Board shall be as set forth in the Articles of Incorporation for the terms set forth therein.

(d) CDA Board members shall receive no compensation from the CDA for their service as CDA Board members.

7. Plan of Finance.

(a) The public infrastructure, facilities and services to be undertaken by or on behalf of, the CDA or the City as described herein and in the Petition shall be funded from all or some of the following sources: (i) proceeds derived from the City Bonds, (ii) special assessments to be levied pursuant to §15.2-5158(A)(5) of the Act, (iii) contributions made by the City of certain incremental tax revenues generated by development or redevelopment of the property within the CDA District as more particularly described in the Petition and the Memorandum of Understanding and (iv) any other available revenues of the CDA.

(b) The aggregate principal amount of the CDA Payment Obligations shall not exceed the principal amount of the City Bonds, which shall be issued in a maximum aggregate principal amount sufficient to (i) generate \$86,000,000 in net construction proceeds and (ii) pay capitalized interest on the City Bonds.

(c) Each CDA Payment Obligation shall be entered into for a term extending not more than one year beyond the term of the corresponding City Bonds.

(d) The proceeds derived from the City Bonds and allocable to any CDA Payment Obligations shall be applied (either directly or constructively) to pay (or reimburse the City for prior payments of) the costs of the infrastructure improvements, facilities and services as described herein and in the Petition, capitalized interest and any additional administrative costs to be incurred by the City in connection with the administration and operation of the CDA.

(e) Each CDA Payment Obligation shall be a debt of the CDA and shall neither be a debt or other obligation of the City nor constitute a pledge of the faith and credit of the City.

8. Approval of Memorandum of Understanding. The Memorandum of Understanding is approved in substantially the form presented to the Council at this meeting with such changes and corrections (including, without limitation, changes in the date thereof) that do not materially adversely affect the City's interests as may be approved by the City Manager, whose approval shall be evidenced conclusively by the execution and delivery of the Memorandum of Understanding. The City Manager is authorized and directed to execute and deliver the Memorandum of Understanding.

9. Establishment of Special Assessments; Notice of Creation of CDA District and Levy of Special Assessments; Annual Approval by Council of Collection of Special Assessments.

(a) By agreement between the Landowners, the CDA and the City pursuant to the Memorandum of Understanding, special assessments to pay the costs of public improvements to benefit property within and abutting the CDA District are hereby established and apportioned in accordance with the Rate and Method of Apportionment of Special Assessments ("RMA") in substantially the form presented to the Council at this meeting. The CDA Board is authorized to approve or to provide for the approval of a Special Assessment Roll allocating the special assessments among the tax parcels within the CDA District in accordance with the RMA as such tax parcels exist as of the date of recordation of the RMA in the land records of the City. The CDA shall cause notice of the special assessments to be reported to the City's

Director of Finance. The special assessments shall be liens on the taxable real property in the CDA District in accordance with the provisions of §§15.2-2404 et seq. of the Code of Virginia of 1950, as amended (the "Virginia Code"). The CDA shall cause notice of the creation of the CDA District and the levy of the special assessments to be recorded in the deed book and land records of the City in accordance with the requirements of Virginia Code §§15.2-2412 and 15.2-5157.

Based upon the Memorandum of Understanding, the RMA and the special assessment report described therein, the Council finds and determines that the special assessments will meet the requirements of Virginia Code §§15.2-2404 et seq. and 15.2-5158(5).

(b) As and to the extent permitted by Virginia Code §58.1-3965.2, when an installment of a special assessment is delinquent, proceedings may be instituted to sell any real property subject to such special assessment on the first anniversary of the date on which such installment became due.

(c) In accordance with the terms of the Memorandum of Understanding and upon each CDA request of the City to collect the annual installments of the special assessments, the City Manager shall request the Council to approve the collection of such annual installments and present an ordinance or resolution to the same effect for the Council's consideration.

10. Subsequent Resolution. The City may make such additional changes or amendments to the Memorandum of Understanding as the Council determines to be necessary or appropriate by subsequent resolution.

11. Severability. If any part, section, clause or phrase of this Ordinance, or any individual assessment levied hereby, is declared to be unconstitutional or invalid for any reason, such decision shall not affect the validity of any other portion hereof or assessment hereunder.

12. Effective Date. This Ordinance shall take effect upon the occurrence of closing under the Inova Site Purchase Agreement as described in Section 2.2(f) of the Landmark Mall Development and Financing Agreement dated as of July 30, 2021, by and among the City, Landmark Land Holdings, LLC, and Inova Health Care Services.

20. Public Hearing, Second Reading, and Final Passage of an ordinance to amend Section 3-3-2 (APPLICATION) of Article A (GENERAL PROVISIONS) of Chapter 3 (Purchases and Contractual Services) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended and consideration of a resolution for adoption of Guidelines for the use of the Virginia Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA"). [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated September 7, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 20; 09/18/21, 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 Item No. 20; 09/18/21, 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 Item No. 20; 09/18/21, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried unanimously by roll-call vote, City Council closed the

public hearing and adopted the ordinance to amend Section 3-3-2 (APPLICATION) of Article A (GENERAL PROVISIONS) of Chapter 3 (Purchases and Contractual Services) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended and approved a resolution for adoption of Guideline for the use of the Virginia Public-Private Education Facilities and Infrastructure Act of 2002 ("PPEA"). 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. 5369

AN ORDINANCE to amend Section 3-3-2 (APPLICATION) of Article A (GENERAL PROVISIONS) of Chapter 3 (Purchases and Contractual Services) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-3-2 of Article A of Chapter 3 of Title 3 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended as follows, by deleting the language shown in strikethrough and adding the language shown as underlined:

Sec. 3-3-2 - Application.

(a) This chapter and the policies set forth in this chapter apply to contracts for the procurement of goods, services, insurance and construction entered into by the city whether the city provides monetary or nonmonetary consideration for the goods, services, insurance or construction procured.

(b)(i) When the procurement involves the expenditure of federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable mandatory federal laws or regulations which are not reflected in this chapter.

(ii) When the procurement involves a project procured pursuant to the Public-Private Education Facilities and Infrastructure Act (Virginia Code 56-575 *et seq.*), the procurement shall be conducted in accordance with the applicable provisions of the Public-Private Education Facilities and Infrastructure Act and governing guidelines that are promulgated by city council.

(iii) Nothing in this chapter shall prevent any using agency from complying with the terms and conditions of any grant, gift or bequest which are otherwise consistent with law.

Section 2. That Section 3-3-2 of Article A of Chapter 3 of Title 3, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the Code of the City of Alexandria.

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

The resolution reads as follows:

RESOLUTION NO. 3019

WHEREAS, the General Assembly has granted authority for localities to enter into certain public private partnerships for development or operation of qualifying projects under the Public-Private Education Facilities and Infrastructure Act of 2002 (Virginia Code § 56-575.1 *et seq.*) ("the Act"); and

WHERAS, City Council finds that there is a public need for timely acquisition, design, construction, improvement, renovation, expansion, equipping,

maintenance, operation, implementation, or installation of education facilities, technology infrastructure and other public infrastructure and government facilities within the City that serve a public need and purpose; and

WHEREAS, City Council finds that there is demonstrated evidence that public-private partnerships can meet these needs by improving the schedule for delivery, lowering the cost, and providing other benefits to the public; and

WHEREAS, City Council finds that authorizing private entities to develop or operate one or more qualifying projects may result in the availability of such projects to the public in a more timely or less costly fashion, thereby serving the public safety, benefit, and welfare; and

WHEREAS, under the Act, prior to requesting or considering a proposal for a qualifying project, the City must adopt and make publicly available guidelines that are sufficient to enable compliance with the Act and such guidelines shall be reasonable, encourage competition, and guide the selection of projects; and

WHEREAS, City Council finds that the City of Alexandria Public-Private Education Facilities and Infrastructure Act Guidelines (“the Guidelines”) are reasonable, encourage competition, and contain guidance for selection of projects; and

WHEREAS, City Council wishes to delegate to the City Manager the authority and duties detailed in the Guidelines.

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

575.3; 1. That City Council adopts the Guidelines pursuant to Virginia Code § 56-

2. That the City Manager or designee is hereby delegated the authority and duties contained in the Guidelines;

3. That the City Council has chosen the definition of “Qualifying Project” contained in Appendix A of the Guidelines from the list of eligible qualifying projects from Virginia Code § 56-575.1;

4. That any provisions of Virginia Code § 56-575.4(A) regarding materials and information that must be contained in a request by a private entity for approval of a qualifying project that are not required by the Guidelines are hereby waived;

5. That City Council hereby determines pursuant to Virginia Code § 56-575.3:1 that analysis of requests by private entities for approval of a qualifying project shall be performed by employees of the City unless the City Manager or designee determines that the City engage the services of qualified professionals to evaluate the request; and

6. That all procurements conducted pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 shall comply with the Guidelines.

21. Public Hearing, Second Reading and Final Passage of an Ordinance to amend Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended by adding new Article Z (LOCAL DISPOSABLE PLASTIC BAG TAX). [ROLL-CALL VOTE]

WHEREUPON, upon motion by Councilman Seifeldein, seconded by Councilwoman Jackson and carried unanimously by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended by adding new Article Z (LOCAL DISPOSABLE PLASTIC BAG TAX). 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. 5370

AN ORDINANCE to amend Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended by adding new Article Z (LOCAL DISPOSABLE PLASTIC BAG TAX).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Chapter 2 of Title 3 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by adding a new Article Z as follows:

Article Z – Local Disposable Plastic Bag Tax

3-2-405 - Purpose

The purpose of this ordinance is to reduce the use of disposable plastic bags by Retail Establishments in the City of Alexandria, curb litter on the streets, protect marine environment, waterways, reduce greenhouse gas emissions, solid waste, and to promote the use of Reusable Bags by Retail Establishments located in the City.

3-2-406 - Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a) “Disposable Plastic Bag” means a carryout bag provided by a retail establishment to a customer at the point of sale. Disposable plastic bag shall not include:
 - 1. Durable plastic bags with handles that are specifically designed and manufactured for multiple reuse and that are at least four mils thick;
 - 2. Plastic bags that are solely used to wrap, contain, or package ice cream, meat, fish, poultry, produce, unwrapped bulk food items, or perishable food items in order to avoid damage or contamination;
 - 3. Plastic bags used to carry dry cleaning or prescription drugs; and
 - 4. Multiple plastic bags sold in packages and intended for use as garbage, pet waste, or leaf removal bags.
- b) “Retail Establishment” means any retailer that sells tangible personal property to customers in a grocery store, convenience store, or drugstore.
- c) “Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton, or other durable material, or durable plastic that is at least four mils in thickness.

3-2-407- Levy and Rate

- a) In addition to all other taxes of every kind now or hereinafter imposed by law, there is imposed a tax in the amount of five cents (\$0.05) for each disposable plastic bag provided, whether or not provided free of charge, to a consumer of tangible personal property by a Retail Establishment.
- b) Such tax shall be collected by the Retail Establishment along with the purchase price and all other fees and taxes, at the time the consumer pays for such personal property.
- c) Retail Establishments that collect the tax imposed by this ordinance shall be allowed to retain two cents (\$0.02), provided that such discounts are accounted

for in the form of a deduction when submitting the tax return and paying the amount due in a timely manner, until January 1, 2023.

- d) After January 1, 2023, every Retail Establishment that collects the tax imposed by this ordinance shall be allowed to retain one cent (\$0.01) from the tax collected on each disposable plastic bag. The remaining amount of each fee collected (\$0.03 until January 1, 2023 and \$0.04 beginning January 1, 2023) shall be paid to the Virginia Department of Taxation pursuant to Department guidelines.

3-2-408 Collection and Disposition of Funds

- a) The Virginia Tax Commissioner shall collect, administer, and enforce this tax in accordance with Section § 58.1-1748 of the Virginia Code.
- b) Any funds received by the state pursuant to this ordinance shall be deposited into the City's Special Purpose Refuse Fee Fund and appropriated for purposes of environmental cleanup, providing education programs designed to reduce environmental waste, mitigating pollution and litter, or providing reusable bags to recipients of Supplemental Nutrition Assistance Program (SNAP) or Women, Infants, and Children Program (WIC) benefits
- c) This tax is by virtue of and subject to the terms of Section § 58.1-1745 *et seq.* of the Virginia Code.

Section 2. That Chapter 2 of Title 3 is 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 January 1, 2022.

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

Planning Commission (continued)

None.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Seifeldein, seconded by Councilman Chapman and carried unanimously, City Council adjourned the public hearing meeting of September 18, 2021 at 1:31 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, Councilwoman Pepper, and Councilman Seifeldein; Opposed, none.

APPROVED BY:

JUSTIN M. WILSON MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk

Approved: October 12, 2021