

**City of Alexandria  
City Council Public Hearing Meeting  
Saturday, October 16, 2021 8:00 AM  
Council Chamber  
Meeting Minutes**

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

**ABSENT:** None.

**ALSO PRESENT:** Mr. Jinks, City Manager; Ms. Anderson, City Attorney; Ms. Triggs, Deputy City Manager; Mr. Moritz, Director, Planning and Zoning (P&Z); Fire Chief Smedley; Mr. Lambert, Director, Transportation and Environmental Services (T&ES); Ms. Orr, Deputy Director, T&ES; Mr. Farner, Deputy Director, P&Z; Mr. Sharma, Deputy Director, T&ES; Ms. Sample, Urban Planner, P&Z; Ms. Contreras, Principal Planner, P&Z; Mr. Randall, Urban Planner, P&Z; Mr. Kerns, Division Chief, P&Z; Ms. Miliaras, Principal Planner, P&Z; Ms. Jovovic, Housing Program Manager, Office of Housing; Mr. Ziemann, Division Chief, T&ES; Ms. Slesinger, Principal Planner, T&ES; Mr. Block, Principal Planner, T&ES; Mr. Boulden, Civil Engineer, T&ES; Mr. Dofflemeyer, Division Chief, T&ES; Ms. Horowitz, Principal Planner, P&Z; Ms. Durham, Planner, Recreation, Parks and Cultural Activities; Ms. North, Division Chief, T&ES; Mr. Smith, Information Technology Services (ITS); Mr. Moss, ITS; Ms. Demeke, ITS; Ms. Blackwell, ITS; and Police Captain Ballentine.

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

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**OPENING**

1. Calling the Roll.

Mayor Wilson called the meeting to order and the City Clerk called the roll. All members of City Council were present, with Councilman Aguirre, attending from 801 North Howard Street for personal reasons, Councilwoman Pepper, attending from 4600 Duke Street for personal reasons, and Councilman Seifeldein, attending 4560 Stratfield Lane for personal reasons. All were attending the meeting via Zoom.

2. 8:00 a.m. - Closed Executive Session

Closed Executive Session - Consideration of a closed executive session to

discuss a personnel matter. [ROLL-CALL VOTE]

**WHEREUPON**, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Jackson and carried 5-0, City Council convened in closed executive session at 8:07 a.m., to discuss a personnel matter concerning candidates for appointment by the City Council for the City Manager position pursuant to Sections 2.2-3711(A)(1) of the Code of the Virginia. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Chapman, Councilwoman Jackson, and Councilman Seifeldein; Opposed, none; Absent, Councilman Aguirre and Councilwoman Pepper.

**WHEREUPON**, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Chapman and carried 6-0, City Council reconvened in open session at 9:33 a.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilman Seifeldein; Opposed, none; Absent, Councilwoman Pepper.

**WHEREUPON**, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Jackson and carried 6-0 by roll-call vote, City Council adopted the resolution regarding the Closed Executive Session previously circulated to Council. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilman Seifeldein; Opposed, none; Absent, Councilwoman Pepper.

The resolution reads as follows:

### **RESOLUTION NO. 3023**

**WHEREAS**, the Alexandria City Council has this 16th day of October, 2021 recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED**, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

### **3. Public Discussion Period**

The following persons participated in the public discussion period:

1. Ken Notis, Alexandria, spoke about the need for additional staffing for the Complete Streets program.

2. Zachary DesJardins, Alexandria, spoke about the need for additional staffing for the Complete Streets program.

3. Janice Wolk Grenadier, Alexandria, spoke about issues with the Court system.

4. Bobbie Fisher, Arlington, Virginia, spoke about a lawsuit she currently has against the City.

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

\*Please Note: Councilwoman Pepper arrived at the meeting in-person at 9:50 p.m.\*

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES ACTION CONSENT CALENDAR (4-5)**

### **Planning Commission**

4. Special Use Permit #2021-00079  
1630 King Street  
Public Hearing and consideration of a request for a Special Use Permit for a personal service establishment with more than 30 feet of frontage along King Street; zoned: KR/King Street urban retail. Applicant: Gregorio Colon  
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. 4; 10/16/21, and is incorporated as part of this record by reference.)

5. Encroachment #2021-00003  
1321 Cameron Street  
Public Hearing and consideration of a request for an Encroachment into the public right-of-way along Cameron Street for an entry ramp to a day care center; zoned: CD/Commercial downtown. Applicant: Ben Adada  
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; 10/16/21, and is incorporated as part of this record by reference.)

## **END OF ACTION CONSENT CALENDAR**

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilman Aguirre and carried unanimously, City Council approved the action consent calendar. The approvals were as follows:

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

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

## **ROLL-CALL CONSENT CALENDAR (6-9)**

6. Public Hearing, Second Reading and Final Passage of an Ordinance authorizing the owners of the property located at 214 and 216 South Payne Street to construct and maintain an encroachment for a porch at that location (Implementation Ordinance for Encroachment No. 2021-00002 associated with 214 and 216 South Payne Street 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. 6; 10/16/21, 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. 6; 10/16/21, and is incorporated as part of this record by reference.)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain the Code of the City of Alexandria, Virginia, 1981, and the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00008 (Implementation Ordinance for Text Amendment No. 2021-00008 associated with Extension of Temporary Program for Business Relief and to Address Public Need Related to COVID-10 to April 1, 2022 approved by City Council on September 18, 2021). [ROLL-CALLVOTE]

(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; 10/16/21, 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; 10/16/21, 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 Beauregard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment (Implementation Ordinance for Master Plan Amendment No. 2021-00005 associated with Beauregard Small Area Plan Amendments approved by City Council on September 18, 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; 10/16/21, 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; 10/16/21, 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 Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS); Section 2-104 (ACCESSORY USE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-128.1 (COMMERCIAL COMPLEX), Section 2-145 (FLOOR AREA), Section 2-169.1 (LOT, THROUGH), Section 2-180 (OPEN AND USABLE SPACE), Section 2-193.1 (COMMERCIAL COMPLEX), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.3 (STRUCTURE, SUBORDINATE), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-100 (ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-101 (PERMITTED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-102 (PROHIBITED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-103 (BUILDING, USE AND STRUCTURE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-203 (ACCESSORY DWELLINGS), Section 7-301 (USE LIMITATIONS), Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), Section 7-1212 (AESTHETIC STANDARDS GOVERNING WIRELESS FACILITY INSTALLATIONS), and Section 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-605 (PROCEDURES FOR CLUSTER DEVELOPMENT APPROVAL), Section 11-1005 (POWERS AND DUTIES), Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED), and Section 11-1706 (CONTENTS OF PRELIMINARY

PLAT APPLICATION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and Section 13-114 (STORMWATER MANAGEMENT PLAN) of Article XIII (ENVIRONMENTAL MANAGEMENT) and to add and ordain Section 2-123.1 (BUILDING, ACCESSORY), Section 2-128.2 (COMMITTED AFFORDABLE HOUSING) of Article II (DEFINITIONS) and Section 11-1400 (ZONE EXTENSION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00003 (Implementation Ordinance for Text Amendment No. 2021-00003 associated with Zoning Ordinance Practical Updates approved by City Council on September 18, 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; 10/16/21, 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; 10/16/21, and is incorporated as part of this record by reference.)

#### **END OF ROLL-CALL CONSENT CALENDAR**

**WHEREUPON**, upon motion by Vice Mayor Bennett-Parker, seconded by Councilman Chapman and carried 6-0 by roll-call vote, City Council adopted the roll-call consent calendar. The approvals were as follows:

6. City Council passed an ordinance authorizing the owners of the property located at 214 and 216 South Payne Street to construct and maintain an encroachment for a porch at that location.

The ordinance reads as follows:

#### **ORDINANCE NO. 5371**

AN ORDINANCE authorizing the owners of the property located at 214 and 216 South Payne Street to construct and maintain an encroachment for a porch at that location.

WHEREAS, 214 and 216 S Payne St LLC is the Owner ("Owner") of the property located at 214 and 216 South Payne Street, in the City of Alexandria, Virginia; and

WHEREAS, Owner desires to establish and maintain a porch which will encroach into the right-of-way at that location; and

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

WHEREAS, in Encroachment No. 2021-00002 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 June 24, 2021, which recommendation was approved by the City Council at its public hearing on July 6, 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 right-of-way at 214 and 216 South Payne Street as shown in the attached Encroachment Plat, in the City of Alexandria, said encroachment consisting of 2.80 feet in depth from the property line by 36.70 feet in length for a total of 103.00 square feet, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Owner of liability for any negligence on its part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Owner maintaining, at all times and at its own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury: \$1,000,000 each occurrence  
\$1,000,000 aggregate

Property Damage: \$1,000,000 each occurrence  
\$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Owner as named insureds and shall provide for the indemnification of the City of Alexandria and Owner against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Owner shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of

Owner. Nothing in this section shall relieve Owner of its obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public or private utility company shall be responsible for damage to Owner's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) The Owner shall be responsible for replacement and repairs to the adjacent City right-of-way, including any areas damaged during construction activity.
- (c) In the event the City shall, in the future, have need for the area of the proposed encroachment, the Owner shall remove any structure that encroached into the public right-of-way, within 60 days, upon notification by the City.
- (d) The lots at 214 and 216 South Payne Street shall be consolidated with Circuit Court Land Records prior to release of the Wall Check survey and Certificates of Occupancy.

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 214 and 216 S Payne St LLC and its respective successors in interest.

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

7. City Council passed an ordinance to amend and reordain the Code of the City of Alexandria, Virginia, 1981, and the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00008.

The ordinance reads as follows:

#### ORDINANCE NO. 5372

AN ORDINANCE to amend and reordain the code of the City of Alexandria, Virginia, 1981, and the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00008.

WHEREAS, the City Council finds and determines that:

1. Due to COVID-19, on March 14, 2020, the City Manager issued a Declaration of Local Emergency applicable throughout the City of Alexandria ("City"), which was consented to by the City Council; and

2. As of the date of the adoption of this ordinance the Declaration of Local Emergency is still in effect and the community continues to face enormous impacts from COVID-19; and

3. Once the Declaration of Local Emergency is lifted the impacts of COVID-19 will persist for some time; and

4. Since the Declaration of Local Emergency the City Council ratified actions taken to assist local businesses and extended the expiration of those deadlines until January 31, 2022, in an acknowledgment of the ongoing impacts from COVID-19; and

5. The City Council finds and determines that the public interest would be served by the establishment of a program that would allow for more adaptable operation of businesses and address public need during the emergency and recovery, the

program will enable businesses to operate and customers to support businesses in a safe and efficient manner, promote pedestrian and business friendly vitality, ensure that the public's use of the public right-of-way will not be significantly impaired, ensure that other uses will be protected from the adverse impacts of the uses, and address public needs that arise related to COVID-19; and

6. In Text Amendment No. 2021-00008, 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 September 9, 2021 of a text amendment to the City Code and Zoning Ordinance to address the extraordinary circumstances caused by the COVID 19 pandemic on local business, which recommendation was approved by the City Council at public hearing on September 18, 2021;

7. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

8. 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. The regulations herein are temporary and are being put in place to address the extraordinary circumstances caused by the COVID 19 pandemic on local businesses. The ordinance will expire on April 1, 2022, except for Sections 6(g) and 7 as indicated therein.

Section 2. *Restaurant Deliveries and Pick-up.* Notwithstanding the requirements of Section 11- 500 of the Zoning Ordinance, restaurants may provide delivery service and pick-up service without amending current special use permits or obtaining new special use permits. Delivery vehicles and customer pick-ups may use on-street parking subject to posted parking requirements.

Section 3. *Hours of Operation.* Notwithstanding the requirements of Section 11-500 of the Zoning Ordinance, the hours-of-operation for restaurants, convenience and grocery stores, catering operations and automobile service stations (gasoline stations) may be modified without amending current special use permits or obtaining new special use permits.

#### Section 4. *Sidewalk/Parking Lot Vending.*

(a) Notwithstanding the requirements of Section 7-1500 of the Zoning Ordinance, restaurants and retail establishments are permitted to vend on adjacent sidewalks or parking lots. Vending is limited to the placement of orders and customer pick-up. To the extent required, establishments must put in place limitations in compliance with the most current health and safety standards.

(b) A temporary exception to Section 5-2-29 of the City Code is hereby authorized to allow restaurants and retail establishments to vend on adjacent sidewalks pursuant to Section 4(a) above.

Section 5. *Off Premises Alcohol Sales.* Notwithstanding the requirements of Section 11-500 of the Zoning Ordinance, local restrictions on alcohol sales are suspended, including off-premises alcohol sales and delivery restrictions without having the amend a current special use permit or obtain a new special use permit. Businesses remain subject to all VABC licensure requirements.

Section 6. *Alexandria Outdoor Business Expansion Program.*

(a) Within the King Street Outdoor Dining (KSOD) area  
Restaurants within the KSOD may continue to utilize the KSOD program in Section 6-800 of the Zoning Ordinance and comply with the applicable guidelines therein.

In addition to the program in Section 6-800 of the Zoning Ordinance, restaurants may set up outdoor dining in parking spaces outside of their businesses if:

- All current health and safety standards are complied with;
- A current certificate of insurance is submitted to the Department of Planning and Zoning (P&Z);
- For a restaurant without a current permit for the KSOD program, an application must be submitted to and approved by P&Z;
- Participants comply with modified guidelines of the Parklet Program, including the location of parking spaces for outdoor dining away from corners or not on streets with a high traffic volume; and
- The year-round outdoor storage of dining furniture will also be permitted whether the restaurant is open or closed.

There are no fees for this approval.

(b) All areas outside the KSOD boundaries  
Notwithstanding the requirements of Section 11-513 of the Zoning Ordinance, outdoor dining is permitted on restaurant property and in the public right-of-way (sidewalks, parking spaces, parking lots) where it will not detrimentally impact adjacent uses. Use will be allowed upon review and approval by staff from the P&Z, Transportation and Environmental Services (T&ES), Health, Fire and Police departments of an application.

An application must be submitted to P&Z including:

- The proposed locations and square footage for outdoor dining
- number of seats;
- If the public right of way will be used, a current certificate of insurance must be submitted to P&Z to be eligible;
- If on private land not controlled by the operator, the operator must indicate permission of the property owner; and

- An explanation of compliance with specific criteria outlined below.

Approval Criteria:

- Restaurants may use parking spaces in front of their business, adhering to the modified guidelines of the Parklet Program, including the location of parking spaces for outdoor dining away from corners or not on streets with a high traffic volume.
- Restaurant seating must be arranged in accordance with current health and safety standards.
- Restaurant operators must request that T&ES install traffic safety measures such as wheel stops and flex posts for outdoor dining areas in parking spaces in the public right-of-way.
- Outdoor dining on sidewalks must allow for at least five feet of continuous pedestrian access.
- Outdoor dining hours must be the same as approved in the restaurant's special use permit.
- Live entertainment is not permitted.
- Liability insurance certificate required for use of public right-of-way.

There are no fees for this approval.

(c) A temporary exception to Section 5-2-29 of the City Code is hereby authorized to allow restaurants and retail establishments to have outdoor dining on adjacent sidewalks and public parking spaces pursuant to Section 6(b) above.

(d) Outdoor dining in off-street parking spaces on private property  
Notwithstanding the requirements of Section 8-200(A)(17) and 11-513 of the Zoning Ordinance, restaurant operators may use off-street spaces located on the same property for outdoor dining where it will not detrimentally impact adjacent uses. Use will be allowed upon review and approval by staff from the P&Z, T&ES, Health, Fire and Police departments of the letter agreement.

A letter agreement must be submitted to P&Z with the following information:

- Proposed locations for outdoor dining,
- Number of seats,
- Number of parking spaces used, and
- Compliance with specific criteria outlined below.

Approval Criteria:

- Restaurant seating must be arranged in accordance with current health and safety standards.
- Outdoor dining hours must be the same as approved in the restaurant's special use permit.
- Live entertainment is not permitted.

There are no fees for this approval.

(e) Retail Uses

Notwithstanding the requirements of Sections 5-2-29, 5-8-3(f), and 10-2-24 of the City Code and Sections 7-1500 and 8-200(A)(16) of the Zoning Ordinance, retail businesses may request the use of sidewalks, on-street parking spaces, and privately-owned parking lots and spaces to display their products and conduct sales, where it will not detrimentally impact adjacent uses. Use will be allowed upon review and approval by staff from the P&Z, T&ES, Health, Fire and Police departments of the required information.

The following must be submitted to P&Z:

- Proposed locations and square footage for outdoor space;
- A current certificate of insurance; and
- A letter of agreement with conditions ensuring compliance with the specific criteria outlined below.

Approval Criteria:

- Retail operators may use parking spaces in front of their business, adhering to the modified guidelines of the Parklet Program, including the location of parking spaces for outdoor retail away from corners or not on streets with a high traffic volume.
- Retail operators must request that T&ES install traffic safety measures such as wheel stops and flex posts for outdoor retail areas in parking spaces in the public right-of-way.
- Social distancing requirements must be met.
- Outdoor display on sidewalks must allow for at least five feet of continuous pedestrian access.
- Live entertainment is not permitted.
- Liability insurance certificate is required for use of public right-of-way.
- If on private land not controlled by the operator, the operator must indicate permission of the property owner.

There are no fees for this approval.

(f) Health and fitness uses on sidewalks, in off-street parking spaces on private property and in on-street parking spaces

Notwithstanding the requirements of Sections 8-200(A)(16), 8-200(A)(18), and 11-513 of the Zoning Ordinance, health and fitness business operators may request the use of sidewalks, privately-owned parking lots and spaces and on-street parking spaces to offer classes and provide access to fitness equipment, where it will not detrimentally impact adjacent uses. Use will be allowed upon review and approval by staff from the P&Z, T&ES, Health, Fire and Police departments of the required information.

The following must be submitted to P&Z:

- Proposed locations and square footage for outdoor space;
- A current certificate of insurance; and

- A letter of agreement with conditions ensuring compliance with the specific criteria outlined below.

#### Approval Criteria:

- Health and fitness use operators may use sidewalks and parking spaces in front of their business, adhering to the modified guidelines of the Parklet Program, including the location of parking spaces for fitness uses away from corners or not on streets with a high traffic volume.
- Business operators must request that T&ES install traffic safety measures such as wheel stops and flex posts for outdoor fitness areas in parking spaces in the public right-of-way.
- Current health and safety standards must be met.
- Outdoor activities on sidewalks must allow for at least five feet of continuous pedestrian access.
- Live entertainment is not permitted.
- Liability insurance certificate is required for use of public right-of-way.
- If private land is not controlled by the operator, the operator must indicate permission of the property owner.

There are no fees for this approval.

#### (g) Retractable Awnings in the Old and Historic Alexandria District and in the Parker Gray- Historic District

Notwithstanding Section 10-103(A) and 10-203(A), retractable awnings may be administratively approved and are subject to the criteria listed in the Old and Historic Alexandria District and Parker-Gray Historic District Design Guidelines awning chapter. Permits issued pursuant to this section will expire on or before November 1, 2023, unless an extension is approved by the Board of Architectural Review.

#### (h) Building Permit Fees

Notwithstanding Resolution Number 2769, building permit fees are not being charged for proposals associated with the outdoor business operations of restaurants, retail stores and fitness uses. Businesses are eligible with P&Z approval for temporary outdoor business expansions or the KSOD program or City Council approval of a special use permit for outdoor dining.

#### (i) Fire Prevention Permit Fees

Notwithstanding Ordinance Number 5150, fire prevention permit fees are not being charged for proposals associated with the outdoor business operations of restaurants, retail stores and fitness uses. Businesses are eligible with P&Z approval for temporary outdoor business expansions or the KSOD program or City Council approval of a special use permit for outdoor dining.

### *Section 7. Tolling of Validity Periods for Certain Land Use Permits.*

Notwithstanding Sections 10-206, 11-418 and 11-506 of the Zoning Ordinance, the validity period for development site plans, special use permits, development special use permits, certificate of appropriateness, and permits to demolish shall be extended for the number of months as follows:

- For applications approved prior to March 14, 2020: 12 months or the number of months that the City's Declaration of Local Emergency is in place, whichever is longer
- For applications approved March 14, 2020 or after: the number of months beginning on the approval date through the expiration of the City's Declaration of Local Emergency.

Section 8. *Transportation Management Plan (TMP) Survey*. The annual survey required by Section 11-707(B) will not be required until the termination of this temporary ordinance.

Section 9. *Designation of Parking Spaces for curbside pick up*. Notwithstanding Section 5-8-3(f) of the City Code, the City staff will continue to designate public parking spaces as curbside pick-up areas. Spaces will be chosen based on proximity to restaurants and retail uses and will minimize impacts on surrounding properties.

Section 10. *Closure of 100 block of King Street*. Notwithstanding Section 5-8-3(f), the closure of the 100 block of King Street to vehicular traffic will continue.

Section 11. *City Emergency Use*. Notwithstanding the definition of public building in Section 1-125 of the Zoning Ordinance, any special use permit issued for the use of a city building, park or facility, or any Zoning Ordinance section or current special use permit that limits uses on private property, the City is authorized to use its facilities and those it obtains permission from private property owners to utilize to address public needs in response to the COVID-19 emergency. Such uses will be deemed permitted uses in that zone related to the public use. Locations will be chosen to minimize impacts on surrounding properties.

Section 12. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 13. That this ordinance shall become effective on the date and at the time of its final passage. This ordinance shall expire as set forth in Section 1.

8. City Council passed 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 Beauregard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

The ordinance reads as follows:

ORDINANCE NO. 5373

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 Beauregard Small Area Plan chapter of such master plan as Master Plan Amendment No. 2021-00005 and no other amendments, and to repeal all provisions of the said master plan as may be inconsistent with such amendment.

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

1. In Master Plan Amendment No. 2021-00005, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on September 9, 2021 of an amendment to the Beauregard Small Area Plan Chapter of the Master Plan of the City of Alexandria 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, which recommendation was approved by the City Council at public hearing on September 18, 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 Beauregard Small Area Plan Chapter of the Master Plan of the City of Alexandria, be, and the same hereby is, amended by adding 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; adding 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; changing 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, 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 passed an Ordinance to amend and reordain Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS); Section 2-104 (ACCESSORY USE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-128.1 (COMMERCIAL COMPLEX), Section 2-145 (FLOOR AREA), Section 2-169.1 (LOT, THROUGH), Section 2-180 (OPEN AND USABLE SPACE), Section 2-193.1 (COMMERCIAL COMPLEX), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.3 (STRUCTURE, SUBORDINATE), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-100 (ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-101 (PERMITTED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-102 (PROHIBITED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-103 (BUILDING, USE AND STRUCTURE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-203 (ACCESSORY DWELLINGS), Section 7-301 (USE LIMITATIONS), Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), Section 7-1212 (AESTHETIC STANDARDS GOVERNING WIRELESS FACILITY INSTALLATIONS), and Section 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-605 (PROCEDURES FOR CLUSTER DEVELOPMENT APPROVAL), Section 11-1005 (POWERS AND DUTIES), Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED), and Section 11-1706 (CONTENTS OF PRELIMINARY PLAT APPLICATION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and Section 13-114 (STORMWATER MANAGEMENT PLAN) of Article XIII (ENVIRONMENTALMANAGEMENT) and to add and ordain Section 2-123.1 (BUILDING, ACCESSORY), Section 2-128.2 (COMMITTED AFFORDABLE HOUSING)

of Article II (DEFINITIONS) and Section 11-1400 (ZONE EXTENSION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00003.

The ordinance reads as follows:

#### ORDINANCE NO. 5374

AN ORDINANCE to amend and reordain Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS); Section 2-104 (ACCESSORY USE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-128.1 (COMMERCIAL COMPLEX), Section 2-145 (FLOOR AREA), Section 2-169.1 (LOT, THROUGH), Section 2-180 (OPEN AND USABLE SPACE), Section 2-193.1 (COMMERCIAL COMPLEX), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.3 (STRUCTURE, SUBORDINATE), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-100 (ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-101 (PERMITTED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-102 (PROHIBITED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-103 (BUILDING, USE AND STRUCTURE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-203 (ACCESSORY DWELLINGS), Section 7-301 (USE LIMITATIONS), Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), Section 7-1212 (AESTHETIC STANDARDS GOVERNING WIRELESS FACILITY INSTALLATIONS), and Section 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE MAIN BUILDING) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-605 (PROCEDURES FOR CLUSTER DEVELOPMENT APPROVAL), Section 11-1005 (POWERS AND DUTIES), Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED), and Section 11-1706 (CONTENTS OF PRELIMINARY PLAT APPLICATION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and Section 13-114 (STORMWATER MANAGEMENT PLAN) of Article XIII (ENVIRONMENTAL MANAGEMENT) and to add and ordain Section 2-123.1 (BUILDING, ACCESSORY), Section 2-128.2 (COMMITTED AFFORDABLE HOUSING) of Article II (DEFINITIONS) and Section 11-1400 (ZONE EXTENSION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment 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 September 9, 2021 of a text amendment to the Zoning Ordinance to adopt practical updates, which recommendation

was approved by the City Council at public hearing on September 18, 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 1-400 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

1-400 – Interpretation of ordinance.

\*\*\*

(B) Interpretation of zone regulations.

\*\*\*

(3) Maximum floor area ratio and maximum density shall be calculated as follows:

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(d) Lots created for single-family and two-family dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to three or more dwelling units. Lots created for townhouse dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to more than one dwelling unit, except as allowed pursuant to section 7-1600(F)

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Section 2. That Section 2-104 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

2-104 – Accessory use.

A use which is clearly subordinate to and serves a permitted principal use; and is subordinate in area, extent and purpose to the principal use served. An accessory use generally occupies less than 33 percent of the principal use-gross floor area and does not change the character of the principal use.

Section 3. That Section 2-119.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-119.1 – Average pre-construction grade.

The elevation obtained by averaging the ground surface elevation at intervals of 10 feet at the perimeter of an existing or proposed single, two-family or townhouse dwelling and intervals of 20 feet at the perimeter of any other building prior to construction. For accessory buildings less than 250 square feet, there shall be at least four ground

surface elevations spaced at fixed intervals around the perimeter of an existing or proposed accessory building.

Section 4. That Section 2-123.1 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-123.1 – Building, accessory.

A building which is clearly subordinate to the principal building. An accessory building shall not exceed the height of the principal building. An accessory building's gross floor area shall not exceed one-third of the principal building's gross floor area.

Section 5. That Section 2-128.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-128.1 – Commercial complex

A building or group of buildings, including mixed-use buildings, in a commercial or mixed-use zone and under common ownership and control which include at least two commercial businesses and provides shared parking.

Section 6. That Section 2-128.2 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

2-128.2 – Committed affordable housing.

Rental or ownership dwelling units available to eligible households through income and/or occupancy restrictions required under federal, state, or local programs.

Section 7. That Section 2-145 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-145 – Floor area.

(A) For residential dwellings in the R-20, R-12, R-8, R-5, R-2-5, and single-family and two-family dwellings in the RA and RB zones (not including property located within the Old and Historic Alexandria and Parker-Gray Districts), the floor area of the building or buildings on a lot or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. Floor area with a ceiling height 15 feet or greater shall be counted twice. Floor area with a ceiling height 25 feet or greater shall be counted three times. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

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(4) Attic floor area with a ceiling height of less than seven feet or where the space with the ceiling height of seven feet or more is less than four feet wide, as measured from

the attic floor or floor joists if there is no floor, to the bottom of the roof rafters or underside of the roof deck if there are no rafters.

(5) Porticos and portions of porches, including wrap-around porches, up to eight feet in depth located on the first or ground floor without second-story enclosed construction above the portico or porch.

\*\*\*

(B) For properties except for those specified in subsection A, above, the floor area of the building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from the exterior faces of walls or any extended area under roof and are to be measured from the shared lot line in the case of party walls. This space shall be based on permanent construction whether or not provided with a finished floor or ceiling. Excluded from floor area shall be:

\*\*\*

(13) Porticos and portions of porches, including wrap-around porches, up to eight feet in depth located on the first or ground floor without second-story enclosed construction above the portico or porch.

\*\*\*

(15) Areas with a ceiling height of less than seven feet, except in an above grade parking garage constructed after March 17, 2018. Areas in a parking garage constructed after that date, regardless of height, may not be excluded.

Section 8. That Section 2-169.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

Section 9. That Section 2-180 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-180 – Open and usable space.

The portion of a lot at ground level which is:

(A) No less than eight feet in width and in length.

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Section 10. That Section 2-193.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

Section 11. That Section 2-197.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-197.1 – Structure, accessory.

A structure, which is clearly subordinate to the principal building or structure. An accessory structure generally does not exceed the height of the principal building or structure.

Section 12. That Section 2-197.3 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

Section 13. That Section 2-200.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-200.1 – Trellis.

A structure made of interwoven pieces of wood, metal or synthetic material that may be used to support and display climbing plants.

Section 14. That Section 6-403 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

6-403 – General regulations and exceptions

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(B) Rooftop appurtenances. Chimneys, towers, tanks, machinery, equipment, stairs, elevators, roof decks and guards, solar energy systems, penthouses or other mechanical appurtenances to a main building may be erected as a part of the main building to their required heights, regardless of any other height provisions or restrictions of this ordinance, provided that the following requirements are met.

\*\*\*

(1) All rooftop appurtenances, with the exception of solar energy systems, shall be concealed by or constructed of exterior architectural materials or features of the same type of quality used on the exterior walls of the main building in question.

\*\*\*

Section 15. That Section 7-100 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-100 – Accessory buildings, uses and structures.

Accessory buildings, uses and structures shall be permitted, but only in connection with and incidental to a permitted principal building, use or structure and in compliance with the restrictions of this section 7-100.

Section 16. That Section 7-101 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-101 – Permitted accessory buildings, uses and structures.

Permitted accessory buildings, uses and structures shall be limited to the following and any additional building, use or structure which the director finds is similar to those listed in scope, size and impact, is associated with a permitted building, use or structure and is otherwise in compliance with this ordinance:

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(O) Structures or mechanical equipment associated with electrical vehicle charging.

Section 17. That Section 7-102 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

7-102 – Prohibited accessory buildings, uses and structures.

Prohibited buildings, uses and structures accessory to residential dwellings include, but are not limited to:

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Section 18. That Section 7-103 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

7-103 – Building, use and structure limitations.

The following limitations apply to accessory buildings, uses and structures:

(A) No accessory building, use or structure shall be located forward of a front building wall facing a primary front yard except as provided in section 7-202(A).

(B) No accessory building, use or structure shall be located in a required front, rear, or side yard, except as provided in section 7-202.

(C) Accessory buildings and structures shall be included in the calculations required by this ordinance for the purpose of complying with height and bulk regulations.

(D) An accessory building, use or structure shall be located on the same lot as the principal structure or use served, except where it is located on an adjoining lot which contains no principal building, use or structure and which is adjacent to and in common ownership with the lot on which the principal building, use or structure which it does serve is located or as otherwise expressly authorized by the provisions of this ordinance.

(E) 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.

Section 19. That Section 7-202 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-202 – Permitted obstructions.

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- (A) In all yards:

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- (5) Arbors, trellises and pergolas, provided that such structures:  
(a) Shall not exceed 10 feet in height. A trellis that exceeds six feet in height and 15 feet in length or any trellis that is attached to a fence shall comply with sections 7-202 and 7-1700;  
(b) Shall not be used for parking or storage of motor vehicles;  
and  
(c) Shall remain 80 percent open and uncovered by any material other than plantings.

- (B) In any yard except a primary front yard:

\*\*\*

- (4) Structures or mechanical equipment associated with electric vehicle charging, provided that it complies with the noise level established in subsection 7-202(C)(3).

- (C) In any yard except a front yard.

- (1) Open and closed fences which do not exceed six feet in height.  
(2) Sheds and other small accessory buildings:

\*\*\*

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Section 20. That Section 7-203 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-203 – Accessory dwellings.

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- (C) *Bulk and setback requirements for a detached accessory building.* Regardless of other regulations in this zoning ordinance, an accessory building containing an accessory dwelling unit shall be permitted in accordance with the regulations in this section 7-203.

\*\*\*

- (3) *Side and rear yards.* The accessory building shall be permitted in required side and rear yards subject to the following requirements:

\*\*\*

- i. Portions of an accessory building that exceed 13.5 feet in height and are 16 feet in height or less shall provide a setback of at least 2.5 feet;

\*\*\*



(E) Access. Section 7-2501(B)(3) shall govern access to a detached accessory dwelling that contains off-street parking in a private garage.

\*\*\*

Section 21. That Section 7-301 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-301 -

(A) Up to two employees are permitted on-site.

(B) No mechanical or electrical equipment shall be employed on the premises other than machinery or equipment customarily found in a home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small business, professional or health profession office.

(C) No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

(D) The number of patrons or students shall be limited to a total of 12 per day with no more than two patrons or students present at any one time. Patrons or students may visit the home occupation between the hours of 7:00 a.m. and 9:00 p.m., daily.

(E) No sign shall advertise the presence or conduct of the home occupation.

(F) All parking required for the home occupation shall be accommodated in permissible driveway and garage areas on the lot.

(G) There shall be no evidence that will indicate from the exterior of the premises that the building is being utilized in whole or in part for any purpose other than as a dwelling.

(H) There shall be no audible noise, detectable vibration or odor beyond the confines of the subject dwelling unit or accessory building, including transmittal through vertical or horizontal party walls.

(I) The total floor area which may be used for a home occupation shall not exceed 25 percent of the total floor area of the dwelling unit in which it is located, less any attached garages. As part of such home occupation floor area, no more than two percent of the total floor area of the dwelling unit or a maximum of 20 cubic feet, whichever is less, shall be used for storage of stock-in-trade. The storage of hazardous materials not otherwise and customarily associated with home use is prohibited.

(J) The lot or property on which the home occupation is conducted shall not have any parking space added to it during the time the home occupation is being conducted; nor shall any parking space be used that was not customarily used prior to that time.

(K) The total number of animals kept in a dwelling unit at any one time cannot exceed the limits set forth in City Code Title 5, Chapter 7.

(L) No motor vehicle repairs, sales or internal combustion engine work shall be permitted.

(M) For contractor or service business, in addition to the other requirements of this section 7-300, the following additional limitations apply:

(1) No employees, other than persons legally residing on the premises, shall report to work at a residential location other than a job site.

(2) Not more than one commercial vehicle having a capacity not greater than one ton shall be parked on the property and then only in accordance with applicable regulations of this ordinance.

(3) No contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting said equipment and materials between jobs, and no loading or unloading shall be done on or in the vicinity of the premises.

Section 22. That Section 7-302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

Section 23. That Section 7-303 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety, as shown:

Section 24. That Section 7-1212 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-1212 – Aesthetic standards governing wireless facility installations.

\*\*\*

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

(D) *Compliance with design guidelines.* In developing application forms and related requirements, the director may require applicants to submit information demonstrating that proposed installations of wireless facilities and wireless structures comply with the design guidelines pertinent to the types of facilities proposed in each application. Applicants shall comply with all such applicable design guidelines in designing and constructing wireless facilities and wireless structures. The director may reject any application that includes a proposed design that does not comply with any applicable guideline.

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

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

\*\*\*\*

Section 25. That Section 7-2501 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-2501 – Freestanding private garages to the rear to the rear of the main building.

The supplemental regulations in this section 7-2501 apply to residential lots developed or proposed to be developed with a single-family or two-family dwelling in the R-20, R-12, R-8, R-5, R-2-5, RA and RB zones, not including property located within the Old and Historic Alexandria and Parker-Gray Districts. Freestanding private garages located within required yards or excluded from floor area shall be permitted subject to the following standards:

\*\*\*

(B) Standards.

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(2) *Setback.* The freestanding garage may be located in the required side or rear yard if it complies with the following:

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(c) The freestanding garage must be located completely behind the rear wall of the dwelling unless, the director determines that locating the garage completely behind the rear building wall is not possible due to topography, shape of the lot, placement of the existing dwelling on the lot or other environmental concerns, in these cases the garage must be located completely behind the front building wall, and approved by the director as to location.

(d) The freestanding garage must be located completely behind the rear wall of the dwelling unless, the director determines that locating the garage completely behind the rear building wall is not possible due to topography, shape of the lot, placement of the existing dwelling on the lot or other environmental concerns, in these cases the garage must be located completely behind the front building wall, and approved by the director as to location.

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Section 26. That Section 8-200 of the Zoning Ordinance be, and the same hereby is, amended by new language shown in underline, as follows:

8-200 – General parking regulations.

\*\*\*

(C) *Location of parking facilities.*

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(2) For all multifamily dwellings, required off-street parking facilities shall be located on the same lot as the main building lot, on a lot separated from the main building lot by an alley or directly across the street from the main building when separated by a minor local street only. Tandem parking is permitted to meet this requirement for up to four dwelling units that share a garage within a multifamily building provided that no more than four off-street parking spaces shall be tandem.

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Section 27. That Section 11-605 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-605 – Procedures for cluster development approval.

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(B) *Additional application material.* An application for cluster development approval shall include those materials required for a special use permit application as specified in section 11-503, as well as the following:

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(2) A preliminary subdivision plat which complies with the provisions of section 11-1700.

Section 28. That Section 11-1005 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-1005 Powers and duties.

The board of zoning appeals shall have the following powers and duties:

\*\*\*\*

(E) To permit the following exceptions to the zone regulations and restrictions, provided that by their design, construction and operation, such exceptions shall safeguard the health, safety and welfare of the occupants of the adjoining and surrounding properties, shall not unreasonably impair an adequate supply of light and air, shall not increase public danger from fire or otherwise unreasonably affect public safety, and shall not diminish or impair the established property values in surrounding areas:

(1) The extension of a zone where the boundary line of a zone divides a lot in single ownership as of June 24, 1992. The zone extension case must be recorded with the deed in the City's Land Records and denoted on the zoning map for land so affected and such land shall be treated as if it were in the new zone.

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Section 29. That Section 11-1302 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-1302 – Special exception established.

\*\*\*

(F) Bulk and setback requirements of section 7-203(C) for the expansion, alteration or reconstruction of a detached accessory building subject to the following requirements:

a. No expansion, alteration or reconstruction shall increase the degree of the accessory building's existing noncompliance with regard to section 7-203(C).

\*\*\*\*

Section 30. That Sections 11-1400 through 11-1406 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

## Sec. 11-1400 Zone extension.

### 11-1401 Authority.

The board of zoning appeals is authorized to review applications for the extension of a zone boundary line if a zone line divides a lot that was in single ownership on the effective date of the ordinance in accordance procedures, standards and limitations contained in this section 11-1400.

Editor's note—See City Charter § 9.18.

### 11-1402 Procedures for zone extension.

(A) *Application.* Any property owner, tenant, government official, department, board or bureau, may file an application for a zone extension in regard to such property with the director. The application shall contain the following information and such additional information as the board of zoning appeals may, by rule, require:

(1) Site plan or survey to scale clearly showing the location of the property lines and the zone boundary lines, the property involved, existing and proposed buildings or additions.

(B) *Staff review and report.* The director shall review the application and determine that it contains the required information; shall review the merits of the application; shall prepare a staff report indicating its findings; and shall forward the report to the board of zoning appeals. The director shall also transmit a copy of the application to the planning commission which may send a recommendation to the board or appear as a party at the hearing.

(C) *Docketing and notice.* At the time the director determines that the application is complete, he shall docket the matter for public hearing before the board of zoning appeals for a date to occur no later than 30 working days from the date of such determination.

(D) *Public hearing by board of zoning appeals.* The board of zoning appeals shall conduct a public hearing, in accordance with section 11-300, on the application for a zone extension and approve, deny or approve the application with conditions. The decision of the board shall state the reasons therefor. The concurring affirmative vote of four members shall be necessary to decide in favor of the applicant.

(E) *Withdrawal of application.* An application for a special exception may not be withdrawn by the applicant without the consent of the board after it has been docketed for public hearing.

### 11-1403 Standards zone extension.

In order to grant an application for a zone extension under this section 11-1400, the board must find that the strict application of the ordinance creates an unreasonable burden on the use and enjoyment of the property which outweighs the material zoning purpose for which the specific provision of the ordinance at issue was designed. In making its determination, the board shall consider and weigh the following issues, as applicable.

- (A) Whether approval of the zone extension will be detrimental to the public welfare, to the neighborhood or to adjacent properties.
- (B) Whether approval of the zone extension will impair an adequate supply of light or air to adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.
- (C) Whether approval of the zone extension will alter the essential character of the area.
- (D) Whether the proposed zone extension will diminish or impair the established property values in surrounding areas.

#### 11-1404 Conditions and restrictions.

Conditions and restrictions may be imposed on the premises benefited by a zone extension as may be necessary to reduce, minimize, or mitigate the effect of the zone extension upon other property in the neighborhood and better to carry out the general intent of the zoning ordinance. A guarantee or a bond may be required of the applicant to ensure that the conditions imposed are being and will be complied with. Failure to comply with any such conditions or restrictions shall constitute a violation of this ordinance and cause to revoke the zone extension, after notice and hearing is had. Violations of this ordinance may be enforced and penalized in accordance with section 11-200.

#### 11-1405 Burden on applicant.

The applicant for a zone extension shall bear the burden of producing evidence establishing that the requested zone extension satisfies the standards set out in section 11-1403.

#### 11-1406 Reconsideration.

If an applicant for a zone extension is denied, a subsequent application for the same relief on the same site shall not be considered again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.

Section 31. That Section 11-1706 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

#### 11-1706 - Contents of preliminary plat application.

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(D) An application for preliminary plat approval shall include the following information and material:

\*\*\*

(15) Limits of floodplains, resource protection areas, and resource management areas.

(15.1) In the case of properties containing resource protection areas, plat shall include a notation to retain an undisturbed and vegetated 100-foot-wide buffer area.

(15.2) In the cases of properties containing resource protection areas, plat shall include a notation specifying permitted development in the resource protection area is limited to water dependent facilities or redevelopment, including the 100-foot-wide vegetated buffer area.

Section 32. That Section 13-114 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

13-114 - Stormwater management plan.

(A) The stormwater management plan must apply the stormwater technical requirements of section 13-109 to the entire site. Individual lots in a new residential, commercial, or industrial development or sale, including those developed under subsequent owners, shall not be considered separate land-disturbing activities. Instead, the common plan, as a whole, shall be considered to be a single land disturbing activity. The plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff. The plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, calculations, and citations to supporting references as appropriate to communicate the information required by this Article XIII. At a minimum, the stormwater management plan must contain the following:

\*\*\*

- (8) A map or maps of the site that depicts the topography of the site and includes:

\*\*\*

- (i) the delineation of buildable area.

Section 33. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 34. That Section 1-400 (INTERPRETATION OF ORDINANCE) of Article I (GENERAL REGULATIONS); Section 2-104 (ACCESSORY USE), Section 2-119.1 (AVERAGE PRE-CONSTRUCTION GRADE), Section 2-128.1 (COMMERCIAL COMPLEX), Section 2-145 (FLOOR AREA), Section 2-169.1 (LOT, THROUGH), Section 2-180 (OPEN AND USABLE SPACE), Section 2-193.1 (COMMERCIAL COMPLEX), Section 2-197.1 (STRUCTURE, ACCESSORY), Section 2-197.3 (STRUCTURE, SUBORDINATE), and Section 2-200.1 (TRELLIS) of Article II (DEFINITIONS); Section 6-403 (GENERAL REGULATIONS AND EXCEPTIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-100 (ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-101 (PERMITTED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-102 (PROHIBITED ACCESSORY BUILDINGS, USES AND STRUCTURES), Section 7-103 (BUILDING, USE AND STRUCTURE LIMITATIONS), Section 7-202 (PERMITTED OBSTRUCTIONS), Section 7-203 (ACCESSORY DWELLINGS), Section 7-301 (USE LIMITATIONS), Section 7-302 (PROHIBITED OCCUPATIONS), Section 7-303 (USE LIMITATIONS), Section 7-1212 (AESTHETIC STANDARDS GOVERNING WIRELESS FACILITY INSTALLATIONS), and Section 7-2501 (FREESTANDING PRIVATE GARAGES TO THE REAR OF THE

MAIN BUILDING) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 8-200 (GENERAL PARKING REGULATIONS) of Article VIII (OFF-STREET PARKING AND LOADING); Section 11-605 (PROCEDURES FOR CLUSTER DEVELOPMENT APPROVAL), Section 11-1005 (POWERS AND DUTIES), Section 11-1302 (SPECIAL EXCEPTION ESTABLISHED), and Section 11-1706 (CONTENTS OF PRELIMINARY PLAT APPLICATION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and Section 13-114 (STORMWATER MANAGEMENT PLAN) of Article XIII (ENVIRONMENTAL MANAGEMENT) and to add and ordain Section 2-123.1 (BUILDING, ACCESSORY), Section 2-128.2 (COMMITTED AFFORDABLE HOUSING) of Article II (DEFINITIONS) and Section 11-1400 (ZONE EXTENSION) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00003, as added or amended pursuant to Sections 1 to 32 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 35. 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.

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

## **REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER**

10. Public Hearing and Consideration of a Lease Agreement Between the City of Alexandria and UpCycle Creative Reuse for the Use of Space at the Oswald Durant Center located at 1605 Cameron Street, Alexandria, VA 22314.

(A copy of the City Manager's memorandum dated October 5, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 10/16/21, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilwoman Jackson and carried 6-0, City Council closed the public hearing and approved a lease agreement between the City of Alexandria and UpCycle Creative Reuse for the use of space at the Oswald Durant Center located at 1605 Cameron Street, Alexandria, Virginia, 22314 and authorized the City Manager to execute the three year lease agreement. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilman Seifeldein; Opposed, none: Absent, Councilwoman Pepper.



11. Public Hearing and Consideration of An Amendment to a Five-Year License Agreement dated June 1, 2017, between the City of Alexandria Virginia and Level 3 Communications, LLC. ("Level 3") to Permit Level 3 to Install Twenty-Two Feet of Conduit at the Intersection of Holland Lane and Ballenger Avenue in the City of Alexandria's Public Rights-of-Ways to Provide Telecommunications Services for the City of Alexandria.

(A copy of the City Manager's memorandum dated October 5, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 10/16/21, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Vice Mayor Bennett-Parker and carried unanimously, City Council closed the public hearing and approved an amendment to a Five-Year License Agreement dated June 1, 2027, between the City of Alexandria, Virginia and Level 3 Communications, LLC., ("Level 3") to permit Level 3 to install twenty-two feet of conduit at the intersection of Holland Lane and Ballenger Avenue in the City of Alexandria's public rights-of-ways to provide telecommunications services for the City of Alexandria and authorized the City Manager to execute the amendment and to 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.

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

12. Master Plan Amendment #2021-00011  
(A) Initiation of a Master Plan Amendment; and (B) Public hearing and consideration of an amendment to the Transportation Master Plan Chapter of the Master Plan to replace the chapter with the Alexandria Mobility Plan Chapter which includes updates to transportation policies, goals and strategies. Staff: City of Alexandria, Department of Transportation & Environmental Services  
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. 12; 10/16/21, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Councilwoman Jackson, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, 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.

13. Development Special Use Permit #2021-10020  
Master Plan Amendment #2021-00003  
Rezoning #2021-00005  
Transportation Management Plan Special Use Permit #2021-00056  
805, 809, 811, 815 and 823 North Columbus Street - Columbus Flats  
Public Hearing and consideration of requests for (A) amendment to the Braddock Road Metro Station Small Area Plan Chapter of the Master Plan through updates to the Land Use and Height maps; (B) amendment to the official zoning map to change the zone for the site from RB to CRMU-H; (C) a Development Special Use Permit and site plan with modifications to construct a 78-unit multifamily building, including special use permits to increase the floor area ratio to 2.5 in the CRMU-H zone, for the utilization of Section 7-700 for bonus density for the provision of affordable housing, and for a parking reduction and a modification to the crown coverage requirement, (D) a Special Use Permit for a transportation management plan (tier one); zoned: RB/Townhouse. Applicant: PT Blooms LLC, represented by Kenneth W. Wire, attorney  
Planning Commission Action: Recommended Approval 5-1

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 13; 10/16/21, and is incorporated as part of this record by reference.)

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

1. Todd Kelly, Alexandria, spoke about the rezoning for commercial use and the increase height for the building and how it would impact the surrounding neighborhood. Mr. Kelly spoke about the parking waiver requested for the project.
2. Ken Wire, attorney for the applicant, spoke in support of the proposal and responded to questions from Council about the project.

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

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

14. Master Plan Amendment #2021-00006  
Zoning Text Amendment #2021-00005  
Coordinated Development District Conceptual Design Plan #2021-00001  
5000 Seminary Road and 4880 Mark Center Drive - Hilton & IDA Sites  
Public Hearing and consideration of requests for: (A) amendments to the Beauregard Small Area Plan chapter of the Master Plan to amend the land-use designation for a portion of 5000 Seminary Road to add residential, commercial, office, and continuum of care facility uses in addition to hotel and to add hotel and continuum of care facility uses in addition to residential, commercial and office at 4880 Mark Center Drive; (B) amendments to the Zoning Ordinance to amend Section 5-602(A) to add allowable uses and to increase the maximum allowable floor area ratio in CDD#4; (C) amendments to the Coordinated Development District (CDD) Conceptual Design Plan to add residential, commercial, office, and continuum of care facility in addition to hotel as allowable uses in Area III-B; add hotel and continuum of care facility as allowable uses in addition to residential, commercial, and office at 4880 Mark Center Drive; increase the maximum floor area ratio (FAR) for Areas III-A and Area III-B; increase maximum allowable building area at 4880 Mark Center Drive; increase maximum building heights at Area III-B and 4880 Mark Center Drive; allow future development in the CDD Conceptual Design Plan area to proceed in separate phases; and extend the CDD Conceptual Design Plan expiration date, by which development plans must be submitted, from two to five years; zoned: CDD#4 / Coordinated Development District #4. Applicant: CRP Mark Center Hotel, LLC, and Institute for Defense Analyses, represented by, Kenneth W. Wire, attorney; City of Alexandria, Department of Planning & Zoning (Zoning Text Amendment only)  
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; 10/16/21, and is incorporated as part of this record by reference.)

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

1. Ken Wire, attorney for the applicant, spoke in support of the proposal and responded to questions from Council about contributions from developers.
2. Bill Krowoski, applicant, spoke in support of the proposal and responded to questions from Council about contributions from developers.
3. Dean Graves, applicant, representing the Institute of Defense Analyses (IDA), spoke in support of the proposal and about the contributions from developers.

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

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

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilman Seifeldein and carried unanimously, City Council approved the Planning Commission recommendation subject to an amendment to condition #29, placing a period after the word fund and delete a, b, c of condition 29. 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.

15. Zoning Text Amendment #2021-00006  
Outdoor Dining in On-Street Parking Spaces and Retail Sales on Sidewalks and On-Street Parking Spaces in Commercial Zones  
(A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to allow outdoor dining in on-street parking spaces and retail sales on sidewalks and in on-street parking spaces in commercial zones. Staff: City of Alexandria, Departments of Planning & Zoning, Transportation & Environmental Services  
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. 15; 10/16/21, and is incorporated as part of this record by reference.)

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

1. Charlotte Hall, Alexandria, representing the Old Town Business Association, spoke in support of the proposal.
2. Stephen Milone, Alexandria, representing the Old Town Civic Association, spoke in support of the proposal and spoke about pedestrian paths, monitoring of materials used for the outdoor spaces, and monitor the spaces as approved and eliminate those not in use.

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

**WHEREUPON**, upon motion by Vice Mayor Bennett-Parker, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendation with the following amendment: pg. 19/Section 7-1500(B)(3)(b), stating the following, "Only goods from the permittee's store or

authorized by the permittee's store are permitted to be displayed and sold and only food from the permittee's restaurant may be served in the parklet. The parklet use shall be under the responsible director and control of the business." 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.

16. **FOR INFORMATION ONLY**

City Charter Section 9.06 Case #2021-00004

100 Block of King Street (between Lee Street and Union Street)

Public Hearing and consideration of a request for the Planning Commission to review whether the closure of the 100 block of King Street to vehicular traffic by the City of Alexandria is consistent with the City of Alexandria Master Plan pursuant to Section 9.06 of the City Charter. Applicant: City of Alexandria  
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. 16; 10/16/21, and is incorporated as part of this record by reference.)

City Council received this item for information only.

**ORDINANCES AND RESOLUTIONS**

17. Public Hearing, Second Reading, and Final Passage of an Ordinance Approving and Authorizing the Closure of the 100 Block of King Street to Vehicular Traffic.  
[ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated October 5, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 17; 10/16/21, 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. 17; 10/16/21, 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. 17; 10/16/21, and is incorporated as part of this record by reference.)

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

1. Charlotte Hall, Alexandria, representing Old Town Business Association, spoke in support of the ordinance and addressed issues that the Association would like to address including buskers, traffic at Union and King Street, cleanliness of the area,

beautification of the block, enforcement on weekends for noise and fire lanes, five foot walkway on the sidewalk for emergency access, and design and planning for the future of the 100 block of King Street.

2. Cyrus Coleman, Alexandria, spoke in support of the closure of the 100 Block and requested that the business owners be included in the design and planning for the area.

3. Stephen Milone, Alexandria, representing Old Town Civic Association, spoke about the pedestrian traffic being shifted and encouraged citizen involvement in the conversation for the planning for the area.

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Councilwoman Jackson and carried 6-0 by roll-call vote, City Council adopted an ordinance approving and authorizing the closure of the 100 block of King Street to vehicular traffic with an amendment which added the following two WHEREAS clauses:

WHEREAS, City staff will work together with the Old Town Business Association on the 100 block of King Street to develop a plan for short-term and non-permanent improvements and outdoor dining and retail guidelines that makes better use of the public space, meet public safety requirements, and provide opportunities for continued outdoor dining and retail activities; and

WHEREAS, if the City decides to invest in permanent improvements and permanent guidelines to this block, City staff will work with the Old Town Business Association, and general community to design and implement a plan that continues the goals for improved public space, meets public safety requirements, and provides areas for outdoor dining and retail activities.

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

The ordinance reads as follows:

#### ORDINANCE NO. 5375

AN ORDINANCE Approving and Authorizing the Closure of the 100 Block of King Street to Vehicular Traffic.

WHEREAS, the 100 block of King Street, between Union Street and Lee Street, is a two-way street heading east towards the Potomac River and west toward the King Street Metro Station with several restaurants and retail establishments; and

WHEREAS, prior to the Coronavirus Disease 2019 (COVID-19) pandemic (“the pandemic”), many of the restaurants participated in the City’s outdoor dining program that allowed restaurant seating on the sidewalk; and

WHEREAS, in 2015, the City completed the Lower King Street Multi-modal Feasibility Study, which included several design options for reconfiguring traffic, parking, and pedestrian space along the 100 block of King Street; and

WHEREAS, in 2019, the City Council directed staff to develop a pilot program to test closing the 100 block of King Street to vehicular traffic; and

WHEREAS, in 2020, a hybrid concept was proposed called King Street Place, but implementation was placed on hold with the onset of the pandemic; and

WHEREAS, as the City began the re-opening process, staff worked with the businesses to modify the King Street Place concept and temporarily close the 100 block to all vehicle traffic to allow for additional space for pedestrians and for businesses to expand their operations outdoors; and

WHEREAS, the block closure provides additional pedestrian space and outdoor dining area that is beneficial to the waterfront area, while the traffic circulation in this area is not dependent on keeping this block open to vehicles; and

WHEREAS, on September 27, 2021, the Traffic and Parking Board reviewed and made a recommendation to support the closure of the 100 block of King Street to vehicular traffic based on the reasons provided herein; and

WHEREAS, on October 5, 2021, the Planning Commission found that closure of the block to vehicular traffic was consistent with the City of Alexandria Master Plan; and

WHEREAS, pursuant to City Charter § 2.03(a) and Code of Virginia § 15.2-2006, the City has the authority to close streets and alleys; and

WHEREAS, the City has complied with the legal requirements in order to close this block to vehicular traffic; and

WHEREAS, in consideration of the findings of the Planning Commission, Traffic and Parking Board, and the report of the staff, the City Council of the City of Alexandria, has determined that the closure of 100 block of King Street to vehicular traffic is desirable; and

WHEREAS, City staff will work together with the Old Town Business Association on the 100 block of King Street to develop a plan for short-term and non-permanent improvements and outdoor dining and retail guidelines that makes better use of the public space, meet public safety requirements, and provide opportunities for continued outdoor dining and retail activities; and

WHEREAS, if the City decides to invest in permanent improvements and permanent guidelines to this block, City staff will work with the Old Town Business Association, and general community to design and implement a plan that continues the goals for improved public space, meets public safety requirements, and provides areas for outdoor dining and retail activities; and therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That, pursuant to City Charter § 2.03(a) and Code of Virginia § 15.2-2006, closure of the 100 block of King Street, located between Union and Lee Streets, to vehicular traffic is approved.

Section 2. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this closure, including the execution of documents.

Section 3. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this closure, and to affix thereon the official seal of the City of Alexandria, Virginia.

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

18. Public Hearing, Second Reading, and Final Passage of an Ordinance to amend and reordain Section 3-2-85 (Annual Charge for Commercial Encroachments) of Chapter 2 (Taxation) of Title 3 (Finance, Taxation, and Procurement) and Section 5-2-29 (Street Encroachments) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) of The Code of the City of Alexandria, Virginia, 1981, as amended. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated October 5, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 18; 10/16/21, 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. 18; 10/16/21, 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. 18; 10/16/21, and is incorporated as part of this record by reference.)

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

1. Charlotte Hall, Alexandria, representing to the Old Town Business



Association, spoke in support of the ordinance and wanted more information on what the businesses will planning for under the ordinance.

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Vice Mayor Bennett-Parker and carried 6-0, City Council closed the public hearing and adopted an ordinance to amend and reordain Section 3-2-85 (Annual Charge for Commercial Encroachments) of Chapter 2 (Taxation) of Title 3 (Finance, Taxation, and Procurement) and Section 5-2-29 (Street Encroachments) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended and directed the Traffic and Parking Board to adopt design requirement for parklets. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson and Councilwoman Pepper; Opposed, none; Absent, Councilman Seifeldein.

The ordinance reads as follows:

#### ORDINANCE NO. 5376

AN ORDINANCE to amend Section 3-2-85 (Annual Charge for Commercial Encroachments) of Chapter 2 (Taxation) of Title 3 (Finance, Taxation, and Procurement) and Section 5-2-29 (Street Encroachments) of Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services) of the Code of the City of Alexandria, Virginia, 1981, as amended.

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

Section 1. That Section 3-2-85 of Chapter 2 of Title 3 and Section 5-2-29 of Chapter 2 of Title 5 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. 3-2-85 Annual charge for commercial encroachments.**

The owner or owners of property which is used for commercial purposes and encroaches over, under or in any street, alley, sidewalk or other public place, whether or not such encroachment has been authorized by the city, shall annually compensate the city for such encroachment by payment of the equivalent of what would be the real estate tax upon the land being encroached if it were owned by the owner or owners of the encroaching property. This annual charge shall be made and collected for the calendar year beginning January 1, 1987, and for each calendar year thereafter. This charge shall be determined by and made a part of the same process by which real estate taxes are assessed, billed and collected.

Notwithstanding the above, the fee for encroachments for parklets pursuant to Section 5-2-29(j) of the City Code is established by Council resolution.

## **Sec. 5-2-29 Street encroachments.**

Any encroachment into a public street, alley, sidewalk or other right-of-way may be authorized only by a special ordinance adopted by city council, unless the encroachment is authorized pursuant to one of the following exceptions or is otherwise authorized by this code or the City of Alexandria Zoning Ordinance:

(a) *Steps.* Steps not more than 12 feet in length, including the required landings, may project beyond the street lot line up to five feet on streets with a right-of-way width of 100 feet or more, up to four feet on streets with a right-of-way width between 66 and 100 feet, up to three feet on streets with a right-of-way width between 50 and 66 feet and, notwithstanding the above, up to 20 inches on Union Street and on King Street between the Potomac River and the R.F.&P. railroad right-of-way. The term "steps" in this subsection includes ramps and similar structures necessary to provide access to the handicapped.

(b) *Architectural decorations.* Belt courses, lintels, sills, architraves, pediments and similar architectural decorations may project up to four inches beyond the street lot line when less than 10 feet above the curb level, and up to 10 inches beyond the street lot line when 10 feet or more above the curb level.

(c) *Signs.* A sign may be erected or displayed flat against a building wall or at an angle thereto, so long as the sign does not project more than four feet from the building wall or within one foot of an established curb line and the bottom of the sign is at least eight feet above a sidewalk or parking area and at least 14.5 feet above an alley.

(d) *Canopies, awnings and marquees.* Canopies, awnings and marquees suspended from a building or structure with no ground supports, having a clearance of at least eight feet above a sidewalk, extending no more than four feet beyond the front property line, and extending to no more than one foot from the established curb line, may be erected.

(e) *Nonpermanent planters.* Planters which are nonpermanent may be located in a right-of-way subject to the following:

(1) A permanent planter is one which is attached in any permanent manner to a public right-of-way or to a building, building appurtenance or any other structure, or which rests on a foundation or substructure other than a sidewalk. A permanent planter requires a building permit and an encroachment ordinance. Above-grade permanent planters located in an historic district also require approval by the board of architectural review.

(2) A nonpermanent planter is a portable container that is light enough to be transported by two people when empty of soil and plants.

(3) A nonpermanent planter may not project into a public right-of-way more than steps would be allowed to project under subsection (a) above and may not exceed 30 inches in height. There is no limit to the number of planters permitted as long as the conditions of this subsection (e) are complied with and the planters are maintained in good condition.

(4) A nonpermanent planter must be located so as to maintain a path for public travel at least five feet in width at all points, along any adjacent sidewalk.

(5) A permit for a nonpermanent planter must be obtained from the department of transportation and environmental services. The permit application shall include the address of the planter, adequate location drawings, and a sketch, photo or dimensions of the planter. Visual inspection by the director of transportation and environmental services or his designee may be substituted for drawings if the location and description of the planter are recorded on the permit application. After a permit has been granted, it may be revoked and the planter removed from the right-of-way by the director or his designee whenever the applicant fails to comply with any permit conditions. A permit application will be reviewed to determine compliance with the following:

- a. The location of the planter shall not unduly obstruct the public right-of-way.
- b. The planter shall be of such design and construction, and the contents shall be of such nature, so as not to constitute a nuisance or public hazard.
- c. The planter shall be of a design, material and color which are generally recognized as intended for and suitable for the display of plant materials on the public right-of-way in an urban environment and, if located in an historic district, are compatible with the streetscape in the district and are consistent with the applicable design guidelines adopted by the board of architectural review.
- d. The owner of the planter shall agree to move the planter whenever the city requires access to the planter location.

(f) *Benches.* Benches and similar street furniture may be placed in a public right-of-way, subject to the following:

(1) The bench or street furniture shall be located immediately adjacent to the closest building wall, shall touch the wall along the length of the bench or street furniture, and shall not project from the wall more than 30 inches.

(2) The bench or street furniture shall not be used as part of a business for advertising, or for making sales or providing services to customers, and shall be available for use by the general public.

(3) The director of transportation and environmental services or his designee shall review any bench or street furniture proposed for a right-of-way and its location, and approve it if he finds that it will not interfere with pedestrian access and safety, will not be an attractive nuisance and will promote the health, safety and welfare of the city.

(4) The director of planning and zoning or his designee shall review any bench or street furniture proposed for a right-of-way and shall approve it if he finds that its design is compatible with the character of the surrounding area.

(g) *Rental bicycles.* Bicycles offered for rent may be displayed and rented from areas of right of way pursuant to section 7-2400 of the zoning ordinance and this section 5-2-29.

(h) *Parker-Gray Historic District front fences.* Within the Parker-Gray Historic District, retaining walls less than two feet in height above the lower adjacent grade or fences at the height and location otherwise permitted in a front yard may be constructed in the public right-of-way.

(i) *Street or alley crossing banner.* With a special event permit pursuant to City of Alexandria Special Event Policy and Procedures approved by the city council on January 23, 2010 as the same may be amended, the permittee may place a banner across a public street or alley for up to 10 days upon a determination made by the city manager that the sign does not pose a danger to the safety of the public.

(j) **Parklet.** Parklets, as defined in the zoning ordinance, are intended to create additional public space, support an active and safe streetscape, enhance the economic and social vitality of a neighborhood, and promote business friendly activity through the creation of new spaces for commercial uses, such as outdoor dining and retail display. Parklets, may be placed in a public right-of-way, pursuant to an application for a permit subject to the following:

**(1) Parklets must comply with the Parklet Requirements, which address the allowed locations, design requirements, safety, and maintenance responsibilities, that are approved by the Traffic and Parking Board.**

**(2) Unless approved for a private commercial use through a separate permit as allowed by the zoning ordinance, the parklet shall be available for use by the general public.**

**(3) The director of transportation and environmental services or designee shall review any parklets and approve it if the director finds that it complies with the Parklet Requirements, will not interfere with pedestrian access and safety, and will create new public space or space for commercial uses that support an active streetscape.**

**(4) The director of planning and zoning or designee shall review any proposed parklets for compliance with any established design criteria and shall approve it if the director finds that its design is compatible with those standards and the character of the surrounding area.**

**(5) Fees for parklets shall be established by the City Council through a resolution pursuant to Section 3-2-85 of this code.**

(k) **Outdoor retail display and sales on the sidewalk.** Outdoor retail display and sales associated with an adjacent retail business is permitted on the public sidewalk and shall comply with the requirements of the zoning ordinance.

**(l) Encroachment requirements.** In addition to any other restrictions or requirements imposed by this code or the City of Alexandria Zoning Ordinance, the owner of any sign, canopy, awning or marquee, nonpermanent planter, bench, bicycle display, or similar street furniture, **parklet, or outdoor retail display and sales** that encroaches into a public right-of-way pursuant to this section shall also comply with the following:

(1) *Liability insurance.* The owner shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000 which will indemnify the owner (and all successors in interest), and the city as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees,

arising from any bodily injury or property damage which may occur as a result of the encroachment.

(2) *Removal of encroachment.* The owner or any successor in interest shall remove the encroachment if the city determines that the encroachment interferes with public access or is otherwise inconsistent with the public welfare. In such case, the city shall provide the owner or successor in interest with written notice of the need to remove the encroachment at least 10 days prior to the date on which the removal must be completed. If the owner or successor in interest cannot be found, or fails to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the owner or successor, and shall not be liable for any loss or damage to the encroaching structure that may occur as a result of the removal.

Section 2. That Section 3-2-85 of Chapter 2 of Title 3 and Section 5-2-29 of Chapter 2 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, 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.

19. Consideration of a Resolution to make a recommendation to the City Council whether to initiate a six-month Extended Term of the Comcast Cable Television Franchise Agreement. [ROLL-CALL VOTE]

(A copy of the City Manager's memorandum dated October 13, 2021, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 19; 10/16/21, and is incorporated as part of this record by reference.)

**A motion was made** by Councilwoman Pepper, seconded by Councilman Chapman, to adopt the resolution. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, none; Absent, Councilman Seifeldein.

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Vice Mayor Bennett-Parker and carried 6-0, City Council reconsidered the adoption of item no. 19. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, none; Absent, Councilman Seifeldein.

**WHEREUPON**, upon motion by Councilman Chapman, seconded by Vice Mayor Bennett-Parker and carried 6-0, City Council adopted a resolution to initiate a six-month extended term of the Comcast Cable Television Franchise Agreement until April 25, 2022. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, none; Absent, Councilman Seifeldein.

The resolution reads as follows:

**RESOLUTION NO. 3024**

Resolution to Approve the Second Five-Year Extended Term of the Comcast of Virginia, Inc. Cable Television Franchise dated October 25, 2011

**WHEREAS**, on October 25, 2011, the City of Alexandria, Virginia (the “City”) granted a cable television franchise (the “Franchise”) to Comcast of Virginia, Inc. (“Comcast”); and

**WHEREAS**, the Franchise provides for an initial term of five years (the “Initial Term”) and two extensions of five years each (the “Extended Terms”); and

**WHEREAS**, the City Council approved a resolution on September 27, 2016, that initiated the first five-year Extended Term; and

**WHEREAS**, the first Extended Term is to expire on October 25, 2021, and approval of the second Extended Term of five years is to be based on (i) the mutual agreement of the City and Comcast to further extend the Franchise and (ii) the City’s review of Comcast’s compliance with the terms of the Franchise (the “Compliance Review”); and

**WHEREAS**, the City conducted the Compliance Review starting in 2020; and

**WHEREAS**, the City completed a technical audit of Comcast’s equipment in its public rights-of-way and determined that Comcast is substantially in compliance with the terms and conditions of the Franchise; and

**WHEREAS**, the City completed a review of Comcast’s Public, Educational and Governmental Access Fee (“PEG”) grant payments to the City, and is working with Comcast to resolve the amount of the PEG payments owed to the City; and

**WHEREAS**, the City is also working with Comcast to resolve compliance with conditions of the Fiber Use Agreement between Comcast and the City; and

**WHEREAS**, Comcast must resolve to the City’s satisfaction the disputed PEG grant payments and Fiber Use Agreement issues within six (6) months of the passage of this Resolution ; and

**WHEREAS**, the City has agreed to extend the Franchise for five years, subject to and conditioned on the resolution of the PEG grant payments and the Fiber Use Agreement, within six (6) months of the date of this Resolution .

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Alexandria, Virginia:

1. That the term of the Franchise is hereby extended until April 25, 2022, pending resolution of the disputed PEG grant payments and the Fiber Use Agreement issues to the satisfaction of the City; and

2. That this Resolution shall be effective upon the date that the City Manager acknowledges in writing that the conditions in no.1, above have been satisfied.

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

**Planning Commission (continued)**

None.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Pepper, seconded by Councilman Chapman and carried 6-0, City Council adjourned the public hearing meeting of October 16, 2021 at 1:32 p.m. The vote was as follows: In favor, Mayor Wilson, Vice Mayor Bennett-Parker, Councilman Aguirre, Councilman Chapman, Councilwoman Jackson, and Councilwoman Pepper; Opposed, none; Absent, Councilman Seifeldein.

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**APPROVED BY:**

\_\_\_\_\_  
**JUSTIN M. WILSON      MAYOR**

ATTEST:

\_\_\_\_\_  
Gloria A. Sitton, CMC    City Clerk

Adopted:      November 9, 2021