



## Legislation Details (With Text)

**File #:** 23-1142 **Name:**

**Type:** Ordinance **Status:** Agenda Ready

**File created:** 5/10/2023 **In control:** City Council Legislative Meeting

**On agenda:** 5/13/2023 **Final action:**

**Title:** Public Hearing, Second Reading, and Final Passage of an Ordinance to amend Section 5-2-14 (Sidewalk Crossovers and Curb Cuts Generally) Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services). [ROLL-CALL VOTE]

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 23-1142\_Attachment 1 - Ordinance Cover, 2. 23-1142\_Attachment 2 - Ordinance, 3. 23-1142\_Attachment 3 - Presentation, 4. 23-1142\_signed ordinance 5496

Date	Ver.	Action By	Action	Result
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## City of Alexandria, Virginia

### MEMORANDUM

**DATE:** MAY 2, 2023

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**THROUGH:** JAMES F. PARAJON, CITY MANAGER /s/

**FROM:** TARRENCE MOORER, INTERIM DIRECTOR, TRANSPORTATION AND ENVIRONMENTAL SERVICES

**DOCKET TITLE:**

Public Hearing, Second Reading, and Final Passage of an Ordinance to amend Section 5-2-14 (Sidewalk Crossovers and Curb Cuts Generally) Chapter 2 (Streets and Sidewalks) of Title 5 (Transportation and Environmental Services). [ROLL-CALL VOTE]

**ISSUE:** Should City Council adopt certain policy updates to the curb cut ordinance with the goal of simplifying the curb cut approval process.

**RECOMMENDATION:** That City Council consider the proposed ordinance (Attachment 2) on first reading and schedule it for second reading, public hearing and final passage on Saturday, May 13, 2023.

**BACKGROUND:** Staff propose modifications to the City’s ordinance that regulates permitting for curb cuts, which are commonly known as driveway aprons. These amendments are intended to clarify and to streamline the review and approval process.

First, the existing ordinance currently states that individuals can apply for a permit for a curb cut or a “sidewalk crossover” of a curb cut. A sidewalk crossover refers to the portion of a driveway apron that crosses a sidewalk, however, the City does not issue permits solely for sidewalk crossovers. Rather, the City treats sidewalk crossovers as an element of curb cuts and the curb cut permitting process.

Second, the current process regularly involves duplicative and parallel review processes when curb cut applications accompany grading plan submissions, which address surface elevation, drainage and zoning requirements for structures as a part of the land development process.

Lastly, the existing ordinance requires final approval by the City Manager that cannot be delegated to the Director of Transportation and Environmental Services (“T&ES”) or any other designated agent.

**DISCUSSION:** Staff recommends the following modifications.

Removal of Reference to Sidewalk Crossovers:

Staff proposes removing references to sidewalk crossovers in Code Section 5-2-14, to more consistently reflect the City’s permitting actions.

Approval Process Workflow:

In general, there are three separate paths through which a curb cut request could flow. Below is a breakdown of how each workflow is affected.

1) Site Plan and Special Use Permit Review Process:

Currently, curb cuts proposed on site plans and special use permits are approved through the site plan process and do not require any additional approval, as outlined in Code § 5-2-14(a). No changes are being proposed to the workflow for curb cuts proposed on site plans and special use permits.

2) Grading Plan Review Process:

Currently, when a curb cut is proposed to be added or modified within a grading plan, the applicant is required to make a separate submission for the review and approval of the curb cut shown on their grading plan. Implementing this proposed Code modification would simplify the review of curb cuts proposed within a grading plan by incorporating the curb cut review into the overall review of the grading plan and eliminating the additional review process. Grading plans will be routed to all appropriate staff for feedback. With staff feedback, the approval decision of the curb cut will be conveyed to the applicant with the approval decision of the associated grading plan.

3) Individual curb cuts:

No changes are proposed to the workflow associated with the review of an individual curb cut request.

Approval Authority:

This Code modification delegates the approval of curb cut applications from the City Manager to the T&ES director or designee.

**FISCAL IMPACT:** The City does not charge for review of curb cut applications, however, successful applicants pay for excavation or ROW permits for working in City right-of-way. Proposed modifications have no fiscal impacts.

**ATTACHMENTS:**

Attachment 1: Ordinance Cover page

Attachment 2: Ordinance

Attachment 3: Presentation

**STAFF:**

Emily A. Baker, Deputy City Manager

Christina Brown, Deputy City Attorney

Lindsay Dubin, Assistant City Attorney

Lalit Sharma, PE, Deputy Director, DROW, T&ES

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