

# CITY COUNCIL OF ALEXANDRIA, VIRGINIA

## REGULAR MEETING

Saturday, April 16, 2011 – 9:30 a.m.

Present: Mayor William D. Euille, Vice Mayor Kerry J. Donley, Members of Council Frank H. Fannon, Alicia Hughes, K. Rob Krupicka, Redella S. Pepper and Paul C. Smedberg.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Banks, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Police Captain Ogden; Mr. Johnson, Chief Financial Officer; Ms. Triggs, Director, Finance Office; Ms. Hamer, Director, Planning and Zoning; Ms. Ross, Deputy Director, Planning and Zoning; Mr. Baier, Director, Transportation and Environmental Services; Mr. Lerner, Deputy Director, Transportation and Environmental Services; Ms. Baker, City Engineer, Transportation and Environmental Services; Ms. Orr, Director, Human Resources; Fire Chief Thiel; Ms. Harris, Communications Officer, Office of Communications; Ms. Davis, Director, Office of Housing; Mr. Keeler, Office of Housing; and Mr. Lloyd.

Recorded by: Jacqueline M. Henderson, City Clerk and Clerk of Council.

### OPENING

#### 1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the roll; all the members of Council were present. (Councilwoman Hughes arrived at 9:55 a.m.)

#### Public Discussion Period.

The following persons participated in the public discussion period:

(a) Andrew Macdonald, 217 N. Columbus Street, spoke to the Waterfront Plan, noting he was disappointed in the comments from the Planning Commission about the Plan. He spoke about the Plan, speaking to what the foundation of the Plan should have, and the fact that it should prevent further pollution of the Potomac, increase affordable public access to the waterfront and shoreline, the town's history should be the foundation for the modest attempts to commercialize the waterfront, and the revenue to pay for the restoration should not be tied to development plans like hotels. A Plan should support the local businesses and be cost effective, and it should include a

Maritime museum, a large new park, a new arts district, and a new small boat recreation center.

(b) Denise Freeland, 917 Crestwood Drive, expressed gratitude from the arts community for Council's support of its activities. She asked that the funding of the Commission for the Arts be maintained at the 2010 levels, at a minimum.

(c) Carolyn Griffin, 1201 N. Royal Street, artistic director of Metro Stage, spoke in support of arts funding being maintained at a minimum at the current funding level.

(d) George Chadwick, 2930 Holly Street, with Alexandria Performing Arts Association, spoke about what the City gets for its art money, and he urged that the level of funding for the arts be maintained at its current level.

(e) Linda Hafer, 105 N. Union Street, executive director of the Art League, spoke in support of funding of the arts, and she hoped Council would recognize the value of maintaining funding for the Arts Commission and its grants program, and she encouraged Council to fund a public art funding policy to ensure funding in the future.

(f) June Whelan, 400 Madison Street, vice president and musician in the Washington Balalaika Society, spoke in support of funding for the arts, and she asked Council to continue its support of the Arts Commission.

(g) Matthew Harwood, 1755 North Cliff Street, co-chair, Commission for the Arts, and on behalf of the public art committee, spoke in support of funding for two additional arts initiatives--establishing and staffing a new public art manager position in the Office of the Arts, and maintaining funding levels for the Alexandria Commission for the Arts grant program.

(h) Lisa Hawkins, 1801 N. Quaker Lane, executive director of Convergence, spoke in support of arts in Alexandria, and she asked Council to support the vital role of arts in Alexandria.

(i) Tom Berkey, P. O. Box 11274, with the Alexandria Harmonizers, spoke in support of the arts in Alexandria and said they cannot continue its program without the support of the City Council.

(j) Leisa Collins, 1200 Braddock Road, member, Commission for the Arts, spoke in support of funding for the arts and asked that it be maintained and increased.

(k) Ulysses James, 4009 Gibbs Street, member of the Metropolitan Philharmonic Association, spoke in support of funding for the arts, and said the investment in the arts will bring more to the City for less money than anything else.

(l) David Denardo, 922 S. Washington Street, president, Alexandria Firefighters Local 2141, reiterated their position on the proposed one percent increase contribution in the retirement pensions, noting they are opposed to any increase in contributions. Although a market rate adjustment is needed, it does not guarantee any future salary adjustments to off-set the increase in the employee retirement contributions. Mr. Denardo asked that Council vote for option A and does not implement the one percent employee retirement contribution increase in FY2012.

(m) Jean Antone, 704 S. Fairfax Street, said that last year, she spoke about street cleaning and pothole repair, and to date, not one pothole has been repaired and street cleaning is sporadic, at best. She spoke of the increase of salaries for City employees and for the schools. She spoke of her concern of the City's debt financing, and she asked if the City's tax base could support its level of borrowing, and asked if it needed another Metro Station when it already has four, without financial analysis or analysis of ridership. She asked Council to set firm priorities on spending.

(n) Lonnie Phillips, 221 Randolph Avenue, president, Alexandria Medics Association, said asking employees to pay one percent into the retirement is ill-advised. He said it will have a negative impact on employees, after years of having no cost-of-living increase or merit and an increase in health insurance. He said the pension ad-hoc committee is looking at the retirement plan for the employees, and it seems like the logical way to balance the needs of the employees and the City for retirement. He said Alexandria is one of the richest cities with real estate that has fared much better than others, and yet it has some of the lowest paid employees in the region. He urged Council to vote for option A.

(o) Melynda Wilcox, 403 Jackson Place, requested Council to fully fund the schools CIP budget for two new elementary schools, a K-8 school to replace Jefferson Houston and an additional K-8 school on the Patrick Henry site. She said partial funding would put the school board in the position of having to chose from the two schools, and it would divide the community and both are needed to reduce overcrowding. She said an investment in the schools is an investment in the community.

(p) John Gosling, 208 S. Fayette Street, president, Old Town Civic Association, spoke about the Waterfront Plan, noting that there is still significant frustration with the planning process, which has not adequately presented a range of alternative options for review or taken into account numerous concerns of the Old Town community. Mr. Gosling submitted their modifications in a letter submitted today and he highlighted three issues of concern: the planning process should slow down; make a stronger commitment to historic and cultural amenities; and set limits on the type of allowable commercial uses in the waterfront area. He said the City has asked for public comment on the plan and they see no reason to hurry the process and request a delay in the adoption timetable to allow more time to work with the City.

(q) Ed Didian, 112 Princess Street, spoke of the cruise ships he brought into Alexandria in the 1990's, noting that there are no more cruises since the river is not deep enough. Mr. Didian spoke about the DASH bus service and he said there are only two, three or four people on the buses. He said the transit subsidies for 2010 was shown at \$7.5 million for DASH, and the last three years showed a subsidy of \$24 million. He asked why it operates a bus service that is not used.

(h) Poul Hertel, 1217 Michigan Court, spoke in response to the letter to the editor regarding bicycle issues in which it was pointed out that it assumed six riders a day. He spoke to the number of trips and riders per day, and if Council is to pursue it further because it allocated \$400,000, he urged Council to strongly look and work through it more meticulously. Mr. Hertel said regarding the Waterfront Plan, there are outstanding issues, and the Plan seems to be reinterpreted in such a manner about density and revenue to the point that the projected revenue has become meaningless, and that needs to be solved. Mr. Hertel said the Boat Club wants to move and wants the City to pay for it, but what happens to the site if they do and what are the collateral damages. He said that until the discussions are ready for public domain, the whole Plan needs to be deferred.

(i) Kathleen B. Landrith, 4603 S. 36th Street, Arlington, said she rides the DASH buses a lot and she heard the #2 and 10 may be lost. She said they need the buses, they are good, and the drivers are friendly, helpful and caring.

(j) Meredith MacNab, 408 S. Royal Street, said they have a fabulous City and she said it takes money to have a qualitative way of life. She said paying taxes is a necessary thing to do and they are blessed to have a lot of incredibly dedicated professionals in the City. She said they need a dedicated funding source for implementation of plans. She said she and her husband use DASH and Metro and it is a fabulous system

(k) Ed Milner, 2003 Mill Road, vice president, Alexandria Police Association and a board member of the Police Union, said that in the past, employees have asked for financial compensation and the response has been that a study had to be performed and a decision to give the compensation would be based on the outcome, and when the studies have favored City employees, the City retracted its promise and never gave the compensation. He asked Council to treat its employees with the same careful thought and respect it treats the property tax rates. Mr. Milner asked Council to afford the ad-hoc retirement advisory committee the opportunity to present its findings to Council prior to any implementation of any proposed increase to the pension, strike the increase from the proposed budget and the debate.

## **REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES**

### **[ACTION CONSENT CALENDAR \(3-6\)](#)**

#### **Planning Commission**

3. SPECIAL USE PERMIT #2010-0087 4740 EISENHOWER AVENUE DOG DAYS OF OLD TOWN Public Hearing and Consideration of a request to operate a dog day care facility with overnight boarding and a request for a parking reduction; zoned OCM- 100/Office Commercial Medium (100). Applicant: Kathryn Rollins (Deferred from March docket. PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated April 16, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 4/16/11, and is incorporated as part of this record by reference.)

4. DEVELOPMENT SPECIAL USE PERMIT #2011-0005 1701 DUKE STREET EDMONDSON PLAZA Public Hearing and Consideration of a request for an amendment to development special use permit #2010-0005, to decrease allowable retail use and increase office use; zoned OCH/Office Commercial High. Applicant: 1701 Duke Street, LLC represented by Kenneth Wire, attorney PLANNING COMMISSION ACTION: Recommend Approval 5-0

(A copy of the Planning Commission report dated April 16, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 4/16/11, and is incorporated as part of this record by reference.)

5. TEXT AMENDMENT #2011-0006 INFILL REGULATIONS Public Hearing and Consideration of a text amendment to the Zoning Ordinance to revise Section 7-2503 regarding infill threshold height requirements as they apply to certain properties affected by the new floodplain regulations. Staff: Planning and Zoning PLANNING COMMISSION ACTION: Recommend Approval 6-0

(A copy of the Planning Commission report dated April 16, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 4/16/11, and is incorporated as part of this record by reference.)

[6. TEXT AMENDMENT #2011-0008 BAR ADMINISTRATIVE S Public Hearing and Consideration of a text amendment to revise section 213 and 10-316 of the Zoning Ordinance to allow administrative approval of for minor architectural elements. Staff: Department of Planning and Zoning COMMISSION ACTION: Recommend Approval 6-0](#)

(A copy of the Planning Commission report dated April 16, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 4/16/11, and is incorporated as part of this record by reference.)

- 6.1 Consideration of an Application to the Commonwealth of Virginia State Homeland Security Grant Program on Behalf of the Northern Virginia

Hospital Alliance to Acquire New Radios For the Hospitals Participating in the Alliance.

(A copy of the City Manager's memorandum dated April 11, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6.1; 4/16/11, and is incorporated as part of this record by reference.

## END OF ACTION CONSENT CALENDAR

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilwoman Pepper and carried unanimously, City Council approved the consent calendar, with the exception of docket item number 6, which was considered under separate motion. The approval was as follows:

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

6.1 City Council: 1. approved the application to the Commonwealth of Virginia State Homeland Security Grant Program (due April 18, 2011); and 2. authorized the City Manager to execute the necessary documents that may be required.

The voting was as follows:

Hughes	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

## 6. TEXT AMENDMENT #2011-0008

### BAR ADMINISTRATIVE APPROVALS

Public Hearing and Consideration of a text amendment to revise section 10-113, 10-213 and 10-214

(A copy of the Planning Commission report dated April 16, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 4/16/11, and is incorporated as part of this record by reference.)

Deputy Planning Director Ross responded to questions of Council concerning the administrative appeals

**WHEREUPON**, upon motion by Councilman Smedberg, seconded by Vice Mayor Donley and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Smedberg	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

## REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

### [7. Public Hearing on an Ordinance to Establish the Real Estate and Personal Property Tax Rates for Calendar Year 2011. \(Adoption of the ordinance will occur May 2, 2011.\) \(#7, 3/12/11\)](#)

(A copy of the City Manager's memorandum dated March 8, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 4/16/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 7; 4/16/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 7; 4/16/11, and is incorporated as part of this record by reference.)

Chief Financial Officer Johnson made a presentation of the report. Director of Transportation and Environmental Services Baier gave an overview of the transportation tax, and he, along with Deputy Director Lerner, responded to questions of City Council. Deputy City Manager Jinks also spoke to the transportation tax.

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

(a) Bud Miller, 115-D South St. Asaph Street, spoke in opposition to the commercial add-on tax, noting that Council should hold a referendum on it.

(b) John Stephenson, 133 N. Payne Street, Apt. 1, president, Alexandria Taxpayers United, asked Council to keep the rates as low as possible, and he noted that Council should keep the rate at lower than the maximum allowed by law.

(c) Tina Leone, 801 N. Fairfax Street, president and CEO, Alexandria Chamber of Commerce, noted that most of their members are willing to pay their fair share of transportation costs, noting the nearly 500 signatures on their petition.

(d) Mike Anderson, 801 N. Fairfax Street, chairman, Alexandria Chamber of Commerce, noted that the business community contributes more than 50 percent of the revenue to the City and said they are willing to sit down with the Council to figure out how to fund things.

(e) Skip Maginniss, 801 N. Fairfax Street, vice chair government relations, Alexandria Chamber of Commerce, spoke to the commercial add-on tax, noting that it should not be a choice between the 12 1/2 cents or being left behind adjacent communities. He said they support council's effort to look for ways to attract more business to the City and to make the development corridors more viable.

(f) Jack Sullivan, 4300 Ivanhoe Place, representing the Seminary Hill Association, asked Council to eliminate the 12.5 percent commercial add-on tax.

(g) Mark Allen, 111 Oronoco Street, spoke in opposition to the commercial add-on tax.

(h) Carl Glad, 129 N. Payne Street, spoke in opposition to the commercial add-on tax.

(i) Adrien Cotton, 109 S. Alfred Street, founder and co-owner, Fitness on the Run, spoke in opposition to the commercial add-on tax.

(j) Brian Gordon, 1050 17th Street, Suite 350, Washington, D.C., Virginia vice president of government affairs for the Apartment and Office Building Association, spoke in opposition to the commercial add-on tax.

(k) Jay Krafft, 5707-A Edsall Road, said he is a businessman and small commercial property owner in Alexandria, spoke in opposition to the commercial add-on tax.

(l) Jody Manor, 823 King Street, owner, Bittersweet Catering, spoke in opposition to the commercial add-on tax.

(m) William Pugh, 1200 N. Quaker Lane, spoke in support of dedicated funding for transportation.

(n) Annabelle Fisher, 5001 Seminary Road, asked Council to eliminate the tax on food at the grocery stores; everyone should pay to park in the City garage; she spoke in opposition to the Police Department's request for an additional \$2 million, and the money generated from parking tickets should go to the Police budget; and the Schools are way out of line and don't deserve half of what they earn. The money for transportation should be in place now, and the 12.5 percent add-on tax is not fair.

(o) John Renner, 4000 Featherstone Place, speaking on behalf of the board of directors of the Alexandria Chamber of Commerce, spoke in opposition to the commercial add-on tax.

(p) Christopher Campagna, 816 Duke Street, submitted Dr. Charles Varipapa's comments. Mr. Campagna spoke in opposition to the commercial add-on tax.

(q) George Foote, 910 Vicar Lane, spoke in favor of the commercial add-on tax, but not to the maximum amount allowed, and he urged Council to look for ways to allocate portions of the property tax revenues into transportation needs.

(r) Donald Simpson, Sr., 619 Oakland Terrace, Simpson Properties, spoke about exempt businesses only paying \$50 for a business license tax, saying that the statistics on that is wrong, as the tenants will pay the tax that is imposed.

(s) Joseph Guiffre, 540 Second Street, #301, spoke in opposition to the creation of a new property tax which singles out the business community.

(t) Dave Cavanaugh, 4008 Fort Worth Avenue, asked that Council not approve funding of projects in corridor C until completion and adoption of a Beauregard Small Area Plan; consideration and recommendations made by the high capacity transit way corridor workgroup; budget memo #10 is clarified to ensure residents and businesses will have an opportunity to comment on the projects; and projects approved by Council should be coordinated with neighboring jurisdictions.

(u) Thomas Osborne, 114 N. Columbus Street, spoke in opposition to the commercial add-on tax.

(v) Kim Caplan, 418 Queen Street, spoke about the commercial add-on tax, and noted that there is a big transportation infrastructure problem. She said if the tax is not enacted, then she asked what the traffic or air quality would be like.

(w) Jonathan Krall, 6A East Mason Avenue, vice chair, Alexandria Bicycle and Pedestrian Advisory Committee, spoke in support of bicycle and walking being more accessible modes of transportation, and it should work toward building a transportation system around moving people.

(x) Poul Hertel, 1217 Michigan Court, spoke about the transportation network, noting that at some point, Alexandria will come to a gridlock, and said in the end, it is about providing mobility. He said he was originally for the tax, but in listening to the discussions in the public, it continues to perpetuate the myth that everyone is not in the same boat, so he urged Council to support the transportation endeavors but from the general fund and dedicate the general fund for that purpose.

(y) Robert Gasiewicz, 520 Carlyle Street, #416, speaking on behalf of the Alexandria Chamber of Commerce, spoke in opposition to the commercial add-on tax.

(z) Katy Cannady, 20 E. Oak Street, said that adding a transportation tax means they can say farewell to many small independent retailers, and the transportation tax is an idea that needs to be scrapped.

**WHEREUPON**, upon motion by Councilman Krupicka, seconded by Councilwoman Pepper, to closed the public hearing. The voting was as follows:

Krupicka	"aye"	Donley	"aye"
Pepper	"aye"	Fannon	"aye"
Euille	"aye"	Hughes	"aye"
	Smedberg	"aye"	

[8. Public Hearing on an Ordinance to Codify the Tier 1 Potomac Yard Metrorail Station Special Services District as a Separate Classification For Real Estate Tax Purposes and to Establish the Tax Rate for Calendar Year 2011. \(Adoption of the ordinance will occur May 2, 2011.\) \(#8, 3/12/11\)](#)

(A copy of the City Manager's memorandum dated March 9, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 4/16/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8; 4/16/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 8; 4/16/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper, City Council closed the public hearing. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

[9. Public Hearing to Obtain Community Input on the Recruitment Profile for the New City Manager.](#)

(A copy of the City Manager's memorandum dated March 15, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 4/16/11, and is incorporated as part of this record by reference.)

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

(a) Anthony Barone, 4380 King Street, #1104, said he found value when his leaders prioritize health and safety of every citizen and visitors and provide support to the men and women who strive to keep everyone safe. He asked Council to consider four characteristics of a city manager: one who is mindful of natural and manmade threats and hazards; who understands the importance of health and safety services such as law enforcement, emergency medical services, fire and rescue departments and public health; demonstrates the willingness and ability to assure public health and public safety services not only meet but exceed national standards; and one who has a vision to provide the residents and visitors seamless public health and public safety services through the amelioration of existing service gaps and deficiencies.

(b) Annabelle Fisher, 5001 Seminary Road, said there was no publicity on the focus groups being selected, and she hoped the focus groups would be transparent, their names will be given, and they are representative of the City at-large, and it has a renter or two and people who may not agree with Council. She said the city manager needs to have integrity, honesty, transparency, openness, be accessible, be mindful of taxpayers money, budgeting and how much is being spent, and she didn't think a focus group was a good way to go.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Smedberg and carried unanimously, City Council closed the public hearing to obtain community input. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Smedberg	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
Pepper	"aye"		

[10. Public Hearing on the Draft Fiscal Year 2012 Action Plan for Housing and Community Development.](#)

(A copy of the City Manager's memorandum dated April 11, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 4/16/11, and is incorporated as part of this record by reference.)

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

(a) Annabelle Fisher, 5001 Seminary Road, said she attended the majority of the meetings for the master plan. She said the process has been useless and worthless, She said staff did not present the amount of money they need and want and were not creative of how to partner with already existing agencies.

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilwoman Pepper and carried unanimously, City Council held the public hearing on the draft FY

2012 action plan for Housing and Community Development and docketed it for consideration on May 10, 2011. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Pepper	"aye"	Hughes	absent
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

## REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

### Planning Commission (continued)

None.

## ORDINANCES AND RESOLUTIONS

[11. Public Hearing, Second Reading and Final Passage of an Ordinance to Make Supplemental Appropriations for the Support of the City Government for Fiscal Year 2011. \(#12, 4/12/11\) \[ROLL-CALL VOTE\]](#)

(A copy of the City Manager's memorandum dated April 5, 2011, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 4/16/11, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 11; 4/16/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 11; 4/16/11, and is incorporated as part of this record by reference.)

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

(a) Anthony Barone, 4380 King Street, asked Council to consider the proposed one percent increase in employee contributions to pension plans and support option A for public safety employees, to consider approval for 12 safer grant positions and have all fire department suppression vehicles staffed with four personnel, and not three, consider approval for the port security grant for the new fireboat, approval for the new fire station 210 and the station renovation plans identified in the City's CIP, support for the fire departments apparatus replacement program, and continued support for the building out of the fire and public safety infrastructure and support staff.

Director of Finance Triggs responded to questions of City Council.

**WHEREUPON**, upon motion by Councilwoman Pepper, seconded by Vice Mayor Donley and carried unanimously by roll-call vote, City Council adopted the ordinance to make supplemental appropriations for the support of the City government for Fiscal Year 2011. The voting was as follows:

Pepper	"aye"	Fannon	"aye"
Donley	"aye"	Hughes	"aye"
Euille	"aye"	Krupicka	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

#### ORDINANCE NO. 4714

AN ORDINANCE making supplemental appropriations for the support of the government of the City of Alexandria, Virginia, for fiscal year 2011.

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

Section 1. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the funds hereafter named the amounts hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2011, the source of such amount being external grant awards for which revenues were authorized and adjusted after July 1, 2010, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2011, as follows:

#### SPECIAL REVENUE FUND

##### ESTIMATED REVENUE:

Commonwealth Attorney	\$	3,434
Transportation and Environmental Services		500,000
Fire		278,569
Police		44,550
Housing		1,141,410
Mental Health/Mental Retardation/Substance Abuse		88,818
Human Services		1,046,044
Historic Alexandria		75,000
Library		<u>(21,961)</u>
Total Appropriation	\$	<u>3,155,864</u>

##### APPROPRIATION:

Commonwealth Attorney	\$	3,434
Transportation and Environmental Services		500,000

Fire	278,569
Police	44,550
Housing	1,141,410
Mental Health/Mental Retardation/Substance Abuse	88,818
Human Services	1,046,044
Historic Alexandria	75,000
Library	<u>(21,961)</u>
Total Appropriation	<u>\$ 3,155,864</u>

Section 2. That the Council of the City of Alexandria, Virginia, does hereby make provision for and appropriate to the Stimulus Fund hereafter named the amounts hereafter stated that is required to defray certain expenditures and liabilities of the city for fiscal year 2011, the source of such amount being external American Recovery and Reinvestment Act Funds for which revenues were authorized and adjusted after July 1, 2010, but not appropriated, and further that the Council does hereby allot the amount so appropriated to the several city departments for fiscal year 2011, as follows:

ESTIMATED STIMULUS FUND REVENUE:

Transportation and Environmental Services	<u>\$ 9,170,000</u>
Total Estimated Revenue	<u>9,170,000</u>

APPROPRIATION:

Transportation and Environmental Services	<u>\$ 9,170,000</u>
Total Estimated Revenue	<u>9,170,000</u>

Section 3. That the Council of the City of Alexandria, Virginia, does hereby make provision for and transfer appropriations in the General Fund in the amounts hereafter stated that are required to defray certain expenditures and liabilities, as follows:

GENERAL FUND

APPROPRIATION:

City Manager	\$(132,263)
Fire	(495,202)
Housing	484,000
Information Technology Services	95,503
Emergency Communications	1,396,029
Police	(900,827)
Recreation	(95,503)
Human Resources	132,263
Non-Departmental	<u>(484,000)</u>

Total Appropriation \$ 0

Section 4. That the Council of the City of Alexandria, Virginia does hereby make provision for and appropriate to the fund hereafter named the amount hereafter stated that is required to defray certain expenditures and liabilities of the city in fiscal year 2011, the source of such amount being Transfers In From General Fund and Loan Payments in support of the Housing Fund, and further, that the Council does hereby allot the amount so appropriated for fiscal year 2011 as follows:

SPECIAL REVENUE FUND/HOUSING FUND

ESTIMATED REVENUE:

Loan Payments	\$ 478,782
Transfers In From General Fund	<u>484,000</u>
Total Estimated Revenue	<u>\$ 0</u>

APPROPRIATION:

Housing Fund	\$ <u>962,782</u>
Total Appropriation	<u>\$ 962,782</u>

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

[12. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend and Reordain Section 6-300 \(Floodplain District\) of Article VI \(Special and Overlay Zones\) of the City of Alexandria Zoning Ordinance, in Accordance With the Text Amendment Heretofore Approved by City Council as Text Amendment No. 2011-0004. \(#13, 4/12/11\) \[ROLL-CALL VOTE\]](#)

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 4/16/11, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 12; 4/16/11, and is incorporated as part of this record by reference.)

**WHEREUPON**, upon motion by Vice Mayor Donley, seconded by Councilman Krupicka and carried unanimously by roll-call vote, City Council closed the public hearing and adopted the ordinance to amend the floodplain district and special and overlay zones. The voting was as follows:

Donley	"aye"	Fannon	"aye"
Krupicka	"aye"	Hughes	"aye"
Euille	"aye"	Pepper	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4715

AN ORDINANCE to amend and reordain Section 6-300 (FLOODPLAIN DISTRICT) of Article VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2011-0004.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2011-0004, 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 March 1, 2011 of a text amendment to the Zoning Ordinance to adopt revised floodplain regulations, which recommendation was approved by the City Council at public hearing on March 12, 2011;
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 6-300 of the Zoning Ordinance be, and the same hereby is, amended by deleting the current section in its entirety and inserting new language, as shown:

Sec. 6-300 Floodplain district.

*6-301 Purpose and Intent.*

- (A) This ordinance is adopted pursuant to the authority granted to all localities by Va. Code § 15.2 – 2280, as well as the authority specifically granted to the City in its Charter. The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary

expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- (1) regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (2) restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- (3) requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- (4) protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

6-302 *Applicability.*

- (A) These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the City of Alexandria and identified as being in a floodplain as designated in the Flood Insurance Study and as shown on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency (FEMA) dated June 16, 2011.
- (B) The floodplain district regulations in Section 6-300 are adopted in compliance with floodplain management criteria set forth in regulations promulgated by FEMA.
- (C) This section shall be applicable to all applicants for building permits in the floodplain area.
- (D) All buildings for which a building permit shall have been duly and regularly issued by the director of building and mechanical inspections on or before May 24, 1977, which permit has not expired, may be completed without the necessity of complying with the floodplain district regulations in Section 6-300, but after completion, any such building or structure and the land on which it is situated shall be subject to all the provisions of said section.
- (E) All preliminary site plans which have been duly and regularly approved on or before May 24, 1977, and which have not expired, may be completed without the necessity of complying with the

floodplain district regulations in Section 6-300, but after completion, any building or structure on said site plan together with the land included in said site plan shall be subject to all the provisions of said section

- (F) All final site plans which have been duly and regularly approved and released on or before May 24, 1977, and which have not expired may be completed without the necessity of complying with the floodplain district regulations in Section 6-300, but after completion, any building or structure on said site plan together with the land included in said site plan shall be subject to all the provisions of said section.
- (G) Any building or structure which is in existence on or before June 15, 2011, or for which a preliminary or combination site plan, building permit or subdivision approved on or before June 15, 2011, continues in force and effect shall not be deemed a nonconforming use provided, that any such building or structure which, following June 15, 2011, is the subject of substantial improvement shall comply with the floodplain regulations in effect at the time of such improvement.

*6-303 Definitions.* For the purposes of this Section 6-300 the following terms and phrases shall have the meaning ascribed as follows below. Should any uncertainty occur with respect to the definition of any word, term or phrase used in this section, the applicable definitions set out in 44 CFR 59.1, as amended, shall apply.

- (A) *A Zone.* An area of the one hundred (100)-year flood as shown on the Flood Insurance Rate Map. This zone is also referred to as the Approximated Floodplain District.
- (B) *AE Zone.* An area shown of the 100-year flood on the Flood Insurance Rate Map for which corresponding base flood elevations have been provided. This zone is also referred to as the Special Floodplain District.
- (C) *Base flood.* The flood having a one percent chance of being equaled or exceeded in any given year. May also be referred to as the 100-year flood.
- (D) *Base flood elevation (BFE).* The FEMA designated 100-year water surface elevation as shown on the Flood Insurance Rate Map that corresponds to the base flood.

- (E) *Basement.* Any area of a building (including parking) having its floor subgrade (below ground level) on all sides.
- (F) *Development.* Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or other structures, the placement of manufactured homes, the construction of streets, the installation of utilities and other activities or operations involving paving, filling, grading, excavating, mining, dredging or drilling, the storage of equipment or materials.
- (G) *Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(H) *Flood/flooding.*

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) the overflow of inland or tidal waters;
  - (b) the unusual and rapid accumulation or runoff of surface waters from any source; or,
  - (c) mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

- (I) *Flood Insurance Rate Map (FIRM).* An official map of a community, on which the FEMA Federal Insurance Administrator has delineated

both the special flood hazard areas and the risk premium zones applicable to the community. A Flood Insurance Rate Map that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). The official Flood Insurance Rate Map for the City of Alexandria shall be the in the digital format prepared by FEMA, Federal Insurance Administration, dated June 16, 2011, as amended.

- (J) *Flood Insurance Study (FIS)*. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards. The official Flood Insurance Study for the City of Alexandria shall be the Flood Insurance Study prepared by FEMA, Federal Insurance Administration, dated June 16, 2011, as amended.
- (K) *Floodplain*. A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation by water from such watercourse, or a land area which is subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- (L) *Floodplain district*. The areas encompassed by the 100-year floodplain as shown on the Flood Insurance Rate Map.
- (M) *Flood-prone area*. Any land area susceptible to being inundated by water from any source more often than once in a 100-year period.
- (N) *Floodproofing*. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (O) *Floodway*. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For purposes of this Section 6-300, a floodway must be capable of accommodating a flood of the 100-year magnitude.
- (P) *Freeboard*. A factor of safety usually expressed in feet above a specified flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

(Q) *Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(R) *Historic structure.* Any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

(S) *Lowest floor.* The lowest floor of the lowest enclosed area (including basement). A parking structure that is below grade on all sides is considered a basement and therefore the lowest floor. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area (the enclosure is not below grade on all sides) is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable floodproofing non-elevation design requirements of this Section 6-300.

(T) *Manufactured home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used as a single-family dwelling, with or without permanent foundation, when connected to the required facilities, and which includes the plumbing, heating, air conditioning and electrical systems contained in the structure. A manufactured home shall

include park trailers and other similar vehicles when placed on a site for greater than 180 days.

- (U) *Mixed-use building.* Any building or structure that is used or intended for use for a mixture of nonresidential and residential uses in the same building or structure. For floodplain management purposes, a mixed-use building is subject to the same rules and conditions as a residential building unless all of the provisions set forth more specifically herein are met.
- (V) *New construction.* Buildings and structures as to which the start of construction occurred on or after May 24, 1977, including any subsequent improvements to such buildings or structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- (W) *Nonresidential building.* Any building or structure which is not a residential building or a mixed-use building.
- (X) *Recreational vehicle.* A vehicle which is
  - (1) built on a single chassis;
  - (2) 400 square feet or less when measured at the largest horizontal projection;
  - (3) designed to be self-propelled or permanently towable by a light duty truck; and,
  - (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- (Y) *Residential building.* Any single-family dwelling, two-family dwelling, row or townhouse dwelling, or multi-family dwelling, and any accessory building or structure.
- (Z) *Shallow flooding area.* A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- (AA) *Special Flood Hazard Area (SFHA)*. The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as designated on the official Flood Insurance Rate Map for the City of Alexandria.
- (BB) *Start of construction*. The date a building permit is issued, provided that the actual start of construction begins within 180 days of the permit issuance date. For new construction, the actual start of construction means the initial placement of permanent construction of a structure on the site, such as the pouring of footings or a slab, the installation of piles, the construction of columns or any work beyond the state of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, or the installation of streets or walkways, or excavation for a basement or for footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings, such as garages or sheds not occupied as dwelling units and not part of the main structure. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the buildings.
- (CC) *Structure*. For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance coverage purposes, means:
- (1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;
  - (2) A manufactured home (also known as a mobile home), is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or
  - (3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

- (DD) *Substantial damage.* Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.
- (EE) *Substantial improvement.* Any repair, reconstruction, rehabilitation, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure immediately before construction of the improvement is commenced, or any restoration of a building or structure which has incurred substantial damage; provided, that the term does not include:
  - (1) Any improvement of a building or structure that is necessary to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by appropriate officials of the state or city and which are the minimum necessary to assure safe living conditions; or
  - (2) Any improvement of a "historic structure," as defined in this section, so long as the improvement does not preclude the structure's continued designation as a "historic structure."
- (FF) *Violation.* The failure of a structure or other development to be fully compliant with the City of Alexandria's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

6-304 *Description of Floodplain Districts.*

- (A) The various floodplain districts shall include the Special Flood Hazard Areas described below. The basis for the delineation of these districts shall be the Flood Insurance Study and the Flood Insurance Rate Maps for the City of Alexandria prepared by FEMA, Federal Insurance Administration, dated June 16, 2011, and any subsequent revisions and amendments thereto.
  - (1) The Special Floodplain District shall include those areas identified as an AE Zone on the Flood Insurance Rate Map for which 100-year base flood elevations have been provided.

- (2) The Approximated Floodplain District shall include those areas identified as an A Zone on the Flood Insurance Rate Map. In these zones, no detailed flood profiles or elevations are provided, but the 100-year floodplain boundary has been approximated. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with FEMA-approved hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Director of Transportation and Environmental Services.
- (B) The delineation of any of the floodplain districts may be revised by the City of Alexandria where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. Updates to the delineation of the floodplain districts require approval from both the City of Alexandria and the FEMA Federal Insurance Administration.
- (C) Any uncertainty on the floodplain district map, or Flood Insurance Rate Map, with respect to the boundary of any floodplain district, either A or AE Zone, shall be determined by the Director of Transportation and Environmental Services by scaling and computation from the map or by land survey information.

*6-305 Administration.*

- (A) The Director of Transportation and Environmental Services shall be responsible for the administration of the floodplain management regulations set forth in this Section 6-300. He or she shall be responsible for the review of all proposed uses and development to determine whether the land on which the proposed use or

development is located in a floodplain, and that the site is reasonably safe from flooding.

- (B) An applicant must apply for a permit and issuance of the permit is required prior to the start of any development within the Special Flood Hazard Area.
- (C) No site plan, subdivision plat or building permit application which proposes to construct or make substantial improvements within any floodplain district shall be approved by any agency of the City of Alexandria without certification by the Director of Transportation and Environmental Services that the plan, plat or permit application meets the requirements of this Section 6-300. The Director of Transportation and Environmental Services shall insure that all other required permits related to development in the floodplain from state or federal governmental agencies have been obtained.
- (D) All applications for new construction or substantial improvement within any floodplain district, and all building permits issued for the floodplain shall incorporate the following information:
  - (1) the base flood elevation at the site;
  - (2) the elevation of the lowest floor (including basement);
  - (3) for structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed; and,
  - (4) topographic information showing existing and proposed ground elevations.
- (E) The Director of Transportation and Environmental Services may require information from the applicant, including, but not limited to, an engineering study of the floodplain. Upon a determination that the land on which the proposed use or development is located in a floodplain, the Director of Transportation and Environmental Services shall determine whether such use or development may be permitted in accordance with the provisions of Section 6-306 through 6-308 or requires the approval of a variance as set forth in Section 6-311.
- (F) The Director of Transportation and Environmental Services shall be responsible for the collection and maintenance of records necessary for the City's participation in the National Flood Insurance Program. Base flood elevations may increase or decrease resulting from physical changes affecting flooding

conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Director of Transportation and Environmental Services shall notify or require the applicant to notify the FEMA Federal Insurance Administrator of any change in base flood elevation or the boundaries of any Special Flood Hazard Area depicted on the City's Flood Insurance Rate Map by submitting technical and scientific data to FEMA for a Letter of Map Revision.

#### *6-306 Special Regulations.*

Within the boundaries of any A or AE Zones in any floodplain district as shown on the Flood Insurance Rate Map, buildings or structures and their extensions and accessory buildings or structures may be constructed or substantially improved only in accordance with the following requirements of this Section 6-300 and all other applicable provisions of law.

- (A) The elevation of the lowest floor, including the basement, for any new residential building or any extension to a residential building shall be at least one foot above the base flood elevation.
- (B) The elevation of the lowest floor, including the basement for any new nonresidential building or structure and any extension or accessory to a nonresidential building shall be at least one foot above the base flood elevation. Nonresidential buildings located in all A or AE zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the base flood elevation plus one foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. In no event shall any floor below at least one foot above the base flood elevation be used for human or animal habitation, food storage or food preparation.
- (C) All new and replacement public utilities, water mains and sanitary sewers shall be designed to minimize or eliminate infiltration and exfiltration and to insure their structural integrity under flood conditions to the satisfaction of the Director of Transportation and Environmental Services.
- (D) Water heaters, furnaces, electrical distribution panels and other critical mechanical or electrical installations shall not be installed below the base flood elevation. Separate electrical circuits shall serve areas below the base flood elevation and shall be dropped from above.

- (E) Any proposed use of land, development and any new construction or substantial improvement of a building or structure within an A or AE zone, in conjunction with all other uses, existing or possessing a valid permit for construction, shall not increase the water-surface elevation of the 100-year flood by more than 0.5 foot. Any party proposing a land use or development or such construction or improvement within an A or AE Zone shall furnish specific engineering data and information as to the effect of the proposed action on future flood heights and obtain approval from the Director of Transportation and Environmental Services prior to undertaking the action.
- (F) No building permit shall be issued for the construction or substantial improvement of a building or structure unless the applicant submits to the Department of Code Administration a certification from a duly registered architect or engineer that the proposed construction (including prefabricated homes) or improvement meets the following requirements:
- (1) the construction shall be protected against flood damage;
  - (2) the construction shall be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the building and structure;
  - (3) the construction shall be built using materials and utility equipment that are resistant to flood damage; and,
  - (4) the construction shall be built using methods and practices that will minimize flood damage. The certification required by Section 6-306(F)(1) and (2) shall be based on the 100-year flood level as noted on the Flood Insurance Rate Map.
- (G) No building permit for the substantial improvement of an existing nonresidential building shall be issued unless the building, together with attendant utility and sanitary facilities, has the lowest floor (including the basement) elevated at least one foot above the base flood elevation. Should this not be feasible, no such permit shall be issued unless the existing structure is watertight floodproofed as described in Section 6-306 in all areas below the base flood elevation to the classification designated by the Director of Transportation and Environmental Services.
- (H) No building permit for the substantial improvement of an existing residential building shall be issued unless the building has the

lowest floor (including the basement) elevated at least one foot above the base flood elevation.

- (I) Wherever floodproofing is utilized within the scope of this Section 6-300, such floodproofing shall be done by approved methods. A registered professional engineer or architect shall certify the adequacy of the floodproofing design to withstand the stresses of the base flood and such plan shall cite the elevation to which the structure is floodproofed. Such certification shall be provided on Federal Emergency Management Agency, National Flood Insurance Program, elevation certificate and/or floodproofing certificate as applicable. Designs meeting the requirements of the W-1 and W-2 without human intervention technique as outlined in floodproofing regulations of the Office of the Chief of Engineers, U.S. Army, December 15, 1995, shall be deemed to comply with this requirement. The building or code official shall maintain a file of such certifications, including the elevation of the lowest floor for structures that are elevated in lieu of watertight floodproofing.
  
- (J) For all new construction or substantially improved structures, fully enclosed areas below the lowest floor (other than a basement) which are below the base flood elevation shall:
  - (1) only be used for the parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises and shall not be designed or used for human habitation. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or the entry to the living area (stairway or elevator);
  - (2) be constructed entirely of flood resistant materials below the base flood elevation; and,
  - (3) include, in A and AE Zones, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must be certified by a professional engineer or architect or meet the minimum design criteria:
    - (a) provide a minimum of two openings on different sides of each enclosed area subject to flooding;

(b) the total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(c) if a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit;

(d) the bottom of all required openings shall be no higher than one foot above the adjacent grade;

(e) openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and,

(f) foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(K) Any mixed-use building may be considered a nonresidential building for purposes of this Section 6-306 if all of the following conditions are met; otherwise, the building shall be considered a residential building:

(1) no more than twenty percent of the development site is within the boundaries of any A or AE Zones in any floodplain district as shown on the Flood Insurance Rate Map;

(2) at least 20,000 square feet of finished floor area of the proposed mixed-use building is devoted to nonresidential use;

(3) basement areas (including below grade parking) must be located outside the boundaries of any A or AE Zones in any floodplain district; and,

(4) all floodproofing requirements specified in this Section 6-300 and as specified in FEMA Technical Bulletin 3-93 Non-Residential Floodproofing – Requirements and Certification must be met.

*6-307 Other Conditions.*

- (A) No filling of any kind shall be allowed within the boundaries of any A or AE Zone except where such filling, when considered in conjunction with all other uses, existing and proposed, will not increase the base flood elevation more than 0.5 foot. Persons proposing such filling shall furnish specific engineering data and information as to the effect of their proposed action on future flood heights and shall obtain approval from the Director of Transportation and Environmental Services prior to any filling.
- (B) All uses, activities and development occurring within any floodplain district shall only be undertaken in strict compliance with the Virginia Uniform Statewide Building Code (VA USBC).
- (C) No wall, fence or other outdoor obstruction shall be constructed in any floodplain district unless such structure is approved by the Director of Transportation and Environmental Services; provided that open mesh wire fences of not less than No. 9 wire, with mesh openings of not less than six inches times six inches, whose supports shall be securely anchored in concrete and whose wire shall be securely fastened to the supports, may be erected without any review by or approval of the Director of Transportation and Environmental Services under this Section 6-300.
- (D) The provisions of this Section 6-300 shall not be construed to prevent the remodeling (not amounting to substantial improvement), maintenance or floodproofing of buildings and structures now existing, or prevent the surfacing or resurfacing of existing streets or parking lots within two inches of the existing grade.

*6-308 Subdivision Requirements.*

- (A) Subdivision proposals which are located in A or AE Zones must comply with the provisions of Section 6-300 and shall:
  - (1) be consistent with the need to minimize flood damage;
  - (2) have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
  - (3) have adequate drainage provided to reduce exposure to flood hazards; and,
  - (4) include base flood elevation data.

*6-309 Trailer Camps, Manufactured Homes, Mobile Homes, Recreational Vehicles and Septic Tank Systems.*

- (A) Trailer camps, manufactured homes and mobile homes are not permitted in any floodplain district.
- (B) All recreational vehicles in the floodplain must be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use.
- (C) Installation of septic tank systems in any floodplain district is prohibited.

*6-310 Flood Prevention Projects.*

Nothing in Section 6-304 through Section 6-308 shall be construed to prohibit the City of Alexandria or any person from undertaking lawful filling, draining, construction, realignment or relocation of stream channels or any other improvement that is intended to eliminate or reduce the danger of flooding, provided:

- (A) the improvement is in accord with the City of Alexandria's flood improvement plan for the floodplain district involved and the Director of Transportation and Environmental Services has issued a certificate to that effect;
- (B) the improvement is under the general supervision of the Director of Transportation and Environmental Services;
- (C) the realignment or relocation of any stream channel is designed and constructed so that there will be no reduction in the natural valley storage capacity of the area with respect to the 100-year flood, unless such relocation or realignment is designed to contain the 100-year flood within the banks of the channel;
- (D) notification, in riverine situations, is provided to adjacent communities, Virginia Department of Conservation and Recreation, FEMA, and other required agencies prior to any alteration or relocation of a watercourse; and,
- (E) the requirements of Section 6-306 (E) and Section 6-307(A) must be met.

*6-311 Variances*

- (A) The City Council may, for good and sufficient cause, permit less than full compliance with or waive the provisions of Section 6-304 through Section 6-310, provided:
- (1) written application is made stating the hardship which will occur if the variance is not granted;
  - (2) a public hearing is held;
  - (3) the decision is made by a majority vote of the entire membership of City Council upon finding that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - (4) the Director of Transportation and Environmental Services states in writing that the variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws and ordinances; and,
  - (5) the Director of Transportation and Environmental Services notifies the applicant in writing that the issuance of a variance to construct a structure below the base flood elevation will result in increased insurance premium rates for flood insurance and that such construction will increase the risks to life and property.
- (B) In evaluating applications for variances, the Director of Transportation and Environmental Services shall satisfy all relevant factors and procedures specified in other sections of the City's ordinance and consider the following additional factors:
- (1) the danger to life and property due to increased flood heights or velocities caused by encroachments;
  - (2) the danger that materials may be swept onto other lands or downstream to the injury of others;
  - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
  - (4) the importance of the services provided by the proposed facility to the community.

- (5) the requirements of the facility for a waterfront location;
  - (6) the availability of alternative locations not subject to flooding for the proposed use;
  - (7) the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
  - (8) the relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
  - (9) the safety of access by ordinary and emergency vehicles to the property in time of flood;
  - (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
  - (11) such other factors which are relevant to the purposes of this ordinance.
- (C) The Director of Transportation and Environmental Services may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.
- (D) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the FEMA Federal Insurance Administrator.
- (E) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use.

*6-312 Compliance, Liability, Severability and Penalties.*

- (A) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and

provisions of this Section 6-300 and any other applicable ordinances and regulations which apply to uses within the jurisdiction of these floodplain district regulations.

- (B) The degree of flood protection required by these floodplain district regulations and all other applicable local, state and federal regulations is considered reasonable for regulatory purposes. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes. Therefore, the regulations set forth in this Section 6-300 do not imply that areas outside the floodplain districts, or land uses permitted within such districts, will be free from flooding and flood damages under all conditions. Additionally, the granting of a permit or approval of a development in an identified floodplain district shall not constitute a representation, guarantee, or warranty of any kind by any official or employee of the City of Alexandria of the practicability or safety of the proposed use, and shall create no liability upon the City of Alexandria, its officials or employees.
- (C) If any section, subsection, paragraph, sentence, clause or phrase of this Section 6-300 shall be declared invalid for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Section 6-300. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of Section this 6-300 are hereby declared to be severable.
- (D) Any person who shall engage in new construction, substantial improvement or development without a building permit as required by VA USBC and these floodplain management regulations shall be subject to the penalties provided in Section 11-200 of the Zoning Ordinance.

#### *6-313 Appeals.*

Any person aggrieved by a decision of the Director of Transportation and Environmental Services under this Section 6-300 may appeal that decision to City Council; provided, that the appeal shall be filed in writing with the City Clerk within fifteen (15) days of the decision being appealed and shall describe the decision being appealed and the reasons why the person believes the decision to be invalid.

#### *6-314 Annual Report.*

It shall be the City Manager's duty to submit any reports to FEMA and the floodplain coordinator at the Virginia Department of Conservation and

Recreation that may be required regarding the City of Alexandria's compliance with flood management regulations.

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

Section 3. That Section 6-300, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

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

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

### **DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

#### **Planning Commission (continued)**

None.

### **END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR**

## **EXECUTIVE SESSION**

### **13. Consideration of a Closed Meeting For the Purpose of Consulting With Legal Counsel Regarding Potential and Pending Litigation and Real Estate Acquisition Matters.**

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council convened in closed executive session at 1:14 p.m, pursuant to Sections 2.2-3711(A)(3) and (7) of the *Code of Virginia*, for the purpose of discussion or consideration for the acquisition of real property for a public purpose or the disposition of publicly held property, and consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation regarding specific legal matters requiring the provision of legal advice. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
Pepper		"aye"	

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council reconvened the meeting at 2:04 p.m. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

**WHEREUPON**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously by roll-call vote, City Council adopted a resolution pertaining to the Executive Session. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"
Euille	"aye"	Krupicka	"aye"
	Pepper	"aye"	

The resolution reads as follows:

#### RESOLUTION NO. 2447

WHEREAS, the Alexandria City Council has this 16th day of April 2011, 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.

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**THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED**, upon motion by Councilwoman Hughes, seconded by Councilman Smedberg and carried unanimously, City Council adjourned the public hearing meeting of April 16, 2011 at 2:05 p.m. The voting was as follows:

Hughes	"aye"	Donley	"aye"
Smedberg	"aye"	Fannon	"aye"

Euille

"aye"  
Pepper

Krupicka  
"aye"

"aye"

APPROVED BY:

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WILLIAM D. EUILLE

MAYOR

ATTEST:

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Jacqueline M. Henderson, MMC  
City Clerk and Clerk of Council