


MEMORANDUM

DATE: MARCH 7, 2012

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: RASHAD M. YOUNG, CITY MANAGER 

SUBJECT: CONSIDERATION OF REVISIONS TO THE CITY CODE AND ZONING ORDINANCE TO CLARIFY DEVELOPMENT CONDITIONS REGULATING VISITOR/GUEST PERMIT PARKING

ISSUE: Development conditions that have been interpreted to prohibit residents of certain developments from obtaining visitor and guest parking permits in residential parking districts.

RECOMMENDATION: That City Council direct staff to revise the City Code and Zoning Ordinance to clarify that residents of developments with certain Development Special Use Permit (DSUP) conditions limiting residential parking permits may obtain guest/visitor parking passes.

BACKGROUND: The City has a Residential Permit Parking (RPP) program which was established to protect residential neighborhoods from commuter and non-resident parking. The RPP districts are generally adjacent to Metrorail stations and neighborhoods with a high number of commuter and non-resident parkers. In order to address concerns of new residential developments impacting on-street parking supply and adverse impacts on surrounding neighborhoods, in some development cases the City has added a condition limiting the ability of residents of these newer developments to obtain on-street residential parking permits in the district where their development is located. Attachment 1 lists those development approvals containing conditions prohibiting residents from obtaining on-street residential parking permits in the district where their development is located. The conditions were included to minimize the impact of new parking demand created by these developments in areas where on-street parking supply is limited. The primary intent of these conditions is to prohibit residents from accessing the on-street permit parking spaces that are in high demand. The issue of whether these conditions were intended to limit access to visitor and guests' parking permits is less clear. However, over the years, staff has developed a practice of interpreting these restrictions in the strictest of manner thereby eliminating the possibility of parking for visitors and guests for these developments.

This interpretation has been challenged over the past few years, as P&Z, T&ES and Finance staff have met with representatives of Homeowner Associations (HOAs) and residents of some of the developments, such as Chatham Square, to discuss issues arising from this condition. The affected neighborhoods acknowledge that residents of these developments are not allowed to get parking permits for on-street parking of their own vehicles, but point out the hardship in not being able to accommodate visitors and guests, as well as the ambiguity of development condition language. The issue of whether to allow residents in these developments to get visitor and guest parking permits went before the Traffic and Parking Board twice, in both May and June 2008. The May 2008 docket item was deferred to the June, 2008 Board meeting. In June, 2008, the Board unanimously approved the motion to defer staff's

recommendation to City Council to change the RPP program to clarify when temporary guest, visitor and business parking permits can be issued in residential developments with special use permits (Attachment 2).

In 2011, the City Attorney's Office, in coordination with T&ES and P&Z analyzed the language of various Development Special Use Permit conditions to determine whether such conditions were intended to apply to prohibit permits for visitors and guests in addition to residents. Staff found that, except for the one case cited below, all of the DSUP conditions, in fact, allow residents to obtain visitor and guest parking permits and that the City should apply the rules for such permits in a manner identical to that applicable to those in the district not subject to the DSUP/SUP conditions. Several factors combine to make this interpretation appropriate.

First, staff members involved with the development of many of the DSUPs at issue stated that it was never the intention to prohibit visitors and guest permits unless that prohibition was specifically stated. Of the 25 developments with this condition, there is only one development approval that specifically prohibits guests and visitor permits. DSUP2007-0017 for Eisenhower East Blocks 19 and 20 provides, in Condition #32e:

Residents of the building shall be ineligible to apply for or receive any residential, visitor, or guest on-street parking permits.

Second, the conditions are written broadly, and variously, to include citations to the City Code provisions that authorize parking districts and provide the rules for resident, visitor and guest parking and well as the panoply of regulations that apply to the districts. Typical of the conditions is the following from Abington Row (DSUP 2002-0043):

Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code section 5-8, Article F.

The language of the conditions varies, with some citing "City Code section 5-8-74" or "city code section 5-8-71." (Attachment 3).

The very specific language in the DSUP for Eisenhower East Blocks 19 and 20, when compared to the varied and more general language with citation to the overall code section in the other DSUPs, underscores the point that it does not appear that there was any specific intent in the more generally phrased conditions to prohibit on-street visitor and guest parking permits for these neighborhoods.

Finally, and significantly, several of the cases such as Chatham Square that include the general prohibition language also include a discussion of visitor parking, and state unequivocally that it will be located, in whole or part, on the surrounding streets. It would not be rational to read the cases which anticipate on-street visitor parking as prohibiting on-street visitor parking through the permit system. Further, the language of the condition on permit parking in the cases that anticipate on-street visitor parking is not distinct from those that do not, again suggesting that the variation in specific condition language was not meaningful on this particular point.

The visitor parking issue was brought up during the Mayor's visit to the Chatham Square Homeowner Association's annual meeting in May, 2011. At the same meeting, a letter was given to the Mayor by this HOA's staff requesting action to allow visitor parking permits for residents of their community (Attachment 4).

Although the prior City Attorney had a different interpretation of these conditions, the current City Attorney has reviewed the existing conditions, discussed them with staff as set forth above and supports the clarification as proposed herein to allow the issuance of visitor and guest parking permits, but not resident on-street parking permits, in these neighborhoods.

If council so directs, staff will then propose technical amendments to the following documents to clarify this issue:

- A. An amendment to the City Code Chapter 5-8 to clarify that visitor and guest parking permits for developments with the general residential permit condition is permissible.
- B. An amendment to the Zoning Ordinance to clarify that in the DSUPs on the attached list with the exception of DSUP2007-0017 for Eisenhower East Blocks 19 and 20, the condition prohibiting residential parking permits is not a prohibition of visitor and guest parking permits.

Staff intends, as a general matter, to make sure that future development cases are clear in regard to visitor and guest parking.

FISCAL IMPACT: Currently there is no charge for a guest permit or for a visitor permit for seven days or less. However, the fee for visitor permits issued for more than seven enforceable days is \$5.00. The annual number of visitor permits issued for more than seven days is insignificant. In 2011, 587 visitor passes were issued throughout all 12 residential permit parking districts resulting in total revenue of \$2,935. Considering the fact that 9,811 residential units were eligible to apply for visitor permits in 2011, the average annual revenue generated by visitor permits would approximately equate to 30 cents per residential unit. It is estimated that total annual revenue generated by additional visitor permits requested by aforementioned developments (3,007 already constructed residential units) would equal about \$900.

ATTACHMENTS:

- Attachment 1: List of Developments with Residential Permit Conditions
- Attachment 2: Traffic and Parking Board Docket Report and Meeting Minutes June 23, 2008
- Attachment 3: Development Special Use Permit Conditions by Development Project
- Attachment 4: Chatham Square Home Owner Association's Letter to Staff

STAFF:

- Mark Jinks, Deputy City Manager
- Laura Triggs, Acting CFO
- Faroll Hamer, Director, P&Z
- Richard J. Baier, P.E., LEED AP, Director, T&ES
- Abi Lerner, P.E., Deputy Director, Transportation Planning, T&ES
- Sandra Marks, Division Chief, Transportation Planning, T&ES
- Chris Spera, Deputy City Attorney
- Barbara Ross, Deputy Director, Administration and Land Use Services, P&Z
- Faye Dastgheib, Principal Parking Planner, Transportation Planning, T&ES

Development	Use	Parking Permit Restriction	Resident Parking		Visitor Parking Permit Restriction	Visitor Parking	
			Required	Provided		Required	Provided
900 North Washington St DSP 2005-0024 September 7, 2006	57 Units	No permits for residents (Condition 19)	94 spaces	94 spaces		To be provided on adjoining public streets	On-street
Abingdon Row 1000-1027 N Royal St & 327-329 First St DSUP 2002-0043 November 13, 2004	53 Units	No permits for residents (Condition 15)	77 spaces	78 spaces		6 spaces	6 spaces
Backyard Boats 108 Franklin St. SUP 2000-0024 June 17, 2000	28 units	No permits for residents (Condition 10)	56 spaces	81 spaces		24 spaces adjacent to units	10 on private street (Condition 3)
Beasley Square 1323 Duke Street DSUP 2004-0015 December 18, 2004	8 units	No permits for residents (Condition 4)	2 spaces	3 on-site spaces; 5 off-site spaces		0 spaces	0 spaces
Braddock Lofts 713 N. Fayette St. SUP 2000-0021 September 16, 2000	40 units	No permits for residents (Condition 3)	80 spaces	92 spaces		To be provided on adjoining public streets	On-street
Samuel Madden Homes (Chatham Square) 409 N. Pitt St. SUP 2002-0029 December 14, 2002	152 units	No permits for residents (Condition 9)	294 spaces	294 spaces		46 to be provided on adjoining public streets	On-street
Carlyle Center (Block 27) 310 Hooffs Run Drive DSUP 2006-0012 December 16, 2006	281 units	No permits for residents (Condition 17d)	396 spaces	396 spaces			15 spaces and on-street spaces
Cromley Lofts 1210 Queen St. SUP 2005-0050 June 21, 2005	8 units	One permit per unit (Condition 1)	14 spaces	None		2 spaces	None

Clayborne Apartments 820 S Columbus St DSUP 2003-0020 December 16, 2003	75 units; 4372 SF of Retail	No permits for residents (Condition 8b)	197 spaces	225 spaces		17 spaces	17 spaces
EE Blocks 19 and 20 2200-2250 Mill Road DSUP 2007-0017 June 13, 2009	474,000 SF of Residential; 585,000 SF of Office	No permits for residents, visitors and guests (Condition 32e)	1691 spaces (max)	1253 spaces	Yes	?	81 spaces (32 on- street)
Fannon Property 1300 Duke Street DSP 2005-0016 January 3, 2006	58 units	No permits for residents (Condition 20)	133 spaces	134 spaces		18 spaces	18 spaces
Lane Development 2203 Mill Road DSUP 2004-0016 June 17, 2006	485 units; 5,700 SF of Retail	No permits for residents (Condition 23e)	531 spaces (max)	513 spaces		?	40 spaces
The Madison 1111 Belle Pre Way and 1125 Madison St. DSUP 2007-0005 January 12, 2008	334 units	No permits for residents (Condition 25c)	465 spaces	350		70 spaces	53 garage parking spaces
Meridian at Braddock 1200 First Street and 950 N. Fayette Street SUP 2002-0018 October 19, 2002	480 units	No permits if area is ever included in a parking district (Condition 5)	695	560		No visitor parking required at time of DSUP approval	35 surface parking spaces in addition to garage parking
Monarch 1180 & 1100 Pendleton St. DSUP 2003-0019 November 13, 2004	168 units, 16,000 sf retail	No permits for residents (Condition 20)	372 spaces	374 spaces		39 spaces	39 spaces
Mt Vernon Commons (Triangle) 3015-3111 Mt Vernon & 3026 Commonwealth Ave DSUP 2005-0041 December 16, 2006	141 units	No permits for residents (Condition 30)	207 spaces	207 spaces		25 spaces	25 spaces in addition to adjoining public street
Northampton Place	574 units	No parking on	962 spaces	880 spaces		126 spaces	100 spaces

Apartments 3101 North Hampton Dr DSUP 2001-0014 November 17, 2001		North Hampton Drive (Condition 5)					
Payne Street 621 North Payne Street DSUP 2008-0008 September 13, 2008	206 units; 4,325 SF retail	No permits for residents (Condition 29c)	244 spaces	256 spaces		31 spaces	33 spaces
Potomac Yard Ldby H* 2300-2601 Main Street DSUP2007-0023 September 15, 2007	216 units; 51,616 SF Office; 4,851 SF Retail	No permits for residents (Condition 13g)	651 spaces	702 spaces		85	100 (on-street)
Prescott 1115 Cameron St. DSUP 2004-0001 October 12, 2004	64 units	No permits for residents (Condition 13)	127 spaces	120 spaces		17 spaces	7 on-street
Slaters Lane 800-820 Slaters Lane DSUP 2005-0002 October 15, 2005	28 units	No permits for residents (Condition 15)	45 spaces	47 spaces		7 spaces	7 spaces (adjacent to alley)
Station at Potomac Yard 2501 Jefferson Davis Hwy DSUP 2006-0026 February 24, 2007	64 units; 24,800 SF Fire Station; 1,500 SF Retail	No permits for residents (Condition 21c)	142 spaces	142 spaces		16 spaces	16 spaces (5 in garage and 11 on- street)
Windows Catering 1125 North Royal Street DSP 2005-0018 October 14, 2006	21 units; 1946 SF of Retail	No permits for residents (Condition 22)	61 spaces	53 spaces		7 spaces	7 spaces
Land Bay L	400 units;3,559 SF of Retail	No District 6 permits for residents (Condition 30)	411 spaces	368 spaces		59 spaces	53 spaces on street (plus 25 garage retail spaces to be shared with visitors)

5

**TRAFFIC AND PARKING BOARD PUBLIC HEARING
JUNE 23, 2008**

DOCKET ITEM: 4
ISSUE: Issuance of Residential Parking Permits
APPLICANT: City of Alexandria

STAFF RECOMMENDATION: That the Traffic and Parking Board recommend to City Council the following changes in the City's residential permit parking program:

1. Allow nonresident owners to obtain temporary business parking permits;
2. Continue allowing home healthcare providers to obtain residential parking;
3. Clarify when temporary parking permits may be issued to residents of developments with special use permits.

DISCUSSION:

1. Allow Nonresident Owners to Obtain Temporary Business Parking Permits

City Code § 5-8-74 (4) allows residents in permit parking districts to obtain temporary permits for persons doing business at their properties. This proposal will extend the same authority to nonresident property owners.

The City's current residential permit parking policy is an issue for some nonresident property owners. Under the current city ordinance, nonresident owners are unable to obtain residential parking permits for their vehicles, for the vehicles of guests or visitors, or for the vehicles of persons performing work at their properties within the district. Accordingly, when hiring contractors to maintain or upgrade their properties (such as renovating a residential property before moving in), nonresident property owners must ask their tenants to obtain temporary business parking permits for the contractors. If a property is vacant, the nonresident property owner cannot obtain a temporary business parking permit for the contractor's vehicle, which may store the tools and equipment necessary to perform the maintenance or property upgrade.

This proposal will benefit the community by making it easier for nonresident owners to maintain their properties at a higher standard. The change applies to residential properties only, and still limits the number of temporary business parking permits to three per property.

2. Continue Parking Permit Program for Healthcare Providers

On June 21, 2005, City Council adopted Ordinance 4407, which authorized the issuance of one parking permit per residence for a healthcare provider who provides healthcare services at a property

in a permit parking district. To receive a permit, the applicant must provide certification from a medical professional that a permanent resident is receiving healthcare services at the residence, and pay a fee of \$50. The permit is valid for up to one year, with an October 5 expiration date.

At the time parking permits for healthcare workers were authorized, City Council also considered, but did not include, similar authorization for daycare providers. At the request of former Vice Mayor Andrew Macdonald in 2004, staff proposed amending City Code to allow issuance of one annual permit per residence for either a healthcare or daycare provider. This was referred to and considered by the Traffic and Parking Board in late 2004, which recommended to Council that permits be issued to healthcare workers only, finding no material distinction among daycare providers, nannies and tradespersons, and other commuters who desire to park close to their places of employment. The Board recommendation and an ordinance amending City Code to permit issuance of parking permits to healthcare and daycare providers were presented to Council in June 2005. Following public hearing, Council adopted an amended ordinance (Attachment 1) with all references to permits for daycare providers deleted. Staff reconsidered provisions for daycare providers as part of the current proposals; however, do not recommend that they be included at this time.

When authorizing issuance of temporary parking permits to healthcare providers, there was concern that the program may be abused. Accordingly, City Council directed that the program be implemented on a trial basis by including a sunset clause in the ordinance. The program has been well received and helps lower stress on those residents needing a healthcare provider. The one resident currently participating in the program has provided the necessary certification from a medical professional. Since it appears the program is being used in accordance with Council's intent, staff recommends removing the sunset clause and allowing the parking permit program for healthcare providers to become permanent.

3. Clarify Issuance of Temporary Parking Permits for Residential Developments with Special Use Permits

To ensure that new residential developments comply with City standards and do not have an adverse impact on surrounding neighborhoods, developers must agree to conditions provided in development special use permits, which are ultimately approved by City Council. Parking requirements for the development are an essential condition of all special use permits. Although the special use permits generally prohibit residents of the developments from obtaining the City's residential parking permits, there are some differences on how visitor parking should be accommodated. Attachment 2 provides a comparison of the permit parking restrictions for residential developments located in the City's permit parking districts.

As shown on Attachment 2, some special use permits indicate that visitor parking will be provided on City streets. However, City Code § 5-8-74 (6) requires that "permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, to the extent the residents, visitors, guests or business invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described above in subsections (1), (2), (3) or (4)." The proposal seeks to clarify that while residents in developments with special use permits are not entitled to residential parking permits for their own vehicles, they can obtain

temporary guest, visitor and business parking permits, as long as the special use permit for their development provides that visitor parking will be provided on City streets. Accordingly, residents of Braddock Lofts, Samuel Madden Homes (Chatham Square) and Prescott will be eligible for temporary guest, visitor and business parking permits. Residents of Cromley Lofts will also be eligible for temporary guest, visitor and business parking permits since no parking spaces were provided by the development, and both residents and visitors must park on City streets. However, Cromley Lofts residents will have the additional stipulation that only one temporary parking permit can be issued per unit, as required for resident parking by the special use permit. Future special use permits should specifically indicate if visitor parking would be provided on City streets with temporary parking permits.

Attachments (2)

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Tuesday, June 21, 2005 - - 4:00 p.m.**

31. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Provisions of the City Code to Allow Home Daycare and Health Care Providers to Obtain Permits to Park in Residential Permit Parking Districts. (#16, 6/14/05) (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. 31, 6/21/05, 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. 31, 6/21/05, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Macdonald and seconded by Vice Mayor Pepper, City Council moved approval of an ordinance to allow health care providers and home day care providers to obtain permits to park in residential permit parking districts.

Councilman Macdonald noted for the record that his mother has a health care worker at her home. He asked how the permit would be handled for people working shifts.

Finance Director Neckel noted that one permit would be given that would be moved from car to car. Mr. Neckel also answered questions on the permitting process, in response to questions from Council.

WHEREUPON, Councilman Macdonald amended the motion to delete all references to permits for day care providers from the ordinance, with a time limit of one year. Vice Mayor Pepper, as seconder of the motion, accepted the amendment. The motion carried unanimously by roll-call vote. The voting was as follows:

Macdonald "aye" Gaines absent
Pepper "aye" Krupicka absent
Euille "aye" Smedberg "aye"
Woodson "aye"

The ordinance reads as follows:

ORDINANCE NO. 4407

AN ORDINANCE to amend and reordain Section 5-8-74, Article F (PERMIT PARKING DISTRICTS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) 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 5-8-74 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Section 5-8-74 Parking permits; issuance.

Except as provided in subsection (6), the city manager shall, upon payment of the fee provided for by this article, issue permits to natural, but not corporate, persons who reside in a dwelling located within the boundaries of a permit parking district authorizing the parking of motor vehicles in such district for more than the consecutive hour limitation in effect in the district, as follows:

(1) to persons who reside in a permit parking district or to persons who both reside in a dwelling located on a block adjacent to an existing permit parking district where parking on said block is controlled by time limits set by official signs or metered parking and lack adequate alternative nearby parking facilities available to them, as determined by the city manager or the manager's designee:

(a) one permit for each vehicle belonging to such persons for which the persons have paid all personal property taxes imposed thereon by the city and which displays a valid license windshield tag issued pursuant to the provisions of section 3-2-321 et seq. of this code. Such permits shall be valid from July 1 or, if later, the date of issuance through November 15 of the following year. Applicants for permits issued pursuant to this subsection shall provide proof of residence and, for each vehicle for which a permit is sought, a motor vehicle registration card issued by the division of motor vehicles and proof of payment of all personal property taxes and license taxes imposed thereon by the city; and

(b) one permit per residence for a health care provider providing health care services at the residence. Permits issued under this paragraph (b) are not vehicle specific and may be transferred to different vehicles, but the use of such permits other than by persons providing health care services at the residence or other than during such times as they are providing health care services at the residence (or are in the immediate process of coming or going from the residence in connection with providing health care services at the residence) is

prohibited. Such permits shall be valid for up to one year and will expire on October 5, annually. Applicants for permits issued pursuant to this paragraph (b) shall provide proof of residence, a notarized certification that a permanent resident is receiving health care services at the residence, and a written statement from a licensed medical professional that a permanent resident is receiving health care services at the residence. The provisions of this paragraph (b) shall expire on June 30, 2006, and no permit issued hereunder shall be valid after such date.

For permits issued to a person or renewed pursuant to paragraph (a) of this subsection, there shall be imposed a fee of \$15 for the first vehicle, \$20 for the second vehicle, and \$50 for each additional vehicle. Any person who has been issued a permit for a vehicle pursuant to paragraph (a) of this subsection may obtain a replacement permit for use on another vehicle registered in such person's name, upon application on forms furnished by the city manager and presentation of the registration card for the vehicle for which the replacement permit is sought and pieces of the previously issued permit as proof that it was removed from the vehicle for which the fee was previously paid, accompanied by a fee of \$1. For permits issued to a person or renewed pursuant to paragraph (b) of this subsection, there shall be imposed a fee of \$50 per permit.

(2) to persons who are visitors at a residence within a permit parking district on the application of the resident, one permit for any vehicle used by such person during the visit, which permit shall be valid for a maximum of 30 days but shall not be renewed; provided, that permits may be issued to no more than two visitors to the same residence at the same time. A \$5 fee shall be charged for any permit issued pursuant to this subsection for a period of more than seven days.

(3) to persons who are guests at a residence in a permit parking district on the application of the resident, one permit for any vehicle used by such person while a guest at the residence, which permit shall be valid for a date certain or portion thereof; provided that the number of permits issued under this subsection shall not at any time exceed 50 percent of the number of parking spaces in which they are valid; provided further, that no permit shall be issued under this subsection except upon a showing by the resident making application therefor that during the hours for which the permit is to be issued his residence will be used and occupied in a manner which is both lawful and not inconsistent with the residential character of the permit parking district in which it is located, and unless it shall be found that the issuance of the permit or permits will not unduly impair traffic safety during the time of their validity; provided further, that, notwithstanding any provision of this subsection to the contrary, up to 10 self-validating guest permits shall be issued in any calendar month for the guests of any residence located in a permit parking district upon the application of a person residing in the residence. Any permit issued pursuant to this subsection may be limited to certain streets or portions thereof in the permit parking district for which

the permit is issued.

(4) to persons doing business with a resident of a permit parking district on the application of the resident, one permit for the vehicle used while doing business in the permit parking district; provided, that such permits may be issued to no more than three persons doing business at the same residence at the same time. No permit shall be issued pursuant to this subsection for a period longer than the time estimated by the resident to be required for completing the business transaction for which the permit is sought, and in no event shall any permit be valid for more than 30 days.

(5) whenever a holder of a permit issued under this section is no longer qualified to possess the permit, the permit shall be invalid and shall be returned to the director of finance.

(6) permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, to the extent the residents, visitors, guests or business-invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described above in subsections (1), (2), (3) or (4).

Section 2. That this ordinance shall become effective July 1, 2005.

**TRAFFIC AND PARKING BOARD PUBLIC HEARING
JUNE 23, 2008**

DOCKET ITEM: 4

ISSUE: Issuance of Residential Parking Permits

APPLICANT: City of Alexandria

STAFF RECOMMENDATION: That the Traffic and Parking Board recommend to City Council the following changes in the City's residential permit parking program:

1. Allow nonresident owners to obtain temporary business parking permits;
2. Continue allowing home healthcare providers to obtain residential parking;
3. Clarify when temporary parking permits may be issued to residents of developments with special use permits.

DISCUSSION:

1. Allow Nonresident Owners to Obtain Temporary Business Parking Permits

City Code § 5-8-74 (4) allows residents in permit parking districts to obtain temporary permits for persons doing business at their properties. This proposal will extend the same authority to nonresident property owners.

The City's current residential permit parking policy is an issue for some nonresident property owners. Under the current city ordinance, nonresident owners are unable to obtain residential parking permits for their vehicles, for the vehicles of guests or visitors, or for the vehicles of persons performing work at their properties within the district. Accordingly, when hiring contractors to maintain or upgrade their properties (such as renovating a residential property before moving in), nonresident property owners must ask their tenants to obtain temporary business parking permits for the contractors. If a property is vacant, the nonresident property owner cannot obtain a temporary business parking permit for the contractor's vehicle, which may store the tools and equipment necessary to perform the maintenance or property upgrade.

This proposal will benefit the community by making it easier for nonresident owners to maintain their properties at a higher standard. The change applies to residential properties only, and still limits the number of temporary business parking permits to three per property.

2. Continue Parking Permit Program for Healthcare Providers

On June 21, 2005, City Council adopted Ordinance 4407, which authorized the issuance of one parking permit per residence for a healthcare provider who provides healthcare services at a property

in a permit parking district. To receive a permit, the applicant must provide certification from a medical professional that a permanent resident is receiving healthcare services at the residence, and pay a fee of \$50. The permit is valid for up to one year, with an October 5 expiration date.

At the time parking permits for healthcare workers were authorized, City Council also considered, but did not include, similar authorization for daycare providers. At the request of former Vice Mayor Andrew Macdonald in 2004, staff proposed amending City Code to allow issuance of one annual permit per residence for either a healthcare or daycare provider. This was referred to and considered by the Traffic and Parking Board in late 2004, which recommended to Council that permits be issued to healthcare workers only, finding no material distinction among daycare providers, nannies and tradespersons, and other commuters who desire to park close to their places of employment. The Board recommendation and an ordinance amending City Code to permit issuance of parking permits to healthcare and daycare providers were presented to Council in June 2005. Following public hearing, Council adopted an amended ordinance (Attachment 1) with all references to permits for daycare providers deleted. Staff reconsidered provisions for daycare providers as part of the current proposals; however, do not recommend that they be included at this time.

When authorizing issuance of temporary parking permits to healthcare providers, there was concern that the program may be abused. Accordingly, City Council directed that the program be implemented on a trial basis by including a sunset clause in the ordinance. The program has been well received and helps lower stress on those residents needing a healthcare provider. The one resident currently participating in the program has provided the necessary certification from a medical professional. Since it appears the program is being used in accordance with Council's intent, staff recommends removing the sunset clause and allowing the parking permit program for healthcare providers to become permanent.

3. Clarify Issuance of Temporary Parking Permits for Residential Developments with Special Use Permits

To ensure that new residential developments comply with City standards and do not have an adverse impact on surrounding neighborhoods, developers must agree to conditions provided in development special use permits, which are ultimately approved by City Council. Parking requirements for the development are an essential condition of all special use permits. Although the special use permits generally prohibit residents of the developments from obtaining the City's residential parking permits, there are some differences on how visitor parking should be accommodated. Attachment 2 provides a comparison of the permit parking restrictions for residential developments located in the City's permit parking districts.

As shown on Attachment 2, some special use permits indicate that visitor parking will be provided on City streets. However, City Code § 5-8-74 (6) requires that "permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, to the extent the residents, visitors, guests or business invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described above in subsections (1), (2), (3) or (4)." The proposal seeks to clarify that while residents in developments with special use permits are not entitled to residential parking permits for their own vehicles, they can obtain

temporary guest, visitor and business parking permits, as long as the special use permit for their development provides that visitor parking will be provided on City streets. Accordingly, residents of Braddock Lofts, Samuel Madden Homes (Chatham Square) and Prescott will be eligible for temporary guest, visitor and business parking permits. Residents of Cromley Lofts will also be eligible for temporary guest, visitor and business parking permits since no parking spaces were provided by the development, and both residents and visitors must park on City streets. However, Cromley Lofts residents will have the additional stipulation that only one temporary parking permit can be issued per unit, as required for resident parking by the special use permit. Future special use permits should specifically indicate if visitor parking would be provided on City streets with temporary parking permits.

Attachments (2)

Residential Developments with Parking Permit Restrictions

Development	Use	Parking Permit Restriction	Resident Parking		Visitor Parking	
			Required	Provided	Required	Provided
Backyard Boats 108 Franklin St. SUP 2000-0024 June 17, 2000	28 units	No permits for residents (Condition 10)	56 spaces	81 spaces	24 spaces adjacent to units	10 on private street (Condition 3)
Braddock Lofts 713 N. Fayette St. SUP 2000-0021 September 16, 2000	40 units	No permits for residents (Condition 3)	80 spaces	92 spaces	To be provided on adjoining public streets	On-street
Samuel Madden Homes (Chatham Square) 409 N. Pitt St. SUP 2002-0029 December 14, 2002	152 units	No permits for residents (Condition 9)	294 spaces	294 spaces	46 to be provided on adjoining public streets	On-street
Prescott 1115 Cameron St. SUP 2004-0001 October 12, 2004	64 units	No permits for residents (Condition 13)	127 spaces	120 spaces	17	7 on-street
Monarch 1180 & 1100 Pendleton St. SUP 2003-0019 November 13, 2004	168 units, 16,000 sf retail	No permits for residents (Condition 20)	372 spaces	374 spaces	39 spaces	39 spaces
Cromley Lofts 1210 Queen St. SUP 2005-0050 June 21, 2005	8 units	One permit per unit (Condition 1)	14 spaces	None	2 spaces	None
Meridian at Braddock 1200 First Street and 950 N. Fayette Street SUP 2002-0018 October 19, 2002	480 units	No permits if area is ever included in a parking district (Condition 5)	695	560	No visitor parking required at time of DSUP approval	35 surface parking spaces in addition to garage parking

17

**CITY OF ALEXANDRIA
TRAFFIC AND PARKING BOARD
MONDAY, JUNE 23, 2008, 7:30 P.M.
301 KING STREET, 2ND FLOOR
COUNCIL CHAMBERS**

MINUTES

BOARD MEMBERS PRESENT: Converse West Chairman, Jay Johnson, Amy Slack ,Randy Cole, Kevin Posey, Gregory Cota

BOARD MEMBERS ABSENT: Larry Ruggiero

STAFF MEMBERS PRESENT: Tom Culpepper, Deputy Director, Transportation & Environmental Service; Bob Garbacz, Division Chief, Transportation; Ravi Raut, Transportation Studies Engineer, Transportation; Leroy Baker, Traffic Survey Technician, Transportation; Christopher Spera, Assistant City Attorney; City Attorney Office; Monte Rosson, Hack Inspector, Alexandria Police Department; Richard Garcia, Hack Inspector, Alexandria Police Department; Laura Triggs, Director Of Finance, Finance Department, David Clark, Treasury Division Chief, Finance Department, Cassandra Analyst, Finance Department,

1. **Announcement of deferrals and withdrawals. Item #7 Recommendation by the Hack Inspector's Office that Achagzai Shoukat's public driver's permit (#363) be revoked for violation of City Code Section: 9-12-60(a)(11) Doing any act or failing to do any act or omission jeopardizes the health, safety or welfare of the public.**
Item #8 Recommendation by the Hack Inspector's Office that Achagzai Shoukat's public driver's permit (#363) be suspended for 6 day for violation of City Code Sections: 9-12-60 (a)(13) Rude or discourteous conduct towards a passenger; 9-12-57 (l) Refusal to carry passenger(s); 9-12-60 (a)(8) Failure to serve public adequately.
2. **Approval of the minutes from the May 19, 2008, Traffic and Parking Board meeting. Ms. Slack made a motion, seconded by Mr. Johnson to approve the minutes of the May 19, 2008, Traffic and Parking Board meeting. The Board voted unanimously to approve the minutes of the May 19, 2008, Traffic and Parking Board meeting.**
3. **STAFF REPORTS AND UPDATES:**

PUBLIC HEARING:

4. **ISSUE:** Consideration to: 1) allow nonresident owners to obtain temporary Business parking permits: 2) make the health care parking permit program permanent: 3) clarify when temporary guest, visitor and business parking permits can be issued in residential developments with special use permits.

BOARD ACTION: Ms. Catherine Poulin, Mr. Mark Abramson, Mr. David Brant and Mr. Adam Hardinger spoke in favor of the request. Mr. Poul Hertel, Mr. Chet Avery, Ms. Susan Brith, Ms. Carolyn Merck, Leslie Zupan, Douglas Thurman, and Mr. Van Fleet spoke against the request. Ms. Slack made a motion to approve Item #1 Nonresident owners to obtain temporary Business parking permits and Item #2 To make the health care parking permit program permanent, and to modify Item #3 to business parking permits can be issued in residential developments with special use permits only and to defer guest and visitor parking. The motion was not seconded. Mr. Cole made a motion to approve Item #1 nonresident owners to obtain temporary Business parking permits and Item #2 to make the healthcare parking permit program permanent, and to defer Item #3 clarify when temporary guest, visitor and business parking permits can be issued in residential developments with special use permits until September Traffic and Parking Board meeting.

TAXICAB HEARING:

5. **ISSUE:**
Appeal of a two day-suspension of Daniel A. Martyn's public driver's permit (#34) for violation of City Code Section: 9-12-56(b) Manifest Violation; 9-12-41 Operating a taxicab for hire without a Driver Permit; 9-12-71 Operating a taxicab for hire without a Vehicle Permit; 9-12-609(a)(11) Jeopardized the safety and welfare of the public.

RECOMMENDATION:

That the Board recommend to the City Manager that the appeal be denied and that Daniel A. Martyn's public driver's permit (#34) be suspended for 2 days for violation of City Code Section: 9-12-56(b) Manifest Violation; 9-12-41 Operating a taxicab for hire without a Driver Permit; 9-12-71 Operating a taxicab for hire without a Vehicle Permit; 9-12-609(a)(11) Jeopardized the safety and welfare of the public.

BOARD ACTION: Christopher Spera, Assistant City Attorney, City Attorney's Office represented the City of Alexandria. Mr. Daniel A. Martyn spoke in his own defense. Mr. Posey made a motion, seconded by Ms. Slack to deny the appeal. The Board voted unanimously to deny the appeal.

6. **ISSUE:**
Appeal of a three-day suspension of Ayalew A. Gerbrial's public driver's permit

(#52) for violation of City Code Section: 9-12-60(a)(13) Rude or discourteous conduct toward a passenger; 9-12-57(L) Refusal to carry passenger(s).

RECOMMENDATION:

That the Board recommend to the City Manager that the appeal be denied and that Ayalew A. Gerbrial's public driver's permit (#52) be suspended for 3 days for violation of City Code Section: 9-12-60(a)(13) Rude or discourteous conduct toward a passenger; 9-12-57(L) Refusal to carry passenger(s).

BOARD ACTION: Christopher Spera, Assistant City Attorney, City Attorney's Office represented the City of Alexandria. Mr. Ayalew A. Gerbrial spoke in his own defense. Mr. Cole made a motion, seconded by Mr. Cota to deny the appeal. The Board vote 5-0 to deny the appeal. Ms. Slack abstain.

7. ISSUE:

Recommendation by the Hack Inspector's Office that Achagzai Shoukat's public driver's permit (#363) be revoked for violation of City Code Section: 9-12-0(a)(11) Doing any act or failing to do any act or omission jeopardizes the health, safety or welfare of the public.

RECOMMENDATION:

That the Board recommend to the City Manager that Achagzai Shoukat's public driver's permit (#363) be revoked for violation of City Code Section: 9-12-0(a)(11) Doing any act or failing to do any act or omission jeopardizes the health, safety or welfare of the public.

BOARD ACTION: DEFERRED

8. ISSUE:

Recommendation by the Hack Inspector's Office that Achagzai Shoukat's public driver's permit (#363) be suspended for 6 day for violation of City Code Sections: 9-12-60 (a)(13) Rude or discourteous conduct towards a passenger; 9-12-57 (l) Refusal to carry passenger(s); 9-12-60 (a)(8) Failure to serve public adequately.

RECOMMENDATION:

That the Board recommend to the City Manager that Achagzai Shoukat's public driver's permit (#363) be suspended for 6 day for violation of City Code Sections: 9-12-60 (a)(13) Rude or discourteous conduct towards a passenger; 9-12-57 (l) Refusal to carry passenger(s); 9-12-60 (a)(8) Failure to serve public adequately.

BOARD ACTION: DEFERRED

NOTE: The City of Alexandria complies with the terms of ADA. An individual with a disability who wishes to request an accommodation may contact the Department of Transportation and Environmental Services at 703-838-4411 or TTY/TTD 703-838-5056. Please provide at least 7 calendar days advance notice. Amplified sound devices are available from the sound technician in the City Council Chamber.

NEXT TRAFFIC & PARKING BOARD PUBLIC HEARING JULY 28, 2008.

900 North Washington Street

DSUP 2005-0024

Condition 19: Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z)

Abingdon Row

DSUP 2002-0043

Condition 15: Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z)(T&ES)

Backvard Boats

SUP 2000-0024

Condition 3: No residents of the project shall be eligible to apply for or receive any of the parking permits noted in City Code section 5-8-74. (City Council) (DSUP 99-0031)

Beasley Square

DSUP 2004-0015

Condition 4: Residents of the proposed building shall be prohibited from acquiring on-street residential parking permits. (P&Z) (T&ES)

Braddock Lofts

SUP 2000-0021

Condition 3: No residents of the project shall be eligible to apply for or receive any residential parking permits pursuant to City Code section 5-8-71. (P&Z)

Samuel Madden Homes (Chatham Square)

SUP 2002-0029

Condition 9: None of the market rate or public housing residents of the development shall be eligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8-71. (P&Z)

Carlyle Center (Block 27)

DSUP 2006-0012

Condition 17d: Residents of the building shall be ineligible to apply for or receive any residential on-street parking permits.

Cromley Lofts

SUP 2005-0050

Condition 1: The residents of the proposed development shall be eligible for a maximum of one on-street residential parking permit for each unit and the applicant shall prepare as part of its leasing and/or sales agreements appropriate language to inform tenants/owners of this condition. Such language shall be reviewed and approved by the City's Attorney's office prior to its use in any lease/purchase agreements. (P&Z)

Clayborne Apartments

DSUP 2003-0020

Condition 8b: Residents shall not be permitted to obtain residential parking permits. This prohibition will be part of the lease agreement

Eisenhower East Blocks 19 and 20

DSUP 2007-0017

Condition 32e: Residents of the building shall be ineligible to apply for or receive any residential, visitor, or guest on-street parking permits.

Fannon Property

DSUP 2005-0016

Condition 20: Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z)(T&ES)

Lane Development

DSUP 2004-0016

Condition 21e: Residents of the building shall be ineligible to apply for or receive any residential on-street parking permits.

The Madison

DSUP 2007-0005

Condition 25c: Residents shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. This prohibition will be part of the lease and/or sales agreement.

Meridian at Braddock

SUP 2002-0018

Condition 5: Tenants shall be notified prior to leasing units that they are not permitted to park on-street and that they will not be able to obtain City of Alexandria residential parking stickers if the residential permit system is extended to the surrounding area. Language informing residents of this restriction shall be placed in all leases, with such language to be reviewed by the City Attorney's Office prior to the release of any certificate of occupancy (CO) for the new building. In the event the units are converted to condominiums in the future, this restriction shall also apply to unit owners, and language informing all owners of this provision shall be incorporated into condominium agreements. (P&Z) (DSUP 99-0004)

Monarch

DSUP 2003-0019

Condition 20: Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z) (T&ES)

Mt Vernon Commons (Triangle)

DSUP 2005-0041

Condition 30: The applicant shall revise the layout for the underground parking garage to provide all 207 required residential parking spaces, 25 visitor spaces and 4 retail employee spaces. Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z)

Northampton Place Apartments

DSUP 2001-0014

Condition 5: Notify prospective tenants that they are not permitted to park on-street along North Hampton Drive, so long as prohibited by the City. Include a notice in lease and marketing brochures that resident parking facilities are limited and that residents are restricted from parking in designated visitor parking spaces. In the event the units are converted to condominiums in the future, this restriction shall also apply to unit owners, and language informing all owners of this provision shall be incorporated into condominium agreements. (P&Z) (PC) (SUP#95-0013)

Payne Street

DSUP 2008-0008

Condition 29c: Residents of the building shall be ineligible to apply for or receive any residential on-street parking permits.

Potomac Yard – Landbay H

DSUP 2007-0023

Condition 13g: Residents shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F.

Prescott

DSP 2004-0001

Condition 13: Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z) (T&ES)

Slaters Lane

DSUP 2005-0002

Condition 15: Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z)

Station at Potomac Yard

DSUP 2006-0026

Condition 21c: Residents shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F.

Windows Catering

DSP 2005-0018

Condition 22: Residents of the building shall be ineligible to apply for or receive any residential parking permits pursuant to City Code Sec. 5-8, Article F. (P&Z)

ACTION REQUIRED:
Supporting a Crucial Change to Allow Chatham Square Visitor Parking Permits

Background

After extensive discussions over a two year period (2006 to 2008), the Alexandria Department of Transportation and Environmental Services proposed a technical amendment in 2008 to the City Code to allow residents of Chatham Square (and several other communities) to be permitted to receive temporary guest and visitor parking permits.

There are several communities in Alexandria that have Special Use Permits (SUPs) that contain language regarding parking in those communities. The Chatham Square SUP states that the residents in Chatham Square will not be eligible to apply for or receive residential parking permits pursuant to City-Code 5-8-71. The original Alexandria City Planning staff report to the SUP states that visitor parking shall be on public streets in the neighborhood.

The current interpretation of the SUP by the Alexandria City Government has been to exclude Chatham Square from being able to receive temporary guest and visitor parking. Thus, Chatham Square residents face a Catch 22 situation: (a) we were told in the SUP to use street parking for guests and visitors, and (b) we were told that we are not eligible to receive temporary Guest and Visitor Parking Permits.

In fairness to the residents of the impacted communities, the Alexandria Department of Transportation and Environmental Services proposed a technical amendment in 2008 to the City Code which would:

“clarify that while residents in developments with special user permits are not entitled to residential parking permits for their own vehicles, they can obtain temporary guest, visitor, and business parking permits, as long as the special use permit for their development provides that visitor parking will be provided on City Streets.”

Over the past three years (2008 to 2011), no action has been taken to implement the new technical amendment to replace the current interpretation which prohibits Chatham Square from receiving guest and visitor parking permits.

Chatham Square Homeowners Association Position

The City of Alexandria Planning staff recommended and wrote into the SUP a plan that explicitly envisages visitor, guest, and business-invitees parking on the public streets of the neighborhood. The staff recommended that residents not be issued **residential** parking permits. Since the staff foresaw visitor parking on the public streets, it is now both inconsistent and unfair to deny issuance of parking permits that would allow visitors, guests, and business-invitees to park on those streets.

Furthermore, the governing section of the City Code (Section 5-8-74 (6)) states that "permits shall not be issued to persons who reside in a residential development which is subject to a special use permit, **to the extent the residents, visitors, guests, or business-invitees within such development are excluded by the special use permit from eligibility for one or more of the permits described in the above subsections.**

The Chatham Square SUP explicitly excludes residential permits but does not exclude visitor, guest, or business-invitee permits. We believe therefore that the Chatham Square SUP and the relevant City Code **do not** exclude issuance of temporary parking permits for Chatham Square visitors, guests and business-invitees.

Chatham Square has been seeking action on this for nearly five years. Ongoing conversations with the City have not yet produced any action on this issue.