

RESOLUTION NO. 3167

**RESOLUTION TO ESTABLISH FEES FOR PERMITTED ENCROACHMENTS
INTO THE PUBLIC RIGHT-OF-WAY**

WHEREAS, under Section 2.07 of the City Charter, the City Council has the authority to establish fees to be charged for services provided by the City; and

WHEREAS, under City Code Section 5-2-29, permitted encroachments are subject to the criteria referenced in this section; and

WHEREAS, under City Code Section 3-2-85, the annual charge for encroachments shall be established by resolution of the City Council; and

WHEREAS, under City Code Section 3-2-82, the Permit Processing Fee for encroachments shall be established by resolution of the City Council; and

WHEREAS, the City Council finds and determines that the setting of such permit processing fees and annual charges for permitted encroachments is necessary and proper at this time.

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

1. All fees defined below shall apply only to new encroachment cases applied for on or after July 1, 2023.
2. Encroachment applications that include Parklets as defined under City Code Section 5-2-29(b)(1)c. shall pay an initial processing Fee and Annual Charge upon first application submission and annually thereafter. The Annual Charge shall be based on the square footage of the right-of-way that is encumbered by the proposed Parklet, assuming the existing length, and a parking width of 7'. The conversion from linear feet to square feet is implemented to ensure consistency in fee calculations and to account for the total surface area of the space, considering both its length and width. The Annual Charge for Parklets is defined below:
 - Parklets that are open to the public at all times:
 - i. \$2.00 per square foot of occupied public parking space.
 - Parklets that are for private use only:
 - i. Within the King Street Retail Strategy area - \$21.00 per square foot of occupied public parking space;
 - ii. All other areas - \$14.00 per square foot of occupied public parking space.
3. Encroachment applications that include Short-Term Parklets (i.e., parklets in place for less than seven (7) days) shall pay the follow fee:

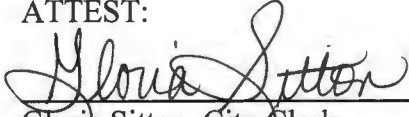
- An initial \$100 processing Fee and \$30 per space per day for each non-metered parking space and \$40 per space per day for each metered parking space occupied by the Short-Term Parklet.
4. Encroachment applications that include Outdoor Dining and/or Retail in the Public Right-of-Way as defined by City Code Section 5-2-29(b)(1)d. and e. shall pay an initial processing Fee of \$100 and an Annual Charge upon first application submission and annually thereafter. The Annual Charge shall be based on the square footage of the right-of-way that is encumbered by the proposed Outdoor Dining and/or Retail in the Public Right-of-Way. The Annual Charge for Parklets is defined below:
 - \$1.50 per square foot of occupied public sidewalk.
 5. Encroachment applications that are approved and authorized by special ordinance adopted by the City Council under City Code Section 5-2-29(c) shall pay an initial process Fee of \$500 and an Annual Charge upon first application submission and annually thereafter. The applicant shall annually compensate the city for such encroachment by payment of the equivalent of what would be the real estate tax upon the land being encroached if it were owned by the owner or owners of the encroaching property. The City Council, as part of its approval, has the option to waive this annual charge.
 6. Encroachment applications containing only elements such as planters, benches and street furniture, rental bicycles, steps/stoops/ramps, Parker Gray Historic District front fences, and projections upon architecture as outlined under City Code Section 5-2-29(b)(1)a., b., and f., as well as 5-2-29(b)(2)a., b., and c. shall pay no annual charges but an initial permit Fee of \$100.
 7. Each annual renewal of the permit will be at no cost if the permit has not expired due to lack of evidence of the current certificate of insurance. A \$100 Permit Processing Fee shall be due prior to issuance of any permit renewals if the permit expired due to lack of evidence of current certificate of insurance or payment of annual charge if applicable.
 8. Permit fees for Annual Parklets shall be 50% of these fees for any permit issued and valid between October 1, 2022, through September 30, 2023.
 9. That such fees established above shall apply, unless and until revised by the City Council.
 10. That the City Clerk be, and hereby is, authorized and directed to affix the seal of the City to such document as may be necessary or convenient to implement this Resolution; and
 11. Resolution No. 3059 is repealed and replaced by this resolution effective July 1st.

Adopted: June 13, 2023



JUSTIN M. WILSON, MAYOR

ATTEST:



Gloria Sitton, City Clerk