

**BEAUREGARD REZONING ADVISORY GROUP, MEETING #9**

**Jerome “Buddie” Ford Nature Center**

**Monday, February 28, 2013**

7:00-9:00pm

Members Present: David Baker, Chair, At-Large Representative; Don Buch, At-Large Representative; Carolyn Griglione, At-Large Representative; Cathy Puskar, Developer Representative; Hector Pineda, At-Large Representative; Mike Caison, Affordable Housing Advisory Committee Representative; Dave Cavanaugh, At-Large Representative.

Substitutes Present: Ryan Wojtanowski for Josh Sawislak, Environmental Policy Commission Representative; Jennifer Mitchell for Kevin Posey, Transportation Commission Representative.

City Staff Present: Ms. Hamer, Director, P&Z; Mr. Baier, Director, T&ES; Mr. Farner, Deputy Director, P&Z; Ms. Contreras, Urban Planner, P&Z; Mr. Imm, Urban Planner, P&Z; Ms. Friedlander, Urban Planner, P&Z.

Community members present: James Durham, Rebecca Hierholzer, John Cunley, James Brown, Shirley Downs, Kathie Hoekestra, Converse West, Bill Hohe, Judy Cooper, Pete Benevage, Bud Jackson, Annabelle Fisher.

**A quorum being present, the meeting was called to order by David Baker at 7:07 pm.**

**I. 7:10pm: Approval of February 12, 2013 Meeting Minutes**

Mr. Baker asked for any additional comments from the Group and or community from the February 12<sup>th</sup> meeting. No comments received.

Mr. Caison made a motion to approve the minutes from the January 26<sup>th</sup>, meeting, seconded by Mr. Buch.

Motion carried, meeting minutes from February 12<sup>th</sup> accepted.

**II. 7: 11pm: Discussion of the Advisory Group letter to the City Council**

Mr. Baker lead a discussion of the intentions of the letter, noting that it is not intended to revisit objections of individual issues, and that the meeting would focus on a working draft of the letter from staff, which was distributed to members of the Group, beginning with comments received from Mr. Buch, Mr. Posey and Mr. Cavanaugh.

Mr. Buch outlined three comments regarding the letter:

*One:* Requested emphasis in the letter that the \$1.5 million allocated from BRAC needed to be spent, as his earlier recommendation was to keep the money for a community focused use in the Town Center.

Asked for the addition of a comment stating that spending the \$1.5 million by a certain date was a constraint on the group, and that holding on to the money and spending later was not an option.

*Two:* Noted earlier discussions that recommended that the Polk site develop as a citywide attraction, as opposed to just a neighborhood park. As the City spent \$1.9 million, he believes that it should be an attraction for everyone.

*Three:* Requested information about next step for the group after the recommendation letter. Would a group similar to the Potomac Yard Design Advisory Committee (PYDAC) be formed?

Ms. Puskar noted several comments on language, along the lines of Mr. Baker and Mr. Buch, and suggested “The Advisory Group was tasked with recommending an open space parcel for acquisition

based on parameters set forth in the Duke letter which included time limitations requiring actions prior to development of the properties/sooner than later.”

The Advisory Group agreed to incorporate this language. Mr. Caison suggested incorporating it as part of the background, while Mr. Buch maintained a desire to state on the record that the AG was under specific timeline requirements for the funds.

Ms. Puskar suggested adding language in the same paragraph: “After soliciting nominations for sites to consider, the Advisory Group visited and evaluated various alternatives using the City’s Open Space criteria as a guidelines as a guide” and suggested deleting the last sentence and recommendation, as she had reviewed the AG’s Open Space Recommendation letter and the minutes and saw no reference to it.

Ms. Griglione noted that it had been discussed with Ms. Friedlander and Ms. Durham, but was not discussed by the group. Based on this, Ms. Puskar suggested removal of the language, because while the idea had merit, it was not part of the group discussion.

Mr. Buch requested information about the next steps of the process. Mr. Farner said that at the February 11<sup>th</sup> meeting, the group had discussed the future formation of a Design Advisory Board, similar to PYDAC. Ms. Puskar suggested adding the recommendation to the conclusion of the letter.

7:30PM: Mr. Cavanaugh provided his suggestions for a redrafted letter, noting that he had changed it to discuss how the AG had gotten to their conclusions and reached a recommendation. He wanted to let people know where the AG came from and to facilitate discussion of what should be in letter. He believes that the draft letter was a good starting point, but needed more background, while keeping the letter within four pages. He asked for the Group’s input.

Mr. Baker suggested that the Group discuss, as they had an advance copy of Mr. Cavanaugh’s letter. He noted that there was only one issue that hasn’t been raised with the Group yet, and suggested discussion of the ellipse first. Mr. Cavanaugh agreed.

Ms. Griglione noted that on Page 1, she was uncomfortable with the word “augment”. After going through Mr. Cavanaugh’s letter and comparing with the original draft, she found that the order is different, specifically that the future trail, was on Page 1 before the Polk property. She suggested moving the section to open space, discussing them together. She also noted that on Page 2 in Transportation Phasing, when discussing the parallel road, it was changed the word to street. Mr. Cavanaugh said that “street” is urban and “road” is agricultural. Ms. Griglione felt that it has consistently been called the parallel road, and that the group had not used the term “street” unless they were talking about it as a framework street.

Ms. Puskar said that she appreciated the time and individual concerns expressed by Mr. Cavanaugh, but she felt the layout in the draft letter is in the usual format, and recommended maintaining that format. Additionally, she is not comfortable with all of the proposed changes. As a compromise, she suggested that the letter reflect there was discussion of VDOT’s analysis by attaching VDOT’s analysis as outlined in the email Ms. Friedlander sent in December, attached in the January 26 meeting minutes, which also had a discussion about the review of the VDOT traffic analysis. She noted that she would have also liked to add language to the letter, but tried to stay true to the Group’s discussion.

In reviewing past discussions, she didn’t find the language that Mr. Cavanaugh referenced in his letter, though she did find language from Ms. Friedlander’s email.

She suggested that rather than adding specifics to the letter, that it be noted that the Group “also had discussion of traffic analysis as referenced to improvements”, and reference the email. Mr. Cavanaugh said he was OK with referencing the email, but requested a verbatim account of the discussion.

Mr. Buch suggested that the Group needs to understand how this point fits into charge and asked if the AG was supposed to check if VDOT had approved something. His belief was that it was not part of the Group’s charge.

Mr. Caison asked how long the record of the Group’s discussion will be maintained. Because the Group has notes and video, he believes that the discussion would be better served as background.

Mr. Baker supports Ms. Puskar’s compromise and believes it’s important for comments made to be maintained. Ms. Puskar’s noted that the letter should reflect the Group’s original charge but that it’s OK if it references something that was discussed.

Mr. Buch requested clarification on the charge with regards to the ellipse.

Ms. Puskar reviewed the language and believes that it would be appropriate for the Group to reference by providing a link to the attachment and the VDOT letter and a sentence. She noted the language recommending an open space connection to neighborhood is already included, and suggested an additional comment on page 4, along the lines of - *In addition to the June charge and in response to concerns raised by adjacent neighbors, the AG was directed by council to do XYZ. The parallel road was discussed at X number of meetings with input from the community.*

The Group agreed to the language suggested by Ms. Puskar, attaching the email from Ms. Friedlander and the letter from VDOT regarding the Ellipse and enhancing the discussion about the parallel road and the Adams neighborhood. Ms. Puskar felt it was important to add that the concern about the parallel road that came from a citizen concern.

Mr. Cavanaugh suggested the addition that the proposed street is a “framework” street providing connectivity from Sanger Ave to Mark Center Dr. Ms. Puskar suggests the following sentence be added: *“The proposed street is a “framework” street providing connectivity from Sanger Ave to Mark Center Drive. The Beauregard Corridor Small Area Plan Transportation Analysis Dated Jan 18 2011, assumed construction of the “Parallel” road as part of the 2035 build-out of the planned redevelopment study area. The issue was discussed by the Advisory Group at X number of their meetings, including input from the community regarding their concerns.”*

Ms. Puskar asks for references to Attachments 1 and 2 be added under the “Issue” heading in the letter.

Ms. Friedlander and Ms. Puskar proposed the following addition *“The recommendations matrix was separated into topic areas (Standard Practices/City-Wide Policies - Practices, Blocks and Street Network, Land Use, Built Environment, Open Space – Ecology, Transportation)”*

Ms. Puskar suggested the addition of a statement that, while affordable housing was part of charge of another Commission, the Advisory Group received regular updates on the topic. Suggested - *While Council’s charge put affordable housing under AHAC, the Group recognizes the importance of the topic and received regular updates.*

After discussing concerns raised by Dave Cavanaugh about whether a reference to the attachment which outlines the Group's charge is sufficient to explain why housing was not discussed, the Group agreed to leave the attachment references.

Mr. Baker asked if there was any additional discussion.

Mr. Buch asks that the members of the Advisory Group be carbon copied on the letter.

Ms. Friedlander clarifies sentence suggested by Mr. Buch. The sentence as requested is as follows: *"It should be noted that the City was required to provide a status update to Duke Realty, Project Managers acting on behalf of the Department of Defense, by September 30, 2013, and purchase the parcel(s) with the BRAC-133 funding by October 11, 2013, 48 months from the date of the City's acceptance of the terms."*

Ms. Puskar pointed out that eight sites were nominated and evaluated, while six sites were visited as a group. Mr. Baker stated that all sites with a willing seller and a reasonable price were visited.

Mr. Pineda requested clarification on Ms. Puskar's stance on affordable housing, specifically whether she was discussing increasing housing, as he had thought that the Advisory Group letter would make a recommendation on Housing. Ms. Puskar and Ms. Friedlander clarified that affordable housing was not part of the Advisory Group's charge.

Mr. Baker asked if there were any further clarifications.

Ms. Friedlander noted some minor changes in the document to clarify the Adams neighborhood. Otherwise all changes are complete.

### **III. 8:18 – Public Comment**

Mr. Baker requested that comments be kept to the Group's decision on letter.

Ms. Downs was unsure what decision was reached on page 2, #2 for site configuration. There was lots of community support for trail, including Judy Noritake from the Parks and Rec Commission. Ms. Downs requested that the language state that the AG wants to "encourage the trail", vs. should not preclude trail".

Mr. Farner noted that the trail would be constructed as part of future redevelopment, when and if that occurs. Ms. Puskar clarified that the language states that a developer can't design something in Upland Park that would preclude the construction of that trail. Ms. Mitchell believes that "do not preclude" is stronger than "encourage", and Ms. Griglione agreed.

Ms. Downs also noted that on the top of Page 3, as part of site tours, it says that there was "ample" opportunity to speak. At times, there were good opportunity, but she does not believe that there were always good opportunities for the public to comment. Group agrees to removes "ample".

Ms. Hierholzer thanks staff and members of group for their time and consideration, and read a prepared statement (included in the meeting attachments), and requests to have the letter incorporate these comments because the Adams neighborhood is not happy to be hanging in the air for ten years.

Mr. Buch asked how to include the comments in the public record, and suggested that they be attached to the minutes for the meeting. He also noted that the residents should attend the public hearing to address their concerns. Ms. Puskar concurred.

Mr. Cavanaugh asked if the residents' concerns could be acknowledged in the Advisory Group's letter. Mr. Baker noted that their concerns have been expressed to Council. Mr. Caison concurred that they should be put in the minutes, and that the citizens group could explain their concerns at Council. Ms. Puskar understands wanting to acknowledge the concerns of the citizen's group, but was unsure where the additions would stop. She noted that everyone is aware of their concern, and she believes that the Advisory Group has served the citizens to the best of the Advisory Group's ability. The letter states what the Advisory Group decided, but does not necessarily reflect the thoughts of all who attended the meetings.

Mr. Baker noted that the letter does recommend the involvement of the Adams community in any future redevelopment. Ms. Puskar pointed out the pitfalls of making recommendations for future redevelopment. Mr. Cavanaugh believes that the letter should note that the group is concerned. Ms. Puskar noted that the decision has been made and the Group cannot remove the road, and that they have added language stating that revisions will be reviewed at a future date of redevelopment. Ms. Griglione supported Ms. Puskar and added that in the future, if the Group were to tighten down the language, something might come up that will make them regret that change. This allows flexibility as it is needed.

John Curley from Seminary Park stated that he concurs with Seminary Hill and the neighbors, and requested the addition of "green space" before the buffer.

Mr. Baier noted that the buffer could be a lot of things beyond green or open space, and suggested leaving the language as "buffer" until the future analysis comes in. Ms. Puskar stated that the letter brought to the Group by staff, and lots of subsequent edits had been made. Changing it now would change the motion and the majority vote. Mr. Baker suggested including Ms. Hierholzer's motion in the minutes and the Group agreed.

Ms. Fisher asked what the checkmarks on the second page of draft letter under background represented.

Mr. Baker said they represent things the Group has done

Ms. Fisher requested information regarding whether a traffic analysis had been performed regarding response time for police, fire and medics at the Ellipse, and if it had been done, where is it, and if not, why not?

Ms. Puskar asked if Ms. Fischer had any revision to the letter

Ms. Fisher expressed concerns about the quality of the draft letter and that the initial draft was written by staff. She believed that the conclusions should be changed to state that the Mayor and Council will continue to have an open, transparent and democratic process. Additionally, she does not support the continuation of the BRAG, and believed that it should include the citizens who will be most impacted, noting that the AG members don't live within the boundaries of the Plan.

Ms. Griglione and Mr. Buch stated that the Group had ample opportunity to make any comments and changes that were needed. Mr. Buch expressed appreciation for the efforts of staff.

Mr. Benavage asked about language on Page 4 at the top – ‘*and in response to concerns raised by*’, and noted that the composition of the Advisory Group was designed so that no one would have a conflict of interest, as would occur if the group was made up of residents of the Small Area Plan, and noted that there are neighbors and citizens who support the Plan and appreciate the representation of the Group and the staff.

8:46PM– Mr. Baker called for any final comments

Mr. Buch moved to approve the draft letter as amended for staff to finalize and send back to the AG for a final review, seconded by Mr. Caison. Motion carried.

Mr. Pineda requested clarification as to the desired goal of the Seminary Park residents.

Mr. Baker and Ms. Puskar reiterated that the comments of the Seminary Park residents, as well as those of Ms. Fisher, would be maintained as part of the minutes.

### **8: 50 - Closing Comments and next steps**

The Group discussed possible meeting dates to bring the CDD recommendations back to the Group, once they were completed. Possible dates discussed included Saturday, 3/23 and Tuesday, 3/26, with the goal to meet before Tuesday, April 2. The Group supported 3/26, as 3/23 was too close to the release of the staff report on 3/22.

Mr. Buch recognized the significant contributions that Ms. Fossum made to the Advisory Group. His statement was supported by Ms. Puskar and Mr. Baker.

The meeting was adjourned at 8:57PM.

Thursday, February 28, 2013

Dear Chairman Baker and members of BRAG:

It has been our pleasure to work with you and the members of BRAG, some of us have been attending these meetings since the very first one. We are also happy to have had the opportunity to work with the City staff in an attempt to address our concerns regarding the proposed new public road in Adams Neighborhood. Although we believe the Conditions of Zoning did move us forward, they do not adequately address our concerns.

We're asking that this letter be included in the public record and go on to the Planning Commission. We are also asking of BRAG members that you draft a sentence or two in your letter to Council reflecting our position.

**The adjoining residential communities of Seminary Heights, Seminary Park, and Shirley Forest, representing about 500 citizens, are deeply dissatisfied with the position we're left in by these Conditions of Zoning (arms moving in the air and said we're just flapping in the wind for the next 10, 15, 20 years). The residents are requesting that City Council find a way to adjust the plan accordingly to more fully address our concerns by the time of Council's vote.**

Submitted by Rebecca Hierholzer, Seminary Heights  
and read aloud on 2/28/13 at BRAG meeting.