

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
Tysons Corner, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Kenneth W. Wire
Direct: 703.712.5362

McGUIREWOODS

Real Estate and Land Use
kwire@mcguirewoods.com

4, 5, 6 (a)
4-13-13

April 12, 2013

VIA EMAIL TO jackie.henderson@alexandriava.gov

Mayor Euille and Members of City Council
City Hall
301 King Street, Suite 2200
Alexandria, Virginia 22314

RE: Beauregard Rezoning
Coordinated Development District 21

Dear Mayor Euille and Members of City Council:

On behalf of my client Southern Towers, LLC, I am requesting your support of the following amendments to the staff recommended conditions of approval. It is my understanding that City staff support these amendments.

Condition 37(I)

A limited conversion of uses within each neighborhood within CDD #21 shall be permitted, subject to the following:

- i. The Greenway and Garden District neighborhoods shall not be permitted to convert uses.
- ii. the conversion of uses within the Town Center, Adams, and Upland Park ~~and Southern Towers~~ neighborhoods may be permitted as part of the preliminary DSUP, subject to the following:
 - (a) A balanced mix of uses shall continue to be provided within each neighborhood, consistent with the intent of the Beauregard Small Area Plan; and
 - (b) The amount of Required Retail uses shall not be reduced within each neighborhood.
 - (c) The intent of the conversion is that the conversion would not exceed 15% of the amount of square footage in the neighborhoods

referenced herein, but would allow flexibility for market conditions. (P&Z)

(iii) Within the Southern Towers neighborhood, conversion of uses may be permitted subject to the following:

- (a) The amount of Required Retail uses may not be reduced.
- (b) In no event shall the conversion exceed 150,000 square feet of residential uses. In addition the remaining square footage shall be office, hotel and retail. (P&Z)

Condition 114 - New Sentence at the end of the condition

Condition 6(c) shall not apply to final Transitway easement within Southern Towers until such time as the provisions of Condition 114 have been met.

Condition 119

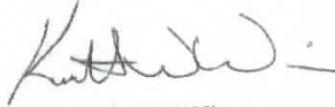
Retail

- a) To ensure a comprehensive and coordinated approach for the retail leasing for the Required Retail within the Southern Towers Neighborhood as depicted in the Beauregard Urban Design Standards and Guidelines, the retail shall be operated through a coordinated management agreement, entity or district. The final role and composition of the retail management entity and overall governance shall be approved as part of the first DSUP containing the first retail space within the Southern Towers neighborhood.
- b) Prior to the release of the first Certificate of Occupancy permit for the first building within the Southern Towers neighborhood, the Applicant(s) shall establish the retail management entity as required, which shall be responsible for the following items to the satisfaction of the Directors of P&Z, T&ES, RP&CA and City Attorney:
 - i. Parking. Coordination and management of the shared parking management plan between the owner(s) and/or buildings ~~within the Town Center.~~
 - ii. Signage. Maintenance, repair, and coordination of locations and messaging for all identification signs, way-finding signs, directional signs and seasonal/event banners.
 - iii. Retail Management and coordination of retail use and tenants as defined herein. (P&Z) (T&ES)

April 12, 2013
Page 3

I look forward to discussing these issues with you at tomorrow's public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Wire", with a horizontal line extending from the end of the signature.

Kenneth W. Wire

Southern Towers Affordable Housing Comparison of Alternatives

	Base Proposal	Option 1	Option 2
Required \$11.95/sq. ft. developer contribution into Beauregard fund	YES	YES	YES
Units	46 units	135 units	100 units
Affordability Period	40 years	10 years	10 years
Unit years	1,840	1,350	1,000
AMI served	40 – 75%	55 – 75%	55 – 60%
Cost paid from Beauregard fund	\$3.5 million	No cost for 10 years	No cost for 10 years
Cost beyond 10 years	NO	YES	YES



SPEAKER'S FORM

DOCKET ITEM NO. 41

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Kenneth Wise
2. ADDRESS: 1750 Tysons Blvd, Tysons VA 22102
- TELEPHONE NO. 703-712-5362 E-MAIL ADDRESS: kwise@wcyu-rentals.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Applicants
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: ☒ AGAINST: ☐ OTHER: ☐
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES ☒ NO ☐

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed for public hearing at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

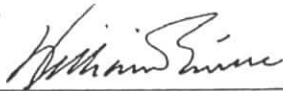
CITY OF ALEXANDRIA, VIRGINIA

Guidelines for Honest Civic Discourse for those Participating in Meetings in the Council Chamber

Members of the Alexandria community, its elected officials and City staff place a high value on constructive and thoughtful debate on public issues. To this end, all who participate in meetings in the Chamber, including public officials, staff and members of the community, are expected to observe the following guidelines.

1. Treat Everyone with Respect and Courtesy
2. Do Your Homework – Be Prepared and Be Familiar with the Docket
3. Express Your Ideas and Opinions in an Open and Helpful Manner
4. Be Respectful of Others' Time by Being Clear and Concise in Your Comments and/or Questions
5. Demonstrate Honesty and Integrity in Your Comments and Actions
6. Focus on the Issues Before the Decision Making Body – Avoid Personalizing Issues
7. Listen and Let Others Express their Ideas and Opinions
8. If a Decision is Made with which You Do Not Concur, Agree to Disagree and/or Use Appropriate Means of Civil and Civic Recourse, and Move On

Adopted by the Alexandria City Council on October 12, 2004.



William D. Euille, Mayor

DOCKET ITEM NO. 4,5,6

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskar
2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl, VA 22201
- TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: cpuskar@arl.thelandlawyers.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? JBG/mark Center Developer LLC
Alexandria Development Associates, LLC
Hills LLC; Home Properties Seminary Towers LLC
4. WHAT IS YOUR POSITION ON THE ITEM?
 FOR: X AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
 YES X NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

CITY OF ALEXANDRIA, VIRGINIA

Guidelines for Honest Civic Discourse for those Participating in Meetings in the Council Chamber

Members of the Alexandria community, its elected officials and City staff place a high value on constructive and thoughtful debate on public issues. To this end, all who participate in meetings in the Chamber, including public officials, staff and members of the community, are expected to observe the following guidelines.

1. Treat Everyone with Respect and Courtesy
2. Do Your Homework – Be Prepared and Be Familiar with the Docket
3. Express Your Ideas and Opinions in an Open and Helpful Manner
4. Be Respectful of Others' Time by Being Clear and Concise in Your Comments and/or Questions
5. Demonstrate Honesty and Integrity in Your Comments and Actions
6. Focus on the Issues Before the Decision Making Body – Avoid Personalizing Issues
7. Listen and Let Others Express their Ideas and Opinions
8. If a Decision is Made with which You Do Not Concur, Agree to Disagree and/or Use Appropriate Means of Civil and Civic Recourse, and Move On

Adopted by the Alexandria City Council on October 12, 2004.



William D. Euille, Mayor

Jackie Henderson

From: website <webmaster@alexandriava.gov>
Sent: Tuesday, April 09, 2013 4:02 PM
To: Jackie Henderson; Gloria Sitton
Subject: City Council speaker's form submission received

Meeting Date: 04/13/2013

Docket Item# 4

Speaker's Name: Stewart *Schwartz*

Phone #: 703-599-6437

Email: stewart@smartergrowth.net

Address: ~~Schwartz~~ *316 F Street, NE, Suite 200*

Representing self? Yes

If representing other:

Washington D.C. 20002

Position on the item: For

Nature of interest: Advocate - Coalition for Smarter Growth

Are you being compensated? Yes

4, 5, 6 (e)
4-13-13

City Council Testimony

Bonnie O'Day and Robert Hartt

2455 North Stevens Street, Alexandria VA 22311

Good morning. My name is Bonnie O'Day, and I live at 2455 North Stevens Street in Alexandria. We occupy the townhouse right at the end of North Stevens Street, which abuts the parking lot for the Marc Center office complex. I wish to comment on portions of the Beauregard Small Area Plan that will have a significant impact on our residence and lifestyle.

First, my husband and I are in support of major portions of the plan, including an upgrade to the shopping center and provisions for a more walkable and bike friendly neighborhood. My husband and I are visually impaired and we bought our home in large part because we can easily walk to the shopping center and to public transportation. We will be pleased to have more amenities within walking distance of our home. We have recruited some sighted volunteers to steer for tandem bike riding with us and appreciate using the bike trails Alexandria has to offer. We support provision of a bike trail as part of the Beauregard plan and we do not oppose opening North Stevens to bicycle and pedestrian traffic, as long as appropriate buffering and security are provided.

However, we are very concerned about the parallel road to run along the Duke Realty/Seminary Heights property line that is being discussed. We appreciate the willingness of City Council members, including Mayor Euehl, to visit our neighborhood to view the negative impact of the potential road. The road, as proposed, would run right outside our bedroom window and would ruin the quiet, neighborhood feel of our location. Little could be done to mitigate the noise of the 6,000 to 8,000 cars per day on the road that was originally proposed. If such a road is constructed, we would move to a quieter neighborhood.

We request that the road be eliminated or substantially relocated unless absolute necessity for it is documented by independent traffic studies at the time of Adams neighborhood redevelopment. Please consider alternative solutions to fulfill the transportation requirements of the Adams Neighborhood. We support the Conditions of Zoning adopted by the planning commission, which requires meaningful consultation with and input from unit owners and tenants of the Adams Neighborhood and location of the road to minimize the negative impact on neighborhood residents.

Thank you.

4, 5, 6 (g)
4-13-13

April 13, 2013

RE: City Council hearing, Request to Approve CDD 21, Condition #100

Good morning Mr. Mayor, Vice Mayor, and Members of City Council:

My name is Rebecca Hierholzer. For the last 28 years, my home has been in the West End of the City, in a townhouse community called Seminary Heights, near N. Beauregard Street, Seminary Road, and Echols Avenue. Our community backs up to and is immediately adjacent to the Adams Neighborhood of the Beauregard Small Area Plan. From my living room and bedroom windows, I see Duke Realty's parking lot, N. Beauregard St., the traffic light at its intersection with Mark Center Drive, the Mark Center Hilton Hotel, and the BRAC building.

There is approximately 300 feet, a very short distance, between the back of our homes, our bedroom windows, and N. Beauregard Street. Already, prior to any new development in the small area plan, and since the full occupancy of the BRAC building, the traffic noise on N. Beauregard has become loud enough at times to wake me from a sound sleep. As we understand it, there is no real mitigation available to substantially reduce this traffic noise.

Although the BSAP is intended to be compatible with adjoining communities, there are 3 roads planned within this short 300' span: N. Beauregard Street, a private road, and then within only 10' of some of our homes, mine is one, a public road known as the parallel road, which is estimated to carry between 6,000 and 8,000 vehicles a day.

A big public thank you to you Mr. Mayor, Vice Mayor Silberberg, Councilwoman Pepper, Councilmen Chapman, Lovain, Smedberg, and Wilson - for taking your time to visit our communities and see for yourself how any such road adjacent to our homes would dramatically and negatively impact our lives. Each of you have worked with us, and we thank you all.

Redevelopment in the Adams Neighborhood is probably 10 or 15 years away. Being able to project the need or lack of need or specific location of a road, based on a 'who knows what will be happening then' redevelopment plan, is speculative at best. Although we have support across the Board to either eliminate or substantially move that public road away from our homes, and eliminate it from dividing John Adams Elementary School playground and open space created for those children and the neighboring communities, we understand that it is because of this speculative situation, that Condition #100 cannot fully address our concerns at this time. We are pleased that Duke Realty's representatives have publicly stated that our concerns are valid and that they will work with us toward an acceptable solution at the time of redevelopment. At that time in 10+ years, our communities will be vigilant about seeing that our concerns are addressed in a way that is a win/win/win for all parties involved.

On behalf of the adjacent three residential communities of Seminary Heights, Shirley Forest, and Seminary Park, I am asking you to pass Condition #100 of CDD 21, as passed by the Planning Commission.

Because we found out about this proposed road after the Beauregard Small Area Plan was passed by Council, we are particularly pleased with the expanded notification Condition, championed by Rich Baier of Transportation & Environmental Services and written by Jeff Farner and Planning and Zoning staff. Seminary Park residents are happy about their 45 foot buffer.

CDD 21, Condition #100 is the end result of our engagement with City Planning and Zoning staff, Transportation and Environmental Services staff, members of Beauregard Rezoning Advisory Group, former Vice Mayor Donley and 2012 Council, Duke Realty's Attorney and Development Manager, 2013 Council and Mayor Euille, Deputy City Manager Mark Jinks, and Planning Commission members.

Thank you all for your time, attention, and service to us - the citizens of Alexandria.

Sincerely,

Rebecca Hierholzer 2649 Centennial Court Alexandria VA 22311

COMMENTS FOR COUNCIL MEETING, April 13, 2013

Submitted By Annabelle Fisher, Docket #4

Your approval of the CDD should include provisions that ensure residents have convenient access to an attractive, efficient, transit system in the Beauregard-Seminary Road area that accommodates the projected growth to the year 2038. It is essential the CDD include provisions that do the following:

1. Developers provide the dedicated right-of-ways for the streets and bus stations to accommodate the planned growth in the BSAP. This includes ensuring sufficient space is available on the Southern Towers property for widen streets, bus bays, sheltered bus stops, and an internal network of sidewalks to the bus stations. Approving a CDD without a vision for transit use would be short sighted and reduce the incentives for providing the needed public right of way.
2. Design of the transit system in the BSAP should be a joint effort involving WMATA, VDOT, Fairfax and Arlington Counties and the adjacent communities.
3. It is essential the network of streets accommodate transit and not be an impediment to transit operation. This includes further evaluation of the proposed ellipse and other changes in realigning near the Beauregard-Seminary Road intersection. Transit should be given top priority.

As part of my testimony I have included a diagram of the ellipse which raises reasonable concerns regarding the impacts on adjacent properties, transit, transportation, pedestrian and biking in or adjacent to the ellipse. The number of traffic lights, turning radiuses, sidewalks, signage and traffic merging may also create safety as well as emergency response concerns. I suggest the CDD insert the word "PROPOSED" when referencing the "ellipse". It's too early for the City Council to endorse the ellipse in the CDD approval since we are dealing with a concept plan, not a design plan and other options should be considered once VDOT analysis and improvements are completed on Seminary Road.

The CDD reduces the requirement for an operational BRT prior to the City approving the final site plan for 1.5 million square feet. Instead the CDD only requires the transit way only provide enhanced bus service. NOTE: The CDD only requires "The Transitway shall be operational prior to release of a final site plan for greater than 1,500,000 sq. ft. of New Development within CDD #21 & #22. An operational Transitway is defined as providing enhanced bus service within the Beauregard Small Area Plan area as determined by the Director of T&ES. The enhanced bus service includes greater passenger capacity, enhanced headways, more frequent service and greater reliability than currently exists in the Beauregard Corridor".

CDD should clarify it does not authorize construction of the ellipse. Although developers will be paying for this proposed ellipse and discretion is being provided to the Director of TES to approve the ellipse, the City Council should authorize construction. Any major construction involving a City street should be separately authorized by the City once new traffic studies/analysis are completed per VDOT letter, impacts assessed, meetings held with the community, and design plans have been accomplished.

It now appears that earlier promises for a modern BRT service in the Beauregard Corridor has changed. However, if we are to deliver on the promise of an urban scale plan with a focus on creating a transit oriented community it is necessary to have a major transit station at Southern Towers. Transit with convenient access to I-395 and the HOV lanes is the next best thing to having a Metro Station.

COMMENTS FOR CITY COUNCIL MEETING – DOCKET #4, April 13, 2013
Submitted by Annabelle Fisher

RECOMMENDATION: APPROVE THE PROPOSED CHANGES TO THE CITY OF SEASIDE POLICE DEPARTMENT'S POLICY ON THE USE OF FORCE, WITH THE UNDERSTANDING THAT THE POLICE DEPARTMENT WILL BE REQUIRED TO PROVIDE A WRITTEN EXPLANATION OF THE REASONS FOR THE CHANGES TO THE CITY COUNCIL.

DISCUSSION: The City Council has received a request from the Seaside Police Department to approve changes to its Policy on the Use of Force. The Police Department has submitted a written explanation of the reasons for the changes, which are as follows:

The Police Department has identified a need to update its Policy on the Use of Force to reflect current best practices and to ensure that the policy is consistent with the City of Seaside's values and goals. The proposed changes include:

- Revising the definition of "use of force" to include the use of force against a person who is not a suspect or a witness.
- Revising the definition of "excessive force" to include the use of force that is not necessary or reasonable.
- Revising the definition of "deadly force" to include the use of force that is likely to cause death or serious injury.
- Revising the definition of "non-lethal force" to include the use of force that is not likely to cause death or serious injury.
- Revising the definition of "lethal force" to include the use of force that is likely to cause death or serious injury.

The Police Department has also identified a need to update its Policy on the Use of Force to reflect current best practices and to ensure that the policy is consistent with the City of Seaside's values and goals. The proposed changes include:

- Revising the definition of "use of force" to include the use of force against a person who is not a suspect or a witness.
- Revising the definition of "excessive force" to include the use of force that is not necessary or reasonable.
- Revising the definition of "deadly force" to include the use of force that is likely to cause death or serious injury.
- Revising the definition of "non-lethal force" to include the use of force that is not likely to cause death or serious injury.
- Revising the definition of "lethal force" to include the use of force that is likely to cause death or serious injury.

The Police Department has also identified a need to update its Policy on the Use of Force to reflect current best practices and to ensure that the policy is consistent with the City of Seaside's values and goals. The proposed changes include:

- Revising the definition of "use of force" to include the use of force against a person who is not a suspect or a witness.
- Revising the definition of "excessive force" to include the use of force that is not necessary or reasonable.
- Revising the definition of "deadly force" to include the use of force that is likely to cause death or serious injury.
- Revising the definition of "non-lethal force" to include the use of force that is not likely to cause death or serious injury.
- Revising the definition of "lethal force" to include the use of force that is likely to cause death or serious injury.

The Police Department has also identified a need to update its Policy on the Use of Force to reflect current best practices and to ensure that the policy is consistent with the City of Seaside's values and goals. The proposed changes include:

- Revising the definition of "use of force" to include the use of force against a person who is not a suspect or a witness.
- Revising the definition of "excessive force" to include the use of force that is not necessary or reasonable.
- Revising the definition of "deadly force" to include the use of force that is likely to cause death or serious injury.
- Revising the definition of "non-lethal force" to include the use of force that is not likely to cause death or serious injury.
- Revising the definition of "lethal force" to include the use of force that is likely to cause death or serious injury.

The Police Department has also identified a need to update its Policy on the Use of Force to reflect current best practices and to ensure that the policy is consistent with the City of Seaside's values and goals. The proposed changes include:

- Revising the definition of "use of force" to include the use of force against a person who is not a suspect or a witness.
- Revising the definition of "excessive force" to include the use of force that is not necessary or reasonable.
- Revising the definition of "deadly force" to include the use of force that is likely to cause death or serious injury.
- Revising the definition of "non-lethal force" to include the use of force that is not likely to cause death or serious injury.
- Revising the definition of "lethal force" to include the use of force that is likely to cause death or serious injury.

The Police Department has also identified a need to update its Policy on the Use of Force to reflect current best practices and to ensure that the policy is consistent with the City of Seaside's values and goals. The proposed changes include:

- Revising the definition of "use of force" to include the use of force against a person who is not a suspect or a witness.
- Revising the definition of "excessive force" to include the use of force that is not necessary or reasonable.
- Revising the definition of "deadly force" to include the use of force that is likely to cause death or serious injury.
- Revising the definition of "non-lethal force" to include the use of force that is not likely to cause death or serious injury.
- Revising the definition of "lethal force" to include the use of force that is likely to cause death or serious injury.

The Police Department has also identified a need to update its Policy on the Use of Force to reflect current best practices and to ensure that the policy is consistent with the City of Seaside's values and goals. The proposed changes include:

- Revising the definition of "use of force" to include the use of force against a person who is not a suspect or a witness.
- Revising the definition of "excessive force" to include the use of force that is not necessary or reasonable.
- Revising the definition of "deadly force" to include the use of force that is likely to cause death or serious injury.
- Revising the definition of "non-lethal force" to include the use of force that is not likely to cause death or serious injury.
- Revising the definition of "lethal force" to include the use of force that is likely to cause death or serious injury.

The Police Department has also identified a need to update its Policy on the Use of Force to reflect current best practices and to ensure that the policy is consistent with the City of Seaside's values and goals. The proposed changes include:

- Revising the definition of "use of force" to include the use of force against a person who is not a suspect or a witness.
- Revising the definition of "excessive force" to include the use of force that is not necessary or reasonable.
- Revising the definition of "deadly force" to include the use of force that is likely to cause death or serious injury.
- Revising the definition of "non-lethal force" to include the use of force that is not likely to cause death or serious injury.
- Revising the definition of "lethal force" to include the use of force that is likely to cause death or serious injury.

COMMENTS FOR CITY COUNCIL MEETING – DOCKET #4, April 13, 2013

Submitted by Annabelle Fisher

Therefore, given the amount of material for review, I am requesting that Council delay approval of the rezoning/CDD's until briefings have been conducted and the community has a better understanding of the impact of the CDD's for the BSAP.

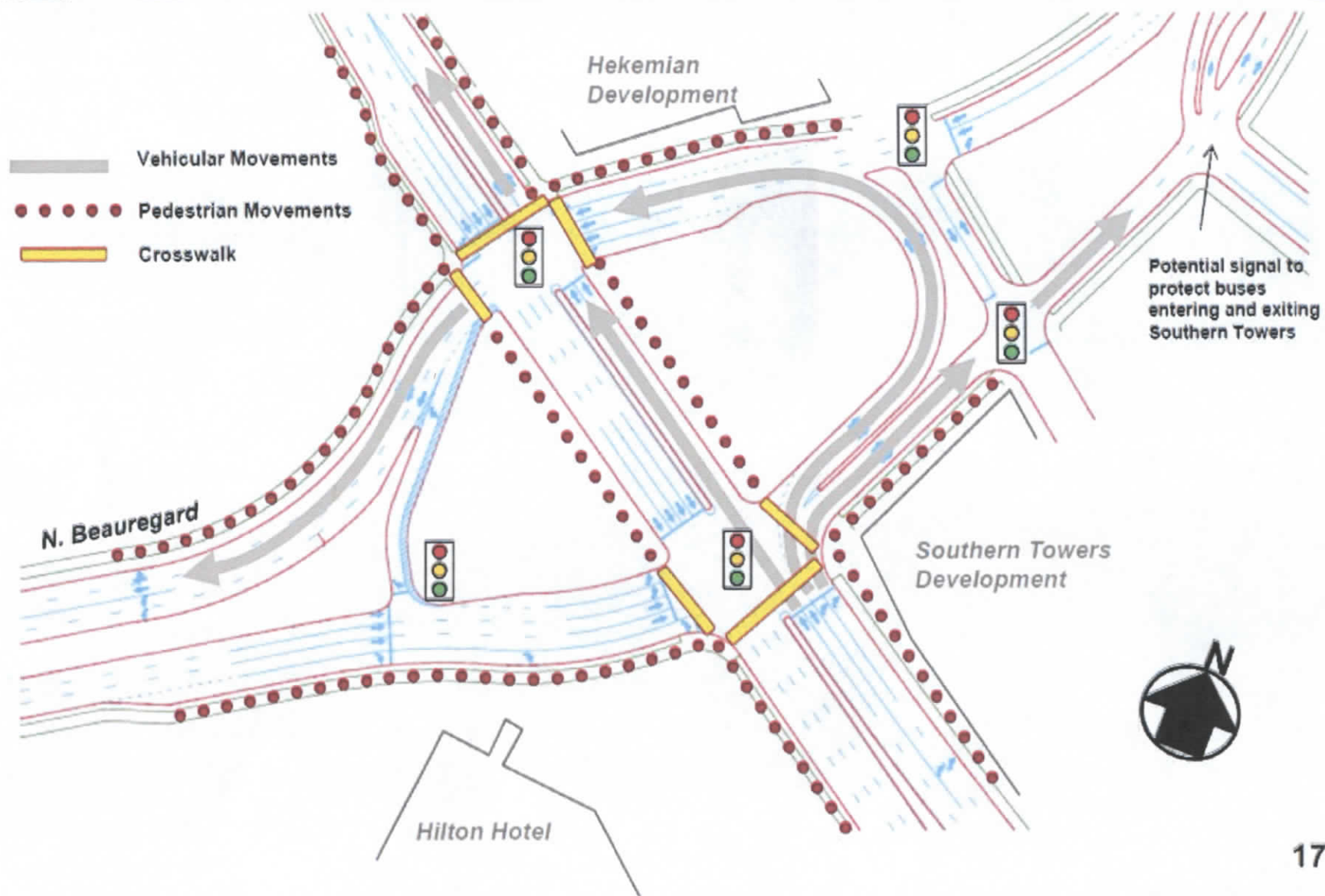
Thank You.

Annabelle Fisher, Southern Towers Resident

COMMENTS FOR CITY COUNCIL MEETING – DOCKET #4, April 13, 2013
Submitted by Annabelle Fisher



Ellipse



Ref: Neota Hall's comments

4, 5, 6 (m)
4-13-13

Commissioner Hyra's
^

Motion:

Recommend that Council adopt the following in regard to implementing the proposed Beauregard Small Area Plan and rezoning:

(1) the City should work with the residential developers to determine if the number of existing dedicated affordable housing units could be increased in the early years of Plan implementation by buying down more existing units for a ten-year period and by buying down fewer new units during that time period;

(2) the City should explore the feasibility of leveraging the tax increment stream allocated for affordable housing through the issuance of bonds by ARHA;

(3) the Beauregard area redevelopment tax increment funding stream used for affordable housing should be increased by \$17.4 million over the Plan implementation period;

(4) outside sources of funding for affordable housing and partnerships with affordable housing providers should be sought as early as feasible;

(5) if the planned Ellipse cost re-estimating indicates Ellipse construction costs will be substantially less than budgeted, then any excess Ellipse funds should be reallocated towards affordable housing;

(6) if financially feasible, the 800 unit affordable housing plan should be increased to up to 900 units; and

(7) a Beauregard Implementation Advisory Work Group should be created and work in conjunction with the City's Affordable Housing Committee and the Tenant-Landlord Board in Beauregard Small Area Plan implementation.

Jerry King, Chair of the Alexandria Bicycle and Pedestrian Advisory Committee

~~Tonight~~ I would like to make one point: There has been good planning for Bike and Pedestrian facilities in the Beauregard Small Area Plan. We need these facilities to stay in the plan and not fall by the wayside.

Specifically, changes to CDD 21 have been submitted with the intent of eliminating or substantially moving the parallel road based on circumstances that may exist 10 or 20 years in the future. We agree with that intent and the proposed change with the clarification the area will be served by suitable bicycle and pedestrian facilities in the Adams neighborhood.

While bike lanes are the preferred cycling facility, we are fine with multi-use paths. Studies have shown that neighbors of bike paths/trails feel that the quality of life of their neighborhood has been improved, and that the trails were a good use of open space.

During the Planning Commission hearing we requested and the Commission added a condition within CDD 21 as follows:

Retain a multi-use path or equivalent facilities in the Adams neighborhood to provide the mobility, accessibility, and connectivity for pedestrians and cyclists west of Beauregard.

The request was based on the following data:

- a. Recent experience has shown the value of dedicated bike lanes to reduce Bike and Pedestrian conflicts on multi-use paths and Bike and motorized transportation conflicts on roads.
- b. According to a study for the Delaware DOT, "There is definitely a large portion of the population that sees bike paths as an amenity and will seek out residences near trails, parks, and other natural resource areas."
- c. According to MWCOG, households in the Beauregard Corridor reported a 2.8% daily bike commuting mode share in 2012; this is 4.7 times the regional average of 0.6%!!!

People are already cycling in this area in large numbers. Let us please build on that success by ensuring suitable Bike and Pedestrian facilities stay in the plan.

Thank you.

4, 5, 6(r)

4-13-13

April 12, 2013

536 E Glendale Ave
Alexandria, VA 22301

Dear Mayor Euille and Members of Council,

In June 2006, major thunderstorms caused enormous flooding along the Cameron Run watershed, inundating over 100 homes, parts of the beltway, overwhelming stormwater infrastructure, and ultimately causing approximately \$10 million worth of damage. The flooding, which was two feet higher than existing modeling had predicted for a 70 year storm, was determined to be due in significant part to the impacts of increased development in the Cameron Run watershed. In 2011, after Hurricane Irene saturated the area, another tropical thunderstorm sent Cameron Run over its banks yet again, flooding homes and roadways. In 2012, Hurricane Sandy, which ultimately caused \$65 billion worth of damage, narrowly missed sending its strongest blast to the DC area. In 2012, Alexandria was lucky, but the reality of climate change is that more intense storms will be our new normal, and we must not plan for a future based on luck. President Obama has called for resilient infrastructure planning, and cities across the country have already begun the task of identifying vulnerabilities, reassessing risk in light of climate change, and changing old ways of planning that aren't simply outdated but are actually dangerous.

Alexandria, which sits on a tidally influenced river and has large swaths of the City sitting in a floodplain, must start to plan for infrastructure resiliency in the face of climate change, and must recognize that stormwater management must become one of - if not its top - priority in planning for infrastructure resiliency. Further, in light of the myriad other impacts of climate change, including a warming climate and a critical need to reduce carbon levels, new development especially must be as sustainably designed as possible. Sustainability is no longer a "nice-to-have" item in planning; it is critical to the safety and financial well-being of our residents.

As most of you are aware, having been on the Environmental Policy Commission for ten years, I have worked closely with City staff on various planning efforts over the last decade and have considered myself incredibly lucky to work with such an amazingly talented and dedicated staff. There has been significant progress on environmental sustainability in the City, and the work City staff, Council, and citizens have done together as part of the Eco-City effort has put Alexandria in good stead to prepare for climate change...if we follow the commitments that the City made in the Eco-City Charter and Action Plan. Several of the Charter's provisions are especially important to keep in mind when undertaking the kind of planning and development set for the Beauregard area: the commitment to "ensure that growth does not jeopardize environmental sustainability...protects and enhances natural resource capacity...protects, enhances, and increases Alexandria's open space and green infrastructure, including...watersheds" that we maintain good stewardship of the Potomac River and Chesapeake Bay, and that we "use environmentally responsible flood management, stormwater control, and wastewater

treatment to protect the public's health and property." I am also incredibly mindful of the provision that land use decisions "do not foster or perpetuate social injustice."

The Beauregard Small Area Plan received enthusiastic support from the Environmental Policy Commission due to its excellent provisions on urban ecology and sustainability. However, I am writing to you due to my belief that some of the key elements of those provisions are no longer required under the proposed zoning requirements.

First, it is extremely disappointing to see that there are almost no provisions from the sustainability chapter in the final Design Guidelines. Instead, sustainability provisions have been divided up into provisions sprinkled throughout CDD #21 and #22, where many of the requirements of the BSAP are being kicked down the road to the DSUP process. The Design Guidelines are, in many ways, the core principles of how the development is to be designed and they, along with the CDDs, provide the "teeth" to the BSAP provisions. There are, in fact, significant and fine details in those Guidelines about building height, roof design, and materials, yet there is only passing mention of the need to comply with green building requirements. This sends a disturbing message about the importance of sustainability in design from the outset: that it is more a "box to be checked off later" than a starting point. To my view, dropping the sustainability provisions from the Design Guidelines conforms neither with the BSAP nor the spirit of the Eco-City Charter, and would urge that Guidelines be revised to incorporate the BSAP sustainability provisions. I do note, however, and appreciate the Planning Commission's change to Condition #56, which states: "The Applicant(s) shall, for each neighborhood, submit a Sustainability Plan with the submission of the first preliminary DSUP within each neighborhood, which shall identify common environmental elements to be utilized throughout each neighborhood that can be used to help individual parcels satisfy the requirements of the City's most recent green building policy. Elements that should be addressed within the Sustainability Plan shall be in conformity with the Urban Ecology and Sustainability goals of the Beauregard Small Area Plan and include, but not be limited to, the key areas given below." While I think the proposed edit does a better job of preserving the Urban Ecology and Sustainability section of the BSAP, I urge Council to change the last sentence to read "The Sustainability Plan shall be in conformity with the Urban Ecology and Sustainability goals...." To leave the words "Elements that should be addressed" in that last sentence would greatly weaken if not undo the sustainability requirements of the BSAP as it suggests that those provisions (many of which were mandatory) are optional.

Second, and perhaps most distressing given that much of the development borders and drains to Holmes Run, are the changes to the stormwater provisions of the BSAP, which required that "the redevelopment will be required to meet the Virginia Storm Water Regulations for new development and/or the provisions of the Environmental Management Ordinance (Chesapeake Bay Preservation Act) whichever is more stringent at the time of approval. The goal is to have the efficiency of all BMPs be 40 percent or greater." However, Condition 51 of CDD #22 states: "New Development within each neighborhood shall meet the Virginia Storm Water Regulations and/or the provisions of the Environmental Management Ordinance (Chesapeake Bay Preservation Act) as adopted by the City of Alexandria. There shall be no grandfathering. At the time of the first DSUP in a neighborhood, the Applicant shall provide a storm water management plan for such neighborhood complying with the

aforementioned standards, and shall construct neighborhood storm water management improvements consistent with such plan. The stormwater master plan shall be amended with each subsequent DSUP should it be necessary. Once storm water management improvements are constructed for a neighborhood, subsequent changes in law or regulations shall not require reconstruction of built infrastructure, unless the reconstruction of previously approved and constructed storm water management infrastructure is mandated by state or federal law. However, changes in applicable law or regulations for storm water management will be applicable to newly constructed buildings or parcels and there shall be no grandfathering of individual buildings or parcels by virtue of previously constructed neighborhood storm water management improvements. (T&ES)"

There are two major problems with Condition 51 (and its matching provision in CDD 21). The first is the change from the requirement of the BSAP that development meet whichever provision between state and city requirement that is the most stringent to a change that only requires that they meet one or the other (and thus essentially allowing the developer to pick the weaker provision). The BSAP provision that development be held to the more stringent of the two is logical, as it is routine that when the state provisions ratchet down, there is an implementation lag of usually a year or more until those provisions are enacted by the City, as is currently the case, where some of the Virginia regulations have become more stringent, but the City is not due to change its Ordinance until July 2014. This means that any DSUPs that come in between now and July 2014 will be able to take advantage of this lag; a scenario sure to repeat itself again in the next 10-30 years of development in Beauregard. But in a city where flooding is our greatest vulnerability, we must ensure that developers are not able to eschew meeting more stringent standards because we have not yet had time to incorporate them into City Code. I therefore urge Council to restore the original requirement of the BSAP that development meet the most stringent provisions applicable which may be State, City, or a combination of the two.

The second major problem is the language stating that "subsequent changes in law or regulations shall not require reconstruction of built infrastructure, unless the reconstruction...is mandated by state or federal law." While this may seem on the surface to be a fair provision, the truth is that the state could pass requirements that are silent on the means of compliance but ultimately require the reconstruction of built infrastructure in order to meet them. A developer would surely argue and likely win an argument that unless Virginia specifically requires that a particular piece of infrastructure be rebuilt it would be exempt from City requirements to do so. As the City is aware, no provision from Richmond will ever be that specific and so the upshot of this provision is that once built, the City could never require modification, even if it was the only way to comply with a state standard. I therefore urge Council to strike the last two sentences of Condition 51 and its corresponding condition in CDD 22.

I have taken note of the April 11, 2013 memo from Rich Baier to City Council regarding this provision and want to thank Rich and Bill Skrabak for taking the time to speak with me about this provision. It appears to me that T&ES staff is recommending that the last two sentences of Condition 51 be dropped as well. However, I continue to believe that the original BSAP provision regarding the application of whichever stormwater standard is more stringent should be restored to the CDD. I realize that this could increase costs to the developer. I also realize that arguments could be made that developers in other parts of the City are not held to this standard, which may not seem fair. However, the City has

stated repeatedly that it is essentially updating its zoning code through the small area plan process; clearly if we have learned anything about our environmental issues in Alexandria, it is that we are extremely vulnerable to the potentially ruinous damages associated with flash and major flooding and we must change the way we manage stormwater going forward. I would also urge Council to revise the city-wide zoning code to make this provision applicable to all development in the City.

I realize that there is a balancing act in all planning, and I am extremely sensitive to the arguments made about the need for more affordable housing units. But we can no longer live as if sustainable, low-impact development is a luxury we can trade for other needs. The truth is that if we allow developers to continue putting granite countertops above insulation, parking above mass transit, and cheap above sustainable, we doom the residents who move into those buildings to be stuck with energy bills they cannot afford, congested roads they cannot travel, and environmental impacts that could ruin their home and bankrupt them if they find themselves in the flood path and insurance doesn't cover them. It also leaves the City with the bill to clean up the aftermath. We are already seeing the incredibly costly effects in the City of too-long delayed capital expenditures that create operation and maintenance nightmares; the lesson to be learned is that if you build it right the first time, that slight extra expense up front is more than offset by the reduced O&M costs, but if you don't, it will cost you vastly more to try and retrofit and maintain it down the line. This same principle is true in dealing with climate change, and given that buildings and transportation make up 2/3 of our carbon emissions, spending a little extra to make our developments sustainable pays off exponentially. The truth is that if developers "can't afford" to do it right, then we simply cannot afford as a society to give them license to build more than they already have. Beauregard, which sits along a major flood plain and drains into Holmes Run, and which is one of our last bastions of affordable housing, is not a plan we can or should allow to be anything but the best we can come up with, or we should abandon this plan and start anew.

Thank you so much for your time and consideration and thank you again to City Staff, the Planning Commission, and the citizens of Alexandria for all of their hard work on putting together this plan.

Sincerely,

Danielle Fidler

4,5,6(a)
4-13-13

Good morning mayor and members of city council.

My name is Vicky Menjivar and I am the President of Tenants and Workers United.

We are opposed to this plan as it stands right now and ask you to vote against it.

Plans and budgets such as you are considering today show with great clarity the priorities of each city councilor.

This plan offers the current **twenty-five hundred (2500)** families only **one hundred** (100 units) of affordable housing in its first three years. **Period.**

At the same time a fire station, parks, dog runs, new roads and infrastructure are all front loaded or built well before the apartments which are projected to be built 10 or even 20 years from now.

During the electoral campaign each of you said that you supported 'affordable housing'. You all said that in most cases there is little you can do.

That is wrong.

You have the power today to vote 'no'. Without putting one additional dollar into the plan it can be modified to create up to 400 units of affordable housing within the first three years.

We are committed to working with the City and the developers to make this happen. But first and foremost it is a question of your political will.

Do you stand with the working families who live in the apartments? Do you stand with Latinos, Africans, immigrants and African Americans who live in the city's most diverse neighborhood?

Do you believe in our right to live and contribute and be part of this city?

We ask you to stand with us ---vote no – we can and must do better. Thank you.

Gloria Sitton

From: James Banks
Sent: Saturday, April 13, 2013 9:25 AM
To: Gloria Sitton
Subject: FW: Quick note (revised)

FUI

James L. Banks, Jr.
City Attorney
301 King Street
Suite 1300
Alexandria, VA 22314
703-746-3750

From: Allison Silberberg
Sent: Friday, April 12, 2013 11:06 PM
To: William Euille; Allison Silberberg; Del Pepper; John Chapman; Paul Smedberg; Timothy Lovain; Justin Wilson
Cc: Rashad Young; Faroll Hamer; Helen McIlvaine; Mildrilyn Davis; Mark Jinks; James Banks
Subject: Re: Quick note (revised)

Dear Colleagues,

As I just wrote you, below I have revised the motion a bit to spread out the costs over more time. The only change is that I changed the amount of funds from the city each year (number 1).

Again, I would be happy to hear your thoughts.

- Allison

- > Aggregating funds from different sources, I move that the zoning implementation of the Beauregard Plan be contingent upon the number of affordable housing units, which needs to be 1,320 committed affordable housing units.
- >
- > These 1,320 committed affordable housing units would equal 20 percent of the 6,600 residential units that will be built in Beauregard under this plan. The 1,320 committed affordable housing units would strike a compromise between the 800 committed affordable housing units currently in the Beauregard Plan and the 2,475 affordable housing units that are slated for demolition.
- >
- > To go from the current 800 committed affordable housing units in the plan to a proposed 1,320 -- an increase of 520 committed affordable housing units -- would require that each of the developers and mainly the City of Alexandria increase their funding commitment.
- >
- > Given that in the past decade the City of Alexandria has gone from 18,000 market-rate affordable housing units to approximately 6,000, this motion is critical to fulfilling the city's commitment to affordable housing.
- >

> The extra 520 committed affordable housing units would cost approximately \$100 million, and I move that the funds come from the following sources:

>

> 1) The City of Alexandria would designate \$2 million per year for 25 years, equalling \$50 million. These funds would come out of the annual budget and/or the Capital Improvement Plan (CIP).

>

> 2) The five developers, which have already done a great deal for this plan, would each be asked to provide an additional \$5 million over 29 years, equalling \$25 million. That amounts to approximately \$173,000 per year, per developer.

>

> 3) Tax credits and nonprofit entities committed to affordable housing development.

Thanks...Allison

On Apr 12, 2013, at 3:42 PM, "Allison Silberberg" <allison.silberberg@alexandriava.gov> wrote:

> Dear Colleagues,

>

> I am planning to make this motion tomorrow at the public hearing. I certainly welcome your thoughts.

>

>

> ***

>

> Aggregating funds from different sources, I move that the zoning implementation of the Beauregard Plan be contingent upon the number of affordable housing units, which needs to be 1,320 committed affordable housing units.

>

> These 1,320 committed affordable housing units would equal 20 percent of the 6,600 residential units that will be built in Beauregard under this plan. The 1,320 committed affordable housing units would strike a compromise between the 800 committed affordable housing units currently in the Beauregard Plan and the 2,475 affordable housing units that are slated for demolition.

>

> To go from the current 800 committed affordable housing units in the plan to a proposed 1,320 -- an increase of 520 committed affordable housing units -- would require that each of the developers and mainly the City of Alexandria increase their funding commitment.

>

> Given that in the past decade the City of Alexandria has gone from 18,000 market-rate affordable housing units to approximately 6,000, this motion is critical to fulfilling the city's commitment to affordable housing.

>

> The extra 520 committed affordable housing units would cost approximately \$100 million, and I move that the funds come from the following sources:

>

> 1) The City of Alexandria would designate \$5 million per year for 10 years, equalling \$50 million. These funds would come out of the annual budget and/or the Capital Improvement Plan (CIP).

>

> 2) The five developers, which have already done a great deal for this plan, would each be asked to provide an additional \$5 million over 29 years, equalling \$25 million. That amounts to approximately \$173,000 per year, per developer.

>
> 3) Tax credits and nonprofit entities committed to affordable housing development.
>
>
> ***
>
>
> Thank you very much. Again, please feel free to call or email me with your ideas and thoughts.
>
> All my best, Allison
>
> _____
>
>
> Allison Silberberg
> Vice Mayor of Alexandria
> Author of "Visionaries In Our Midst"
> allison.silberberg@alexandriava.gov
> o: 703-746-3989
> c: 571-319-9948
>
>

Jackie Henderson

4,5,6
4-13-13

From: jfsmoot@verizon.net
Sent: Thursday, April 11, 2013 4:07 PM
To: City Council; City Council Aides; JoAnn Maldonado; Elaine Scott; Jackie Henderson
Subject: Call.Click.Connect. #32181: Mayor, Vice Mayor, City Council Dear Mayor Euille and City Council Mem

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 32181.

Request Details:

- Name: Jon Smoot
- Address: No Address Specified
- Phone Number: 703-521-9890
- Email: jfsmoot@verizon.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description:
Dear Mayor Euille and City Council Members,

We at Habitat for Humanity of Northern Virginia know that you, the Planning Commission, the Affordable Housing Advisory Committee, along with City staff, have worked very hard on the Beauregard Plan over the past three years. You have endeavored to balance the City's needs with seeking to create real affordable housing in the West End, including a number of workarounds to avoid displacement of thousands of fellow Alexandrians who wish to remain in the City. We also applaud you for the thorough and diligent work captured in the draft Housing Master Plan which Council will consider later this Spring. As a nonprofit affordable home builder, we are pleased to see public-private and nonprofit partnerships play such a prominent role in these Plans.

While the Beauregard Plan focuses only on rental units at this time, as you start to implement the Plan we want you to know that Habitat NoVa stands ready to serve as a partner in your desire to achieve the goal of 800 or more units and can bring its expertise and experience in building decent, affordable, and attractive homes for eligible families who are ready to step from affordable rental to affordable homeownership. Typically, the families that Habitat NoVa has successfully worked with have household incomes between 30-60% AMI, so we think we offer alternative options to stabilize housing costs for those who are often hardest to serve, but who clearly make up a large portion of the Beauregard Area's current tenant population, according to the 2012 Survey conducted by the City. If you look at the eight homes Habitat NoVA has previously built or rehabbed in Alexandria, you will find that our homeowners reflect the social, economic and cultural diversity that is frequently endorsed as one of the City's highest priorities.

Thank you for your consideration of our request to help you achieve your affordable housing goals.

Sincerely,
Rev Jon Smoot
Executive Director

- Expected Response Date: Thursday, April 18

Please take the necessary actions in responding, handling and/or updating this request at [the Call.Click.Connect. staff interface.](#)

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

4, 5, 6
4-13-13

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 11, 2013

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: RASHAD M. YOUNG, CITY MANAGER *m*

FROM: RICHARD J. BAIER, P.E., LEED AP, DIRECTOR, T&ES *mjs*

SUBJECT: BEAUREGARD CDD #21, CONDITION 51

This memo is to clarify Condition 51, which could be construed to suggest that an applicant had the option of choosing between state and City storm water requirements; that is not the case. Condition 51 was expressly negotiated with the developers. As such, the developers will comply with whatever the City storm water requirements are at the time they apply for each preliminary DSUP.

Based on the foregoing, we have amended Condition 51 to read as follows:

New Development, as defined herein at Condition 11(b), within each neighborhood shall meet the requirements as set forth in the Virginia Storm Water Regulations and/or the provisions of the Environmental Management Ordinance (Chesapeake Bay Preservation Act) as adopted by the City of Alexandria in effect at the time of the submittal of each preliminary DSUP within each neighborhood.

Staff and the applicant both support this clarification.

cc: Mark Jinks, Deputy City Manager
Jerome Fletcher, Special Assistant to the City Manager
Faroll Hamer, Director, Department of Planning and Zoning
Jeffrey Farner, Deputy Director, Department of Planning and Zoning
William Skrabak, Deputy Director, T&ES-OEQ

City of Alexandria, Virginia

MEMORANDUM

DATE: APRIL 11, 2013

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: RASHAD M. YOUNG, CITY MANAGER *mx*

FROM: RICHARD J. BAIER, P.E., LEED AP, DIRECTOR, T&ES *mjs*

SUBJECT: BEAUREGARD CDD #21, CONDITION 51

This memo is to clarify Condition 51, which could be construed to suggest that an applicant had the option of choosing between state and City storm water requirements; that is not the case. Condition 51 was expressly negotiated with the developers. As such, the developers will comply with whatever the City storm water requirements are at the time they apply for each preliminary DSUP.

Based on the foregoing, we have amended Condition 51 to read as follows:

New Development, as defined herein at Condition 11(b), within each neighborhood shall meet the requirements as set forth in the Virginia Storm Water Regulations and/or the provisions of the Environmental Management Ordinance (Chesapeake Bay Preservation Act) as adopted by the City of Alexandria in effect at the time of the submittal of each preliminary DSUP within each neighborhood. *help*
which ever is more stringent out.

Staff and the applicant both support this clarification.

cc: Mark Jinks, Deputy City Manager
Jerome Fletcher, Special Assistant to the City Manager
Faroll Hamer, Director, Department of Planning and Zoning
Jeffrey Farner, Deputy Director, Department of Planning and Zoning
William Skrabak, Deputy Director, T&ES-OEQ

For DSUP applications filed prior to 7/1/14, the Applicants agree to meet the Virginia Storm Water Regulations. Ord of the Enviro mgmt Act (Ches Bay Pres)

more is whichever stringer

4, 5, 6
4-13-13

Jackie Henderson

From: mindyllyle@comcast.net
Sent: Saturday, April 13, 2013 4:38 PM
To: City Council; City Council Aides; JoAnn Maldonado; Elaine Scott; Jackie Henderson
Subject: Call.Click.Connect. #32268: Mayor, Vice Mayor, City Council In listening to the Beauregard discussio

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 32268.

Request Details:

- Name: Mindy Lyle
- Address: No Address Specified
- Phone Number: 7035667113
- Email: mindyllyle@comcast.net
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: In listening to the Beauregard discussion, I hope that you do not consider the thoughts of the Vice Mayor that you should move funds from the CIP to affordable housing.

While I support affordable housing and pushed to have units in Cameron Station, there is a reality that we need to provide facilities; transit, transportation and schools to support the units being built.

I would also urge you to consider taking developer contributions over the next few years and instead of having these contributions go towards affordable housing have these contributions go the school facilities. We are all aware of the lack of funds and needs of the schools. This is one way to bridge this gap and provide the schools that affordable housing units require.

- Expected Response Date: Monday, April 22

Please take the necessary actions in responding, handling and/or updating this request at the [Call.Click.Connect. staff interface](#).

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

Jackie Henderson

4, 5, 6
4-13-13

From: rmooser@gmail.com
Sent: Friday, April 12, 2013 7:22 PM
To: City Council; City Council Aides; JoAnn Maldonado; Elaine Scott; Jackie Henderson
Subject: Call.Click.Connect. #32228: Mayor, Vice Mayor, City Council If the City Council's oft-stated commit

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 32228.

Request Details:

- Name: Richard Moose
- Address: No Address Specified
- Phone Number: (704) 549-9336
- Email: rmooser@gmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: If the City Council's oft-stated commitment to affordable housing is to become more than lip service, significant concrete steps are required. An opportunity for such action will come before you this Saturday when you take up the Beauregard Plan..
The Council has the leverage obtain a far better deal for middle and low income tenants than that in the plan being put before you. At a minimum, the number of affordable units should be greatly expanded and a more tenant-friendly time table should be designed. As the matter now stands, the developers' stand to be handsomely rewarded by the City at the expense of lower and middle income citizens..
The developers can well afford a better deal and the Council has it in its power to see that they do so. Thus, when the matter comes before you, I urge you to reject the proposed plan. This vote will be a significant test of the sincerity of Council members' campaign promises.
- Expected Response Date: Friday, April 19

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

4, 5, 6
4-13-13

Jackie Henderson

From: michye00@hotmail.com
Sent: Saturday, April 13, 2013 1:32 PM
To: City Council; City Council Aides; JoAnn Maldonado; Elaine Scott; Jackie Henderson
Subject: Call.Click.Connect. #32264: Mayor, Vice Mayor, City Council I just read in the Washington Post that

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 32264.

Request Details:

- Name: Micheline Eyraud
- Address: No Address Specified
- Phone Number: 703 567-8896
- Email: michye00@hotmail.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: I just read in the Washington Post that the City of Alexandria will be providing money for people on the West End to move out of their apartments. Exactly who is going to pay for this anyway? If we kick you all out of office does this mean we won't be paying people to move?
- Expected Response Date: Monday, April 22

Please take the necessary actions in responding, handling and/or updating this request at the *Call.Click.Connect.* staff interface.

If you need assistance with handling this request, please contact CommunityRelations@alexandriava.gov or call 703.746.HELP.

This is an automated email notification of a *Call.Click.Connect.* request. Please do not reply to this email.

4, 5, 6
4-13-13

From: Kevin H Posey <kposey12@comcast.net>
Date: April 13, 2013, 12:27:39 PM EDT
To: Rich Baier <Rich.Baier@alexandriava.gov>
Subject: For Council:

Rich,

Here is my statement for Council that can be read into the record. Thanks.

Mayor Euille, Members of Council, ladies and gentlemen,
I am here as a member of the Beauregard Rezoning Advisory Group to offer a statement in support of the recommended actions on behalf of our Chairman, David Baker, who could not attend due to a conflict. I will also add a few words of my own at the end.
Here is Chairman Baker's statement, with which I agree entirely in my capacity as the Transportation Commission's representative to this group:

"This plan may be one of the most thorough and detailed plans the City has ever produced. It is funded on a pay-as-you-go basis, with substantial developer contributions, that minimize the financial impact or burden on city residents. The Plan contains many things that West End residents have been saying they want for years - meaningful traffic infrastructure improvements, more open space, bike paths and walking trails, an increased public safety presence (in this case, a new and much needed Fire Station to help service the West End), improved public transportation networks, the largest single commitment to affordable housing in the City's history with a commitment to try to do more, and substantially increased community and commercial convenience with new, closely connected and coordinated, commercial and residential development."

That concludes Chairman Baker's statement. On a personal note, I would like to address the affordable housing issue, which was not part of our group's review but has been the focus of much discussion in the community. In the course of my work in recent months, I have personally noticed strong upward pressure on residential rents in Alexandria, with very quick turnover in units in the Beauregard area, particularly. This isn't due to some kind of vast, developer conspiracy. It's due to the same factor that's boosting the home prices all across Alexandria: people keep moving inside the Beltway to escape to the region's horrendous traffic. They simply want to live closer to where they work.

As a result, any affordable apartment in the city that is not subject to legal restrictions on its rent will likely cease to be affordable in just a few years. In other words, further delay and deliberation on this project will effectively price those in need out of the market. I urge you to approve these proposals. If you don't, this debate will be moot, because there will be nobody left to protect.

Thank you for your attention.

Kevin H. Posey
Sent from my iPad

Alexandria Times

April 4, 2013

Our View

Developers could—and should—do more for Alexandria

Residents and officials concerned with Alexandria's dwindling supply of affordable housing saw two major developments recently: the sale of Hunting Point and the planning commission's approval of rezoning in the Beauregard corridor.

The apartment complex and neighborhood represent a large chunk of the city's remaining natural — market-rate, in other words — affordable housing. The land deal and zoning change, however, put those holdouts at risk in the near future.

Alexandria's quickly shrinking stock of affordable housing is no secret, and neither is our position that city officials must take greater strides in preserving — if not creating — homes for low- and middle-income residents. But that debate, for Hunting Point and the Beauregard corridor at least, is coming to an end.

To keep Hunting Point affordable, all city officials can do is ask representatives of the Laramar Group nicely, since the state Department of Transportation has handed the property off to the Chicago-based firm. And officials long ago struck a deal with major West End developers to save 800 affordable housing units in exchange for the increased density expected to spark the neighborhood's redevelopment.

So we must turn to the private property owners — JBG, Duke Realty, Hekemian and Co., Southern Towers, Home Properties and

Laramar — and ask that they be good neighbors.

Officials successfully negotiated for affordable housing in Beauregard, but 800 units is not nearly enough, especially in a city that's seen its supply drop from 18,218 units in 2000 to just 5,672 last year. But the five major West End property owners don't have to settle for just 800 units — they could set aside far more. After all, they're poised to make a tidy profit from redevelopment.

There are even fewer restrictions on Laramar, which could remove rent freezes and increase costs as leases expire. But the national firm has the same opportunity as the cartel of West End developers: setting aside affordable units voluntarily.

Fairly or not, big developers are often demonized as uncaring and rapacious, driven by profit as they demolish and displace. In Alexandria, which has debated two major land-use plans in recent years, developer is almost a dirty word.

So here's a chance for JBG, Laramar and all the rest to prove their critics wrong; an opportunity to show they are investing more than dollars into the community. And all it takes is giving more than what's required.

There is a difference between what is legal and what is moral. We hope that these developers, like a good neighbor, will do the right thing for Alexandria.

The Washington Post



Robert McCartney
Columnist

Gentrification threatens to displace residents in the inner suburbs as well as in the District

By Robert McCartney, Published April 3, 2013

Everybody knows gentrification threatens to displace poor and working-class families in the District. Less publicized, but equally severe, is the same danger in parts of the suburbs, especially in older neighborhoods inside the Beltway.

One potential refugee is Alex Santiago, 36, of Alexandria, a burly father of three who works as a personal bodyguard and nightclub bouncer. His is one of 2,500 households in the Beauregard neighborhood, just off Interstate 395, where moderate-priced apartments are going to be razed in coming years.

In place of the brick, three-story garden apartments such as Santiago's, the developer, JBG, is going to erect more than 5,000 units of much more expensive properties. JBG has agreed to preserve or build 800 lower-cost units as well. But that still eliminates affordable apartments for 1,700 families.

Santiago, whose building could be demolished in early 2015, has scouted out rents in the immediate area. He can't afford to stay. "We're in phase one of the demolition. Something has to happen soon, or we're going to have to leave," Santiago said. His situation highlights the downside to an otherwise positive trend that is increasingly worrying local leaders.

On the upside, most people are happy that the housing market is reviving (finally). For many, however, the rising prices push home purchases or rents out of reach.

Unless our region finds ways to preserve low- and moderate-cost housing in its center, we're going to see an accelerating exodus of lower- and middle-class people to the outer suburbs. That risks damaging our economy, by making it harder to fill service jobs, and worsening traffic.

Little relief is in sight for Santiago. In a meeting Tuesday evening, the Alexandria Planning Commission approved zoning changes for the Beauregard redevelopment plan.

Santiago and his wife, Veronica, pay \$1,700 a month for their three-bedroom apartment. Anything else nearby costs \$200 to \$400 a month more, he said. Some have waiting lists extending into next year.

The family budget, about \$45,000 a year, is already stretched. Last year, Veronica took a part-time job at Home Depot, in addition to her full-time one as a secretary, to cover increases in rent and utilities.

"The pay, the wage stays the same, and everything else keeps going up," Santiago said. He thinks he might have to relocate to Prince William County, at least 14 miles to the south. But he hates to force the move on his children, ages 11 to 16. "That's the main thing for me. My kids are rooted out here. They have friendships," Santiago said.

The developer is entirely within its rights on this. JBG is just responding to the marketplace. In fact, some anti-sprawl advocates have praised the Beauregard project because it increases density near the region's center and mixes residential and commercial construction.

That's the essence of the dilemma. The free market is picking winners and losers, as it should. But it risks pricing much of our workforce out of the area. That would harm the region overall.

That's true partly because companies are reluctant to invest in places where it's too costly or inconvenient for many of its employees to get to work. In addition, longer commutes add to road congestion.

The tendency is arousing enough concern that 150 area nonprofit, private and faith-based organizations are about to launch a media campaign and Web site designed to press the case to create or preserve more low- and moderate-priced housing.

The region wide initiative, called the Communications Action Network, is the brainchild of M. Craig Pascal, a senior vice president for community development banking at BB&T Bank.

He and others were heartened when D.C. Mayor Vince Gray recently urged new spending of \$100 million to subsidize affordable housing. But they say more is required, especially in the suburbs.

"We need to do more to get the message out to the region, including in the business and political arenas," Pascal said. "The challenges have never been greater for creating and preserving housing for people at all income levels."

Nobody pretends the solutions are obvious or easy. Anyone wishing to hold down housing costs enters a labyrinth of federal and local subsidies and tax credits.

Still, it's a plus to see the push to put the issue higher on the region's agenda. A diverse mix of housing throughout the area is in everyone's best interest.

The Washington Post

Friday, April 12, 2013

Redevelopment looms in west Alexandria

By Patricia Sullivan

Claudia Aguilar stood in the leafy shade outside her two-bedroom garden apartment in Alexandria's Beauregard area, chatting in Spanish with a friend and keeping an eye on her 4-year-old son as he madly pedaled his tricycle in the grass.

Across the street, middle-schoolers shot baskets on the courts of Ramsay Recreation Center. Residents walked home from their shifts at a CVS drugstore and Clyde's restaurant, while a pair of painters headed out for the evening shift. An Ethiopian taxi driver pulled out of the parking lot, on his way to pick up a customer.

"I love this area," Aguilar said of her neighborhood of six years. "This is like a little town. Everybody knows each other, all the kids. I see my friends' kids growing up."

But Aguilar's \$1,450-a-month oasis will vanish in the next few years. There are plans to demolish her modest low-rise apartment, along with 2,475 others, in order to build 5,000 new housing units as well as stores and offices.

The result will mean a dramatic makeover for western Alexandria. On Saturday, the City Council is scheduled to take a final major vote to rezone the area and allow the project to move forward.

Aguilar, who works in the cafeteria at nearby John Adams Elementary School, has seen the drawings of the high-rises and the new town center and she likes its look. But she's worried about her family's place in the future.

"To be honest, I'm really sad because the new buildings will be fancy buildings, for people who make \$80,000 or \$100,000 a year. It will be nice, but we don't make more than \$20,000," she said. "I want my kids to keep going to school here. I'm crossing my fingers I won't have to go away."

Effect of suburban renewal

The Beauregard project, which includes plans for at least one new hotel, office buildings, athletic fields and parks, would dramatically change the landscape in a 430-acre area just west of Interstate 395 and south of Seminary Road.

Chevy Chase-based JBG Companies, the largest property owner, along with four other landowners, has been working on the plans for years. The first construction could begin as early as this year, though the entire project is expected to take three decades.

What's about to happen there could be called suburban renewal. After urban renewal displaced poor residents, the less affluent sought lower rents in the suburbs.

A generation of people found a home in the cluster of three-story apartment buildings and townhouses with small



(Katherine Frey/ THE WASHINGTON POST) - Claudia Aguilar with her son, Junior, 4, and daughter, Noelia, 10, walk Rebeca around their apartment complex Thursday in Alexandria. Brookdale Apartments will be razed to make way for a massive new development by 2015.

patios, air conditioning and free parking spots. That housing is now aging, and thousands of working-class Hispanic, African and Asian renters may be pushed out. But the renewal also could help answer the increasing demand for more and better housing inside the Beltway, improved mass transit and additional tax revenue.

"This is one of the largest inner suburban redevelopments in the United States," said Derek Hyra, an associate professor of urban affairs at Virginia Tech. "The inner suburb is the new frontier for upgrading and gentrification."

The city government has negotiated with the developers to set aside 800 new or existing apartments for the next 40 years for people who earn \$15,000 to \$65,000 per year, depending on family size. Most of the people who live along Beauregard qualify, though it's not clear if they will be able to wait for one of the affordable units.

Hyra, who served on the Alexandria Redevelopment and Housing Authority and is now on the city's planning commission, wants to see at least 100 additional apartments for lower-income residents. He's also pushing to have those apartments ready within 10 years. Right now, the city says it will take 21 years for all 800 to be available.

"The whole idea is maximize the potential for [current residents] to stay," Hyra said. "But overall, it's a pretty good plan."

Rodney A. Lawrence, a JBG partner who oversees its northern Virginia projects, said the area will become a "walkable community with housing options for a broad demographic range of people."

Lawrence noted that JBG has been working on the project for about four years, and just a year ago the City Council endorsed the concept. "You need a broad mix of residential, retail, office," Lawrence said. "The city deserves a lot of credit for this, for taking a bold move to think about this. It takes a long-term vision to recognize balance is important."

Under Virginia law, a property owner like JBG has the right to raise rents, raze its buildings and rebuild whatever it wants, as long as it abides by local zoning laws. But city government offers a tantalizing carrot: If developers accept more oversight, stricter zoning and negotiate other amenities upfront, they can build a more dense, and more valuable, neighborhood.

That's the route taken by JBG and the other developers — Duke Realty, Hekemian-Foster Fairbanks, Home Properties and Southern Towers.

In return, Alexandria negotiated \$158.6 million worth of new infrastructure in the area, including a fire station, parkland and a rapid-bus transitway. The affordable housing alone is one of the largest developer contributions ever made in the region, according to JBG and the city.

Officials also say the tax dollars brought in by the new residents and businesses would amount to hundreds of millions over coming decades.

Former vice mayor Kerry Donley has strongly endorsed the plan, pointing out the benefits for housing, transportation, public safety and infrastructure.

Worried about leaving

Johanna Wilder has lived in the Brookdale section of Beauregard for 22 years. An immigrant from Holland, she raised two children in her \$1,300-per-month one-bedroom-plus-den. She worked for 25 years for the telephone company and for the past 20 years has had a part-time job at the Kennedy Center as head usher in the children's theater.

"I love the trees," she said Tuesday afternoon, looking up from a crossword puzzle on her patio. "I personally like all the different cultures here, too. They're not all white Americans."

But she said she's not surprised the landowners want to redevelop. "The buildings are getting quite old and kind of ugly; they're not keeping them up," she said.

Wilder would like to stay in her neat-and-clean home, but both her children now live in Arkansas and if she has to move, she'd go there, she said. "It's going to be devastating to a lot of people," she said.

City officials say they are working to ease the transition for tenants. Under an agreement between the city and the developers, existing renters in good standing will have the first chance to move into the new apartments when their current buildings are scheduled for demolition. The city also is chipping in to help alleviate the burden on some lower-income families, promising cash payments of between \$750 and \$1,550 to help people move out while construction is underway. The very poor and the elderly will get double that amount.

Tenant and Workers United, a 23-year-old community organization that works with low-income residents, has been trying to organize the opposition for more than a year.

"The improvements, and where the overall concept is at, at this point is a good start," said Aurora Vasquez, TWU's co-executive director. "But we need to change the conversation from numbers, units, taxes and taxation to

people. . . . We should be approaching this holistically."

TWU last month called on some of JBG's investors, such as the giant California State Teachers' Retirement System and the Yale University endowment, to pressure the developer to provide low-cost housing for all existing tenants. JBG's spokesman called that effort "a misinformation campaign" and said it had no effect once the investors were fully briefed.

On a recent afternoon, Aguilar, the mother of two, said some neighbors are looking to move farther from the District, to places such as Woodbridge or Manassas. She knows that she, her husband and their children eventually could be among them, but for now she is keeping her fingers crossed.

"People like us, who are paying their rents on time, we are trying to be good tenants," she said. "We might have to move. We could never buy a house, but we might buy a trailer. I think we'll stay until the end."

Affordable Virginia Neighborhood Faces Demolition

Redevelopment plans mean that 2,500 apartments will be torn down, driving thousands of people out of low-income housing

By Shomari Stone Wednesday, April 3, 2013 Updated 1:54 PM EDT



Beauregard Residents Fear Displacement, Housing Loss

By Rachel Leonard April 2, 2013

It's early Saturday evening at the apartments known as the Hamlets on Beauregard Street near Mark Center. Children play soccer or ride bikes. Men grill outdoors. Women walk by in headscarves.

The Hamlets—a network of long, three-story apartment complexes under tall oaks surrounding William Ramsay Elementary School—will soon be no more. They're part of 2,475 residential units slated to be demolished as part of the Beauregard Small Area Plan and replaced with higher-end apartments and condominiums with a new shopping center. A town center is to be developed over the next 30 years.

The city has plans to subsidize 800 housing units—32 percent of what is to be demolished—as committed affordable housing and already has the funds to do so.

Alexandria officials are trumpeting the success of securing so much affordable housing in the new development, but residents involved in the Beauregard Tenants Association say it's not enough.

"Life in general's just difficult enough to not know where you're going to live next year, or the year after that, or the year after that," said Kelly Merrill, a resident of Meadow Creek Apartments who has pushed for greater tenant rights in the face of rent and utility increases by property owner JBG Cos. "It's this interminable stress, not just on individuals, but on the families.

"... It's just really hard. You feel really powerless, and it's one of the things that I really fought for, to have a voice at the table, have an active voice at the planning table, instead of just always being outside the loop. Because we are Alexandria."

Residents with similar concerns are planning to attend an Alexandria Planning Commission public hearing at 7:30 p.m. Tuesday to discuss rezoning the Beauregard corridor.

Tenant Troubles on Beauregard

Merrill, 41, lives with her husband, a chef at Clyde's at Mark Center, and their 10-year-old son, who attends



Ramsay Elementary. She has a degenerative disease, is unable to work and is in the process of getting Social Security disability. Rent for their two-bedroom apartment is \$1,370 per month.

Merrill is a former restaurant manager, journalist and paralegal who also found success as a sculptress before her health failed. She learned the art at Old Town's Torpedo Factory, and her sculptures—nude women, a Neptune, an old man with gnarled hands—sit in private collections in France, London and New York City.

When her health was better, Merrill attended up to three meetings a week of the Beauregard Tenants Association and has represented tenants in meetings with city officials and council members and at the Beauregard Small Area Plan group. She has the advantage of being a native English speaker who knows the history of the community.

"There's no other affordable housing here," Merrill told Patch. "And this has the benefit of having some green area nearby, there's a little creek nearby, they can't build on that. It's next to a park.

"I know what it's like to move around a lot. As a kid, I had to move, and I know how disruptive it is and how hard it is on children, and that's what I'm really most worried about."

Also living at Meadow Creek are 31-year-old Hector Pineda—a native of El Salvador—his wife Veronica and sons Edwin, 11, and Adrian, 5. The boys are also

students at Ramsay. Pineda and his wife work as house cleaners for private homes. Together, they bring home about \$2,000 every month. Rent is \$1,500.

"Our family has decided to stay here (for now), even if our rent's too high, because of family, because of kids, our schools," Pineda told Patch. "It's very hard for them to get to adapt to another environment. We've all been here. My son (Edwin) here has friends from the pre-K, he's still in touch with them, and this is going to have a big effect on my kids."

Pineda was a member of the Beauregard Rezoning Advisory Group but was disenchanted by the group's process and mandate, which didn't include preserving affordable housing.

"I don't really like how they're working, because my focus is housing and issues that are really affecting my community," he said.

Edwin, a fifth-grader, said he's worried about having to move. He likes living in the neighborhood "a lot," he said. "I have many friends here, and this school is a good school."

Alexandria and Affordable Housing

Tenants have directed their anger in large part toward JBG, which owns much of the property in the Beauregard plan area.

But Helen McIlvaine, deputy director of the city's Office of Housing, said JBG is donating 100 apartments valued at \$14.3 million in the Lynbrook and Hillwood developments to the city. The city then plans to transfer them to a nonprofit or the Alexandria Redevelopment and Housing Authority.

Also, tenants living in the affected buildings at the time they are to be demolished and who are current on rent will receive a cash payout to help cover transition costs. The pay will be between \$750 and \$1,550 per unit, depending on the apartment size, and that amount will be doubled for the very low-income and elderly, McIlvaine said.

The city, for its part, has pledged \$167 million for affordable housing in the plan area. Some units will be subsidized to be available for families making only 40 percent of the area's median income.

"That level of subsidy is without parallel," McIlvaine said. "If you compare us to, say, what is being done in the Columbia Pike area, they have a plan there, but it's a much smaller percent of affordable units, and it's not funded. Not to say it's bad or they won't do it, but the city's plan has real dollars behind it."

Tenants' rent will continue to increase, regardless of the plan, she said. Virginia has no rent controls, and there's no requirement that displaced residents be assisted. Of

the 2,300 current units that were deemed market-affordable in 2010, according to the city, only 829 were still affordable in 2011 due to increased rents.



"The property owners have the right to demolish what's there and build townhomes, and there would be no affordable housing, and they would not have to provide assistance," McIlvaine said. "So, what's going on now is phenomenal. I don't want to overlook the fact that when it comes to people's lives, I completely understand, it's going to be inconvenient. They're fearful."

"There's a lot of concern about how this will roll out. But the city's plan to offer as much assistance as it can in the long- and short-term for those who need it the most, who have the fewest choices on the open market."

A spokesman for JBG issued the following statement, noting that JBG has sent regular monthly letters to Beauregard residents:

"The JBG Companies is currently exploring implementation of the first phase of the City's Beauregard plan, which represents a small portion of the overall, 30-year redevelopment. No redevelopment will occur before 2015, and any resident affected will be offered another apartment and paid moving expenses."

"The Plan, which has been extensively reviewed and approved, includes funding of \$120 million towards affordable housing, which the City projects will buy 800 committed affordable housing units, including the dedication of 100 existing units to the City."

"Without the City's Plan, there is no guarantee that apartments in the Beauregard area will remain affordable as rents will continue to rise to reflect market forces. As each block gets closer to becoming developed, a more detailed plan will be generated and will be subject to Alexandria's public review process."

Pineda, for one, remains unimpressed.

"You have all colors of people here," he said. "I mean, you can see. It's a lot of diversity, and this is going to disappear. I can tell you that. Maybe from now to 10 years, we're not going to be here. ... Shame on Alexandria city. They say, 'We welcome diversity,' and they're not trying to do anything for these people. Nothing."



Alexandria revitalization threatens renters

By Hatzel Vela April 4, 2013 - 06:30 pm





TELEMUNDO
WASHINGTON DC

Voto sobre futuro de residentes en Alexandria

Por Randy Serrano, 4 de abril 2013



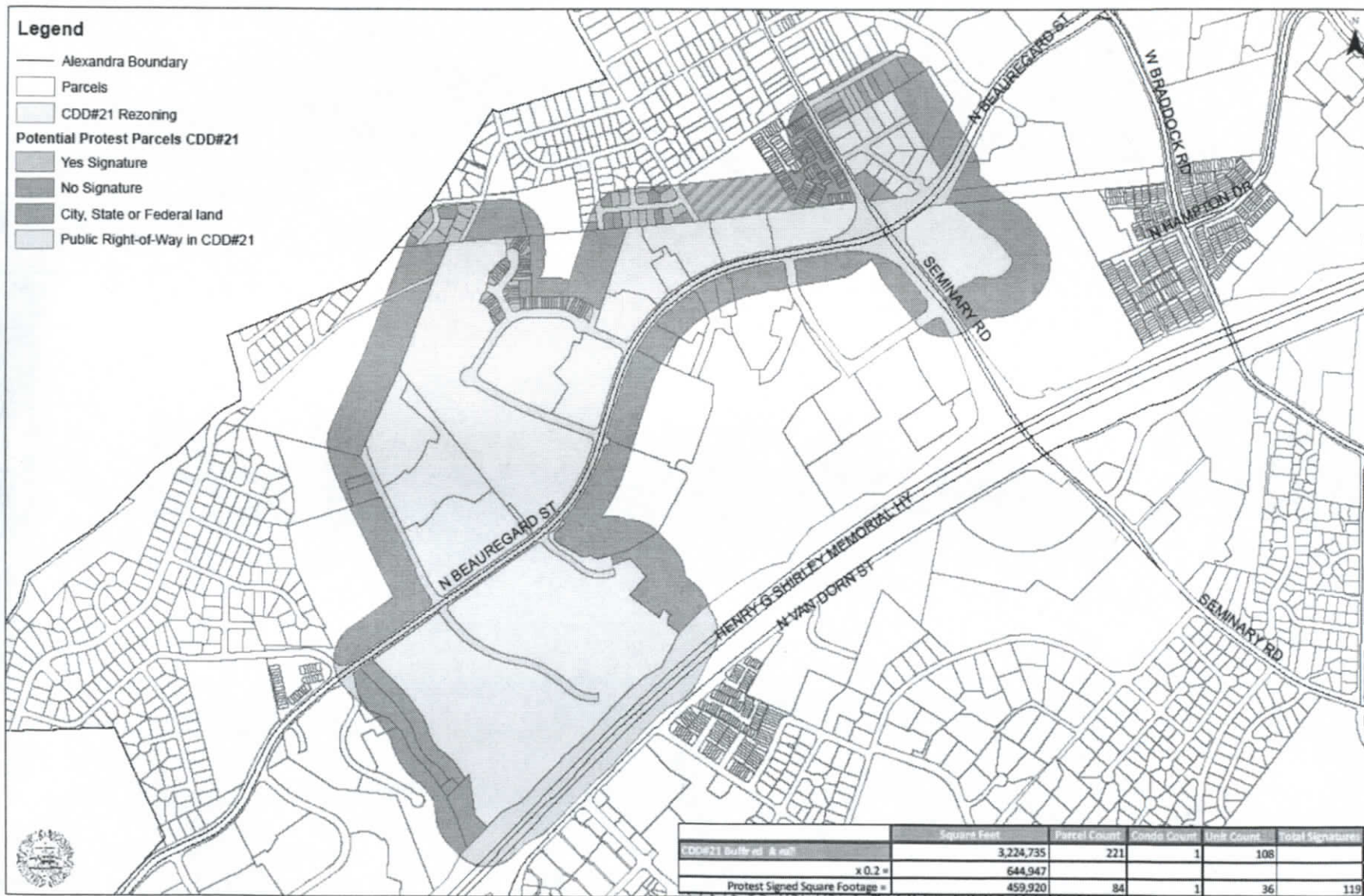
4, 5, 6
4-13-13

April 12, 2013 Protest Petition Rezoning 2012-0002

City Council
April 13, 2013



Protest Petition to Rezoning 2012-0002



McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
Tysons Corner, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

Kenneth W. Wire
Direct: 703.712.5362

McGUIREWOODS

Real Estate and Land Use
kwire@mcguirewoods.com

April 12, 2013

VIA EMAIL TO jackie.henderson@alexandriava.gov

Mayor Euille and Members of City Council
City Hall
301 King Street, Suite 2200
Alexandria, Virginia 22314

RE: Beauregard Rezoning
Coordinated Development District 21

Dear Mayor Euille and Members of City Council:

On behalf of my client, Southern Towers, LLC, I am requesting the following amendments to the staff recommended conditions. As you know, the Southern Towers CDD Concept Plan retains all of the existing on-site units. During the Beauregard Master Plan process, Southern Towers agreed to the same per square foot developer contribution as all other developers in the planning area in effort to address the plan wide affordable housing issues. The developer contributions and City funding commitments provide over \$121 million for affordable housing.

In response to multiple requests for more affordable housing units in the early years of the redevelopment, Southern Towers is proposing the following amendments which will enable Southern Towers to provide over 100 additional affordable units within one year of the rezoning approval at no cost to the City. The following amendments retain the same developer funding mechanism enabling the City to provide over 800 affordable units over the life of the plan. Southern Towers is only able to provide the 100 additional units above and beyond the 800 units originally envisioned in the plan, if the City agrees to acquire the 46 units that were previously planned for in the Berkley building elsewhere in the planning area. Therefore, Southern Towers requests that the City Council make the following deletions to the draft conditions and adopt the new Southern Towers specific condition below:

Condition 60.

Prior to the submission of the first preliminary DSUP within each neighborhood, the Applicant(s) shall submit an affordable housing plan for the entire neighborhood reflecting the proposed distribution of affordable and workforce units within the neighborhood. This plan shall reflect at least 10% of the total new units to be developed (~~and for the Southern Towers Neighborhood, 10% of the units to remain within the Berkley Building~~), as well as all of the Lynbrook and Hillwood units scheduled to be conveyed to the City with the Greenway and

Town Center neighborhoods in order to achieve the goal of 800 units set forth in the BSAP within CDD#21 and CDD#22. This plan shall be amended with subsequent DSUPs, as necessary, to reflect any revisions to the plan.(Housing)

Condition 61.

Unless otherwise mutually agreed by the Applicant(s) and the City, the Applicant(s) shall:

- a) Allow the City to buy down up to 15% of the units in any new building developed within the CDD.
- b) ~~Upon approval of the first DSUP within either CDD#21 or CDD#22, allow the City to buy down up to 10% of the existing units in the Southern Towers Berkley Building.~~
- c) The buy-down methodology used to determine the cost of affordable and workforce housing units shall be consistent with the formula set out in the Beauregard Affordable Housing Buy-Down Formula, which may be amended from time to time, as mutually agreed by the City and the Applicant(s).
- d) ~~The City and the Applicant for the Southern Towers neighborhood may negotiate a mutually agreed upon alternative to the 10% buy down in the existing Berkley Building to maximize availability of affordable units during the first phases of redevelopment. Such an agreement may include, but is not limited to, providing additional units for a shorter time at a discounted buy down price or potentially no buy down price to the City. If an alternative plan that is mutually agreed upon by the City and the Applicants is not finalized within one year of the approved CDD zoning, the City shall have the ability to proceed with the buy down of 10% of the existing units subject to other conditions herein.~~
- e) ~~The buy-down of affordable and workforce housing units within the existing Berkeley building, as renovated, within the Southern Towers neighborhood may occur prior to the start of new development. If renovations do not begin in time to be completed at the Berkley building by the end of 2015, the Applicant will provide the City the opportunity to buy down units that have yet to be renovated in the Berkley Building and/or other buildings within the Southern Towers property.~~

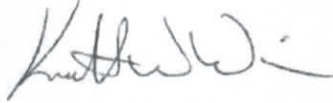
New Southern Towers Condition 61(b)

Within one year of the date of the approval of the CDD rezoning, the City and Southern Towers shall negotiate a mutually agreed upon agreement to provide either: 135 affordable units priced to serve households between 55% and 75% AMI for 10 years or 100 affordable units priced to serve households between 55% and 60% AMI for 10 years within the overall Southern Towers neighborhood. Units provided at these affordable rates will be at no cost to the City. The agreement shall provide the City with the opportunity to buy down units at a lower AMI and shall provide the option for mutually agreed upon extensions of the initial 10 year term. These units may be shifted between the various Southern Towers buildings during the 10 year commitment period. If for any reason some of the units are not renovated within the 10 year period, the affordability commitment shall automatically extend for an additional 2 years.

April 12, 2013
Page 3

I look forward to discussing the opportunity to provide additional affordable units with you at tomorrow's public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth W. Wire". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth W. Wire