

Beauregard Design Advisory Committee



October 24, 2022, 7 PM
Patrick Henry Rec Center

Agenda

- I. Introduction
- II. FOIA Presentation
- III. Staff Presentation
 - a. Role of BDAC
 - i. BSAP
 - ii. Design Guidelines
- IV. Hilton MF project
 - a. Applicant update
 - b. Staff-led discussion
 - c. BDAC questions
 - d. Community questions
- V. Next Steps and 12/5 meeting



FOIA Presentation

City of Alexandria, Virginia

Freedom of Information Act (FOIA)

Beauregard Urban Design Advisory Committee
October 24, 2022



BEAUREGARD



City of Alexandria, Virginia

Freedom of Information Act (FOIA)

Beauregard Urban Design Advisory Committee

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What will we discuss?



- ✓ Overall Rules – keeping us straight!
 - FOIA meeting and document rules

FOIA

Structure of FOIA



- The Virginia Freedom of Information Act (or FOIA) has two main components.
 - Laws related to citizen access to public records.
 - Laws related to citizen access to meetings of public bodies.
- The Act is found under Code of Virginia § 2.2-3700 through 2.2-3715.

FOIA Public Records



- What are public records?
 - “[A]ll writings and recordings . . . regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.”

FOIA Public Body



- What is a public body?
 - “[A]ny legislative body, authority, board, bureau, commission, district or agency . . . of any political subdivision of the Commonwealth, including cities, . . . municipal councils, . . . and planning commissions; . . . and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds.”
 - “It shall include . . . any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body.”
 - “It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members.”

FOIA

Public Records Obligations



- Under FOIA what are the City's general obligations related to public records?
 - To retain records related to the public business for the required retention period.
 - And to provide those records for inspection upon request by a citizen.

FOIA

Public Records Obligations



- Under FOIA what are the obligations of committee members related to public records?
 - You must retain all records related to the business of the board.
 - Any record that is not maintained by or provided to you by staff.
 - Examples
 - Emails
 - Letters
 - Text Messages
 - Online chats

FOIA Meetings



- What is a meeting of a public body?
 - Under FOIA, the Committee is a public body.
 - A meeting is defined as “. . . when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members . . . of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.”

FOIA Meetings



- Under FOIA, what are the obligations of Commission members related to public meetings?
 - Any gathering of 3 or more members of the Commission is a meeting, if the members are discussing Commission business.
 - In order to hold a meeting under FOIA the following requirements must be met.
 - Public notice must be provided three working days prior to the meeting
 - By posting the notice on the City website
 - By placing the notice in a prominent public location at which notices are regularly posted and
 - By placing the notice at the office of the clerk.
 - The proposed agenda and agenda packets, unless exempt, must be made available to the public at the same time they are provided to the Commission members.
 - Minutes of the meeting must be prepared.
 - Minutes shall be in writing and shall include (i) the date, time, and location of the meeting; (ii) the members of the public body recorded as present and absent; and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken.
 - The meeting must be open to the public.
 - Any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open.

FOIA

Meetings – Events



- Social events
 - Three or more members may attend social events and converse with one another, so long as:
 - No part of the event involves the discussion of public business and
 - The gathering was not planned for that purpose.

FOIA



Meetings – Physical Assembly

- **Generally, FOIA requires the physical assembly of the members; remote participation is prohibited.**
 - This means no meetings by conference telephone calls, video-conferencing, or other electronic communications.
- However, under certain conditions, FOIA allows public bodies to meet through electronic communication means:
 - Remote participation by individual members
 - An all-virtual public meeting
 - A declared state of emergency

FOIA

Meetings - Electronic Communication



- Remote Participation by Individual Members
 - Provides limited ability for one or more members who cannot attend a meeting due to i) temporary or permanent disability, ii) personal medical condition, iii) family member's medical condition, iv) the member's principal residence is more than 60 miles from the meeting location, or v) a personal matter to attend a meeting electronically in compliance with the policy
 - Participation due to "personal matter" is limited to up to two meetings or 25 percent of meetings held per calendar year
 - Meeting must still occur in person and have a quorum
 - Board or Commission must have previously adopted the electronic participation policy and comply with policy
 - Allows participation in the meeting to include participation in discussion and voting

FOIA Meetings - Electronic Communication



- All-Virtual Public Meetings
 - Limited ability for most public bodies to hold all-virtual public meetings, provided that the public body has adopted an electronic participation policy and follows the requirements enumerated in Code of Virginia § 2.2-3708.3(C), including:
 - Notice indicates the meeting will be all-virtual
 - Public access is provided via electronic communication means
 - Limited in each calendar year to either two (2) meetings or 25% of the meetings held rounded up to the next whole number, whichever is greater
 - Cannot be held consecutively with another all-virtual meeting
 - Does not apply to the city council, school board, planning commission, architectural review, board of zoning appeals, or boards with the authority to deny, revoke, or suspend a professional or occupational license

FOIA

Form of Electronic Communication



- "Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information
 - Applicable to other forms of electronic communications, including chat rooms, instant messaging, texting, etc.
- The closer in time that electronic communications are sent and responded to by 3 or more members of the board, the more likely that a meeting could be found to have occurred.
- In order to avoid problems, it is advisable:
 - To NOT reply all to emails
 - To NOT respond to or email more than one other board member at a time
 - Alternatively, if you have something you would like to say to the entire board, wait to and say it at the next board meeting

FOIA

Quorum and Voting



- Quorum
 - The minimum number of members that must be present at the meeting for business to be validly transacted.
 - Unless otherwise set out in the law or by-laws, a quorum is a majority of the members currently appointed.
- Voting
 - No vote of any kind of the board shall be taken to authorize the transaction of any public business, other than a vote taken at a meeting conducted in accordance with the provisions of FOIA.
 - No public body shall vote by secret or written ballot.

FOIA



Closed Meetings – When Permitted

- Public bodies may only hold closed meetings for the purposes set out in Code of Virginia § 2.2-3711(A).
- Generally, closed meetings should be done only after consultation with the City Attorney's and/or Clerk's Office.
- Some of the purposes include:
 - Certain specific personnel matters
 - Discussion of the acquisition or disposition of public property
 - Protection of individual privacy in a personal matter not related to the public business
 - Discussions of the negotiation or award of a contract involving the expenditure of public funds, when public discussion would jeopardize the public body's bargaining position
 - Investment of public funds through competition or bargaining, if disclosure would have an adverse financial impact
 - Consultation with legal counsel or briefings by staff about litigation or other specific matters requiring legal advice
 - Discussion or consideration of medical and mental health records excluded from disclosure under FOIA
- In no event may any public body take action on matters discussed in any closed meeting.
- Before and after a closed meeting, there are statutory requirements regarding certification of the events that occurred in the closed meeting

FOIA

Violations of FOIA



- What happens when the City does not comply with FOIA?
 - A single violation of FOIA is enough to trigger the following remedies:
 - If the court finds the denial to be in violation of the provisions of FOIA, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorneys' fees from the public body if the petitioner substantially prevails on the merits of the case.
 - A court, if it finds that a violation was willfully and knowingly made, may impose **upon such employee, officer, or member of a public body** a civil penalty of not less than \$500 nor more than \$2,000. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.
 - Any failure by a public body to follow the procedures established by FOIA shall be presumed to be a violation.



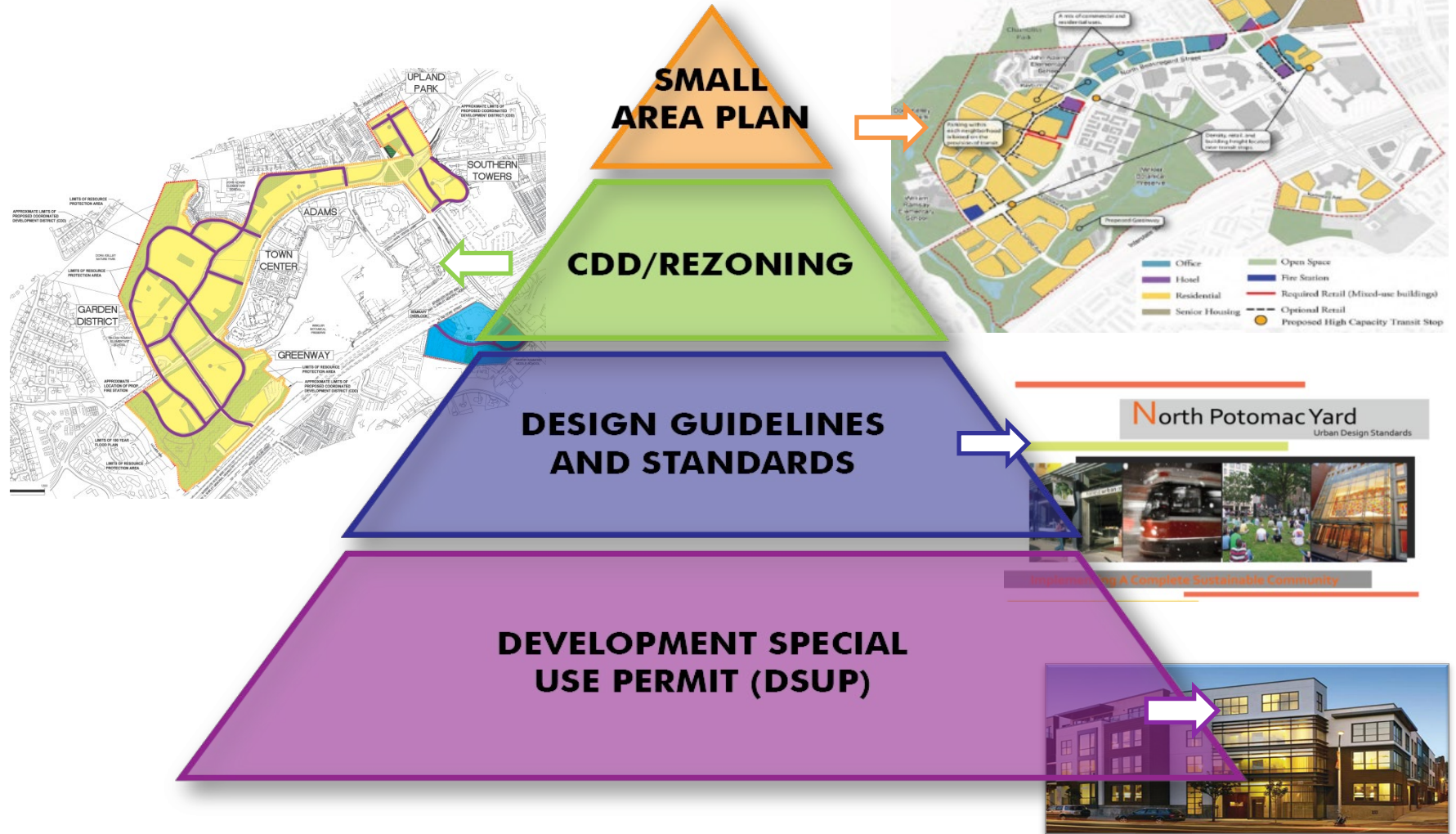
Questions?

David Lanier

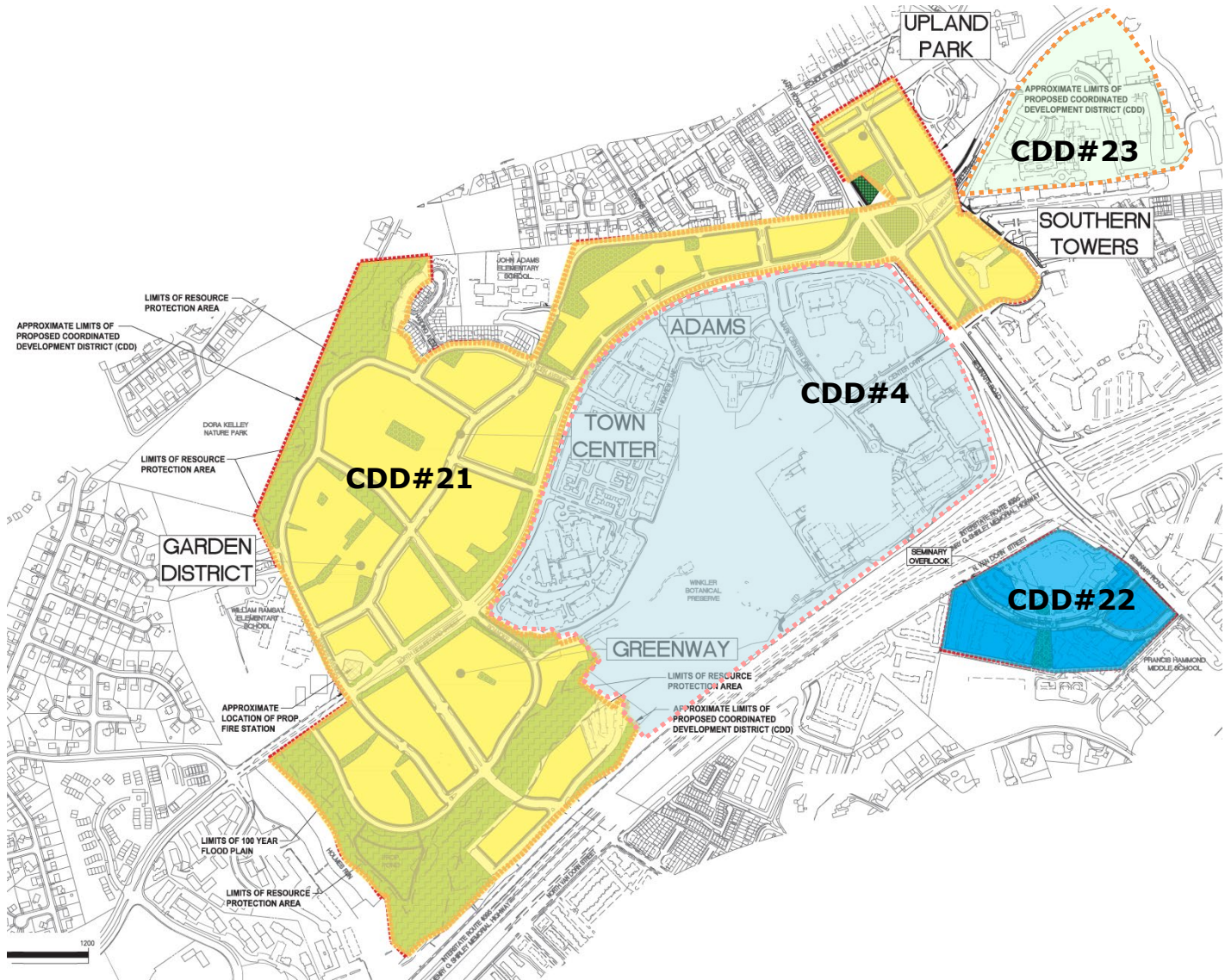
David.lanierjr@alexandriava.gov

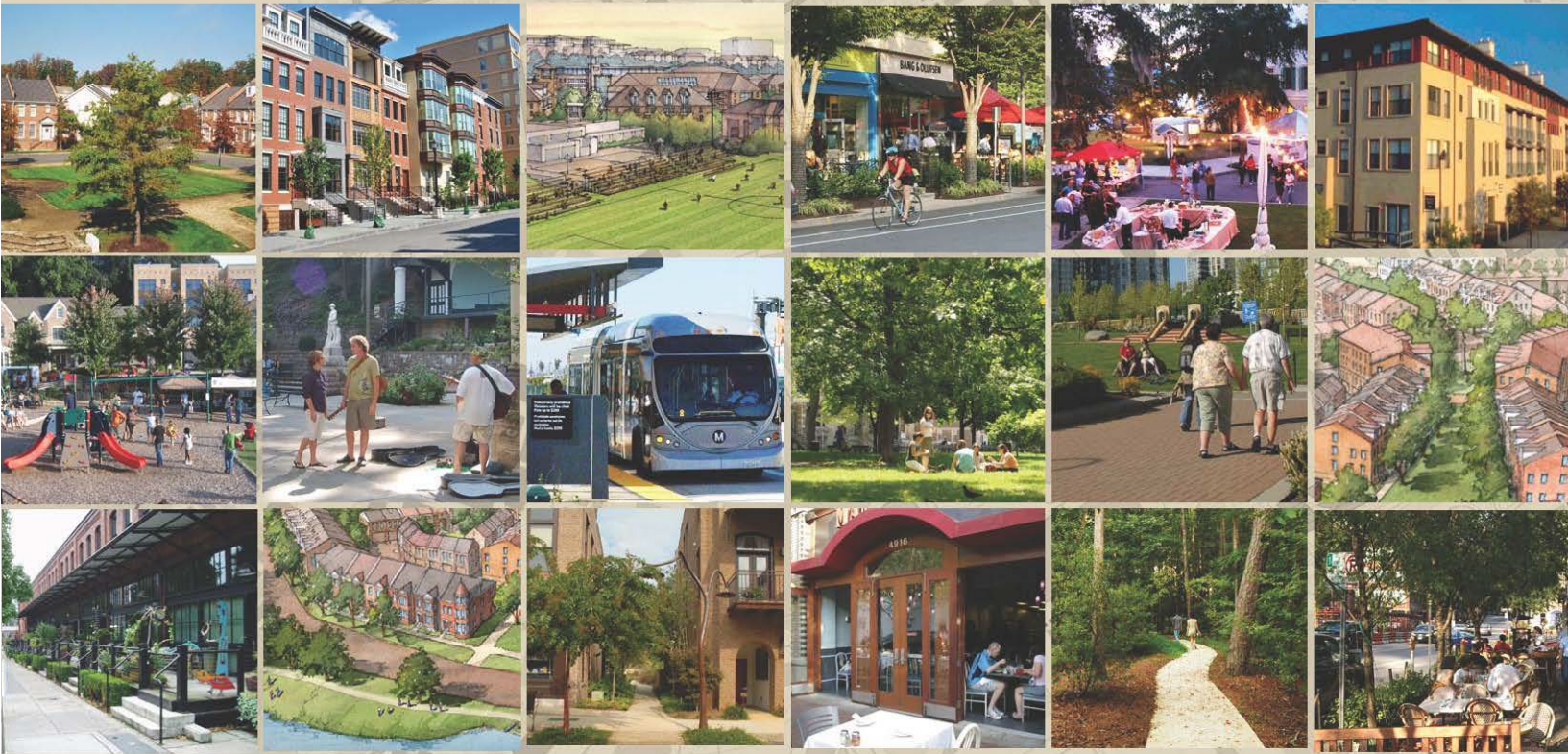
703.746.3750

Governing Documents



Coordinated Development District (CDD) Zoning





BEAUREGARD

URBAN DESIGN STANDARDS & GUIDELINES

ALEXANDRIA, VIRGINIA
 DUANY PLATER-ZYBERK & CO.
 & DOVER KOHL & PARTNERS
 JULY 11, 2013



BDAC's Focus in the Design Standards

These are the areas of BDAC focus:

- Chapter 4 – Urban Design
 - How the building interacts with the street, neighborhood, context
- Chapter 5 – Building Design
 - What the building looks like, is made of
- Chapter 6 – Parking
 - Liner uses, architectural screening
- Chapters 7 & 8 – Streets & Public Realm
 - Sidewalks, street furniture, street assembly

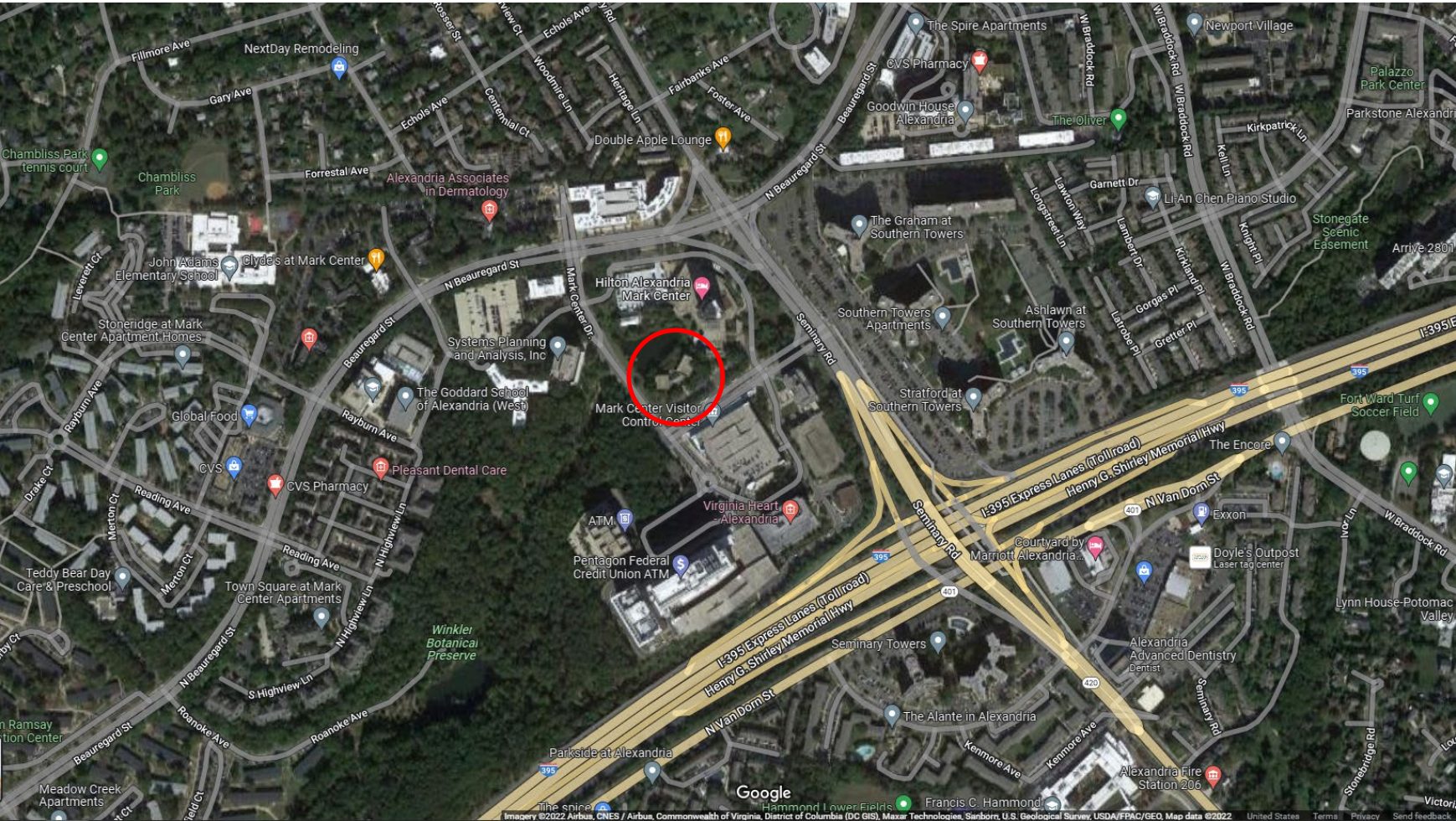


Design Standards & Guidelines Topics

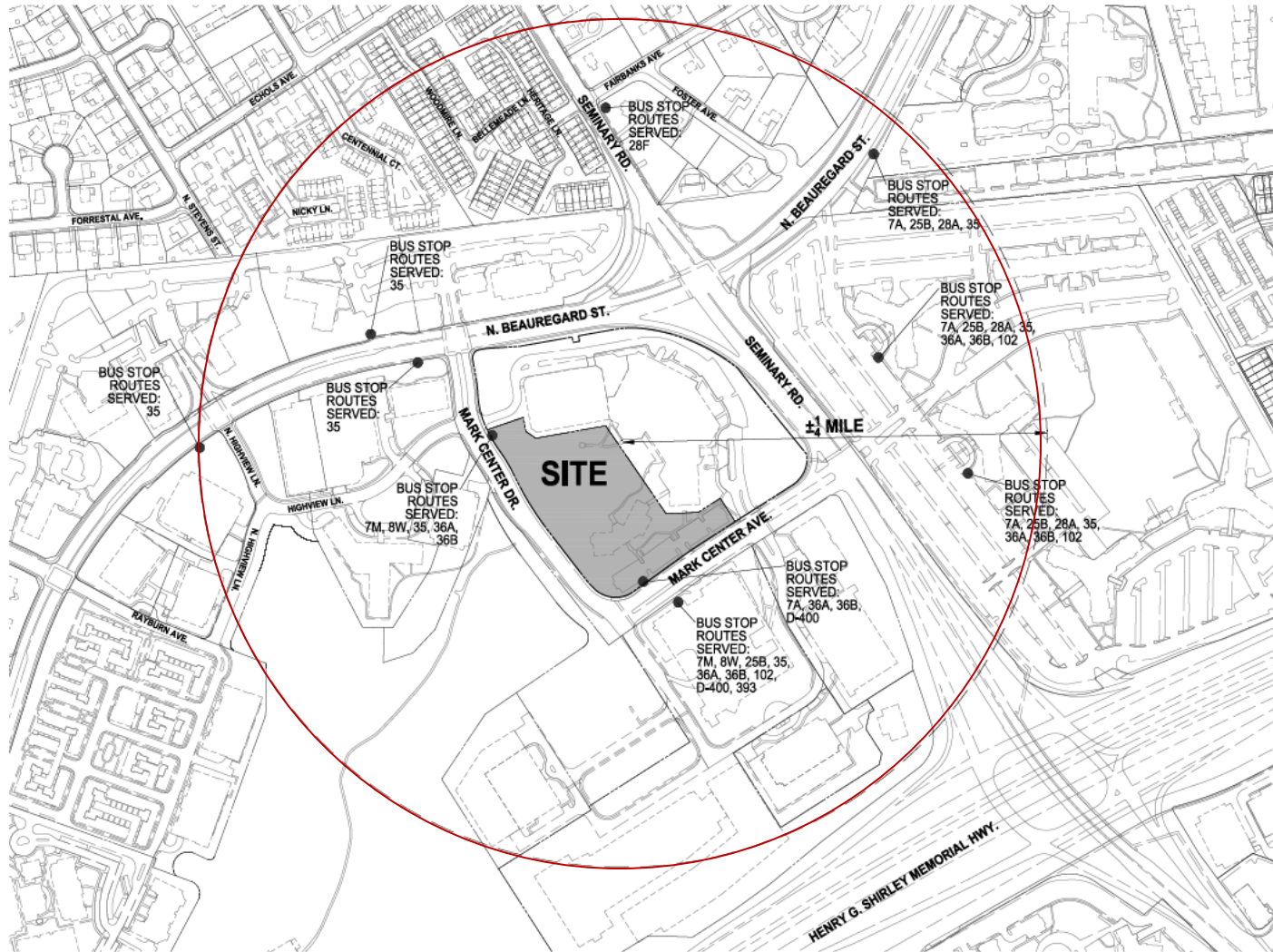
- Building Character & Massing
- Frontages & Setbacks
- Heights & Transitions
- Orientation and Entries
- Retail Uses & Storefronts
- Signage
- Fenestration
- Materials
- Roofs & Building Tops
- Building Elements (porches, stoops, chimneys, columns)
- Parking



Site Context



Site Context



Applicant Presentation

dcS DESIGN

5000 SEMINARY ROAD LOT 502
MULTIFAMILY DEVELOPMENT
MARK CENTER

BDAC MEETING #2

CITY OF ALEXANDRIA, VIRGINIA

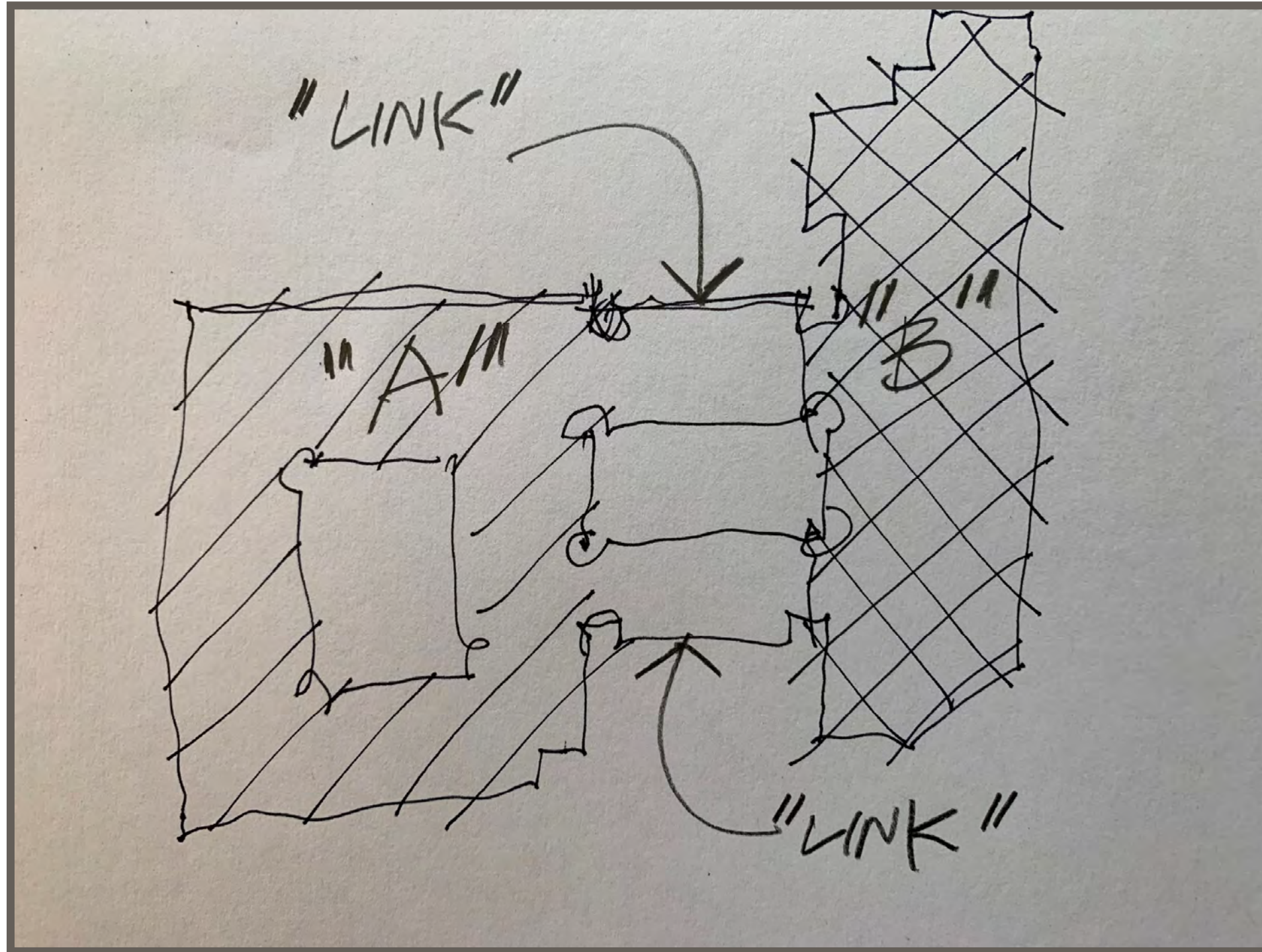
OCTOBER 13, 2022 | Design is Everything.

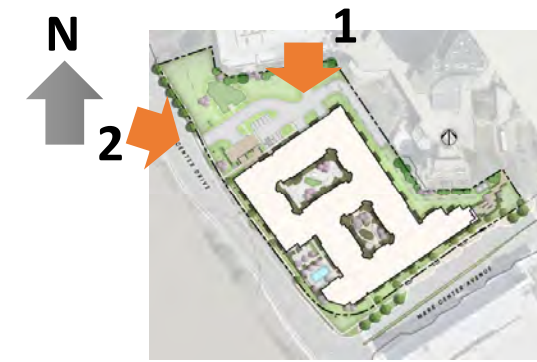


5000 SEMINARY ROAD LOT 502
MULTIFAMILY DEVELOPMENT
MARK CENTER

BDAC MEETING #2







1 - INTERIOR SITE VIEW



2 - VIEW FROM MARK CENTER DRIVE TO ENTRANCE



3 - VIEW FROM MARK CENTER DRIVE



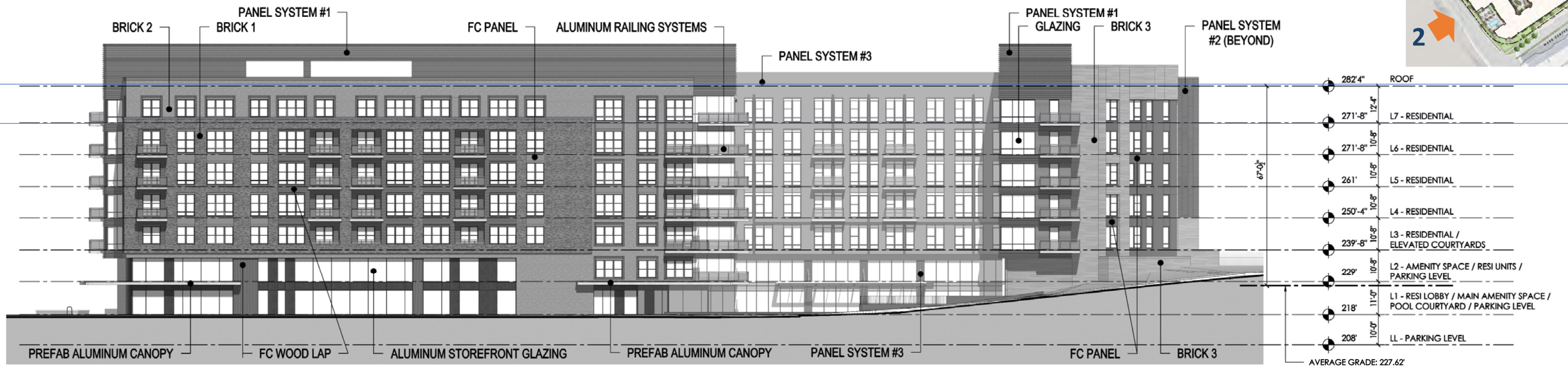
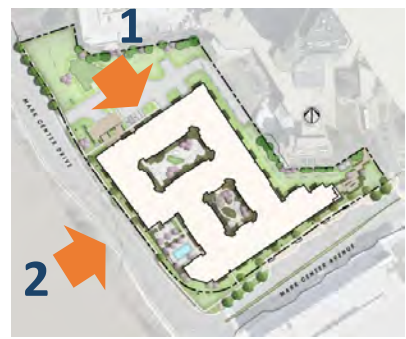
4 - VIEW MARK CENTER DRIVE AND MARK CENTER AVENUE



6 - VIEW FROM MARK CENTER AVENUE

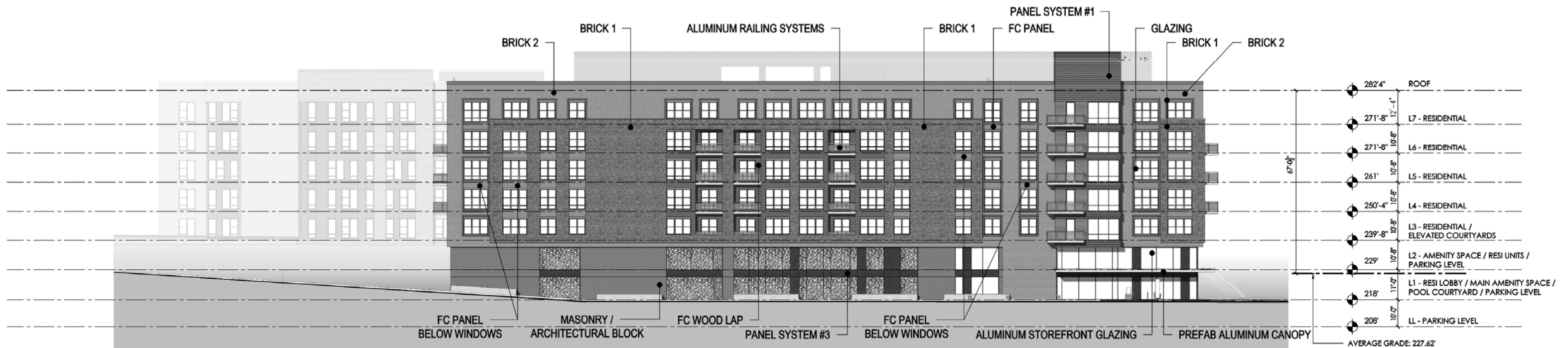


7 -VIEW FROM HOTEL



ELEVATION 1 – INTERIOR SITE VIEW

NOTE:
FC : FIBER CEMENT

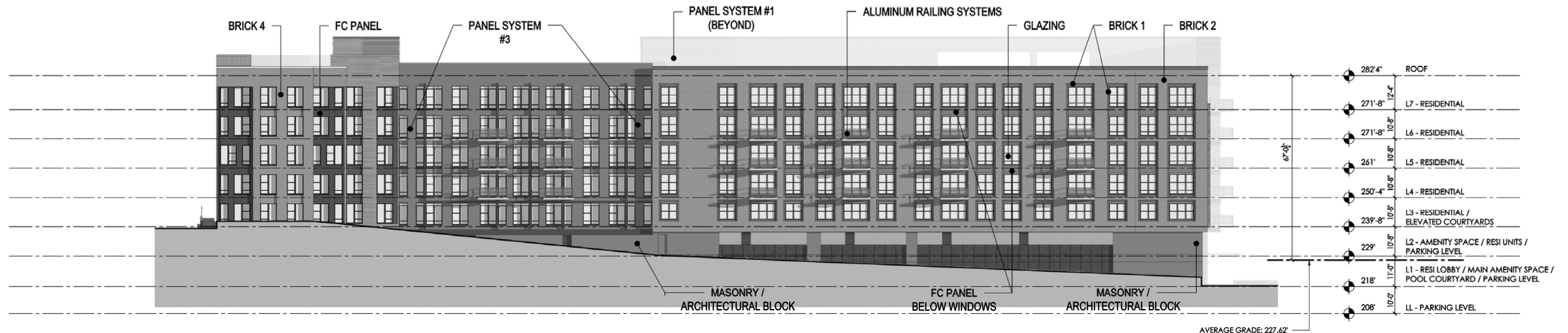


ELEVATION 2 – MARK CENTER DRIVE



ELEVATION 3 – MARK CENTER AVENUE

NOTE:
FC : FIBER CEMENT



ELEVATION 4 – VIEW FROM HOTEL



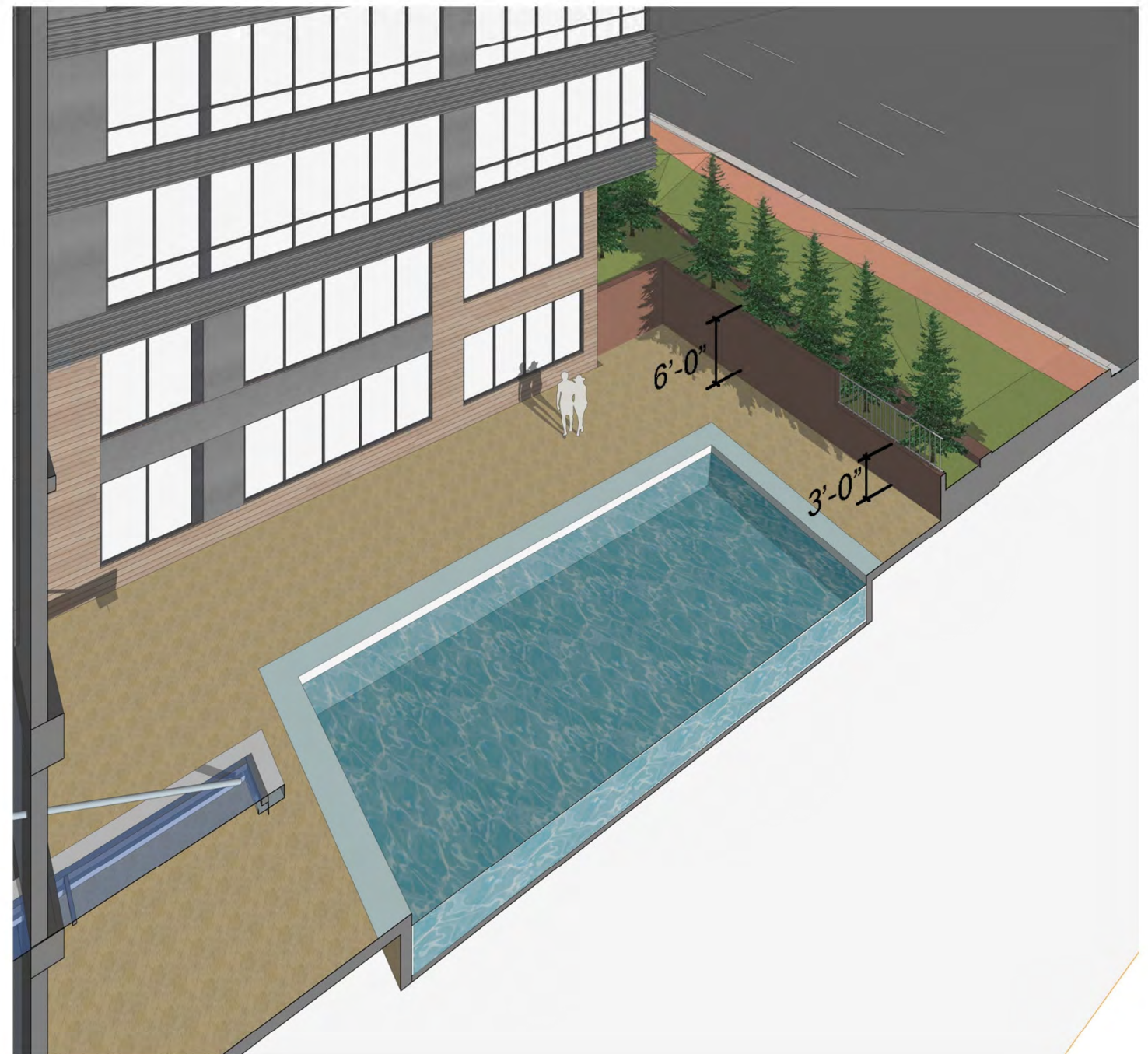
3 - VIEW FROM MARK CENTER DRIVE



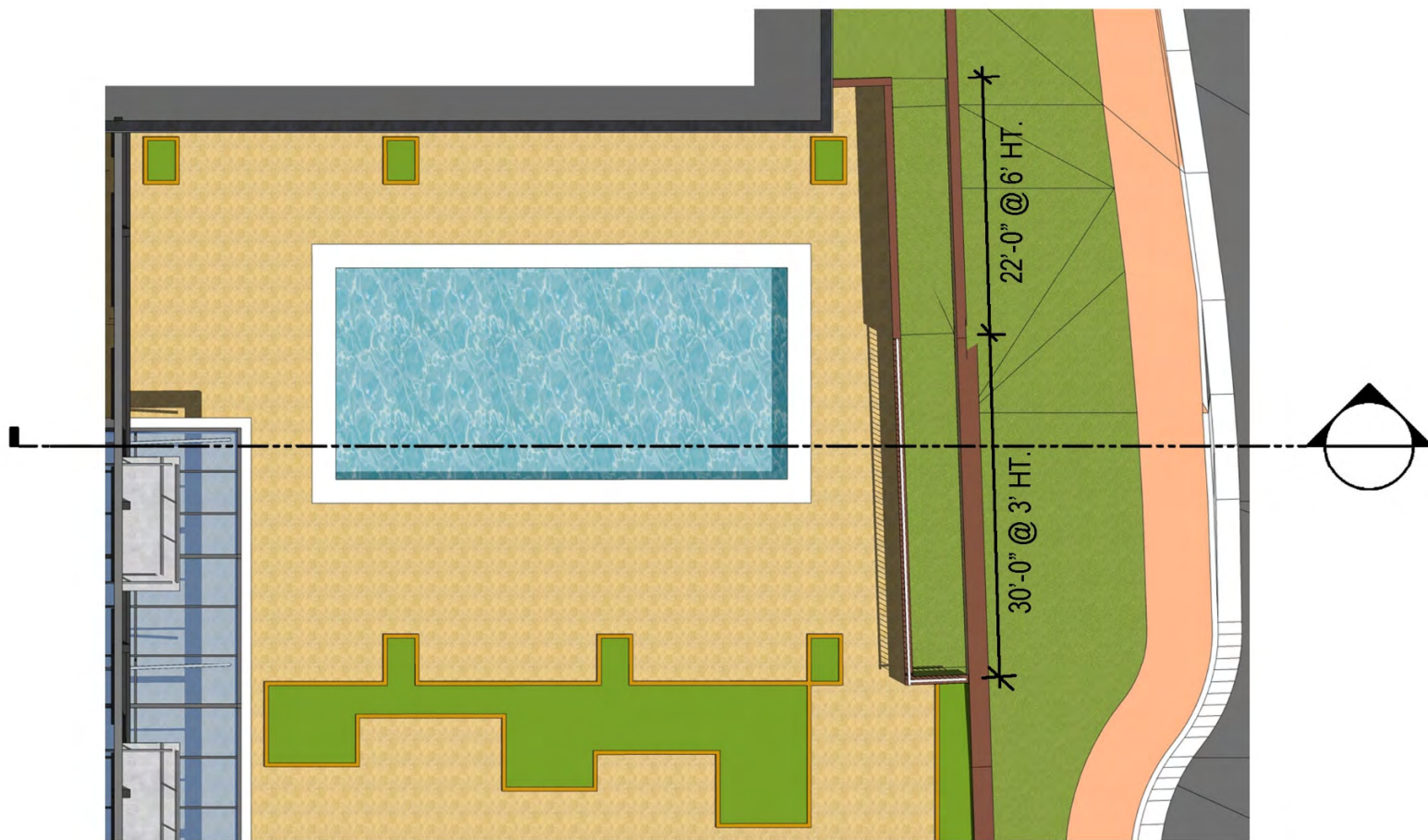
4 - VIEW MARK CENTER DRIVE AND MARK CENTER AVENUE



COURTYARD SECTION



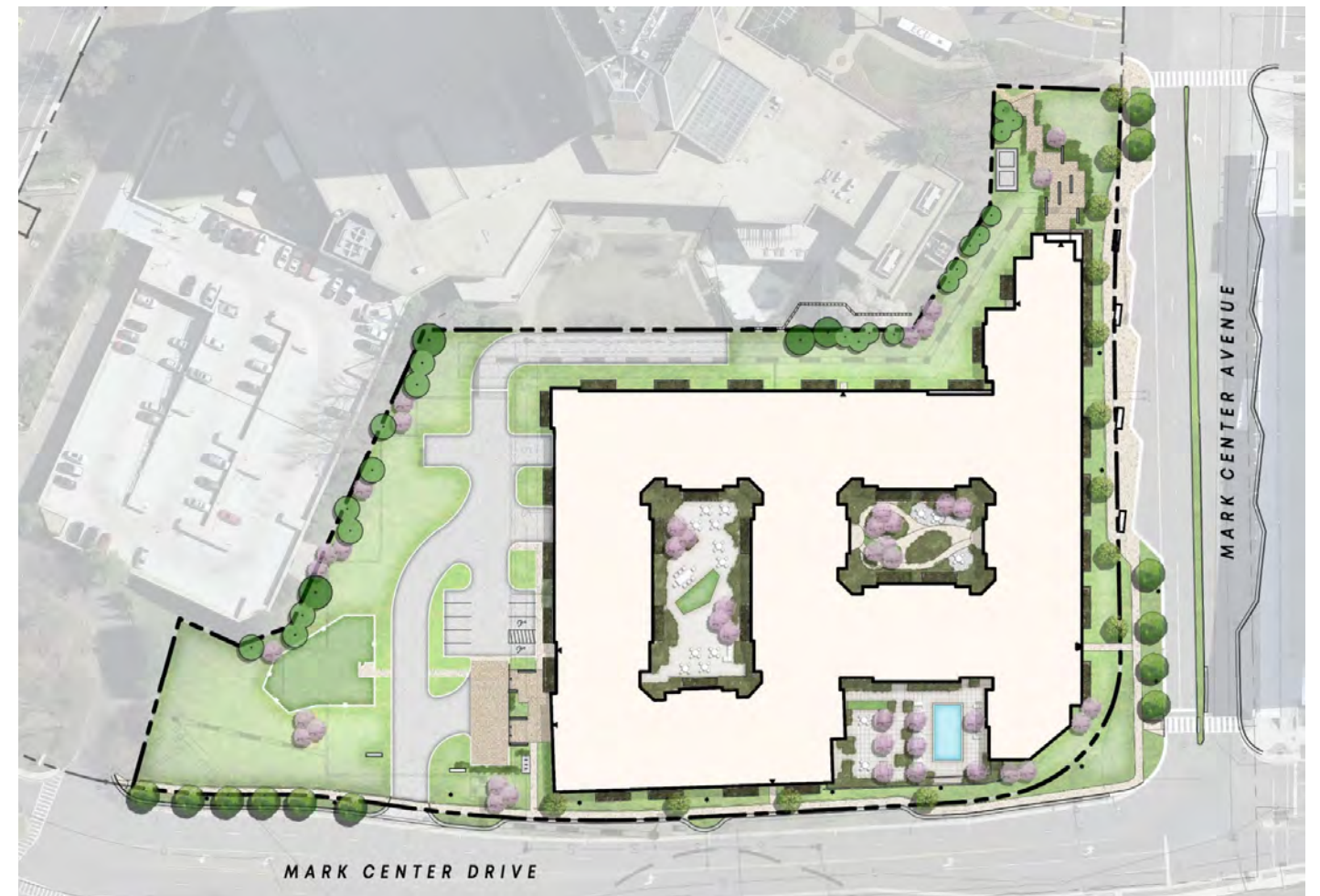
COURTYARD SECTION VIEW



COURTYARD PLAN

COMMUNITY BENEFITS

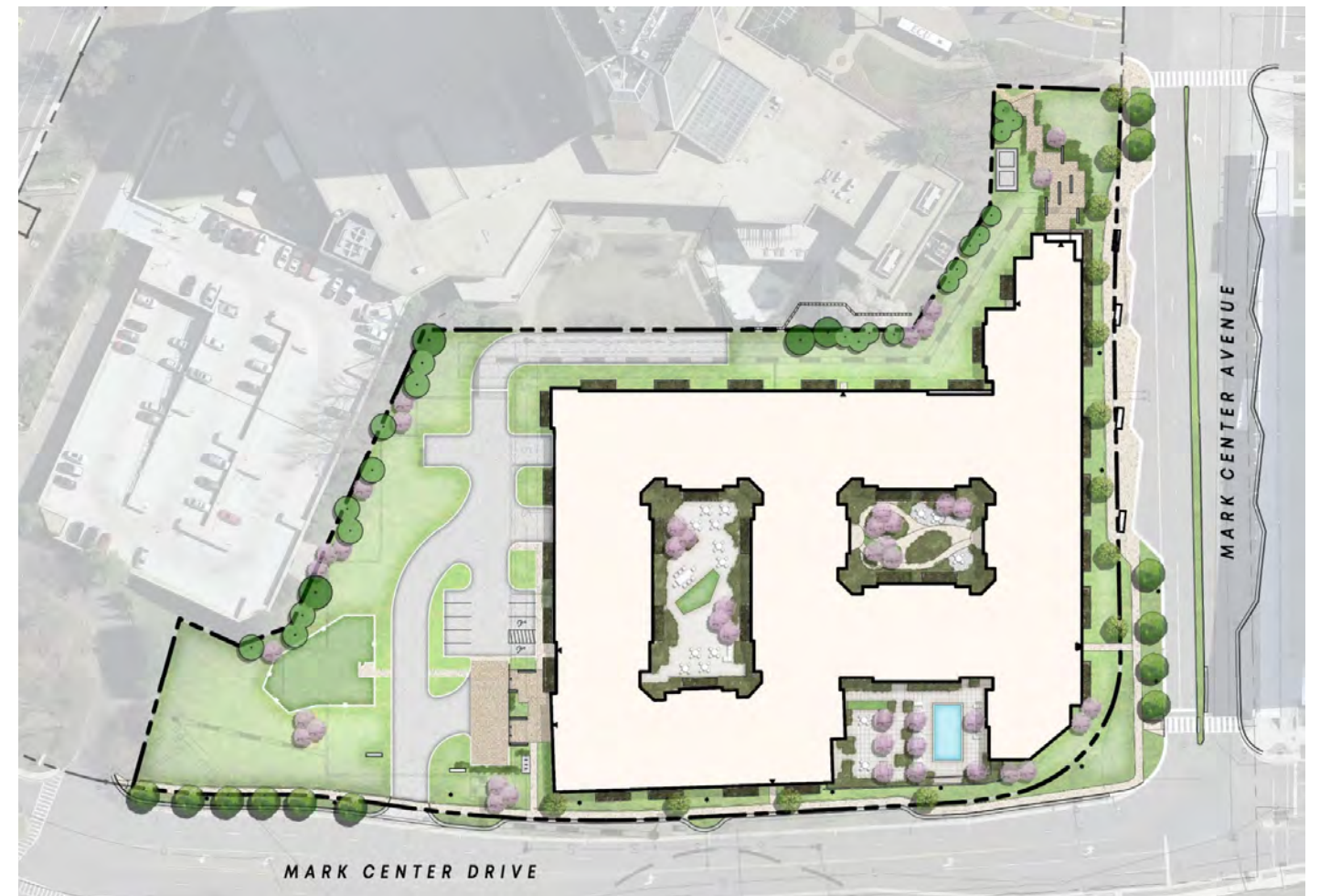
- ❖ GOOD PLANNING: ADDING RESIDENTIAL DENSITY AT A TRANSIT HUB / BRT STATION
 - REDUCES SOV TRIPS & NEED FOR CARS
- ❖ REGIONAL HOUSING SHORTAGE: NEW RESIDENCES BY MAJOR TRANSPORTATION NETWORKS
 - NEW HOUSING STOCK
 - GREEN BUILDING
 - AFFORDABLE HOUSING
- ❖ VITALITY: TO SAP AREA, HILTON SITE & TRANSIT STATION
- ❖ BUS BAYS FOR TRANSIT CENTER



BEAUREGARD URBAN DESIGN STANDARDS

- ❖ 256 URBAN DESIGN REQUIREMENTS ON MATRIX
 1. PROJECT MEETS MAJORITY OF THE REQUIREMENTS

- ❖ DEVIATIONS FOR THE FOLLOWING:
 1. GROUND FLOOR UNIT ENTRIES ARE AT GRADE DUE TO CHALLENGING TOPO
 2. FIRST FLOOR CONSTRAINTS, NO PARKING, ETC. FOR COMMUNITY SPACE
 3. LIT PROJECT ID SIGNS AT NIGHT FOR VISIBILITY
 4. SMALL SURFACE PARKING LOT NEEDED FOR PACKAGE DELIVERY, RIDESHARE, RESIDENT VISITORS





QUESTIONS ?



dcs
DESIGN

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dcsdesign.com

- BDAC discussion
- General discussion
- Next Meeting: December 5, 2022

