

Design Review Board By-Laws for the Eisenhower East / Carlyle Design Review Board

DRB Meeting: November 18, 2021

Subject: By-Laws for the Eisenhower East / Carlyle Design Review Board

Background

The City of Alexandria City Manager's Office has tasked the Department of Planning & Zoning with ensuring that all Boards and Committees of the Department are compliant with the City's Code of Ordinance and that all such Boards and Committees have a valid and updated set of By-laws for their establishment and operations. The requirement for By-laws is specified by Chapter 4, Article A, Section 2-4-4.d.5 which states:

- *prepare by-laws consistent with this code regulating procedures regarding the committee mission, membership, meetings, officers, committees, and amendments. Such by-laws should be filed with the office of the city clerk and reviewed by the committee annually.*

The Eisenhower East Design Review Board (DRB) was established by Ordinance 4442, which amended the Zoning Ordinance section 5-611, setting the composition and review responsibilities of the DRB. The same ordinance incorporated the responsibilities for review of the Carlyle area (CDD#1), hence the full name of the DRB is the Eisenhower East / Carlyle Design Review Board to indicate this incorporation.

Regulatory Framework

While Zoning Ordinance Section 5-611 established the composition and responsibilities of the DRB, as mentioned above, the DRB is otherwise subject to the regulations of the City Code of Ordinances, particularly Chapter 4 - Committees, Boards, and Commissions, Article A – General Provisions. The existing operations of the DRB, while longstanding in some cases, are not always consistent with the requirements of Article A, and staff is proposing some operation changes to make them consistent with current law.

Staff Analysis & Recommendations

Analysis

The following excerpts from sections of Chapter 4, Article A of the City's Code of Ordinances are substantively different from the current operations of the DRB.

Sec. 2-4-4 - Composition, terms and duties of committees

The following subsections would be applicable to the Architect/Urban Designer members and Citizen member of the DRB, and would thereby limit the term served on the DRB subsequent to 2009.

(b) Whenever the city council has heretofore made or hereafter makes an appointment or reappointment of any person to any committee, and neither the law governing the appointment nor the council specifies any term of office for the person appointed then the appointment shall be deemed to be made for a term of two years beginning on the date of appointment.

Note: Section 5-611 of the Zoning Ordinance does specify the term of office as one year (annually), please refer to the proposed By-laws for further information.

(b.1) Unless otherwise specified in city code, state law or in a document creating the committee, no person shall be eligible for reappointment to any committee after having served 10 consecutive years as a member thereof. Individuals may be eligible for appointment to the committee one calendar year after their term ends.

Sec. 2-4-4 - Composition, terms and duties of committees

The following subsection would be applicable to the operations of the DRB, and would require the establishment, election, and function of a chair of the board and secretary, as a minimum.

(c) In addition to any other function or duty that may be vested in a committee by its enabling legislation or otherwise, each committee shall:

(1) designate one of its members as head of the committee and one member to act as the secretary of the committee for the purpose of keeping and preparing minutes or reports of all meetings or actions taken at any meeting and designate such other officers as required by its enabling legislation. Where an officer or employee of the city has been assigned to assist a committee, such officer or employee may be designated as secretary unless the assignment is inconsistent with other tasks being performed by such officer or employee. The committee may also appoint any additional officers as it may deem proper.

Sec. 2-4-5 - Procedure for committee meetings

The following subsection would be applicable to the operations of the DRB, and would require the use of Robert's Rules of Order for meeting procedures.

(a) Except as otherwise provided in this section, each committee may hold and conduct its meetings in the form and manner set forth in its enabling legislation and by-laws. Unless otherwise required by this article or other provision of law, all questions of procedure at any meeting shall be governed by Robert's Rules of Order.

Compensation

The Eisenhower East / Carlyle Design Review Board is unique in that it has continued the practice of providing compensation for the professional members of the Board initially established by the Carlyle DRB under Norfolk Southern. The City's Code of Ordinances does not make any

provisions for compensation of members of any boards, committees, or commissions, nor does the enabling legislation for the Eisenhower East Design Review Board state that such compensation will be provided. Alexandria has been well-served over a long period of time on the DRB by professional architects whose expertise has been greatly instrumental in shaping the skyline of the neighborhood and materially improving constructed projects compared to their initial submissions. Staff recognizes also that the quality of the professional expertise provided is well in excess of the value of the compensation. Nevertheless, we are in need of bringing the DRB into alignment with all other design advisory boards and can no longer continue the practice of professional compensation

Recommendations

The above sections have been incorporated into the Draft DRB By-Laws as they are required by the City's Code of Ordinances. In practice, it is City Staff's recommendation that the transition of members who have reached their term limits (above) occur in a more moderated or staggered fashion to provide a level of continuity and institutional knowledge for the review process. Staff therefore recommends that the Architect/Urban Design professional members be retained in their role on the Design Review Board for a period of 6 months and 1 year, respectively, in order to provide for continuity of reviews and an appropriate time period for the establishment of new professional members.

In regard to professional compensation, the City would phase out the provision of compensation at the end of the current fiscal year; that is, as of June 30, 2022.

Conclusion

Staff recommends that the DRB vote to adopt the by-laws as provided herein and according to the finalization of language with the City Attorney's office.

ATTACHMENTS:

Attachment 1: Eisenhower East / Carlyle Design Review Board Draft By-Laws



Eisenhower East / Carlyle

Design Review Board

The **Eisenhower East / Carlyle Design Review Board (DRB or the Board)** reviews development proposals (including Development Site Plans, Development Special Use Permits, and Sign Plans) for compliance with the Eisenhower East Small Area Plan and Eisenhower East Design Guidelines.

MEMBERSHIP

Design Review Board Members: 5 **Term:** Varies, see below

Membership to Consist of:

- ◆ One (1) Member of City Council, selected for a 3-year term.
- ◆ One (1) Resident of the Eisenhower East / Carlyle area, selected annually by City Council.
- ◆ One (1) City Manager or designee, no term limit.
- ◆ Two (2) Qualified professionals skilled in architecture or urban design, selected annually by the foregoing members.

See Attachment 1 indicating geographic areas for the Eisenhower East and Carlyle districts

I. REVIEW AUTHORITY AND PRIMARY GUIDING DOCUMENTS

Section 5-611 of the Alexandria Zoning Ordinance:

The City Council, through Ordinance 4442, amended Section 5-611 of the Zoning Ordinance to establish the Eisenhower East Design Review board, delineating its composition and review responsibilities.

- (A) There is hereby established by ordinance the Eisenhower East Design Review Board.
- (B) The Eisenhower East Design Review Board shall consist of five members selected as follows: (1) one member of City Council, selected by the Council following a Council election for a three-year term, (2) the City Manager or designee, (3) one citizen member residing in the area served by the board, and selected annually by the Council, and (4) two qualified professionals skilled in architecture or urban design, who shall be selected annually by the foregoing three members.
- (C) The purpose of the Eisenhower East Design Review Board is to review applications under this ordinance, within CDD No. 2 (Eisenhower Avenue Metro) and CDD No. 11 (South Carlyle), and for properties in CDD No. 1 (Duke Street) on which development is governed

by any special use permit which authorizes or requires design review by the Carr/Norfolk Southern (Carlyle) Design Review Board. Applications within CDD No.2 and CDD No. 11 are to be reviewed for compliance with the Eisenhower East Small Area Plan and the Eisenhower East Design Guidelines, as adopted by the planning commission. Applications within CDD No. 1 are to be reviewed for compliance with the applicable urban design guidelines therein. The board will make recommendations on such applications to the planning commission and city council through the director.

- (D) The director shall send to the board a copy of any application subject to its review, and the board shall send its comments to the director in time to be sent to the planning commission together with the staff report on the application. Each applicant shall discuss their application with the board prior to filing.
- (E) The board and director shall establish a regular schedule which provides for meeting at least once per calendar quarter. Additional meetings may be called by the chair of the board and the director.
- (F) The Eisenhower East Design Review Board shall assume and perform all the functions of the Carr/Norfolk Southern (Carlyle) Design Review Board.

II. BOARD SELECTION / ELECTIONS

- ◆ The DRB initiates an annual election for a chair, with nominations presented by members of the board. DRB members may also elect additional positions (such as vice chair and secretary).
- ◆ According to Section 2-4-4 of the City Code, the DRB also selects a secretary, with the duty of “preparing minutes or reports of all meetings or actions taken at any meeting.” A City staff member may be designated as the DRB secretary by action of the board (Section 2-4-10). *See Communication and Outreach.*
- ◆ Members can submit their resignation (and effective date) to the City Clerk or the chair of their respective committee.
- ◆ All DRB members must reapply for their appointment with the City Clerk when their term has expired. No DRB member may reapply for their appointment after serving 10 consecutive years on the board. The prevailing exception is for DRB members that were serving as of June 13, 2009 may reapply for an additional term beyond the 10-year limit.

III. COMMITTEE LEADERSHIP DUTIES

Chair and Vice Chair

- ◆ The DRB chair has the main task of running meetings, including the introduction of items on

meeting agendas for presentation and discussion, and calling items for a vote.

- ◆ The chair also assists staff in proposing and reviewing meeting agenda items, meets with staff periodically to address any ongoing committee issues, and is the main author of any DRB memos, including letters of endorsement or official correspondence to City departments, Council or Planning Commission. The chair may also delegate drafting of DRB memos to staff and serve as the initial reviewer of memos before their dissemination to the DRB.
- ◆ The vice chair assists the chair in running meetings, and leads the meeting in absence of the chair. The vice chair may join the chair in meetings with City staff concerning DRB matters in a leadership capacity.
- ◆ Chair and vice chair work with staff to review the DRB annual report that is drafted by staff and sent to the City Clerk (see section VI. below).

Secretary

- ◆ The secretary acts as the first point of contact for the review of meeting notes, which are drafted by staff.
- ◆ Additionally, the secretary works with staff on DRB communication, including updating the DRB webpage (if any).

IV. REVIEW PROCEDURES

- ◆ Staff begins coordinating development reviews by informing the chair at the Concept I stage¹. The projects are formally presented to the overall board by the applicant and staff at the Concept II stage. Submissions to DRB are based on the Project Review Checklist.
- ◆ Staff will provide DRB members with a brief staff report for each project the board reviews. The information sheets will provide the basic planning data on the development proposal, including the zoning parameters, and a list of key issues that staff has identified as part of the review process.
- ◆ The DRB makes recommendations to the Planning and Zoning director that can be issued to Planning Commission and City Council as a memo or endorsement letter and through the staff report for a given project.²

¹ The Concept stages of development review are defined as the “pre-application” stage in the Zoning Ordinance. The Concept /pre-application review period occurs before an applicant submits a formal application to the Planning Commission for review.

² In rare cases, design committees are granted approval authority for portions of the review process. In the approval of Carlyle Plaza Two (DSUP2011-0031), the DRB was granted approval authority for the final architecture of buildings on the site and certain signage developed under the coordinated sign program. In general, the same approval authority applies to proposed projects within the Carlyle SUP, however confirmation of this would need to occur on a case-by-case basis. Specific action by the City Council to designate such authority is necessary.

V. MEETING PROCEDURES

Occurrence of Meetings:

- ◆ The DRB has agreed to procedurally convene meetings, as needed, on the third (3rd) Thursday of alternating months, as necessary. Projects to be presented and considered by the DRB must be submitted by the Applicant a minimum of 30 days prior to the meeting, and must meet the zoning requirements (see checklist) as a viable project for review.

Procedures Based on Section 2-4-5 of the City Code:

- ◆ The DRB will conduct meetings on procedures set forth in Robert's Rules of Order and will have a Planning and Zoning staff member present to assist with any needs of the committee. The applicant for each project is tasked with presenting its project to the committee for discussion, though City staff will be present to provide any background on the development review process and for committee assistance.
- ◆ A quorum (a majority of the committee members) shall be present for any committee business to be conducted or actions to be taken. A member present but not voting shall be considered in counting a quorum.
- ◆ No action which "constitutes a recommendation or proposal for action by the city council or any other city board or commission" shall be taken without the "affirmative votes of a majority of the committee." All board votes must be taken in public session, and not by proxy (i.e. via email).

Procedures based on Section 2-4-6 of the City Code (Public participation in committee meetings):

- ◆ All DRB meetings shall be open to the public. The exception is for an executive session or closed meeting. The board chair shall consult with the City Attorney before holding a closed meeting to determine whether such a meeting is authorized and what procedures should be followed.
- ◆ "Except as may be permitted by law, all books, papers and reports or other documents produced by or under the control of a committee shall be open for public inspection and copying."
- ◆ Working with City staff, each board must provide "reasonable" public notice of the time and place of its meetings and the meeting agenda. Staff posts the meeting time and place on the City's online calendar (alexandriava.gov/calendar) and on the committee's webpage. The agenda should identify any items that would allow (or preclude) public comment.

VI. COMMUNICATION AND OUTREACH

- ◆ The DRB webpage (if any) on the City's website provides meeting agendas, notes, and development project information. Meeting agendas are posted on the City's website prior to the related meeting.
- ◆ Staff is generally tasked with preparing notes of DRB meetings (*see Board Selection / Elections*). Staff responsibilities include archiving and the dissemination of notes to DRB members, and the audio recording of meetings.

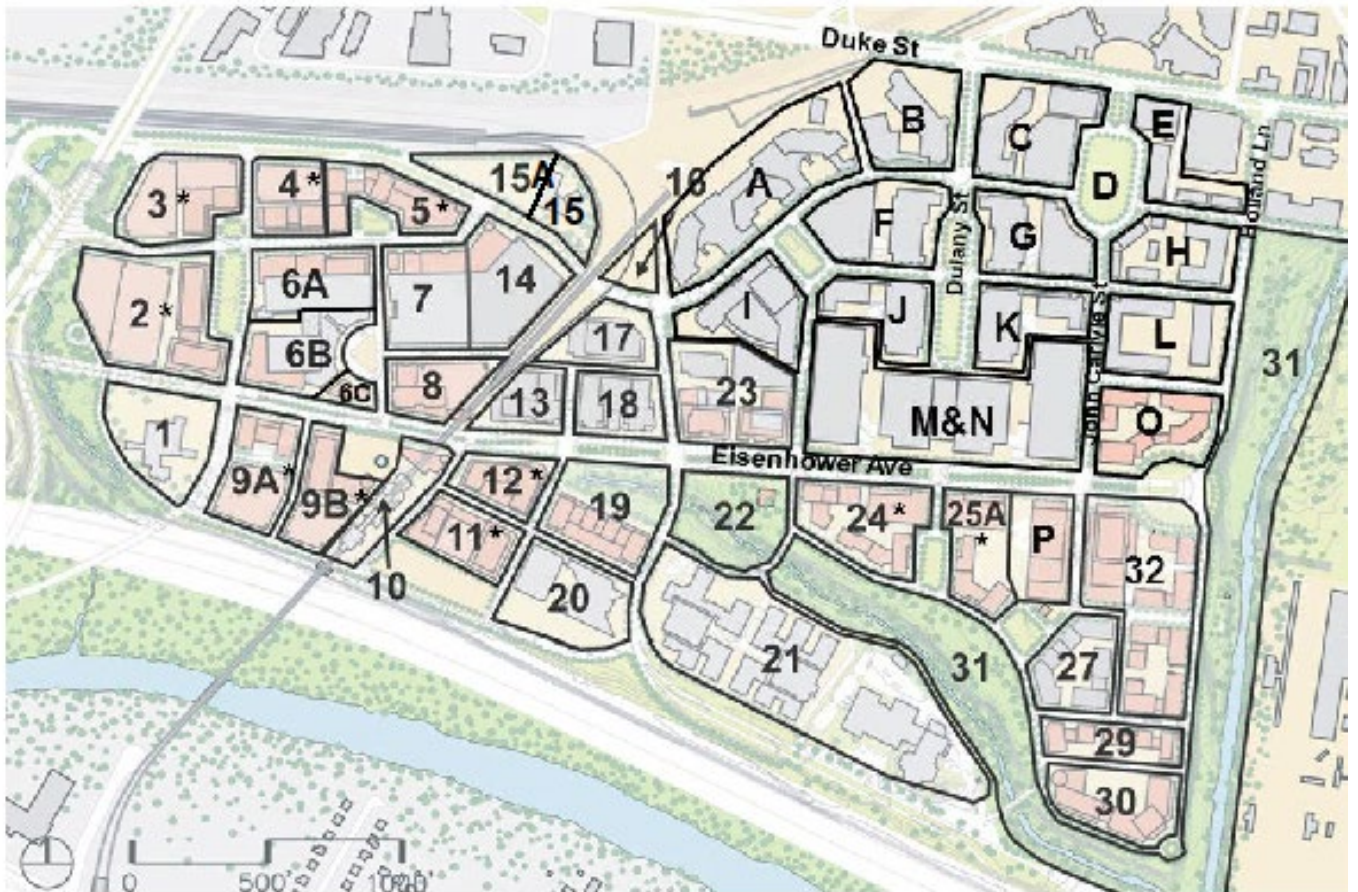
DRAFT BY-LAWS
FOR PRESENTATION AT MEETING ON 11/18/21

- Meeting notes are distributed by email to board members for their personal review. A draft of the final notes will be posted on the committee's webpage no more than 30 days after the meeting. A notation shall appear on the notes indicating whether they have been officially approved by the DRB. The board will have the opportunity to formally adopt the notes at the next meeting. The adopted notes will replace any final draft notes on the DRB's webpage.
- Staff audio records each DRB meeting to provide an additional record of the meeting. Either staff or the DRB chair will make an announcement at the beginning of each meeting concerning the audio recording in progress, and where any speakers and presenters in attendance should stand in order to have their voice picked up by the microphone.
- ◆ The DRB is responsible for the submission of an annual report. The report summarizes the objectives and relative success of the DRB, board meetings and project reviews, and general recommendations. The annual report and attendance report is prepared by staff, reviewed and signed by the DRB chair(s), and submitted within 60 days after the close of the fiscal year or "as shortly thereafter as possible" (Section 2-4-4 of the City Code). The composition of the annual report is outlined in 2-4-4(d)(2) of the City Code.

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Attachment 1: Geographic Boundaries for DRB Review and Recommendation

Eisenhower East / Carlyle Blocks



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