


City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 3, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION AND ADOPTION OF A POLICY ON STREET TREES AND TRASH CANS

ISSUE: Changing staff's current practice with regard to SUP conditions for street trees and trash cans into a Council approved policy.

RECOMMENDATION: That Council confirm the City's current practice in regard to street trees and trash cans by adopting this practice as a formal Council adopted policy.

BACKGROUND:

In the memo (pages 4 and 5) reviewed by the Planning Commission on May 7 and by Council on May 26 (Attachment 2), staff described the current practices that are used in the course of reviewing SUP applications by RPCA and T&ES that specifically deal with street tree and trash can contribution requirements.

Staff continues to support its current practices, but this memorandum contains alternative ways to approach this issue so that the Council may give staff direction about how these issues should be handled in the future.

It should be noted that the practices discussed in this memo relate only to SUP applications and not to typical development applications. In development applications, projects frequently start with very little existing infrastructure and the emphasis of the conditions in development applications is to require provision of new street tree and trash can infrastructure.

CURRENT PRACTICE (AND PROPOSED POLICY):

As noted in the attached memo, the current practices of requiring a \$250 contribution to the Living Landscape Fund and/or a \$575 contribution to a trash can maintenance fund are case-specific and there is a direct nexus to the application at hand (that is, the \$250 is spent for a specific tree need of the project being reviewed.) For example, the Living Landscape Fund

contribution is only required when street trees associated with the subject property (typically those directly in front of, and within the immediate blockface) are terminally damaged, missing or dead. If healthy street trees are present, there is no recommendation to provide a tree payment into the fund. In terms of trash cans, a \$575 contribution for trash can maintenance in SUP cases is required where there already exists a trash can, but \$1,150 contribution is required if there is a new use proposed that will contribute to waste at street level and there is no existing trash can.

This practice, as currently applied, does result in some applications being required to make contributions for street trees and/or trash cans, but not all applications are required to do both – it varies with the immediate surroundings of each subject property and, in the case of trash cans, with the specific use proposed.

ALTERNATIVE POLICY CHOICES: If Council wishes to adopt a different policy, three alternative policy choices are listed below.

1. One alternative would be to require each and every SUP applicant to contribute \$250 to the Living Landscape Fund and \$575 to the trash can maintenance fund for a total \$825 contribution, while keeping these as separate funds. This practice would be very predictable and would treat all applicants in the same manner by charging a flat rate of \$825 for most applicants. However, it would increase the cost of obtaining a SUP. In addition, this contribution would be required only for completely new SUPs and not amendments to existing SUPs which may only be increasing hours of operation, or number of seats and which may involve an applicant who has paid one or both of the fees in the past.
2. A second alternative would be to require one lump sum contribution that would be less than \$825 – such as \$500. This lump sum contribution would be required of all new SUPs and would be put into a joint infrastructure fund for street trees and trash cans. Like alternative #1, this would be a predictable approach, but would result in increasing the cost of SUPs for some applicants.
3. A final alternative would be a variation on the first two alternatives: contributions to each fund would be uniformly required of all SUPs, but there would be tiers of contributions based on the characteristics of the SUP application. For example, SUPs for smaller restaurants or uses that generate little foot traffic might make a total contribution of \$250, while SUPs for larger restaurants and other types of uses that generate foot traffic might make a total contribution of \$1,000 – so that, overall, contributions would average out to provide amounts similar to those noted in the first two alternatives. Although this alternative would have the benefit of being “fairer” to smaller SUPs, it would necessitate carefully crafted criteria to differentiate between the smaller and the larger SUPs. For this reason, it has the potential to be more difficult to define and administer.

FISCAL IMPACT: The adoption of the current practice as a formal Council policy will have no fiscal impact in that about \$14,000 annually will still be collected for street trees and trash cans. Alternative 1 would result in increased payments for street trees and trash cans.

Alternative 2 would likely generate less payments. Alternative 3 would be revenue neutral. Division of the lump sum payments under options 1, 2 or 3 between trees and trash cans would be done using historical payment patterns. Periodically, staff would seek through the City's annual budget process to adjust the fees upward to reflect inflation in the costs of street trees and trash cans.

ATTACHMENTS:

Attachment 1. February 20, 2009, Memo Regarding Trash Cans and Street Trees

Attachment 2: May 19, 2009, Portion of Memo (pages 4 and 5) to Council in Regard to Trash Cans and Street Trees

STAFF:

Faroll Hamer, Director, Department of Planning and Zoning

Emily Baker, Acting Director, Department of T&ES

Richard Baier, Interim Director, Department of Recreation, Parks and Cultural Activities

Gwen Wright, Chief, Development Division, Department of Planning and Zoning



DEPARTMENT OF PLANNING AND ZONING

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DATE: February 20, 2009

TO: Mayor and Members of City Council

FROM: Faroll Hamer, Director, Department of Planning and Zoning

SUBJECT: Interim Practices on Trash Cans and Street Trees; Plan for Presenting Standard Conditions and Formal City Policy on Development Requirements

BACKGROUND

In December, the Council requested information on current City practices in terms of conditions placed on land use and development applications regarding trashcans and street trees. Staff from T&ES, RP&CA, and P&Z wrote an email that explained the current practices (see attachment.)

Subsequently, Councilmembers had additional questions about these practices and expressed concern about consistency issues. In this memo, staff will update the Council on activities undertaken to date in terms of looking at consistency and improvements to the development process.

Although we are not currently suggesting changes to the present practices regarding trash cans and street trees, we are committed to looking at improvements to these practices as part of a comprehensive revision to the standard conditions placed on land use and development projects. We believe that the comprehensive effort, which will be presented to the Council as a package in May or June, will address the goal of making the development process in the City clear, consistent, and predictable.

NEW INITIATIVES

Staff has been undertaking a series of discussions with the Northern Virginia Building Industry Association (NVBIA) about improvements to the development process.

Out of these discussions, several initiatives are being undertaken:

1. Revisions to the Concept Plan Checklist to make the submission requirements clearer;
2. Distribution of a development process chart to clearly depict all steps in the development process; and

3. Standardization of meeting times, so that applicants can meet with all City Departments in a timely and efficient manner – this includes:

a.) Scheduling meetings to go over DSUP and DSP draft conditions with applicants during the regular IDR meeting that proceeds the deadlines for Planning Commission staff reports to be completed (this is typically the 3rd IDR meeting each month.)

b.) Setting aside time each week when a member from each of the various City departments will be available to attend “Development Project Workgroup” meetings with other City departments and the applicant to review all substantive issues related to a development application. The purpose of the Development Project Workgroup meetings will be to ensure that all City reviewers are available one day each week for applicants to schedule their meetings. This predetermined Development Project Workgroup meeting day will reduce the difficulty that currently exists in coordinating the availability of individuals from separate agencies to attend meetings requested by various applicants. Applicants will be required to submit an application request form one week in advance and submit a list of issues that will be discussed at each meeting. By submitting the list of issues in advance, the staff will be able to ensure that the appropriate decision-making personnel will attend the meeting.

c.) Meetings are meant to include appropriate City staff, developers, and private technical professionals in order to ensure that issues which cross departmental lines (e.g. public vs. private roadways, resource protection areas, utility availability, etc.) are discussed and evaluated at the earliest stage of review. These interdepartmental meetings are designed to eliminate ad hoc individual departmental/developer meetings and enhance early coordination.

In addition, staff has been making major efforts to improve communication and coordination between City departments with the goal of improving the development process and making it more consistent. One of the recent activities in this regard was a staff retreat involving all staff from different departments who are involved in the Interdepartmental Review Committee (IDR). Outcomes and assignments from this retreat are included on the attached IDR Retreat Notes.

With regard to interdepartmental coordination on non-development land use applications, such as SUPs for restaurants, planning staff facilitates monthly meetings with staff from City departments who normally provide comments on such applications. The purpose of the meetings is to review SUP requests, identify issues and resolve any conflicts on departmental recommendations.

CONCLUSION

Staff has heard and understands the Council’s concern about consistency regarding development requirements imposed on applicants – as most recently evidenced by the discussions on trash cans and street trees. Staff asked that the Council allow us to continue our current practices (applying them consistently) for the next several months until we are able to bring a larger package of development process improvements forward – including standard conditions – in the May/June timeframe.

cc: Jim Hartman, City Manager
Mark Jinks, Assistant City Manager
Michele Evans, Assistant City Manager
Kirk Kincannon, Director, RP&CA
Rich Baier, Director, T&ES
Richard Josephson, Deputy Director, P&Z
Gwen Wright, Development Division Chief, P&Z
Ron Kagawa, Acting Division Chief, RP&CA

Dear Mayor and Council,

A number of issues and questions arose from the cases that were heard by City Council at their November 15 public hearing. Staff has prepared the following responses to these issues/questions:

Trees

During discussion of the SUP request for 904 King Street, the Old Town Gourmet Market, Councilman Smedberg asked whether a condition from RPCA requiring a \$250 contribution toward a street tree, was a standard condition that would be applied in future cases and whether it had been applied in previous cases.

When preparing comments on SUP applications, RPCA conducts a review of street trees associated with the subject property, typically those directly in front of, and within the immediate blockface, and determines whether there are terminally damaged (as determined by the City Arborist), missing or dead trees. If such conditions are found, RPCA has requested that the tree(s) either be replaced by the applicant or that the applicant provide a contribution to the Living Landscape Fund for installation of a replacement by the City. Cost per tree is based on current City contract costs for installation and funds are identified specifically to be used for replacement of project trees-not other items. Replacement tree species would have to be in conformance with the City Landscape Guidelines and are typically scheduled for installation during the planting season following certificate of occupancy and receipt of funds. If healthy street trees are present, there would be no recommendation to provide payment into the fund.

The review by RPCA to determine if a tree needs to be replaced or a contribution made is a standard part of their process. The result of that review does not always translate into a condition requiring replacement or a contribution, since there may already be a healthy tree in place.

P&Z staff will advise applicants for SUPs that RPCA will be looking at street trees in front of and on the same blockface as the subject property and may require replacement or a contribution if the tree(s) are missing or dead.

Trash cans

During the discussion of the DSUP for the Alexandria Country Day School, Councilman Smedberg asked about the \$1,150 fee for purchasing new trash cans, noting the \$500 contribution required for a maintenance fund to repair/replace existing trash cans.

Staff explained that there is no inconsistency regarding the requested funding amounts in these separate recommendations. The \$500 contribution for maintenance is typically applied in SUP cases where there already exists a trash can, but there is a new use proposed that will contribute to waste at street level and the funds are used for repair and replacement of the existing cans. The \$1,150 contribution is to purchase and install

trash cans in locations where trash cans have never existed. It was noted that the purchase price for specified city trash cans used to be \$1,000 and now has gone up to \$1,150 – this is due to an increase in the capital cost of the trash receptacle

Countdown pedestrian signals

During the discussion of the DSUP for the McDonalds at 5311 Duke Street, Councilman Smedberg asked about the condition requiring the applicant to contribute towards the cost of installing countdown pedestrian signals and accessible pedestrian push-buttons at the light in the vicinity of the project.

Rich Baier of T&ES explained that this condition is only used when a project 1) will, by its nature, generate a significant amount of pedestrian traffic; and 2) no countdown pedestrian signals exist in the immediate area. In this case, there are improvements scheduled for the signal in the vicinity of the project and, because the project will generate pedestrian traffic, it was determined that it would be appropriate for the project to contribute a pro-rated share of the cost of installing the countdown pedestrian signals.

Gwen Wright explained that staff is looking at a menu of standardized conditions so that the language of each condition in each regulatory case is consistent. However, it will still be necessary to only use those conditions that are appropriate to the specifics of the case at hand and to custom tailor some portions of the conditions (such as appropriate pro rata contribution amounts) to the specifics of the case.

Signage standards

Also during the discussion of the DSUP for the McDonalds at 5311 Duke Street, Councilman Smedberg asked about the height of the monument sign for the project.

Gwen Wright explained that staff originally negotiated for the sign to be 4 feet in height (consistent with a recent decision on another nearby case – the Wendy's/PNC Bank case). However, the applicant wanted a sign that would be 12 feet in height. Staff had recommended a compromise of 6 feet; however, the Planning Commission had recommended 8 feet. Councilman Smedberg expressed concern about consistency and, ultimately, the Council voted to approve a sign 6 feet in height.

Consistency in signage height is very important in creating a high quality streetscape. However, there are currently no written standards for this portion of Duke Street. Each signage case is reviewed and negotiated on a case-by-case basis, taking into account the specifics of the case at hand. Staff believes that an important goal for major thoroughfares such as Duke Street should be to have written streetscape standards so that there can be consistency in all streetscape improvements and signage projects. Preparation of such standards is not on P&Z's or T&ES's work program.

SUP Checklist

At the November 15 public hearing, Council members asked about the status of the "checklist" of standards being prepared by staff for SUP applicants. During previous

discussion by City Council and staff on the small business zoning changes, staff indicated that there would be a checklist for applicants for Administrative SUPs that would clearly explain the requirements and standards by which these requests would be evaluated and approved. Staff indicated that this "checklist" would be completed within 60 days after adoption of the ordinance. We are working on this now and are on schedule to provide this checklist to City Council by mid February 2009.

We hope this information is responsive to your questions/comments. Please let me know if you have any other questions.

Rich Josephson
Deputy Director
Department of Planning and Zoning
City of Alexandria
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Notes from IDR Retreat Held February 12, 2009

Consensus on Major Issues to be Addressed:

- Communication – between departments and with applicants
- Tracking Approved Conditions – assuring that conditions approved by the Planning Commission and City Council are enforced, that triggers are adhered to, and that Certificates of Occupancy are not issued until conditions are met
- Keeping Concept Plans truly conceptual

Follow-Up Items and Assignments:

- Provide an update on discussions that have taken place with NVBIA re: initiatives to improve the development process ***GWEN WRIGHT WILL PROVIDE THIS UPDATE AT THE NEXT IDR MEETING***
- Establish a staff working group to look at checklists for Preliminary and Final Site Plans, including reviewing Final Site Plan/ESI coordination and timing and considering using a change in fee structure to improve the Final Site Plan process ***PAT ESCHER, SHANNA SIZEMORE, LAURA DURHAM, ERIC KEELER***
- Establish a staff working group to look at the As Built/Certificate of Occupancy issue ***JESSICA RYAN, SHANNA SIZEMORE, KENDRA JACOBS, FRAN BROMBERG***
- Continue and complete work on standard conditions ***JESSICA RYAN, GARY WAGNER***
- Departments will ensure that all emails on development projects that transmit departmental decisions or opinions to applicants will be copied to relevant staff in other departments (i.e. P&Z will copy appropriate contacts in T&ES, RP&CA, Code, etc. and other departments will do likewise.) ***ALL DEPARTMENTS***
- Develop a procedure to assure that all changes in the field are communicated to the appropriate P&Z project manager. ***KENDRA JACOBS, SHANNA SIZEMORE, JAMES HUNT***
- Explore ways to improve efficiency and effectiveness of ESI. ***ALL DEPARTMENTS***
- Take 15 minutes at the beginning of each IDR meeting to provide updates on the progress of the projects noted above. ***ALL DEPARTMENTS***

Checklist (attachment #2) achieves this goal by splitting the concept review into two parts – the first being very broad and conceptual and the second getting into a great level of detail.

The review of this checklist is the first step in what will be an overall effort to review and improve all of the checklists used by applicants for Preliminary and Final Site Plans.

3. Menu of Standardized Condition Language

Staff initiated the menu of standardized conditions language to achieve consistency in the development review process for both staff and development applicants. The menu of standardized conditions language provides a template for staff to prepare recommendations and also provides a level of certainty for development applicants engaged in the development review process. The list of conditions is included as attachment #3.

To create the menu of standardized conditions language, each department involved in Interdepartmental Review (IDR) compiled a list of staff recommendations consistently applied in recent development projects. In addition, staff also included recommendations applied in very unique development cases, such as cases with tree conservation areas, to create a template to which staff can refer when preparing recommendations.

Each department then sent their compiled recommendations to the Department of Planning and Zoning. Planning and Zoning staff compiled the menu of standardized conditions language and distributed the language to IDR participants for review. The language was discussed at IDR meetings and the following revisions to the language were implemented:

- Recommendations required by the City Code or Zoning Ordinance were eliminated or moved to the City Department Code Comments section of the staff recommendations; and
- Recommendations were revised to provide direct instruction to the development applicants.

In future development applicants, staff will review the menu of standardized conditions language and determine which of the standardized conditions are applicable. Language which is not applicable to the development project will be revised or removed to correspond to the specifics of the development application.

→ 4. Review of Practices on Street Trees and Trash Cans

In reviewing SUP applications, the issue of providing new street trees and/or trash cans comes up frequently. Over the course of time RPCA – who deals with street

4

trees – and T&ES – who deal with trash cans have developed a number of practices regarding when these amenities are required in conjunction with a SUP.

In the past several months, these practices have been reviewed and have been found by staff to still be appropriate and worthy of continuation. Additionally, extra effort has been made to assure that these practices are uniformly and consistently applied.

The practices are as follows:

When preparing comments on SUP applications, RPCA conducts a review of street trees associated with the subject property, typically those directly in front of, and within the immediate blockface, and determines whether there are terminally damaged (as determined by the City Arborist), missing or dead trees. If such conditions are found, RPCA requests that the tree(s) either be replaced by the applicant or that the applicant provide a contribution to the Living Landscape Fund for installation of a replacement by the City. Cost per tree is based on current City contract costs for installation and funds are identified specifically to be used for replacement of project trees-not other items. Replacement tree species would have to be in conformance with the City Landscape Guidelines and are typically scheduled for installation during the planting season following certificate of occupancy and receipt of funds. If healthy street trees are present, there is no recommendation to provide payment into the fund. The review by RPCA to determine if a tree needs to be replaced or a contribution made is a standard part of the review process. The result of that review does not always translate into a condition requiring replacement or a contribution, since there may already be a healthy tree in place.

In terms of trash cans, T&ES requires a \$575 contribution for trash can maintenance in SUP cases where there already exists a trash can, but there is a new use proposed that will contribute to waste at street level. The funds are used for repair and replacement of the existing cans. If there is no existing trash can, then the SUP conditions would include a \$1,150 contribution per can to purchase and install trash cans in locations where trash cans have never existed. The purchase price for specified city trash cans used to be \$1,000 and now has gone up to \$1,150 – this is due to an increase in the capital cost of the trash receptacle.

5. Integration with GIS and Updating Permit Plan

Integration between the Development and GIS Divisions has been focused in three areas: first is a greater effort to coordinate during the development process, second is more efficient use of the permitting system to track and analyze development and third is the long term possibility of going to electronic plan submissions.

Coordinating during the approval process will allow several tasks which are currently loosely coordinated to be formalized. These tasks will be added to the development checklist and standard conditions. They include the coordination of addressing activities, submission and review of unit numbering plans and more complete data on

5