



**RENEW ARLINGTON CRA (RA/CRA) ADVISORY BOARD  
ZOOM VIRTUAL MEETING – (NO PHYSICAL LOCATION)  
WEDNESDAY, SEPTEMBER 9, 2020 – 3:30 p.m.**

**MEETING MINUTES**

**Location:** Due to COVID-19, the RA/CRA Advisory Board meeting was held via Zoom.

**RA/CRA Advisory Board Members Present:** Advisory Board Chair Matt Tuohy, Stephen Matchett, Raj Adhikari, Dee Dee Harper, Bandele Onasayna, Danyuell Newkirk and Monty Selim

**RA/CRA Advisory Board Members Absent:** Randall Goodwin

**Staff Present:** Kirk Wendland, OED Executive Director; Karen Nasrallah, Redevelopment Manager; Brian Wheeler; OED Staff and Michelle Stephens, Recording Secretary

**Representing the Office of General Counsel:** Kealey West

**Representing City Council:** Councilwoman J. Morgan, City Council District 1

**Others Present:** Taylor Meja, Gilmore Hagan Partners; Bryan Moser, Director of Neighborhoods and Michael Chao, Chief of Municipal Code Compliance

**I. CALL TO ORDER**

A quorum was confirmed and Chair M. Tuohy called the Renew Arlington CRA (RA/CRA) Advisory Board meeting to order at approximately 3:30 p.m.

Chair Tuohy introduced and welcomed new Advisory Board Member, Bandele Onasayna.

**II. ACTION ITEMS**

**APPROVAL OF THE JUNE 10, 2020 RENEW ARLINGTON COMMUNITY REDEVELOPMENT AGENCY (RA/CRA) ADVISORY BOARD MEETING MINUTES**

***A MOTION WAS MADE AND SECONDED APPROVING THE JUNE 10, 2020 RENEW ARLINGTON ADVISORY BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY 7-0.***

**APPROVAL OF THE AUGUST 12, 2020 RENEW ARLINGTON COMMUNITY REDEVELOPMENT AGENCY (RA/CRA) ADVISORY BOARD MEETING MINUTES**

***A MOTION WAS MADE AND SECONDED APPROVING THE AUGUST 12, 2020 RENEW ARLINGTON ADVISORY BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY 7-0.***

### **III. GENERAL INFORMATION**

#### **MUNICIPAL CODE ENFORCEMENT UPDATE FOR THE RA/CRA BOUNDRY**

Bryan Mosier, Director of the Neighborhoods Department provided a brief overview of the Department that includes Municipal Code and Compliance, which includes enforcement of the Renew Arlington Zoning Overlay.

Overview of Code Enforcement:

- Animal Care and Protective Services
- Environmental Quality Division
- Housing and Community Development (Affordable Housing)
- Mosquito Control
- Neighborhood Services (Community Planning and Advisory Committees)
- Consumer Affairs (landlord/tenant issues, and unfair and deceptive trade practices)
- By calling 630-CITY or by using the City's Web site or the MYJAX app, customers can submit a complaint against a property in the RA/CRA area that is not in compliance with the Zoning Overlay and issues are then routed to Code Enforcement for inspection.
- The Municipal Code Compliance Division is over several areas of enforcement including the Zoning Code, Chapter 518 (Property, Safety and Maintenance Code) some of the issues are within the boundaries of the RA/CRA such as overgrown grass, junk vehicles, minimum housing standards and some commercial standards and unsafe structures; Chapter 745, (addressing requirements); Chapter 741 (zero tolerance on litter and snipe signs ORD) and Chapter 656 (Zoning Code that includes the RA/CRA).

Mr. Mosier commented that the current Code Enforcement System does not have the ability to specifically identify issues only within the RA/CRA. They are working on a new system that will hopefully allow them to drill down to the specific boundaries of the RA/CRA.

Mr. Mosier provided statistics for FY 2019/2020 that Code Enforcement deals with in and around the RA/CRA. The biggest thing they deal with are nuisance violations, minimum housing standard or residential housing violations and Zoning Commercial/Industrial violations. The majority of the RA/CRA issues fall within the Zoning Commercial/Industrial violation category.

Michael Chao, Chief of Municipal Code Compliance, provided a presentation regarding Code Enforcement issues within the RA/CRA boundaries. Mr. Chao noted that they cite for various nuisance violations that can range from overgrowth, trash and debris, graffiti, commercial

boarded up structures, junk vehicles, etc. He added that they have a time frame for due process. The commercial and residential properties are usually given a timeframe of 30 days versus 15 days for the nuisance issues such as cutting grass, cleaning the yard, no tag on vehicle, etc.

Mr. Moser commented related to junk vehicles that they are a common theme in the area. He advised that vehicles that are backed into a driveway with no tag, cars with a flat tire or are obviously inoperable can be sited even if they do have the required tag.

At the request of Councilwoman Morgan, Mr. Chao reviewed several specific addresses of concern and their current status.

Councilwoman Morgan requested an update on the property located at 5865 Arlington Expressway. There are currently 16 active unsafe cases. The new owner has hired a contractor who has been working with the building department and has submitted two sets of plans for two of the buildings. Both have recently gone back to the owner with comments for the owner to address. He has been given access to reassess the buildings. He added that the cost on the City's side to bring the buildings to the ground is between \$1.5 - \$2 million noting that if the City were to spend that kind of money they may as well put a lien on the property, which would put Municipal Code and their total abatement budget going into the one property.

Mr. Chao commented that alternatively they can take the Special Magistrate process and levy administrative fines against the company until they bring the property into compliance, which is on a rolling basis. The Special Magistrate process gives the owner the opportunity to comply and if they do not, the Special Magistrate can issue a fine for each buildings of \$250/day until the property is brought into compliance (either rehabbed or demolished).

Councilwoman Morgan requested the thoughts of the Advisory Committee members regarding the subject property.

Mr. Wendland commented that it is his understanding that if the City were to spend money on demolition and there was a future owner/developer that had a viable project the liens on the property cannot be waived because the City spent money on the property. He asked even though the liens add up against the current property owner and those liens were at such a level that they would prohibit the project from moving forward then the City does have the ability to waive, negotiate, etc. the liens.

Mr. Chao replied that if the City spends money through the abatement process to board up, clean up or demolish buildings on a property the administrative fines are still attached to the property, then they would be inherited by the new property owner. If the property sells, the fines will continue to roll and the new owner can enter into a stipulation agreement with the City

depending on their timeframe, but they have to hit certain milestones by certain dates and once everything is brought into compliance the bulk of the fines will be forgiven.

Mr. Wendland commented from a staff perspective, we would recommend being as strong as possible regarding the administrative fines to encourage movement and if it does not at least in a future situation they could possibly be waived or negotiated with a new owner.

Mr. Mosier added that the administrative fines also attach to any other properties an owner may own within the county.

Chair Tuohy commented regarding the Bethelite property that the owners keep changing ownership between each other and the clock keeps restarting. He asked if that is correct and if there was any way around that.

Mr. Chao replied that it is correct adding that anytime they have a new interested party, or new ownership, we have to give them due process and provide them notification, so the clock does start again. However, going down the administrative side, if that is the route Councilwoman Morgan and the Advisory Board choose to go down, once the fine has been levied against the property by the Special Magistrate, it will stay with that property no matter how many times the property changes hands.

Chair Tuohy asked from a RA/CRA Zoning Overlay Compliance perspective, property owners are not allowed to display dishwashers, washing machines or other appliances on the sidewalk outside their business? He asked if this violation falls under the purview of Code Enforcement and if there was a process to document repeated offenders/problems?

Mr. Chao replied that they issue a warning citation and talk to the property owner or business owner to let them know they are in violation. If they repeat the violation within one calendar year, Code Enforcement has the authority to issue a \$250 citation every time they see the violation thereafter. With the citation process it gives a year from when the warning citation was written to continuously issue the paying citations.

Mr. Chao commented that there are several issues within the RA/CRA about this particular property. Because the property is zoned CCG-2, by right they can have the outside storage per the Zoning Code unless they cease operations for 6 months or more or they make improvements to the property then it reverts back to the RA/CRA Overlay. He commented that they have spoken to the property tenant and he does understand that the property is zoned CCG-2. He chose this particular location in CCG-2 to be to display items outside his business.

Chair Tuohy commented that this was certainly not the intent and would like to hear from OGC. The only things grandfathered in were facades and specifically no outdoor display of items that are not typically used outdoors.

Ms. Kealy West, Office of General Counsel commented that she understands the issue and will need to look at the RA/CRA Zoning Overlay and the grandfather language to see if Code Enforcement is correctly interrupting the issue. She will make notes and get back to the group as a whole through Susan and Karen.

Advisory Board Member Matchett commented that there is a store across the street from the subject property on University Blvd. that uses the sidewalk and the parking lane for his loading, unloading and display of the same kind of appliances. He asked if this was a violation and how to report violations.

Mr. Chao replied assuming CCG-1 the overlay does not allow them to block any City sidewalks and is a violation. He noted that the other side of the street may be zoned a little differently and that they would look into it. He added that anyone who sees a violation, can take a picture. The picture has to include the date and time of when the occurrence took place and witnessed by two unrelated people that are willing to testify to the occurrence.

Advisory Board Member Matchett asked how many officers Mr. Chao has for the RA/CRA to respond to inspections?

Mr. Chao replied that they do not have a team specifically for the RA/CRA. He commented that the Greater Arlington CPAC has six staff (one supervisor, one senior officer and four code enforcement officers). He commented that they can pull staff from other areas, but they would have to be trained on the RA/CRA Zoning Overlay. He added that if they were to go street to street, property to property, house to house along the RA/CRA corridors they would need more resources and/or would pull officers from various other areas and have 10-20 officers out there for a few days to ride the corridor.

Advisory Board Member Matchett commented that the area needs it and if blight was the finding that drove the RA/CRA's establishment then we need to keep the pressure on the property owners. He asked if Code Enforcement needed more dollars or staff and if the funding for that could come from the RA/CRA budget?

Mr. Mosier replied that they are as well staffed as they have been in the last several years. He believes they have the staff to focus on the RA/CRA area and make a difference adding that if there is money to be given and extra personnel, they would not turn it down.

Advisory Board Member Matchett asked Mr. Wendland if it would be feasible to fund a position or would they need to hire an outside consultant(s)?

Mr. Wendland replied that it would not have to be an outside consultant adding that the Advisory Board would have to make a recommendation to the Agency Board for approval. He commented that he was not sure that a full-time position for the RA/CRA area was needed and suggested maybe funding half a position. He commented that when you donate money to fund half a position, the general fund would pick up the other half of the position or cut a half a position away from other areas. Mr. Wendland commented that it can be a challenge hiring someone and training them to work for six months; however, if the Advisory Board and ultimately the Agency Board want to allocate funding towards this purpose then Bryan and Kirk can discuss with the Administration and come up with a plan to try and do that.

Chair Tuohy asked if there was a relatively easy way to figure out what that it may cost to fund half a position or a full time person for a year and asked Bryan and Mike to speak up if they thought it would be an additive and of value.

Mr. Mosier requested to give his staff time to do some focus initiative in the area. He added that the Overlay was rolled out last year and then there were modifications made that rolled out in February and then we had COVID-19 and there was staff at home for a few months until things opened back up. He commented that in the last couple of months since they reopened they have been able to clear up a lot of back log adding that he thinks now they are primed and can handle a lot of initiatives in the RA/CRA area going street by street, lot by lot and make an impact. Mr. Mosier commented that education will need to be part of the process because even though the Overlay was advertised and publicized there are going to be people asking what is a CRA and what that means to them along with warning citations. He suggested seeing what kind of impact they can make with their current staffing levels and if they find they need more help they will let Mr. Wendland know.

#### **MANDATORY COMPLIANCE GRANT PROGRAM (MCGP) UPDATE**

Mr. Brian Wheeler thought it would be helpful to look at some of the Overlay standards that are being applied to various projects with the exception of the old BP Gas Station that have gone to the RADR Committee to start the formal review process.

**American Plumbing located at 5800 block of Arlington Road:** A good example of a consolidation of multiple parcels that have now come under single ownership. Showed what it currently looks like from the street. Part of the applicant's goals are to improve and repurpose the structures themselves that are adjacent and attached but there is topographic difference between the two. In order to comply with the Code to remove what is now complete vehicular use area and drop curve around the perimeter. Basically, balance that with additional loading, employee parking

and customer parking in the rear of the property and address existing trees, some drainage, handicap parking and connections to the sidewalk, all part of a consolidated plan.

**Hair Formations located at 7435 Merrill Road:** It was a residence that was converted to a commercial use salon in 2007. This property will involve removing drop curbs and some of the paved areas that are in the right-of-way, so there will need to be a right-of-way construction permit and some maintenance of traffic that is included as part of the compliance. There are also some internal adjustments for grading that need to occur. The finished floors are at different elevations, which is why there are two separate handicap locations. The fencing would comply to Code and provide a separation of the loading areas and the storage yard from the visible street portions of the property.

The applicable information has been prepared and submitted to the RADR Committee. We ran into a few review issues with the past PUD and some waivers or adjustments to the PUD that were approved and whether or not the site had actually been improved in accordance with the earlier PUD. The property also creates some challenges in terms of application of the CRA in areas where the PUD may have granted other rights or adjustments in terms of the site plan. In this type of application there is a little bit of an adjustment that needs to be made in terms of the full set back distance and some other things in the CRA in order to allow the PUD to move forward.

Example of a sign that would be in the mid-century modern style that could replace the existing sign and would meet the size requirements in the Overlay District and location on the site that would meet all of the other site code requirements. There is also some fencing that would be improved/added and chain link fencing would have to be removed. We have also determined that we are going to extend fencing along the eastern property line because the actual use on the site is residential. The RADR Committee concluded that the incompatible use fencing should extend down towards the street.

**Tires R Us property located at 6206 Merrill Avenue:** The property was purchased as part of a large corporate acquisition that has a lot of things that do not really meet the Overlay Codes. They are going through an analysis of whether to convert it to commercial or put money into fixing up the building and bringing the property into compliance or to keep their automotive service tenant. This is an example of some of the site storage and other things that would not work going forward but none the less there currently. This particular site is eligible for grant or façade so this is a bit of a study to show that they can very simply change the character of the building. We are also showing the addition of service doors that would not face the street as part of the modifications to the building. If you look overall you can see the application of some of the shrub areas, vehicle use, perimeter landscaping and fencing so that all of the allowable outdoor storage of tires or other items related to the automotive service use is allowed under the Code could occur in designated locations instead of trying to fence the entire site.

These are just some views that were done from different angles to show the application of the Codes on this particular site and a rear service lane that could be used for the automotive with a fence closure or connect in through adjoining property in the future. Also, a reduction of all the dropped curbs on this property as well.

**Town and Country Shopping Center:** The site was already under some level of design and engineering. Mr. Wheeler has been reviewing it and providing comments. There has been a lot of different site plan adjustments and proposals that are still somewhat ongoing that are adjusting how the final application of the Code might apply. This is an example of their proposed signage. Based on the scale of this property the larger size monument signs would be allowed. This is just an example of a study showing where trees would be required to be planted and internal vehicular use island so that we can begin to get a feel for the square footage of landscape areas and making sure we meet the Code.

Councilwoman Morgan asked if Mr. Wheeler had anything to do with the sign at JU's Health Science Center. She suggested that Mr. Wheeler look at the sign adding that it almost looks like the sign he was talking about for the hair salon, Hair Formations. Chair Touhy commented that he was assured the subject sign was designed within the Overlay standards for height, etc.

Advisory Board Member Matchett asked if Mr. Wheeler was doing the renderings, sketches and elevations or if the client was bringing them to him.

Mr. Wheeler replied that he was doing them and creating the conceptual plans so that the RADR Committee can make sure that what we are proposing is working across the spectrum of the departments and in some cases make the decision of whether a full 10-set needs to come in for review or not and making sure we are picking up the fact that they may need a maintenance of traffic plan or city permit in order to make those estimates. There is no charge to the client. Later on as part of the reimbursement, if there are additional soft cost associated with some of the permitting some of that is part of the reimbursement program.

Mr. Wendland commented that the idea as we talked about was to bring someone in who would be able to provide some uniformity and would understand the standard that we were looking for without advertising it was free money. The results have not hit the ground yet, but we are excited about some of the preliminary work that is being done and looking forward to actually seeing it on the ground.

Mr. Matchett commented that from what sees already he is impressed and thinks the Advisory Board is getting their money's worth of investment.

Mr. Wheeler commented that some of the smaller property owners are able to make decisions quicker and commit to what they want to do and understand the program, which is different



from the big corporately owned stores or franchises that cannot make a decision to update a sign because they have specific national standards for their logo, etc.

Mr. Wheeler suggested that in the future, we may want to do a mailer out that could target some of the bigger commercially owned entities and see if we can't get them in the program just to address signage as an early effort because we know that is going to take a long time and we are likely to get inundated with applications in year four of the MCGP.

Mr. Wendland commented that they have done some advertisement in the area. Once some of these projects start showing up and people see the work that is going on that is going to be a great advertisement and we will be busy with applications.

Advisory Board Member Selim asked about the process moving forward.

Mr. Wheeler responded that the process is to get the application(s) in the door, develop the custom plans for the applicant's property, review before the RADR Committee and then after that the applicant will get a couple of construction bids for the individual applications (one each for fencing, signage and landscape). Those applications would require approval and result in a Development Agreement for the grant. Once the improvements are completed and inspected, there would be a reimbursement based upon the amount.

Mr. Wendland commented that plan is to have the administrative authority to approve the agreements. The rules say that anything above \$100,000 has to go to the Agency Board. We plan to report to the Advisory Board each month with an update on the projects, costs, etc.

#### **IV. NEW BUSINESS**

No new business was discussed.

#### **V. OLD BUSINESS**

Chair Tuohy commented that he drove by the JTA project in front of JU. JEA has moved some power poles and they have installed the first of their cross walks by the north entrance of JU.

Councilwoman Morgan commented that they have found a way to celebrate Arlington in a safe manner and reminded everyone about the Celebrate Arlington event taking place September 25, 26 and 27, 2020. There will be a virtual/in-person 5k, a community forum and a virtual drive by picnic at Impact Church. Chet will send the information to the Advisory Board members who are free to share with others as well.

Councilwoman Morgan advised regarding the property located on George Road. She was able to write some conditions into the legislation even though it was “by right”. She wrote legislation about safety, fencing, more landscaping and saving trees. Anything she could do to make sure there was a better product in that area.

#### **VI. PUBLIC COMMENTS**

There were no public comments.

#### **VII. ADJOURNMENT**

There being no further business, Chair M. Tuohy adjourned the RA/CRA Advisory Board Meeting at approximately 4:48 p.m.

The next regularly scheduled meeting is Wednesday, October 14, 2020 at 3:30 p.m.

The written minutes for this meeting are only an overview of what was discussed. For verbatim comments of this meeting, an audio file of the meeting is available in its entirety and is available upon request. Please contact Karen Nasrallah at (904) 255-5449, or by email at [karenn@coj.net](mailto:karenn@coj.net).