



**ARLINGTON COUNTY, VIRGINIA**

**ARLINGTON COUNTY PLANNING COMMISSION**

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CLERK

December 9, 2014

Arlington County Board  
2100 Clarendon Boulevard  
Suite 300  
Arlington, Virginia 22201

**SUBJECT:**

**1. SP #2, 400 Army Navy Drive**

- A. Consideration of adoption of an Amendment to the Arlington County Comprehensive Plan's Master Transportation Plan Map to add a portion of 11th Street South located within the block defined by Army Navy Drive, 11th Street South and South Eads Street.
- B. Z-2577-14-1 REZONING from "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling District to "C-O-Crystal City" Commercial Office Building, Retail, Hotel and Multiple-Family Dwelling District, located at 400 Army Navy Drive (RPC# 35-002-001).
- C. SP #2 SITE PLAN AMENDMENT for Arlington Apartments L/CAL LLC for a final site plan amendment to permit the construction of an approximately 491,936 square foot building consisting of 453 multiple-family residential units with modifications of zoning ordinance requirements to include: parking, and other modifications as necessary to achieve the proposed development plan; located at 400 Army Navy Drive (RPC# 35-002-001).

**RECOMMENDATIONS:**

- 1. Adopt the attached resolution to approve an amendment to the Master Transportation Plan as outlined in staff report dated November 19, 2014.
- 2. Adopt the attached resolution to approve the rezoning request as outlined in the staff report dated November 19, 2014.

**P.C. #33.A.B.C.**

3. Adopt the attached ordinance to approve an amendment to Site Plan #2 as outlined in the staff report dated November 19, 2014 with the following amendments:
  - a. Direct staff to review and provide guidance for when building facades may or may not project or cantilever over the streetscape both in the Crystal City Sector Plan and in other planning documents for other districts and include a legal analysis advising the Board of the precedential nature of approval of this application as part of the staff report.
  - b. Clarify that the rooftop space labelled “lobby” is an access point and not occupiable space.
  - c. Direct staff to review Conditions 44(B)(4) and 44(B)(5) regarding the marketing of CAF units and the marketing of CAF accessible units with respect to the period of time that they are marketed to the target community.
  - d. Include a site plan condition which requires power door access on all lobby entrances with the appropriate pound of pull pressure on doors where power doors are not used and other accessibility measures used in our typical site plan conditions. Further, adjust the south lobby entrance to be accessible.
4. Approve no additional site plans within the area of the Crystal City Sector Plan until and unless the community benefits inventory has been developed, vetted with stakeholders of the Sector Plan including LRPC and Planning Commission and accepted by the County Board.

Dear County Board Members:

The Planning Commission heard these items at its December 1, 2014 public hearing. Aaron Shriber, Department of Community Planning, Housing, and Development (CPHD) provided background information on the proposed project highlighting specifically the street network and reinstatement of a portion of 11<sup>th</sup> Street, proposed streetscape and building architecture, proposed parking modifications, density, and proposed community benefits. He noted there were five Site Plan Review Committee (SPRC) meetings for this project prior to the Planning Commission hearing. In addition, the Transportation Commission reviewed the project on November 24, and the Housing Commission is scheduled to hear the project on December 4. Other staff present included Bob Duffy, Director, CPHD, and Joanne Gabor, Department of Environmental Services (DES), Transportation.

Evan Pritchard, Walsh, Colucci, Lubeley, Emrich, & Walsh, representing the client, Arlington Apartments L/CAL LLC introduced Harner Thompson, LCOR, who presented background on their

company and highlighted the benefits of the project including redevelopment of a vacant office building and its contribution to the growing vitality of Crystal City. Dennis Connors, SK&I Architectural Design Group presented an overview of the context, site design and building architecture, transportation, and community benefits for the proposed project.

### **Public Speakers**

Judy Freshman, Crystal City resident and SPRC member spoke in support of the project design. She stated some residents would like to see condominiums offered in one of the towers, but there is overall support for the project. She added that an inventory of community benefits has been on hold for the past 18 months, but needs to be brought forward since under the Crystal City plan there are projects moving forward with no guidelines for developer contributions to the community as a whole. She asked the Planning Commission to recommend that staff work with Crystal City residents to complete the inventory as soon as possible. Finally, during the SPRC process there was a lengthy discussion about the Teardrop parcel and its use as a streetcar facility. With the elimination of the streetcar program, the residents urge the County to clean up the site and provide a small park which would be the first county owned open space in the Crystal City area.

Barbara Selfridge, Crystal City resident and SPRC member spoke on the Teardrop parcel. She pointed out the parcel was one of two in Crystal City planned for streetcar maintenance. The 22202 area is already home to two large industrial facilities: the water treatment plant and the ART bus facility, and they are pleased the Teardrop parcel will no longer house a streetcar facility. For the future use of the site, she suggested the County take into account that the vast majority of land in Crystal City is privately owned, and Crystal City has no civic facilities to serve as a central gathering place for residents such as a school, library, or community center. As Crystal City redevelops, she expressed hope that the County would work to ensure Crystal City continues to be a place with many green spaces and becomes a place with lively civic activity.

Christer Ahl, Crystal City Civic Association (CCCA), expressed support for the project but concern regarding the larger procedural aspects and broader public realm. It is critical to see Crystal City and Pentagon City more fully linked together with these buildings joining the Met Park projects as key components along or near 12<sup>th</sup> Street, especially in light of the timing of the Pen Place development and the future of transit on 12<sup>th</sup> Street. They are pleased to see the applicant put forward a high quality project, and are generally appreciative of County staff adhering to specific requirements of the Crystal City Sector Plan such as tower separation, but they hope issues can be brought up early in the process instead of last minute alterations especially if they result in chain reactions that impact the public realm. Despite these issues, they have no objections. The interface with the Teardrop parcel was a frustrating part of process and he urged the Planning Commission and County to lend support to new concept for the parcel. Although density and height limits would eliminate schools or affordable housing, there is the opportunity for a multi-purpose facility incorporating recreational, community, and educational space with a satellite County office and a good portion of open space. The Pen Place community space is viewed as too modest and too far in the future. There are additional concerns for the broader realm along 12<sup>th</sup> Street in light of the streetcar decision, since it is a linchpin in the development of the corridor. Finally, the community is frustrated with the delay of the community benefits inventory since they are without the instrument that would ensure necessary progress is being made to achieve the Sector Plan. The CCCA will not support future

proposals without this inventory and hopes the Planning Commission will join CCCA in urging the County Board to require staff to finish the inventory.

### **Planning Commission Committee Reports**

Commissioner Malis reported there were five SPRC meetings. A significant amount of time was spent understanding the context of the site as related to the Teardrop parcel and the proposed use as a streetcar barn. With cancellation of the streetcar program, the future use of the site is unknown. During the SPRC process, the first issue resolved was the orientation of the entrances, and once resolved, other issues fell into place. The applicant made changes to the architecture in response to comments. The Sector Plan called for a “significant design feature”, and now that the Teardrop parcel will not be a streetcar barn, a question to consider is whether the project as conceived now fulfills the “significant design feature” requirement. The treatment of the Old Eads building entrance and the pedestrian priority street received a lot of attention due to the streetcar barn interaction, and without a known building there, there may be some questions about whether the design is transmutable to something else. It seems like the design was built on a worst case scenario for a light industrial facility and a lighter use might be compatible. The activity at the site and the functioning of Old Eads was also subject to discussion. Finally, the site plan results in a significant increase in density and staff has outlined how the bonus density is calculated. The only outstanding issues were streetscape and the width of Army Navy Drive which have since been worked out.

Commissioner Gutshall reported the Transportation Commission recommended approval without significant conversation or amendments. The proposal from the Civic Association to reverse the flow of the private drive was not part of the discussion.

### **Planning Commission Discussion**

#### **Land Use/Zoning/Context (adjacent to County property)**

Commissioner Malis asked to review the density calculations and to verify this is the same calculation used on other projects. It would help to understand if the rezoning is actually conferring a significant amount of additional density compared to the existing zoning under site plan. Mr. Shriber responded the C-O-Crystal City zoning district is reserved only for properties in the Crystal City redevelopment district per the General Land Use plan (GLUP). In order to redevelop in accordance with the Sector Plan recommendations, the site needs to rezone to that district. Both the Crystal City Sector Plan and C-O-Crystal City zoning district are form based with no density cap. The limiting factors prescribe building form such as height and tower separation, which is why it is important for each block to have a base density, which allows establishment of a starting point before discussing going higher. Base density does not set a limit on the development. In this case, the site is eligible for the C-O-Crystal City zoning district due to its location. This proposal is not the maximum density allowed on the site and the applicant has taken a two tower approach which helped to define the mass of the building in a more contextual manner instead of a large block building. Setbacks and tower separation further carved the building up. After applying 4.8 base density factor, staff looks at the delta between what is being proposed and the base, which is the source of the 83,000 square feet.

Commissioner Malis asked if there is a way to know the delta between what they could have built under the current zoning rather than the C-O-Crystal City zoning district. Mr. Shriber responded it would be less. The overall density is 6.38 FAR and the site is currently zoned C-O. In a residential project they could have done 4.8 FAR plus some possible bonus density, but it would not have been

the same density available to them by following Sector Plan guidance. Commissioner Malis responded that is a pertinent delta related to the question of whether a rezoning is earned in the way we think about site plans to the extent this is a site plan in terms of mitigation to the increased density being requested.

Commissioner Cole responded that consistent with the GLUP, the applicant can seek rezoning to C-O-Crystal City, but in order to achieve full benefits of C-O-Crystal City zoning district there is an expectation above the base density that there will be extraordinary community benefits as mitigation for that extra density. The applicant does not have to earn rezoning because rezoning is allowed under the GLUP to any zoning that is consistent with the GLUP. This is not a density based zone, and is only translated to density to calculate community benefits. The zoning ordinance does not establish a density for this zone.

Mr. Shriber said there is no density cap but the density is earned in order to mitigate the impacts of density on the community and to address the form of the building by designing a building that meets the community's desires. Applicants will not rezone to the C-O-Crystal City district without a site plan because there is virtually no density in the by-right C-O Crystal City district.

Commissioner Cole asked if a proposal that is in conformance with the Crystal City Sector Plan Guidelines is also in conformance with the Zoning Ordinance. Mr. Shriber responded there are elements of the Crystal City Sector Plan that are codified in the C-O-Crystal City zoning district such as tower separation, building height, tower coverage, base density, and use mix. Commissioner Cole asked if applicants have to be consistent with Sector Plan guidelines outside of the codified requirements. Mr. Shriber responded yes there are Sector Plan guidelines that are not codified and each proposal is reviewed for whether or not it meets the guidelines and the reasons behind those decisions.

Commissioner Gutshall asked about the relationship between the pre- and post- dedication area, the easement, and how it relates to the calculation of density.

Mr. Shriber responded there are two elements related to the calculation. Due to the subdivision with a site plan that occurred in the 1960's, the applicant currently owns half of Army Navy Drive. The applicant has agreed to dedicate this portion of the site to the County. The other element is that Old South Eads Street on the west side of property is a Byrd Act road and was subdivided prior to the Byrd Act. Currently the street exists in easement. The County would vacate interest in the easement, and technically upon vacation, the street is split and adjacent property owners receive the land. In this case, there will be a subsequent dedication of their portion of the street to the County for public purposes with reservations for sidewalks, utilities, and other easement uses. The applicant is eligible for a one-time density credit. The site area is calculated for density purposes on the larger pre-dedication area, and the conditions are written so the applicant cannot move forward until dedication occurs.

### **Building Height/Massing**

Commissioner Gutshall thanked the applicant for increasing the streetscape width on Army Navy Drive and asked for details on the changes that were made to accommodate the full streetscape

width. Mr. Connors responded the shy zone was increased to seven feet by taking space out of the south tower, the shy zone on 11<sup>th</sup> Street, and pulling back the red brick on Army Navy Drive. Commissioner Gutshall asked if the shy zone on 11<sup>th</sup> Street was decreased. Mr. Shriber responded it is not taking more out of the shy zone and explained that on Army Navy Drive there is 18 feet from back of curb to face of building, and on 11<sup>th</sup> Street South, it is 12 feet 10 inches from back of curb to face of building. Commissioner Gutshall stated that a month ago the podium was larger and in certain spots on Army Navy Drive encroached into the shy zone. That encroachment is now gone and achieved by shrinking the podium and asked what the distance of the offset from the front wall of the first floor podium is now. Mr. Connors responded the tower itself was brought back so the base of the building and the offset was three feet, but is now eight inches.

Commissioner Malis asked for clarification on the ground plane changes. Mr. Connors responded that at the fifth SPRC meeting, the base of the building on the north side was encroaching into the shy zone. The solution was to move the base back but also to accommodate the reading of the base, the tower had to pull back and in order to maintain the separation, the south tower had to be moved and reduced slightly. The base got smaller and does not push onto the shy zone on 11<sup>th</sup> Street.

Commissioner Cole clarified that originally there was a two foot eight inch encroachment and the applicant moved it back two feet eight inches. There was originally a three foot step back and in order to get eight inches, the tower was moved four inches. When the tower was moved back four inches, the south tower had to be moved back four inches to maintain the separation. Mr. Connors agreed and stated they took out interior space.

Commissioner Gutshall asked to see the west elevation, stated the balconies from the tower above appear to cantilever over the sidewalk, and asked if that was always a condition or a result of bringing the podium back. Mr. Connors responded the balconies were always cantilevered.

Commissioner Gutshall brought this to the attention of the Planning Commission and asked staff if there was concern about cantilevering over the sidewalk. Mr. Shriber responded it is not a concern because the projection occurs over the shy zone portion of the site. Staff's concern at SPRC was trying to get the base to have a greater definition. In response to SPRC comments, the applicant has given it a full 18 feet. There is still a definable base, just not in this large element that was shown in the last SPRC meeting

Commissioner Gutshall asked about the parameters for when an applicant can cantilever over the public realm. Mr. Shriber responded it depends on whether the land is owned in fee or an easement. For example, in some cases where there is a cantilevered element, if it is somewhat of a projection, it is possible to grant an easement back to that plane where it comes down on the sidewalk. It is a different discussion when the land is owned in fee or if it is right-of-way (ROW) since you cannot project into ROW. Commissioner Gutshall asked what happens if the land is owned in fee and the applicant wants to project further. Mr. Shriber responded it would be a form concern in terms of how it is addressing some of the elements of the design guidelines, but it is not a concern in terms of projecting over someone else's land.

Commissioner Gutshall stated that it is important to understand who owns the land and he is trying to ascertain what kind of guidance staff has been giving to applicants about the expectations for when to cantilever over the sidewalk.

Commissioner Harner said he shares the same concern and recalls that the Crystal City guidelines asked for a setback to define the tower from the base. He stated that it is important to be careful about how the base and this setback is defined because the rules can easily become meaningless. This proposal is a handsome design and has merit but in terms of what a rule means in a design guideline, he shares Commissioner Gutshall's concern. Nothing in the design guidelines point in the direction of having a projection, but rather a setback in a more classical form. The idea of a projection could become the standard unless it is clarified when that can occur and why it meets the intent of the design guidelines. Mr. Shriber responded the Crystal City guidelines are recommendations and not prescriptive. Step backs are an element and there are specific recommendations regarding setbacks above the base but there is not a set distance. The setbacks are one way to achieve building definition. Other elements are articulation of the building's mass by way of materials and colors or changes in elevation. Staff is looking at the combination of those elements to break up the mass rather than having classical multiple setback approach. The guidelines are not as prescriptive as to state specific setbacks. Commissioner Harner responded the guidelines are a compact with the community and it is important to be careful with the application and how the base is defined. Mr. Shriber responded the staff report does provide a justification for deviation from the guidelines.

Commissioner Cole asked for clarification regarding the lobby on the roof of the north building, specifically whether it has a ceiling and walls, and whether it was usable space above 200 feet. Mr. Shriber replied yes. Commissioner Cole stated that the zoning ordinance prohibits the Board from modifying that requirement. Mr. Shriber responded the Board does and has modified that requirement. Commissioner Cole stated that it is limited to very specific cases and wanted to understand the staff's interpretation of the circumstances in this case that allows the Board to waive that requirement. He read the specific zoning ordinance requirement, "for sites comprising buildings existing with heights greater than the specified on the Map, the County Board may approve a building height greater than what is specified on the Map", which does not apply in this case. The only other exception says, "where dimensions of height zones are shown on the Maps such as may be modified by site plan approval when the County Board finds that the need for such modification is generated by site specific circumstances." There are a limited number of sites where this would come into play, and this site is not one of them.

Mr. Shriber responded in this case they are not seeking the main roof be raised. This is an occupiable portion of just the penthouse structure itself and the penthouse is limited to service related functions in most districts. In terms of allowable uses within the penthouse space, the Board has allowed those in the past and has the ability to make that modification.

Commissioner Cole pointed out this discussion happened with 1720 South Eads where there was occupiable space on the roof in the form of a swimming pool and lifeguard room, and the applicant changed the nature of the roof design and actually lowered the building in order to compensate, and asked what is the difference in this case and if we are telling the community that in every place in Crystal City the roof can be used with Board modification?

Mr. Shriber stated that is not the case. One of the things staff is looking at in this case is a way to define the mechanical space. Commissioner Cole responded the lobbies are to serve a set of private spaces. Mr. Shriber responded it is a way to access the usable space on the roof to activate it and provide access. Commissioner Cole asked if staff is now taking a position that it is acceptable for applicants to seek a waiver of the standard, and they do not seem to be seeking a modification. Mr. Shriber said staff will take a look at it, but emphasized staff is not saying this is acceptable for any site. This is an access point and different than a lifeguard room or storage.

Mr. Pritchard responded that the label “lobby” is misleading. It is not intended to be an enclosed function space or area to be used by the occupants, but just a means to get from the elevators to the terrace area. The programmable space is intended to be the exterior terrace areas. The lobby does not need to have a roof and designating it as lobby suggested it to be a functional space but that is not the intent.

Commissioner Cole asked if there will be any covenants on deeds or leases for the residents who have access to those terraces in terms of what they can construct on them, for example if they wanted to construct a platform in order to get a better view of the Washington Monument.

Mr. Thompson responded their intention is that the access area would be for residents that would want access the terrace area only. The south tower has a club room on the 20<sup>th</sup> floor that has access up to the roof deck which is intended to allow access for residents who might be on the lower floors but would like to see a vista of the greater Washington area.

Mr. Connors responded the label “lobby” was to show that any occupiable roof terrace is accessible for someone in a wheelchair because if there is a common viewing platform, it needs to be accessible with two means of egress. In terms of access for the north tower, the intent was to provide a limited viewing platform with no amenities, which is meant to help mitigate the difference between condominium units with and without terraces so residents buying into the condo could feel they have a unique piece of ownership. The south tower is the larger building-wide amenity space. The applicant knew about the occupiable concern at 1720 South Eads, and in response put the club room on the 20<sup>th</sup> floor and not the roof, but it still needs elevator access to allow residents to safely get to the roof deck.

### **Transportation/Parking/Loading/MTP Amendment**

Commissioner Cole began the transportation discussion by asking staff to summarize an e-mail from Arthur Fox, Arlington Ridge Civic Association (ARCA) SPRC representative, regarding streetscape. Mr. Shriber responded the letter pertains to Old South Eads Street and the circulation pattern around the building. The building was designed to capitalize on the existing alley configuration on the east side of the building which provides service functions for both the existing 400 Army Navy Drive building and the Doubletree hotel. The loading and the parking garage access is taken from this portion of the site and is accessed by a curb cut on Army Navy Drive so vehicles travelling east on Army Navy Drive can make a right turn. Eleventh Street is being preserved in order to provide access to buildings on the south side of 11<sup>th</sup> Street, and allows two-way traffic and direct access out to South Eads Street. The Old Eads portion of the site is being vacated and dedicated. Although

initially the proposal was to preserve Old Eads in its current configuration and allow traffic in a two way pattern, staff thought it was more appropriate to redesign that area to eliminate Old Eads as the Sector Plan envisions and also to treat it in a different manner.

With the applicant's desire to maintain the lobby space on west side of building and knowing that the main pedestrian movements would come out of that lobby and head primarily south to 12<sup>th</sup> Street, staff thought this pedestrian priority configuration would enliven the area. Restricting vehicular access in a northbound movement only but still allowing emergency vehicle access would be appropriate and the use of alternative paving treatments and landscaping would soften the area.

The ARCA letter concern is that the northbound movement only on the west side of the building is problematic because it has the potential to cause conflicting movements as well as forces traffic to go around the block in a circuitous manner. Staff believes the northbound movement on Old Eads is the best approach because the only vehicle access expected would be minimal as short term drop-off movements. A small lay-by allows up to two vehicles that can accommodate drop-offs. The reason the lay-by was important to the applicant is that the existing parking on Army Navy Drive is going away and there will be a protected cycle track which will prevent short term drop-offs on Army Navy Drive. If a vehicle were traveling north on South Eads, it could turn right onto 11<sup>th</sup> Street, it could turn left onto Old Eads and move through the area, drop-off, and then continue up to Army Navy Drive where it could turn right and then get out to Crystal City. If it needed to come back around to Old Eads, it wouldn't need to go all the way around Army Navy Drive down to 12<sup>th</sup> Street. The vehicle would take a right onto the alley, circulate around the building and come back out to 11<sup>th</sup> Street. From 11<sup>th</sup> Street the vehicle would come back out to South Eads where there would be options to turn left or right. The intersection at South Eads and Army Navy Drive is signalized. By having northbound circulation, it promotes the circulation and right turn movements and allows for access back out to Army Navy Drive. If it was reversed, then the lay-by use would be complicated because the lay-by is actually on the east side of that drive. If a vehicle is coming south it would complicate any movements by queuing or having pedestrians come across that area.

The primary reason staff does not share the same view as ARCA is that staff does not expect it to be a heavily used movement. It would be a much different scenario if this were the garage entrances. This is why the two-way traffic pattern on the alley on the east side is valuable because vehicles can come and go from Army Navy Drive and 11<sup>th</sup> Street.

Commissioner Forinash asked if the clear width on the private drive is 20 feet and if there was a strong argument for not letting it be two-way slow speed traffic. Mr. Shriber responded the travel way is 20 feet for emergency vehicle access, and by promoting two-way traffic, you are promoting more use of the street and asking for vehicles to come in by making a right turn from Army Navy Drive where there are potential conflicts between pedestrians and bicyclists and vehicles. Commissioner Forinash responded that staff argued pretty persuasively there would be low demand to move north on this section and it does not seem there would be much more for the south. Two way operation would satisfy all needs.

Mr. Shriber said with installation of the cycle track, it would be important to limit conflicts as much as possible. Promoting the north bound only direction means the only vehicular movement is right out. With two way traffic, it would be right in and right out.

Commissioner Forinash asked if there was an engineering reason that restricts the left turn onto Army Navy Drive. Joanne Gabor, DES, responded there is not currently a median to restrict left turns due to closeness to the intersection with South Eads Street, and it is a difficult movement to make. With the cycle track, there will be a median that will block left turns. Commissioner Forinash asked if there is traffic that warrants two lanes eastbound in this section. Ms. Gabor responded the Army Navy Drive Complete Streets project is in preliminary design and will be evaluating opportunities to rebalance the travel way by reducing lanes or increasing median width.

Commissioner Malis asked if this was southbound, and if no left turns for westbound traffic were permitted, would there be reduced vehicular circulation that the ARCA letter was worried about, for example, how would westbound traffic access the site if Old Eads was southbound only. Ms. Gabor responded that a vehicle would have to go around 12<sup>th</sup> Street. Commissioner Malis commented that making it southbound complicates the site unless you allowed left turns across the cycle track. Ms. Gabor said that would not be allowed and it is likely there will be signage not allowing left turns due to proximity to intersection with South Eads and Army Navy Drive. Commissioner Malis suggested it was important to think through circulation before making a recommendation for southbound traffic on Old Eads.

Commissioner Gutshall asked for clarification about two-way circulation. Mr. Shriber responded that by trying to give pedestrian and bicycle usage greater priority, greater usage of the area is being invited. Staff is trying to downplay the vehicular usage. Commissioner Gutshall asked for examples of people using it as a shortcut. Mr. Shriber responded it could be access to the Doubletree hotel or the Verizon site.

Commissioner Forinash asked for a walk-through of the site and clarified that at the northeast corner there are stoops that are street level entrances. Mr. Connors replied yes. Commissioner Forinash continued by asking if the two story units on Old Eads Street have street entrances. Mr. Connors said the dwellings on Army Navy Drive are two story but those on Old Eads are one story with about five recessed entrances on this area wrapping around the corner and to the 11<sup>th</sup> Street frontage. Commissioner Forinash stated that it is a great way to activate the streets.

Commissioner Forinash asked how a bike coming into and parking in the garage would enter the building. Mr. Connors responded the biker would go through the south lobby and access the elevator core or through the north lobby from inside the garage. There are some small ramps that will get into elevator areas and there will be direct access into main lobby. The goal for the ground floor and parking is to provide as many accessible spaces as possible. There will be some opportunities to come into main lobby through a vestibule, or they could rely just on the south tower.

Commissioner Forinash asked if people parking underneath the north tower might have to travel to the south elevator bank and then travel back to the north tower. Mr. Connor acknowledged it is an issue that needs to be worked out.

Commissioner Forinash asked how the bike storage is accessed. Mr. Connors replied that it is limited on the first level with most bike storage on the second floor near the amenity space that is accessed directly from elevators.

Commissioner Cole asked for more clarification on the lower level bike storage since the majority of bike storage is on second level above grade. Commissioner Forinash also asked if on the ground level, someone coming to park bike in this level would go between the two handicap spaces and into the bike storage area and access building by walking through the garage.

Mr. Thompson responded they are focused on high quality and easily accessible bike storage and they would like to have direct access into lobby area. They would also like to have a glassed bike maintenance area so it is accessible to lobby area, which is all still in development.

Mr. Connors responded that from a design perspective, the goal was to provide as many bike spaces above grade as possible and provide as many accessible spaces above grade as well. They all could not fit, and some are in other areas but for most part bikes are on the second floor near the amenity space and most accessible parking is on the first level. For someone who has gone up the ramp to get into this bike storage area, they would take the bike up the elevator. Commissioner Forinash asked how the biker would into the garage. Mr. Connor pointed out several access points that have proper clearances and substantial amount of horizontal and vertical spaces.

Commissioner Cole asked if there is one bike storage space for every three units for this project and if there is a County standard. Staff responded it is one space per 2.5 units which is the County standard.

Commissioner Sockwell asked if the cycle track is intended for residents or whether it is linked to the greater biking network. Ms. Gabor responded the cycle track runs along Army Navy Drive from Joyce Street to 12<sup>th</sup> Street, it is a County project, and is intended to be used by residents or other cycle traffic. Commissioner Sockwell stated that in terms of urban design, cycle tracks are a good thing, but if we are interested in connecting these remote locations, something else might be better. Mr. Gabor responded the goal is providing connectivity for the cyclists throughout Crystal City. Commissioner Sockwell asked how cyclists would come up from the new trail along Potomac Yards or Mount Vernon trails. Mr. Thompson responded that on Old South Eads there is not a cycle track but there is a dedicated bike lane, and there are bike lanes on 15<sup>th</sup> Street that would allow access to Mt. Vernon trail. The overall intent is to connect to the larger network.

Commissioner Cole asked about the connection with 12<sup>th</sup> Street, where bicyclists go when they hit Joyce Street, and suggested to staff that in the future it would be a good idea for a more enhanced graphic for bicycle connectivity in the larger context. Ms. Gabor responded the western portion will be from Joyce Street and Army Navy Drive and continue in an easterly direction along Army Navy Drive, wrap around the Doubletree hotel and then terminate at 12<sup>th</sup> Street and Army Navy Drive adjacent to the Lenox building. Commissioner Cole asked if the cycle track ends at Joyce Street, where are the bicyclists supposed to go when they hit Joyce Street.

Mr. Shriber responded that he is not sure of connectivity of all elements in the area, but this cycle track is an element of the Army Navy Drive Complete Street program as part of the Capital Improvement Plan (CIP). In terms of ultimate connectivity, it is intended to tie into the program of bike routes outlined in the Sector Plan and over time will connect to various other elements. Mr. Shriber added that the applicant is not building any portion of the cycle track, and it is possible the

development of this project would precede the completion of the cycle track which is why it is important to post no left turn movements out of the alley on the east side. It is completely a County project partnering with federal and state funds. This specific aspect is a 0.7 mile improvement of an overall 5.4 million dollar project. The applicant is giving 1 million dollars toward that project.

Commissioner Harner responded that it seems wherever there is an opportunity to put in a cycle track, they are put in and it is confusing about when they should be added.

### **Architecture/LEED**

Commissioner Malis asked for the LEED scorecard.

### **Community Benefits**

Commissioner Sockwell asked if evaluation of the Teardrop parcel has changed in response to the cancellation of the streetcar proposal. Mr. Shriber responded that staff is investigating whether something needs to change before the County Board hearing. It will be used for a public purpose, but exactly what purpose is undetermined.

Commissioner Gutshall asked about an update about the community benefits inventory process. Mr. Shriber responded it is an element that grew out of the Crystal City Sector Plan. The idea was to create an inventory to use as a checklist for a number of improvements called for in the Sector Plan. It is being worked on by staff in collaboration with Crystal City Citizen's Review Council (CCCRC) but has not been finalized. Staff will soon be reaching out to LRPC and CCCRC.

Commissioner Gutshall asked how consideration of the community's ideas for community benefits was weighed into the process in lieu of the inventory. Mr. Shriber responded that staff looked at adopted plans and specific elements for this site or nearby and discussed it at SPRC and solicited comments. The affordable housing is coming straight from Sector Plan guidance for a 20 percent bonus density provided by onsite affordable housing units. The open space contribution is from a significant goal of the Sector Plan for Center Park. The traffic signal contribution at Eads and Army Navy Drive is a known goal. The Teardrop parcel will be conveyed to the County and staff is looking at interim improvements. Finally, the Complete Streets Project is within the CIP. Commissioner Gutshall asked for clarification on the traffic signal, since for Clarendon projects with a 4.8 FAR contribution to a traffic signal is included which is not true in this case. Mr. Shriber responded traffic signal is off-site. Some are considered on-site but this one is a block away.

Commissioner Iacomini asked how much the draft inventory informed the choices for community benefits. Mr. Shriber responded the cue was taken from the Sector Plan specifically because the inventory is a draft. Commissioner Iacomini responded that the SPRC review process is an informal process and as informal or even more so than a draft document. The inventory is teasing out all of those community facilities or improvements and putting them into a document.

Mr. Shriber responded that the SPRC process is a formal process. The choices were based solely on adopted plans and SPRC comments was taken into account. Some recommendations were made that were not taken into account, and others were very important such as Center Park. Commissioner Iacomini asked what the Center Park money does in the immediate future. Mr. Shriber responded it will be held in an account to be used for that improvement. The way this is worded is as "open space

within Crystal City” because Center Park is a costly long term improvement. The idea is to pool money from a number of sources or as this condition will allow, improvement of other open space improvements in Crystal City. There are a number of open space improvements called for in the plan. Commissioners Iacomini asked if the fund bears interest. Mr. Shriber replied he would have to confer with the Budget Office. Commissioner Iacomini stated that if it just sits, the amount of money contributed today is not actually the amount that would be used in the future. The County would be losing money in some ways and it is good to hear that is for other open space as well because it could be used for the Teardrop parcel. It would be the only publicly owned open space. Mr. Shriber said the condition is not specific due to the concerns about timing and the County does not yet own the Teardrop parcel. Commissioner Iacomini stated that the County does not own the Teardrop parcel but at the same time is talking about improvements around the edge. Mr. Shriber responded that staff is reconsidering the wording and intended use regarding the Teardrop parcel based on the recent decision regarding the streetcar. The amount will be the same, but the wording may change.

Commissioner Harner followed up on Commissioner Iacomini’s comments by saying staff has a good sense of what projects need to happen and when, but on the public side, there is a struggle with understanding priorities for funds and timelines for when Center Park might materialize versus other projects, the relative costs of projects such as parks versus streetscape versus community facilities, and for public to have buy-in, the inventory should address not just a list of projects but some relative cost and feasibility index. There should be information to help the community build a sense of how and when these projects can be achieved. Perhaps instead of parking the money in the Center Park fund, the County should hire a consultant to complete the inventory. He stated that the opportunity costs are high in deciding whether to park the money for Center Park or use it for more immediate benefits. Mr. Shriber responded the comments have been incorporated into the inventory to some extent, but these are comments staff will find useful.

Commissioner Malis stated that it is easy to use funds for something in the short term rather than saving for a larger goal. If this is the mechanism we are using for Center Park, then we do need to reserve it. It would be good to understand the timeframe. With regard to the Teardrop, it is completely appropriate for the neighborhood to lobby for particular uses. It is also appropriate for County Commissions looking at the County-wide view to weigh that request. Typically Planning Commission is comparing site plans and community benefits to adopted plans. There is a tendency in SPRC to short circuit those plans by having an active community lobbying for a particular use in the SPRC process that may not be identified in one of those planning documents. The Public Land for Public Good process has spun off the desire to have a conversation about use of public lands and how uses are prioritized. Commissioner Malis is hesitant to short circuit that conversation by weighing in on a particular use for a specific site, but it does need a strategy. She was also concerned about using \$100,000 on the site because it is unclear what it buys. When something starts to look like open space, people think it is open space and when there is a conversation about putting a different use on it, there’s a sense of betrayal. It is important to communicate clearly the intent in order to not contribute to problems down the road.

Commissioner Malis referred to Conditions 44(b) and 45(b) regarding the marketing of the affordable housing units which says the applicant has 45 days to market affordable housing units before considering applications from the owner, developer, or property management company, and asked if this is a standard that is always used since 45 days does not seem to be a long time. It is a

community benefit valued at over 6 million dollars but it is not clear what the sequence is of the marketing or what happens if they are not accepted. Mr. Shriber responded that it probably is not hard to market those units but it is a condition used quite often and he will confer with Housing staff. Commissioner Malis asked if there are units in the County that revert to private use because of the inability to market them based on the site plan condition. Mr. Shriber said it is doubtful but he would have to consult with Housing division.

Commissioner Cole responded affordable housing developers have a significant mechanism in place to verify income and asked the applicant if they have a mechanism today to verify income of potential tenants of affordable units.

Mr. Thompson responded by referring to a Montgomery County example where they pre-leased 100 percent of the affordable units, and that the process is usually dictated by the Housing Department. Mr. Shriber referred to a condition referring to income requirements. Commissioner Cole suggested to staff that for future site plans where affordable units are involved, Housing Division staff should attend the Planning Commission hearing.

Commissioner Malis asked the applicant if it matters whether or not the time period is longer than 45 days. Mr. Thompson responded that 45 seems like enough, but he would need to understand more and is sure the Housing Department has strict guidelines for how to market them, typically through a system put in place which is highly regulated. The number is likely there because no one wants a unit to remain empty. Commissioner Malis asked if this condition is negotiated. Mr. Shriber responded there is no negotiation and these are standard conditions.

Commissioner Ciotti stated that 60 days is not enough for accessible units. These units are priceless for people who need them and this time constraint is too short, and this should be a springboard for a broader conversation to better manage this very limited and prized resource. Mr. Shriber responded he will take that comment back to Housing staff.

Commissioner Cole stated the community benefits inventory is simply a tool. The Crystal City Sector Plan created huge development opportunities for property owners and in return for those there were a number of promises made in terms of changes that would be expected in the physical environment and changes in the nature of place that Crystal City is both in terms of use mix and in terms of retail versus other kinds of uses. There's a whole series of issues that the Crystal City Sector Plan called for in order to balance the benefits to developers with the increased needs of the community. The question arose of how we know if the promises are being fulfilled. The one answer is through a community benefits inventory prepared for every site plan so every time something goes to the Board an updated community benefits inventory goes with it. And that updated community benefits inventory says from this plan the following things that are on the community benefits inventory have been achieved and the following things have been unachieved, and the following things have already been achieved. It could be a planning document, but I see it as a policy document that informs the Board on the extent of which its promises to the community have been met through staff actions and through agreements with developers. To the extent that is a planning document as well that talks about what nature of each one of those community benefits is, how much it's going to cost, what a reasonable time horizon is for achieving it, is all the better. But the point is that it is a vehicle by which the Board is informed of the extent to which its promises are being kept

and it is an opportunity that the community is informed about the extent to which the promises it received are being met. Only in the kind of conversation that results from that kind of presentation between the community and the Board is there an opportunity to say things are going just fine or things are not going just fine. It's really essential to make this Sector Plan work for everyone that this document be developed be agreed to by all relevant stakeholders. We've been waiting five years for the community benefits inventory. We only have one-third of the promise met because part of it also was development of the concept of a block plan. The idea was that every time a developer wanted to do something in terms of a site plan in Crystal City, on the east side of Jefferson Highway there needed to be a block plan. That block plan is mostly a way to communicate to the Board or to the community what, if any, changes are being made. It is a vehicle to let everyone know what is going on in the sector and how we are doing and how we are achieving what was promised. It is also a way to protect property owner's rights who are not the first to market. It all fits together in this intricately woven fabric and when a piece like the community benefits inventory is missing, there's a breakdown of trust and that's a huge loss. The folks in Crystal City struggle mightily to create the kind of community that they want and they need a partnership from all of us to do that. He is eager to see the community benefits inventory and to make sure it is fulfilling the promise that it has.

### **Other**

Commissioner Ciotti stated this is the second time that a housing development has come and the conditions for accessibility have been missing and is going to ask for immediate follow-up to have them included which means the applicant and attorneys do not know about them. It makes it difficult to have the next part of the conversation about power doors and how they all work because we are missing the foundation of the document. Mr. Shriber responded that specific conditions has not been included in this set and they will be included as it goes to the Board.

Commissioner Forinash stated he wants an updated set of site plan conditions to distribute among commissioners to have as a benchmark document and shares Commissioner Ciotti's concern because he also thought the accessibility conditions were standard. Commissioner Cole stated the standard conditions are posted online and asked staff to distribute the link and added there have been many discussions about providing the Planning Commission with an opportunity to make recommendations about modifications, if any, and is hopeful that opportunity will come soon.

Commissioner Malis asked Commissioner Ciotti to list the main points in the conditions that could be included in the motion. Commissioner Ciotti responded that typically in the main lobbies applicants have been putting a narrow beam that will open that first door to get people out of the weather and then the second door is the secure entrance, and a fob reader is placed at the lowest allowed level so those with limited movement can pass in front of that reader and open the door.

In this building there is a south lobby, a north lobby, and the main lobby. It's important that all of the lobbies be accessible with powered entrances. Additionally there should be powered lobby doors that are secured from vehicles because many people with disabilities drive with hand controls but they still need powered doors and fob access to be able to access a secure lobby in the garages. There continue to be problems with multi-family dwellings adhering to the five pound pull pressure limits on interior doors because once buildings are pressurized, they far exceed this standard. There's a courtyard and amenity space and an exterior door from the courtyard that is a good place to be powered because it's difficult to make them less than 8 pounds pull pressure.

Commissioner Ciotti suggested that if there was a bar in the amenity space, it would be good to have counter height bars instead of full height bars. Mr. Connors responded there is an accessibility consultant for the project and they are a well-known multi-family firm, accessibility is required by law, and these things will certainly be taken into consideration. If it's primary means of egress, it has to be accessible. There are various entries on this building and by law at least 50 percent of all entries must be accessible. Commissioner Ciotti responded that it is 50 percent of entries on each side.

Commissioner Ciotti asked about accessibility of the south entrance, and Mr. Connors responded that particular entrance is not currently accessible due to a grade change but there are multiple entrances to the building. Commissioner Ciotti responded the south entrance is the closest to the Metro stop and emphasized the applicant could achieve accessibility at that entrance with a ramp and it currently doesn't seem to be legal. Mr. Connors responded they will take it into consideration and stated their goal is to have every single door accessible. Commissioner Ciotti also asked the applicant to pay attention to the design of the handrails when they are installed and that the developer consider installing roll-in shower and not bathtubs into as many Type A units as possible.

### **Planning Commission Motion**

Commissioner Malis made a motion to recommend to the County Board that they adopt the attached resolution to approve an amendment to the Master Transportation Plan as outlined in staff report dated November 19, 2014.

Commissioner Gutshall seconded the motion. The Planning Commission voted to approve the motion 9-0 with Commissioners Malis, Ciotti, Forinash, Cole, Harner, Gutshall, Brown, Sockwell, and Iacomini voted to approve the motion.

Commissioner Malis made a motion to recommend to the County Board that they adopt the attached resolution to approve the rezoning request as outlined in the staff report dated November 19, 2014.

Commissioner Gutshall seconded the motion. The Planning Commission voted to approve the motion 9-0 with Commissioners Malis, Ciotti, Forinash, Cole, Harner, Gutshall, Brown, Sockwell, and Iacomini voted to approve the motion.

Commissioner Malis made a motion to recommend to the County Board that they adopt the attached ordinance to approve an amendment to Site Plan #2 as outlined in the staff report dated November 19, 2014 with the following amendments:

1. Direct staff to review and provide guidance for when building facades may or may not project or cantilever over the streetscape both in the Crystal City Sector Plan and in other planning documents for other districts.
2. Clarify that the rooftop space labelled lobby is an access point and not occupiable space.

3. Direct staff to review condition 44(b)(4) and 45(b)(5) regarding the marketing of CAF units and the marketing of CAF accessible units with respect to the period of time that they are marketed to the target community.
4. Include a site plan condition which requires power door access on all lobby entrances, the appropriate pound of pull pressure on doors where power doors are not used, and other accessibility measures used in our standard site plan conditions. Further, adjust the south lobby entrance to be accessible.

Commissioner Ciotti seconded the motion.

Commissioner Forinash stated that the last amendment referred to standard site plan conditions but staff said accessibility measures are not part of the standard site plan conditions and suggested language be modified to typical or customary or something other than standard.

Commissioner Malis accepted the suggestion and changed the wording to “typical” site plan conditions. Commissioner Ciotti accepted the change.

Commissioner Harner expressed appreciation for Commissioner Malis adding the suggested language about studying setbacks and overhangs. Commissioner Harner responded the guidelines do suggest taper and setbacks and the nature of this interpretation being precedential could lead to every project on Crystal Drive cantilevering over the sidewalk instead of setbacks. It is hard to step back from that precedent.

Commissioner Cole commented this is included in the motion as a review of the issue as opposed to addressing the issue and asked if anyone wanted to add language to address the issue.

Commissioner Gutshall responded it would be unfair to this applicant who has worked with the community throughout the SPRC process to get to this point. It is an unfortunate reality that it came to light this late. The tower always did project over the streetscape but it was less pronounced when the podium was extended. This motion is highlighting it for the Board and most importantly signaling to staff that it should put some thought into this before going to the Board. After reading the Crystal City Sector Plan guidelines and the staff report, there is more work needed to very clearly delineate the direction with this site to prevent it from becoming precedential for other sites. The process is not well served to defer this project but this should not go further than this site.

Commissioner Cole commented on the issue of whether this site plan becomes precedential whether the Planning Commission wants it to or not. It is not a question of policy but a question of law. If the County Board approved this site plan, would it lose the ability to constrain future applicants from seeking the same kind of accommodation or not?

Commissioner Cole sought unanimous consent to amend the first sentence of the motion amendment to read, “and include a legal analysis advising the Board of the precedential nature of approval of this application as part of the staff report.” Commissioner Gutshall objected.

Commissioner Cole made a motion to amend the sentence to read, “and include a legal analysis advising the board of the precedential nature of approval of this application as part of the staff report.” Commissioner Harner seconded the motion.

Commissioner Gutshall asked how it works when the motion is a recommendation to the County Board but it will already be before them. Commissioner Cole said he could have recommended that the Board defer unless it receives, but it is inherent in the motion.

The Planning Commission voted in favor of the motion 8-0-1 with Commissioners Malis, Forinash, Cole, Harner, Gutshall, Brown, Sockwell, and Iacomini voting aye and Commissioner Ciotti abstaining.

Commissioner Iacomini stated support for the main motion and said it is likely the community will continue thinking about the Teardrop site and that some of the Planning Commission's thoughts about the Teardrop site are embodied in the motion that the County Board approved concerning the streetcar because the County Manager is directed to look at the implications of discontinuance of the streetcar project, which includes the Teardrop site. There will be further thoughts and discussion as the County continues to think about handling community facilities in the future. She expressed gratitude to the neighborhood for thinking about it.

The Planning Commission voted unanimously in favor of the main motion 9-0 with Commissioners Malis, Ciotti, Forinash, Cole, Harner, Gutshall, Brown, Sockwell, and Iacomini voting aye.

### **Community Benefits inventory**

Commissioner Cole moved that the Planning Commission recommend to the County Board that it approve no additional site plans within the area of the Crystal City Sector Plan until and unless the community benefits inventory has been developed, vetted with stakeholders of the sector plan including LRPC and the Planning Commission, and accepted by the County Board. Commissioner Sockwell seconded the motion.

Commissioner Gutshall asked if that is enough time to accommodate the time frame for Plaza 5. Mr. Shriber said it would not come until the second quarter of 2015.

The Planning Commission voted 8-0-1 to support the motion with Commissioners Malis, Ciotti, Forinash, Cole, Harner, Brown, Sockwell, and Iacomini. Commissioner Gutshall abstained.

Respectfully Submitted,  
Arlington County Planning Commission



Steve R. Cole  
Planning Commission Chair