



ARLINGTON COUNTY, VIRGINIA
ARLINGTON COUNTY PLANNING COMMISSION

2100 CLARENDON BOULEVARD, SUITE 700
ARLINGTON, VIRGINIA 22201
(703) 228-3525 • FAX (703) 228-3543



CHRISTOPHER FORINASH
CHAIR

NANCY IACOMINI
VICE CHAIR

MICHELLE STAHLHUT
COORDINATOR

GIZELE C. JOHNSON
CLERK

March 10, 2015

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

SUBJECT:

1. SP #435, 2026 & 2038 Wilson Boulevard (ACTION)

A. Transfer of Development Rights from 1201, 1215, 1223 and 1233 N. Courthouse and 2025 Fairfax Drive (RPC: 17-017-001,-002, -003, and -004) ("Sending Sites"), consisting of 104,789 square feet of gross floor area, to SP #435 at 2026 and 2038 Wilson Blvd., (RPC# 17-011-011 and -012) ("Receiving Sites").

B. GP 329-14-1 GENERAL LAND USE PLAN AMENDMENT from "General Commercial" (Shopper goods and other major mixed commercial uses, including offices. Generally a maximum of seven stories.) to "Medium" Office-Apartment-Hotel (up to 2.5 FAR Office Density, up to 115 units/acre Residential Density, up to 180 units/acre Hotel Density), for a property known as 2026 and 2038 Wilson Blvd. and generally located on the western most portion of the block in the area bounded by N. Courthouse Rd., Wilson Blvd., and Clarendon Blvd.

C. Z-2571-14-1 REZONING from "C-2" (Service Commercial--Community Business District) and "C-3" (General Commercial District) to "C-O-2.5" (Commercial Office Building, Hotel and Apartment District), and related update to ACZO Map 13-1 to indicate the Zoning District and extend Line A around the property boundary where necessary; for the property at 2026 and 2038 Wilson Blvd. (RPC# 17-011-011 and -012).

D. SITE PLAN #435 for an approximately 195,870 sq. ft. g.f.a. office building with approximately 6,960 sq. ft. of g.f.a. ground floor retail for the property at 2026 and 2038 Wilson Blvd. (RPC# 17-011-011 and -012).

E. Ordinance of Vacation to Vacate: 1) a Portion of the Right-of-Way of North Courthouse Road Running North to South Between Wilson Boulevard and Clarendon Boulevard Abutting the Western

P.C. #27.A -D.

Boundary of Property Known as The Lands N/F McClaine Associates, LLC as Recorded in Deed Book 4285 Page 2341, RPC #17-011- 011; and 2) a Portion of an Easement for Public Street Purposes Running North to South Between Wilson Boulevard and Clarendon Boulevard Along the Western Boundary of Property Known as The Lands N/F McClaine Associates, LLC as Recorded in Deed Book 4285 Page 2341, RPC #17-011-011, both with Conditions.

RECOMMENDATION:

- 1. The Planning Commission recommends that the County Board approve the Transfer of Development Rights, the General Land Use Plan Amendment, the Rezoning, and Site Plan #435 consistent with the draft staff report dated February 18, 2015 with the following amendments:**
 - a. Condition 40(A)(4)(d) be amended to require that all retail spaces be constructed with provisions for restaurant use regardless of intended use at time of construction.**
 - b. Condition 40(A)(1) be revised to reflect that the developer will work with Arlington Economic Development to set the rental terms for the kiosk.**
- 2. The Planning Commission finds that the proposed vacation of a 45 square foot portion of the Right-of-Way of North Courthouse Road Running North to South Between Wilson Boulevard and Clarendon Boulevard Abutting the Western Boundary of Property Known as The Lands N/F McClaine Associates, LLC; and a 384 square foot portion of an easement for public street purposes Running North to South Between Wilson Boulevard and Clarendon Boulevard Along the Western Boundary of Property Known as The Lands N/F McClaine Associates, LLC is substantially in accord with the Comprehensive Plan or applicable part thereof.**

Dear County Board Members:

The Planning Commission heard these items at its March 2, 2015 public hearing. Peter Schulz, Department of Community Planning, Housing, and Development (DCPHD), gave a presentation on the proposed project highlighting specifically: the use of Transfer of Development Rights from the Wakefield Manor and Courthouse Manor apartments which will result in historic preservation and protection of market rate affordable housing; modifications for parking, gross floor area (GFA) exclusions, and bonus density for LEED Gold and Energy Star; and monetary contributions to the Affordable Housing Investment Fund (AHIF) and for open space in the Courthouse area. He added that this is the first site plan for an office development that is also subject to the County policy for

parking reductions in commercial buildings, and there will be an Enhanced Transportation Demand Management (TDM) program.

Mr. Schulz noted there were three Site Plan Review Committee (SPRC) meetings for this project prior to the Planning Commission hearing. In addition, the Urban Forestry Commission reviewed the project in December 2014, the Historical Affairs and Landmark Review Board (HALRB) reviewed the project in January 2015, and the Transportation Commission reviewed the project on February 26, 2015. Other staff present included Bob Duffy, Director, DCPHD, Tom Miller, DCPHD, Rob Gibson, Department of Environmental Services (DES), Transportation, Rebecca Ballo, DCPHD, Historic Preservation, and Linda Collier, DES, Real Estate Bureau.

Andy Rollman, Smithgroup JJR, made a presentation on behalf of the Applicant, Carr Properties, and introduced planning goals, design refinements made based on SPRC feedback, an overview of façade materials, and the historic preservation achieved by transferring density to this site.

PUBLIC SPEAKERS

There were no public speakers for this item.

PLANNING COMMISSION COMMITTEE REPORTS

Commissioner Gutshall reported the Site Plan Review Committee (SPRC) process went smoothly and discussion focused on cantilevering, architecture and materials, tapering or lack thereof, and the importance of the kiosk. Additional topics for Planning Commission discussion might include bonus density, affordable housing, the AHIF contribution, and contribution to the Courthouse Area Improvement Plan.

Commissioner Gutshall reported Transportation Commission voted unanimously to recommend approval of the project with no changes.

Commissioner Iacomini reported that HALRB was supportive of the project and referred the Planning Commissioners to the HALRB letter.

PLANNING COMMISSION DISCUSSION

Land Use and Zoning

Commissioner Gutshall asked staff for clarification of an FAR calculation that seemed to have increased since the last SPRC meeting and asked if the envelope of the building had changed. Mr. Schulz responded there was a typo on how much bonus density was attributable to the AHIF contribution and confirmed the building envelope had not changed since SPRC, although due to some alterations made by the applicant related to street vacations, the site area is slightly smaller which makes the FAR appear higher. Commissioner Gutshall observed that the contribution to Affordable Housing Investment Fund (AHIF) and the Courthouse Area Improvement Fund seem to both be around \$50/foot of gross floor area. Mr. Schulz responded yes that is the standard in the Courthouse area.

Urban Design

Commissioner Forinash asked about the width of the alley, the County requirements for a public access alley and cantilever over the alley, and if the fire marshal had confirmed the cantilever over part of the alley would be acceptable. Mr. Schulz responded the alley is 30 feet wide and DES Real Estate's position has been that the cantilever must be over a certain height in order to allow County equipment to move through. In this case, the height is more than 25 feet above the alley and DES found it acceptable and it will not interfere with County equipment. Additionally, the fire marshal reviewed the plans and had no objections.

Commissioner Iacomini asked about the architectural suggestions from staff such as bringing more visual coherence to the building by carrying the glass curtain wall through the main body of the building and eliminating the horizontal slate grey terra cotta banding. Mr. Rollman responded the building is to have a mixture of warm terra cotta and glass for the lower portion, and then a glass skin with horizontal terra cotta that comes down vertically from the top of the building and connects to the base. The major iconic move of the building is the twisting glass tower at the point of the building. Mr. Rollman reiterated the grey terra cotta banding coming across in front is expressing the full dimension of the building mass behind the warmer-toned terra cotta, and the intent of the glass element is to feel like it is more the mass of the building than just some banding at the top. It was unclear there was a natural end point for the grey glazed terra cotta bands if they did not continue through the glass portion.

Commissioner Iacomini asked if the grey banding is ribbed and three dimensional and not smooth. Mr. Rollman said it was three dimensional, and adds a dimension beyond the plane of the lower scale warm terra cotta plane. Everything else is pushed back at least three feet, and that horizontal expression comes down the building, letting the twisting element be on its own at the point. If the bands were removed, it would be unclear where to cut them off at the top of the building. The intent is for that element to read across the top and come down for a transition and to let the tower be distinct.

Commissioner Iacomini noted according to accepted County studies of the site, the building is supposed to have an architectural dialogue with the deeper terra cotta brick of Colonial Village across the street. She opined it seems there is a better color solution than the pumpkin shade of terra cotta that was chosen by the applicant. Mr. Rollman responded that a full range of natural terra cotta material within a number of manufacturers was evaluated, and the mid-range seemed appropriate. The medium tone felt lighter and they thought they did not need to literally use the same coloration as Colonial Village. They looked at the neighboring building to the east which is beginning to shift colors to go slightly lighter and to use a kind of buff colored brick at the same time. The applicant wanted to create the next step lighter in that transition from 2001 Clarendon which mixes the colors and is a little darker. Commissioner Iacomini suggested there is a shade between pumpkin and red brick terra cotta that would achieve the same purpose in a better way. This choice will only serve to introduce yet another element and color that will act on its own and not as the hoped for transition. She added she liked the grey.

Commissioner Gutshall asked about staff's interpretation of Condition 40(A)(4)(d), which requires plumbing and mechanical infrastructure for "any" restaurant use, and whether "any" is interpreted to

mean only those proposed at the time of application or for every retail bay that could be a restaurant use in the life of the site plan. SPRC discussed the idea that all of the retail should be able to be converted to a restaurant or food preparation use at some point in the life of this site plan.

Mr. Schulz responded the conditions have evolved over the years and this one says if there is a food preparation anticipated to go in a particular space, the developer needs to make that provision. Commissioner Gutshall responded that “anticipated to go in” which implies that, as currently written, if the applicant came forward with plans for a permit that did not include these provisions, for example the Wells Fargo site, it would be deemed compliant with the condition. Mr. Schulz responded that if the Planning Commission wants to suggest that the Wells Fargo site be made restaurant ready, staff could look into it. Commissioner Gutshall asked the applicant if there is any barrier to making sure the Wells Fargo site could be converted to a restaurant food preparation use. Austen Holderness, Carr Properties replied there would be no problem with incorporating it into the design.

Commissioner Sockwell asked about the compliance with the Courthouse to Rosslyn Urban Design Study [also known as the “In Between Study”] and how this building got to 12 stories. Mr. Schulz responded the In Between Study guidance says 10 stories generally, and the other buildings that have been built in this study area have ended up being taller. Staff believes that the extra height and the lack of taper is justified because of the extraordinary community benefits that the applicant is offering through the TDR, and AHIF and open space contributions. Staff believes the clause that says flexibility in heights plus the location of this site at the edge of the In Between Study and a mere one block from one of the Metro entrances justifies additional height in this area.

Commissioner Sockwell asked if building beyond the guidelines on this site impacts other future buildings. Mr. Schulz responded that an example would be the building most adjacent to this site which is seven stories when in fact the plan calls for that building to taper down to five stories which would be lower than the building next door. This is the last site in the In Between Study area. Commissioner Sockwell asked if staff would suggest using the flexibility for other site plans in the In Between Study area. Mr. Schulz responded that another consideration is the very small size of this site, which is about half the size of many of the other In Between Study sites. A larger site means the building can spread out more, and in addition, this building is offering 15 feet of an alley and a plaza on the western side thereby squeezing its buildable envelope even further.

Commissioner Cole stated that when the In Between Study was done, they knew the size of this parcel and ten stories was still chosen for this site. He has no problem with 12 stories, but the right explanation is that the County wants an economically viable investment at this site. If staff wants to say the study said something specific but staff believes the Board should not go along with the study, that seems fine, but the study certainly did designate height for different parcels.

Mr. Duffy responded that from the beginning of this project, staff has utilized the guidelines for the In Between Study. When looking back at the study, there was clearly an understanding of the unique nature of this site. It is a triangular and almost flatiron site which does have impacts on the gross floor area associated with a floor plate which is just under 20,000 square feet. Staff has tried to work with the guidelines that were developed with the community, but also to recognize the constraints of the site. There is clearly an associated economic impact, but staff believes every attempt has been

made to ensure that the structure terraces up the hill toward the Metro station and responds to the guidelines from the study.

Transportation

Commissioner Forinash said the usual Transportation Demand Management condition is struck out and replaced with what looks like a largely identical condition except with a new section F for Enhanced TDM to address parking reduction, and asked if there is anything of substance in the changes in sections A-E. Mr. Gibson responded the one significant change is the multi-modal flexibility where previously there was only the ability to hand out Metro cards with fare media but now recipients have the option of a Metro card, a Zipcar carshare membership, or a bikeshare membership. Commissioner Forinash asked if that is part of the standard TDM site plan condition and Mr. Gibson responded staff has been working on new standard conditions and this condition language has been seen on the two recently approved Columbia Pike projects. The applicant asked for some of the additional flexibility that the revised condition provides. It is ostensibly exactly the same as the new standard condition with the addition of the enhanced TDM elements. Commissioner Forinash asked if it has been reviewed with the Transportation Commission and Mr. Gibson responded specifically Condition 44 has not by itself been reviewed by the Transportation Commission.

Commissioner Forinash asked if this is the first time that an applicant has taken advantage of the flexibility afforded in the new commercial parking regulations and asked for a refresher on the requirements. Mr. Gibson responded that in December 2013 the County Board approved a new policy intended to mitigate the impacts of reducing parking beyond a revised base parking number. The policy looks at establishing a new base for three different areas in the County: The Rosslyn to Courthouse area, the Pentagon City area, and the Crystal City and Rosslyn areas. The mitigation is tiered so that as parking is further reduced, the project would also contribute more to mitigate the increased use of other travel modes. For this project, the Ballston to Courthouse area and the three tiers go from a base of 630 with the first tier of 630 to 780, second tier of 781 to 1,000, and third tier of 1,000 and greater. For this project, there are 58 spaces which are mitigated within Tier 1 at \$7,250 per space which is roughly \$400,000, and then two spaces mitigated at the second tier level of about \$25,000. Overall the package is just under \$450,000 in mitigation. The policy does not specify how that mitigation should be provided, but allows flexibility across three different approaches: 1) up-front contributions towards multi-modal improvements that get delivered with the project; 2) enhanced TDM elements that provide direct amenities to site users for the life of the site plan; and 3) contribution towards transit or other longer-term multimodal improvements. In this case, the area is well served by transit and there are a limited number of immediate projects that can be delivered, so staff determined that the best approach was to incentivize specific site users. Additionally, rather than provide the mitigation up front, the applicant requested and staff supports a breakdown that has two-thirds of the money spent over 30 years, roughly \$10,000/year, to support site users and then an up-front contribution of \$145,000 to site specific projects within the Courthouse area.

Commissioner Forinash asked if a discount rate was built into the payments over time. Mr. Gibson responded there is no discount rate because all the amounts are fixed with Consumer Price Index (CPI) inflators. Commissioner Forinash clarified that a payment in Year 10 will not be \$10,000 but

instead the future inflated value of \$10,000. Mr. Gibson agreed. Commissioner Forinash stated that would be important information for the Board.

Commissioner Forinash said he is pleased to see this policy implemented and it sounds like the process worked as intended. The working group that developed this policy tried to build in incentives to use the policy and also the flexibility to make it work on a site by site basis. He would like to see a residential parking study move forward this year as a companion to it.

Commissioner Siegel asked about the final paragraph of Condition 42 which says the final location and size of the plaza easement and public use and access easement may change with the preparation of final engineering and landscaping plans, and wanted to make sure it does not impact the plaza. Ms. Collier responded it is usually fairly minor adjustments. The intent and square footage of the plaza is set forth in the conditions and this condition refers to an exhibit. Basically if it has to be adjusted in small amounts, staff did not want to have to get the site plan condition amended.

Commissioner Cole noted that the staff report states that sidewalks could be reduced to a minimum of six feet in association with County Board approved cafes, and asked about the dimensions of the sidewalks on Wilson and Clarendon Blvd to the east. Mr. Gibson responded those are all consistent with the In Between Study guidance which call for a 16 or 16.8 foot wide sidewalk. Mr. Cole asked about the width of the clear sidewalk. Mr. Gibson responded in both cases there is a provision of 10-11 foot built clear sidewalk and with this provision a portion of the built sidewalk can then be used for cafes and would not then be clear. Mr. Cole asked if there are any cafes in the blocks to the east. Mr. Gibson said not at this time. Commissioner Cole asked if there is capacity for cafes on the blocks to the east. Mr. Gibson responded that there is the same capacity that this site would have. Commissioner Cole asked if they are equipped to be restaurants. Mr. Gibson responded there are restaurants in those other projects but they have not come forward with requests for cafes yet. Commissioner Cole asked if the site plan approvals for those other projects include cafe seating along the sidewalk, and stated he is concerned that there will be a different and narrow street condition for the length of this project that impedes movement and that the public benefit is being put after the private benefit. Mr. Gibson responded he would have to check the specifics of the neighboring projects, however it is foreseeable that if an application came through with a similar request for sidewalk cafe based on both staff recommendation for approvals in the past and County Board actions, that six-foot wide clear may be acceptable and the remainder used for café, whether it is four or five feet.

Commissioner Cole asked staff to provide details of the precedent for this, where the last site plan in which the Board approved a six foot clear sidewalk with cafe seating. Mr. Gibson responded he does not know the last one approved, but planning guidance for the 18 foot wide streets in the Clarendon Sector Plan all have the six foot wide clear with the remaining space as cafe as a recommendation. That is also consistent with the recommendations in the Crystal City Sector Plan. This site has two streets coming at a confluence with multiple pedestrian paths around and through this area, and staff feels it contributes to people having a lot of choice and not being funneled through one narrow space. Commissioner Cole responded the Wilson Boulevard side is the principal pedestrian path from Rosslyn to Clarendon and beyond because that is the commercial side of the street.

Commissioner Sockwell asked about the location of the bike lane. Mr. Gibson responded it is located on the north side of the street in the inside lane of the travel lane. Mr. Sockwell clarified that it is adjacent to the site and asked if the applicant is paying for an offsite improvement to the bike path. Mr. Gibson responded the applicant is paying in the sense that the County is getting the right street width. Commissioner Sockwell encouraged staff to consider approaching applicants to make this sort of contribution in the future where it makes sense from the perspective of transportation dynamics because it is a good idea and good precedent.

Open Space

Commissioner Harner said the illustration shows a plaza paving material that in a sense belongs to the project but extends out to the curb line, and then underneath the plaza area itself and further east there is a grey area that may be an implementation of the County's standard streetscape design. He expressed concern about where the line is being drawn between the typical streetscape standard and in some sense privatizing the public space. He asked where the typical street sidewalk paving standard applies and where it does not. Mr. Gibson responded there are two zones being created in the project which are the plaza zone and the public sidewalk zone. In the County streetscape standards for public sidewalks, there are both banding elements which can be decorative pavers. Those generally will come out from the building a certain distance and then transition into a standard stamped concrete sidewalk element. In this case it would probably be the six feet of minimum clear so there is a very clear visual designation. Then there is the street tree zone where frequently there will be the decorative paving between the different street tree elements.

Commissioner Harner asked if these specifics are something that is an administrative approval later. Mr. Gibson responded it is in the landscape plan as part of the hardscape elements.

Commissioner Harner said the distinction of where the County lets go of the public sidewalk standards and goes with a more project-specific standard is important and has been a conversation on a number of projects. In this case there is different street furniture proposed in the plaza so that when coming up Clarendon Boulevard, there is a certain type of bench and waste receptacle and then the plaza has a different package. Mr. Gibson responded the only changes are the materiality and not the furniture elements.

Commissioner Harner said his general preference is to try to maintain the public realm as much as possible as a first principle and only violate that with project-specific design in special cases because otherwise there is a patchwork of paving patterns and street furniture and lighting systems. In terms of urban design it is always best to maintain a continuity of the public realm. He thinks as the County moves forward it is important to be careful about this distinction between public and private realm, so if it is something that occurs in final approval of the landscape plan, he wants it to be part of the public record.

Commissioner Gutshall said actually the plaza evolved very rapidly towards the end of SPRC and there was continued design after the final SPRC.

Commissioner Harner said the plaza is a gathering place but the second function is as a means of circulation and there is a desire to have pathways that facilitate movement of pedestrians. The third

function that is less identifiable but important is the iconic character of it in terms of the fin. In terms of circulation, if you are walking west on Clarendon Boulevard and you want to go north on Courthouse Plaza, this is laid out so that you have one choice which is to cut across underneath. But a pedestrian would not want to do that because the planter box impedes the direct path around the perimeter of the site. The trees underneath the building also set up a visual barrier. As a pedestrian hits the corner, they would make a hard right cut diagonally across the plaza. They are not going to make a detour around the bottom of the site. It is the same condition coming west on Wilson, which works pretty well if they are actually circulating on the sidewalk in the public space. If they want to cut diagonally across, they cut across between the fin and the kiosk and there is not a good way to cut across on the east side of the planter box. He expressed concern about what the planter box is doing to circulation, and believes the ornamental trees underneath the building detract from the kind of majesty of the space. He is also concerned that the bench arrangement and feels like this plaza does not create the kind of place-making and circulation that will make it a success. He would support getting rid of the planter box and using portable, movable tables and chairs, having the kiosk, and letting it evolve over time, perhaps with a movable planter box.

Commissioner Cole expressed concern that the public sidewalk along Courthouse Road has a diagonal light-colored section cutting across it in the center that leads directly into the bank lobby which seems to be an inappropriate use of the public sidewalk to signal the entrance into a commercial space. It seems that it is hard to justify that particular piece of sidewalk not being the same color and materials as everything else. Mr. Gibson responded it is something staff can consider.

Commissioner Cole expressed a personal preference for putting the bank entrances on the sides of the building instead of the end which would make the public plaza really a public space and not just principally an entranceway to the bank. It becomes a less complicated and more peaceful place without people walking through to the bank.

Commissioner Iacomini said that the staff report notes the applicant has agreed to a provision for movable tables and chairs in the plaza area, but there is not a condition that captures it. Mr. Schulz responded it is shown in their preliminary landscape plans. Commissioner Iacomini asked if the landscape plan shows it as conceptual, is it required? Tom Miller, CPHD, responded that it is shown on the landscape plan which is reviewed by the Board and it is approved as part of the site plan regardless of the use of the word "conceptual."

Commissioner Iacomini said in response to Commissioner Harner's comments on the plaza that this is a very small space. The cart is a very interesting element and something she would like to see more of in the County. In cold weather, there will not be a cart and in that absence, the planter box gives the plaza some structure. While the placement of the planter area will indeed cut into some pedestrian desire lines, it gives more of a sense of place than just openness.

Commissioner Gutshall appreciated the perspectives offered by his colleagues as his original impression was that it is actually a pretty decent design because it is meant to be a public space and not a private space. We want some unique character but not so unique that the public might be confused about whether or not they are welcome there. Bringing the pavers out and having different paving patterns helps to build character and having that different paving pattern go all the way to the

curb where it is clearly public realm signals this is a public space. The purpose of the planter is to keep this from being a barren windswept plaza and provides some refuge and context as an anchor for the kiosk. Additionally, the paver coming out to Courthouse Road seems to be an invitation into the plaza. This plaza is not meant to compete with Courthouse Square and is not a prime gathering space. It is a kind of place where people meet up when they arrive in the Courthouse area. It is a stop and go place where people might linger for a cup of coffee or enjoy a break on a nice summer or spring or fall day. His initial impression is that the plaza has a good chance at success.

Commissioner Harner asked Commissioner Ciotti for her input on the sidewalk paving material. Commissioner Ciotti responded that a new paver standard for 90 degree edges and new installation techniques have largely eliminated vibration issues related to pavers with beveled edges that had plagued people in wheelchairs previously.

Commissioner Harner said that in terms of thinking about plaza it is important to think about the size and the purpose. He thinks that the County's approach in these projects is that any landscape is good landscape and any tree is a good tree. However a lot of what is done with landscape is done in terms of views and whether it either blocks your view into the space or out of the space, or should your view be blocked or not be blocked, or if the landscape detracts from the fin. Perhaps it would be better to have a landscape that is lower so you could see across it. If it is a meeting place, do you want people behind a tree or do you want to see into it. There are ways to design this space that would not disrupt the flow. There is a conversation that can help inform the design in a better way. This can be a great space but the landscape is hurting it and he hopes there will be a chance for the applicant to work with staff as they move forward to fix that.

Commissioner Forinash asked the applicant if there is any structural reason to have the planter box permanently fixed in place or if it was simply a design decision. Mr. Rollman responded it was a design decision.

Commissioner Ciotti asked about the Urban Forestry Commission's recommendations for continuous tree pits and not the five foot tree pits. Mr. Schulz responded there will be continuous soil panel directly underneath. Pits have to exist in some locations for parking for people to access, but the applicant has agreed and amended their landscape plan to reflect continuous soil panel.

Open Space – Plaza cart kiosk

Commissioner Gutshall said Condition 40 and Section 12.5.12 of the Zoning Ordinance makes it seem that the kiosk is an optional element rather than mandatory. The kiosk is an essential element of the plaza and in particular the kiosk is key to mitigating the bank use right on the prime retail spot. Mr. Schulz replied that in staff's opinion, it actually does require the applicant to market the space and is the same condition that is required for ground floor retail. Commissioner Gutshall asked if there is any control for how they market the space. Mr. Schulz responded there is another condition that requires them to meet with Arlington Economic Development to discuss their marketing strategy.

Commissioner Gutshall commented that if you have a retail bay there is pressure on the building owner to do something to fill that space because of the sunk costs. This applicant has been very

accommodating and forthright but building ownership can change, the project could be sold, and someone else could come in and could be content to not be bothered with the headache of a kiosk. There is no overwhelming economic incentive to ensure that the kiosk is there and that it activates the plaza to mitigate the bank use.

Commissioner Gutshall said the Zoning Ordinance Section 12.5.12 requires a restroom to be available within 500 feet for employees and asked if there is any requirement in the site plan conditions to make the restrooms of this facility available to the tenant of the kiosk. Mr. Schulz responded the applicant would have to follow 12.5.12 and any deviation would require a site plan use permit from the County Board. He added that 500 feet is actually pretty far for this site since the property itself is only 200 feet long. They would have to prove before the Certificate of Occupancy that they have an open bathroom for the applicant.

Commissioner Gutshall asked if the retail space is leased up and none of the retailers are interested in the kiosk and the applicant is unable to lease the kiosk because bathroom access was not written into a retailer lease because it is not required in site plan conditions and therefore the kiosk does not comply with section 12.5.12, the building owner can just say they do not comply and then decide to not have a kiosk. There is no hook. This section of the zoning ordinance is not written that you must have a kiosk. Mr. Schulz responded that staff feels it has been addressed because if the applicant does not want to tie bathroom access for the kiosk to a different retail tenant's lease, the alternative is a bathroom available in the lobby.

Commissioner Gutshall responded that is a great example because perhaps the building owner might get a tenant for the building who decides the building will be closed and locked at times that the kiosk might want to be open and the tenants may say they are not comfortable with the kiosk vendor having access to the secure lobby. Therefore the building owner says they cannot make the kiosk work.

Mr. Kinney expressed concerned about restrictive conditions and difficulty in getting someone to run the kiosk. They are committed to finding someone, hopefully a retailer, to run this and they intend to make it attractive for them to do it. If they have to find someone separate, it will be more difficult and the more restrictions put on it, the less likely they will find someone. The bathroom is not the issue and they are fine with a type of condition to address the bathroom. Some of the other requirements in 12.5.12 will be difficult because an outdoor facility is subject to the weather. If there is a kiosk with set seating it would be more attractive to an operator but then it becomes a business and not a plaza for people. Those are the trade-offs. Commissioner Gutshall responded that his intent is not to be more restrictive but to actually develop site plan conditions that are enabling and to head off some foreseeable pitfalls and make sure they are enabling and not restrictive. There is a larger issue here of the kiosk ordinance not being the most appropriate control because the Section 12.5.12 is written to allow a kiosk, but for this project we are trying to use the ordinance in a way that is more of a requirement. He stated he is glad to hear the applicant is willing to work out something on the restrooms. It was pretty clear from the SPRC that this is not a "nice to have" but really a big part of mitigating the Well Fargo bank occupying a key retail site.

Commissioner Forinash stated he appreciates the amount of work that has gone into the plaza design and there are a number of successful and unsuccessful examples of plaza design and the smaller spaces can easily be lost in the shuffle without detailed attention.

Community Benefits

Commissioner Harner asked the applicant if they were thinking of the public art contribution being part of the plaza design. Mr. Kinney responded they were trying to keep the condition flexible and they were exploring two options. One is the fabrication in the back although less likely, and the other is the activation in terms of what is a public art contribution. Commissioner Harner clarified the fabrication in the back is the photo wall. Mr. Kinney agreed and said the applicant was considering something to honor Crandal Mackey since he owned part of this property historically and he was such a powerful force in changing Arlington's history 100 years ago. They are also trying to get air into the exhaust, so there is a practical side of the fabrication in the back. Mr. Kinney stated he was unsure if that is a public art contribution although he thinks it could be.

Jon Hensley, Public Art Committee, stated they discussed this at their January meeting and encouraged the applicants to incorporate public art onto the property. The Committee would prefer it not to be used as a cosmetic cover for unfortunate architectural features, and would prefer that it follow the typical process for development of public art. Commissioner Harner asked if the Committee was supportive of on-site public art and if they discussed the plaza as an appropriate location. Mr. Hensley responded they did not discuss this, although it seems like the only alternative on this project.

Commissioner Iacomini asked the applicant if they are committed to doing something along the south side of the building whether or not it is technically considered public art, and Mr. Kinney responded yes. He made clear that they show a number of different scenes because they need to work with the fabricator. The final design may not be exactly a pictorial over the full two panels because of a need for more air intake holes or some other technical issue, but it will not be a plain pattern. Commissioner Iacomini responded that, just for the record, there should not be large areas devoid of pictorial decoration. Mr. Kinney agreed.

Commissioner Cole supports the panels on the air intake, and pointed out that the plaza is fairly small at 35x35 feet. With all of the uses being discussed for the plaza, there is a risk that it becomes a potpourri in that it is nothing and everything at the same time. He stated that it appears to be a principal place for public art and if it was simply going to serve the purpose of public art, it would be one thing. But since the plaza is already serving multiple purposes, in his view, he would prefer the public art on the air intake because he is worried the plaza will be junked up by making it everything.

Commissioner Forinash pointed out that in a previous project that involved a design process facilitated by the Project for Public Spaces, one of the points that came out is that when people want to use a plaza as a meeting place you need to be able to say "Meet me at the..." and that a piece of public art or the fin could be the meeting place, similar to how people refer to the fourth plinth in Trafalgar Square or clock towers. He stated support for improving the grate but also does not want to preclude consideration of some monumental or important piece of public art in the plaza itself.

Commissioner Harner said the commission has discussed public art in two locations which shows the importance of having the Public Art Committee as the appropriate venue for this process since they are extremely adept at working with these kinds of issues and projects.

Commissioner Sockwell pointed out that there is a ten story tall fin and people might say “Meet me at the fin”.

Construction Issues

No discussion.

Other Issues

Commissioner Ciotti said during site plan during the heading of accessibility the applicant had offered to put power doors on the lobby and it fell off in writing the conditions by staff, so we will need to include that in our recommendations. Mr. Kinney responded that the applicant will just add the power doors to the project.

Commissioner Brown asked if there is space for food trucks. Mr. Gibson pointed out one of the challenges with this site is that it is flanked on both side by one-way streets which are one-way on the door side, which does not work well for food trucks. If you're going down the street they want to be on the passenger side of the food truck and the parking spaces in this project are all driver side. Mr. Schulz added there is no parking on Wilson Boulevard due to the left turn lane. Commissioner Forinash noted that it would be possible for a truck to park on the south side of Clarendon Boulevard and someone could walk across the street with their purchase to the plaza.

PLANNING COMMISSION MOTION

Commissioner Gutshall made a motion that the Planning Commission recommend to the County Board that they approve the Transfer of Development Rights, the General Land Use Amendment, the Rezoning, and Site Plan #435 consistent with the draft staff report dated February 18, 2015. Commissioner Iacomini seconded the motion.

Commissioner Gutshall moved that the Planning Commission recommend to the County Board that Condition 40(A)(4)(d) be amended to require that all retail spaces be constructed with provisions for restaurant use regardless of intended use at time of construction. Commissioner Iacomini seconded the motion.

Commissioner Iacomini said that there has been an ongoing discussion related to the new Retail Action Plan and finding that flexibility is desirable and the best way to be able to accommodate any kind of food services is to already have venting pre-installed. Having the space ready for a restaurant even if it is not the first tenant is a wise amendment.

Commissioner Gutshall said the intent of the motion is that if staff is encouraged to revisit the language, perhaps it can be part of the standard site plan conditions moving forward.

The Planning Commission voted to amend the main motion 9-0 with Commissioners Siegel, Ciotti, Iacomini, Forinash, Cole, Harner, Sockwell, Gutshall, and Brown in support.

Commissioner Gutshall moved that the Planning Commission recommend to the County Board that Condition 40(A)(1) be revised to read, “except that a bank shall also be a permitted use in the retail space fronting on the public plaza. In addition the developer agrees to market a space for an outdoor kiosk as defined in the Arlington County Zoning Ordinance (ACZO) Section 18 and the public plaza. Said kiosk shall comply with the kiosk regulations in section 12.5.12 in the ACZO or as modified by this site plan approval,” and insert, “and shall be operational so long as the bank use occupies the retail space fronting the public plaza.” Commissioner Forinash seconded the motion.

Commissioner Gutshall said that the kiosk is essential to activating the plaza with the bank use there because there will not be a restaurant and no café seating in the vicinity or any other activation. This was a key element and there is the risk of the best of intentions getting lost along the way. The current condition requirement to “market” the space is not strong enough. He would be content if the bank or the building owner had to subsidize the kiosk to make it viable.

Commissioner Siegel asked if the wording and the intent of the proposed amendment would mean that the kiosk would go away if the bank goes away.

Commissioner Gutshall responded with two points: 1) He does not believe the amendment would require the kiosk to go away but would just no longer require that the kiosk be there. If the bank went away and the kiosk was doing well, he would assume the building owner would keep the kiosk. 2) A bank use is being inserted in this condition as a specific exceptional use to the approved uses in the forthcoming Retail Action Plan. If a use came forward in the future that was not a bank but was not otherwise consistent with our then in-effect Retail Action Plan, they would need a site plan amendment, in which case the kiosk would be revisited at that time. There is no intent that the kiosk would be forced out.

Commissioner Ciotti clarified that Commissioner Gutshall wants the bank to subsidize this kiosk.

Commissioner Gutshall responded that the project should subsidize the kiosk, if needed. Whether the developer chooses to allocate that toward the bank is between the developer and the bank. What he does not want to face is a built out project with an empty plaza because the developer was only willing to go so low on the rent making the kiosk not viable and as a result they just decide not to do it.

Commissioner Forinash said he intends to support the amendment because the SPRC considered the kiosk a key mitigation element for the presence of the bank on the corner of that frontage.

Mr. Kinney suggested a compromise of allowing AED to set the rent on the kiosk since the condition of tying the bank Certificate of Occupancy to the kiosk is clearly not acceptable. If the applicant can get someone to operate the kiosk, they will do it. If AED works with the applicant and agrees, that is the best assurance against the possibility of purposely leaving the kiosk empty. He suggested letting AED establish the price and the applicant will agree to it. The applicant cannot agree to a condition

that ties the bank's occupancy to whether the kiosk is there or not because they are a part owner of the property and this is a condition of their contract.

Commissioner Gutshall responded that seems like a fair compromise. Commissioner Forinash suggested that Commissioner Gutshall amend the motion so that it directs staff to work with the applicant to work out agreeable language in order to avoid wordsmithing legal language.

Commissioner Gutshall withdrew the motion. Commissioner Forinash agreed.

Commissioner Gutshall made a motion that the Planning Commission recommend to the County Board that Condition 40(A)(1) be revised to reflect that the applicant will work with Arlington Economic Development to approve the rental terms for the kiosk. Commissioner Forinash seconded the motion.

Commissioner Cole offered a friendly amendment to use the word “set” instead of “approve”. Commissioner Gutshall accepted.

The Planning Commission voted to approve the motion to amend 8-1 with Commissioners Siegel, Ciotti, Iacomini, Forinash, Harner, Gutshall, Sockwell, and Brown in support and Commissioner Cole opposed.

Commissioner Gutshall thanked the applicant, staff, and the community for a productive SPRC process and looks forward to seeing this project come to fruition.

Commissioner Forinash thanked Commissioner Gutshall for shepherding the SPRC process, and stated the SPRC process seemed to work very well for this project. He thanked the applicant for the quality of the presentation and noted that the framing of how the project changed in the SPRC process was very useful. Additionally, he is pleased that staff and the applicant worked together on the parking flexibility.

Commissioner Cole thanked the applicant for bringing a good project. This is a project where significant flexibility on the part of the County is necessary. This is an important location and in order to get quality redevelopment of a difficult site, flexibility is needed. Colony House was also a site where there was a reasonably good project at a site that could have laid fallow for a very long time. The notion of flexibility with the cantilevers, height, and the garage in this particular case was a good one. He gave staff credit for its creativity in that flexibility and finding ways to extend to the applicant things which the County might normally not have been willing to accept. This is a unique situation and for the record this is not a situation in which every client of this particular counsel should expect this kind of accommodation.

Commissioner Brown said she is excited to see a building like this built given that the revenues in the County are flat while demographics are increasing and more office space needs to be filled and built. This is the kind of space that current tenants want and she hopes for more in the future since smaller office spaces are the type of spaces that will be needed in the future.

Commissioner Iacomini stated that she is very pleased with this project in general but especially in that it becomes the receiving site for density designated for transfer from nearby historic resources. Courthouse Manor and Wakefield Manor are Essential buildings on the County's Historic Resources Inventory (HRI) as well as being market rate affordable units that have been home to several generations of Arlingtonians. Four years ago steps were taken through a site plan to certify density from these historic apartments could be used elsewhere and not used to build something new in their place. This project demonstrates it is possible to have new development in an area use density from nearby not just to fulfill historic preservation goals but other goals as well, such as the preservation of market rate affordable housing.

Commissioner Siegel added that she is anxious to see the project built. We are in a period where we notice changes in the economy and the future of office space is smaller and more flexible. Perhaps this will help stimulate a trend.

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

VACATION

Commissioner Gutshall made a motion to determine that the proposed vacation of a 45 square foot portion of the right-of-way of North Courthouse road running north to south between Wilson Boulevard and Clarendon Boulevard, abutting the western boundary of property known as The Lands N/F McClaine Associates, LLC; and a 384 square foot portion of an easement for public street purposes running north to south between Wilson Boulevard and Clarendon Boulevard along the western boundary of property known as The Lands N/F McClaine Associates, LLC is substantially in accord with the Comprehensive Plan or applicable part thereof. Commissioner Iacomini seconded the motion.

Commissioner Forinash made a friendly amendment that the Planning Commission should "find" instead of "determine". Commissioner Gutshall and Commissioner Iacomini agreed.

The Planning Commission voted 9-0 to support the motion with Commissioners Siegel, Ciotti, Iacomini, Forinash, Cole, Harner, Sockwell, Gutshall, and Brown in support.

Respectfully Submitted,
Arlington County Planning Commission

A handwritten signature in black ink, appearing to read "Chris Forinash", written in a cursive style.

Christopher J. Forinash
Planning Commission Chair

