



ARLINGTON COUNTY, VIRGINIA
ARLINGTON COUNTY PLANNING COMMISSION

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CLERK

May 12, 2015

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

SUBJECT:

1. Mosaic Park (ACTION)

- A.** Adoption of a Resolution to amend the Master Transportation Plan (MTP) Map, to remove a section of 5th Place North, a public street, for the purpose of expanding Mosaic Park. The subject section of 5th Place North is west of North Pollard Street and is a 15-foot wide public right-of-way of approximately 200 feet in length and no longer has a transportation purpose. The County acquired the properties that abut the subject section of 5th Place North and has been improving them as a public park (known as Mosaic Park).
- B.** Enactment of an Ordinance to Abandon as a Public Street a Portion of 5th Place North, Abutting the Southern Boundaries of Property of the County Board of Arlington County, Virginia as Recorded in Deed Book 4324, Page 764, RPC #14-060-037, RPC #14-060-016; Deed Book 4435, Page 1569, RPC #14-060-017; Deed Book 2826, Page 457, RPC #14-060-019; Deed Book 4817, Page 2189, RPC # 14-060-022; and Abutting the Northern Boundary of Property of the County Board of Arlington County, Virginia as Recorded in Deed Book 2904, Page 1572, RPC #14-060-060.
- C. GP-330-15-1** General Land Use Plan Amendment from “Medium” Residential (37-72 units/acre) to “Public” (Parks, schools, parkways, major unpaved rights-of-way, libraries and cultural facilities) for an area located in the block between North Quincy Street, Wilson Boulevard, North Pollard Street, and 5th Place North within Mosaic Park, approximately 0.85 acres; and identified as (RPC# 14060016, -017, -037, -042, part of 14060022, and the right-of-way for 5th Place N.).
- D.** Certification of Transferable of Development Rights (TDR) by the Arlington County Board, for the purpose of creating open space and developing community recreation and/community facilities on an

P.C. #23.A.-E.

approximate 3,866 square foot former right-of way for 5th Place North located within Mosaic Park between North Pollard Street and North Quincy Street within Mosaic Park;

E. Z-2580-15-1 Rezoning from “CM” Limited Industrial Districts and “RA8-18” Apartment Dwelling Districts to “S-3A” Special Districts, real property located in the block between North Quincy Street, Wilson Boulevard, North Pollard Street and 5th Road North within Mosaic Park, of approximately 1.935 acres; and identified as RPC#14106016, -017, -019, -020, -037, -042, -060, and a portion of 14060022.

RECOMMENDATIONS:

1. The Planning Commission finds that the abandonment of 5th Place North is in compliance with the Comprehensive Plan.
2. The Planning Commission recommends that the County Board:
 - a. Adopt the attached Resolution to amend the Master Transportation Plan (“MTP”) to remove a portion of 5th Place North from the MTP Map.
 - b. Enact the attached Ordinance to Abandon as a Public Street a portion of 5th Place North between North Pollard Street and North Quincy Street.
 - c. Authorize the Real Estate Bureau Chief, Department of Environmental Services, to execute, on behalf of the County Board, all deeds or other documents necessary to effectuate the Ordinance to Abandon as a Public Street, subject to approval of such documents as to form by the County Attorney.
 - d. GP-330-15-1 Adopt the attached Resolution to amend the General Land Use Plan to change from “Medium” Residential to “Public” for an area located in the block between North Quincy Street, Wilson Boulevard, North Pollard Street, and 5th Place North within Mosaic Park.
 - e. Adopt the attached Resolution certifying 7,499 square feet as transferable development rights on County-owned property located within Mosaic Park on the GLUP (“Sending Site”) for the purposes of creating open space and developing community recreation and/or community facilities.
 - f. Direct the County Manager to record, among the land records of the Clerk of the Circuit Court of Arlington County, a covenant for the subject property limiting future use of said property to public open space, recreation uses and public access, within 12 months from this date, May 16, 2015.
 - g. Adopt the attached Resolution to approve the rezoning of the subject properties from “CM” Limited Industrial Districts and “RA8-18” Apartment Dwelling Districts to “S-3A” Special Districts, located in the block between North Quincy Street, Wilson Boulevard, North Pollard Street and 5th Road North within Mosaic Park.
3. The Planning Commission recommends that the County Board direct the County Manager to address the condition of North Pollard Street and ensure that the portion of North Pollard Street abutting the park site provide for consistent treatment in future development north of the park site.

4. The Planning Commission recommends that the County Board direct staff to study issues surrounding the practice of TDR with emphasis on TDR's created from public land with a recommendation be made to the County Board by December 31, 2016. Issues should include but not limited to establishment of a TDR bank, the banking of both public and private TDRs, as well as fiscal issues surrounding TDRs.

Dear County Board Members:

The Planning Commission heard this item at its Monday, May 4, 2015 meeting. Richard Tucker, Community Planning, Housing, and Development (CPHD), Planning gave a presentation on the background of the development of Mosaic Park and the related Founder's Square site plan process. He pointed out that 5th Place North is no longer needed as a public street because it is wholly within the park and not needed to make connections within the park itself. All adjacent parcels are owned by the County and will be rezoned to "S-3A" for public uses. There is approximately 7,500 square feet of density available for transfer if certified by the Board. The value could help with future development of the park.

Additional staff present were Richard Viola, Department of Environmental Services (DES), Transportation, Maxine Cholmondeley, DES, Real Estate Bureau, Scott McPartlin, Department of Park and Recreation (DPR), and Bob Duffy, Director, CPHD Planning.

Public Speakers

Jim Huryz, Fairlington resident, said that Shirlington was redeveloped without affordable housing or public facilities with the exception of a library and public plaza and today Shirlington has become a regional festival site and Fairlington is becoming a multi-jurisdiction activity center. Before approving any additional mixed-use development, a capacity, environmental, and multi-modal impact analyses needs to be done to determine the projected impacts of mixed-use development on Arlington's open space including neighborhood parks.

Planning Commission Committee Reports

Commissioner Gutshall reported the Transportation Commission recommended approval with no additional comment. The Commission reviewed the MTP elements and not the rezoning or TDR aspects.

Commissioner Cole reported the LRPC reviewed the project in March and it was an informational review and opportunity for Commissioners to ask questions.

Planning Commission Motion

Commissioner Ciotti made a motion that the Planning Commission recommend to the County Board that they:

1. Adopt the attached Resolution to amend the Master Transportation Plan (“MTP”) to remove a portion of 5th Place North from the MTP Map.
2. Enact the attached Ordinance to Abandon as a Public Street a portion of 5th Place North between North Pollard Street and North Quincy Street.
3. Authorize the Real Estate Bureau Chief, Department of Environmental Services, to execute, on behalf of the County Board, all deeds or other documents necessary to effectuate the Ordinance to Abandon as a Public Street, subject to approval of such documents as to form by the County Attorney.
4. GP-330-15-1 Adopt the attached Resolution to amend the General Land Use Plan to change from “Medium” Residential to “Public” for an area located in the block between North Quincy Street, Wilson Boulevard, North Pollard Street, and 5th Place North within Mosaic Park.
5. Adopt the attached Resolution certifying 7,499 square feet as transferable development rights on County-owned property located within Mosaic Park on the GLUP (“Sending Site”) for the purposes of creating open space and developing community recreation and/or community facilities.
6. Direct the County Manager to record, among the land records of the Clerk of the Circuit Court of Arlington County, a covenant for the subject property limiting future use of said property to public open space, recreation uses and public access, within 12 months from this date, May 16, 2015.
7. Z-2580-15-1 Adopt the attached Resolution to approve the rezoning of the subject properties from “CM” Limited Industrial Districts and “RA8-18” Apartment Dwelling Districts to “S-3A” Special Districts, located in the block between North Quincy Street, Wilson Boulevard, North Pollard Street and 5th Road North within Mosaic Park.

Commissioner Iacomini seconded the motion.

Commissioner Cole made a motion to table the main motion. There was no objection.

Commissioner Iacomini made a motion that the Planning Commission find that the abandonment of 5th Place North is in compliance with the Comprehensive Plan. Commissioner Forinash seconded the motion.

Commissioner Iacomini asked why the County is abandoning the property and not vacating it. Ms. Cholmondeley explained that the County is abandoning the use but retaining ownership of the property.

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

Commissioner Forinash asked if the southern border of the 5th Place North GLUP designation applies to the area that is currently 5th Place as well. Mr. Tucker responded that the GLUP map is general and there is not an assignment to a ROW or a street. When that ROW is between two parcels that are also designated, it is assumed that the designation applies to the ROW. In this case, a new boundary will be drawn around the entire park.

Commissioner Cole said that North Pollard Street is an irregular street and the cross section varies dramatically within the site and along the neighboring site as well. In one slide of the presentation, the eastern boundary of the park is further to the east than the Gold's Gym building and in another slide, the boundary of the park including the sidewalk is further to the west than the Gold's Gym building. He asked for an explanation of the inconsistency, and if the long term plan for North Pollard Street is to abandon the section between Wilson and Gold's Gym to make it consistent with the future north boundary of Phase II of Mosaic Park. He also noted that the southwest corner is curiously irregular.

Mr. Viola responded there has not been a plan for North Pollard Street. Some of the newly acquired properties are located further to the east and there is a jog in the street to go around those properties. If the County were to acquire some of the Gold's Gym property, the County would regularize the street and make it a consistent cross-section from south of 5th Road to Wilson Boulevard.

Commissioner Cole said the plat map shows the centerline of Pollard to be on the building of Gold's Gym and the presentation suggests that in order to regularize the road it will allow some of the park land to move into the road. He asked if that is true and if an MTP amendment is needed. Mr. Viola responded that it does not require a MTP amendment but may require another real estate action to move parkland into street ROW.

Mr. Tucker responded that the use is immaterial but the street cross section and sidewalk space called for in the park plan may dictate the final design. Mr. Cole asked if the deed is affected. Ms. Cholmondeley said no because it is all County owned property. Mr. Cole asked if any of the \$6.6 million from the TDR was going toward widening the road. Mr. McPartlin responded not to the best of his knowledge but that all the ROW improvements will be funded from the \$6.6 million. Mr. Cole clarified that the County is abandoning part of what is being designated as parkland and it will be street. The presentation shows a direct straight line edge and so presumably there is a shrinking of property north of the current 5th Place North. Mr. McPartlin responded that this design was part of the conceptual plan prior to the construction drawings.

Commissioner Iacomini asked how the County is planning on holding the TDR since the County does not have a TDR bank, how the density is valued, and how the County is an honest broker given the County will have private density which could be in competition with TDR held in private. Mr. Tucker responded it is not the County's intention to bank density and if staff had control of all the properties when density was transferred originally to Founder's Square, there would be no banking of density. The holding of density is not the County's typical practice and is an open question. It is not the County's intent to certify density throughout the County and become a density bank. Staff saw this as an opportunity to create some funding for future phases of the park development. Commissioner Iacomini said she thought it was prudent but hoped staff would begin a process to regularize the informal banking so it could benefit the public parcels that the County abandons or vacate and how County works that with private ownership.

Commissioner Cole agreed with Commissioner Iacomini and would like to make a recommendation to the Board that they direct staff to look at this issue.

Commissioner Gutshall asked if the idea is to eventually sell it to a receiving site and what is the value. Mr. Tucker responded the value depends on the use and location of the site. Gutshall asked if there is a fiscal impact of certifying the density. Mr. Tucker responded there is no fiscal impact because it does not cost the County anything because the County has not sold it yet. Mr. Gutshall asked why the County wants to designate it now versus when a receiving site is found. Mr. Tucker responded it will have significantly less density if the Board rezones it prior to certifying the density.

Commissioner Forinash said he was surprised that there is a final design without having an exercise to figure out the ultimate street cross section on that block. Mr. Viola responded there has not been a plan for Pollard Street. Commissioner Forinash responded that for a private development, it is important to let the developer know where curb is located as early as possible and it is important.

Mr. McPartlin said that it appears that some of the jutting out parkland is used for ROW purposes in the proposed construction plans. Staff will follow up and ensure that all the appropriate procedural actions are taken to make it official.

Commissioner Cole said that there is no sidewalk at the park and unless it is paved, the County will now put in a curb and east of that curb will be dirt in the street. He asked if that will be the condition for the future, if not what are the plans to no longer have that as a condition, and if the goal is not have that, where are the funds going to come from since it is unlikely to be in the CIP. Mr. McPartlin responded that all of the sidewalks will be brought up to County standard. There is a variable width to North Pollard now and there will be when it is completed. Mr. Cole asked if the northern end of the sidewalk will be at the brick wall which is the south face of Gold's Gym and Mr. McPartlin responded it will end at the parking lot.

Commissioner Forinash said it needs more work on the Pollard Street side before building begins but there seems to be time since the funds might not be coming from the developer yet.

Commissioner Cole sought unanimous consent to take the main motion off the table. There was no objection.

Commissioner Cole sought unanimous consent to recommend to the County Board that it direct the County Manager to address the condition of North Pollard Street and ensure that the portion of North Pollard Street abutting the park site provide for consistent treatment in future development north of the park site. There was no objection. The motion was added to the main motion.

Commissioner Gutshall stated he is uncomfortable with the TDR designation as a sending site because he does not understand how it fits in with the broader TDR policy and does not see how it would get used in any meaningful way or how the receiving neighborhood will feel about extra density based on making Mosaic Park.

Commissioner Harner asked about how to understand the system for distribution of density and priorities establishing who comes first is an important issue. Additionally, he agrees with Commissioner Cole and as a manner of planning and to understand the costs and future development of the street, the street ROW issues should be addressed with care. The public sector should be held

to the same standard as the private sector when we are looking at redevelopment of a site where detailed analysis and engineering drawings are required.

Commissioner Forinash called the main motion as amended.

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

Commissioner Iacomini made a motion that Planning Commission recommend the County Board direct staff to study issues surrounding the practice of TDR with emphasis on TDRs created from public land. Issues should include but are not limited to establishment of a TDR bank, the banking of both public and private TDRs, as well as fiscal issues surrounding TDRs. Commissioner Cole seconded the motion.

Commissioner Cole sought unanimous consent to amend the main motion to include a recommendation that the County Board direct staff to not only study the issue but make recommendations to it on addressing the issue and that it complete that work by December 31, 2016. There was no objection and the motion was amended.

Commissioner Siegel asked Commissioner Gutshall if this made him more comfortable about the TDR policy. Commissioner Gutshall responded yes however they are still recommending that the County Board move forward with a TDR sending site without benefit of study proposed.

The Planning Commission unanimously voted to support the main motion as amended 9-0 with Commissioners Brown, Ciotti, Cole, Forinash, Gutshall, Harner, Iacomini, Siegel, and Sockwell 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 Forinash
Planning Commission Chair