



# ARLINGTON COUNTY, VIRGINIA

## ARLINGTON COUNTY PLANNING COMMISSION

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GIZELE C. JOHNSON  
CLERK

July 22, 2015

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

**SUBJECT: 1. Rosslyn Sector Plan**

### RECOMMENDATIONS:

**The Planning Commission expresses its very deep concern that, by making substantive changes and additions to the Rosslyn Sector Plan following conclusion of the public review process, the County Board risks undermining the public trust that the County’s long term plans will be developed through a systematic, transparent, public process. The Commission understands, as part of the public process, that changes can and do commonly occur up to and during final County Board consideration. However, the scope and nature of changes made to the Rosslyn Sector Plan subsequent to the conclusion of the Planning Commission review on July 8, 2015 and included in the July 16, 2015 Plan are of sufficient concern to force the Planning Commission to call a rare Special Meeting to express formally its position. The Planning Commission as a whole believes such changes should only be made after the general public has been given a reasonable opportunity for review.**

**The Planning Commission recommends the County Board adopt the Resolution dated July 20, 2015 (attached to the County Manager’s supplemental report dated July 21, 2015) to adopt the Rosslyn Sector Plan dated July 1, 2015 (attached to the County Manager’s draft report to the Planning Commission dated July 1, 2015), conditional on the following additional changes:**

- 1. In the Resolution, replace the final three “WHEREAS” paragraphs with the following:**

**WHEREAS, the County Board finds that sector plans represent the community’s shared vision for the future development of Arlington’s urban neighborhoods, ensure long-term clarity and predictability for the community and property owners, sustained improvements over time, and the protection of the rights of property owners in a sector or area; and**

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Special Meeting  
07/21/15

**WHEREAS, sector plans establish a broad community vision and intent, the special exception site plan process is founded on the principle of flexibility and offers property owners significant opportunities, as the Board determines, to seek exceptions from zoning ordinance provisions and elements of the Arlington Comprehensive Plan and related sector and long-term plans; and**

**WHEREAS, the County Board finds the Rosslyn Sector Plan Update provides detailed depictions of just one way the future vision can be achieved and that the plan is inherently open to and welcoming of other creative and imaginative design and development solutions that meet the intent and spirit of the Plan that will be reviewed as part of the special exception site plan process, and then considered by the County Board; ....**

- 2. In the Resolution, replace the final three “BE IT FURTHER RESOLVED” paragraphs with the following:**

**BE IT FURTHER RESOLVED, Development proposals should support and advance the vision, goals, and recommendations of this Plan, however, property owners may offer alternative, creative solutions or proposals consistent with the intent of the plan to be considered as part of the site plan review process; and**

**BE IT FURTHER RESOLVED, That in the spirit of affording creativity, projects that do not adhere to the letter of every provision in the design guidelines, shall be reviewed to determine whether they demonstrate a clear alternative approach that achieves the stated intent of the design guidelines; and**

**BE IT FURTHER RESOLVED, That, with respect to the drafting of amendments to the “C-O Rosslyn” chapter of the Zoning Ordinance, which will occur in 2015 and 2016, the County Board will establish a community stakeholders group to work with staff on the tools and recommendations related to Zoning Ordinance amendments needed to implement the Plan and this effort shall be followed by the regular zoning ordinance amendment review process.**

- 3. On page 154 of the Rosslyn Sector Plan draft dated July 1, 2015, delete the following paragraph:**

**“The current zoning regulations do not provide any flexibility for the County Board to grant additional density above 10.0 FAR. The Plan recommends consideration for modifications in specific instances where additional density would be consistent with the goals of the sector plan. As recommended, modifications could be granted by the County Board where:**

- 1) Major Plan goals are advanced; and/or**
- 2) Transfer of Development Rights are applied; and**
- 3) Additional density is consistent with building height and form guidelines.”**

**(Please note that the language on this issue on page 154 of the July 16, 2015 version of the plan differs slightly from the above. The Planning Commission recommendation applies to this version as well.)**

**The Planning Commission notes that these recommendations augment its recommendations to the County Board expressed in its July 14, 2015, letter.**

Dear County Board Members:

The Planning Commission heard these items at a Special Meeting on July 21, 2015. This Special Meeting was called and noticed in accordance with all provisions of the Bylaws of the Planning Commission, as well as applicable sections of Virginia Code.

Staff was only able to attend the first part of this meeting and was represented by Bob Duffy, Community Planning, Housing, and Development (CPHD). Commissioner Iacomini recorded minutes to ensure the Commission is in accordance with requirements and those minutes are being compiled.

The Planning Commission had previously heard and acted on this item at its Public Hearing on July 8, 2015. That hearing resulted in our letter to you dated July 14, 2015, which remains in effect.

The Planning Commission did not hear public speakers, although several members of the public were in attendance. We had concluded our public hearing as noted above.

### **Planning Commission Discussion**

Commissioner Forinash called the meeting to order and outlined the extraordinary circumstances that had led to calling this Special Meeting. After the Plan was posted on Friday, July 17, 2015, Commissioners reviewed it. Commissioner Harner and other Commissioners identified changes they believed were outside the scope of the Rosslyn Sector Plan discussed during the multi-year public process through the Commission's July 8, 2015, hearing. On Monday, July 20, 2015, Commissioners Forinash and Harner individually contacted each other Commissioner individually to discuss the changes, their implications, and potential responses. Commissioners Forinash and Harner also spoke with staff, County Board members, and the County Attorney to inform our understanding. Commissioner Forinash called the Special Meeting to enable the Planning Commission to have a public discussion and determine actions. On July 21, 2015, notice was posted of the Special Meeting to occur that night.

Commissioner Harner and other Commissioners presented their analyses of changes incorporated into the version of the Plan attached to the County Manager's report to the County Board, dated July 16, 2015, following the Commission's July 8, 2015 public hearing. Commissioners were generally uncomfortable with the nature of changes incorporated, as well as with the process by which they were incorporated.

Commissioners discussed a range of possible responses, including: recommending deferral; recommending adoption of the Plan dated July 16, 2015, with some changes “rolled back” to the July 1, 2015 version; and recommending adoption of the Plan dated July 1, 2015, with some changes. Given the late and opaque nature of some of the changes in the Plan dated July 16, 2015 and the circumstances of the Special Meeting, Commissioners were generally not willing to hold a detailed discussion of changes made between July 1, 2015, and July 16, 2015, to try to determine whether they merit inclusion in an adopted Sector Plan.

## **Motions**

Commissioner Forinash moved that the Planning Commission recommend the County Board adopt the Resolution dated July 20, 2015 (attached to the County Manager’s supplemental report dated July 21, 2015) to adopt the Rosslyn Sector Plan dated July 1, 2015 (attached to the County Manager’s draft report to the Planning Commission dated July 1, 2015), conditional on the following additional changes:

1. In the Resolution, replace the final three “WHEREAS” paragraphs with the following:

WHEREAS, the County Board finds that sector plans represent the community’s shared vision for the future development of Arlington’s urban neighborhoods, ensure long-term clarity and predictability for the community and property owners, sustained improvements over time, and the protection of the rights of property owners in a sector or area; and

WHEREAS, sector plans establish a broad community vision and intent, the special exception site plan process is founded on the principle of flexibility and offers property owners significant opportunities, as the Board determines, to seek exceptions from zoning ordinance provisions and elements of the Arlington Comprehensive Plan and related sector and long-term plans; and

WHEREAS, the County Board finds the Rosslyn Sector Plan Update provides detailed depictions of just one way the future vision can be achieved and that the plan is inherently open to and welcoming of other creative and imaginative design and development solutions that meet the intent and spirit of the Plan that will be reviewed as part of the special exception site plan process, and then considered by the County Board;  
....

2. In the Resolution, replace the final three “BE IT FURTHER RESOLVED” paragraphs with the following:

BE IT FURTHER RESOLVED, Development proposals should support and advance the vision, goals, and recommendations of this Plan, however, property owners may offer alternative, creative solutions or proposals consistent with the intent of the plan to be considered as part of the site plan review process; and

BE IT FURTHER RESOLVED, That in the spirit of affording creativity, projects that do

not adhere to the letter of every provision in the design guidelines, shall be reviewed to determine whether they demonstrate a clear alternative approach that achieves the stated intent of the design guidelines; and

BE IT FURTHER RESOLVED, That, with respect to the drafting of amendments to the “C-O Rosslyn” chapter of the Zoning Ordinance, which will occur in 2015 and 2016, the County Board will establish a community stakeholders group to work with staff on the tools and recommendations related to Zoning Ordinance amendments needed to implement the Plan and this effort shall be followed by the regular zoning ordinance amendment review process.

Commissioner Harner seconded.

Commission Siegel sought unanimous consent that the following text be added as preamble be added to the main motion:

The Planning Commission expresses its very deep concern that, by making substantive changes and additions to the Rosslyn Sector Plan following conclusion of the public review process, the County Board risks undermining the public trust that the County’s long term plans will be developed through a systematic, transparent, public process. The Commission understands, as part of the public process, that changes can and do commonly occur up to and during final County Board consideration. However, the scope and nature of changes made to the Rosslyn Sector Plan subsequent to the conclusion of the Planning Commission review on July 8, 2015 and included in the July 16, 2015 Plan are of sufficient concern to force the Planning Commission to call a rare Special Meeting to express formally its position. The Planning Commission as a whole believes such changes should only be made after the general public has been given a reasonable opportunity for review.

Without objection, it was added to the main motion.

Commissioner Cole sought unanimous consent to add to the main motion the following text:

On page 154 of the Rosslyn Sector Plan draft dated July 1, 2015, delete the following paragraph:

“The current zoning regulations do not provide any flexibility for the County Board to grant additional density above 10.0 FAR. The Plan recommends consideration for modifications in specific instances where additional density would be consistent with the goals of the sector plan. As recommended, modifications could be granted by the County Board where:

- 1) Major Plan goals are advanced; and/or
- 2) Transfer of Development Rights are applied; and
- 3) Additional density is consistent with building height and form guidelines.”

Commissioner Forinash objected. Commissioner Cole moved the same change as an amendment. Commission Gutshall seconded.

Commissioner Cole noted that allowing density to exceed 10.0 FAR, even if it facilitates the achievement of other worthy goals (e.g., transfer of development rights in support of affordable housing elsewhere in the County), threatens high-quality placemaking in Rosslyn that the plan strives to achieve. He suggested that allowing higher density consistent with height and form guidelines risks reducing the quality of views out of and into Rosslyn, reducing daylight reaching the street, and encourages property owners each to seek to maximize their own investment at the expense of other property owners. He concluded that holding to the 10.0 FAR density limit promises to make a better place in Rosslyn, increasing demand for office and residential spaces in the area, resulting in higher rents for property owners, and, ultimately, generating as much or more revenue for the County.

The Planning Commission voted 8-3 in support of the motion with Commissioners Ciotti, Cole, Forinash, Guttshall, Harner, Hughes, Schroll, Sockwell in support and Commissioners Brown, Iacomini, and Siegel opposed.

Commissioner Schroll moved a substitute amendment that the Planning Commission recommend that the County Board defer consideration of adoption of the Plan until its September 2015 hearing and direct the County Manager to work with stakeholders and the general public to address the following areas of concern with the Plan dated July 15, 2015 (references are to the County Manager's report dated July 16, 2015, Attachment 5, "Red-lined Text Only of the Rosslyn Sector Plan document"):

1. On page 20, modify the text regarding acceptable building heights within the RCRD based on future FAA requirements, by adding a new sentence stating "Any upward adjustments to the maximum building heights recommended in the plan should only be undertaken within the comprehensive review process of a sector plan update, and not on a property-by-property basis;"
2. On page 48, remove all text regarding the River Place Site;
3. On page 54, bullet point 2, remove the last sentence beginning with the phrase "If a joint development does not occur..." and the following redline strike-through text;
4. On page 73, delete the following paragraph: "The current zoning regulations do not provide any flexibility for the County Board to grant additional density above 10.0 FAR. The Plan recommends that the County Board should have the ability to consider, in specific instances, additional density above 10.0 FAR, where it could be consistent with the overall vision of the sector plan and where:
  - 1) Major Plan goals are advanced; and/or
  - 2) Transfer of Development Rights are applied; and
  - 3) Additional density is consistent with building height and form guidelines.
5. On page 74, for "Building Height and Form Guidelines," remove text from the July 16 staff draft and restore the original text from the July 1 Draft Update to read "In the spirit of affording maximum creativity, projects that do not exactly follow the letter of every provision in the design guidelines, but nonetheless demonstrate an alternative approach

that *may be* superior to and achieves the intent of the design guidelines, *may be recognized as an alternative for consideration.*” In addition, restore the last sentence from the same paragraph to its original form to read “Certain parameters, as outlined below, are key to achieving the policies and are therefore recommended to be codified in the Zoning Ordinance as an implementation step immediately following adoption of the Sector Plan.”

6. On page 74, beginning with the Phrase “Guidelines presented in this are envisioned...” restore the original text from the July 1 Draft Sector Plan Update stating “Guidelines recommended to be codified in the Zoning Ordinance include:”
7. On page 82, remove new text recommending height variations between towers should be “generally 30 feet or more,” and restore the original text from the July 1 draft, as shown in the redline strike-through stating that on sites with multiple towers, the “height of each one should differ from the height of all other towers by at least 40 feet;”
8. On pages 84 to 85, modify the added new caption text to clarify that the caption in no way dilutes the requirements for views from the Observation Deck specifically identified on pages 82 through 84;
9. On page 86, restore text that the narrower tower dimension should not exceed 120 feet, and remove text stating that the “narrower dimension should generally be within 110 to 130 feet;”

Commissioner Schroll clarified that his motion also included the preamble text as previously moved. Commissioner Gutshall seconded.

Commissioner Schroll argued that deferral would allow time for stakeholders and the community to understand the changes that were made and allow the County Board to consider adoption of the plan within a reasonable time frame. Commissioner Schroll stated that given the extraordinary circumstances, and the risk of undermining the public trust, a reasonable deferral would be a preferred approach.

Some Commissioners opposing the motion argued that the main concern about process – major provisions added without broad public scrutiny – should not be undercut by an attempt to start a discussion of those issues outside of broad public scrutiny. The Commission had already sent its advice to the Board at the end of the public process and strongly supported the Rosslyn Sector Plan dated July 1, 2015.

The Planning Commission voted 4-7 against the motion, with Commissioners Cole, Gutshall, Hughes, and Schroll in support and Commissioners Brown, Ciotti, Forinash, Harner, Iacomini, Siegel, and Sockwell opposed.

The Planning Commission voted 10-0-1 to support the main motion with Commissioners Brown, Ciotti, Cole, Forinash, Gutshall, Harner, Iacomini, Schroll, Siegel, and Sockwell in support and Commissioner Hughes abstaining.

Respectfully Submitted,  
Arlington County Planning Commission

A handwritten signature in black ink, appearing to read "Chris Forinash". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Christopher Forinash  
Planning Commission Chair