



# ARLINGTON COUNTY, VIRGINIA

## ARLINGTON COUNTY PLANNING COMMISSION

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CLERK

October 14, 2015

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

**SUBJECT: 1. A. Z-2584-15-1, Rezoning from C-2 Service Commercial-Community Business District to R-C Multiple-Family Dwelling and Commercial District, and related update to ACZO Map 13-1 to indicate the zoning district and extend Line A around the property where necessary; located at 670 N. Glebe Rd.; approximately 43,936 sq. ft.; and identified as RPC# 13-018-099; -012; -013; -014; -016; -017**

**B. SITE PLAN #437, 672 FLATS, 670 Glebe Road Associates LLC, c/o The Penrose Group for a mixed-use development containing 179,210 sq. ft. of residential gross floor area (173 dwelling units) and 4,325 sq. ft. of retail gross floor area in the R-C zoning district under ACZO §7.3, §15.5. Property is approximately 43,936 sq. ft.; located at 670 N. Glebe Rd.; and is identified as RPC# 13-018-009; -012; -013; -014; -016; - 17. The proposed density is 4.18 FAR. Modifications of zoning ordinance requirements include: retail parking ratio, loading spaces, and landscaped open space, and other modifications as necessary to achieve the proposed development plan.**

**RECOMMENDATIONS: The Planning recommends that the County Board:**

- A. Adopt the resolution to approve the subject request for rezoning from C-2 Service Commercial-Community Business District to R-C Multiple-Family Dwelling and Commercial District, and related update to Arlington County Zoning Ordinance Map 13-1 to indicate the zoning district and extend Line A around the property where necessary for the property located at 670 N. Glebe Rd.
- B. Adopt the attached ordinance to their County Board agenda item for the meeting of October 17 to approve the subject site plan request for a six (6) story residential building with ground floor retail containing 184,129.21 square feet of gross floor area (GFA), with modifications of use regulations for retail parking, loading spaces, and all other

**P.C. #36.A.B.**

modifications as necessary to achieve the proposed development with the following amendments:

1. Make the following modification to Condition 43b-4 which is to change the second sentence in the paragraph to read, "The developer agrees to diligently market and exclusively make available the accessible units to income qualified households with persons with physical disabilities for a period of 180 days during the initial marketing/leasing period and subsequent availabilities of the units.
2. Direct County staff to investigate the possibility of changing the curb alignment on Carlin Springs to narrow the turning radius and shorten the crossing distance across Carlin Springs and to protect the parking spaces that fit there

### **BACKGROUND**

The Planning Commission heard these items at its October 5, 2015 public hearing. Matthew Pfeiffer, Department of Community Planning Housing and Development (CPHD)-Planning, gave a presentation on the background and details of the proposed project. Other staff present included Tom Miller, Current Planning Supervisor, CPHD, Steve Cover, Director, CPHD, and Robert Gibson, Department of Environmental Services (DES)-Transportation.

Cathy Puskar, Walsh, Colucci, Lubeley & Walsh, PC introduced the project for the applicant 670 Glebe Associates, c/o The Penrose Group, LLC. Chris Harvey, Hord, Copland, Macht (HCM) gave a presentation on the proposed building design and Dan Dove, Studio 39 Landscape Architecture, P.C. gave an overview of the landscape design for the site.

### **PUBLIC SPEAKERS**

There were seven public speakers for this item. Detailed remarks from public speakers are available in the appended transcript.

Alyssa Cannon is a real estate agent, Clarendon Park homeowner, and President of the association. They support the developer's proposal and staff recommendation to put the loading dock on 7th Street.

Gerald Hubbard lives behind Clarendon Commons opposite a loading dock, and supports the location of the loading dock on 7th Street.

Jeremy Tsiopanas lives on 7th Street in the Townes of Ballston and spoke on the behalf of the Board of Directors for the HOA. They support the placement of the loading dock on 7th Street

Ed Coppola owns the first house on the alley and supports the placement of the loading dock on 7th Street.

Wendy Dean representing two property owners on Tazewell Street supports the proposal to place loading on 7th Street to avoid creating adverse impacts on neighboring property owners.

Terri Serie lives in Towns of Ballston and represented the Bluemont Civic Association. They support the project. He finds the Arlington County alley policy appropriate in many contexts, but not this one.

Jim Hurysz, Fairlington resident, spoke in opposition to projects that lack open space or contributions to open space.

Audrey Clement spoke about the difficulty with obtaining documents related to 672 Flats.

### **REVIEW PROCESS**

Commissioner Schroll reported the Transportation Commission (TC) discussed 672 Flats. There were 13 speakers in support of loading on 7th Street. The TC discussed the Mazda site and how it related to this site and the potential for a new traffic light at 7th Street. The TC voted to support the project.

Commissioner Iacomini reported the SPRC met five times on the proposal. Several points were addressed by the developer during the course of the SPRC process. She introduced suggested topics for discussion.

### **PLANNING COMMISSION DISCUSSION**

The Planning Commission discussed the location of the loading dock, building access, activation of the street, parking, building materials, affordable housing calculations, open space, community benefits, site plan conditions, and online posting of the draft staff reports on the Planning Commission website. A full transcript of the deliberation is appended to the PC letter.

The Commission asked for clarification on Dominion Virginia Power's (DVP's) new policy regarding underground transformers in the public right-of-way. Staff clarified that the policy, as verbally conveyed by DVP to the applicant, does not allow placement in the fee portion of the public right-of-way. As recently as the Wendy's site plan approved last summer, DVP was allowing transformer placement in the fee area; it remains to be seen whether DVP will allow it when that project seeks permits to begin construction. Placement within the sidewalk and utilities easement area apparently will still be allowed. Staff is still seeking written confirmation of the policy change from DVP.

Regarding the location of the loading dock and garage entrance on 7th Street, the Commission asked about County policy on alleys as stated in the Master Transportation Plan, and under what circumstances that policy allows flexibility. Staff replied that plans by nature include flexibility, as opposed to ordinances and regulations. In this case, staff felt that the alley could accommodate services for the new building, and promoted this view during the SPRC process. However, the late-surfacing need to relocate the transformers to the alley narrowed the alley opening onto 7th Street to the point where certain turning movements could not be accommodated. Therefore, staff supports the loading dock and garage entrance on 7th Street.

Regarding activation of the ground floor retail and other spaces, the Commission noted that the applicant has committed to keeping these spaces lively and lit and transparent during daytime and evening hours. However, the renderings show a transparency that is beyond what the site plan conditions require – near 100% vs. 50-80%. The Commission notes that the community will

remember and rely on the renderings, whereas the applicant is only legally bound by the minimums in the site plan conditions.

In response to public testimony about how materials supporting Commission hearing items are distributed, staff reported that they are working toward making them available electronically in the near future, possibly in a pilot phase as early as next month. Historically, all materials have been made available to Commissioners in hard copy three days before the public hearing. The same materials have been made available to the public on request, and distributed in hard copy at the hearings. With electronic distribution, materials would be available on the PC website and by email to interested parties at the same time they are made available to Commissioners.

#### **PLANNING COMMISSION MOTION**

Commissioner Iacomini made a motion that the Planning Commission recommend to the County Board that they adopt the resolution to approve the subject request for rezoning from C-2 Service Commercial-Community Business District to R-C Multiple-Family Dwelling and Commercial District, and related update to Arlington County Zoning Ordinance Map 13-1 to indicate the zoning district and extend Line A around the property where necessary for the property located at 670 N. Glebe Rd. Commissioner Gutshall seconded the motion.

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

Commissioner Iacomini made a motion that the Planning Commission recommend to the County Board that they adopt the attached ordinance to their County Board agenda item for the meeting of October 17 to approve the subject site plan request for a six (6) story residential building with ground floor retail containing 184,129.21 square feet of gross floor area (GFA), with modifications of use regulations for retail parking, and all other modifications as necessary to achieve the proposed development. Commissioner Gutshall seconded the motion.

Commissioner Gutshall made a motion to amend the main motion to insert into the motion under the list of Modification of Use Regulations in addition to the retail parking ratio, loading spaces. Commissioner Harner seconded the motion.

The Planning Commission voted unanimously to support the motion to amend 10-0 with Commissioners Forinash, Iacomini, Gutshall, Cole, Ciotti, Siegel, Harner, Hughes, Schroll, and Brown in support.

Commissioner Hughes made a motion to amend the main motion and that the Planning Commission recommend the County Board make the following modification to Condition 43b-4 which is to change the second sentence in the paragraph to read, "The developer agrees to diligently market and exclusively make available the accessible units to income qualified households with persons with physical disabilities for a period of 180 days during the initial marketing/leasing period and subsequent availabilities of the units." Commissioner Ciotti seconded the motion.

The Planning Commission voted unanimously to support the motion to amend 9-1 with Commissioners Forinash, Iacomini, Gutshall, Cole, Ciotti, Siegel, Hughes, Schroll, and Brown in support and Commissioner Harner opposed.

Commissioner Forinash made a motion to amend to direct County staff to investigate the possibility of changing the curb alignment on Carlin Springs to narrow the turning radius and shorten the crossing distance across Carlin Springs and to protect the parking spaces that fit there. Commissioner Cole seconded the motion.

The Planning Commission voted unanimously to support the motion to amend 10-0 with Commissioners Forinash, Iacomini, Gutshall, Cole, Ciotti, Siegel, Harner, Hughes, Schroll, and Brown in support.

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

Respectfully Submitted,  
Arlington County Planning Commission  
Christopher V. Forinash

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

## **PUBLIC SPEAKERS**

**Ms. Johnson:** Our first speaker for the evening is Alyssa Cannon, followed by Gerald Hubbard.

**Commissioner Forinash:** And if the second speaker could come on up and sit in one of the close-to-the-front rows so that we can cut down the time between speakers, that'd be great. Good evening.

**Alyssa Cannon:** Good evening. I'm a veteran real estate agent with over 20 years of experience in commercial and residential real estate and I'm also a Clarendon Park homeowner as well as the President of the Association. I was asked to speak by two homeowners, Ed Coppola and Mike Brady, who live in these townhomes that will be up against the project. We support the developer's proposal and the current staff recommendation to put the loading dock on 7<sup>th</sup> Street. We understand that previously there was a consideration for the loading dock and alley to be set up along the back alley that abuts these townhomes. They had pointed to the loading dock and alley at Clarendon Park and Market Commons as a successful example of such an arrangement. And I and many of my townhouse homeowners would have to agree. It's not successful nor ideal. There have been issues and problems with it from the beginning. The Vice-President of the Clarendon Park HOA is also here to say a few words. The problems of having a commercial loading dock directly across a narrow alley from people's homes, especially with noise and idling trucks, can dissuade potential buyers from purchasing such homes. These homes are less desirable. Their value and eventual resale, lower. A real-life example of a young couple that lived on Fillmore Street, after several years they decided to move in large part because they were tired of hearing the noise of delivery trucks, idling trucks, that began early in the morning and lasted throughout the day. One afternoon, they stopped by our house and remarked at how quiet it was. We live on Danville Street. And so they realized that the noise had to do with the fact they were located next to the loading dock and the alley and the trucks and the constant aggravation with that. We've complained about these issues for 13 to 14 years and they're still ongoing. This is what the residents of Tazewell would have faced if you had put this loading dock along the alley. I realize the benefits of the development and the positive aspects of having new commercial projects for the county's tax base and for improving the life in the county but as residents we also make a significant contribution to the tax base and livability of Arlington County and there are times when we need the county to listen to our concerns, to take them into consideration, especially when there are other options available. From what I'm understanding tonight, it sounds like this--the alley is no longer being used because of the transformers and I think all the other points that I made tonight are especially important to remember. Thank you.

**Commissioner Forinash:** Thank you. Next speaker.

**Ms. Johnson:** Gerald Hubbard is followed by Jeremy Tsiopanas.

**Gerald Hubbard:** Good evening. I'm Gerald Hubbard. I live directly behind Clarendon Commons, opposite one of the loading docks. And just to support what Alyssa was indicating earlier, I support the staff's recommendation, also the applicant's in terms of locating the loading dock on 7<sup>th</sup> Street versus the alley and in versus taking time of identifying all the problems, I just wanted to express my support. Thank you.

**Commissioner Forinash:** Thank you.

**Ms. Johnson:** Jeremy Tsiopanas, followed by Edward Coppola.

**Jeremy Tsiopanas:** Hello. My name is Jeremy Tsiopanas. I'm a homeowner of 4338 North 7<sup>th</sup> Street in Townes of Ballston. I'm also speaking on behalf of the Board of Directors for HOA. We support the developer's proposal and the staff's recommendation to place the loading dock on 7<sup>th</sup> Street. It will avoid creating an adverse impact on the existing homes. Because Arlington County staff had previously presented an exhibit stating that the Clarendon Park was a successful implementation of the county's discretionary alley policy, we want to reinforce the current recommendation of its location on 7<sup>th</sup> Street with the following information we gathered in preparation for these county meetings. The Townes of Ballston HOA contacted the Clarendon Park HOA and asked, "Was it a success to have the loading docks in the alley adjacent to their townhomes?" We received a letter from a past president of the Clarendon Park HOA in response to our request. A copy of this letter has been distributed for your review and discussion tonight. Clearly, the letter identifies many reasons why the residents of Clarendon Park have experienced significant and ongoing adverse impacts from the loading dock in the alley. After 13 years, the negative impacts continue with no effective prevention or enforcement solutions. At the conclusion of this letter, Mr. DeMoss observes that, quote, "Given a 27-foot alley failed for Clarendon Row, it will certainly fail for the Townes of Ballston community with only a 12-foot alley adjacent to the 672 Flats site plan. Thank you.

**Commissioner Forinash:** Thank you.

**Ms. Johnson:** Edward Coppola is followed by Wendy Dean.

**Ed Coppola:** Good evening. My name is Ed Coppola. I do agree with the previous speakers but, since our home is uniquely situated in the property, if you could indulge me for a couple of minutes.

**Commissioner Forinash:** Actually, I'll do more than that. If you could either raise the podium or speak directly into the microphone, we'll indulge you even more.

**Ed Coppola:** That better?

**Commissioner Forinash:** Thank you.

**Ed Coppola:** So I own the first house on the alley, right at the corner of 7<sup>th</sup> and the alley, so sort of Ground Zero as I've been calling it. I support the placing of the loading dock on 7<sup>th</sup> Street as proposed by the developer and recommended by the county staff. To put it in an alternative location would have very negative consequences on my house in terms of a reduced quality of life, increased safety threat, and reduction in the home value. In terms of the quality of life, we're harmed by trucks going back and forth in the property as they try to maneuver into and out of the loading docks and practically in my living room. And let me emphasize that with some examples. The narrowest portion of the alley is across from my home, is only 22 feet from the windows and the wall of my home to the new building. The alley beside the house is eight feet narrower than the alley behind Clarendon Park and the bay window on the side of my house facing the alley is six feet away from the alley surface. Just 6 feet. And the kitchen window is only eight feet away. By the way, I'm 6 feet tall, if you want to--what six feet is. The sounds of the trucks, the beeping, the engines, the gearing, brakes, and all that, will clearly be able to be heard in all three floors of my house. And it will be virtually impossible to use the roof deck. We have a roof deck right on the corner that overlooks both the alley and 7<sup>th</sup> Street. Be very difficult to use that, as well as--and have to keep all the windows closed as a result of all the noise and odor pollution that would emanate from a loading dock on the other side of the alley. In terms of safety risk\*, there are congestions there. We have trucks backing up, stopping, moving forward, so on and so forth, to get into the loading dock. It'll be a truck and pedestrian conflict and safety zone for residents is over 50 feet long from 7<sup>th</sup> Street into the alley. So what you're looking at right there is sort of the side of my house and the bay window and the side of the house. So the truck maneuvers will occur immediately adjacent to my house, the narrow sidewalk and the main entrance and the exit to the alley for residents of the townhomes. Dozens of residents, adults and children, use the alley sidewalk by my house daily going to and from Ballston for shopping, work, and the metro. Trucks can go over the sidewalks, the tires can break the sidewalks. So my question would be who's going to deal with that or pay for that? Someone already spoke about the value of homes and how they would be negatively impacted so I won't repeat that. Please don't create a terrible situation next to my house and my neighbor's house. Please listen to our message with an open mind and open heart. Thank you.

**Commissioner Forinash:** Thank you.

**Ms. Johnson:** Wendy Dean is followed by Terry Serie.

**Wendy Dean:** Thank you. I'll raise my hand, everything that's been said. Just very briefly, first and foremost, I am representing two property owners at 647 North Tazewell Street and 643 North Tazewell Street, which would, in fact, be in the 12-foot zone between the originally proposed loading dock area. I'm a lawyer. I'm also have my own real estate company, DC Metro Home Sales affiliated with Keller Williams. I'm also a trained mediator so, from what I can see, we seem to be working towards a real win-win situation. I also spend my time doing various projects with the county, not to the extent you folks do but I serve the Ballston Virginia Square Partnership, working on the original Master Transportation Plan, so I understand full well we always have a balancing act

but it seems to me and I commend staff and I commend the developer on getting to what seems to me a true win-win situation. So I fully support on behalf of my clients and common sense the proposal to place the loading dock on 7<sup>th</sup> Street because it will avoid creating the adverse effects that you've heard about from some of the other speakers and I won't repeat on the existing homes. And I appreciate the flexibility that everybody has shown in working on this together. It's what Arlington does right and I thank you for that.

**Commissioner Forinash:** Thank you.

**Ms. Johnson:** Terry Serie is followed by Jim Hurysz.

**Terry Serie:** Thank you. My name is Terry Serie. I live in the Townes of Ballston community adjacent to the site plan. Tonight I'm also representing the Bluemont Civic Association. The BCA enthusiastically supports the site plan with specific elements like rezoning to RC, bonus density for lead and affordable housing, wider sidewalks around the site, to building masking\* materials and colors. And I must have to say we really worked you over in the site plan committee, on the materials, the color, the articulation. Switching from vinyl siding to aluminum windows, switching from vinyl to aluminum cladding, so I appreciate you taking the beating and making the changes in the site plan committee. We--Bluemont and the residents support the residential courtyards facing the existing townhomes. What a unique set-up. The new treatment of the alley surface, the tapering and stylish design of the bump-out to house the electrical volt\*. We also support the reduced parking ratio for the residential parking and the retail parking ratio. Even though these are in the zoning law, we support reduction of them because of the situational context of this location. It's appropriate to consider the situation and then make adjustments to the zoning ordinance. We also think the parking garage and loading dock on 7<sup>th</sup> fits the situational factors of this location. Significant adverse impact on the existing homes that were built by the site plan have been avoided with the site layout proposed by the developer and now recommended by the county staff. With the 13 years of problems we have heard from the residents at Clarendon Park, it is clear that putting a loading dock adjacent to homes needs to be planned carefully. We need to have sufficient space. We need to have safety barriers. We need to have common sense. The Clarendon Park alley is 30 feet wide and look at the list of problems. I think you have a four-page handout of problems and another--I think you have eight pages of problems. The alley in this block is only four feet wide. Clearly, there would be--12 feet wide. Clearly, there would be sufficient--significant adverse impact for the residents, building management, truck drivers, and pedestrians if the loading dock were to be put in an alley on this site or comparable sites. The Arlington County Alley policy is still a valid planning goal. It's still a valid planning dream, concept. When I sat in this building back in 2010 and 2011, when we were down on the main floor in the long-range planning committee, and working through the street elements section of the plan, some of us could remember experience with breaking up the Peck-Staples block, that's in Ballston where we have Glebe and Wilson. Big beautiful glass building on the corner. Virginia Tech, we have diamonds on that building in the corner. That was a massive super-block. We now have a block with a road through it. We have a block with a

pedestrian connection through it. We have a block with an alley behind Virginia Tech, an alley that works because we had space. We put townhomes, driveway, an alley, and the loading dock. We had space. So I supported the alley policy when we developed it. I still believe it works. It should be applied to super-blocks where we have existing alleys, where we're going to rip down all the buildings and have a clean slate to build from. It ought to be applied to large-scale developments like where we have office buildings and we don't have to worry about impact on existing residential developments. It works amidst tall residential buildings. So the alley policy is still valid, just that when we wrote the policy back in 2010/'11, we always said, "You have to think about the situation and where to apply it. Do no harm to existing buildings, property, and residences." Thank you.

**Commissioner Forinash:** Thank you. We did see the hands, thank you.

**Ms. Johnson:** Jim Hurysz is followed by Audrey Clement.

**Jim Hurysz:** Good evening. I'm Jim Hurysz and I live in Fairlington. This is a generic statement that's specific to this site plan. I oppose this and other so-called smart growth redevelopment that don't either include significant active open space or a substantial developer contribution for new active open space, that is places where people can play soccer, for example. This site plan includes neither. I also ask that the planning commission ask for and the county board demand a multi-modal transportation impact analysis for all new mixed-use residential/commercial site plans that is the impact of pedestrians, bicycles, and motor vehicles on streets and sidewalks on and near the site. Also, as several county board candidates stated during recent candidate forums, there must be analyses of aggregated impacts of multiple site plans across adjoining neighborhoods. And we heard that from you for the Pentagon PDSP. I'm distributing a letter I wrote last week describing the significant problems with overuse of public open space in Arlington that will occur because of a large mixed-use redevelopment across King Street in Alexandria. So what's going to happen to the open space in Bluemont, the neighborhoods, those single-family home neighborhoods you see there when you keep on adding these site plans with no active open space? With no active open space and 70 bicycles and 170 vehicles and 250 pedestrians? Finally, I and my neighbors who live close by Abingdon School are very unhappy because of the insensitive treatment we received over the past year from county planning staff, APS planning staff, and the Hord Coplan Macht architectural firm. Thank you--who designed Abingdon School.

**Commissioner Forinash:** Thank you.

**Ms. Johnson:** Audrey Clement is our last speaker.

**Audrey Clement:** Welcome, members of the Commission. I'm Audrey Clement, the Independent candidate for County Board. I'm not speaking here tonight on the merits of the project, rather the process. As a candidate, I received an alarmed email from Mr. Terry Serie last night to the effect that since Friday he had been seeking the documents that would have accompanied tonight's meeting agenda. And he could not secure these

documents. So that he and his neighbors could not speak intelligently on the matter before you tonight regarding 672 Flats. So this morning, I sent Mr. Serie a reply saying that--asking if he had consulted with Mr. John Vihstadt on this subject because I know Mr. Vihstadt is very concerned about the issue of transparency. I cc'd Mr. Vihstadt. Mr. Vihstadt got back to everyone on that email list immediately, saying that he had just alerted the County Manager of the difficulty that Mr. Terry Serie had experienced in trying to get documentation for tonight's meeting, and was advised shortly thereafter that the documentation would be available. So I don't know exactly what happened. I suspect that Mr. Vihstadt enabled this process. And I want to thank him for that but I also want to agree with his concluding remark which is, "This should not be the way that documentation should be made available to the public." And I also want to plug for a transparency rule that is circulating in the county that would require 72 hours' notice to the public in the form of documentation of any major Commission or County Board decision. And also to plug to increase that 3-day period to 5 days. In other words, I would recommend that if a transparency rule is adopted by County Board that it include 5 days' notice with documentation for any pending Commission or County Board decision and I would ask that the Planning Commission lobby for such a policy. Thank you.

**Commissioner Forinash:** Thank you. Miss Johnson, was that our final speaker? Thank you. The matter is now before the Commission. Before I turn it over to Commissioner Iacomini for an SPRC report and to help guide the rest of the discussion, I want to turn to Commissioner Schroll for a quick update on the Transportation Commission's deliberation.

## **PLANNING COMMISSION COMMITTEE REPORTS**

**Commissioner Schroll:** Thank you, Mr. Chair. On Thursday night, we, the Transportation Commission, considered this matter. We had 13 public speakers that evening, many that evening, as tonight, were speaking about the loading off the alley. Leading into that meeting, it was unclear that staff had changed their minds about the policy. Staff did mention during their presentation that they had, because of the transformer issue, decided to move--that their recommendation was to move the loading to 7<sup>th</sup> Street, which was welcome news to the Commission. And there was also some discussion among the Transportation Commission about the adjacent site, the Mazda site, as it comes forward, how this site obviously would relate to that. Some issues were raised about that. How 7<sup>th</sup> Street would function, the potential for a new traffic light at 7<sup>th</sup> and Glebe Road. The Transportation Commission did, as staff indicated--voted to support the project.

**Commissioner Forinash:** Thank you, Commissioner Schroll. All right, as was noted earlier, Commissioner Iacomini chaired this site plan review for the Planning Commission and the SPRC so I'm going to hand it over to her to guide us through our discussion. Commissioner Iacomini? Oh, one note. Excuse me, before you start. I keyed you up and then stopped you. A note about our letters. I know we're currently experimenting with some different formats for the Commission's letters to the Board.

One of the things that we need to try to do more effectively is speak articulately and into the microphone so that any future transcription will accurately capture what we say. So I am going to make a special effort to call on people by name audibly and articulately and I encourage you to do the same or to speak equally clearly or even more clearly when you're making comments. That doesn't mean we will definitely be doing transcripts for all of our items, but we want to start to change our behavior regardless. So, Commissioner Iacomini?

**Commissioner Iacomini:** Thank you, Mr. Chairman. As has been noted this evening, the SPRC met five times on this proposal. And you've also heard a very good summary of the project from staff and the applicant. During the course of SPRC, the--several points were addressed by the developer in collaboration with staff and the residents and other SPRC members and I thank everyone for their good work at the table. That--I think it was a very successful SPRC. The architecture was refined for the front, Glebe front, as well as for the alley frontage. We have the new treat--surface treatment for the alley and we have heard much discussion about the loading and parking entrances no longer being requested on the--placed on the alley but on 7<sup>th</sup> Street North. And last, a little curve that was thrown to us about the transformer location. Not being able to be undergrounded in the VDOT right away and having to be aboveground and the solution that came out of that, that actually was a happy solution and adding another point of transition from the larger building to the townhomes behind. For this evening, I think just--not that they're necessarily outstanding issues and at the time when I prepared this, the staff hadn't yet refined their advice so where I still do have loading and parking on 7<sup>th</sup> Street North as a discussion item, I don't think we necessarily need to do that this evening. Although, I think we may want to talk about it just a little bit, echoing Mr. Serie's comments which are that there is a policy and there's a policy for a reason. And we need to look at that particularly when we are developing full blocks or large blocks. This site is one-half of a block with existing conditions from several years ago. And how we think about that and reaffirming that, you know, staff was, you know, completely I don't want to say in the right but, you know, really reminding us about what our policies are and I think equally having the discussion among staff, applicant, and the community about how we then tailor some of the policies for real life has been very, very helpful. We also did talk about building access and resident drop-off and we may want to talk a little bit about--this evening, about working with VDOT to get some spaces in the--on Glebe. And also talk a little bit about street activation. This will be one of our first projects that we have with the Retail Action Plan in place where we do--allowing more retail equivalents on what is a major street and is across from a large shopping area. And to talk a little bit about how the proposed architecture uses and if there's anything else we can do to guarantee what the goals are of having retail on the first floor. It's not just about commerce. It really has been about providing a safe and interesting pedestrian atmosphere and a lively area for neighborhoods. So I think we might want to have a little discussion about that. And I certainly would entertain other issues that Planning Commissioners would like to add to that list.

**Commissioner Forinash:** Thank you, Commissioner Iacomini. I have one other that I'm going to want to follow up on at the end which is the question of posting materials and

timeliness of that. But I want to save that for the end. Other topics beyond the three that Commissioner Iacomini outlined? Yes, Commissioner Ciotti?

**Commissioner Ciotti:** It's a point--I just have just a quick comment about parking.

**Commissioner Forinash:** Commissioner Hughes?

**Commissioner Hughes:** Thank you, Commissioner Forinash. Staff's tabulation of community benefits.

**Commissioner Forinash:** Okay. Commissioner Cole?

**Commissioner Cole:** Yes, site planning conditions and I think--did you--did I understand you correctly to say that you were interested in talking about materials?

**Commissioner Forinash:** Oh, excuse me, not building materials. The distribution of the reports and related materials is what I was--

**Commissioner Cole:** I'm interested in talking about building materials and so--

**Commissioner Forinash:** Commissioner Iacomini?

**Commissioner Iacomini:** I'm sorry, Commissioner Forinash, I had forgotten that I did have one or two questions on a couple of the site plan conditions.

**Commissioner Forinash:** Okay. So by my notes, we've added parking, community benefits, site plan conditions, and building materials. I'll actually push building materials up in that list so let's do parking. After the three that you've identified, we'll do parking and then building materials, community benefits, and site planning conditions. And then at the very end, the question about posting reports.

**Commissioner Gutshall:** Mr. Chair?

**Commissioner Forinash:** Yes?

**Commissioner Gutshall:** I have a couple of questions about affordable housing calculation.

**Commissioner Forinash:** Thank you, Commissioner Gutshall. Affordable housing. About the calculations, he said.

**Commissioner Iacomini:** And--

**Commissioner Forinash:** Commissioner Iacomini?

**Commissioner Iacomini:** I believe that there had been a question raised that there was something added to the staff recommendation about open space calculation. Is there something--did we misread it on page 26? Did I?

**Commissioner Forinash:** Let's put it on the list and then we can probably knock it off quickly.

**Commissioner Iacomini:** Landscaped open space being something to be modified.

## **PLANNING COMMISSION DISCUSSION**

### **LOADING AND PARKING GARAGE ENTRANCE**

**Commissioner Forinash:** All right. Well, let's start moving through the list, please. So the first set, unless there were any other topics that folks wanted to add to the list? No? All right, the loading and parking garage entrance on 7<sup>th</sup> Street North. I actually have a couple questions for staff on this. And they're about the Dominion Virginia Power (DVP) policy change. When did that policy change take effect? Do we know?

**Mr. Gibson:** So--and it's important that you bring this up because with DVP one of the things that we found out is that it's a very nuanced change and, in fact, communications between some of our citizens and DVP missed that nuance so with their policy change, one of the elements is that they're no longer allowing the vaults to be within the public right of way, the fee portion of public right of way. In past cases, we may have permitted an encroachment through the Board action for that vault into the fee and they're no longer going to permit the vaults to be in the fee area. They will still, from our communications, allow them to be within the sidewalk and utilities easement area and that is something that we also do pretty frequently and so if you have any other follow-ups?

**Commissioner Forinash:** Yeah, actually, that's pretty on point to what I was wondering about. I caught that note in the staff report about "in the fee area" and that's not necessarily the way I'm used to thinking about it so how--certainly, commonly, we're putting transformers or allowing transformers to be putting vaults under sidewalks, under places where the public might be. But not into the fee area very commonly, from what I remember. Are there--have there been a number of site plans recently where we have allowed or where we and Dominion Virginia Power (DVP) have permitted the transformers to go into the fee area? Or is this the first one we've seen recently?

**Mr. Gibson:** No, the Wendy's site plan also has it going into the fee area. So it was something that we approved quite recently and we will have to see if DVP changes their approval or discussion with the applicant in that case. We had just heard this through the applicant before the deferral was requested so it's that recent of a change to us. And we've met with DVP staff on the issue but they have not documented this change and they have not done outreach through any of the potential jurisdictions which this might

be an issue or the development community so we have verbal communications which may change as DVP actually gets something documented and further distributed.

**Commissioner Forinash:** That's helpful. Thank you. Further questions on this issue? Not on the full block about 7<sup>th</sup> Street. I just wanted to explore the reasoning behind this last-minute change. So now, if there are no further questions about the Dominion Virginia Policy, which is what I wanted to ask quickly about, then let's move into the meatier part of the loading and parking garage entrance on 7<sup>th</sup> Street North. Commissioner Gutshall, did you want to read that off?

**Commissioner Gutshall:** So I guess, a question I have for staff is does the MTP not allow for flexibility where we could, the favorite word, do I have to put a quarter in the jar? Does the MTP allow flexibility where we could have avoided a lot of angst and kind of gotten to the conclusion that staff eventually came to much sooner in the process?

**Mr. Pfeiffer:** The MTP is policy and it's not ordinance. So it is guidance so staff or the Planning Commission or the Board could come to a different conclusion based on the specific context of the site. That being said, after examining all of the alternatives, staff determined that it was infeasible to follow the policy in this case, which is why we're supporting the applicant's proposal.

**Commissioner Forinash:** So is staff's change of position based entirely, then, on the transformers? Or is there--or was there a reassessment of the suitability of the alley to support these?

**Mr. Gibson:** So staff's analysis was of the applicant's proposal which ended up having the transformers above grade. If there was room, we would have most likely continued to recommend this. You have to understand that we have a unique role in this process where we have to identify and promote County policy such that it is discussed in the process. Sometimes that is--does cause angst but staff does not make the decision. We simply help an open discussion on those matters.

**Commissioner Gutshall:** Now I appreciate that very much and thank you for the clarification. But that was actually my original question. Contained within the policy document, the MTP, is there not flexibility to allow site-specific implementation of it? So I recognize and I greatly appreciate that staff is--you know, abides by--seeks to abide by policy but I'm asking was there not incorporated in our policy an ability to analyze it on a site-specific basis? In other words, we don't have to blindly follow a general policy in every case?

**Mr. Gibson:** That is encompassing of all of our policy documents. It is not a law that we must--it's not an ordinance which we must follow so the Board can make changes of that on a case-by-case basis.

**Commissioner Gutshall:** Right, but that's--I'm not doing a very good job of asking the question, apparently, so I'll let others try. I'm trying to find out does the policy have

flexibility in it? And I hear, "Yes," but then I also heard you say that you continue to abide by the policy other than--if not for the transformers. So I don't know what to make of that but--

**Commissioner Forinash:** Commissioner Siegel?

**Commissioner Siegel:** Let me take a stab because I think I know what your concern is. And what I heard you say was that staff's role is to fulfill the policy as you read it. If there are site-specific concerns when a site plan review occurs, those will emerge and, through our processes, would be taken to the Board to make a decision, at which point the flexibility would be operational. Is that correct or did I not understand you?

**Mr. Gibson:** I think you have it correct. However, it--our role is to identify the policy and bring it out to the public discussion. That's--

**Commissioner Siegel:** Just to follow up. Okay, so I was substantially correct. However, if that correct--if I am correct, there is a concern that was raised by the people living off the Clarendon alley that the conditions aren't being honored. They're being violated. So would staff--had this come to staff's attention sooner, I understand it was the community, the townhome community, that interacted with the Clarendon community and came up with this list of conditions that weren't--that were violated. At what point did staff consider those conditions?

**Mr. Gibson:** So we just received this material in the last week or so. The Clarendon example is a very good example of managing curb cuts associated with 40 to 50 townhouses in a large commercial development. It also does a--it also shows some of the challenges that we have with loading docks regardless of their location, on an alley or on a public street, anywhere. A lot of the concerns that we have heard there are applicable to loading dock operation across the location that you have them. That doesn't mean that they are not challenges, they certainly are challenges that we try to manage but that's what I have for you.

**Mr. Miller:** Commissioner Siegel. On the planning, if--there are two different projects and Market Common and Clarendon is a, you know, almost a 20-year-old project which has a significant retail component plus mixed-use development. There is over 100,000 square feet of retail in that project. So you're comparing a project that's completely different than what has been proposed in Ballston. Two different types of projects. That plan also called for an alley separating the commercial property from the townhouses. There are over 76 townhouses on that project. Plus there's an acre and a half of open space across the street. You know, I've personally dealt with that project and I've dealt with Mr. DeMoss who does--no longer lives in Clarendon Park townhouses. He lives in Logan Circle. So he chose to move to a maybe more urban location but those townhouses have not declined in value by far. They've increased in value.

**Commissioner Siegel:** Just as--very quickly. I thank you for that discussion because I did want to hear staff's reaction to the issues that were raised and I still have a bit of a concern about how you deal with conditions that aren't met in a site plan.

**Commissioner Forinash:** Commissioner Ciotti?

**Commissioner Ciotti:** Just to pile on a little bit. I guess, I'm concerned that so much of the community, so many people in the community, were so distraught about this for so long. And that really concerns me that we have policy but it's not ordinance. And sometimes I think that we seem like we're not really listening to these homeowners who are sitting on their biggest investment of their portfolio and I just feel that it, personally, that it does a disservice to me as a planning commissioner if it comes across that we're not listening, that it's a one-size-fits-all. And so I've been really concerned about that. And it's not the first time. It's--when you go--when people feel that the value of their homes are going to decrease or be impinged, it causes a lot of anxiety and panic. And in fact, just to continue, I sought out two very experienced Ballston area realtors to talk to them about this. And both of them said that the townhouses around in Clarendon Commons, they don't show those because of the loading dock issue and they said that if they were going to put this on the alley, it--Townes of Ballston, it--their policy would be the same because people aren't happy and they don't--they won't show--they don't show the properties. And I think that's really important to know.

**Commissioner Forinash:** Commissioner Ciotti, what does that mean? "They don't show the properties"? Those are \$1,500,000 townhouses.

**Commissioner Ciotti:** That they said, you know, when they have a client that's looking for X, Y, or Z, that would be the last property they would show them, the ones on the loading dock there.

**Commissioner Forinash:** Think a realtor would need to be more attuned to what their clients want because I, for one, would love to live in one of those townhomes. I want to defend staff a little bit here. It sounds like this is turning into, we think staff should have backed off the opportunity to use the alley for alley services earlier in the process. And I disagree with that. I--what I want is for staff to be ardent defenders of our policies, understanding that flexibility is always embedded in the existence of a policy. It can always be changed by our elected officials. That--and those of you who were a part of the site plan review which includes almost all of us came to at least a couple of these meetings. It was a, I think, a very great show of force by the Planning Commission, or show of interest is the right way to put that. Will recall that I was the one or I was certainly one, others were defending their policy and site plan review as well. I do think that in this case, especially with the very conveniently timed introduction of the aboveground transformers, that it is not feasible to use this alley to bring large trucks in and out of. In a different moment, I might advocate for having the parking garage entrance come off the alley, though. I firmly believe that as we grow to be a more urban place over time, and that is the direction we're going, that we need to find every opportunity to build in service roads, alleys, into our urban fabric and taking an

opportunity where we have one that exists, that is being used for service now by the town--very townhouses we're trying to respond to or, excuse me, the occupants of those townhouses. And this is a--makes this a very hard situation to give up the function of the alley as it should be in an urban location, which is to take the curb cuts off of the public streets. All of that said, that's just me describing the sword that I'm falling on because I certainly don't intend at this point in the process when, as one of our speakers said, a solution that works for everyone involved has been developed. I certainly don't intend to run it into the ground tonight over the alley issue but I do want to speak out for the way staff approached this and the vehemence with which they defended--articulated and defended County policy, so. Commissioner Gutshall?

**Commissioner Gutshall:** Thank you, Mr. Chair. And I do very much appreciate where you're coming from and I want to be clear that the reason why I started the questioning of staff was not because of a foregone conclusion of were they right or wrong. It was because of where we ended up and, as you just described, it sort of supports that my fear is that the--which we will never know, for sure, and I'm not making any accusations, but my fear would be that the County would be ill served if this transformer issue was, in fact, you know, in some way a convenient outlet and was a workaround to a legitimate policy discussion and to arrive at a--at the right policy guidance. That's what I was trying to get at. And I would also say that in regard--with respect to the comments, I think that it's my understanding that the role of the SPRC is to weigh in on where are we in terms of how we apply policy and I thought that the SPRC was fairly well with the neighbors' concerns in terms of that this was not the right way to use the alley in this specific case.

**Commissioner Iacomini:** Thank you, Commissioner Gutshall. Commissioner Siegel?

**Commissioner Siegel:** Yeah, I just want to clarify that my questions really went to the analysis that staff performed in terms not only of the transformer but of the concerns that were raised by the Clarendon Association. And Mr. Miller was able to enlighten me about that kind of discussion. I also believe in policy. That's very important, and the application of policy, which I agree with Commissioner Gutshall, worked out really quite well. And I also wanted to compliment the townhome folks and Mr. Serie, in particular, for tireless work, and the developer, for tireless work and a collaboration that really should inspire us all. I think it was job well done all way round.

**Commissioner Forinash:** Further comment on the first topic, loading and parking garage entrance on 7<sup>th</sup> Street? No? Moving on. Building access resident drop-off, the second item on Commissioner Iacomini's list. Commissioner Iacomini?

## **BUILDING ACCESS**

**Commissioner Iacomini:** Thank you. Mr. Gibson, I just wanted to speak a little bit about the plans for Glebe Road frontage. Are we indeed talking to VDOT about getting a parking lane?

**Mr. Gibson:** We are not right now. However, it's part of the applicant's condition to work that out and, with all of the recent approved and implemented projects, along Glebe Road, applicants have been successful in getting off-peak parking along the curb lane for those projects. We envision that--this as sort of a missing tooth in between multiple locations where they've already approved it and implemented it that it would be relatively easy for VDOT to continue that approval process.

**Commissioner Iacomini:** Good. Thank you. I just wanted that said out loud for the record because it is an important part of this project.

**Ms. Puskar:** Miss Iacomini? I'm sorry, if I might?

**Commissioner Iacomini:** Yes.

**Ms. Puskar:** We are still talking to staff about that condition as we believe that staff probably has the best line of communication with VDOT in order to achieve that result. But we look forward to working with them to make it happen.

**Commissioner Forinash:** Mr. Gibson, while this picture's on the screen, I wanted to ask about it. The on-street parking on the Carlin Springs frontage, is that anticipated to be also by time of day or full-time on-street parking?

**Mr. Gibson:** The parking is anticipated to be there all day, all times. Its exact utilization, whether it's for pick up or drop off or 2-hour metered space, has yet to be determined. And depending on how--what we see as the needs for this building, we may consider a pick up and drop off area versus short-term parking.

**Commissioner Forinash:** On Carlin Springs?

**Mr. Gibson:** On Carlin Springs.

**Commissioner Forinash:** In either of those cases, would we consider extending the curb line to provide for a shorter crossing distance across Carlin Springs? In other words, if those are full-time spaces, if they're never to be used as a travel lane, then can't we do curb extensions to both protect those parking spaces and narrow the crossing distance across Carlin Springs?

**Mr. Gibson:** We'll have to get back to you on that. We certainly could explore that. I think that, now that you mention it, it wasn't mentioned in the SPRC process. We need to analyze that. It was not moved previously because there were the curb cut entrances for the gas station and we recently redid that corner. And maybe there was an assumption made that that was looked at with that but, because the curb space has changed, I'll bring that question back to DES.

**Commissioner Forinash:** Mr. Leach is right behind you. You can bring it to him now. Thank you. Other comments? Commissioner Hughes?

**Commissioner Hughes:** Just a quick question of clarity from the applicant. I understand you guys are saying that Arlington may be in best position to get the approval from VDOT but you don't take exception to including the parking space markings and such in your final build out. Is that correct?

**Ms. Puskar:** Correct. No, we want to achieve the same result. It's just how we get there.

**Commissioner Forinash:** Further questions or discussion on that item? Building access and resident drop off? No? The third item, activation of street if not continuous retail. Commissioner Iacomini, do you want to tee this one up a little?

### **ACTIVATION OF THE STREET**

**Commissioner Iacomini:** Yes, please. And that actually speaks to condition 26(g)(2). And I just wanted to ask the applicant, Miss Puskar, the architect, how--this will be a very long space where we're using a retail equivalent and I'm particularly concerned about the situation, not so much during the day because I do believe with the--being the lobby and having the, I believe it's the work-out space and some other amenity space there, that it probably would have the blinds or whatever window treatment there is open. I'm a little concerned about at night, that if it will be lit from the interior, what can a pedestrian expect? Will they have the retail on a corner that may be lit at night and usually we find that retail is, in the evening, even when it's not open to the public, you know, for security reasons and other, just, you know, to advertise their wares, to make even people aware that the space is there. What can we expect from the retail equivalency on this front?

**Mr. Harvey:** I'll address that. We had shown a couple exhibits during some of the SPRC meetings on other projects. I mean, the easiest way to kind of show that is other precedents of what has been done in the past and we felt very strongly that this amenity space that we're showing between the two retail corners is a great tool. It's a great thing to have to actually activate the street. And there's a number of reasons and, you know, we built projects with this where you put amenity on the street. And so just to give you an idea of the character that you'd expect, I talked about the different store fronts and all that that's going to occur so there was a different variety and, at the ground level, there's different textures on the outside of the building but in the evening, particularly, what's kind of nice, these are spaces, these are leasing centers, these are our work-out space. There's lounge areas for the residents to come down to so these are spaces that are always illuminated. And that's very different because even sometimes the retail, as you know, goes dark. I mean, retail, sometimes they close at 6, sometimes maybe 8. The great thing about this amenity space is those lights are on all the time. So in that kind of mid-block area, it will feel live. You'll see residents in there. You'll see, you know, people coming and going. So we actually promote it on a lot of projects because sometimes when amenity spaces are up on podiums or up on top of the building, it kind of pulls that energy away. So we've always thought of it as a really great tool if it has to go down below. And again, we had shown a few images of precedents that we had

done but we think it's going to be very helpful and the lights will be on all night long, which is great.

**Commissioner Forinash:** Commissioner Iacomini, over to you.

**Commissioner Iacomini:** Yes. Thank you, and, indeed, it was very heartening at the SPRC meetings to see such a live way. However, not to be indelicate but you're the architect and have done a great building and have worked with the applicant but it's the applicant that will actually run the building. So I'm hopeful that they're very committed to keeping that space lively and lit and transparent in the evening. So could I assume that, Ms. Puskar?

**Commissioner Forinash:** You brought it up in the first SPRC meeting [inaudible]

**Ms. Puskar:** I think the answer is "Yes."

**Commissioner Iacomini:** Good. That's--I just like having that, as Senator Reid always says, spread upon the record because that is a very important part of the streetscape. Thank you.

**Commissioner Forinash:** Commissioner Cole?

**Commissioner Cole:** Yeah, I'd like to focus on the condition related to transparency and also on the rendering that's in front of us. The rendering suggests that the condition and the actual design are inconsistent, that this seems to be significantly greater than 50% transparency. In fact, significantly greater than 80% transparency. And yet the condition calls for 50% as measured from floor to ceiling and 80% is required from 3 to 8 feet. And I want to ask staff, "Why is there this seeming inconsistency between what is being required and what is being presented?"

**Mr. Pfeiffer:** The condition language reflects our standard site plan condition with regard to window transparency. I think--

**Commissioner Cole:** Our standard site plan condition for retail is 50%?

**Mr. Pfeiffer:** Yes. Yes, that's 50% from floor to ceiling and 80% between 3 and 8 feet from grade, yes.

**Commissioner Cole:** Okay, and the renderings here will become part of the approved site plan?

**Mr. Pfeiffer:** Yes. They're part of the site plan application but the point on line drawings, the elevations, which show this amount of transparency will be provided by the Board.

**Commissioner Cole:** Right, the 4.1 application is memorialized in the adoption. It's an appendix to the adoption, is it not?

**Mr. Pfeiffer:** Could you repeat that, please?

**Commissioner Cole:** The 4.1 drawings, the application, is an appendix to the adoption?

**Mr. Pfeiffer:** That's correct, yes.

**Commissioner Cole:** Okay, so then in that, the applicant is actually agreeing to build it this way?

**Mr. Pfeiffer:** That's correct.

**Commissioner Cole:** Okay.

**Ms. Puskar:** I think we're agreeing to build it consistent with the conditions. I'm not sure that you can see the entire frontage.

**Commissioner Cole:** I think you're agreeing to build it according to your architectural drawings, and if the architectural drawings are consistent with your rendering here, the condition may be different but your contractual agreement is to do it according to your drawings.

**Ms. Puskar:** And I'm not sure how you can reference these drawings as being one way or the other.

**Commissioner Cole:** I don't mean these drawings. I mean the 4.1 submission.

**Ms. Puskar:** Even the 4.1 submission isn't the final retail design. I'm not sure what you're saying but you can't have--

**Mr. Miller:** Commissioner Cole, if I could?

**Commissioner Forinash:** Mr. Miller.

**Mr. Miller:** These plans will be used, I mean, depending on who leases the space, we will review that plan against the approved 4.1 drawings so it could be different as a retail tenant comes in and builds out their storefront. It could be a little bit different than what's being shown right now, just to take that in consideration.

**Commissioner Cole:** I mean, this--you know, that suggests that there's a potential bait and switch here. And I'm not--I don't--I'm not trying to impugn anyone's integrity here but the community has been shown drawings which are very appealing from a point of transparency and, in part, the community support for it is, in fact, related to the perception that this building will be as presented. And if, in fact, it comes in and the applicant proposes to change the amount of glazing--you're shaking your head, "No."

**Mr. Miller:** They will have to comply with the conditions of--

**Commissioner Cole:** And I understand they'll have to comply with the conditions but will they have to comply with their own drawings as attached to the ordinance adopting approval of this site plan?

**Mr. Miller:** Well, I mean, obviously it could be a little bit different than "Corner Java," you know? It's going to be--have a different retail tenant name. I mean, that's going to be different so--

**Commissioner Cole:** Mr. Miller, let's not obfuscate this. The community has a view on what the amount of transparency here is. If you want to tell us, and you certainly can, that the only thing that matters is the condition, number 26(g)(2), tell us that. If the drawings are irrelevant, tell us that.

**Mr. Miller:** Commissioner Cole, if I can--

**Commissioner Cole:** Now, this is--Mr. Miller, please.

**Mr. Miller:** I don't think I'm obfuscating. I don't think I'm telling you--

**Commissioner Cole:** Well, then, tell me what is the definitive document that communicates to the community what the expectation is for this development?

**Mr. Miller:** These drawings are part of the 4.1 and are used to evaluate any changes that come in to this project. They are--

**Commissioner Cole:** I certainly am aware that changes can be approved administratively but they are changes that the applicant has to acknowledge.

**Mr. Miller:** And those changes are evaluated by a condition of the staff report.

**Commissioner Cole:** Changes have to be approved. They could be--

**Commissioner Forinash:** And I see other hands--just a moment, Ms. Puskar. I think, if I gather what you're trying to ask about, Commissioner Cole, that the drawing shows, let's call it, 90% transparency, right? The vertical elements, the brick elements, or essentially the mullions are the only thing that's not transparent. Are you trying to ask, "Since the condition refers to 50% and 80%, if the applicant came in with a retail tenant or whatever, when they were doing construction, with something that was closer to the required minimum 50% and 80%, would that just be done automatically? Since it's in compliance with the condition language, even though it's perhaps somewhat different than the drawing?" And I think I--

**Mr. Miller:** There are better drawings that show the elevations of the--I mean, from this vantage point, it's very difficult to tell on some of these, you know.

**Commissioner Forinash:** But it--that doesn't matter to answer the question I was asking which is if they come in with a building or a tenant that just meets the 50% transparency and 80% transparency, that would be fine even if it didn't look like this, correct? Because it meets the legal condition.

**Mr. Miller:** It meets the condition.

**Commissioner Forinash:** Even if it's different than the 4.1 drawings and the renderings? Is that the question you were asking? Okay, well, there's the answer. Commissioner Cole and then Commissioner Hughes or, excuse me, Commissioner Harner and then Commissioner Hughes.

**Commissioner Harner:** Thanks. And Mr. Miller, I think it's--this is just sort of a friendly way of trying to understand the issue here. I mean, if you look at this drawing and you assume that the door on the corner is approximately 7 feet tall, there's quite a bit of glazing shown above the door, which--probably substantially more than 50% and so I think the question would be if the applicant came back and took away half the glazing above the door, is that an automatic approval or are they really expected to follow the intent of these drawings? I'm just restating what Commissioner Forinash said but there's this little bit of a disconnect between the standard condition on glazing and the actual representation in the drawings. And the drawings are very appealing and I think, you know, the community would want to see in the drawings--

**Mr. Miller:** Yeah, we would ask for drawings, you know, at a different scale also when a potential tenant came in to look at those to determine transparency and condition compliance. And consistency with the approved plan.

**Commissioner Harner:** And so it could easily be reduced, the amount of glazing could be reduced administratively.

**Mr. Miller:** But it still has to meet the condition.

**Commissioner Harner:** Which allows for much less glazing.

**Commissioner Forinash:** Ms. Puskar, did you want to say something before I go to Commissioner Hughes?

**Ms. Puskar:** Well, just that the elevations reflect the architectural detail. However, it doesn't reflect what's going on behind that architectural detail. So, for instance, if you had a retail come in and they were a restaurant and they needed a louver, that's something that we would work with the County on to put in that louver. If you were above grade and you had blinds, you know, that would impact transparency so the condition speaks to what's happening behind the window as well. And so I don't think--I

don't agree that there's any misrepresentation in these elevations. They are showing the architectural detail of the building. It's the condition that guarantees what's happening behind that.

**Commissioner Forinash:** Commissioner Hughes?

**Commissioner Hughes:** Great. Thank you. I do want to make one quick comment to staff, leading off Commissioner Cole. On page 16, there's a beautiful drawing of people that I promise you is going to be on "Arlington Now" in about a week after you approve this and my only comment to you is that I drove this alley and I was hoping to find this and I promise you it doesn't exist today although there may exist this in the future when those residents decide they want to bulldoze their fence and make this their front yard because I could see that. It really will be nice. But I think that there's a much better drawing that the landscape architect provided in his slide show that may be a better substitute because what our community does see out there does really drive their perception. Yeah, right there. With the fence in the background. And that's really what it will look like, probably. Because that fence is there. I drove it yesterday morning and it's the whole length, the whole ride. It's uniform, it's all done by the property owner. So it's one of those things that this image will get there. And I did have a follow-up question on Commissioner Cole's comment regarding the conditions. If I'm understanding staff's presentation correctly, the order of precedence is the conditions within the site--within the approved document and then the drawings and renderings provided in the 4.1. Is that correct?

**Mr. Miller:** That's exactly right.

**Commissioner Forinash:** Commissioner Gutshall?

**Commissioner Gutshall:** Yeah, I just wanted a clarification to Mr. Miller's answer, which is when a tenant eventually comes in, does this come--does their application come back through Planning or does that go exclusively through Zoning and Zoning Administrator? It comes back through Planning for comments internally to the Zoning Office?

**Mr. Miller:** We review it. Planning Office reviews it, makes recommendation in the Zoning Office.

**Commissioner Gutshall:** Thank you.

**Commissioner Forinash:** I think we got far afield from activation of the streets but let's--I don't see any other hands for that item. Let's move into the additions to Commissioner Iacomini's list. The next one up I had is parking. Someone had a question about parking ratios or--Commissioner Ciotti on parking?

## **PARKING**

**Commissioner Ciotti:** Thank you. Really quickly, I see there's two parking spaces that'll be allocated to retail. I just wanted to be on record as saying that one of those two allocated to retail has to be handicap accessible. It's something that continually seems to get missed when these buildings come online. That's it. Thanks.

**Commissioner Forinash:** Thank you, Commissioner Ciotti. Other questions on parking? Commissioner Schroll?

**Commissioner Schroll:** I don't have a parking question but I would like to add something to the list, if possible. Phasing.

**Commissioner Forinash:** Mm-hm. Next up, building materials. I think Commissioner Cole wanted to ask a question about building materials. Maybe others.

## **BUILDING MATERIALS**

**Commissioner Cole:** Indeed I do. I'm looking at exhibit A-6 of the 4.1 application. And I'd like to know if you would be willing to walk us through. This is for the applicant. If you could walk us through the materials on the elevation, in particular. I will stipulate that the brick-colored material is brick. I don't know what the materials that are various shades of taupe and gray are in this drawing. Or, you know, black or dark gray or whatever.

**Ms. Puskar:** So we brought a material board to help explain the materials for you.

**Mr. Harvey:** It's probably easier with that shot\* above.

**Commissioner Forinash:** Why don't you bring it up here, rather than put it in--we'll pass it along.

**Ms. Puskar:** Okay, but you need to speak at the mic, Chris.

**Mr. Harvey:** So you'll see--I'm not looking at the board right now but you'll see three different brick colors. So if you look at the image on the screen. Again, I think it's--yeah. You'll--if you look at the image on the screen and you look at those colors, there's basically two main fields of brick. There's kind of a brown brick on that panel and then there's a red brick. On this shot that you're seeing up here, it's the red brick closest to us. And then the brown brick is kind of in the center area. The other brick you're seeing on your panel is a dark brick. So that's at the base of the brown brick. The piece in the center, like, a little bit further down to the right of the imagery. And you can see that, even on this elevation, you can see how the bottom base of the building is a really saturated color. I agree, these are dark right here. It's hard to see the differences of the brick. So we mentioned that our intent all along was to break up the length of this block so not only are we doing it with, you know, breaks, vertical breaks in the building, but we're also doing it with materials. We didn't want to theme the building. That's why the

building--the materials are relatively close. I had mentioned this kind of articulation at the base. That's why we introduced that dark brick. It only happens in that one area. Again, just so as a pedestrian, you're walking on Glebe and there's a series of experiences. It's not one retail expression that runs the whole length of that block, but there's a series of different things that happen. And then the other materials that you're seeing are, as it was mentioned earlier, one thing that we're pretty excited about through the SPRC, we pretty much upgraded every material. So you see the materials on there. We have metal skins. We've got aluminum windows everywhere. There's no vinyl anywhere on the project so--

**Commissioner Cole:** Can I focus your comments on the cement panel?

**Mr. Harvey:** Yeah.

**Commissioner Cole:** Could you tell us where it's used and could you tell us what--who the manufacturer is and--

**Mr. Harvey:** Absolutely. So the materials that we've included on there are a product called Nichiha and it--Nichiha.

**Commissioner Cole:** Nichiha?

**Mr. Harvey:** So we use it quite a bit. It's not a Hardie board. I think that's another material that you might see. It's detailed in a completely different way, almost like a rain screen where the joints that when the panels come together, and the panels are 30 inches by 4-1/2, 5 feet, so they're very linear. And the reason we picked this material is for a number of reasons. We use it in a lot of our projects. And it is detailed in a very clean way, meaning the joints or reveals. If you look at Hardie board and I think there's a lot of Hardie in this area. We heard people's concerns about that product and those kind of big metal clips that are in between all the joints. This is just a really beautiful and we actually have some exhibits of where we use it. We've showed the SPRC those slides. And we have a lot of built products where we've used it. The other thing that we like about Hardie board and this was a concern that the community came to us with. We are using metal on Glebe. That's a much more commercial expression. It's across from a very large mall. So the metal at the top of the buildings is a little bit cleaner. The Nichiha, the reason we chose it, is it's a flatter finish.

**Commissioner Cole:** You just tell us where it is.

**Mr. Harvey:** Oh, it's on the back of the building. It's facing the townhouses at the top of the building.

**Commissioner Cole:** And that's the only place with the Nichiha?

**Mr. Harvey:** The only place we're using it, yup. There's a transition that we have to go from the metal so on that front Glebe, the top elevation is Glebe. You're going to see--

everything you see there is aluminum. The bottom elevation, you can see the two sides which Brandon is referring to. That left piece and the far right piece--might be easier to pull out a little bit. Yeah, just pull--yeah, that over there. That is this Nichiha material. So we needed a transition from the side so you are going to see some of it on the sides coming to the back so that two top levels is all the Nichiha there. The actual panels below on those bays that we showed in that perspective, those are actually metal panels down so we really wanted those--kind of that townhouse expression to be a little bit different. So the top is the Nichiha, the lower four levels is more of the metal panel that we're using.

**Commissioner Forinash:** Commissioner Cole?

**Commissioner Harner:** Friendly--

**Commissioner Forinash:** Yeah, go.

**Commissioner Harner:** So I really appreciate that you've looked at materials other than the Hardie. Would--it seems like the label on the drawings as fiber cement would allow Hardie. Would you be willing to specify that you're going with this Nichiha as opposed to Hardie? Is that something that the applicant would be willing to do?

**Mr. Harvey:** We're gone through the process with the Nichiha. It's, you know, within our budget. It's within, you know, it's a material that we use. It's kind of in that field. Again, it's an upgrade to the Hardie.

**Commissioner Harner:** Really appreciate it. I think it'd be great if it was--

**Ms. Puskar:** Yes, we--

**Commissioner Harner:** Does it say Nichiha in the conditions?

**Mr. Pfeiffer:** Commissioner Harner, if I can interject. We have actually mentioned Nichiha paneling specifically in the conditions.

**Mr. Harvey:** Yeah, I think it shows on the right.

**Commissioner Forinash:** Can someone quickly cite the condition so we can all get literally on the same page?

**Ms. Puskar:** Yes, I can. It's 26(f)(b), "Special architectural treatment, Nichiha paneling is--"

**Commissioner Forinash:** 26(f)(1)(b). Page 68. Are there--

**Commissioner Harner:** Job well done.

**Commissioner Forinash:** Other questions or comments on materials? And stand down. Thank you.

**Ms. Iacomini:** Actually, I'm sorry, I know. But this takes away one of the others because this is my--when I said site plan conditions. In this same section, and I think having this discussion has been really useful and the one that Commissioner Cole had had with Mr. Miller. Just to be clear that it does say that it is reviewed to be consistent with what is here but since we could say Hardie plank is consistent with cementitious board but since it calls out Nichiha, I think we're on safe ground. I just wanted to reiterate what the applicant has shown us in SPRC I think is a very good quality of materials and a good mix. And we wouldn't want to see any value engineering that comes along later that is consistent but not the same. So I think we're all very happy with this and we'll be very hopeful going forward. Thank you.

**Commissioner Forinash:** Next item, affordable housing calculations. That's Commissioner Gutshall.

### **AFFORDABLE HOUSING CALCULATIONS**

**Commissioner Gutshall:** Thank you, Mr. Chair. Okay, so I'm on the staff report, pages 24--starting on page 24. It really starts on the bottom of page 23. And I just kind of want to understand generally. Some of my math adds up a little different. So on top of page 24, we're talking about the affordable housing bonus under section 15.5.9. And we have 32% of the proposed 30,857 square foot bonus equals 9961 square feet or 9 units. But I think I understand that they're--actually, they're proposing seven additional units. So could you just walk me through how many units are there total and what's the math on the number of units that are included in the proposal?

**Mr. Pfeiffer:** Sorry, the package that we've negotiated with the applicant is seven units.

**Commissioner Gutshall:** Additional? Or seven total?

**Mr. Pfeiffer:** Seven total on-site units. I'll have to take a look at the page 23 and 24, that citation that you referenced. But in addition, I'd like to add that this has not gone to Housing Commission yet and will go on Thursday.

**Commissioner Gutshall:** So as currently proposed, there are seven total units. So that would be five units in the base? Because it says, "On-site units at 5% GFA between 1.0 and 3.2 FAR equals 4900 square feet or approximately 5 units." For on-site units.

**Mr. Pfeiffer:** That's right.

**Commissioner Gutshall:** And that's in the base, Section 15.5.8. So then, and the bonus, where do those nine units go?

**Mr. Pfeiffer:** This is--again, I'm going to have to go back and speak with Housing staff to make sure that this is written completely correctly as this is a draft. But the package that we've negotiated with the applicant is seven on-site units.

**Ms. Puskar:** Mr. Gutshall?

**Commissioner Gutshall:** Please?

**Ms. Puskar:** The first portion is--actually, we're doing the cash contribution. So if you look at page 23, those are the options available to us and we're making a cash contribution of the 626, 927. On the second page, that's dealing with how many units are in the bonus and it is actually seven units. And that's based on the square footage that's attributable to the 80 used in the bonus and we happen to have with that, 2-bedroom loft and a 3-bedroom loft. Those units are larger than you would typically find so if you didn't have that unit mix, it could change the actual number of units.

**Commissioner Gutshall:** So with the unit mix that you have, though, you're presumably then close to the 9961 square feet that's listed in the--

**Ms. Puskar:** It's actually a little bit more than this calculation and we'll make sure it gets clarified as closer to 10,000, a little bit over 10,000 square feet.

**Commissioner Gutshall:** All right, so my next question is--and that says 32% of the proposed 30,857 square feet. How's that 32% derived?

**Ms. Puskar:** So we'll take the bonus. I'm looking for the bonus square footage which is the 30,856 square feet and, of that, one-third which is 10,182, should be the on-site ADUs and so I think we've had some--I'm not exactly sure where the discrepancy in the numbers is but we'll make sure we work through that with staff as we go to the Housing Commission.

**Commissioner Gutshall:** Is that a general standard that we have now that one-third goes on-site?

**Mr. Pfeiffer:** That is probably on the high end of what we typically get for site plans. Generally, it's closer to 25% to 30%.

**Commissioner Gutshall:** Excellent job. Then the final question on page 25 where we sort of summarize affordable dwelling units. Actually, this is just a very quick comment. I don't think section 15.6.9.1 is the correct section to cite. Thank you, Mr. Chair.

**Commissioner Forinash:** Commissioner Hughes?

**Commissioner Hughes:** I do want to thank the applicant for proposing on-site units. I think it's fantastic. I also think that staff--when I do the math, there's an argument in this county that the more you develop the less affordable we get. And I didn't quite

understand that argument. And one of the things that's really driving it to me is I can't figure out a way we get to 17.7%, which is our goal and all this does is get us one step further when I do the math. As far as I can see, the cash contribution, even if we leverage it 3:1 which is what our Affordable Housing Master Plan says, we get units that were built like Arlington Mill at that cost level. We still get 9.8 more units. So that gets us up to 9.8% in this development so we get further behind with each step. We have to acknowledge those steps and sort of talk about it. But I just want to make that comment to staff to sort of think on. The other thing I want to make sure is clear, I plan to offer an amendment to move our accessory dwelling units, or excuse me, our accessible affordable community-from 60 days to 180 days and I hope I can get a second on that. The reason being, is, of course, after the testimony at the Affordable Housing Master Plan, it became clear that a segment of our population, those individuals in nursing homes, have a difficult time finding housing because of the timelines. And I hope the applicant could find that--I know it's probably not the standard site plan language but I think that that small caveat with those extra four months to help those members of our community would really be a great asset to think about, so.

**Commissioner Forinash:** Other questions or comments about the Affordable Housing part of the--Commissioner Gutshall?

**Commissioner Hughes:** I'm sorry, I forgot one, which is--so we're going for 30 years. Was there any attempt to request 60 years instead? That's now our policy, right, to try to pursue that?

**Mr. Pfeiffer:** I believe Housing staff was comfortable with 30 years.

**Commissioner Forinash:** All right, moving on. Commissioner Gutshall, the question about an exception or maybe this was Commissioner Iacomini, about an exception for open space provision?

## **OPEN SPACE**

**Commissioner Iacomini:** Yes. On--in the updated draft that we got today, I think on page 26, we talk about the recommending adoption of the attached ordinance and we talk about the modifications of use regulations for retail parking ratio, loading spaces, landscaped open space. And I'm not sure that I actually saw that addressed in the report and I know it's not in the table that occupies pages 5 and 6 where usually we lay out what's coverage and what's required. Mr. Pfeiffer?

**Mr. Pfeiffer:** That is another typo that was not caught and was left in from a previous version of the report. So we apologize for that and it will be cleaned up for the next version. The applicant is in compliance. Their proposal's in compliance with the zoning standard for 10% of the site is landscaped open space.

**Commissioner Iacomini:** Excellent clarification. Thank you.

**Commissioner Forinash:** We like quick ones. All right, the four I have remaining are somewhat more general: community benefits, site plan conditions, phasing, and then my question about posting reports. So let's move into community benefits. Who's that? Commissioner Gutshall? Commissioner Hughes. Commissioner Hughes?

## **COMMUNITY BENEFITS**

**Commissioner Hughes:** Thank you, Mr. Forinash. I was trying to get to my list and I just--this is a comment towards staff. I have a very--you know, I'm new. I don't read this with the perspective of being here for years and so I was really excited about the free Wi-Fi I was going to get at the building. That's when I read, "In building wireless infrastructure," then I had to go to condition 57 in which I found out that we have some VoIP over IP emergency responder. I think a rebranding of how you present that for just a common reader would be probably well placed. You missed putting in polling places as an additional community benefit that the applicant has agreed to. And the other community benefit was that and the applicant confirmed that, you know, parking along Glebe would be incorporated into their final build-out if it's approved by VDOT. Those are additions that I believe the applicant has generally agreed to or--

**Ms. Puskar:** Well, the polling place is actually new language that we just received this morning so we want to learn more about that before we agree to it.

**Commissioner Forinash:** Commissioner Hughes?

**Commissioner Hughes:** I hope you would read more about it. Former Commissioner Johnson explained to me how it was rational and I think it is a really great valuable tool and I believe that the--it's in Lyon Park, is it? The building it is actually serving--or Lyon. It is, it's--Lyon Park--the building in Lyon Park is serving as a polling place now for the community. And it certainly is a--makes it an added benefit and we won an award on it too.

**Commissioner Forinash:** Further questions or comments on community benefits? Site plan conditions. We've already dived into the meat of a couple of site plan conditions but any lingering questions or comments about site plan conditions? Commissioner Cole?

## **SITE PLAN CONDITIONS**

**Commissioner Cole:** I still don't have my license to work these new microphones. Mr. Pfeiffer, I'd like to concentrate on condition number 39, retail elements. Page 76 for my colleagues. It says the developer agrees to meet the following conditions and then under (a), the developer agrees to the following for retail space, as shown on plans referenced in condition number 2 above. Then there are two paragraphs which seem to be either/or. The first paragraph says, "If the project is located in the Rosslyn-Ballston corridor," and the second one says, "If it's located outside the Rosslyn-Ballston corridor." Help me understand why there are two paragraphs that give a choice. Where is this building located?

**Mr. Pfeiffer:** This is a standard condition.

**Commissioner Cole:** Right, but we usually strike out the things that are not related to the parts that--so--

**Mr. Pfeiffer:** This is within the Rosslyn-Ballston corridor so the first paragraph will apply.

**Commissioner Cole:** Okay. That's helpful. Do you just--this is to make you appreciate that we actually do read the things that you send us. The second thing, second question I have is that it says that they'll market a minimum number of square feet which is equal to the space that's on the drawings and it--for the uses as shown. Well, what does that mean, "uses as shown"?

**Mr. Pfeiffer:** For the uses that are proposed.

**Commissioner Cole:** Well, what is that? Tell me what it means.

**Mr. Pfeiffer:** For the retail space.

**Commissioner Cole:** Are there any constraints on what those uses can be? And if there are, where are the constraints?

**Mr. Pfeiffer:** As long as it's defined as retail as contained within the recently approved--

**Commissioner Cole:** Retail Act. What about retail equivalents?

**Mr. Pfeiffer:** Yes.

**Commissioner Forinash:** If I may try to clarify. I think it's saying, as shown for that location, right? That location as its specified frontage color in the Retail Action Plan has a set of allowable uses that goes along with it.

**Commissioner Cole:** Okay. All right. Thank you very much.

**Commissioner Forinash:** Further questions or comments on site plan conditions? Actually, I'd recognized you before, Commissioner Iacomini and then Commissioner Gutshall.

**Commissioner Iacomini:** I just want to note that Condition 38 has been omitted and that had to do with in-building emergency services and we put in the new Condition 57 which I believe is the preferred option from the staff, so thank you to the applicant for that, that we didn't have to have that big discussion this evening.

**Commissioner Forinash:** Commissioner Gutshall?

**Commissioner Gutshall:** Thank you, Mr. Chair. I'm going to channel our former colleague, Commissioner Kumm Morris and talk about trees real quick. So I was looking through this--the site plan condition and trying to figure out where it is that we--how we seek to ensure that our future urban tree canopy is given a good chance at survival from the get-go. And I come upon Condition 20 at the end and I'm not going to try and do the, like, all the letters and numbers. It's the very end of condition 20 on page 63, which references maintenance and replacement life of the site plan. And this, really, that first paragraph at the end outlines the maintenance agreement outlined in condition number 20(a)(2) so you go back couple of pages to page 58 and it's really 20(a)(2) little letter s, "Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-main condition for the life of the site plan, to file the terms of that maintenance agreement, approved for that purpose, by the Zoning Administrator as required in Section 14.2 of the Zoning Ordinance." Section 14.2 does say that you have to replace--replacement as required but my question for staff is where are the governing documents and how do we know that trees that are planted are well planted? In other words, what I've kind of tend to notice is that we have these site plan projects where, for whatever reason, and it's particular tree pits cycle through trees and they get replanted when they die. They live for two or three years, maybe, they die, they get replanted, and they're just in an endless cycle now of--it's like the "Beetlejuice" for trees or something like that. I don't know. "Groundhog Day," exactly. And I think that the County has a vested interest in trying to cut to the chase and get to the bottom of that. And I think that's where a lot of the discussions were that we've had on this Commission and I know we talked about it. There are tree, you know, soil profiles and all that but I'm not sure that I see how that's incorporated here. I don't want to take, Mr. Chair, a great deal of time on this but I would like just a little bit of an answer from staff on this and I do think that this is something that we ought to be able to, as a County, get to the bottom of. Thank you.

**Mr. Pfeiffer:** Sure, we appreciate the comments and we'll definitely take those back. We do have professional staff that review landscape plans which do address all of the details that you mentioned, such as soil depth so--and when the landscaping is installed, it's inspected by that staff and by the Zoning Office.

**Commissioner Gutshall:** Do we have anything that, if we see that a particular tree pit is killing trees, that something is wrong there, rather, whatever, if it's the soil profile or it's not getting irrigation. Do we have any way of going back and reassessing that and asking--expecting that the developer will do something--will remedy, thank you, do something more proactive to remedy the situation?

**Mr. Pfeiffer:** Yeah, we do have staff. Like I said, the County's landscape architect which--who conducts inspections as well as the County's urban forester and urban forestry staff. And again, they do conduct inspections. The Zoning Office if an issue is identified with dead landscaping in a site plan, it's investigated and the urban forester and County landscape architect staff do address that.

**Commissioner Gutshall:** Thank you for your answers. I appreciate it.

**Commissioner Forinash:** Commissioner Iacomini?

**Commissioner Iacomini:** Just to ask, is it true that there is an ongoing look at our streetscape policies and documents that would probably incorporate the better tree, continuous soil panel that has been recommended time and again?

**Mr. Pfeiffer:** Yes, in fact, staff is looking into better streetscape standards for the Rosslyn-Ballston corridor and so we'll take that comment back.

**Commissioner Forinash:** Commissioner Ciotti?

**Commissioner Ciotti:** We just had a conversation at another site plan and the original plan at Ballston corridor was to only put 420-ish square feet of soil where--cubic feet, thank you. Cubic--well, as opposed to--to be closer to 1000. And this just gives us a depth of three feet and some inches in--that's somewhere in here in terms of the depth of the soil. But I don't know what that is in cubic feet. And whether or not we're already coming in at the lower end of soil depths for these trees. It's more of a question. It says, "three feet, several inches," but what is that?

**Mr. Pfeiffer:** I'm not sure which specific condition you're--

**Commissioner Ciotti:** It was in one of the conditions. I'm sorry, I should have flagged it. But I just could encourage you to maximize the chance of these trees growing to have a really decent tree coverage. And from what Karen says, it all has to do with the soil depth. And if you get 1000 cubic feet, you get the right trees, you're going to have trees that are going to be with you for a long time, are going to get tall, and you're going to have real tree canopy so I just challenge us to, you know, think of doing that with this project and every project going forward.

**Commissioner Forinash:** Commissioner Ciotti, can I direct a question about that to the applicant's landscape architect? What are the rough dimensions, and all three dimensions of the tree pits that are being provided here?

**Mr. Dove:** I'm pretty sure that it's 5 by 12 and the depth would be over 4--like, 4 feet.

**Commissioner Forinash:** So, we're talking under 200 cubic feet per tree pit? Yeah.

**Mr. Dove:** But again, it--when we go through landscape plans with Brett, they require a continuous soil panel under the whole streetscape so it's not necessarily a 5 x 12--

**Commissioner Forinash:** Thank you. It's--

**Mr. Dove:** Growing media. The root zones are going to be--

**Commissioner Forinash:** You have a lot more volume that's underneath the sidewalk.

**Mr. Dove:** Exactly.

**Commissioner Forinash:** Thank you. Further questions about site plan conditions? All right, phasing. Someone had wanted to bring up--Commissioner Schroll, phasing.

### **PHASING**

**Commissioner Schroll:** Yeah, I was just wondering if the applicant could kind of walk through where construction equipment will be staged and what streets and sidewalks will be closed, when--looking sort of at the means of traffic plan, Condition 19(2)(b) and also Condition 13. I'm just kind of wondering if you could kind of flesh that out a little bit.

**Ms. Puskar:** We'll actually be working that out through the final engineering plan when we submit all those details. Obviously, it is a tight site but we have to work with staff to make sure that we're maintaining pedestrian access, vehicular circulation around the block, so I can't give you the specific details today but we will work with staff on that.

**Commissioner Schroll:** Appreciate that. It is, as you said, a narrow site. So obviously encourage the applicant to have somebody on site, the community can go to if there are problems. I know that is a standard site plan condition so, I know that, but just, you know, encourage that so that--so we can work through any issues that arise. Thank you.

### **ONLINE POSTING OF PLANNING COMMISSION STAFF REPORTS**

**Commissioner Forinash:** Other questions or comments on phasing? The last one is the one I wanted to raise and this is a question for staff. Can you briefly describe what the hoped-for timetable is for posting materials related to the Planning Commission hearing items? Ms. --I almost called you Commissioner Stahlhut. For making them available to the public, whether that's by posting or otherwise.

**Ms. Stahlhut:** Thank you, Commissioner Forinash. We've been working on implementing the electronic delivery of reports, both to the public and to the Commission and it hasn't quite been finalized yet. But our goal is to provide those on Fridays before the hearing and it involves a little bit of an adjustment to timeline from staff and what not, and some software but we're working on that and we intend to do it in the future. And so the goal is by Fridays, by the end of the day. Generally, when you receive your packets or when they're sent out, right after they're sent out then that's the goal.

**Commissioner Forinash:** And those are made available typically to a mailing list of people that are interested in a particular project in addition to the standard mailing list you have for people that want updates on Planning Commission business?

**Ms. Stahlhut:** So generally, what will happen is that the staff that's responsible for whatever report will be sending it to the people that they know that are directly involved

with the project like civic associations or interested people because they're more familiar with that directly, and then they've always been available, of course, for pick up at the office, which I know is not quite as easy as just clicking online for something but--

**Commissioner Forinash:** And it's certainly not unusual in my experience that there'll be revisions coming in the run-up all the way to the Planning Commission hearing. There's not, as far as I know, any public notice requirement. What's the right way to put that? Our meetings are noticed and our action items are part of the agendas for those. But the materials, unlike for the Board, there's not a requirement to have those posted some certain timeframe in advance since we're not a decision-making body, correct?

**Ms. Stahlhut:** Right, not necessarily and so that's been part of the thinking in the past has been that the reports were draft reports and they often change. Sometimes they change right, you know, right after Planning Commission, whatever, before they go to the County Board and so there's always this risk, I suppose, of having a draft report and then everyone reads that and then it goes to the Board and it's different and maybe not everyone is aware of that. So we've worked and working on clearly marking them as draft and including some language detailing that.

**Commissioner Forinash:** Thank you, Ms. Stahlhut. Commissioner Cole?

**Commissioner Cole:** Ms. Stahlhut, am I correct or not that we have heretofore not posted the material on the comput--online?

**Ms. Stahlhut:** That's correct.

**Commissioner Cole:** So we never have posted it?

**Commissioner Forinash:** We've never post--

**Commissioner Cole:** You have "No" means agreement?

**Commissioner Forinash:** Never posted on a website.

**Ms. Stahlhut:** We haven't been posting the draft plan condition--

**Commissioner Cole:** So and just so I'm clear. There's now been a decision made that things will be posted.

**Ms. Stahlhut:** There's been an effort actually internally to work on this but there's been--

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**Commissioner Cole:** Has the manager made a decision to post the materials?

**Ms. Stahlhut:** Yes.

**Commissioner Cole:** Yes, okay. And will it start with the November meeting?

**Mr. Miller:** Yes.

**Commissioner Cole:** Yes. Then, one more thing. You say that they'll be made available to the Planning Commission electronically. Will there be--they will not be made [inaudible]. Is there any consideration for stopping killing trees?

**Mr. Miller:** Always.

**Commissioner Cole:** Always?

**Mr. Miller:** Yeah, we're working on that, actually.

**Commissioner Cole:** You are actually working on it?

**Mr. Miller:** We are.

**Ms. Stahlhut:** The effort towards going with electronic is--it's something that's in process and we're working on internally. There's a few things we need to work on in order to roll it out to the Planning Commission. You even do a test run. There's issues with size of plans.

**Commissioner Cole:** Before this goes public, do we get any input on the decisions?

**Mr. Miller:** Well, it's a County Manager's report. It's a draft report that's not been signed off or reviewed by the County attorney or the County Manager's Office. So that was one of the dilemmas we had before kind of making--

**Commissioner Cole:** I don't think your microphone is on.

**Mr. Miller:** It is.

**Commissioner Cole:** I can hear some of it.

**Mr. Miller:** So we're going to make best efforts and I think you got the agenda for Wednesday?

**Ms. Johnson:** Correct. The report actually for tonight is actually on the web tonight.

**Mr. Miller:** And so what we'll do is on the agendas that are posted, there'll be a link to the staff report so somebody can pull the staff report off that. And usually the staff person sends out a copy of the report to the people who've participated in the public review process who want copies of, you know, we continue to do that also.

**Commissioner Forinash:** But it's hit and miss, as I understand it.

**Mr. Miller:** Well, you know, it's--you know, I think we do a pretty good job of getting the information and materials out to the community.

**Commissioner Forinash:** I'm going ask folks to forgive me for opening that can of worms in the context of this site plan consideration so I'm going to put a stop to this discussion now. We can take it up again in Commission business on Wednesday. But thanks for the answers. Further questions or comments before we move to a motion? Hearing none. Commissioner Iacomini?

**Commissioner Iacomini:** Mr. Chairman, I'm going to do two separate motions. I move that the Planning Commission recommend to the County Board that they adopt a resolution to approve the subject request for rezoning from C-2 Service Commercial Community Business District to R-C Multiple Family Dwelling and Commercial District and related update to the Arlington County Zoning Ordinance Map 13-1 to indicate the zoning district and extend Line A around the property where necessary for the property located at 670 North Glebe Road.

**Commissioner Forinash:** Motion's been made. Seconded by Commissioner Gutshall. Discussion? Seeing none, all those in favor of the motion and this is for item 1 of these two parts, raise your hand. Motion carries unanimously, 10 to 0. Commissioner Iacomini?

**Commissioner Iacomini:** Mr. Chairman, members of the Commission, I move that the Planning Commission recommend to the County Board they adopt the attached ordinance to their County Board agenda item for the meeting of October 17 to approve the subject site plan request for a six-story residential building with ground floor retail containing 184,129.21 square feet of gross floor area, GFA, with modifications of use regulations for retail parking and all other modifications as necessary to achieve the proposed development.

**Commissioner Forinash:** Motion's been seconded by Commissioner Gutshall. Unanimous consent requests.

**Commissioner Gutshall:** I'm sorry, Mr. Chair? I seek unanimous consent to insert--I think we get it. - Now you're making--the transcript is going to read really awful, Commissioner Cole.

**Commissioner Forinash:** And restate your unanimous consent request.

**Commissioner Gutshall:** I seek unanimous consent to insert into our motion the language of--for modification of use of loading spaces.

**Commissioner Forinash:** I'm not sure what that meant.

**Commissioner Harner:** Objection.

**Commissioner Forinash:** An objection's been made.

**Commissioner Harner:** For clarification.

**Commissioner Gutshall:** Absolutely. I will move that we insert into the motion under the list of modification of use regulations an addition to retail parking ratio loading spaces.

**Commissioner Forinash:** Motion's been made. Do we hear a second?

**Commissioner Harner:** Second.

**Commissioner Forinash:** Seconded by Commissioner Harner. Commissioner Iacomini?

**Commissioner Iacomini:** I appreciate Commissioner Gutshall's wanting to memorialize the loading. I'm wondering and this is a question for staff, we are talking about modifications of use regulations. And I'm assuming that by regulation we mean that which is in statute and not that which is in policy. Is that correct?

**Mr. Pfeiffer:** If I may, I can--I think I understand what Commissioner Gutshall: is getting at. There is a modification of use regulations for number of loading spaces for the building. This is--happens in almost every site plan, zoning ordinance requires two loading spaces--

**Commissioner Iacomini:** Did you mean loading spaces and not loading location?

**Mr. Pfeiffer:** Yeah, it's not loaded on location.

**Commissioner Gutshall:** I thought I said loading spaces but, yes, that's correct.

**Mr. Pfeiffer:** Yes.

**Commissioner Gutshall:** Yeah, this is really actually quite simple. I was reading a long staff report as you were making your motion. You correctly left out landscaped open space which we covered earlier was a typo but you also omitted loading spaces which was originally in the staff language and which is, in fact, part of the site plan application. And I felt that it was appropriate that we be--even though we have the catch-all, "all other modifications as necessary to achieve the proposed development," I think it's appropriate just to dot our "I"s and cross our "T"s that we're exhaustive in our list of modifications as a standard practice.

**Commissioner Iacomini:** I'm sorry. I was reading from page 2 under County Manager recommendations. So that's fine.

**Commissioner Forinash:** Any further discussion? Calling the motion to amend the main motion. All those in favor, raise your hand. Opposed? Motion carries 10 to 0. Further discussion, Commissioner Hughes, or further--

**Commissioner Hughes:** Thank you, Commissioner Forinash. I would like to make a motion to amend the main motion and that the Planning Commission recommends that the County Board make the following modification to Condition 43(b-4) which is to change the sentence, I believe it's the second sentence in the paragraph, to read, "The developer agrees to diligently market and exclusively make available the accessible units to income-qualified households with persons with physical disabilities for a period of 180 days during the initial marketing/leasing period and subsequent availabilities of the units therefor--units [inaudible] parentheses.

**Commissioner Forinash:** Motion was made by Commissioner Hughes. Seconded by Commissioner Ciotti. You have a--

**Commissioner Hughes:** Sure, I'd love to speak to the motion. A lot of people spoke at the Affordable Housing Master Plan about the difficulties finding handicap accessible units, especially when transitioning from nursing homes into permanent homes. What this does is, number one, it changes the condition. It simply says, "diligently market." It doesn't mean to exclusively make available in the terms and since I found out today that this trumps everything, I'd recommended that change be added and possibly incorporated into future default languages. And it then further subsequently goes to change the term from 60 days to 180 which gives people six months and then it also makes certain that if the unit becomes available in the future, the 180-day period continues to kick back in at the next availability.

**Commissioner Forinash:** Question, Commissioner Harner?

**Commissioner Harner:** Just--so just so I understand, you're simply asking for the two accessible units to be marketed for 180 days as opposed to 60?

**Commissioner Hughes:** Correct, and that's since in two more additional statements in addition to that, to the staff's default language. One is that I believe that the language could be strengthened to make sure that it says that it's exclusively made available during that 180-day period. In other words, if an income-qualified person without disability were to ask for the unit, the answer would be "No" until someone who with disabilities until that period expires. The other condition is that the next time the unit becomes available, in addition to that first time, it goes back on the market with, again, the same 180-day caveat to be made available exclusively to a person with a disability.

**Commissioner Forinash:** I have a question for Commissioner Ciotti. I recalled a discussion about this in a previous--on a previous site plan. I can't remember which one but is there a waiting list of people waiting for accessible affordable dwelling units?

**Commissioner Ciotti:** There are--that varies from time to time. The problem is we don't have enough critical--enough numbers of them so that when we try and transition somebody from a nursing home, that we can get one. They just seem to never be available and when they lease, especially an affordable unit, people stay a long time and so these committed affordable wheelchair accessible units are a scarce [inaudible]. These are like gold and it's very difficult to get one.

**Commissioner Forinash:** And have we seen some units with a 60-day period--

**Commissioner Ciotti:** Oh, yeah, they go. It's not enough time for the process because I've tried to help rehome people or get housing for people and it's too short of a time. And then it's--often it goes to somebody without a disability. But they were following the rules, 60 days, but it slips through your fingers.

**Commissioner Schroll:** Commissioner Forinash?

**Commissioner Forinash:** Commissioner Schroll.

**Commissioner Schroll:** May I ask Commissioner Ciotti, "Is the six month period that Commissioner Hughes is requesting, is that an adequate timeframe?"

**Commissioner Ciotti:** I think that would be a great--a major improvement over what we have now. Is it too much? Is it enough? I can't say but I know 60 days is way too short and I think something that's so valuable that it's the difference between people in nursing homes languishing or get--you know, being able to come back into the community. Hundred eighty days seems just about right.

**Commissioner Schroll:** Thank you, Commissioner Ciotti.

**Commissioner Forinash:** Commissioner Gutshall, then Commissioner Hughes.

**Commissioner Gutshall:** So I'm a little bit confused because if there was high demand for these, I would think that 60 days would be and that's--so I don't understand how increasing the time that they have to market allows, unless you're telling me that there's something about the turnover.

**Commissioner Ciotti:** There's a lot of paperwork. A lot of paperwork, interviews, a lot of forms that have to be submitted and filled out. It's very paperwork intensive for the person who's trying to secure these apartments. And it's often difficult for them to do it within the 60 days.

**Commissioner Forinash:** Commissioner Hughes?

**Commissioner Hughes:** I'll speak to the 180-day period that I chose. It was based on the testimony at our Master Plan Review Session where Commissioner Ciotti suggested

that 6 months was a minimum and so I went with the six month minimum as my recommendation.

**Commissioner Forinash:** Just have to say I'm sensitive to the impact of asking an applicant to carry an empty unit for up to six months at a time and I wonder if that's a priority for the County which, it sounds to me, like it should be, to serve this vulnerable population, that maybe the County should be stepping forward and, you know, signing an interim lease to hold on to these units.

**Commissioner Ciotti:** But these news buildings aren't leasing up right away. I mean, it's just that these committed affordable are really sought after but other people get them instead of the person with a disability. And that's really the problem. We have a lot of people, a long list of people, waiting for committed affordable. And, you know, the people with disabilities don't get them.

**Commissioner Forinash:** Further discussion? All right, all those in favor of the motion to amend the main motion, raise your hand. Opposed? Motion passes, 9 to 1.

**Commissioner Ciotti:** He hates [inaudible]

**Commissioner Forinash:** But not as much as Hardie board. All right, let's move along. Further discussion on the main motion as amended? Go ahead, Commissioner Iacomini please.

**Commissioner Iacomini:** Just briefly and I know that we've spent a lot of time on that. I just want to reiterate before we take a final vote. And thank everyone for their participation in this SPRC. Sorry. I could amend the main motion to--

**Commissioner Forinash:** Go ahead and say, "Thank you," but I still have an amendment.

**Commissioner Iacomini:** Oh, okay. I am just, for now, just to--since I do have the floor, to thank again staff, Matt and Rob, and the other staff and our applicant and our community. And the fellow commissioners and other commission members who came to SPRC that I really think this was one that we worked through and really did change. And sometimes we see that and sometimes we don't. Sometimes things come into the process and sometimes we can affect very little change but I think everybody here was willing to work and I think there's a good product that will come from it, so I'm done with that. I'll never speak again.

**Commissioner Forinash:** Do we get to vote? I would like to make a motion to amend the main motion to direct County Staff to investigate the possibility of changing the curb alignment on Carlin Springs to narrow the turning radius and shorten the crossing distance across Carlin Springs and to protect those two parking spaces or however many parking spaces fit there.

**Commissioner Cole:** Second.

**Commissioner Forinash:** Seconded first by Commissioner Cole. I hope I was articulate enough in the motion, Ms. Stahlhut. If not, well, we'll find it later, if you'll allow. Discussion on this one? No? All those in favor of the motion to amend, raise your hand. Motion carries unanimously. Any further motions for discussion? I'll just pile into the thanks. Commissioner Gutshall?

**Commissioner Gutshall:** Very quickly I just wanted to comment both to the applicant and to staff that I agree with Commissioner Iacomini. I think this is a case where the process worked well and that I want to assure staff that any of the questioning earlier that might have been a little tough at times, that--the point is, I think, that we all want to improve the process and I think that there is, wherever we can, and this is an example, albeit a more minor one, of where, as we are facing the pressures of, you know, in an edge transition site like this of, you know, the better that we can get the process right, the more successful we are in the long run. Not just at this site but across the County. So that's the reason why we question you--why I questioned you. Harner, I think you did a nice job of answering the questions. Thank you.

**Commissioner Forinash:** All those in favor of the main motion raise your hand? As amended, of course. Motion passes unanimously, 10 to 0. Thank you.