



**ARLINGTON COUNTY, VIRGINIA**  
ARLINGTON COUNTY PLANNING COMMISSION

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



FREIDA WRAY  
COORDINATOR

GIZELE C. JOHNSON  
CLERK

ROSEMARY CIOTTI  
CHAIR

STEVE SOCKWELL  
VICE CHAIR

October 5, 2011

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

- SUBJECT:**
- 2. A. Certification of Transferrable Development Rights** Virginia Land Trust, Ralph W. Johnson, Trustee and Courthouse Manor Associates of 1201, 1215, 1223 and 1233 N. Courthouse Rd. and 2025 Fairfax Drive (“Sending Site”) for the purpose of historic preservation of Wakefield Manor and Courthouse Manor in the Fort Myer Heights North Plan Revitalization Area. The Sending Site is approximately 73,491 sq ft located on the block generally bounded by 13<sup>th</sup> St. North to the north, N. Troy St. to the east, Fairfax Drive to the south, and N. Courthouse Rd. to the west, and is identified as RPC# 17-017-001, -002, and -003. Proposed density to be certified is 104,789 square feet of residential GFA, which GFA may be transferred as residential or hotel units at a rate of 1,000 square feet per unit or on a GFA basis for commercial or other use by special exception site plan. Applicable policies: Fort Myer Heights North Plan; GLUP Medium Residential (32-72 units per acre); Policy Guidance for Transfer of Development Rights.
  - B. SP #417**, Virginia Land Trust, Ralph W. Johnson, Trustee and Courthouse Manor Associates for a special exception site plan for the preservation of existing garden apartments and construction of a 104-unit residential building in the RA8-18 zoning district under Sections 13.B.5 and 36.H. Property is approximately 80,927 sq ft (located at 1201, 1215, 1223, and 1233 N. Courthouse Rd. and 2025 Fairfax Drive and is identified as RPC#17-017-001, -002, -003, and -004. The proposed density is 2.15 FAR. Modifications of zoning ordinance requirements include: exclusion of below grade storage, mechanical closets and shafts from density calculation, parking ratio, bonus density for LEED silver certification and other modifications as necessary to achieve the proposed development plan. Applicable Policies: Fort Myer Heights North Plan and GLUP: “Medium” Residential (32-72 dwelling units per acre); Fort Myer Heights North Special District. **(Wakefield Manor)**

**P.C. #41**

- RECOMMENDATIONS:**
- 2. A. Adopt the ordinance certifying 104,789 square feet of residential GFA (which GFA may be transferred on a square foot basis as residential, hotel, commercial or other GFA, or as residential or hotel units at a rate of 1,000 square feet per unit), as transferrable development rights on Wakefield Manor, Wakefield Annex, and Courthouse Manor (“Sending Sites”) for the purposes of historic preservation.**
  - B. Adopt the ordinance to approve site plan #417 for the preservation of existing garden apartments and construction of a 104-unit apartment building with modification of use regulations for density exclusions, bonus density for LEED, parking ratio, and compact parking, subject to the conditions of the ordinance.**

Dear County Board Members:

The Planning Commission heard this item at its October 3, 2011 meeting. Samia Byrd, Planning staff, described the requests for Certification of Transferrable Development Rights and Site Plan #417. She described the ways in which the proposed site plan is consistent with the Fort Myer Heights North Plan and listed the community benefits associated with the site plan, including preservation of three (3) historic resources identified as “Essential” buildings on the Historic Resources Inventory, and provision of committed affordable dwelling units. She also presented the staff recommendation for certifying the transferrable development rights. Also present were Lisa Maher and Dolores Kinney, DES Planning, and Stephen Wade, CPHD Housing.

Jon Kinney, attorney for the applicant, and Michael Foster, architect for the applicant, presented the various elements of the proposal, including compliance with the Fort Myer Heights North Plan, its distinctive architecture, site design, improvements on adjacent VDOT R-O-W, streetscape improvements with expanded sidewalks widths, preservation of existing buildings, and provision of market-rate affordable and committed affordable housing. Also present was the property owner, Ralph Johnson.

### **Public Speakers**

Carrie Johnson, a resident of Ashton Heights and former Planning Commissioner who participated in the discussions on the Fort Myer Heights North Plan, expressed gratitude for the proposal. The buildings to be preserved are the most important historic resources in the Fort Myer Heights North neighborhood. The proposal is an excellent example of why Transferrable Development Rights (TDRs) work. She encouraged the Commission to recommend approval of the proposal, as there are other properties in the Fort Myer Heights North neighborhood that have similar redevelopment potential.

Nancy Iacomini, who represented the Historic Affairs and Landmark Review Board (HALRB), reported that the HALRB voted unanimously to support the proposed Certification of TDRs and the

site plan. She stated that this is a good example of how a community can preserve their historic resources. She commended the project, development team, and staff.

### **Planning Commission Reports**

Commissioner Monfort reported that there were three (3) SPRC meetings on this proposal, with extensive discussion on historic preservation, TDRs, building architecture, and affordable housing. It was the consensus of the SPRC that the proposal is appropriate for the site. The project is consistent with the Fort Myer Heights North Plan and meets all County goals. Due to staff's efforts and the applicant's flexibility and cooperation, there are no outstanding issues.

Commissioner Serie reported that the Transportation Commission voted unanimously to recommend approval of the proposed site plan, with modifications to Condition #39 to increase the visitor bicycle parking by 1 or 2 additional spaces, and Condition #6 to address lighting the site prior to and during the construction period.

Commissioner Fallon reported that the proposal will be heard by the Housing Commission on October 6, 2011.

### **Planning Commission Discussion**

#### Certification of Transferrable Development Rights

Commissioner Fallon inquired as to whether the three buildings proposed to be preserved will in fact be preserved if a site plan hasn't been approved to receive the TDRs, and if so, would it delay the project. Ms. Iacomini responded that a preservation easement is required to be recorded either at the time of the sale of the TDRs, or before issuance of the Excavation, Sheeting and Shoring Permit for the new building. Mr. Kinney responded that the applicant has no control over the timing of the sale of the TDRs, as it requires identification and approval of a site plan to receive the TDRs, however, he doesn't envision it delaying the project. He commented that approximately 75% of the site will be preserved, and given the site's physical constraints and the new building's distinctive architectural treatment, it is hoped that the sale of the TDRs will help to offset the higher construction costs. Furthermore, Mr. Johnson likes the historic buildings and has no plans to demolish them.

Commissioner Fallon inquired about the timing for seeking the Excavation, Sheeting and Shoring Permit. Mr. Kinney responded that the applicant does not plan to begin construction until the TDRs are sold.

Commissioner Ciotti asked for clarification on how the sale of the TDRs will help to offset the expense of constructing the new building. Mr. Kinney responded that the applicant will use the TDRs as part of the equity to offset the average construction cost per unit, which is higher for this project due to the new building's relatively small size (104 units) and special architectural features. Until the TDRs are sold, the site will remain as is.

Commissioner Fallon stated that he likes project, but has several questions. The staff report acknowledges that the maximum permitted density is 3.24 FAR. However, by certifying 1.29 FAR

of TDRs, he asked if the applicant has achieved the maximum permitted density on the site. Ms. Byrd responded yes, and in exchange for the transferred density the project is achieving an extraordinary level of community benefit. Commissioner Fallon followed with a question about the timing of the community benefit, and Ms. Byrd responded that essentially it would not be received until the TDRs are sold as the applicant does not plan to begin construction until then. Commissioner Fallon raised a concern about competing interests for the available TDRs, potentially between the County and private entities. He followed with a question about a potential site receiving the TDR and if the provision of an additional 1.29 FAR beyond the maximum permitted density would be considered bonus density. Ms. Byrd responded yes. Commissioner Fallon asked if this would undermine other bonus incentives such as LEED. Ms. Byrd responded no, because the site plan would still be subject to meeting various County goals and policies. This was the case with Founders Square, which continued to achieve the County's goals for LEED certified buildings and contributions toward affordable housing. The County's goals and policies would be identified and thoroughly evaluated during the site plan's public review process.

Commissioner Cole asked for clarification about the responsible entity for the affordable housing contribution relative to the TDR density. Ms. Byrd responded that it would be a part of the community benefits provided by the receiving site. Commissioner Cole followed inquiring about the responsible entity for recording the historic preservation easement. Ms. Byrd responded that it would be the applicant's responsibility to work with the County Attorney's Office pursuant to Condition #79.

#### Site Design

Commissioner Klein inquired about the proposed street section adjacent to Court House Road and the grade change adjacent to the sidewalk. Mr. Foster responded that, in concert with the VDOT interchange improvements currently underway, the site plan would expand the street section to include 30 feet of off-ramp and bridge ramp travel lanes, and a green strip of up to 16 feet wide planted with street trees subject to VDOT approval. The green strip would have a gradual slope of 0-3 ½ feet down to the expanded sidewalk.

#### Affordable Housing

Commissioner Fallon asked if the project would include five (5) committed affordable units. Mr. Wade responded generally yes, but that the affordable housing contribution is based on gross floor area (GFA) rather than the number of units. A total of 4,700 square feet of GFA would be committed to the project's on-site affordable housing program, as required under the Zoning Ordinance and the Fort Myer Heights North Special District. As outlined in Condition #67, this would result in two 3-bedroom units and one 2-bedroom unit in the new building (3,500 square feet) and the remaining 1,200 square feet in either the new building or the existing buildings.

Commissioner Fallon asked how the County would be assured that the market-rate affordable units in the existing buildings would be retained. Commissioner Savela noted that during the public review there was a general sense that long-term preservation of the market-rate affordable units was an objective of the site plan, as preserving these units near a Metro station is identified as an additional community benefit in the staff report. Mr. Kinney responded that there is a value to preserving the units and that the applicant is motivated to keep the 84 existing units marketable at affordable levels. He stated that the applicant is committed to providing 4,700 square feet of

affordable housing on site consistent with the requirements. The existing buildings are not accessible (they are walk-ups), and the applicant is trying to balance with provision of affordable and accessible unit.

Commissioner Malis noted that preserving existing older garden apartment buildings is being employed as one way of preserving market-rate affordable housing. With historic preservation, future redevelopment of a site is restricted and it is presumed that it will result in retaining smaller less marketable units that will have lower rents. She asked if this concept could be applied to other areas of Arlington such as Columbia Pike. Mr. Wade responded that it can be a consideration, as there are a range of properties and owners and the County should have a variety of redevelopment and preservation strategies to achieve its affordable housing goals. Commissioner Malis followed by inquiring about the elements that make this site unique in terms of utilizing the strategy of preserving market-rate affordable housing through historic preservation. Mr. Wade responded that it is largely due to the extraordinary historic preservation on the site and staff was working towards achieving a certain level of committed affordable units as well. Commissioner Malis stated that this approach has not been specifically discussed for Columbia Pike, but wondered if it effective in this instance whether it should be considered.

Commissioner Malis inquired about the impacts of locating the remaining 1,200 square feet of affordable housing in the existing buildings, including when the decision would be made regarding the units' location and the timing for when the rents would become affordable. Mr. Kinney responded that the timing concern has more to do with the provision of a three-bedroom unit, as most of the units in the existing buildings are one-bedrooms and creating a three-bedroom unit would require renovating one or more units. Furthermore, the existing buildings are already occupied by tenants and any reconfiguration would require that one or more units be vacant. Commissioner Malis commented that the timing for finalizing decisions should be determined.

Commissioner Malis asked about the requirement in Condition #67 which references a letter from the applicant's attorney. She wondered about the content of the letter. Mr. Wade responded that the letter outlines the four options under the affordable housing ordinance and specifies the amount of the cash contribution and the GFA of the committed affordable housing. Commissioner Malis requested that Condition #67 be modified to state the options and the contributions. Mr. Kinney agreed to a modified condition.

#### Transportation

Commissioner Serie noted that the Transportation Commission asked the applicant to provide up to two additional visitor bicycle parking spaces. Mr. Foster responded that the applicant has agreed to provide two additional visitor bicycle parking spaces on the exterior of the building.

Given that construction of the new building will impact existing surface parking, Commissioner Fallon asked how parking for the existing buildings will comply with parking requirements during construction. Ms. Byrd responded that the applicant will be required to submit for approval a temporary parking plan to address the loss of parking during construction.

Commissioner Fallon inquired about the modification of use regulations for the reduced residential parking ratio of one space per unit, to which Ms. Kinney responded that the proposed ratio is

consistent with previously approved parking ratios for residential site plans and supports the Master Transportation Plan for reduced parking when projects promote other County goals. Commissioner Fallon followed with an inquiry regarding the modification of use regulations for an increased compact parking ratio. Ms. Kinney responded that the increase is only one percent, resulting in the addition of two compact parking spaces. Given the size and physical constraints of the property, due to the preservation of the three historic buildings, staff supported the minor increase.

#### Other Elements of the Site Plan

Commissioner Fallon noted that the site plan proposal includes .20 FAR of bonus density for LEED Silver, and requested clarification on whether bonuses are calculated on the certified TDR and if the LEED certification is not achieved whether the certified TDR would be affected. Ms. Byrd responded no, that bonuses are not applied to the certified TDR but to the base only and achievement of required improvements is a separate issue from the TDR.

Commissioner Hunt noted that one of the recommendations of the Fort Myer Heights North Plan was that redevelopment be integrated into the character of existing developments and buildings, and provision of landscaped open spaces was one of the elements identified in the Plan. She asked whether the landscaping around the existing buildings could be enhanced. Mr. Foster responded that landscape improvements are planned on Fairfax Drive and Courthouse Road through the VDOT interchange improvements project, and there may be opportunities for the applicant to consider enhancements once the plans are available. Commissioner Hunt cautioned the applicant against treating the new and existing buildings differently in terms of the quality of the landscape treatment.

Commissioner Hunt questioned the accessibility of the building's interior plaza that includes stairs and pathways leading to the existing buildings. Commissioner Ciotti responded that the design is very interesting. Given the site's steep topography, access is very challenging; however, the designs proposed for the site's various access points are reasonable and provide a graceful transition.

Commissioner Ciotti inquired about the requirement in Condition #67 for one Type A accessible unit. Mr. Kinney responded that there will be one Type A accessible, committed affordable unit that will be located in the new building and have either two or three bedrooms and at least two bathrooms. Commissioner Ciotti asked, and the applicant agreed, to provide a roll-in shower in one of the bathrooms in the Type A unit.

#### **Planning Commission Motion**

##### Certification of Transferrable Development Rights

Commissioner Monfort moved the Planning Commission recommend to the County Board that it adopt the ordinance certifying 104,789 square feet of residential GFA as transferrable development rights from Wakefield Manor, Wakefield Annex, and Courthouse Manor for the purposes of historic preservation. Commissioner Savela seconded the motion.

Commissioner Malis expressed appreciation to the property owner and Mr. Kinney for working so well on this exciting project.

Commissioner Klein echoed Commissioner Malis' comments and added that the applicant's sensitivity to the concerns of the SPRC, particularly with regard to including the third building in the site plan, substantially improved the project. Also, she commended Mr. Foster on the building architecture and stated she appreciates the whimsy.

The Planning Commission voted 9-0 to support the motion. Commissioners Ciotti, Cole, Fallon, Hunt, Klein, Malis, Monfort, Savela, and Serie, supported the motion.

Site Plan

Commissioner Monfort moved the Planning Commission recommend to the County Board that it adopt the ordinance to approve site plan #417 for the preservation of existing garden apartments and construction of a 104-unit apartment building with modification of use regulations for density exclusions, bonus density for LEED, parking ratio, and compact parking, subject to the conditions of the ordinance and the staff report. Commissioner Malis seconded the motion.

Commissioner Hunt expressed appreciation to the HALRB for the input it provided in the process.

Commissioner Savela thanked the applicant and its team, and staff for the work that was done on this great project. She is very pleased with the outcome and how the project conforms to the Plan and is hopeful that the TDRs will be sold.

Commissioner Fallon commended the applicant for the attractive building architecture and acknowledged that the rich detailing will affect the construction costs for the building. He stated that it establishes the prototype for the type of architecture desired for the Arlington Boulevard blocks. He is pleased with the affordable housing program, including the provision of committed affordable and committed market-rate units. He expressed concern for how the TDRs will be used on other receiving sites; however, preserving historic properties makes a strong case for supporting the TDRs. Commissioner Fallon stated that he will support the project.

Commissioner Serie reminded the Commission that the applicant agreed to provide four external visitor bicycle parking spaces, and thus would be included as a condition in the staff report and covered by the motion.

The Planning Commission voted 9-0 to support the motion. Commissioners Ciotti, Cole, Fallon, Hunt, Klein, Malis, Monfort, Savela, and Serie, supported the motion.

Respectfully Submitted,  
Arlington County Planning Commission



Rosemary Ciotti  
Planning Commission Chair

**Wakefield Manor SPRC Report**  
Charles Monfort – SPRC Project Chair

The SPRC held three meetings on this project, on 14 April, 23 May, and 25 June 2011. There was extensive discussion of the requirements for the site contained in the GLUP and the North Ft. Myers Heights Plan. At those meetings, the following issues were discussed and resolved:

- Historic Preservation – Although the applicant originally proposed preserving only two of the three subject apartments (Wakefield Manor and Annex, and Courthouse Manor), he has now agreed to a preservation easement on all three properties, in site plan condition #79.
- Transfer of Development Rights – Preservation of the historic apartment buildings results in unused density of 104,789 square feet; the applicant has proposed the County certify this as a “sending site,” with the “receiving site” to be determined at a later time. This process is consistent with the County TDR policy and the North Ft. Meyers Plan, which specifically recommends TDRs as a way to preserve historic buildings. The process also is in condition #79.
- Site Plan – Although the North Ft. Myer Heights Plan called for garage and service entrances to be located on North Troy Street, the applicant believes elevation changes between Fairfax and Troy made it preferable to place them on Fairfax Drive, which most SPRC members seemed to accept. There was also extensive discussion about the integration of new sidewalks and landscaping into the existing infrastructure, and about the design of Fairfax Drive, especially with the upcoming changes to Route 50 and the Courthouse Road exit ramp.
- Architecture – There was extensive discussion about the relationship of the proposed building to the existing historic buildings and about architectural details, with many SPRC members expressing concern about excessive detailing. The applicant has made numerous minor changes to the architecture to simplify the roof, railings, building base, and other elements.
- Affordable Housing – The applicant would continue to operate the existing apartments as market-rate affordable units; it was unclear at the final SPRC meeting how those units related to the County’s affordable housing ordinance and the requirements for affordable housing in the North Ft. Myers Heights Plan. Since the final SPRC, the applicant has agreed to comply with the ordinance and the plan, providing five new committed affordable housing units, as described in the staff report.

Outstanding issues: None

Proposed discussion: GLUP/North Ft Myer Heights Plan Requirements  
Historic Preservation Process  
Transfer of Development Rights Process  
Site Issues (Integration with historic buildings, bldg orientation, entrances)  
Architecture  
Affordable Housing  
Transportation  
Other