



**ARLINGTON COUNTY, VIRGINIA**

**ARLINGTON COUNTY PLANNING COMMISSION**

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CLERK

May 10, 2012

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

- SUBJECT:**
- 2. A. **Z-2553-11-1** Penrose Columbia Pike, LLC for a Rezoning from the "R-5" zoning district to the "CP-FBC" Columbia Pike Form Based Code District. Property is approximately 20,767 sq. ft.; located at 3506 Columbia Pike; and is identified as a portion of RPC# 26-001-019.
  - B. **U-3334-12-1** Penrose Columbia Pike, LLC; use permit under the Form Based Code for approximately 247 multi-family dwelling units, 12 stacked flats, 44 townhouses, and approximately 15,079 sq. ft. of retail, and a comprehensive sign plan in the "C-O", "C-2", "C-3", and "CP-FBC" zoning districts; and modification of use regulations for location of alley and location of building entrances, and signs. Property is located at 3400, 3506, and 3514 Columbia Pike and 1100 and 1110 S. Glebe Rd; and is identified as RPC# 26-001-018, -019, -020, -071, and -072. Applicable Policies include General Land Use Plan (GLUP) "Columbia Pike Special Revitalization District", "Columbia Pike Special Revitalization District Form Based Code", and Section 20 of the Arlington County Zoning Ordinance (ACZO).

**RECOMMENDATIONS:** **Defer the rezoning and use permit requests, pending resolution of the architectural and transportation issues.**

Dear County Board Members:

The Planning Commission heard these items at its May 7, 2012 meeting. Jason Beske, CPHD Planning, described the proposed rezoning and use permit requests. He described the public review process, the various elements of the proposed development, the comprehensive sign plan, and how the proposal complies with the Form Based Code (FBC). Also present were Tom Miller and Jennifer Smith of CPHD Planning, and Lisa Maher and Dolores Kinney of DES Planning.

The development team for the applicant, Penrose Property Company, LLC, was present, including Catharine Puskar, attorney, and Kara Bowyer, planner (WCLEW); Kristy Nachman, architect (Lessard Design, Inc.); and Jeff Kreps, engineer (VIKA, Inc.). Ms. Puskar described the proposal,

**P.C. #42.A.B.**

how the applicant believes it complies with the FBC, and the public review process. Ms. Nachman presented the project details, including the site design for the north and south blocks, building architecture, and elements of the building façades including materials and colors.

### **Public Speakers**

Jim Hurysz, a resident of Fairlington, suggested that the use permit and rezoning be denied because the proposal suffers from bad planning. It lacks affordable housing and community facilities, and will result in increased traffic.

Allison Flaum, who resides adjacent to the proposed development on 12th Street South, stated that she is excited about development. However, she expressed concerns about parking, the potential for additional traffic on her street, and staging of trucks during construction.

### **Planning Commission Reports**

Commissioner Malis reported that the proposed development is the eighth FBC project and ninth development approved for Columbia Pike. She stated that the proposal was reviewed consistent with the Administrative Regulations 4.1.2 that govern FBC projects, including review by the Columbia Pike Form Based Code Advisory Working Group for its compliance with the FBC Checklist. The proposed development was also presented at a community meeting that included representatives from the Douglas Park and Alcovia Heights Civic Associations. In general, the community response was favorable, although construction staging was highlighted as a concern. While completion of 12th Street South is an important circulation element, the County will not have control of it until the Post Office easement is renegotiated. Commissioner Malis noted that with the approval of each new FBC project, a little bit more of the puzzle is completed. With the proposed development, another section of 11th Street and a new street, Lincoln (or “New”) Street, will be constructed, which will help with circulation. Commissioner Malis noted that the report provided a suggested outline for discussion.

### **Planning Commission Discussion**

#### Is the project conforming?

Commissioner Harner inquired about whether the building materials conform to the FBC, and expressed concern for the amount of hardi-plank along the Columbia Pike elevation. After Mr. Beske clarified the locations of hardi-plank along that particular elevation, Commissioner Harner commented that because of the amount of hardi-plank, the brick rather than the hardi-plank is the accent material. He asked Mr. Beske to confirm the percentages of brick and hardi-plank materials, as it seems there is a higher percentage of hardi-plank on the elevation.

Commissioner Kumm asked if there is a requirement for provision of affordable housing under the FBC, to which Mr. Beske replied no, but that it is currently being studied by the County.

Commissioner Fallon asked Mr. Beske to identify the elements on the FBC Checklist that are not compliant and require modification. Mr. Beske responded that items 252 and 5 are not totally

compliant. Item 252, Building Envelope Standards: Use Specification, requires functioning entry door(s) along the street façade at intervals not greater than 60 feet. In the proposed development, one entrance is not provided on South Glebe Road due to the drop in grade, and would be addressed as a modification. Item 5, Regulating Plans: Rules for the Regulating Plan and New Development Plans, asks if there is an alley already on the rear setback or if the applicant has agreed to construct such an alley. In the proposed development, there would be no rear alley for the north block

#### Site Design/Layout and Circulation/Transportation

Commissioner Monfort inquired about the potential to continue construction of townhouses on the left-over bank parcel adjacent to South Monroe Street. Mr. Beske responded that there is sufficient space to construct another stick of townhouses later through an amendment to the approved FBC use permit.

Commissioner Cole inquired about whether the new segment of 11th Street will be aligned with the existing 11th Street, to which Ms. Smith responded that the intent of the regulating plan is to align the new segment of 11th Street with the existing 11th Street. Commissioner Cole followed with an inquiry about whether the County is considering a bike lane on 11th Street. Ms. Smith responded that there will be a bike lane on 12th Street that is parallel to Columbia Pike.

Commissioner Fallon asked a number of questions seeking clarification on access to the site and the Main Street building's 11th Street garage entrance, from north- and south-bound Glebe Road. Mr. Beske responded that because the median cannot be removed without VDOT approval, 11th Street would be right-in and right-out only. Ms. Kinney added that upon approval of this proposal by the County Board, a formal request will be made to VDOT to remove the median. VDOT typically does not evaluate such requests until after approval of a development proposal. Ms. Puskar added that VDOT's concern is the queuing of vehicles trying to make a left turn from Glebe Road onto 11th Street, and that the desired access would be from 12th Street. If 11th Street was constructed to South Monroe Street, circulation and site access would be better; however, the applicant's efforts to reach out to the bank have been unsuccessful.

Commissioner Forinash expressed concern about the circulation issues. He asked why the proposal was not reviewed by the Transportation Commission and if the applicant had conducted a traffic impact analysis (TIA). Ms. Puskar responded that a TIA was submitted to the County showing a right-in right-out traffic pattern at the 11th Street and Glebe Road intersection. Commissioner Malis indicated that FBC projects are not reviewed by the Transportation Commission.

Commissioner Kumm commented on the proposed modification to delete the alley in the north block. At the public meeting, it was thought that eliminating the alley would be a benefit because it would allow the adjacent units to be more integrated into the development through provision of parking in the underground garage and open space on the upper level. In addition, it allowed the creation of another unit type. Commissioner Kumm concurred with previous concerns regarding the right-in and right-out from 11th Street, which is a bigger circulation issue.

Commissioner Fallon noted that the Main Street building's garage is similarly situated from Columbia Pike as the garage entrance for the Hallstead project, which seems to work well. In

response to his question about the location of the streetcar depot station, Ms. Kinney noted that it will be located on the east side of Glebe Road at the intersection with Columbia Pike.

Commissioner Savela continued with several questions seeking clarification on how the site could be accessed from various points, including from north-bound Glebe Road or South Monroe Street. She expressed concern for the many challenges drivers would face in trying to access the site from, for example, I-395. Ms. Puskar indicated that the applicant would support efforts to break up the medians in Glebe Road and Columbia Pike.

Commissioner Malis noted that the issue is the lack of access to 12th Street. Mr. Beske indicated that the DES Real Estate Bureau is negotiating the easement with the Post Office. Commissioner Malis stated that the issue should be addressed in the motion.

Commissioner Forinash asked whether there would be any accommodations for pedestrian access along the alley. Mr. Beske responded that there is a demarcated pedestrian walkway along the alleyway located west of the Main Street building. Ms. Puskar referred to Condition #14, which describes the walkway as having *“a pavement width of approximately 24 feet from face of curb to the western façade of the building, with a 5-foot-wide area along the eastern side of the alley marked for pedestrian access, and with a pinch point at the southern end of the alley to no less than 23.5 feet total”*.

Commissioner Forinash stated although the County controls Columbia Pike, he does not support a median break in Columbia Pike to access the alley. However, 11th Street should have a connection to Glebe Road. It is for these reasons the project’s TIA should have been reviewed.

Commissioner Monfort inquired about the design of the pedestrian walkway along the alley, and if there would be curb and gutter to separate the walkway from the vehicle way. Ms. Puskar responded that the alley, while having no curb and gutter, would conform to the FBC.

Commissioner Forinash inquired about the interim treatment of the unfinished portion of Lincoln (“New”) Street prior to its connection with 12th Street, to which Ms. Puskar responded that it would be a hard porous treatment such as grasscrete to accommodate the load-bearing requirements of emergency vehicles.

Commissioner Kumm inquired about the streetscape on Columbia Pike, and in particular the reason for the change in the number of street trees from seven (7) to five (5). Ms. Maher responded that the number of trees was reduced to allow the creation of an on-street parking bay. Mr. Kreps added that the placement of utilities also affected the number of trees. Commissioner Kumm followed that she prefers to have seven trees at this location and asked if the placement of trees and utilities could be adjusted to create space for two additional trees. She asked staff to analyze this more closely to find the right balance so that as many trees as possible could be planted in the streetscape on Columbia Pike.

Commissioner Forinash inquired about the cross-sections for streets surrounding the project, and specifically the difference between the existing and proposed cross-sections for Columbia Pike at the intersection with Glebe Road. Ms. Kinney responded that there is no significant difference in the

travel lanes between the two other than the provision on-street parking on one side of Columbia Pike. Ms. Bowyer added that the difference is a small section to be dedicated in fee at the west end of the property. Commissioner Forinash indicated that the staff report refers to petitioning VDOT to achieve on-street parking along the full length of the project on Glebe Road, which is why it is proposed to be widened from 64 feet to 70 feet. He expressed concern that VDOT may not approve widening Glebe Road and is uncomfortable showing plans for its widening without real certainty that on-street parking will be achieved. Ms. Kinney clarified that the project includes curb extensions on Glebe Rd at all corners adjacent to the project – Columbia Pike, 11th Street, and 12th Street – which will prevent the new curb lane being used for through traffic.

Commissioner Fallon asked about the location of the proposed on-street parking, which Mr. Beske explained would be located on the various streets within the development. Commissioner Fallon followed with a question about the adequacy of the retail parking. Mr. Beske explained that the project would have a total of 16 dedicated retail parking spaces, and additional spaces would be available through the use of shared parking. The proposal exceeds the minimum required parking under the FBC.

#### Architecture/Energy/Sign Plan Modification Request

Commissioner Cole asked if hardi-plank is a standard building material under the FBC, to which Mr. Beske responded that it is allowed as a primary or trim material. Commissioner Cole asked if the County is getting the same high quality architecture on Columbia Pike under the FBC as in the rest of the County, and commented that he thought the developer's architect stated that the architecture for the proposed project was chosen because it is similar to other already approved FBC projects. Commissioner Cole asked about other types of architecture or building materials that would be consistent with the FBC. Mr. Beske responded that through the FBC the goal is to create distinctive architecture, and to not mandate style. The types of building materials that may be desirable would be subjective; however, they must be compliant with the code. Ms. Puskar noted that the FBC Administrative Regulations require that building design lead to more traditional architecture. She noted that there is a certain vernacular encouraged by the FBC, and that the buildings on Columbia Pike have a certain pattern that is dictated by the FBC.

Commissioner Iacomini commented that the narrative of the FBC speaks to architectural intent and that building walls must have solid craftsmanship and articulation. She believes that the proposed materials are not high quality, as hardi-plank is fabricated to imitate wood. She shares Commissioner Cole's concerns about the buildings on Columbia Pike having treatments that are too similar, and would be willing to support a resolution whereby the Planning Commission urge staff to reevaluate the language in the FBC to allow a different interpretation regarding building materials.

Commissioner Fallon noted that other FBC projects had more brick and not as much hardi-plank (Penrose, 5500, Hallstead, Sienna Park). The dilemma is that design issues that are typical of site plan projects and normally discussed during the Site Plan Review Committee meetings are not issues with FBC projects because of the prescriptive nature of the code that makes most projects compliant.

Commissioner Monfort stated that while the building is meeting the minimum requirements of the FBC, he would prefer that the architecture aim higher.

## Other

Commissioner Ciotti stated that the FBC does not address how housing will contribute to a more livable community. She feels this is a lost opportunity, as the FBC process does not provide an opportunity to discuss the potential of the developer providing full, rather than minimal, accessible type A units that go beyond standard ADA compliance. Commissioner Ciotti asked the developer if prior to the County Board meeting they would be willing to discuss the possibility of agreeing to pay for the construction of fully livable units that may include roll-in showers for example, and if agreements could be written into the conditions. Ms. Puskar responded that they would be willing to meet with Commissioner Ciotti.

Commissioner Fallon asked if the proposed comprehensive sign plan is consistent with the draft updates to the sign ordinance. Mr. Beske responded that the proposed modifications have been informed by the draft updates of the sign ordinance and that similar signs have been approved for existing projects on Columbia Pike.

Commissioner Cole agreed that for the most part the proposed comprehensive sign plan is consistent with the proposed update to the sign ordinance. The one exception is the parking sign, which is not consistent with the County standard. Commissioner Cole encouraged the applicant to use the standard parking sign because it is more universally accepted.

Commissioner Monfort inquired about the number of parking signs, which is five (5), noting that most developments have fewer parking signs. Mr. Beske responded that four (4) signs are permitted, and staff's analysis has determined that five (5) signs are acceptable because of the layout of the development.

## **Planning Commission Motion**

Commissioner Malis moved that the Planning Commission recommend the County Board adopt the resolution to approve the rezoning request from "R-5" One Family Dwelling Districts to "CP-FBC" Columbia Pike Form Based Code Districts; and approve the subject use permit, in accordance with the Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance), to build 247 multi-family units, 44 townhouses, 12 stacked flats, and 15,079 sq. ft. of retail with appropriate modifications for the alley location and building entryways, and approved the comprehensive sign plan, subject to the conditions of the staff report, with the following recommendations:

1. Staff should provide an analysis of the proportion of Hardiplank used on the north block Main Street building facades and reevaluate the Form Based Code with the goal of upgrading the allowable building materials.
2. Staff should examine the feasibility of adjusting the on-street parking bays along the Columbia Pike frontage of the north block Main Street building to increase the number of street trees from five (5) to seven (7).

3. Staff should pursue with VDOT the opportunity to break up the median on Glebe Road to allow left turns onto 11th Street until such time as South Lincoln Street can be accessed from 12th Street.

Commissioner Ciotti seconded the motion.

Commissioner Monfort asked for unanimous consent that the Planning Commission recommend the County Board require the applicant to provide a raised sidewalk along the western edge of the multi-family Main Street building. There was one objection. Commissioner Monfort moved that the Planning Commission recommend the County Board require the applicant to provide a raised sidewalk along the western edge of the multi-family Main Street building. Commissioner Savela seconded the motion.

Commissioner Savela asked if the raised sidewalk would be permitted by the Fire Marshal and Mr. Beske responded that he would seek his feedback.

Commissioner Forinash added that the entrance to the alley from Columbia Pike also serves as the main bicycle entry into the development.

The Planning Commission voted 12-0 to support the amended motion, which was incorporated into the main motion. Commissioners Ciotti, Cole, Fallon, Forinash, Harner, Iacomini, Kumm, Malis, Monfort, Savela, Serie, and Sockwell supported the motion.

Commissioner Harner asked Commissioner Malis to clarify her recommendation for staff to analyze the building materials on the north block Main Street building's Columbia Pike elevation. Commissioner Malis stated that she was not recommending that more brick be provided on the building façade because the project is compliant. She believes it is important to highlight the concerns of the Commission and take steps to amend the code if the commission thinks what we have today is difficult.

Commissioner Savela stated that she has been struggling with what the Commission's role is in reviewing FBC projects. The reasons why projects with over 40,000 square feet of site area require use permits is because it would result in a large development that may have significant impacts on the character of Columbia Pike. It was anticipated that there might be things that were not fully captured in the FBC and the special exception process would allow those things to be addressed through modifications if appropriate. Commissioner Savela referenced and read Section 7.B. of the FBC Administrative Regulations, Special Exception/Use Permit Option, "*The proposed Special Exception Use Permit process will be required for sites over 40,000 square feet or with floorplates over 30,000 square feet. Such sites will be required to meet the intent of the code and will be evaluated in terms of how well they conform to the code and meet other objectives of the Columbia Pike Initiative-A Revitalization Plan. The Use Permit process also provides the opportunity for community input as well as fine tuning of a development proposal to address issues that may not have been contemplated by the Form Based Code.*" Given the above statement, she expressed sensitivity to the hardi-plank concerns, and in reviewing the architectural requirements of the FBC, she learned that hardi-plank, while an allowable building material, is the last in a list of materials that she believed was prioritized. Commissioner Savela referenced and read the introduction to

Section 6.B. of the Administrative Regulations, Building Walls (Exterior), which provides the intent and guiding illustrations for building walls, “*Building walls should reflect and complement the traditional materials and techniques of Arlington County’s regional architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood).*” She stated that she believes that paragraph and the use permit process allows the Commission to review FBC proposals as to whether they meet the spirit and intent of the code, and allows the Commission to make a stronger recommendation regarding the use of hardi-plank given the length of the building elevation on Columbia Pike. Commissioner Savela suggested that the motion be amended to provide a more forceful recommendation regarding the building materials.

Commissioner Malis commented that Commissioner Savela made a good point in terms of the language in Section 6.B of the Administrative Regulations; however, in the code, Section 20.E.3 of the Zoning Ordinance, the Standards for Review of Use Permits states that “*the County Board may modify only the following requirements of FBC: Provided, however, that after such modification, the County Board is still able to make the finding called for in subsection 3.a.above.*” She read the section of the code that identifies the six (6) elements that the County Board may modify, and noted that the architectural material is not among them. Commissioner Malis noted that one part of the code specifically identifies what the County Board may adjust, and suggested that staff responds on how to balance the intent and standards spelled out in the FBC when allowable modifications are proposed.

Commissioner Savela stated that she agrees with the proposed modifications on signs, and recognizes the very good point Commissioner Cole made on parking. She believes this leads the Commission to consider further modifications to the FBC because, while the staff report states that some of the proposed modifications are unique to the project, she does not believe they are. She believes the proposed comprehensive sign plan is an improvement over what would have been allowed, and perhaps staff should consider modifications to the code regarding signs. Commissioner Savela stated that she was strongly and negatively influenced by the discussion on site access, and the northbound Glebe Road access in particular. However, she noted that she could not hold the applicant responsible for the access issues. She believes it is the responsibility of staff to determine if there is adequate vehicular access to the site, including from I-395, without disrupting the single-family neighborhood to the south. Commissioner Savela noted that she hopes the County Board will require staff to work with VDOT to reconfigure Glebe Road to allow relatively easy access to the site from 11th street. She does not feel the County Board can approve a project that would have such negative impacts on the community and without understanding how it would be accessed from the south.

Commissioner Cole associates his comments with Commissioner Savela’s, as the site has significant transportation challenges. While there are only a few elements of the FBC that the County Board can modify, the County Board should not feel compelled to approve a project because modifications to those particular elements are not being requested. The question that must be answered is, is the project compatible to the surrounding neighborhood? The proposal has many challenges, including

building design, transportation, and environmental/street trees. The proposed development is not consistent with the intended goal. The Commission can recommend that the County Board not approve it, but rather defer it for more discussion.

Commissioner Harner expressed disappointment over the building materials along the Columbia Pike elevation and would like the project to be deferred to allow more discussion about them. In response to Commissioner Savela's comments, he would try to make the claim that the project is not compliant with the FBC. There are many outstanding issues and he does not know how they will be resolved before the County Board meeting.

Commissioner Fallon noted that although the project may be compliant with the FBC, there could be other, more appropriate solutions that are also compliant. As development along Columbia Pike matures, the FBC and its review process should also mature and should take into consideration the quality of building materials, site accessibility, design issues, and community benefits. While redevelopment along Columbia Pike is desired, it should not be second best to other parts of Arlington.

Commissioner Serie associates his comments with earlier remarks on architecture and hoped the intent architectural language makes it in the Planning Commission letter. While he complemented Commissioner Malis for identifying the six (6) elements that the County Board can modify, he believes that the County Board needs to address how building materials can be modified. There is nothing in the code that precludes the use of higher quality materials. He suggested that perhaps the County Board direct staff to start a process to address the conflicts between the intent and standards of the FBC. Commissioner Serie also associated himself with earlier comments made about the transportation issues. He feels very strongly that 12th Street needs to be fully opened. If this was on the R-B corridor we would demand that the street be open. He wonders why there are two different standards, one for Columbia Pike and one for elsewhere in the County.

In an attempt to address some of the site access issues, Commissioner Kumm suggested that the issuance of the first Certificate of Occupancy be tied to the opening of 12th Street. This would allow the project to move forward with construction while negotiations continue on 12th Street.

Commissioner Monfort associates his concerns regarding architecture with Commissioner Harner's comments. He is uncomfortable that the project complies with the FBC by only the barest margin. Commissioner Monfort also expressed concern about site access and unanswered questions on the status of the 12th Street negotiations.

The Planning Commission voted 1-10-1 on the main motion. Commissioner Malis supported the motion. Commissioners Ciotti, Cole, Fallon, Forinash, Harner, Iacomini, Kumm, Monfort, Serie, and Sockwell opposed the motion. Commissioner Savela abstained.

Commissioner Monfort moved that the Planning Commission recommend that the County Board defer the rezoning and use permit requests, pending resolution of the architectural and transportation issues. Commissioner Forinash seconded the motion. The Commission voted 11-1 to support the motion. Commissioners Ciotti, Cole, Fallon, Forinash, Harner, Iacomini, Kumm, Monfort, Savela, Serie, and Sockwell supported the motion. Commissioner Malis opposed the motion.

Respectfully Submitted,  
Arlington County Planning Commission

A handwritten signature in cursive script that reads "Stephen Sockwell". The signature is written in black ink and is positioned above the printed name.

Stephen Sockwell  
Planning Commission Chair

# No More Shirlington

"Good evening, I'm Jim Hurysz, and I live in Fairlington, a historic residential community that's suffering from unsafe deteriorated streets that need to be repaved before anyone bikes to work on them.

The Penrose - Columbia Pike rezoning and use permit should not be deferred, but denied. This site plan suffers the same major planning deficiencies as Shirlington. As you may recall, Shirlington was planned with no affordable housing, major restaurant, retail, and entertainment venues employing hundreds of people who earn less than a living wage, and more than 2,400 parking spaces. Shirlington was developed with no community infrastructure except for a replacement library and a couple of public plazas. Retail and service workers in Shirlington say they can't afford to eat in Shirlington's restaurants or buy the expensive products they sell to customers.

Fairlington is suffering from increasing vehicle traffic, community infrastructure that's heavily used by non-residents (Fairlington's population is more than 9,000) and residential streets that are increasingly used as 'linear parks', a practice that's both illegal and dangerous. We don't need more Shirlingtons in South Arlington.

Where is the affordable housing, community infrastructure, and traffic mitigation in the site plan before you? Even worse than Shirlington, the Rosenthal Auto site redevelopment will replace good paying automotive jobs - mechanics and technicians - with at least one hundred restaurant, retail, and service jobs that don't pay a living wage. Where will these workers live? And Arlington residents who own Chrysler and Jeep vehicles will have to drive to Springfield or Tysons for service. How smart is that?

We are dissatisfied with a planning commission that does not reflect Arlington's diversity. We resent so many planning decisions being made by non-residents. We resent so many planning decisions benefiting non-residents at our expense. And we resent so many wealthy people who benefit from your planning decisions giving so little back - residents and non-residents alike. Do a comprehensive Web search on 'Rosenthal Automotive' and see who are profiting from your bad planning.

We oppose the kind of so-called 'planning' that gave us Shirlington and is producing a similar mess on Columbia Pike. We ask you to deny this site plan. No more Shirlingtons".