



ARLINGTON COUNTY, VIRGINIA

ARLINGTON COUNTY PLANNING COMMISSION

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September 13, 2012

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

- SUBJECT:** **2. A. Enactment of an Ordinance to Vacate** a portion of a Public Use and Access Easement located on Parcel H2, Foster's Subdivision Being the Resubdivision, Vacation and Rededication of Parcel H Block 11 Aurora Heights, RPC No. 15058015, with Conditions.
- B. SP# 263** Otter Equities, LLC to construct an approximately 157,844 sq. ft. office building including 150,032 sq. ft. office, 7,812 sq. ft. retail, 7,000 sq. ft. childcare, 5,600 sq. ft. conference center, and 2,300 sq. ft. fitness center uses, and an approximately 6,183 sq. ft. stand-alone commercial retail building in the "R-C" zoning district under ACZO §16A. Property is approximately 100,565 sq. ft.; located at 2201, 2305, 2311, 2317 Wilson Blvd, 1515 and 1519 N. Adams St; and is identified as RPC# 15-058-015, 15-059-001, -002, -003, -004, -005, -006, -007, -008, -009, -010. The proposed density is 1.63 FAR office/commercial. Modifications of zoning ordinance requirements include: parking ratio, bonus density for community facilities, LEED Gold certification, LEED Existing Buildings certification, exclusion from density of GFA associated with childcare, conference center, below grade fitness center, below grade mechanical equipment and bathrooms, stairs and elevator on the roof, and other modifications as necessary to achieve the proposed development plan. Applicable Policies: GLUP "High-Medium" Residential Mixed Use (Up to 3.24 F.A.R. including associated office and retail activities), Courthouse Sector Plan, and Courthouse Sector Plan Addendum. **(2311 Wilson Boulevard)**

- RECOMMENDATIONS:** **A. The Planning Commission has determined that the proposed vacation of a portion of a public use and access easement is substantially in accordance with the adopted Comprehensive Plan or applicable part thereof and recommends that the**

P.C. #41.A.B.

County Board adopt the attached ordinance to vacate a portion of the public use and access easement.

- B. Adopt the ordinance to approve Site Plan #263 to construct an approximately 157,844 sq. ft. office building including 150,032 sq. ft. office, 7,812 sq. ft. retail, 7,000 sq. ft. childcare, 5,600 sq. ft. conference center, and 2,300 sq. ft. fitness center uses, and an approximately 6,183 sq. ft. stand-alone commercial retail building, with modifications of zoning ordinance requirements including parking ratio, bonus density for community facilities, LEED Gold certification, LEED Existing Buildings certification, exclusion from density of GFA associated with childcare, conference center, below-grade fitness center, below-grade mechanical equipment, and other modifications as necessary to achieve the proposed development plan, subject to the conditions of the staff report, with the following modifications:**
- 1. Direct the applicant to develop an option for the County Board, working with community representatives as time permits, with the objective of reducing the apparent bulk of the building to the neighborhood, increasing the sunlight to the park, and enhancing the treatment of the frontage of the façade facing the park to provide an enhanced architectural treatment.**
 - 2. Recommend the County Board not adopt any provisions to encourage construction of fencing around the open space at the rear of the building.**
 - 3. Support the Transportation Commission recommendation to examine dedicated short-term parking on North Adams Street for on-site childcare center drop-off and pick-up.**
 - 4. Amend Condition #15 to require that three movable tables, with chairs and shade umbrellas, be shown on the landscape plan in order to increase the functional use of the park.**
 - 5. Amend Condition #79 to require the developer to hold rents for the childcare center space to childcare center market rates similar to those for childcare providers in the Rosslyn-Ballston Corridor.**
 - 6. Amend Condition #79 to require the childcare center to operate at least 50 weeks out of the year, at least Monday through Friday.**
 - 7. Amend the landscape plan to provide additional canopy trees at the northwest end of the site along North Adams Street to increase buffering of the community views of the proposed building.**

- 8. Amend Condition #80 to require that the conference center be made available for public use no fewer than 18 times per year, or a number of times per year deemed appropriate by staff.**
- 9. Amend Condition #80 to require free parking at the conference center for those attending meetings to conduct official County business.**

Dear County Board Members:

The Planning Commission heard these items at its September 4, 2012 meeting. Samia Byrd, CPHD Planning, described the request associated with Site Plan #263. She set forth the ways in which staff believes the proposed site plan meets the goals envisioned in the Courthouse Sector Plan and Courthouse Sector Plan Addendum. Ms. Byrd addressed key details related to building density, height, massing and design; site design and site access; streetscape improvements, and parking. Staff had no recommendation at the time and was continuing to study the adequacy of the building's taper to the Lyon Village neighborhood. She also described the public review process. Finally, she provided a general outline of the community benefits package to include contributions toward utility undergrounding, public art, affordable housing, and transportation demand management. Also present were Lisa Maher and Dolores Kinney of DES Planning. Linda Collier, DES Real Estate Bureau, described the proposed ordinance to vacate a portion of a public use and access easement.

The development team for the applicant, Otter Wilson Boulevard, LLC, was present, including Michael Foster, architect and applicant; Jon Kinney, attorney (Bean, Kinney, Korman); Bob Cochran and Jeff Kreps, engineers (VIKA); and Robert Kohler, traffic consultant (Wells & Associates). Mr. Foster described the proposal; how the applicant believes it meets the goals of the Courthouse Sector Plan and Sector Plan Addendum; the various details of the building architecture, and the benefits that are proposed to be provided with the proposal, including streetscape, site design and access, and the LEED certification level. Mr. Foster also responded to issues raised by the Lyon Village Civic Association, including fencing around the park to address safety concerns, management and design of the loading to address noise concerns, provision of a northwest building taper immediately adjacent to the single-family neighborhood, and architectural plans for the parcel currently developed with the Superstar Tickets building.

Public Speakers

Miles Mason, representing the Lyon Village Civic Association, stated that he appreciated staff's comments regarding the applicant's most recent proposal for the building taper, which is still under review. He also appreciated the meeting that Mr. Foster attended with Mr. Lantelme, President of the Lyon Village Civic Association. The civic association's main concern continues to be the building's increased height and its impact on the neighborhood, and it wants assurance that an effective taper towards the neighborhood will be provided. Mr. Mason stated that the civic association is also concerned about the proposed bonus density and the precedent it may set for future development proposals adjacent to the neighborhood, and that the benefits to the community must be weighed against proposals for additional height and density.

Tatjana Vichnevsky, Director of the Full Circle Montessori School, stated that she is working with Mr. Foster to ensure that the proposed childcare facility will meet the needs of any childcare operation. She raised three concerns regarding preschools in Arlington County: 1) the lack of physical space available for operation of preschools and school expansions; 2) many existing preschools are operating in spaces that are inadequate; and, 3) the proposed site plan offers a good urban solution to the issues confronting preschools. She stated that it is rare for this type of redevelopment proposal to support the provision of a childcare center. Ms. Vichnevsky referred to the 2010 white paper prepared by Arlington Economic Development that outlined a childcare policy; however, the County Board did not adopt the policy. Commissioner Fallon inquired if she had any concerns regarding parking and vehicular access to the site. Ms. Vichnevsky responded that the main concern was with the drop off and pick up of children and that the design issues have been resolved. She commented that the proposal offers an opportunity to design the space from the ground-up rather than retrofitting the school's physical needs into existing spaces that are often inadequate. Commissioner Iacomini inquired about the ages of children in the Montessori School, to which Ms. Vichnevsky responded they were from 2 ½ to 12 years of age. Commissioner Kumm asked if there are concerns regarding the outdoor play area being accessible to the community during the hours that the center would not be in operation and if there are any state requirements that would preclude that, to which Ms. Vichnevsky responded no. The Montessori School is currently located in the basement of a church and their outdoor play space is a public playground located adjacent to the church. Commissioner Malis inquired whether the Montessori School is a childcare facility or a school, stating that if the students' ages go up to 12 years then it is a private school. Ms. Vichnevsky responded that the majority of the children's ages range from 2 ½ to 6 years, and the total number of children in the school ranges from 80 to 100. Commissioner Iacomini inquired about the school's hours, stating that a typical childcare center operates 5 days per week, from 8 am to 6 pm. Ms. Vichnevsky indicated that the Montessori School operated from 8 am – 3 pm. Commissioner Ciotti inquired about the number of children from Lyon Village, to which Ms. Vichnevsky responded that the majority of their children are from North Arlington, and many are from Lyon Village. Commissioner Harner commented that 80 to 100 children occupying a 7,000 square foot facility results in 70 – 90 square feet per child and given the state and county requirement for a minimum of 35 square feet per child, the total enrollment could increase to 200 children. Ms. Vichnevsky responded that the ratio is for classroom space only and does not include amenity and core spaces. Commissioner Fallon inquired if the childcare center operation would be considered through a use permit proposal, to which Ms. Byrd responded yes. Through the use permit process, staff would coordinate with the Department of Human Services Child Care staff and determine the appropriate enrollment, student-teacher ratio, program operation, physical facility, and traffic management. The proposed site plan provides a concept for the physical space. Childcare centers are defined by the Arlington County Code and the Arlington County Zoning Ordinance, and the definition excludes certain facilities such as public and private schools. One of the requirements of a childcare use permit is that the childcare operation complies with the Arlington County Code.

Public Advisory Commission Reports

Commissioner Kumm reported on the Urban Forestry Commission. She commended the applicant for responding to the request to plant additional street trees, which now total 12, almost doubling the number the original number proposed. She stated that it would be desirable if the applicant provides

additional canopy trees at the rear of the site or along North Adams Street to buffer the views from the neighborhood.

Commissioner Forinash reported on the Transportation Commission meeting held on August 30, 2012. The Commission recommended approval of the site plan. Of the seven issues discussed, the major issue was access to the childcare center and vehicular drop off and pick up. The Commission suggested that the two on-street parking spaces located immediately adjacent to the childcare center entrance be signed and reserved for vehicular drop-off and pick-up during the morning and afternoon hours. Commissioner Forinash also stated the Commission's desire that the childcare center make it a priority to enroll children of occupants of the building and adjacent residences in an effort to increase the walk/bike mode share. Other issues discussed by the Commission included delineating areas for strollers and bikes, reconfiguring the North Adams Street cul-de-sac to include a rolled curb and grasscrete for emergency vehicle and bike access, the applicant's request to lower the height of the loading dock door to 12 feet, and installing fencing adjacent to the park's pedestrian path and a gate that can be locked if needed to address safety concerns. While the civic association preferred that the park and pedestrian path be kept open, the Commission suggested that the gate be provided and locked in the future if deemed necessary.

Chair Sockwell reported on the Site Plan Review Committee (SPRC) review, for which there were five meetings. The overarching question was the appropriateness of the building's mass, height and density for this particular location; when viewed from the perspective of i the Courthouse Metro, the proposal makes sense; when viewed from the perspective of the neighborhood next door, it is more uncertain. While much of the discussion addressed the applicant's proposal to increase height and density over the previously approved site plan, by the end of the process staff and some committee members determined that the revised height and density were appropriate for the location. In general, the committee was impressed with the number of amenities proposed, including the conference center and childcare center. The neighborhood, however, continues to oppose the substantial increase in height and density. Chair Sockwell referred to the four outstanding issues outlined in the committee report and asked if the Commission wanted to identify additional issues for discussion. Commissioner Savela requested adding the childcare center as a discussion item in response to the earlier discussion during citizen testimony. Commissioner Cole asked whether it was appropriate to discuss the site plan proposal now, given the significant outstanding issues with building form and design that continue to remain unresolved. He suggested that the site plan be deferred until staff and the applicant could review the final design. Commissioner Ciotti responded that after five SPRC meetings the applicant has the right to be heard by the Commission. Chair Sockwell asked staff if there were additional outstanding issues. Ms. Byrd referred to the applicant's most recent building design and requested additional feedback on the appropriateness of the proposed taper adjacent to the neighborhood, for which there is no staff recommendation at this time. Commissioner Iacomini expressed agreement with Commissioner Cole regarding deferring the site plan, stating that she is uncomfortable with the various discussions the applicant has had with staff and the community on the different design approaches to the taper at the northwest corner, and is unclear about the definition of a childcare center.

Planning Commission Discussion

Site Plan #263

1. Appropriateness of the proposed building's mass, height and density for location.
2. Success of the applicant's design in providing transition to the neighborhood, including the use of open space to the rear of the building, the lack of taper or step back, or use of other strategies to effect a transition.
3. Childcare center.

Commissioner Fallon, responding to confusion about building taper, asked Mr. Foster to describe the current proposal for the building taper, which was contained in the Commission's packet. When asked, Mr. Mason responded that the Lyon Village civic association had not reviewed that proposal, but another one that is not under discussion by the Commission.

Commissioner Cole inquired about the amount of square feet that was removed from the building by chamfering the corners on the 7th and 8th floors. Mr. Foster responded that it resulted in a net zero loss because it was made up on the lower retail floors. He further stated that he is seeking the Commission's guidance on this architectural approach as he plans to present it to the County Board. He explained that he had previously explored with staff and Lyon Village the possibility of stepping back the top floor approximately 10 feet and making it up on the ground floor by projecting the rear of the building out into the park. Mr. Mason commented that he thought the neighborhood would support reducing the size of the park, but staff did not support this.

Commissioner Monfort stated that while he understood the aesthetic rationale for chamfering both corners at the top of the building, he did not understand the need for a proposed taper on other sides of the building. He noted that the issue is the design of the corner of the building that faces the neighborhood, which as currently designed provides an insubstantial transition to the neighborhood. Mr. Foster explained that it is rare to have a 90-foot deep park adjacent to and serving as a setback for a 95-foot tall building. He further noted that the building façade has been designed in such a way to locate the penthouse as far from the neighborhood as possible. The chamfered corners are set back 20 feet with 20-foot heights. The building is not symmetrical from front to back, but the pedestrian experience along North Adams Street and the pedestrian pathway through the park is informed by the notches in both corners at the base of the building.

Commissioner Harner confirmed that the bonus densities total .7 FAR, and that the density exclusions total 27,000 square feet or .2 FAR. He asked if the exclusions are typical, stating that essentially they are bonuses. Ms. Byrd responded that the original site plan excluded 3,500 square feet for the childcare center. She also referred to the white paper on childcare centers in the Rosslyn-Ballston Corridor that was drafted by AED. While the County Board did not take action on a proposed zoning ordinance amendment, there are examples of where the County Board has excluded density or approved bonuses in site plans for childcare centers. Ms. Byrd cited three such site plans, and the justification given was that the childcare centers were viewed as community facilities. Density exclusions have been approved for other building elements, such as mechanical shafts or storage, where they do not add to the bulk and mass of the building, through Section 36.H.5.a. of the Zoning Ordinance. Commissioner Harner inquired about how the density exclusions are evaluated by staff. Ms. Byrd responded that they are evaluated based on the appropriateness for the site, implications for the building design, the overall benefit to the community, and the effect on the overall form of the development.

Commissioner Harner commented that the proposed building taper does not relate to or enhance the building architecture. It is so minimal that it seems inconsequential or a token move. He noted that it would have been helpful to include in the drawings the proposed tapering, the affected square footage, as well as a shadow study.

Commissioner Iacomini stated that she agreed with comments made by Commissioners Monfort and Harner about the building taper and how it addresses the neighborhood. Other “R-C” developments in Ballston, on North Taylor and Utah Streets, have heights that effectively taper down to adjacent townhouse developments. She does not see the significant taper here.

Commissioner Monfort noted the three specific bonus density requests and the Zoning Ordinance language that allows bonuses “up to” a maximum level. Ms. Byrd responded that there is no guarantee that the maximum bonus would be approved. The County Board makes the determination as to whether the bonuses fit in with the development and if there are any neighborhood impacts. The Planning Commission can make a recommendation to the County Board regarding the level of bonus density.

Commissioner Malis noted that the applicant stated that the setback provided by the park obviates the need for a building taper. She asked if “R-C” zoning has a set back requirement. She wondered whether any taper would be measured from the property line or from a set back established inside the site. Ms. Byrd explained the setback requirement under “R-C” and stated that the County Board can modify the setbacks. Commissioner Malis stated that she is weighing whether the depth of the park is sufficient to compensate for the building taper.

Commissioner Kumm explained that tapering is a stepping of the building, not notching at the corners as proposed.

Commissioner Savela stated that she believes the park is an effective transition to the single-family neighborhood, as it is directly across North Adams Street from the single-family homes and the proposed office building is sited on a diagonal from the nearest single-family home. While in other districts more tapering would be desirable, one has to take into account that the site is two blocks from the Court House Metro and provides a substantial park in an area where parks are insufficient and lacking. Commissioner Savela commented that she agreed with Commissioner Malis and would prefer to see green space and the massing as proposed without the notches and putting all of the notching on the neighborhood side if it visually makes sense. She did not see the benefit of spreading the building footprint over a larger area and did not think the building mass is excessive for this area. It fits within the “R-C” district constraints, and these constraints, which are already pretty significant given other zoning districts typically within two blocks of a metro station and which allow greater massing. Commissioner Savela stated that she understands the concerns, but questions the utility of the two notches on the two back corners, and if some of that space could be concentrated on the northwest corner to create a more substantial setback, it makes sense architecturally and the neighborhood is happier, then she supports it. Her intent was to voice her support for the idea of a park being an appropriate transition.

Commissioner Cole associated his comments regarding the park with those of Commissioner Savela. He agrees that the park is a valuable element of the project. The proposed building taper is so

insignificant that he agreed with Commissioner Savelle that the corners should be squared off. He stated that his concern is more with how the Commission is dealing with this project, as they are being asked to make a decision on elements of the plan that were not reviewed by the SPRC. There are elements still outstanding, including the building massing and tapering, and the community benefits. He inquired as to whether the use of the conference center by public groups will include free parking and suggested a condition to require free parking. Mr. Foster responded that free parking is not proposed because the site plan proposes to discourage the incentive to drive. Commissioner Cole stated that the childcare center will not meet the needs of working Arlingtonians because of the hours it is open and suggested a condition to ensure that it will. He stated that during SPRC the applicant agreed to charge future childcare center operators the childcare center rates to lease the space, and Mr. Foster agreed to this commitment. Commissioner Cole also questioned the policy for how public art is calculated noting that regardless of the size of the site plan the standard contribution is \$75,000.

Commissioner Kumm stated that she supports the use of the park as a transitional element and community benefit. She asked that additional trees be planted to provide additional buffering from the community. She also recommended that movable tables, chairs and umbrellas be provided in the park to allow more active use of space.

Commissioner Ciotti noted that there was a lot of discussion during SPRC on access to the green roof by school children and using it as an opportunity to teach them about sustainable development and now those plans are not part of the final plan. Ms. Byrd responded that while staff is not opposed to providing access to the roof, the additional GFA associated with the elevator override and restrooms would count toward density beyond the maximum permitted in the site plan. Commissioner Ciotti stated that if this element is considered purely educational and a benefit to the community and Arlington Public Schools, then it should be treated similar to the childcare center, as bonus density or density exclusion. Ms. Byrd stated that staff would be willing to reevaluate it if the applicant requests it. Mr. Foster stated that because the space is not affiliated with either the office or retail component he could not take the GFA away from other areas in the building. He would be willing to incorporate it at the request of the Planning Commission or the County as purely public benefit space.

Commissioner Iacomini expressed her continued concern about the building taper or step back. She stated that this was an important design concept. One of the things that the County did well in Ballston was to approve site plans under "R-C" zoning where buildings were required to taper down in height to adjacent residential buildings. The proposed development should be respectful of adjacent densities and uses from the northwest corner. The proposed notches at the building corners do not adequately address the tapering concerns.

Commissioner Iacomini also agreed with Commissioner Cole that the childcare center must be useful for working Arlingtonians, whether they live or work in Arlington. She expressed caution about recommending density exclusions for private schools that close early in the afternoon, have high tuitions and are inconsistent with the state code or zoning ordinance definition of childcare center. She believes the intent of the childcare center provisions is for the care of children. The examples cited by Ms. Byrd, in which site plans were approved with bonus densities or density exclusions for childcare centers, did not include private schools.

Commissioner Monfort asked if the Zoning Ordinance speaks to the ages of children in its definition of childcare center or how it refers to private schools. Ms. Byrd read to the Commission the definitions contained in Chapter 52 of the Arlington County Code and in the Zoning Ordinance, neither of which included public or private schools as part of the definition of a childcare center. Commissioner Monfort stated that he shares Commissioner Iacomini's concerns about where the line is drawn regarding the childcare center versus private school. He is attempting to identify a way to subsidize the space for a childcare center and not a private school.

Commissioner Savela also associated her comments with those of Commissioner Iacomini's. For the 10 years she has served on the Planning Commission, she has been hearing about the lack of daycare centers for the care of children whose parents work. She was under the impression that the proposed site plan was creating a way to subsidize a daycare center, not a private school. She suggested that the site plan include a condition that provides greater detail on the type of childcare program required, including that it operate at least 50 weeks out of the year, five days a week and during regular working hours.

Commissioner Fallon stated that a lot of the aforementioned concerns are regulated through the use permit process for day centers. From a policy standpoint, the County Board could approve a density exclusion for the childcare center. He asked if the condition language could be strengthened to require a bond or some other enforcement mechanism to ensure the facility is providing care to children. Ms. Byrd agreed to review the language. Mr. Foster added that the market has shown that a number of operators are interested in the space for a childcare center, of which 99 percent are private.

Commissioner Malis stated that the language in the current condition for the childcare center does not outline any expectations regarding the nature or quantity of childcare that would be provided at the site. She feels it should be clear regarding the expectations. The condition also states that if the space is not used as a childcare center, a site plan amendment should be required. Commissioner Malis stated that the conditions should be clarified that it be a major site plan amendment with public review.

With regard to the conference center, Commissioner Malis noted that the condition as written provides community use of the conference center only on a space available basis. Under that condition it is possible that the center would never be available to the community. To consider this a true community benefit there needs to be an expressed agreement on how much usage the community could expect. Ms. Byrd responded that the condition attempts to address the requirements for when public and community groups can reserve the conference facility.

Commissioner Savela expressed concern that reservations for the conference facility must be made up to 90 days in advance because civic associations will not know when the conference facility will be unavailable.

4. The adequacy of transportation planning for: vehicular parking, pick up and drop off for the childcare facility, and pedestrian flow as commuters walk to the Metro and restaurants near the Courthouse area.

Commissioner Savela inquired about the factors contributing to a level of service (LOS) rating of F for the intersection of North Veitch Street and Wilson Boulevard. While the staff report states that the intersection is failing and will continue to fail with the additional traffic from the project, there is no information on how badly it is failing, or how much longer the delays will be in the future. She asked if the reason for the intersection failure is due partly to the closing off of North Adams Street, as she believes it is hard to imagine that it would not contribute to the failure of that intersection. Ms. Kinney responded that the intersection is currently not operating up to standard and she cannot state specifically that it is hard to imagine the North Adams Street closure does not contribute to delays at the North Veitch Street intersection. While the North Adams Street closure cannot be addressed through this site plan at this late date, she believes street closures should be re-examined in the Corridor, as she foresees many more choke points that may create dangerous vehicle and pedestrian interactions as development continues.

Chair Sockwell stated that he is not happy with the lack of an analysis of the intersection. If the intersection is already failing, and with another project the rating is retained, then more analysis is needed on the impacts of the project's impact on the intersection's LOS rating.

Commissioner Ciotti expressed frustration that while the County has a goal of not creating super blocks, the County's opposition to cutting through the North Adams Street cul-de-sac would retain a superblock.

Commissioner Forinash provided an explanation of the Transportation Commission's discussion of the intersection failure. He stated that there was support for opening up North Adams Street, but it was not a part of the motion because it was considered outside the context of the site plan. However, he thinks there will be support for opening up artificially truncated streets in the Metro corridors. Commissioner Forinash continued with an explanation of how intersection levels of service are typically analyzed and presented, which is based strictly on performance for vehicles and the average delays for vehicles. The Transportation Commission has continually expressed concern about the insufficient analysis for the types of site plan projects reviewed in Arlington. The Transportation Commission generally pays very little heed to conventional traffic analysis because of their limited scope, assessing only time of delay for vehicles, and does not consider the success or failure of an intersection based upon the effects on pedestrian or bicycle traffic. By the very conventional nature of their analysis, which is very inappropriate for Arlington and its Metro corridors, most intersections will fail. With regard to the intersection of North Veitch Street and Wilson Boulevard, Commissioner Forinash noted that he travels there often by vehicle, bike and on foot, and it is not failing except by the very narrow view of conventional traffic engineering.

Commissioner Monfort stated that he supports the staff position that fencing should not be installed around the park. He believes the park and the pathway should remain and have the appearance of being open to the public. He does not agree with the recommendation of the Transportation Commission and will recommend that the County Board not enforce the fencing.

Commissioner Fallon expressed surprise that the Transportation Commission would recommend fencing around the park to limit connectivity and asked Mr. Mason to explain the civic association's reasoning for the fence. Mr. Mason responded that the civic association was concerned about the

safety issue of people loitering in the park. Commissioner Fallon stated that there are a multitude of reasons for why the park should not be fenced in.

Commissioner Savela agreed with Commissioner Monfort that the Commission's recommendation should state its opposition to the fencing. With the review of the park by the Police Department's Crime Prevention Through Environmental Design (CPTED) practitioner, there is a review of safe design elements. She believes adding a fence may increase the safety concerns.

Commissioner Kumm asked about the provision of tree grates in the streetscape. Mr. Foster responded that tree grates would be used on Wilson Boulevard to continue the streetscape treatment and provide a continuity of treatment along that frontage of the development. The other frontages would include tree pits. Commissioner Kumm noted that while she understands the desire to achieve continuity in streetscape treatment, over time the use of tree grates are harmful to the health of street trees. The Urban Forestry Commission is opposed to the use of tree grates and current best practices are to replace them with ground cover.

Commissioner Cole inquired about the nub at the corner of North Adams Street and Wilson Boulevard. He is concerned that it may encourage pedestrians to cross Wilson Boulevard mid-block. Ms. Kinney responded that the nub is needed not as a pedestrian refuge but to define the space for on-street parking spaces.

Commissioner Harner supported the use of nubs, as they encourage pedestrian safety by slowing vehicles when turning onto North Adams Street.

5. Conditions 81: Existing Interim Commercial Uses; and Condition 82: Retail Pavilion.

Commissioner Harner inquired about how a retailer may be able to propose a different design, and if a modification would require a site plan amendment. He expressed concern that the design is very conceptual and he does not see how the plan could be applied. Ms. Byrd responded that the owner of the Superstar Tickets parcel has agreed to be a part of the site plan. Condition 81 permits the existing building to remain on the site as an interim use until 2016. After 2016, it is permitted to remain as a non-conforming use and any changes to it inconsistent with the proposed site plan will require a site plan amendment.

Planning Commission Motion

Site Plan #263

Commissioner Harner moved that the Planning Commission recommend that the County Board defer the ordinance to approve the amendment to site plan #263. Commissioner Cole seconded the motion.

Commissioner Harner explained the purpose for his motion. The project has come a long way and has great qualities; however, his concern is that the neighborhood is not yet completely comfortable with the building taper and staff is not either. This has the potential to be a great project, but needs another month to work out the massing and tapering. Transitions on edge sites are critical planning

issues. He is very concerned with precedent and the Commission needs to make sure that whatever is approved here is a good precedent for this area.

Commissioner Iacomini stated that she supports the motion to defer. It is not just about tapering and massing, but the Commission needs a better understanding of the community benefits associated with the proposed density exclusions/bonuses, the childcare center, the appropriateness of the meeting space for community groups and issue of paying for parking, and other elements of the project.

Commissioner Fallon offered a substitute motion and moved that the Planning Commission recommend that the County Board approve the site plan amendment. Commissioner Savela seconded the motion.

Commissioner Fallon stated that although he is sensitive to the motion to defer, after five SPRC meetings he does not think one additional month will resolve the tapering issue to everyone's satisfaction. He believes the building is attractive. The project takes advantage a number of bonus density incentives to further County goals, which is unusual. Overall, it is a good project.

Commissioner Malis stated that from a design standpoint, the only significant issue is the building taper and so far no specific guidance has been given to the applicant about the preferred treatment. While it is not possible to re-design the building during the hearing, the Planning Commission could weigh in on whether they believe a taper is required. She stated that she is inclined to support the motion, but is concerned about the lack of detailed information on community benefit conditions. She is concerned that at this point the specifics have not yet been nailed down.

Commissioner Savela also stated that the biggest outstanding issue is the tapering and she agreed with Commissioner Malis that the Commission has heard a variety of viewpoints on this issue but no specific guidance has been provided. If the substitute motion becomes the main motion, she will have a few amendments to add.

Commissioner Ciotti stated that she agrees with Commissioner Fallon and will have additional recommendations to address, for example, the availability of free parking for public groups that use the conference facility, provision of an educational component associated with the green roof (in support of Arlington Public Schools) and not counting the elevator override and restroom toward GFA.

Commissioner Harner stated that in light of the staff and community discussion on tapering, there were no studies presented to the Commission showing tapering alternatives, for instance, and the impacts to the park and neighborhood. The park could be a great transition, but that at this point there is no analysis to support such an argument.

Commissioner Monfort stated that there is already an approved site plan with an open space easement, so the applicant should not be given credit for retaining the open space. That being said, despite his concern for the lack of tapering and setbacks, he will support the project, and hopes the applicant will reconsider the setbacks and tapering

Commissioner Cole stated that he would oppose the substitute motion because, while the site plan has come a great distance from where it was months ago, a much better project could be achieved by deferring it one more month.

Commissioner Sockwell stated that he would oppose the motion. The applicant is proposing a substantial increase in density and, while all of the proposed amenities will benefit the public, there have been plenty of opportunities for the applicant to develop a better transition strategy. He agreed that the park is a transition strategy and somewhat ameliorates the issue, but the building is almost 70% larger than the approved building and there is no real attempt to provide a good transition to the neighborhood.

The Commission voted 6-5 to support the substitute motion, so it became the main motion. Commissioners Ciotti, Fallon, Kumm, Malis, Monfort, and Savela supported the substitute motion. Commissioners Cole, Forinash, Harner, Iacomini, and Sockwell opposed the substitute motion.

In order to address neighborhood compatibility and tapering, Commissioner Kumm moved to amend the motion to recommend that the upper 6th, 7th, and 8th floors be tapered consecutively 10 feet back, following the principle of a stepped staggered building, realizing this is a significant amount of floor area that would be taken out of the building but the applicant's request includes a substantial amount of bonus density; this would be comparable to other step backs in the R-B Corridor. There was no second, so the motion failed.

Commissioner Kumm moved to amend the motion to recommend that the step back at the northwest corner of the building occur on the 6th, 7th and 8th floors, with step backs of 10 feet consecutively, and extended halfway in the middle of the building, so that the northwest corner would achieve a tapered rather than a notched treatment. Commissioner Harner seconded the motion.

Commissioner Malis commented that an image of Commissioner Kumm's recommendation would be helpful and noted that it would be more useful for the Commission to provide guidance on the need for some sort of step back, or no step back, if that is what the Commission wants. It is difficult to provide specifics on design.

Commissioner Cole stated that he supports no cutouts in the building.

Commissioner Monfort suggested, as an alternative, generic language to encourage the applicant to revisit the step backs and tapering focusing on the corners of building.

Commissioner Harner, in expressing his concern for moving forward with this proposal, suggested that certain design principles could have been explored, including reducing the apparent bulk to the neighborhood, increasing sunlight to the park, and scaling the building to the park. He would be more comfortable expressing this in terms of design principles, rather than randomly notching corners, as a better solution.

Commissioner Kumm stated that she would not oppose the notion of design principles, as she was attempting to address the issue of compatibility to the neighborhood and tapering, which is consistent with the sector plan.

The Commission voted 0-10-1 to oppose the amended motion, so the motion failed. Commissioners Ciotti, Cole, Fallon, Forinash, Harner, Iacomini, Malis, Monfort, Savela, and Sockwell opposed the amended motion. Commissioner Kumm abstained.

Commissioner Savela moved to amend the motion to recommend that the Planning Commission direct the applicant to develop an option for the County Board, working with community representatives as time permits, with the objective of reducing the apparent bulk of the building to the neighborhood, increasing the sunlight to the park, and enhancing the treatment of the frontage of the façade facing the park to provide an enhanced architectural treatment. Commissioner Harner seconded the motion.

Commissioner Cole stated that the motion directs the applicant to do something but does not advise the County Board. Commissioner Savela responded that it is not ideal, but provides guidance to the applicant to work on the proposal up until the County Board meeting. Commissioner Monfort stated that the motion encourages the applicant to take another look at the building.

The Commission voted 9-1-1 to support the amended motion. Commissioners Ciotti, Fallon, Forinash, Harner, Kumm, Malis, Monfort, Savela, and Sockwell supported the amended motion. Commissioner Iacomini opposed the amended motion. Commissioner Cole abstained.

Commissioner Monfort asked for unanimous consent to amend the motion to recommend that the County Board not adopt any provisions to encourage construction of fencing around the open space at the rear of the building. There was no objection, so the amendment was incorporated into the main motion.

Commissioner Malis asked for unanimous consent to amend the motion to recommend that the Planning Commission support the Transportation Commission recommendation to examine dedicated short-term parking on North Adams Street for on-site childcare center drop-off and pick-up. There was no objection, so the amendment was incorporated into the main motion.

Commissioner Kumm asked for unanimous consent to amend the motion to recommend that Condition #15.f. be amended to require that three movable tables, with chairs and shade umbrellas, be shown on the landscape plan in order to increase the functional use of the park. There was no objection, so the amendment was incorporated into the main motion.

Commissioner Cole asked for unanimous consent to amend the motion to recommend that, for the childcare center, Condition #79 be amended to restrict the lease amount charged by the building owner to market rates charged to similar childcare providers in the Rosslyn-Ballston corridor. There was an objection. Commissioner Cole moved that the Planning Commission amend the motion to recommend that Condition #79 be amended to require the developer to hold rents for the childcare space to childcare market rates similar to those for childcare providers in the R-B Corridor. Commissioner Monfort seconded the motion.

Commissioner Fallon inquired as to whether there have been conditions in other site plans that limited what a commercial building owner can charge to lease their space. Commissioner Savela stated that site plans have been approved in the past that restricted parking garage rates.

The Commission voted 8-2-1 to support the amended motion. Commissioners Cole, Forinash, Harner, Kumm, Malis, Monfort, Savela, and Sockwell supported the amended motion. Commissioners Ciotti and Fallon opposed the amended motion. Commissioner Iacomini abstained.

Commissioner Cole moved that the Planning Commission amend the motion to recommend that Condition #79 be amended to require the childcare center to remain open during regular working hours. Commissioner Monfort seconded the motion.

Commissioner Fallon stated that he opposes this motion. What is generating this motion is the fact that the Commission was presented an education-based Montessori curriculum option, which is one type of child care program. Therefore, this type of facility parallels the school year, vacation schedules, and regular school hours. The operating needs of this type of program are different from other child care options. The requirements of the employees would also be different. Commissioner Fallon stated that a motion, for a site plan condition, regarding the operating hours of a daycare facility is not within the purview of the Commission, but rather a decision of the County Board based on a subsequent use permit proposal. The Commission's purview would be to comment on the proposed density exclusion associated with the site plan

Commissioner Cole disagreed with Commissioner Fallon that the issue of operating hours is outside the Commission's purview. The childcare center is being proposed as a community benefit and, therefore, it is within the Commission's purview. Commissioner Cole explained that he is not recommending a motion for or against the Montessori program, and he does not believe the applicant is proposing a Montessori school. He believes the applicant is proposing space and he prefers that the community benefit recognize that the space should be available to take care of children for longer hours, and if the hours were shorter, the benefit to the community would be reduced because the people that would be able to use the facility would be reduced. Given the subsidy that the County is being asked to provide for the childcare facility, he believes it is reasonable to require that those who work full time should be able to benefit from it.

Commissioner Savela moved that the Planning Commission amend the motion to recommend that Condition #79 be amended to require the childcare center to operate at least 50 weeks out of the year, at least Monday through Friday. Commissioner Cole accepted this as a friendly amendment. Commissioner Monfort seconded the motion.

Commissioner Monfort stated that it is important to recognize that the applicant is not proposing a Montessori school. The Commission is trying to encourage additional childcare centers and not additional private schools. If it operates like a county school, then it's not a daycare center. This is a perfect location for a childcare center, which would be available to workers in this and surrounding buildings.

Commissioner Ciotti stated she believes the AED white paper on childcare in the County did not differentiate between the different types of programs. It was considering alternative pre-school options and did not set parameters for whether they should be year-round, all days, or every day of the week. She stated that there are so few good options in the County and she feels uncomfortable that the Commission would be requiring more.

Commissioner Malis noted that the space being developed is for 80 to 100 children, and that childcare is usually considered to be for younger children and not a school open to children of all ages. The priority is to provide adequate child care and that is what the white paper was addressing.

The Commission voted 9-2 to support the amended motion. Commissioners Cole, Forinash, Harner, Iacomini, Kumm, Malis, Monfort, Savela, and Sockwell supported the amended motion. Commissioners Ciotti and Fallon opposed the amended motion.

Commissioner Kumm moved that the Planning Commission amend the motion to recommend that the landscape plan include additional canopy trees along North Adams Street and on the northwest corner of the site to improve buffering of the community's views of the proposed building and improve compatibility, if the proposed building does not achieve a taper. Commissioner Ciotti seconded the motion.

The Commission voted 1-9-1 to oppose the amended motion. Commissioner Kumm supported the amended motion. Commissioners Cole, Ciotti, Fallon, Forinash, Harner, Malis, Monfort, Savela, and Sockwell opposed the amended motion. Commissioner Iacomini abstained.

Commissioner Kumm asked for unanimous consent to amend the motion to recommend that the landscape plan be revised to provide an additional four canopy trees on west side of North Adams Street and at the northwest corner of the site along North Adams Street to increase buffering of community views of the proposed building if the building does not achieve a taper on the upper floors.

Commissioner Monfort sought clarification of the motion, noting that it was too specific and that he would object to it as stated. Commissioner Kumm withdrew her motion.

Commissioner Kumm asked for unanimous consent to amend the motion to recommend that the landscape plan be revised to provide additional canopy trees at the northwest end of the site along North Adams Street to increase buffering of the community views of the proposed building. There was no objection, so the amendment was incorporated into the main motion.

Commissioner Savela asked for unanimous consent to amend the motion to recommend that Condition #80 be amended to require that the conference center be made available for public use no fewer than 18 times per year, or a number of times per year deemed appropriate by staff. There was no objection, so the amendment was incorporated into the main motion.

Commissioner Ciotti asked for unanimous consent to amend the motion to recommend that the elevator override and restrooms be put back in the penthouse so that the Arlington Public Schools can use the green roof as a learning lab. There was an objection. Commissioner Ciotti moved that the Planning Commission amend the motion to recommend that the elevator override go to the penthouse, along with appropriate restroom facilities, for the benefit of the Arlington Public Schools to use the green roof as a learning lab, and that the associated GFA not be charged against the applicant since there is no profit to be gained. There was no second so the motion failed.

Commissioner Cole asked for unanimous consent to amend the motion to recommend that Condition #80 be amended so that when meetings are called to conduct official County business, participants are excluded from paying for parking for those meetings. There was an objection.

Commissioner Cole moved that the Planning Commission amend the motion to recommend that Condition #80 be amended to require free parking at the conference center for those attending meetings to conduct official County business. Commissioner Monfort seconded the motion.

Commissioner Forinash stated that he does not believe it is reasonable to expect free parking as a benefit from private developers when the County does all it can to ensure that developers charge market rate for parking. If the developer finds that there is no market after-hours for the parking when public meetings are being held and decides not to charge for the parking, then that is okay. Otherwise, it is not a reasonable restriction. Furthermore, there is plenty of on-street parking in the area that is not metered after-hours, on North Veitch Street and Key Boulevard.

Commissioner Malis expressed concern that charging parking to participants of County-related meetings could limit their ability to participate and discourage those less able to pay.

Commissioner Monfort stated that he supports the amended motion, as it will benefit those going to meetings and volunteering their time to the County.

Commissioner Savela stated that while she is sympathetic to Commissioner Forinash's point, she supports the amended motion. She thinks free parking should be provided to those that are attending County-related meetings. Furthermore, there will be participants in the meetings that are elderly or who are unfamiliar with the area and may be uncomfortable walking late at night back to their cars.

The Commission voted 9-2 to support the amended motion, so it was incorporated into the main motion. Commissioners Cole, Ciotti, Harner, Iacomini, Kumm, Malis, Monfort, Savela, and Sockwell supported the amended motion. Commissioners Fallon and Forinash opposed the amended motion.

The Commission voted 7-4 to support the main motion to approve the site plan, with a number of recommendations. Commissioners Ciotti, Fallon, Harner, Kumm, Malis, Monfort, and Savela supported the main motion. Commissioners Cole, Forinash, Iacomini, and Sockwell opposed the main motion.

Ordinance to vacate a portion of a public use and access easement

Commissioner Fallon moved that the Planning Commission issue a finding that the proposed vacation of a portion of a public use and access easement is substantially in accordance with the adopted Comprehensive Plan or applicable part thereof and that the County Board adopt the attached ordinance to vacate a portion of the public use and access easement. Commissioner Forinash seconded the motion.

The Commission voted 10-0-1 to support the motion. Commissioners Ciotti, Cole, Fallon, Forinash, Harner, Kumm, Malis, Monfort, Savela, and Sockwell supported the motion. Commissioner Iacomini abstained.

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

Arlington County Planning Commission
Site Plan Report

SP#263 Site Plan Amendment
Better known as the "Clean Technology Project" at 2311 Wilson Blvd. "
Submitted by Steve Sockwell, Site Plan Chair

Meeting Dates: : The Site Plan Review Committee (SPRC) met five (5) times over the past year to review the proposed site plan. The meetings took place on September 12, September 26, October 24, and December 5, 2011; a final meeting took place on July 26, 2012.

Project Summary: The Applicant (Otter Equities, LLC) submitted a major site plan amendment to a commercial office building that sits near a prominent intersection (North Veitch Street and Wilson Blvd.) near the County Courthouse. The Applicant is proposing to build an 8 story office building of approximately 157,844 square feet. The proposal includes several amenities, such as a conference center available for public use, a below- grade fitness center, a child care facility, and LEED Gold certification

Major Issues Addressed by SPRC: The proposed building would face the busy arterial street, Wilson Boulevard, but abuts the Lyon Village neighborhood. Much of the discussion dealt with the Applicant's proposal to increase the height and density of a previously approved site plan for an office building. In fact, the hiatus in meetings occurred because staff and the Applicant engaged in discussions about the extent of the bonus density that the Applicant could claim. By the end of the SPRC process, the Applicant satisfied staff, and some committee members, that the height and density were appropriate to the location. Members of the neighborhood, however, continued to oppose the increased height and density. In addition, many, but not necessarily all, committee members felt the community benefits were commensurate with the bonus density being requested. These conclusions did not foreclose questions about how well the Applicant's proposal handled the transition to the neighborhood. Other issues that the SPRC discussed were the design of the site plan, including the effects of its height and fit with neighboring buildings to the east and west, the use of open space, and the site plan's effect on an existing pedestrian walkway to the east. SPRC members also discussed in some detail the anticipated flow of traffic and pedestrians around the project.

Outstanding Issues: Although the SPRC process resolved most issues, a few discrete open issues remain. I would suggest the following outline as a way to focus discussion:

- 1 Appropriateness of the proposed building's mass, height and density for the location.
2. Success of Applicant's design in providing transition to the neighborhood. This might include the Applicant's use of open space to the rear of the building, the lack of taper or step back or use of other strategies to effect a transition.
3. The adequacy of transportation planning for: vehicular parking, pick up and drop off for the childcare facility and pedestrian flow as commuters walk to the Metro and restaurants near the Courthouse area
4. Any other issues.