



ARLINGTON COUNTY, VIRGINIA

ARLINGTON COUNTY PLANNING COMMISSION

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November 30, 2012

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

- SUBJECT:**
2. **A. GP-322-11-1** General Land Use Plan amendment to change the land use designation for the property which encompasses the two (2) blocks bounded by Lee Hwy., N. Veitch Street, 20th Street N. and the VDOT right-of-way for Interstate 66 from Residential “Low-Medium” (16-36 units/acre) to Office-Apartment-Hotel “Low” (up to 1.5 FAR office; up to 72 units/acre residential; up to 110 units/acre hotel).
 - B. Consideration of Adoption of an amendment to the County Comprehensive Plan’s Master Transportation Plan Map** to delete the 2000 block of 20th Street N., from its intersection with N. Uhle Street east to its terminus at Interstate 66, related to proposed Site Plan #420 for the Bergmann's Cleaners property.
 - C. Z-2542-12-4** Rezoning from "C-2" Service Commercial--Community Business Districts and "R-5" One-Family, Restricted Two-Family Dwelling Districts to "C-O-1.5" Commercial Office Building, Hotel and Apartment Districts located at 2145 & 2147 Lee Hwy., 2001 & 2005 N. Uhle Street, 2114, 2118, 2122 20th Street N., vacated right-of-way of 2100 block of 20th Street N.; and is identified as RPC# 15-005-001, -003 through -009, 15-002-005 through -007, 15-003-006 through -008.
 - D. Enactment of an Ordinance to Vacate** a portion of 20th St. North, of 30 feet in width, abutting Part Lots 2, 3, 4 and Lot 10 to the south, and abutting Part Lots 17 and 18 to the north, Drury’s Clifton, running east of North Uhle St., with Conditions.
 - E. SP# 420** MI Lee Highway, LLC for a special exception site plan for approximately 202 apartment dwelling units and approximately 13,257 sq. ft. of retail space in the “C-O-1.5” zoning district under ACZO §23A.B and §36.H. Property is approximately 1.86 acres, located at 2145 & 2147 Lee Hwy., 2001 & 2005 N. Uhle Street, 2114, 2118,

P.C. #26.A-E.

2122 20th Street N., vacated right-of-way of 2100 block of 20th Street N.; and is identified as RPC# 15-005-001, -003 through -009, 15-002-005 through -007, 15-003-006 through -008. The proposed density is 2.6 FAR, or 109 units/acre. Modifications of zoning ordinance requirements include setbacks, parking and loading, bonus density for LEED Gold and on-site affordable dwelling units, and other modifications as necessary to achieve the proposed development plan. Applicable policies: GLUP Residential "Low-Medium," Special GLUP Study September 2011, Policy for Grocery Stores. **(Bergmann's)**

RECOMMENDATIONS: **Deny all items related to the Bergmann's site plan project, including the GLUP amendment, Master Transportation Plan amendment affecting 20th Street North, rezoning, vacation of a portion of 20th Street, and Site Plan #420. Ask the County Manager to develop a plan to begin a comprehensive planning process for the Lee Highway Corridor between Rosslyn and East Falls Church.** (The County Manager recommendations before the Planning Commission were as follows: adopt the resolution to approve an amendment to the GLUP from "Low Medium" Residential to "Low" Office-Apartment-Hotel, adopt the resolution for an amendment to the MTP Map to remove a section of 20th Street North, adopt the resolution to approve the rezoning from "C-2" and "R-5" to "C-O-1.5", determine that the proposed vacation of a portion of 20th Street North is substantially in accord with the adopted Comprehensive Plan, and adopt the ordinance approving Site Plan #420.)

Dear County Board Members:

The Planning Commission heard these items at its November 26, 2012 meeting. Peter Schulz, CPHD Planning, described the requests associated with the mixed-use residential and retail project on the Bergmann's site, including the proposed GLUP Amendment, Master Transportation Plan amendment, rezoning, vacation ordinance, and SP #420. He described the ways in which staff believes the proposed requests are compatible with the guidance of the 2011 Special General Land Use Plan Study on the Bergmann's site, including the ability to create a mixed-use development with ground floor retail compatible with nearby development, having place-making potential, and creation of a neighborhood-oriented center which would allow residents of this area to access neighborhood-serving retail on foot or by bicycle. Mr. Schulz also described the public review process. Finally, he provided a general outline of the community benefits package, to include contributions toward utility undergrounding and public art, provision of on-site affordable housing, implementation of transportation demand management elements, provision of off-site transportation and VDOT right-of-way improvements, construction of upgrades to the Custis Trail, and financial contributions to McCoy Park and other parks in the civic association area. Also present were Bob

Duffy and Margaret Rhodes of CPHD Planning; David Cristeal of CPHD Housing; Lisa Maher, Dolores Kinney and Linda Collier of DES; and Diane Probus of P&R.

The development team for the applicant, MI Lee Highway, LLC, was present, including Dan McCaffrey, applicant (McCaffery Interests); Nan Walsh, attorney (WCLEW); and Joe Antunovich, architect (Antunovich Associates). Ms. Walsh summarized the requests associated with the redevelopment of the Bergmann's site, including the building massing; density exclusion for a smaller grocer (Mom's Organic Market); placement of residential above the retail/grocer, including 11 on-site affordable units; and the relationship of the 10-story building height to the proposed zoning, land use and transportation infrastructure. She stated that the proposal is an opportunity to clean up and transform a brownfield site that has been industrial since the 1950's, to a neighborhood village center. Mr. Antunovich provided an overview of the public process and changes made to the project in response to five SPRC meetings, including details of the massing strategy and view perspectives, building architecture, project uses, site circulation and access, open space, streetscape, and parking.

Public Speakers

Joe Taylor, a resident of North Wayne Street, stated that more improvements are needed for McCoy Park. The neighborhood parks have not kept up with growing redevelopment in the area and many are in need of upgrades. He further stated that the proposed 10-story building height sets a precedent for similar redevelopment on Lee Highway. He concluded that the community benefits are insufficient given the proposed redevelopment.

Sona Viridi, a resident of North Wayne Street, stated that she likes most of the project, especially the Mom's Organic Market (MOM) grocery store, but has concerns about: 1) the proposed community amenity to maintain unused VDOT right-of-way around the east building in perpetuity, which has a value of approximately \$350,000. While this would benefit the residents of the proposed development, she does not believe that it is a community benefit and suggested instead that the funds be used toward improvements to McCoy Park, which would have a greater public benefit. 2) The proposed tower design would adversely impact neighbors with light pollution from the all-glass façade treatment, and noise pollution coming from the balconies. Furthermore, the height of the 10-story building would set a precedent for development along Lee Highway.

Dawn Dekker, while an officer of the North Highlands Civic Association, spoke personally of her support of the proposed development. She was pleased that the site would be environmentally cleaned up and redeveloped. The proposed development will create a vibrant and attractive anchor to the neighborhood. The neighborhood is made up of a mix of uses and buildings. The proposed development would set a good precedent along Lee Highway for mixed-use development.

Michael Kans, a resident of North Wayne Street, identified a number of concerns: 1) the 10- to 11-story building height sets a precedent on Lee Highway; 2) insufficient resources are dedicated to parks and open spaces that serve the neighborhood; 3) the development is significantly underparked and may result in parking spilling into the neighborhood, creating a situation similar to Whole Foods in Clarendon.

Annette Clayberg, a resident of North Veitch Street who lives directly across from the proposed development, stated her support for the project. She expressed concern that with the redevelopment she would lose the view corridor from Lee Highway. She also stated that McCoy Park is in need of upgrading.

James Placke, a resident of the Hillcrest Townhomes, identified a number of concerns: 1) the 10-story building is too tall for its placement along the Lee Highway frontage; 2) the proposed steel and glass construction is very unsuited for this area where all buildings are either brick or have brick facades; and, 3) the project sets a precedent for taller building heights.

Scott Harlan, the developer of the City View townhouse site plan which is located in the neighborhood at North Vance and 20th Streets, suggested that the project be revised to reduce the height of the tower. He also stated that the proposed development will impact access points for his development.

Scott Goodwyn, representing the Palisades Park Home Owners Association Board of Directors, stated that the Association supports the project for a number of reasons: 1) it will be good for their property values; 2) the site will undergo a thorough environmental clean-up; 3) it will create a great community gathering spot; 4) MOM's grocery store will offer a convenient alternative to the other grocers in the area; 5) the proposal offers a significant community benefits package; 6) the development is the right fit for this location. He stated that the Association hopes the County will match the developer's contribution towards improvements to McCoy Park. The proposed development fits in well with the surrounding open space and transportation networks, and fulfills the County's vision for a live, work, play urban community. Finally, he did not view the building height as being an issue given the adjacent infrastructure.

Benjamin Keeney, a resident of 20th Road North, stated that he, along with the majority of his neighbors, supports the project. While he had a lot of concerns in the beginning, he realized that the treatment of the site as a commercial node is appropriate. The mixed-use development will offer a break in the pattern of development along Lee Highway. As an architect, he believes the proposed development has been designed well and the 10-story tower will not set a precedent.

Eric Krody, a resident of North Wayne Street, expressed concern about the 10-story building height. The proposed development represents the most significant change to the community in the last 40 years. He encouraged the Commission to recommend a reduced building height.

Anita Machhar, representing the North Highlands Civic Association, referred to the letter that she wrote and stated that the Association voted 30 to 13 in favor of the proposed development at its meeting on November 14, 2012. Although building height was identified as a concern, it is not significant enough to be a deal breaker. She stated that they have an eclectic community with a mix of housing. The proposed development would be a unifying presence for the neighborhood. Ms. Machhar expressed her desire to work together with the County to improve McCoy Park. While some issues remain, the developer is willing to work with the community to address them. The Transportation Commission recommended that parking, site access, and transportation concerns be monitored for a year after the grocery store opens to determine the need for modifications to address community concerns.

Planning Commission Reports

Commissioner Forinash reported that the Transportation Commission voted unanimously to recommend that the County Board approve the items related to the Bergmann's site plan. Four items were discussed as a part of the motion:

- 1) The County and developer should monitor circulation and turning movements around North Veitch Street and Lee Highway, and North Veitch and 21st Streets, after the project is constructed and in operation.
- 2) The County and developer should monitor vehicle queuing and turning movements accessing and exiting the garage after the project is operational.
- 3) The County should monitor traffic on Lee Highway. There is currently no turning phase at the Lee Highway and North Veitch Street intersection, and some perceive there may be a need for a protected left turn phase for cars and a protected crossing for pedestrians after the project is operational.
- 4) In its letter to the County Board, the Transportation Commission should request that the County Board direct staff to specifically request VDOT to make the right hand lane on Lee Highway in front of the project available for on-street parking and an on-street bike lane. There was discussion about the potential conflict of bicyclists and pedestrians sharing the sidewalk in front of the grocery store because the sidewalk is a heavily used link between the Custis Trail and the Courthouse area. While the Bicycle Advisory Committee supported the shared use of the sidewalk, the Transportation Commission felt that staff should request VDOT to make the right hand lane on west bound Lee Highway available for on-street parking and a protected bike lane.

Commissioner Fallon reported that the Housing Commission voted unanimously to support the project. The Housing Commission's evaluation determined that the proposed affordable housing program is consistent with other recently approved projects. The Commission was pleased that affordable housing will be provided on site adjacent to Lee Highway, an area where it has been difficult to achieve on-site affordable housing because very few residential site plans have been proposed. Commissioner Fallon added that all of the affordable units will be located on the west block where the grocery store is sited, and none will be located in high-rise building on the east block.

Commissioner Monfort reported that there were three meetings of the LRPC and five meetings of the SPRC. He stated that the developer made numerous changes to the project in response to the SPRC; for example, 42 units were added on top of the garage, the retail GFA was reduced, and the design and treatment of the building on the west block was substantially improved. Almost all of these changes were to the building on the west block, and many of them were driven by the desire to reduce the height disparity between the two. However, many concerns remain. While the height of the grocery store building was slightly increased by adding two stories, the height of the tower on the east block did not change at all. There was substantial concern about what the approval of this project would mean for the rest of Lee Highway, especially in the absence of any adopted long-term redevelopment plan. Another issue was the location of parking and loading for the tower, which are across North Uhle Street on the west block, and therefore require residents to exit the apartment building to access parking. The proposed density exclusion for the grocery store GFA and its

correlation to the County's grocery store policy was also identified as an issue. Commissioner Monfort suggested that a discussion of community benefits be added to the discussion outline described in the SPRC report.

Chair Sockwell asked the Commission if they wanted to add items to the discussion outline in the SPRC report. Commissioner Cole asked to add a discussion of some of the site plan conditions. Commissioner Forinash asked to add a discussion of the location of the tower parking across North Uhle Street on the west block and the shared parking between the retail and residential uses.

Planning Commission Discussion

Commissioner Fallon had several questions of clarification. 1) What are the use permit requirements for big box retail, as there was concern expressed by a speaker that big box retail could be constructed on the site? Mr. Schulz provided an explanation of the zoning requirements, stating that based on the size of the west block (55,177 square feet) a large format sales establishment could potentially be constructed on the site and would most likely require a use permit because of the 50,000 square foot footprint threshold. 2) Has the County Board ever approved a rezoning from "C-2" to "C-O-1.5"? Mr. Schulz responded that the 2201 Pershing Drive Site Plan included a rezoning from "C-1" to "C-O-1.5". In response to that particular project, in 2008 the County Board adopted a *"Policy Statement Regarding Consideration of General Land Use Plan Amendments Unanticipated by Previous Planning Efforts"*, and directed a community review process in those instances where a requested land use change is inconsistent with an adopted plan or when the request is in an area without an adopted plan. 3) What is the number of existing committed affordable units (CAFs) in the vicinity of the proposed development? Mr. Cristeal stated that the Howard Manor Apartments located to the west comprise 76 affordable units, and further west there is a 48-unit APAH project. 4) The site has been labeled a brownfield and will require an environmental clean-up costing upwards of \$2 million. Commissioner Fallon inquired as to why it is considered a brownfield and if the site is in fact contaminated? Ms. Walsh responded that soil checks have determined that the site is a brownfield and the developer suspects that it may be contaminated. When Bergmann's was constructed aggressive ground water requirements did not exist as they do today. The developer will be required to clean up the site pursuant to the requirements of the Virginia Department of Environmental Quality and the EPA. Mr. Schulz added that there is no density credit associated with this "public" benefit. In response to Commissioner Cole's question, there is no condition requiring the clean-up as it will be required pursuant to applicable state and federal laws.

Commissioner Cole asked for clarification regarding the amenities located above the tower's 10th floor. Mr. Schulz responded that pursuant to the "C-O-1.5" district, when used for restaurants, meeting rooms, recreational facilities and other ancillary uses, this area may be enclosed and is not counted as a story. Commissioner Cole asked staff to explain why the ground floor on the east side of the tower building, which is occupied by residential units, is not being counted as a floor. Mr. Schulz responded that it does not meet the Zoning Ordinance definition of a story and is considered a basement because more than 50% of the floor area is below the average elevation of the site.

Commissioner Forinash commented on Commissioner Fallon's earlier question about what triggers a use permit for big box retail. He suggested that a retail establishment with a 39,000 square foot floor

plate and 16,000 square feet of parking would be allowed by-right without a public process, to which Mr. Schulz concurred.

SPRC Discussion Outline

- What weight should be given to the LRPC report?

Commissioner Monfort stated that while the Planning Commission agreed with the staff findings of the Special Study, he believes the staff presentation misrepresented the report's recommendation. He disagreed with the staff presentation which indicated that the Special Study concluded that the GLUP change to "Low" Office-Apartment-Hotel "is appropriate" and noted the study determined that such a building "could be appropriate" given sufficient setbacks and tapering. Ms. Rhodes concurred that the presentation mischaracterized the recommendation of the study which concluded that a GLUP amendment to a designation such as "Low" Office-Apartment-Hotel could potentially be appropriate if accompanied by an appropriate rezoning and site plan. She stated that staff has evaluated the site plan to determine if it is appropriate and she believes that is what the presentation is trying to capture. Commissioner Monfort explained the importance of this point. Unlike the Peck site, which went through a non-controversial Special GLUP Study that concluded how the site should be redeveloped, there was no strong consensus on the appropriateness of the proposed GLUP change or redevelopment scenario. The LRPC concluded that the proposed GLUP change might be appropriate if it is accompanied by appropriate massing, setbacks, heights, transitions, etc. It is not helpful to misrepresent the study's conclusions.

Chair Sockwell concurred with Commissioner Monfort and stated that the staff report does not include a discussion justifying the GLUP change based on the appropriateness of the site plans' uses, height, tapering and transitions.

- Is it appropriate to build a ten-story apartment building on this site?

Commissioner Monfort noted that this was a major topic of concern during SPRC and no changes were made to the height of the tower, despite major changes to the west building.

Commissioner Iacomini stated that she does not believe a 10-story building height on this site is appropriate. Given the site topography, if you lower the building height by two stories it would be concomitant to the height of the building across the street. Commissioner Iacomini thanked the applicant for their exhibit showing the relative height of the new by-right townhouse development on the northwest corner of Lee Highway and North Veitch Street to the proposed 10-story building as it confirmed a height of 8 stories on the proposed building would indeed "match" the new townhouse development because of the topography.

Commissioner Cole stated that throughout the LRPC and SPRC processes, he believed that a 10 story building was appropriate. While he has not changed his mind, he believes there are alternative ways to develop the site other than with a 10-story building, such as developing two buildings with the same height or providing more tapering with building heights ranging from 8 to 6 to 4 stories. He agreed with staff that there are unique circumstances surrounding this site, and he is not convinced that the 10-story height will set a precedent for other developments on Lee Highway.

Commissioner Ciotti stated that she also believes the 10-story building could be appropriate. There are exceptions to the site, such as its isolation and location within one-third mile of Metro. Commissioner Ciotti stated that she embraces properties where there is potential for more density so the County can accommodate projected growth and increased demand for housing. She is comfortable that it will not set a precedent for the rest of Lee Highway. It is an opportunity to achieve more housing near the Metro station.

Commissioner Fallon stated that he has concerns about the 10-story building height. While there are aspects of the project that he likes, he thinks there are ways to accomplish more consistency between the two blocks in terms of overall building height. Commissioner Fallon expressed concern about the development's impacts on surrounding properties, noting that during LRPC he had expressed strong concern about the lack of code enforcement and dilapidated state of the "R" zoned properties. The community sees the proposed redevelopment as the only opportunity to clean up these sites.

Commissioner Monfort stated that his major concern with the 10-story building is that it will set a precedent for Lee Highway, in the absence of a comprehensive study. The Special Study identified six sites with similar GLUP and zoning designations, but his concern was highlighted when the applicant made reference to two additional sites on Lee Highway as potential redevelopment sites – the Giant grocery store in the Lyon Village Shopping Center and the Rite Aid store site across the street. Not only are these sites within one-third mile from Metro, but just like the Bergmann's site, between these sites and the Clarendon Metro are single-family, townhouse and lower scale apartment developments. Because he has heard from several civic associations their concern about precedent, Commissioner Monfort asked Mr. Duffy about the timing of a planning study on Lee Highway. Mr. Duffy responded that Planning has been directed by the County Board to undertake a number of other studies that will occur through the next fiscal year of 2014; however, he understands the concerns of the community and the Commission and anticipates a study of Lee Highway in the next several years. Commissioner Monfort followed that he is seeing redevelopment pressures spilling out from the Rosslyn-Ballston Corridor to adjacent areas as far out as one-half mile from Metro.

Commissioner Klein encouraged Mr. Duffy to consider prioritizing the Lee Highway planning study. The Planning Commission is struggling with the same issues for every site plan proposal on Lee Highway. It is urgent that the study be undertaken soon, as the various issues on Lee Highway are not receiving the best planning efforts. Lee Highway is a very prominent and historic corridor running through Arlington, and it is frustrating to see great opportunities going by the wayside because the importance of this corridor is not being prioritized. Mr. Duffy urged the Commission to try to consider each site plan proposal on its own merits, in terms of what is best suited for the site. Commissioner Klein encouraged Mr. Duffy to consider prioritizing the Lee Highway planning study. The Planning Commission is struggling with many of the same issues for each site plan proposal on Lee Highway. It is urgent that the study be undertaken soon, as the various issues on Lee Highway are not receiving the best planning efforts. Lee Highway is a very prominent and historic corridor running through Arlington, and it is frustrating to see great opportunities going by the wayside because the importance of this corridor is not being prioritized. Mr. Duffy urged the Commission to try to consider each site plan proposal on its own merits, in terms of what is best suited for the site.

Commissioner Monfort noted that one speaker referred to the Bergmann's site as being no more precedent-setting than the Key Bridge Marriott, but suggested the County would not want to reproduce the Key Bridge Marriott the length of Lee Highway. In the absence of a study, having to decide these issues as each site plan proposal comes forward is difficult and unfair to the community. Mr. Duffy responded that the issue of building height was particularly challenging for staff, but with the affordable housing bonus and on-site affordable units, staff has reached certain conclusions.

Commissioner Klein asked that in the next several months Mr. Duffy commit to a timeline for the Lee Highway study, to which he agreed to explore.

Commissioner Iacomini stated that she can appreciate the site as being considered a nodal area. The Cherrydale-Lee Highway Revitalization Plan identified several sites as nodes, but she does not believe that 10-story building heights were identified for those nodes. She is troubled by this and believes additional height on this site done because it is considered a "node" could have similar implications for other yet to be identified nodal sites along Lee Highway as well as some (Cherrydale) that have an older plan in place.

As a follow-up to Commissioner Iacomini's comments, Commissioner Sockwell stated that he understands the concept of this site being identified as a node in a future planning study, but that does not answer the question of whether 10 stories is more appropriate than 8 stories, particularly when staff suggests that 8 stories would be more appropriate but for the bonus densities. When analyzing this on a case by case basis, which is hard to do, he would ask himself: What does this have to do with place making?. A 10-story building has no more place making merits than an 8-story building, particularly when the building next to it is of modest height. Furthermore, Commissioner Sockwell stated that he was not sure about the precedential impacts, and if the site plan is evaluated on its own merits, he is not sure the 10 stories can be justified on the basis of this particular proposal. Mr. Duffy responded that staff considered the place making aspects of the proposal from a number of perspectives: how the mixed-use character of the proposal will transform the site; the importance of the grocery store in influencing pedestrian-related activity; the introduction of residential uses on this important block; the proximity to the Courthouse area; the ability of multi-modal travel to access the site; the elements of the building design and working with the site's topography; addressing the existing uses on the site; and establishment of a new node over time.

Commissioner Fallon stated that staff made reference to the GLUP and zoning changes associated with the 2201 Pershing Drive site plan. That project is only 4 – 5 stories. Although the rear of Market Commons is 10 stories, along its frontage the development is 4 – 6 stories. The Market Common is located within the Metro corridor. 2201 Pershing was identified by the Planning Commission as an example of transit oriented development, but located away from regular transit service. Commissioner Fallon asked what makes the subject site worthy of a 10-story building height. Mr. Schulz responded that both the 2201 Pershing and Market Common sites are larger than the subject site and not divided by a public street. The 2201 Pershing site is farther from Metro than the subject site and has no direct pedestrian access to Metro.

- Parking: Is it appropriate to build an above-ground parking garage on Lee Highway? Is it appropriate to provide residential parking across the street from the actual residences?

Commissioner Monfort noted that the west building can no longer fairly be characterized as an above-ground parking structure garage because it has been effectively screened and wrapped by retail bays, as proposed by SPRC.

Commissioner Cole expressed concern that all of the parking for the project, including all parking for the east block tower, is located on the west block. Given the parking arrangement, he asked if the applicant could sell one of the parcels. Mr. Schulz responded they could; however, Condition #61 requires that when parking is not provided within the subdivided parcel for the building, but located within the overall site plan, the parking must be committed to the entire site plan including the building located on the subdivided parcel.

Commissioner Ciotti asked the applicant if it had considered providing a tunnel beneath North Uhle Street to access the parking. Mr. McCaffrey responded that an alternative that allows people to access the parking entirely below grade would impact the street level pedestrian experience and not contribute to an active street life. Commissioner Ciotti clarified that her concern had more to do with improving the quality of life for the residents, and the tunnel could provide protection and security during inclement weather.

Commissioner Forinash raised two concerns that were discussed at the Transportation Commission meeting. 1) The Transportation Commission expressed concern regarding the lack of shared parking between the retail and residential uses. The parking spaces on the top level of the parking garage would be reserved for retail uses during the hours of retail operation, from 9:00 am to 9:00 pm. The community was not aware of the lack of shared parking. 2) There would be on-street parking on North Veitch, North Uhle, and 21st Streets. Two spaces would be located on North Veitch Street near the intersection of Lee Highway Street. The community did not support parking spaces at that location because of the difficulty of turning onto North Veitch Street from Lee Highway, and would prefer that the spaces be used as drop-offs for the retail. Commissioner Forinash disagreed. He believes the spaces would be appropriate for short term parking to support the retail uses, and operating as drop offs would cause greater conflicts.

Commissioner Cole, in following up on Commissioner Forinash's questions regarding shared parking, stated that at a residential parking ratio of .9 space/unit there seems to be a reasonable chance that the parking demand for residences will not be met during the day time hours. During the day there will be 9 spaces that cannot be occupied by residential vehicles. In response, Lisa Maher explained the transportation-related requirements to address the reduced ratio. The residential garage was made more efficient by unbundling the parking spaces and not reserving spaces. Several transportation infrastructure improvements were negotiated to improve transit and pedestrian accessibility, including creation of 4 bus stops, intersection improvements, and constructing new and widening existing medians as pedestrian refuge areas. Commissioner Cole asked if any research had been conducted on nearby residential developments to determine if .95 space/unit is the right ratio given the site's distance from Metro and access to transit service. Mr. Schulz referred to a study conducted by the applicant and evaluated by staff that showed that .95 space/unit ratio is appropriate. He also commented that the older apartment buildings in the area are underparked. Commissioner

Cole asked if residents in the underparked buildings would be able to park overnight in the proposed site plan. Ms. Walsh clarified that the applicant's study showed a parking demand of .8 space/unit. A broader study conducted of the Lee Highway corridor showed an approximately 65 percent parking space occupancy rate. She further explained that developers have to conduct these studies to show that their projects are viable to lenders. The developer believes the proposed residential will be overparked by 32 spaces, which is the difference between .8 space/unit and .95 space/unit. Commissioner Cole followed that if the residential parking demand is maxed out, there will be 9 households that will not have parking. Ms. Maher responded that staff does not believe the spaces will be needed.

In response to a speaker's comments, Commissioner Fallon inquired about the location and requirements for the Residential Permit Parking Zones. Ms. Kinney responded that most of the zoned parking in the area is located south of Lee Highway. Two criteria for zoned parking permits are that the multi-family building must have been constructed prior to 1964 and not constructed as a site plan or unified residential development. Ms. Kinney added that the timing of the zoned parking could be adjusted.

Commissioner Ciotti commented that the site plan includes on-site affordable units, some of which are affordable to households at or below 60% of the area median income. Typically, there is low car ownership for these residents.

Commissioner Iacomini inquired if there are many neighborhoods whereby the zoned parking extends beyond 5:00 pm. She could think of only two such neighborhoods, one of which is Lyon Village, and does not think the time adjustment is a common occurrence. Regarding car ownership among affordable households, she noted that lots of people need to get to work in different ways, so it may or may not be the case that affordable units need less parking.

Commissioner Klein inquired about the management of shared parking and parking enforcement for the grocery store. Ms. Kinney responded that the Parking Management Plan would address the operation and enforcement of the parking program. The grocery store will be responsible for managing and monitoring the 49 designated parking spaces located on the parking deck.

Commissioner Monfort expressed uncertainty that the proposed residential parking ratio (.95 space per residential unit) will work. Some households, especially those in the higher-rent east building, could have more than one car, and there are only 11 affordable units, which might have lower parking requirements.

Commissioner Fallon commented that with the upgrades to McCoy Park, more people will be coming to parking creating competition between park users and the retail for the limited on-street parking spaces. Mr. Schulz responded that staff does not anticipate the park as having active programming and attracting regional users.

- Should the grocery store density be excluded in order to improve the design of the garage building?

Commissioner Monfort referred to page 23 of staff report, where it states, with regard to the proposed grocery store density exclusion, “It also allows the applicant to use the density, instead, for residential purposes (approximately 16 additional dwelling units) to further enhance the west block with additional dwelling units, thereby improving the project’s presence on an important corner of Lee Highway.” Commissioner Monfort inquired about which County policy allows a density exclusion for architectural purposes, as he does not think it is the grocery store policy. Mr. Schulz responded that, while better design is welcomed, the grocery store reinforces and accomplishes the site plan’s placemaking goal. Commissioner Monfort followed that the grocery store has been an essential part of the site plan throughout the review process, and something promised to the community from the beginning of the project, and he does not believe the density exclusion is necessary in this case. He is opposed to expanding the grocery store policy to address project presence and architectural enhancement.

Commissioner Cole added that in previous discussions with AED, he had been told that the only places where AED would support density exclusions for grocery stores would be Rosslyn and Crystal City, where marketing for grocery stores has been difficult. He disagrees that the proposed 13,000 square foot grocery store will provide much in terms of place making given its small size on such a large site. He inquired if AED agreed to the exclusion, to which Mr. Schulz responded yes. Ms. Walsh added that AED conducted a comprehensive study on grocery stores in Arlington in 2007. She quoted three statements from the study which are summarized as follows: 1) the County should consider creative ways of attracting and retaining specialty and ethnic stores, both large 10-20,000 square foot Trader Joe-type formats and smaller independent retailers; 2) the County is leaking \$260 million in grocery sales, and 3) while the County is working to create a favorable business climate for both large chains and new small businesses, certain private-sector limitations related to the urban environment (land costs) may necessitate new creativity in exploring methods to capture the leaking sales.

Commissioner Iacomini stated that what makes her most nervous is trying to use the grocery store policy to exempt density, which came up during the discussions of the disparity between the two building heights. In addressing the concept of placemaking, Commissioner Iacomini found a recurring definition: *placemaking is used to describe the process of creating squares, plazas, parks, streets, and waterfronts that attract people because they are pleasurable and interesting.* What struck her most was that place making has more to do with public places or public/private partnerships. This project, on the contrary, is entirely private. Commissioner Iacomini stated that she has a problem with using a small private grocer, with perhaps a café, as a pacemaker. While she is willing to consider the project a node, it is not a pacemaker, although it may contribute to place making. She asked if there have been other instances where density was excluded in site plan projects for uses that have either not been realized or have been changed; for instances, if density was excluded for child care that was never realized or used. Mr. Schulz responded that if the use changes it would require a site plan amendment and contributions to community benefits associated with the excluded density would be required. He suggested that the site plan amendment may be required to go to either the SPRC or Planning Commission, or both. The new use would be subject to extensive negotiations for community benefits. Commissioner Iacomini requested Planning Staff research her question concerning density exclusions for specific uses that either are never realized or cease during the life of a site plan. Staff indicated they would do so.

Commissioner Fallon asked a number of questions about a potential change in the use of the grocery store and how the density exclusion would be treated. As an alternative, he asked if a bond could be required to address a potential change in use, as it could provide the incentive for the developer to market the space very quickly. Mr. Duffy responded that typically there would not be a performance or security bond on this type of land use, but he would refer this question to the County Attorney. Commissioner Fallon stated that a lot of community members are excited about the grocery store, which is perceived as a community benefit, but it also has a density exclusion associated with it. There is also the concern that the store may or may not happen. Ms. Walsh responded that she is not aware of any grocery store commitments whereby the commitment was not met. Furthermore, the grocery store makes up more than 5% of the total floor area of the building; therefore any change in the use would be considered a major amendment. .

Commissioner Cole asked about the implications for the development if the density exclusion for the grocery store is not approved. Mr. Schulz responded that the project density would have to be reduced accordingly. Commissioner Cole followed that if residential units are eliminated the units on the west block should not be impacted but retained instead. Mr. Schulz noted that a condition could be added to the site plan to address the concern.

- Is the retail component sufficient to justify the development?

Commissioner Fallon inquired about alternative retail uses should Mom's Organic Market (MOM) leave the space. Mr. McCaffrey responded that the space is approximately 13,000 square feet and could accommodate an athletic club; however, the grocery store use was a deliberate marketing effort to add a element of liveliness to this area of Lee Highway. If MOM leaves, the developer would strive to replace it with a small specialty store.

Commissioner Cole directed his comments to Mr. McCaffrey, stating that he is grateful for the grocery store and that it is a tremendous use. However, he does not think a density exclusion is justified in this case, as the applicant has stated previously that a grocery store would be located in the project regardless. In response to the question about what the right use of the policy should be, Commissioner Cole stated it should be to meet a significant grocery need of a significant population that has been difficult to achieve. If the exclusion were granted, community resources would be given away to the applicant, which in his opinion is an irresponsible use of those resources.

Commissioner Monfort clarified that the grocery store and density exclusion had always been a part of the proposed site plan; however, staff had not previously voiced support for the exclusion.

- Community Benefits

Commissioner Cole stated that a number of speakers referred to the importance of McCoy Park to their neighborhood. Improving the adjacent VDOT right-of-way that surrounds the site plan meets a private rather than public need, and the community benefits should address McCoy Park instead. Mr. Schulz clarified that while the improvements to McCoy Park and the VDOT right-of-way are considered amenities associated with the site plan, they were not credited towards the community benefits package which includes contributions to affordable housing, utility undergrounding, public art, and off-site transportation improvements.

Commissioner Iacomini inquired about the timing of VDOT approval of the proposed improvements. Ms. Kinney explained that in most cases VDOT has agreed with the staff recommendations because they understand the County's site plan process. Mr. Schulz followed that VDOT's approvals for the Virginia Square Towers Site Plan were quite timely. Commissioner Iacomini referred to Condition #83, which addresses maintenance of the adjacent VDOT property, and asked about VDOT's response to the developer requirement. Mr. Schulz responded that VDOT agrees with the requirement for the developer to maintain the property. Commissioner Iacomini then asked if the one-time payment offered in case VDOT did not agree or changed its position could be applied to McCoy Park. Mr. Schulz responded that the developer would have to agree with that request. Several area residents had testified they felt the County-owned McCoy Park should have additional funding.

With regard to the project's on-site affordable housing, Commissioner Monfort stated that through the site plan process, 42 units were added to the project (representing a 30% increase in the total number of units), but only 11 of the units are affordable (which is 25% of the added units) and the applicant received an affordable housing bonus of 33 units. He asked why the number of affordable units is so low, given that the bonus units are located on the top 2 floors of the building where there is greater value. Mr. Cristeal explained the affordable housing calculation prescribed by the Zoning Ordinance which permits 1 unit on the base GFA (GFA above 1.0 FAR), 2 units from the GLUP change, and 8 units from the 33 bonus units (25%). This is consistent with how other projects have been treated, such as the 2201 Pershing Drive site plan that resulted in 18 affordable units out of a total of 190 units. However, the calculation was different, as it is with each site plan, because of differences in the existing zoning and GLUP. Commissioner Monfort asked if staff or the Housing Commission is concerned about the evaluation criteria and calculation methodology. Mr. Cristeal responded that Housing staff tries to encourage applicants to provide more units through various tools. While the ordinance has not generated a lot of units, it has generated a lot of funds. However, when a nonprofit such as AHC or APAH goes through the process, they are eligible for AHIF funding which allows them to create more units on site.

Commissioner Fallon stated that the Housing Commission determined that the proposed affordable housing package was comparable to other projects. Condition #66 requires that the units remain affordable for 30 years. He asked if staff had any discussion with applicant to extend the term beyond 30 years, to which Mr. Cristeal responded no. The Zoning Ordinance stipulates a 30-year term and the only way that can be changed is through negotiations. At the end of 30 years some units may become market affordable. Commissioner Fallon asked if there was anything in the Ordinance that would preclude the County and applicant mutually agreeing, at time of approval to a condition with a term exceeding 30 years, to which Mr. Cristeal responded no.

Commissioner Forinash inquired about the \$75,000 contribution towards the new off-site traffic signal and the applicant's share of the cost. Ms. Maher responded that the total cost of the new traffic signal is approximately \$300,000, and the applicant would be paying approximately 25% of the cost. Commissioner Forinash also inquired about other off-site improvements on Lee Highway, in addition to the off-site bus stops. Ms. Kinney responded that ADA pads, benches, and receptacles would be provided.

Commissioner Klein commented that LEED Gold certification should not be considered a community benefit because it is a benefit to the building owner rather than the community. In addition, she recommended that a substantial number of bicycle parking spaces be added to site plans whenever there are outdoor cafes. In this case, 10 additional spaces are being proposed which, in her opinion, is insufficient given the amount of bike traffic anticipated due to the site's proximity to Custis Trail.

Commissioner Fallon stated that Condition #89 requires the applicant to contribute \$75,000 toward the cost of future replacement of the traffic signal at the intersection of North Veitch Street and Lee Highway, which is approximately 25% of the total cost of replacement. He asked if the developer should be required to contribute more towards the signal's replacement, since the increased traffic will be the result of the site plan and two of the adjacent corners are unlikely to redevelop. Ms. Maher explained that the cost to replace the signal is significant, and the contribution would be proportionate to the size of the project.

Commissioner Fallon stated that Condition #80 requires the applicant to contribute \$125,000 for improvements to McCoy Park, and another \$25,000 to be earmarked for additional projects in the North Highlands Civic Association area. He asked if the additional \$25,000 could be better directed to McCoy Park and rewording the condition language towards this end. Ms. Probus responded that the applicant agreed to contribute the additional fund in response to a direct request from the community. Ms. Walsh concurred with staff and stated that the community and County will ultimately how the funds will be earmarked. Mr. Schulz added that the contributions are not a part of the community benefits package.

- Site Plan Conditions

Commissioner Iacomini inquired about Condition #73, Towing Impermissibly Parked Vehicles. She expressed concern that standard language requiring the name and telephone number of the developer's on-site representative was stricken from the condition. Ms. Maher responded that the change was in response to efforts of DES staff and Police to reconcile the requirements of the standard condition and the towing ordinance. Commissioner Iacomini stated that she would like some of the language retained to make the requirement more consumer-oriented. Commissioner Iacomini noted that as this is a site plan that reduces parking, towing may be more of an issue and so it was logical to make some signage requirements more fulsome than those in the ordinance.

Commissioner Monfort inquired about Condition #6, Plan for Temporary Circulation. He asked if it would apply to bike traffic on Custis Trail, to which Ms. Maher responded yes, it includes all circulation including vehicle, pedestrian and bicycle.

Commissioner Monfort asked why Condition #77, Historic Building Deconstruction, was stricken. Mr. Schulz explained that Historic Preservation Program staff visited the site, toured the buildings, and determined that the building elements and materials do not require salvaging or recycling.

Commissioner Cole asked if electric charging stations would be located in the garage. Mr. Antunovich stated that in their attempt to provide Zip cars in the development, they will attempt to include charging stations. Commissioner Cole followed that if Zip cars are provided, that may reduce the number of parking spaces. Mr. Antunovich responded that they are confident that the

residents will not have a great demand for the parking and there will be excess parking in the building. As a result, there will not be a problem with locating charging stations in a few of the parking spaces, and they may be able to offer overnight parking to the public.

The applicant proposes to relocate the Custis Trail in response to a suggestion of the Bicycle Advisory Committee. Commissioner Cole encouraged the applicant to consider locating the drinking fountain and shelter on the Trail, which would be more convenient for the users of the Trail.

Commissioner Cole noted that in Condition #36, Interior Loading Spaces, the loading dock hours of operation of deliveries and trash pick-ups to the grocery store may start at 6:00 am. He inquired about the impacts of the early deliveries and trash pick-ups on the neighborhood. Ms. Walsh responded that there should not be any impacts because of the location of the loading dock interior to the side adjacent to North Uhle Street.

Commissioner Cole inquired about Condition #6, specifically the requirement for a temporary lighting plan. He referred to concerns expressed by Bill Gearhart about the luminance level of the temporary light fixtures and his desire that temporary paths be sufficiently lit. Ms. Maher responded that staff has been in conversations with Mr. Gearhart about his concerns. The temporary lighting is required to meet DES standards and is required to supplement existing lighting as needed. DES staff are attempting to be as responsive as possible, responding to issues on a complaint basis. In response to the issues raised by Mr. Gearhart, staff has been tweaking the standard condition language to make it more reasonable, workable and enforceable.

Planning Commission Motion

Commissioner Monfort moved that the Planning Commission recommend that the County Board deny all items related to the Bergmann's site plan project, including the GLUP amendment, Master Transportation Plan amendment affecting 20th Street North, rezoning, vacation of a portion of 20th Street, and Site Plan #420. Further, he moved the Planning Commission recommend to the County Board that it ask the County Manager to develop a plan to begin a comprehensive planning process for the Lee Highway Corridor between Rosslyn and East Falls Church. Commissioner Iacomini seconded the motion. (The County Manager's recommendations before the Planning Commission were as follows: adopt the resolution to approve an amendment to the GLUP from "Low Medium" Residential to "Low" Office-Apartment-Hotel, adopt the resolution for an amendment to the MTP Map to remove a section of 20th Street North, adopt the resolution to approve the rezoning from "C-2" and "R-5" to "C-O-1.5", determine that the proposed vacation of a portion of 20th Street North is substantially in accord with the adopted Comprehensive Plan, and adopt the ordinance approving Site Plan #420.)

Commissioner Monfort stated that he fundamentally believes the project, despite the improvements made in response to the SPRC process, represents a major precedent for Lee Highway in terms of building height. In the absence of a comprehensive plan it is premature for the Commission to approve a project on this site. He expressed concern that, in absence of a comprehensive plan for Lee Highway, developers will see approval of this project as a signal that the County supports 10-story buildings on Lee Highway, and we will see a rush of GLUP changes, rezonings, and high-rise redevelopment at least to the I-66 overpass.

Commissioner Iacomini stated that she supports the motion to deny for several reasons, but the following issues are of greatest concern. Commissioner Iacomini explained the expanded interpretation of the grocery store policy that staff is putting forward does do violence to the policy. She noted exclusion of density is a huge issue, as the policy is not as elastic as staff suggests. In addition, while the building massing on the west block is appropriate, the building on the east block is too tall. Commissioner Iacomini stated at the end of the day, what the community is left with is the built form regardless of any uses and this built form is inappropriate for the area.

Commissioner Cole stated that he would not support the motion. While he concurred with Commissioner Iacomini's comments regarding the grocery store policy, he would recommend instead that the County Board prohibit the density exclusion. He did not agree that the building height should be a reason to deny the project. The project can be successful and make a significant contribution to the community, but not without significant improvements. Therefore, he will not support the motion; however, he will not support a motion to approve without modifications.

Commissioner Ciotti stated that she would not support the motion. It is fundamentally unfair to the applicant to hold them hostage for the decisions made by the County. There is a precedent for approving density exclusions for other grocery stores in the County and the proposed exclusion is supported by AED.

Commissioner Klein stated that she feels torn about the project and the comments made by Commissioner Monfort. Her two big issues remain the same as when the Special GLUP Study was considered – building height and the need for a comprehensive planning study on Lee Highway. She feels a conflict in stopping the project at this point. She will not support the motion; however, it is critical that the two issues be addressed. Note: Commissioner Klein later decided to support the motion.

Commissioner Fallon stated that there are elements that he likes about the project, such as the on-site affordable units, and the creative and attractive building architecture. He would have preferred that the additional \$25,000 be directed to McCoy Park to maximize improvements to the adjacent park that will serve the residents of this site. He expressed concern about the building height during the LRPC process and did not support moving forward at that time. The precedence for height along Lee Highway would make it challenging with future proposals closely located to single family neighborhoods. He supports the grocery store, but not the density exclusion. While Commissioner Fallon believes the project is nice, he does not think it is right for this particular site, which while close to the Metro, is not within the traditional R-B corridor. He stated that any applicant must contend with any environmental remediation, which is a cost of redevelop associated with this site. The project falls short in terms of place making. McCoy Park could function as an adjacent place maker if more resources were provided.

Commissioner Forinash shared many of the aforementioned conflicting thoughts. He stated that he supports the motion because the issues are extremely important.

Chair Sockwell stated that he would support the motion. While he appreciated that the applicant has gone through numerous public meetings and received significant public input, the applicant

continued to hold to the notion that a 10-story building height is appropriate for this site. Chair Sockwell stated that he did not find any real justification for the height in terms of tapering, transitions to the neighborhood, or place making. While he respects the community's desire for revitalization, and believes a mixed use development would be appropriate for the site, he would characterize the proposed development as leaning more towards the radical. Chair Sockwell stated that he respects the applicant and the care he's shown in the project through the details of the site plan and the thoughtfulness shown in melding the architecture of the west building with its surroundings. However, he did not see the context for the 10-story residential building to the east as being appropriate for surrounding areas; similar buildings two blocks away are setback from Lee Highway and do not demonstrate the same context; the adjacent townhouses in Lyon Village do not have the same massing. The proposed development represents a very massive, dramatic statement on top of a hill and will serve as a beacon for Lee Highway planning.

The Commission voted 6-2 to support the motion. Commissioners Fallon, Forinash, Iacomini, Klein, Monfort, and Sockwell supported the motion. Commissioners Ciotti and Cole opposed the motion.

Respectfully Submitted,
Arlington County Planning Commission

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

Stephen Sockwell
Planning Commission Chair