



ARLINGTON COUNTY, VIRGINIA
ARLINGTON COUNTY PLANNING COMMISSION
#1 COURTHOUSE PLAZA, SUITE 700
2100 Clarendon Boulevard
ARLINGTON, VIRGINIA 22201
(703) 228-3525 • fax (703) 228-3543



Michael Foster,
CHAIR
Terry Savella,
VICE CHAIR

THOMAS MILLER
COORDINATOR

September 14, 2005

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

SUBJECTS: 2.A. Z-2519-05-1 REZONING: K. Hovnanian Homes of Virginia, Inc., from “CM” Limited Industrial Districts, “M-1” Light Industrial Districts, “R-6” One-Family Dwelling Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts; 6808, 6814, 6820, 6830, 6840 N. Fairfax Dr., 2011, 2025, 2101 N. Westmoreland St., and N. 19th Rd., (RPC #11-012-005, -006, -008, -009 -020, -021, -025, -026)

2.B. SP #391 SITE PLAN: K. Hovnanian Homes of Virginia, Inc., approx. 205 dwelling units, approx. 6,684 sq ft retail, outdoor café seating, use of N. Fairfax Dr. right-of-way for construction staging and marketing trailer, modifications of use regulations for density, coverage and exclusion of tenant storage from density calculation; 6808, 6814, 6820, 6830, 6840 N. Fairfax Dr., 2011, 2025, 2101 N. Westmoreland St., and N. 19th Rd., (RPC #11-012-005, -006, -008, -009 -020, -021, -025, -026)

RECOMMENDATION: Approve the rezoning and site plan subject to the conditions of the draft staff report and subject to the following:

- Revise plan page A2.00B Retail/Garage Plan – Upper Level to show the reoriented loading dock;
- Staff and the applicant resolve all other inconsistencies in the plans, elevations, and conditions of the staff report;
- A final housing package, with at least the affordability ratio in the draft, be refined and agreed upon before the County Board meeting;
- Add a condition that the applicant agrees to contribute \$75,000 toward the construction of a traffic signal light at Westmoreland Street and Lee Highway;
- Add a condition that the future homeowners association maintain the elevator providing access between Westmoreland Street and the plaza;
- Amend Condition 70 to increase the LEED score from 21 to 26 points, although the applicant does not have to seek full certification from LEED;

- **Remove the garage exit (egress only) to Westmoreland Street on the southern end of the project and convert this space to retail;**
- **Add a condition that the neighborhood and the Park and Recreation Commission have an opportunity to comment on the final landscape plan, including the interim park plan;**
- **Provide that the committee established to develop a final park plan be broadly inclusive of the community and include representatives of the Bicycle Advisory Committee and the Park and Recreation Commission; and**
- **Add a condition that the applicant agrees to grant a public access easement on the service alley.**

Dear County Board Members:

The Planning Commission heard these items at its September 6, 2005 meeting. Nan Terpak, attorney representing the applicant, introduced the development team and provided an overview of the project. The project's architects, John Pellerito and Jeff Heffner, reviewed the architecture of the proposed site plan. They explained that the project went to the Transportation Commission last week and a number of revisions were made in response to their comments. For example, the first level of the garage was changed to address a protrusion of the garage into the easement. Trini Rodriguez reviewed the landscape plan for the project. The applicant has agreed to go through a public planning process with interested parties on the design of a park on the former Fairfax Drive right-of-way. James Brown provided a staff report on the proposed rezoning and site plan. Tara Lake was also present to answer any questions.

Public Speakers

June O'Connell, taxpayer, urged the Planning Commission to defer consideration of the rezoning and site plan in order to get more information on the value of the community benefit and whether it recognizes the benefit to the developer from the change in land classification. She questioned how bonus density is being used and said that the community benefits do not warrant the additional density. The only community benefit is a \$500,000 contribution toward a park. The applicant is gaining a change in use, a change in density, and the ability to use the park for marketing purposes. The affordable housing bonus is acceptable if it is revenue neutral and the units stay on site.

John Wilson, president of the Arlington East Falls Church Civic Association, supports the rezoning and site plan primarily because it fulfills the goal of de-industrializing the area at an appropriate density given the distance to the East Falls Church Metro Station. This is a long-standing goal. The Site Plan Review Committee process has served very well because the final site plan is an improvement over the original proposal and less imposing to the neighborhood as a whole. He expressed appreciation to the SPRC for the opportunity to participate. Several issues remain. Parking should not be reduced. There is no grocery store in this neighborhood so most residents will use their vehicles regularly. He expressed support for activating the streets. The proposed park is an extremely valuable benefit and he is hopeful that a suitable design can be reached. The traffic will increase in the neighborhood. The neighborhood has tried to plan for this with the installation of traffic calming measures on Westmoreland, but more traffic calming measures may be requested in the future.

Carol Burnett, a resident of North Westmoreland Street, does not agree with the Civic Association's position and has extreme concerns about the scope of the project, coupled with the development across Westmoreland Street under construction, going into a neighborhood of single family homes. The proposed project is 20 feet from people's homes. She believes having outdoor cafes so close to single family homes with children is inappropriate. All of the cars are going to use North Westmoreland Street. This is already a cut through to get to the Metro. She stated that she can't back out of her driveway because of current traffic. There is not enough street parking for residents and their visitors already. She indicated that the applicant is taking County property and turning it into a park, and acting as if they are giving us something. While she believes that the industrial uses were not that great, the proposed plan is just too much. Townhouses would be more appropriate.

Planning Commission Discussion

Commissioners Johnson and Chávez co-chaired the Site Plan Review Committee on the proposed site plan. Commissioner Johnson provided a report noting that the project is better coming out of the process than it was when the process started. The site and building are larger than the adjacent Silverwood project. However, the project adheres to the planning framework established over twenty years ago for this area. Much of the focus of the Site Plan Review Committee was getting this larger project to fit better into the neighborhood. Some of the technical requirements usually applied, for example, measuring building heights from the average elevation, did not provide the desired transitions and tapering to the adjacent neighborhood. There are outstanding issues, including the park planning process, that need to be nailed down. She hopes that the identification of participants in this process can be done by the time of the County Board meeting. The County also needs to step up to make the park work. The affordable housing package, just provided in draft form tonight, needs more explanation. The Transportation Commission's guidance is very helpful. She further noted that some details of the tree preservation plan and landscape plan do not match.

Commissioner Fallon reported on the Transportation Commission's (TC) recommendation to approve the site plan. However, the TC did not support the second garage egress from the eastern end of the project onto Westmoreland Street. The TC was also interested in additional shared parking. While the TC did not recommend decreasing parking, the number of spaces this close to the Metro was questioned. Other issues identified included the need for a condition confirming the \$75,000 contribution to the potential traffic signal light at Lee Highway. In addition, the conditions should require that the elevator that provides access between Westmoreland Street and the plaza be maintained by the homeowners association. The TC also recommended that the Bicycle Advisory Committee be included in the park planning.

Commissioner Hunt noted that renderings in the plans handed out at the meeting included more modifications than earlier specified by the project's architect. For example, the retail square footage is different and a retail loading area seems to have been added. The two entrances by the loading dock don't appear on the new drawings. She is concerned that the new package has additional changes beyond the loading dock than what planning commissioners have reviewed and believes the Planning Commission's recommendation should reference the drawings reviewed. John Pellireto noted that the change to the loading dock orientation came from a suggestion by the TC about access to the alleyway and that the retail loading was not changed but was more clearly labeled to distinguish retail and trash loading areas. No retail square footage should have changed. The drawing will be replaced.

It was agreed that the Planning Commission would work from the plans circulated before the meeting except for the one substitute page noted.

Commissioner Chávez asked about the community benefit and a reference in the affordable housing condition to a letter to Hank Leavitt. James Brown explained that this letter was not included in the package. It is summarized in the affordable housing package memo distributed at the meeting. Staff is still working on the final language.

Commissioner Dobson questioned the consistency of the revised site plan renderings. For example, the façade materials are different depending which perspective you view and the location of a door by the bicycle room is on the perspectives but not on the floor plans. James Brown agreed that the applicant would have to submit accurate, updated plans for the County Board meeting.

Commissioner Dobson asked about a garage exhaust grate along the east property line and how this will be built and screened from the houses. Mr. Pellerito stated the vent would be flush with the ground and landscaped completely.

Commissioner Dobson expressed concern that the garage vent is shown as adjacent to the property line of the “R-6” zoned houses. He also asked about the status and staff position on site coverage. James Brown responded that there is not a coverage requirement for “C-O-1.5” projects.

Commissioner Malis asked about the retail space and whether the floor-to-ceiling heights of the retail space are going to be included in the condition language. She further noted other gaps and blanks in condition language and encouraged that they be addressed for the County Board meeting. James Brown indicated those would be filled in. She also asked whether the retail space can be subdivided and whether this would impact the proposed parking supply. James Brown responded that the applicant has not determined how the spaces would be subdivided. The retail space can accommodate two large tenants or several small tenants. Because of the proximity to Metro, the final configuration of the retail space will not impact parking.

Commissioner Fallon asked about the condition for the contribution toward the traffic signal at Lee Highway. Mr. Brown responded that he would add the condition in the staff report to the County Board. Commissioner Fallon also noted that the TC had recommended language regarding the maintenance of the elevator. Mr. Brown also agreed to add that condition language. Commissioner Fallon asked if the parking spaces would be assigned or deeded to residents. Nan Terpak responded that one parking space per unit would be assigned or deeded.

Commissioner Fallon also asked about the park planning and funding outlined in Condition 77 and whether this approach had been tried elsewhere. He expressed concern that the available funds might be used for park plan renderings and studies over an extended planning process rather than for actual park improvements. Mr. Brown noted that final condition language is still being worked on and that the park will have a master plan. The \$500,000 contribution is only for physical improvements and will not be used for planning. Commissioner Fallon noted that the civic association president discussed the possible need for traffic calming funds in the future, and asked whether these funds should be part of the community benefit for the project. Tara Lake responded that staff has not discussed neighborhood traffic calming measures with the applicant. Commissioner Fallon noted that the site plans will bring more cars into the area and this could be a funding issue in the future.

Commissioner Weihe reviewed the applicant's LEED scorecard, which was not part of the staff report package, and noted that there is the potential for an additional 13 points beyond the 21 points currently shown. He asked whether the applicant was willing to pursue the additional points. John Pellerito noted that the applicant is looking at all of the LEED provisions and associated costs and will make a final commitment before the County Board meeting.

Commissioner Savela noted that Condition #77's language regarding a community process for park planning only listed one community representative. All others listed were County staff or the applicant. The language needs to include more community members, including neighborhood representatives and the Bicycle Advisory Committee. Commissioner Savela also asked who would be responsible for park maintenance. Mr. Brown stated that the homeowners association will maintain the interim improvements to the park and that the final designed park would be maintained by the County. Commissioner Savela also noted that the applicant agreed during the SPRC process to make all units facing the courtyard handicapped accessible from the courtyard, but the package was silent on this. James Brown agreed to add condition language noting that the units will be accessible units.

Commissioner Saks questioned whether the Parks and Recreation Commission should be involved with the review of interim park improvements as well as final park improvements. James Brown noted that staff from the Parks and Recreation Department is involved in landscape review.

Commissioner Malis questioned whether the re-orientation of the loading dock would allow access to the alley from the EconoLodge site. James Brown noted that the long term plan will allow access on both sides of the common alley between the subject property and those properties along Lee Highway. Commissioner Malis asked if the applicant would agree to a public access easement over the alley. Nan Terpak responded that the applicant would agree to that.

Commissioner Chávez requested clarification on why there was no affordable housing included in the base density. Nan Terpak responded that the affordable housing contribution, coupled with other community benefits, results in a larger overall contribution than that specifically supported by the proposed bonus density.

Planning Commission Motion

Commissioner Johnson noted that there still were many loose ends and it would be better if all plans were final and there were no incomplete conditions. She believes that the project, however, is ready to move forward.

Commissioner Johnson made a motion that the Planning Commission recommends the County Board approve the rezoning and site plan with the conditions set forth in the draft staff report and subject to the following:

- (a) Revise plan page A2.00B Retail/Garage Plan – Upper Level to show the reoriented loading dock;
- (b) Staff and the applicant resolve all other inconsistencies in the plans, elevations, and conditions of the staff report;
- (c) A final housing package, with at least the affordability ratio in the draft, be refined and agreed upon before the County Board meeting.

Commissioner Johnson asked other Commissioners to fill in the gaps in the motion that are not controversial. The motion was seconded by Commissioner Hubbard.

Commissioner Fallon suggested amending the motion to recommend a condition requiring the applicant to contribute \$75,000 toward the construction of a traffic signal light at Westmoreland Street and Lee Highway, and another condition to provide that the future homeowners association maintain, repair, and replace, as needed, the elevator between Westmoreland Street and the plaza. The amendment was unanimously accepted.

Commissioner Weihe suggested that the project's LEED score should be at least 26 given the proposed density of the project and the proximity to METRO, and proposed that Condition 70 be amended to increase the LEED score from 21 to 26 points. Commissioner Hunt stated that she would accept the proposed amendment only if the applicant agrees. Nan Terpak stated that the applicant could not agree to the change. Commissioner Weihe made a motion to amend Condition 70 to increase the LEED score from 21 to 26 points with the specification that the applicant did not have to seek full certification from LEED. The motion was seconded by Commissioner Saks. The Planning Commission voted 10-1 to accept the amendment. Commissioners Chávez, Dobson, Fallon, Foster, Hubbard, Johnson, Malis, Saks, Savela and Weihe supported the motion. Commissioner Hunt opposed.

Commissioner Saks suggested an amendment to the motion to remove the garage egress to Westmoreland Street on the southern end of the building and to convert this space to retail. Commissioner Malis cautioned that if the egress space were converted to retail space that the project's overall density would have to be recalculated. Commissioner Johnson noted that a garage of this size should have more than one way out. Commissioner Saks made a motion to amend the motion to remove the egress only garage access on Westmoreland Street and convert the space to a retail use. Commissioner Fallon seconded the motion. The amendment was adopted by a 7-4 vote. Commissioners Chávez, Dobson, Fallon, Malis, Saks, Savela and Weihe supported the amendment. Commissioners Foster, Hubbard, Hunt and Johnson opposed the amendment.

Commissioner Saks suggested that the community should be able to review the park plans. Commissioner Johnson noted that civic associations and others are often given an opportunity to comment on final landscaping plans and suggested adding a provision that the neighborhood and Park and Recreation Commission be given a chance to comment before the final landscape plan and interim park plan are approved. The opportunity to comment should be broadcast widely in the neighborhood. The amendment was adopted by unanimous consent.

Commissioner Malis suggested an amendment to add condition language creating a public access easement on the alley. This amendment was unanimously accepted.

Commissioner Fallon questioned if the County Board determines to retain two egress points from the garage, whether restricting right-turns from the Westmoreland Street egress would limit traffic in the neighborhood. Commissioner Savela stated that she does not support the right-turn limitation because it is discriminatory and that all Arlington residents should be permitted to drive on their streets.

Commissioner Fallon asked about shared parking between the retail and residential uses and whether there should be a condition that these spaces be shared. Commissioner Johnson noted that there would be parking meters on Westmoreland Street for short-term use.

Commissioner Fallon suggested that between now and the County Board meeting that staff discuss with the applicant whether monies should be set aside for future traffic calming measures.

Commissioner Dobson expressed opposition to a condition requiring additional traffic calming measures. He stated that Westmoreland Street has already had substantial traffic calming with circles and four-way stops and was uncertain how much more it could be changed. Commissioner Savela suggested that staff consider adding a new standard condition for a traffic fund that addresses the future impact of development on the immediate neighborhood.

Commissioner Johnson noted that the Neighborhood Traffic Calming program has uniform criteria and funding to address traffic issues county-wide. This is a general policy process. Since that program's creation, the county has moved away from using site plans to address neighborhood traffic problems.

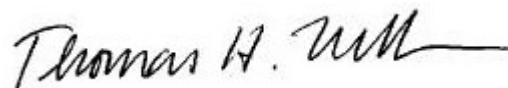
Commissioner Savela stated that she would abstain from voting on this site plan because the staff report is incomplete and there were too many loose ends presented to the commission. She supports all of the items included in the motion but believes the commission should not have had to spend so much time filling in the holes. She hopes that more complete staff reports will be provided in the future.

Commissioner Hubbard noted that he was concerned that accepting the incomplete staff report would set a precedent for the commission, and that the commission may be presented with similarly unfinished reports in the future.

Commissioner Johnson noted that the hearing's timing is awkward, immediately following Labor Day. She proposed an amendment to provide that the committee established to develop the final park plan be broadly inclusive of the community and also include representatives of the Bicycle Advisory Commission and the Park and Recreation Commission.

The Planning Commission voted 9-0-2 to approve the motion with agreed upon amendments. Commissioners Chávez, Dobson, Fallon, Foster, Hunt, Johnson, Malis, Saks, and Weihe supported the motion. Commissioners Hubbard and Savela abstained from voting.

Respectfully Submitted
Arlington County Planning Commission,



Thomas H. Miller
Planning Commission Coordinator