

*All references to Draft Guiding Principles refer to the 10-21-11 version of the PenPlace Draft Guiding Principles.*

I. Transfers of Development Rights (TDR)

The Draft Guiding Principles state that “Additional density should be considered for this site and could be achieved through [Transfer of Development Rights] and the provision of extraordinary community benefits.” The 2006 TDR program established by Zoning Ordinance is admittedly vague. Arlington County policy was therefore developed in order to interpret the ordinance, and this policy seems fairly clear. (*January 29, 2008: The County Board adopted Policy Guidance for Transfer of Development Rights, beyond the Arlington County Zoning Ordinance Section 36.H.5.b. On April 25, 2009, the Policy Guidance was further amended to include reference to TDR regulations adopted for the "Clarendon Revitalization District." "Policy Guidance for Transfer of Development Rights, beyond the Arlington County Zoning Ordinance Section 36.H.5.b." (staff report)*) The process followed in adopting this policy included solicitation of input from stakeholders and other staff through many meetings and public presentations, a Public Forum, advertising of the new Policy Document through public notice, a County Board meeting and associated Planning Commission meeting.

- a. If Arlington County plans actions that contradict established policy, what are the established processes for making such policy change?
- b. Current County policy states: “The County Board may allow the following types of transfers: 1) a single transfer of all certified density or other development rights from one sending site to one receiving site, 2) a single transfer of all certified density or other development rights from one sending site to multiple receiving sites, 3) a multiple transfer of certified density or other development rights over time from one sending site to one or more receiving sites.” (*Addendum 4-25-09-B – Revised Transfer of Development Rights – Policy Guidance for Transfer of Development Rights, beyond the Arlington County Zoning Ordinance Section 36.H.5.b. #7: Adopted by the County Board at the January 29, 2008 County Board Meeting. Revised by the County Board at the April 25, 2009 County Board Meeting.*) This policy statement does not appear to allow for transference of density from multiple sites to a single site. What Transfers of Development Rights (TDRs) would qualify for transfer to this site?
- c. Current County policy states: “Additional density and other development rights associated with TDRs shall be subject to the limitations on maximum height and other building form regulations applicable to the receiving site, as provided for in the zoning district regulations, the adopted General Land Use Plan (GLUP), and other adopted plans for the area.” (*Addendum 4-25-09-B – Revised Transfer of Development Rights – Policy Guidance for Transfer of Development Rights, beyond the Arlington County Zoning Ordinance Section 36.H.5.b. #4: Adopted by the County Board at the January 29, 2008 County Board Meeting. Revised by the County Board at the April 25, 2009 County Board Meeting.*) Parcel 1D of the Pentagon City PDSP is zoned C-0 2.5, which provides for only “limited office land use,” building heights not in excess of 12 stories, and hotels not in excess of 16 stories. What amount of additional density achieved through TDR is allowable for PenPlace within current policy?
- d. Requiring developers to compensate the County in exchange for density increases may be common, but inclusion of such an eventuality as a ‘guiding principle’ appears to single out this community for absorbing as much height and density as the developer is willing to pay for, and even to encourage a developer request for increased density. Is there Arlington

- County precedent, outside of Pentagon City, for stating in a planning principles document that “extraordinary community benefits” can be offered for permission to exceed allowable height and density caps? If so, please indicate which planning documents do so.
- e. Did County staff recommend that additional density be considered through TDRs/Density transfers and bonuses for Clarendon’s Penzance project?
  - f. What decisions are meant to be guided by including the possibility of TDRs in the guiding principles?
  - g. A TDR staff report states: "It is important to note that the purpose of the program is to preserve important characteristics or amenities of the community. It is not to move density around the County. The ability to transfer density is not an entitlement. By providing detailed guidance, the Policy Document gives surety that the transfer of density rights are equitable and that the program is manageable by the County." (*January 26 2008 County Board Agenda Item, Staff Report Policy Document for Transfer of Development Rights PLA-4874*) In what way do the Guiding Principles ensure that the proposed TDR preserves important characteristics or amenities of the community?

## II. Key Principles Omitted/ Key Categories Revised

The Draft Guiding Principles purport to “build upon relevant planning principles from the 1976, 1997, and 2008 planning documents," (C.1). However, key principles have been removed and key categories revised. All mention of mixed-use or possible residential development for Parcel 1D has been removed. Requirements to taper heights down from the tallest building over Metro *has shifted to "building heights should be varied to break up the skyline" and "additional building height may be considered with provision of extraordinary community benefits."*

The use of the term “compatibility” has changed. The 1976 Pentagon City PDSP and the 1997 Pentagon City Task Force Report placed heavy emphasis on “compatibility” of development with surrounding existing uses and projected future growth and uses, and also on the way in which development related to the single-family-home communities. The Draft Guiding Principles adopts the emphasis on ‘compatibility’ found in previous planning documents for the Pentagon City PDSP, but turns the meaning on its head by emphasizing compatibility with the nearby highway and Pentagon, and also with the “general design criteria” or architecture of the building. (A.5, A.8).

- a. In what way do the Guiding Principles encourage the long-standing promise of a vibrant live-work-play environment in Pentagon City?
- b. In what way do the Guiding Principles ensure that development on Parcel 1D is compatible with a surrounding environment which includes highways, arterial roads, public transportation, and watershed, and in which traffic flow and air quality are important concerns?
- c. The July 29, 2010 iteration of the Draft Guiding Principles stated (B.1): “The **mix of** uses on the site should reflect the broader goal of creating a more balanced distribution of uses in the Pentagon City Metro Station area.”[emphasis added] The most recent iteration of the Draft Guiding Principles states (B.1): “The uses on the site should reflect a more balanced distribution of uses in the Pentagon City Metro Station area.” What is the reasoning behind omitting the words “mix of” in this principle and almost everywhere else in the document?

### III. Lack of Consensus/Little Incorporation of Community Comment

These Guiding Principles do not represent the consensus decision of the LRPC members. There were no votes to determine consensus or lack thereof. In addition, community comments made at the LRPC meetings or in the redlining of the principles—and most recently an ARCA request for an additional LRPC meeting to discuss the draft guiding principles—indicate consensus was not reached. The 1997 Pentagon City Task Force Report documented disagreement in the report; the Draft Guiding Principles document is not clear about the lack of consensus on these principles; and the community does not feel that its concerns are adequately addressed in the document. To date, this process has been driven by County staff and the developer.

The community has repeatedly attempted to influence the guiding principles to limit the impact on the surrounding community of the specific PenPlace proposal provided by Vornado, but their comments were generally dismissed as premature, with staff stating that the guiding principles were not designed to be specific to any one proposal (*see the County Staff prepared comments matrix July 29 meeting handout.pdf*). Many community comments expressed concern over the vague language in the “Heights and Density” section of the Draft Guiding Principles, Guiding Principle C.1 in the 10-21-11 Draft states: “The highest densities of the Pentagon City PDSP area should be planned for Parcel 1D given its close proximity to existing and future transit nodes, and given the site’s distance from low-density residential areas.” But the staff has not offered clarification. For example, to an earlier, similarly worded iteration of the guiding principle, Planning Commissioner Terry Savela wrote: “Highest densities” compared to what, exactly? This statement as written is useless. Why does the statement spell out everything except residential? If the inclusion of “commercial uses” in addition to office buildings is supposed to imply that the “highest densities” for retail should also be included in this block, that obviously is incorrect as well. This bullet should not attempt to discuss density levels but instead, the density question should be addressed in a quantified manner, in keeping with the PDSP for adjoining blocks, in the appendix, with this section discussing heights and massing objectives.” (*Savela’s redline of the July 29 Comments Matrix Document July 29*) This comment actually resulted in the staff removing all definitions of uses rather than simply insert the word “residential” back into the document. In response to similar community comment, rather than offer clarification to ensure the mitigation of development impact on the community, staff removed references to specific massing studies, removed references to residential use of the site, and removed almost any reference to “mixed use” as a core principle for Smart Growth.

Yet the applicant was successful in influencing staff to, again, remove any reference to specific height or density limitations and mixed-use scenarios, as well as removing all reference to possible residential use of the site. In short, there is the definite appearance that staff has allowed the applicant, working with their project in mind, to shape guiding principles that support a high density, single-use development, while the community’s attempts to mitigate the impact of that same project were rebuffed or ignored as being irrelevant to the process. We strongly argue that the current development proposal

represented at LRPC meetings is relevant to the composition of the Draft Guiding Principles, and therefore questions relating to this represented proposal are legitimate.

- a. The Draft Guiding Principles state that “Parcel 1D is a total of 10.2 acres; within this, the PenPlace site comprises 9.2 acres buildable area, from a total of 12.2 acres of land owned by Vornado.” At least two community members pointed out a possible discrepancy in the numbers (Carrey Johnson and Nancy Swain), but explanation of the noted discrepancy was not included in the comments matrix. Prior to the July 29th draft, buildable acreage was referred to as 8.4 acres (Handout: "Special Planning Process for the PenPlace Site: Long Range Planning Committee Meeting; Department of Community Planning, Housing and Development; March 29th 2011). Following a June 2011 letter from Vornado representative Mitch Bonanno claiming the buildable acreage as 9.2, all subsequent documentation made the change without comment. Please explain the discrepancy and provide full information on how the buildable acreage is determined, and specifically whether the size of the proposed 12th street extension is included in this number or is reduced in size to achieve this number?
- b. The 12.2 acres owned by Vornado which includes Pentagon City PDSP Parcel 1D also includes land outside of the Parcel 1D boundaries and even land entirely outside of the Pentagon City PDSP. Please explain why this additional land is referenced in the Guiding Principles document for PenPlace, including an explanation of its relevance to any possible PenPlace proposal?
- c. Which acreage number has been used by the applicant to calculate the Floor Area Ratio (FAR) for development, and what is the rationale for its use?
- d. According to the C-0 2.5 zoning ordinance "Any building or group of buildings may have mixed office, commercial uses including retail and service commercial uses, apartment or hotel uses, as follows, but no part of any site shall be used more than once in calculating its permitted density of use." Will more than one use, such as office and hotel, be used for calculating density for PenPlace?
- e. In 1997, the Pentagon City Planning Task Force observed “The area around the Pentagon City Metro station has become an attractive place to work and shop, but the “live” element is still mostly missing. The PDSP area is not yet the “new community” envisioned twenty years ago.” What is the rationale for the Draft Guiding Principles recommendation to increase office space, or “work” component?
- f. With respect to the current PenPlace proposal represented at the LRPC meetings, how will the proposed design of PenPlace (secure office buildings, which tend to be dark at night, present a forbidding appearance, and prohibit shared parking) support and help realize the vision associated with Arlington County’s mixed use vision?
- g. With respect to the current PenPlace proposal represented at the LRPC meetings, how do the proposed heights of (2) 22-story office buildings and (2) 18-story hotels support the current edge requirements for Crystal City and Pentagon Center?

#### IV. Traffic/Transportation/Walkability

The current PenPlace proposal represented at the LRPC meetings is extremely dense, and therefore requests 2000+ parking spots. The number of boardings at Pentagon City has been approaching and at times exceeding the number of boardings at the Pentagon. Further, the proposed streetcar will transport even more commuters to this overcrowded station. At the same time, the upcoming Blue/Yellow Line realignment that will occur in June 2012 will reduce peak blue line service between Franconia and Rosslyn from 10 trains/hr to 7 trains/hr, and establish new peak Blue Line service from Franconia over the 14th street bridge to

Greenbelt at 3 trains/hr. For us, this will mean fewer trains (from 10/hr to 7/hr) from our neighborhood to Rosslyn, and more trains from our neighborhood to L'Enfant Plaza and beyond (from the present yellow line service of 10/hr to the addition 3 new Blue Line trains/hr for a total of 13 trains hr). Estimating conservatively at 50 passengers per car, 6-car trains, 3 per hour over 3 hours means a reduction in capacity of 2700 per rush hour. Assuming, based on directional analysis of traffic in the TIA from April 2010 that 20 to 30% will be passengers coming to PC or CC on the Orange Line or from western parts of DC, that's a reduction of 500 to 700 transit trips during rush hour. A significant percentage of those trips may be lost to automobiles. Metro's planning for the impact of this reduction is based on existing service patterns and doesn't appear to take into account Arlington's plans for increased office density in PC/CC. The result may be more car trips into the community than predicted.

- a. How will the cuts in Blue Line service into Pentagon City and Crystal City stations affect the formula for Transportation Demand Management reductions when making traffic analyses?
- b. Is the developer request for 2000+ parking spaces tied to a foreseeable overcrowded metro station platform?
- c. How does this 2000+ parking space request support the County's contention that new Arlington development will emphasize mass transit/walk/bike to reduce traffic in and out of our community?

#### V. Precedent Setting

The community is greatly concerned that changes to allow for increased height and density at the PenPlace development will result in precedence for future development.

- a. What possible precedent do these proposed changes for the Parcel 1D Guiding Principles present for the surrounding Pentagon City PDSP and Pentagon Centre parcels?
- b. The Draft Guiding Principles state that "Additional building height exceeding the tallest building in Pentagon Centre may be considered with the provision of extraordinary community benefits." The Pentagon Centre Site Guiding Principles adopted three years ago (2008) states: "The site should provide the highest heights and densities in the Pentagon City area, (emphasis added)... The Metro entrance at the intersection of 12th and Hayes Street should develop as the highest point of the site." Which set of Guiding Principles will take precedence? In what way do the PenPlace Draft Guiding Principles ensure there will not be 'a race to the top' with these contradictory planning principles?
- c. The Master Land Use Plan in the PDSP requires specific numbers of office, retail commercial, hotel, apartment units that include a minimum of 200 "family" units of a low to medium rise character containing multiple bedrooms, and requires specific residential/hotel/retail/office ratios that limit what type of development will be approved on Parcel 1D. . The Arlington County General Land Use Plan (GLUP) states the emphasis on Pentagon City PDSP be residential. The Metro Station Concept Plan for Pentagon City cites a "special emphasis on residential development and regional shopping facilities," (this is in contrast to Crystal City for which it cites "significant office and hotel development." The 10/21/2011 Draft Guiding Principles reference many of these existing requirements for Parcel 1D, but then also offer discussion of specific use and density for the Parcel in direct conflict with these requirements. Are the Guiding principles intended as guidance for modifications to existing County planning documents, including the General Land Use Plan, Zoning Ordinances, and the Master Transportation Plan?