



AURORA HIGHLANDS CIVIC ASSOCIATION

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February 26, 2024
Re: Crystal House 3 Minor Site Plan Amendment

Dear Emma,

The Crystal House Site Plan was approved in 2019 with detailed specifics on parking, renderings, retail, etc., after four SPRC meetings. The County (as owner of the development rights) then entered into a development agreement in December 2022, over a year ago, that presupposes the proposed changes to the 2019 approval now under consideration would be approved, without any community outreach or public engagement. **We object to the County entering into the agreement that presumes changes will be approved without community engagement.**

The County Development Agreement as approved was not in keeping with the County's publicly issued RFP for the development that requested mixed-income buildings where the sum of the market and retail rents go toward off-setting the reduced affordable rents. Instead, the County agreed to allow Crystal House 3 (CH3) to be changed to 100% affordable and future buildings to be market rate buildings. This is a cardinal change from the RFP, which was also approved by the Board without notification to the Aurora Highlands Civic Association (AHCA) and without community outreach. In the approved agreement, the Developer retains the profits on the future buildings (in addition, we presume, to the extent allowable the developer fee on the affordable buildings.) There appears to be no financial oversight of this arrangement. Without a public process with oversight no one can know if giving the property and profits to the developer for the market portion, and then requesting subsidies for the affordable housing portion is the right financial arrangement. We strongly recommend the project finances be audited by an independent agent knowledgeable in affordable housing appointed by the County Board, as the County itself is a party to the Development Agreement, to avoid the appearance of a conflict of interest.

In the new plan, the retail and market rents that would have offset the affordable rent have been removed from CH3, increasing both the financing gap for the affordable housing and the value of the non-affordable buildings. The Developer now claims the only way the finances work on the project (the affordable portion without a market portion, whose profits the developer will retain) is by reducing the quality of the approved design of CH3. However, the cost of the project is not a zoning issue and is irrelevant to the approval of changes. Among other reductions in quality, removing amenities such as balconies, courtyards, and the pool because the building is affordable is particularly egregious. The removal of these amenities renders the now 100% affordable building unequal to market. The residents of CH3 will not have access to the existing Crystal House pool, and the pool that was intended for them on the roof is being eliminated. The developer removed the balconies stating the residents prefer interior space but failed to state that the balconies were overhanging and outside of the building. We do not even know if the units will even have in unit washer-dryers. The County needs to carefully consider if making CH3 less than equivalent to market is the path it wants to follow. As stated in the AHCA January 24, 2024, letter, there is an expectation that our public dollars pay for public buildings equitably. Arlington strives to do this for schools, healthcare, and transportation. Affordable housing is no different. To do otherwise puts us on a slippery slope toward the "projects" of the last century which corralled affordable housing into large, separated, low quality buildings and that as a result of these choices failed.

The County as the Authority Having Jurisdiction (County AHJ) is now presenting changes the County previously agreed to in advance (as part of the Master Developer Agreement). These changes are being reviewed via a Minor Site Plan Amendment and without the same public consideration as the original process (SPRC).

The County knew in December of 2022, when it signed the Master Developer Agreement, that the Developer would pursue these changes as they were listed in the agreement. However, the changes were not presented to the community until months later. The County / Developer had time to pursue the SPRC process in December 2022 when they signed the agreement, and now claims they do not have that time, and will bypass obtaining community support that would have been required in the SPRC process. The Developer submitted more changes just a few weeks ago, which does not even give AHCA time to review and vote on them. **We object to the insufficient timeframe to review and comment on changes, and we object to the Minor Site Plan Amendment process in lieu of additional SPRC review.**

The County AHJ claims that the changes are within the approved parameters of a Minor Site Plan Amendment, **except this ignores the latitude the Zoning Administrator** has in making the final determination of the process. Specifically:

- a. Completely changing façade is a significant change to the approval as the original approval was based on renderings.
- b. Removing amenities such as balconies, courtyards and the pool as noted above.
- c. Eliminating the retail is a change of use impacting the approved façade and street activation. The County / Developer stated the apartment lobby is the same as retail. The apartment lobby is not the same as retail, if it were, then the retail would not have been required.
- d. Parking changes to reduce the minimum ratio of parking from the approved .76 to .67 while increasing the size of units (and decreasing the number of units) is a significant change to the approval. (2) parking spaces for (3) efficiency / 1-bedrooms is not the same as (2) parking spaces for (3) 3-bedrooms. 3-bedroom units are the size of townhouses which require 2.5 spaces per unit (vs .67 provided.) That is a vast change to the required parking ratio. Under-parking CH3 creates a serious risk of spillover parking – which will impact the retail on 23rd Street and the residential streets. As a note, the DES Representative suggested in the 2/12/24 Minor Site Plan Question & Answer that if there is spillover illegal parking, residents can/should call the police. We do not believe that calling the police is a good planning strategy and recommend that the building be designed with enough parking spaces so that there is not spillover and a set up for conflict in the neighborhood over parking.

The site plan for the Crystal Houses was approved as **one project**. However, the changes requested to the Site Plan are being allowed by the County AHJ to be pursued on a building-by-building basis, which appears as a strategy to remain within the parameters of the Minor Site Plan Amendment process and bypass the expanded community engagement required in the SPRC process. This is a strategy that benefits the County as the Developer at the expense of the community. Specifically, there were changes (11 amendments) approved to Crystal House 6 (CH6) on October 14, 2023, that were requested in advance of these CH3 changes, even though the CH3 changes were known at the time to the County (as they were included in the December 2022 Development Agreement.) As an example of how much the standard review process is being sidelined, because CH 6 changes to Senior Housing were approved via the Minor Site Plan Amendment process, there was not even review by the Commission on Aging, until the community insisted on it.

From the Crystal House 6 Board Report:

“Though community members have expressed concerns about certain revisions and the desire for a more in-depth public review process of this minor site plan amendment, staff has concluded through their

review and subject to additional public review and discussions, that overall, the project continues to comply with the goals of the Crystal City Sector Plan and that the proposed revisions to Crystal House 6 are not anticipated to be detrimental or injurious to the neighborhood and surrounding properties. Therefore, staff recommends that the County Board adopt the attached ordinance to approve the site plan amendment for Crystal House 6 (part of SP #451) to modify conditions and to revise building and site elements, subject to all previously approved conditions and revised conditions #2, 9, 10, 14, 18, 19, 21, 27, 32, 33, 35, and 42.”


In other words, the community objected, but the County AHJ overruled in favor of the County in its role as developer. As the County is both developer and AHJ it should be maximizing, not minimizing community engagement to avoid the appearance of a conflict of interest. Further, not going through the same process for changes voids the original SPRC process. **Why should the community bother in the future to review and comment on specifics such as renderings, loading, retail use, if they are subject to change without the community's input?**

In closing here is a list of additional recommendations for Crystal House 3:

1. Reject the building façade and retail changes unless there is a full SPRC process where the changes can be reviewed in the context of the original approval
2. Reject the parking changes unless a 3rd party professional parking study is performed that validates the reduced ratio will not negatively impact parking on neighborhood streets and includes a contingency plan in case it does.
3. Update the 2018 traffic study. The Crystal House 3 traffic study from 2018 noted at the time that the Level of Service (LOS) of two of the signals along Eads Street were strained (LOS D/F), and there were too many cars queueing in the limited stacking space. The traffic study preceded the announcement of Amazon HQ2 by just a few weeks and included growth assumptions of .5% (less than 1%). However, since the announcement of HQ2 and the pandemic there have been tens of thousands of units approved west of Route 1, (River House, TSA, Kimco, Americana, EHO, etc., and several towers in Crystal City) more than doubling the existing density. That is a vastly different scenario than the original projection. The County must require an updated traffic study, as doing otherwise is simply not planning. When asked about this at the 2/12/24 meeting the DES Representative did not provide an answer.

In summary, we continue to be disappointed in the County's approach to this project in terms of planning, design, and community engagement. We strongly recommend that the process be changed in the future phases of the project.

Sincerely yours,



Stacy Meyer
Vice President & Zoning Committee Chair
Aurora Highlands Civic Association

Cc: Arlington County Board
Arlington County Planning Commission
Aurora Highlands Civic Association