



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of July 10, 2010

**DATE:** June 23, 2010

**SUBJECT:** U-2985-00-1 USE PERMIT REVIEW for educational program and parking at the Thurgood Marshall building; located at 2847 Wilson Blvd. (RPC #15-065-019).

**Applicant:**

Arlington Public Schools  
2770 S. Taylor St  
Arlington Virginia 22206

**C.M. RECOMMENDATION:**

Renew the use permit, subject to all previously approved conditions, and with a review in one (1) year (July 2011).

**ISSUES:** This is a three (3) year review of a use permit for an educational program located at the Thurgood Marshall building in Clarendon, and no issues have been identified.

**SUMMARY:** This is a three (3) year review of a use permit for an educational use located at the Thurgood Marshall building. There are no issues with the educational use, and the applicant is in compliance with all conditions. However, the public parking use on the site, which is provided for by Condition #14, has ceased to operate due to the use not being economically feasible. Staff recommended a short one (1) month renewal in June in order to investigate possible alternatives for Condition #14. After consultation with County staff members, the adjacent civic association, and relevant local business organizations, staff is recommending a renewal for one (1) year in order to investigate whether public parking on the site is economically feasible and desirable at this site, and if not, whether there are other alternatives to public parking on the site. In addition, a one (1) year renewal period will give staff sufficient time to work with the applicant and relevant citizen and business organizations while not impacting the educational use, for which no issues have been identified. Therefore, staff recommends renewal of the use permit subject to all previously approved conditions, with a County Board review in one (1) year (July 2011).

**BACKGROUND:** The New Directions Program, based at this location, is a specialized program for high school students who require additional academic or vocational training and counseling.

County Manager: MB/GA

Staff: Matthew Pfeiffer, DCPHD, Planning Division  
Sarah Stott, DES, County Parking Manager

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PLA-5650

The program offers an alternative structured curriculum for high school students with academic challenges and provides them the opportunity to earn academic credits toward a high school diploma. The subject use permit for this educational program was approved by the County Board in July 2000. In September 2004, the County Board approved a use permit amendment to increase maximum student enrollment to 35 students. The County Board further required that the County Manager, in consultation with Arlington Public Schools (APS), develop a Memorandum of Understanding and an on-site public parking management plan to allow parking for the "C-3" zoned portion of the parking lot.

A parking management team, comprised of Transportation, Planning, and APS staff, held a community forum in November 2005 to solicit concerns from community groups, neighbors, and businesses regarding public parking at the Thurgood Marshall site. The parking management team and community forum provided the framework for the parking management plan. This plan was approved by the County Board on January 18, 2005. Since this approval, APS reached an agreement with Federal Parking to operate the facility and commenced the public parking use on December 1, 2005. However, in the latest County Board review, in June 2007, staff noted that the parking operator had limited the parking operation to three (3) days per week out of concern for operational costs.

**DISCUSSION: (Since the last County Board review, June 9, 2007):**

Use Permit Conditions: The school program is in compliance with previously approved use permit conditions. Since the latest review, the public parking use has ceased to operate due to the conclusion by the parking operator that the use was not economically feasible. This is not a violation of Condition #14; however the condition does specify that staff must bring the use permit to the County Board with a recommendation on how to proceed given the circumstances.

Community Code Enforcement: There are no code enforcement issues related to the educational or parking uses on site.

Civic Association: The site is located in the Lyon Village Civic Association. The civic association has commented to staff that the parking use was helpful, and that they will work with staff on finding a solution to this issue. The Clarendon Alliance was contacted, but has not responded to staff as of the date of this report.

**CONCLUSION:** There are no issues related to the educational uses on site; however the public parking use required by Condition #14 has ceased to operate. Staff recommends a one (1)-year renewal of the use permit to work with the applicant, the community, and local business organizations to investigate options for the use of the 25 parking spaces on-site. The County Parking Manager has been involved in the review of this use permit and concurs with this course of action. Therefore, staff recommends that the use permit be renewed subject to all previously approved conditions, with a County Board renewal in one (1) year (July 2011).

PREVIOUS COUNTY BOARD ACTIONS:

May 10, 1958	Deferred use permit (U-1304-58-1) for operation of a public parking area as a transitional use for premises known as 1421 North Fillmore Street.
July 5, 1958	Deferred use permit (U-1304-58-1) for operation of a public parking area as a transitional use for premises known as 1421 North Fillmore Street.
July 19, 1958	Deferred use permit (U-1304-58-1) for operation of a public parking area as a transitional use for premises known as 1421 North Fillmore Street.
August 2, 1958	Approved use permit (U-1304-58-1) for operation of a public parking area as a transitional use for premises known as 1421 North Fillmore Street.
September 11, 1976	Deferred use permit (U-2083-76-2) for operation of a public parking area as a transitional use for premises known as 1425 North Fillmore Street.
November 6, 1976	Approved use permit (U-2083-76-2) for operation of a public parking area as a transitional use pursuant to business conducted by the applicant for premises known as 1425 North Fillmore Street.
July 31, 2000	Approved use permit (U-2985-00-1) for operation of public school educational programs with conditions and review in one year following issuance of a Certificate of Occupancy.
September 18, 2004	Approved amendment of condition #1 and review of use permit (U-2985-00-1) for operation of public school educational programs with conditions, and review at the December 11, 2004, County Board meeting to review a parking management plan.
December 11, 2004	Deferred review of use permit (U-2985-00-1) for operation of public school educational programs with conditions to the January 29, 2005, County Board meeting.
January 18, 2005	Renewed use permit (U-2985-00-1) for operation of public school educational programs and a public parking

management plan with an administrative review in six months (July 2005) and a County Board review in one year (February 2006).

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| February 25, 2006 | Deferred renewal of a use permit (U-2985-00-1) for operation of public school educational programs and a public parking management plan to the April 2006 County Board meeting. |
| April 22, 2006    | Deferred renewal of a use permit (U-2985-00-1) for operation of public school educational programs and a public parking management plan to the June 2006 County Board meeting.  |
| June 10, 2006     | Renewed use permit (U-2985-00-1) for educational program and parking, subject to all previously approved conditions, and with a review in one (1) year (June 2007).             |
| June 9, 2007      | Renewed use permit (U-2985-00-1) for educational program and parking, subject to all previously approved conditions, and with a review in three (3) years (June 2010).          |
| June 12, 2010     | Renewed use permit (U-2985-00-1) for educational program and parking, subject to all previously approved conditions, and with a review in one (1) month (July 2010).            |

Approved Conditions:

1. The applicant concurs that the design capacity of the school facility shall be for a total of 35 students.
2. The applicant agrees that only those students who have met the criteria for return to their home schools are permitted to leave the school unsupervised to travel to a supervised job placement.
3. Use of the two (2) existing transitional parking lots currently operating under use permit approval (U-1304-58-1 and U-2083-76-2) is prohibited for uses other than those located on and operating in the Ives Funeral Home site.
4. The applicant agrees to facilitate the establishment of a neighborhood advisory group consisting of representatives from the Lyon Village Civic Association, the Clarendon-Courthouse Civic Association, nearby neighbors and APS to address potential issues and concerns which may arise regarding the New Directions use.
5. The applicant agrees that drop-off and pick-up of the students shall be via school bus and shall occur on North Fillmore Street within the planned gateway or on Wilson Boulevard side of the planned gateway.
6. The applicant agrees that students who exhibit ongoing violent behavior will not be admitted to participate in the program. Further the applicant agrees that students attending the program who exhibit violent/dangerous behavior will be immediately removed from the program and that excessive lesser infractions of the rules may also result in removal of students from the program.
7. The applicant agrees to submit a final site design and paving plan and landscaping plan to be approved by the County Manager or his designee prior to the issuance of any applicable permit. This plan shall include the building renovations including newly exposed windows, location and dimension of curb cuts to be eliminated. This plan shall also include the existing and proposed signs, on-site lighting, trash receptacles, and storage enclosures, as well as the location, quantity, size and species of plant material for street trees and landscaping. The final plan shall include any amendments to the conceptual drawings and designs dated May 8, 2000 as presented to and approved by the County Board at the July 22, 2000 County Board Meeting. The plan shall be reviewed with representatives of the Lyon Village Civic Association, the Clarendon-Courthouse Civic Association and the adjoining, adjacent and abutting neighbors prior to issuance to the County for approval by the County Manager or his designee.
8. The applicant agrees to meet the requirements of the Inspection Services Office, Community Code Enforcement Office, the Bureau of Environmental Health, the State Department of Education, and the Fire Marshal's Office, including the installation of smoke detection/alarm systems.

9. Prior to receiving the First Building Permit, the applicant agrees to identify a person who will serve as liaison to the community throughout the duration of development and operation of the space for the APS' New Directions Program. This individual shall have authority to act on concerns and shall be on the site throughout the hours of construction and redevelopment and during the hours that the New Directions Program would be operational. The name and telephone number of this individual shall be provided in writing to the president of the Lyon Village, and Clarendon-Courthouse Civic Associations and residents whose property abuts, adjoins or is adjacent to the site, the Clarendon Alliance, and to the Zoning Administrator, and shall be posted at the entrance of the project.
  
10. The applicant agrees to submit a detailed final site design and paving plan and landscape plan at a scale no larger than 1/16 inch = 1 foot before the issuance of the Excavation/Sheeting and Shoring Permit and the plan shall be approved by the County Manager or his designee before the issuance of the Final Building Permit. The final plan shall include any amendments to the conceptual drawings and designs dated May 8, 2000 as presented to and approved by the County Board at the July 22, 2000 County Board meeting. In order to facilitate comparison with the final site engineering plan the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale (1/16 inch = 1 foot, 1/8 inch = 1 foot, or 1/4 inch = 1 foot). The County may permit minor changes in building, street, and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the use permit approval. If applicable, the landscape plan shall include a Street Tree Plan which shall be reviewed by the Department of Parks, Recreation and Community Resources and shall be accompanied by the site engineering plan and the two (2) plans shall be compared to ensure that there are no conflicts between street trees and utilities; neither plan shall be approved until the landscape plan and the site engineering plan agree. The plan shall be shared with the Lyon Village and Clarendon-Courthouse Civic Associations prior to submittal for the issuance of the Certificate of Occupancy. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy. The final site development and landscape plan shall include the following details:
  - a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site-engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed in the setback area between the building and the street;
  - b. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks as well as for address indicator signs;
  - c. The location and types of light fixtures for streets, parking and walkways;

- d. Topography at two (2) foot intervals and the finished first floor elevation of all structures;
  - e. Landscaping for raised planters and surface parking areas, including a listing of plant materials, and details of planting, irrigation and drainage;
  - f. The location and planting details for street trees in accordance with Department of Public Works Standards and Specifications for planting in public rights-of-way and as shown on the approved final site engineering plan;
11. Landscaping shall conform to Department of Public Works Standards and Specifications and to the following requirements:
- a. Planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for two (2) years including the replacement and maintenance (to include but not be limited to pruning, feeding, spraying, mulching, weeding, and watering) of all landscape materials following the issuance of the master certificate of occupancy;
  - b. Planting materials and landscaping shall meet the American Standard for Nursery Stock Z60.1-73, and shall also meet the following standards:
    - i. Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) - a height of 12 to 18 feet with a minimum caliper of 3 to 3 1/2 inches.
    - ii. Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.
    - iii. Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)- a height of 10 to 14 feet with a minimum caliper of 1 1/2 to 2 inches.
    - iv. Shrubs - a minimum spread of 18 to 24 inches.
    - v. Groundcover - in 2" pots.
  - c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, seeding may be substituted for sod. All sod and seed shall be state certified.
  - d. Exposed earth not to be sodded or seeded shall be well mulched or planted in groundcover. Areas to be mulched may not exceed the normal limits of a planting bed.
  - e. Soil depth shall be a minimum of four (4) feet for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the finished grade adjacent to them.
  - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
  - g. The applicant agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the applicant agrees to submit a maintenance plan, which shall ensure that landscaped areas are kept in a clean and well-maintained condition, and to follow

the terms of that maintenance plan approved for that purpose by the Zoning Administrator.

- h. The plan shall include the reconfigured entrance to the site parking lot showing a single vehicular entrance from North Fillmore Street on the Wilson Boulevard side of a planned neighborhood gateway. Landscaping shall be installed between the sidewalk and the street to enhance the Department of Public Works gateway project. Plantings shall be installed between the sidewalk and the parking lot in a minimum four (4) foot wide planting strip to provide a buffer between the site and the neighborhood.
12. If applicable, sidewalks along all street frontages of this development shall be concrete and as approved by the Department of Public Works. The sidewalks shall be shown on the final site development and landscape plan in accordance with applicable urban design standards approved by the County Board and in effect at the time of the use permit approval. Street trees shall be guaranteed by the applicant for two (2) years after installation and maintained thereafter by the applicant.
13. The Superintendent of the Arlington Public Schools (APS) shall work with the County Manager to identify joint-use possibilities to accommodate County cultural programs in the subject School building outside the normal hours of School operations. The superintendent and County Manager shall incorporate such a joint-use arrangement in a Memorandum of Understanding (MOU).
14. Arlington Public Schools (APS) agrees to provide (through a contractor or otherwise) attended public parking in the evenings and on weekends and school holidays on the portion of the existing parking lot zoned "C-3." If, after diligent efforts, the Arlington Public Schools is unable to enter into a contract for attended parking in which the cost to APS does not exceed the parking revenues, the parking shall be determined through administrative review to be not economically feasible, as noted below. The public parking will be provided only when Schools is not having a function in the building. The details of the public parking arrangement shall be incorporated in a signed Memorandum of Understanding (MOU) between the Superintendent and the County Manager. A copy of the MOU shall be provided to the Zoning Administrator, the Clarendon Alliance, and the Presidents of the Lyon Village and Clarendon Courthouse Civic Associations. This condition shall be reviewed administratively six months after approval. Such review shall consider, but not be limited to, the impact on local neighbors and the continuing economic feasibility of offering parking on this site. If staff finds that there are substantial negative impacts from the parking, or that providing such parking is not economically feasible, or other good reason, then the condition shall be brought to the County Board for review, and the County Board shall take whatever action it deems appropriate, including amending or withdrawing the condition pursuant to the use permit process.



**U-2985-00-1 USE PERMIT REVIEW**  
**2847 Wilson Blvd. (Arlington Public Schools)**  
**(RPC #15-065-019)**

  
**North**

 Case  
 Location(s)

Note: These maps are for property location assistance only. They may not represent the latest survey, and other information.