



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 25, 2010**

DATE: September 15, 2010

SUBJECT: SP #397 SITE PLAN AMENDMENT to modify the conditions related to the specifications and the recordation of the public access easements, located at 1200 North Garfield Street (RPC: 18-013-011).

Applicant:
Saul Holdings, L.P.

By:
Nan E. Walsh
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201-3359

C.M. RECOMMENDATION:

Approve the site plan amendment request subject to the revised development Conditions #65 and #71 and to all previously approved conditions (#1 through #84).

ISSUES: This is a request to confirm that café/restaurant seating may be permitted and to allow for the recordation of the public access easement and associated plat prior to the completion of plaza improvements. The proposed amendment would shorten the construction completion schedule and facilitate the opening of the restaurant space. There are no known issues with this request.

SUMMARY: The two condition modifications relate to the applicant's intent to lease the retail space fronting on the plaza to a restaurant tenant and to reassure the tenant that café seating is permissible in the public access easement. The applicant worked with staff to prepare the necessary documents for the approval and recordation of public access easements associated with the Clarendon Center development. Because of the wording of the existing Condition #71, the County was unable to consider and approve the easement documents until the required public

County Manager:

MB GA

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Staff: Neil Thompson, Planning Division, DCPHD
Robert Gibson, DES
PLA-5676

access easement improvements are complete. The applicant intends to have all the public access improvements completed prior to issuance of the first Partial Certificate of Occupancy for tenant occupancy. Therefore, it is recommended that Conditions #65 and #71 of SP #397 (Clarendon Center) be amended to accommodate this request.

BACKGROUND: Saul Holdings, L.P. received approval for SP #397 (Clarendon Center) on June 13, 2006. The development covers two blocks bounded by Wilson Boulevard, North Highland Street, 11th Street North and North Garfield and split by Clarendon Boulevard. The “North Block” was approved for a six-story office building with associated retail and preserving the Underwood Buildings. The “South Block” was approved for a nine-story office building, a twelve-story residential building with associated retail and preserving the Old Dominion Building. The project is nearing completion with the issuance of Certificates of Occupancy expected in early fall.

This request is to modify Conditions #65 and #71 that provide the specifications of and timing for the recordation of the public access easements for a plaza formed by the “South Block” residential building on the southwest corner of the intersection of Clarendon Boulevard and North Garfield Street. In addition, a restaurant tenant is proposing outdoor café seating in the plaza and the modified condition language provides the specifications for that use.

The following provides additional information about the site and location:

Site: Two blocks in the Clarendon Metro Station Area: North Block – block bounded by Clarendon Boulevard, North Highland Street, Wilson Boulevard and North Garfield Street; South Block – block bounded by 11th Street North, North Highland Street, Clarendon Boulevard and North Garfield Street.

To the north: Wilson Boulevard and 3033 Wilson Boulevard (“Clarendon Square”) a by-right, seven-story building constructed in 1987 (2.9 FAR). The property is designated “Medium Density Mixed-Use” on the General Land Use Plan (GLUP) and is zoned “C-3” General Commercial District.

To the west: North Highland Street. The Hartford, a nine-story building office building with 222,742 square feet of gross floor area and a 3.0 FAR, designated “Medium Density Mixed-Use” on the GLUP and zoned “C-R” Commercial Redevelopment District. Metro Park – the entrance into the Clarendon Metro Station – designated as “Public” on the GLUP and zoned “C-3” General Commercial District. 3100 Clarendon Boulevard (Olmsted Building) – a 14-story office building with retail on the first floor (258,130 sf total) constructed in 1987 – designated on the GLUP as “High” Office-Apartment-Hotel and is zoned “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts.

To the east: North Garfield Street. There is a 1-story, free-standing bank located at 2930 Wilson Boulevard which is designated “Medium Density Mixed-Use”

on the GLUP and zoned “C-3” General Commercial District. 2900 Wilson Boulevard (McCaffery, Phase III) is a constructed site plan with approximately 40,000 sf of commercial space. Station Square at Clarendon (2900 Clarendon Boulevard) is a 469,579 sf building containing 383,519 sf residential (308 units) with approximately 64,545 sf office and approximately 21,515 sf retail. The property is zoned "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and is designated “High” Office-Apartment-Hotel on the GLUP.

To the south: Several smaller commercial buildings, are located across 11th Street North from the subject property. These smaller buildings are designated “Medium Density Mixed-Use” on the GLUP and zoned “C-3” General Commercial District.

Zoning: The North Block is zoned “C-3” General Commercial District and the South Block (as described above) is Zoned “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts.

Land Use: The General Land Use Plan designates the North Block as “Medium Density Mixed-Use” (3.0 FAR with special provision for up to an additional 1.0 FAR for residential) and the South Block as “High” Office-Apartment-Hotel (3.8 FAR office; up to 4.8 FAR apartment; and up to 3.8 FAR hotel).

Neighborhood: The site is located in the Clarendon-Courthouse Civic Association and across Wilson Boulevard from the Lyon Village Civic Association. Both associations were notified of this request. Additional information was requested and provided to the associations. The associations responded that they had no issues with the proposed amendment.

DISCUSSION: The site plan as approved in 2006 anticipated the café seating in the plaza area at the corner of Clarendon Boulevard and North Garfield Street. Specifically, the plaza area with café seating was shown on Sheets L01 and L02 of the Final Site Plan signed May 8, 2007 and the original Condition #65 stated that outdoor cafes shall be permitted in the public rights-of-way or within public easements. Clarendon Boulevard is designated for retail in the Rosslyn-Ballston Retail Action Plan. It is further identified as appropriate for “Entertainment and Main Street Retailing with enhanced pedestrian environment with upgraded streetscapes.”

The applicant and staff have jointly developed modified Condition #65 wording to confirm the intent of the site plan approval that café seating is allowed in the plaza area at the southwest corner of the intersection of Clarendon Boulevard and North Garfield Street and achieve the goal of enhanced streetscapes envisioned in the retail action plan.

The applicant and staff also jointly developed modified Condition #71 wording so that staff may review and approve the permanent public use and access easements required by the approval prior to the completion of the plaza improvement. The easement as proposed will include permission for the developer to complete the improvements, requiring that the improvements be

completed prior to the issuance of the first Certificate of Occupancy for any tenant occupancy. This change will allow for a time saving in the construction schedule and will facilitate the timely opening of a restaurant tenant.

The proposed outdoor café is required to conform with the applicable provisions of the Zoning Ordinance and provision of adequate clear zones as stated in revised Condition #65.

CONCLUSION: The applicant's requested condition modifications can be accommodated while protecting the intent of the County Board's original approval. Approval of this amendment would provide assurance that the applicant and their prospective tenant will be able to operate an outdoor café seating; that the construction schedule will be abbreviated; and that an enhanced pedestrian environment will be achieved. Therefore, staff is recommending that the County Board approve the requested site plan amendment subject to all previously agreed conditions and the revised conditions as follows:

65. Outdoor cafés shall be permitted in the public right-of-way or within public easements along Clarendon Boulevard, Wilson Boulevard, North Highland Street, North Garfield Street, and 11th Street North and for the plaza area at the southwest corner of the intersection of Clarendon Boulevard and North Garfield Street (the "Plaza") in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. Unless otherwise specified by the Clarendon Sector Plan, in effect at the time of the issuance of the Clearing and Grading Permit, the following minimum sidewalk widths, which may not include a two foot shy zone adjacent to the buildings, shall be maintained even where outdoor cafes are established: A minimum of 8 feet of clear sidewalk width must be maintained along Wilson Boulevard, Clarendon Boulevard, and North Highland Street (with the exception of the sidewalks in front of the Underwood Building and the Old Dominion Building). A minimum of 6 feet of clear sidewalk width must be maintained along North Garfield Street and 11th Street North (with the exception of sidewalks in front of the Old Dominion Building). A minimum of 6 feet of clear sidewalk width must be maintained adjacent to the public art in the Plaza and a minimum of 6 feet of clear sidewalk width must be maintained between the building and the Plaza easement. With the exception of outdoor seating areas existing at the time of site plan approval, a minimum of 6 feet of clear sidewalk width must be maintained along the sidewalks fronting the Underwood Building and the Old Dominion Building. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time and at any time thereafter, the Zoning Administrator may review the approval, and the County Board may impose conditions on the operation of the outdoor café, or revoke the prior approval.

71. The developer agrees to grant permanent public use and access easements, in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County providing for the public use of and access to the plaza area at the southwest corner of the intersection of Clarendon Boulevard and North Garfield Street as shown on the plans ~~dates~~ dated June 10, 2006. ~~Such easement shall not preclude outdoor seating.~~ The final location of the easements may change with the preparation of the final building plans. The developer agrees to construct and landscape these areas, as shown on the plans ~~dates~~ dated June 10, 2006 and made part of the public record on June 13, 2006. Final landscape design and installation shall be approved by the County Manager as part of the final site development and landscape plan. Construction and landscaping of these areas (the "Plaza Improvements") shall be completed ~~prior to the granting of the easements~~ prior to the issuance of the first Partial Certificate of Occupancy for tenant occupancy (excluding the garage) for the building. ~~Granting of the public use and access easements shall be completed prior to the issuance of the first certificate of occupancy for the building.~~ The easements shall be granted by deed, in form and substance acceptable to the County Manager, and, in form acceptable to the County Attorney, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County prior to the issuance of the first Partial Certificate of Occupancy for tenant occupancy (excluding the garage) for the building. The developer shall be responsible for maintaining these areas.

PREVIOUS COUNTY BOARD ACTIONS:

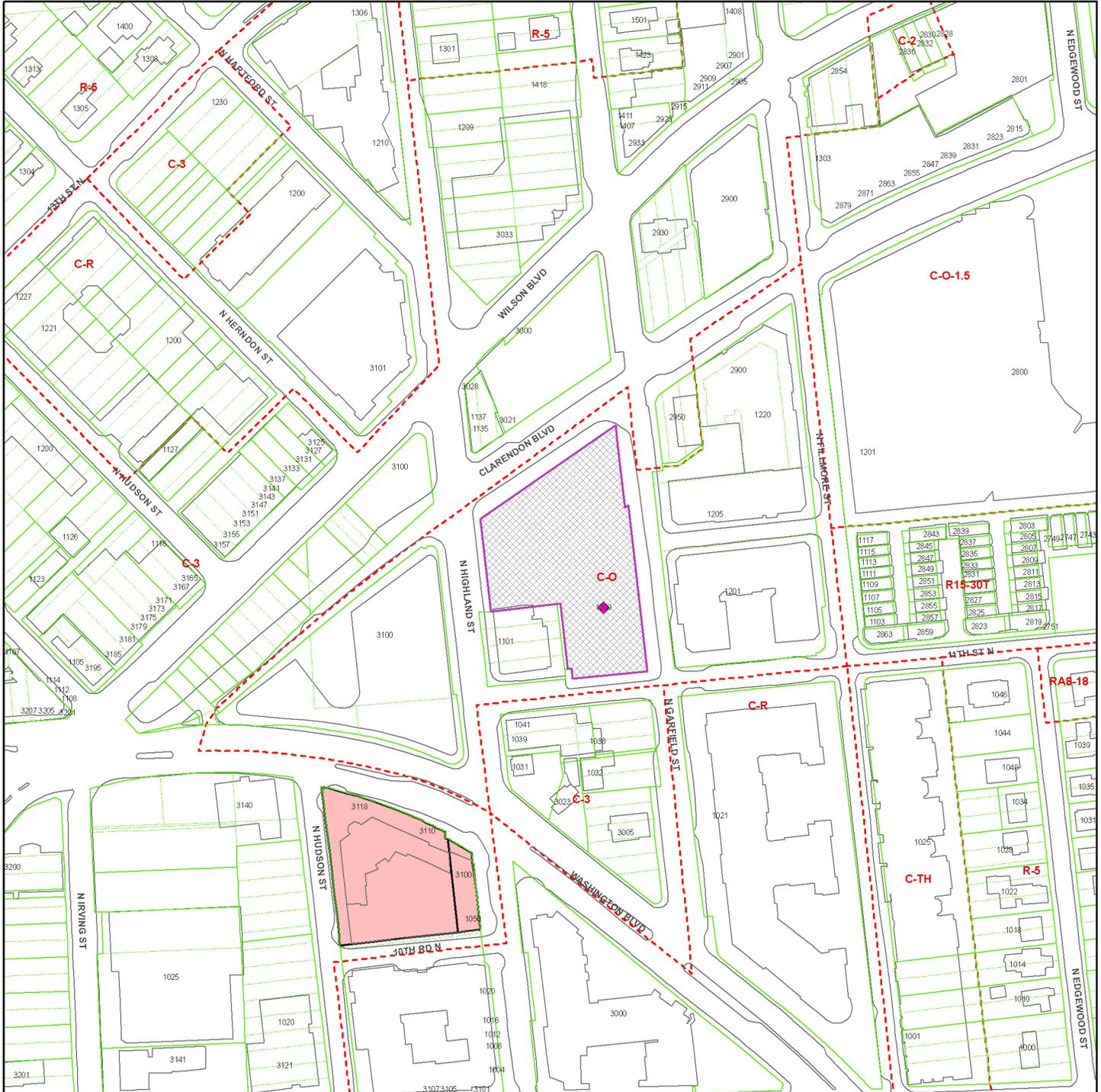
June 13, 2006

Approved a rezoning from " from "C-3" General Commercial Districts to "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts at 3010, 3030, 3032, 3040 Clarendon Blvd., 1101 N. Highland St. (RPC #18-013-001, -003, -004, -005, -006, -007, -008, -009, -010)

Approved Site Plan for a three building mixed use development

September 13, 2008

Approved site plan amendment to modify conditions for plat of excavated area, wall check survey, recordation of historic preservation easements



SP#397

1200 North Garfield Street

RPC: 18-013-011



 Case
 Location(s)
 Scale: 1:2,400

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

Department of Community Planning, Housing and Development

Planning Division