



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of November 13, 2010

DATE: November 2, 2010

SUBJECT: SP #397 MINOR SITE PLAN AMENDMENT to amend the conditions related to a temporary outdoor display of merchandise within the building setback and on the public sidewalk, building transparency, loading, and parking garage usage, located at 1200 N. Garfield St./3030 Clarendon Blvd. (RPC#: 18-013-011).

APPLICANT:

Saul Holdings LP
7501 Wisconsin Avenue, Suite 1500
Bethesda, Maryland 20814

BY:

Nan E. Walsh, Esq., Agent/Attorney
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
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C. M. RECOMMENDATION:

Approve the site plan amendment (SP #397) request for a grocery store with outdoor display of merchandise, including a modification of use regulations for parking ratio and compact parking ratio and to allow an outdoor display of merchandise within the setback, and permit the use of part of an easement for sidewalk and utility purposes for a temporary outdoor display, subject to the previously approved conditions, but with revised Conditions #1, 18, 31, 37, 40, 48, 49, and 64, and subject to new conditions #85, 86 and 87.

ISSUES: This is a request to amend the Clarendon Center site plan (SP #397) for the purpose of amending conditions related to outdoor displays, building transparency, loading dock operations and parking garage use and configuration that would accommodate a grocery store tenant at Clarendon Center. Modifications of zoning ordinance requirements regarding outdoor displays

County Manager:

BMD/GA

Staff: Aaron Shriber, DCPHD, Planning Division
Robert Gibson, DES, Transportation Division
Sarah Stott, DES, Transportation Division
Jill Griffin, AED

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in the setback, parking ratio, and compact parking ratio are associated with this request, as well as a request to the County to permit the display of merchandise within a sidewalk and utility easement on a temporary basis, subject to the site plan conditions.. No issues have been identified.

SUMMARY: The Applicant requests approval to amend certain conditions of the Clarendon Center development (SP #397) for the purpose of accommodating a potential grocery tenant. As proposed, a Trader Joe's grocery store will occupy approximately 12,300 square feet of the Clarendon Center development's "South Block" building. The grocery store will occupy the entirety of the first floor of the building's North Highland Street frontage and will be comprised of an approximately 10,300 square foot grocery store and an approximately 2,000 square foot storage area. In order to accommodate the operation of the grocery store at this location, the Applicant proposes to amend conditions related to use and configuration of the South Block parking garage, building transparency, and loading dock hours of operation and to modify use regulations related to parking ratio, compact parking ratio, and outdoor display of merchandise within the building setback . The Applicant also requests that the County Board permit temporary use of a part of a sidewalk and utilities easement for outdoor displays of merchandise.

SP #397 was approved with conditions requiring that all of the South Block garage's G-1 level (96 spaces) be provided for use by the public on an unreserved basis and that the entirety of the South Block garage's G-2 level (124 spaces) be available for use by the public on an unreserved basis outside of normal office hours. To facilitate the operation of the proposed grocery store, the Applicant proposes to remove seven (7) parking spaces in the South Block garage (3 spaces each on the G-1 and G-2 levels and 1 space on the G-3 level) to provide for shopping cart corrals and two elevators that will provide direct access to the grocery store. With the removal of these parking spaces, the G-1 level of the South Block garage will contain 93 spaces and the G-2 level of the South Block garage will contain 121 spaces.

In addition to the removal of parking spaces from the South Block garage, the Applicant proposes to reserve 31 parking spaces on the G-1 level and 39 parking spaces on the G-2 level of the South Block parking garage for the sole use by customers of the grocery store until 10 p.m. The reserved parking spaces of the G-2 level would only be available to grocery store customers outside of normal office hours and once these spaces are vacated by office employee vehicles.

Additional amendments to the conditions requested by the Applicant include revisions to the building transparency requirement for purposes of shielding the grocery store elevators and alteration of the loading dock hours of operation for the grocery store tenant. Modifications of use regulations to accommodate this request are related to parking ratio and compact parking ratio, as well as for outdoor display of merchandise within the building setback. The Applicant's request will fulfill the recommendations of the County's Grocery Store Policy and will be consistent with the intended retail use of the Clarendon Center development; therefore, staff recommends approval of the Applicant's request to amend SP #397 subject to the conditions contained in this report.

BACKGROUND: Site Plan #397 was approved on June 13, 2006 to permit the development of Clarendon Center. The proposed development consisted of 244 multifamily residential units,

220,919 square feet of office space, and 61,380 square feet of retail space. A component of this site plan was the retention of two buildings of local historic significance (the Old Dominion and Underwood buildings), which retained their existing office and retail uses. Subsequent site plan amendments and Administrative Changes have been approved modifying the conditions and interior space configuration; none of these approvals has deviated from the character and intent of the initial approval of SP #397. As approved, Clarendon Center consists of two areas of development; the “North Block” consisting of a six (6) story office building with ground floor retail bounded by Wilson Boulevard, North Garfield Street, Clarendon Boulevard and North Highland Street, and the “South Block” consisting of a nine (9) story office building with ground floor retail and a twelve (12) story residential building with ground floor retail bounded by Clarendon Boulevard, North Garfield Street, 11th Street North and North Highland Street. Both blocks are nearing completion and it is anticipated that they will receive Certificates of Occupancy by the end of 2010. This site plan amendment pertains only to the “South Block” that will contain the proposed grocery store and include the parking garage that is proposed to be modified to accommodate this grocery store tenant.

Following is additional information of the application area:

Site: The Clarendon Center development is bounded by Wilson Boulevard to the north, North Garfield Street to the east, 11th Street North to the south, and North Highland Street to the west. Clarendon Boulevard bisects the site plan area into a “North Block” and “South Block”. This site plan amendment request pertains only to the “South Block” building.

- To the north: Wilson Boulevard and the Clarendon Square building, a by-right, seven-story structure consisting of office and ground-floor retail uses. The property is designated “Medium Density Mixed-Use” on the General Land Use Plan (GLUP) and is zoned “C-3” General Commercial.
- To the east: North Garfield Street and a) a branch of Virginia Commerce Bank, a by-right, one-story structure designated “Medium Density Mixed-Use” on the GLUP and zoned “C-3” General Commercial; b) the 3 Bar and Grill, a by-right structure designated “High” Office-Apartment-Hotel on the GLUP and zoned “C-O” Commercial Office Building, Hotel, Multiple-Family Dwelling; and c) the Station Square at Clarendon development (Site Plan #359), a ten-story structure consisting of office, retail and residential uses designated “High” Office-Apartment-Hotel on the GLUP and zoned “C-O” Commercial-Office Building, Hotel, Multiple-Family Dwelling.
- To the south: 11th Street North and vacant land and various commercial buildings constructed by-right. The properties are designated “Medium Density Mixed-Use” on the GLUP and zoned “C-3” General Commercial.
- To the west: North Highland Street and a) the Hartford building (Site Plan #298), a nine-story structure consisting of office and ground-floor retail uses

designated “Medium Density Mixed-Use” on the GLUP and zoned “C-R” Commercial Redevelopment; b) the Clarendon Metro Station; and c) the Olmstead building (Site Plan #194), a fourteen-story structure consisting of office and ground-floor retail uses designated “High” Office-Apartment-Hotel on the GLUP and zoned “C-O” Commercial-Office Building, Hotel, Multiple-Family Dwelling.

Zoning: The “North Block” is zoned “C-3” General Commercial and the “South Block” is zoned “C-O” Commercial Office Building, Hotel, Multiple-Family Dwelling.

Land Use: The General Land Use Plan (GLUP) designates the “North Block” as “Medium Density Mixed-Use” and the “South Block” as “High” Office-Apartment-Hotel. Additionally, the site is located within the “Clarendon Revitalization District”.

Neighborhood: The site is located in the Clarendon-Courthouse Civic Association, north of the Lyon Park Citizens Association and south of the Lyon Village Citizens Association. The Applicant is scheduled to meet with the Lyon Village community on November 8, 2010 and the Lyon Park community on November 10, 2010 to discuss this site plan amendment request.

DISCUSSION: Grocery stores are a permitted use in the Clarendon Center development’s South Block, though accommodations required by the proposed grocery store tenant necessitate revisions to certain site plan conditions regarding reserved parking, loading dock hours of operation, outdoor displays and building transparency. In addition, the outdoor displays require a modification of use regulations and permission from the County Board for temporary use of a small portion of the sidewalk and utilities easement. Inclusion of a small scale grocery store within the Clarendon Center development is an opportunity to provide this type of desired retail tenant in a Metro accessible location, with the type of development that also furthers the *Clarendon Sector Plan’s* goal of creating an “urban village” through incorporation of effective urban design principles.

Parking Reduction

The Applicant proposes to install cart corrals and two (2) elevators that will provide direct access from the grocery store to the G-1 and G-2 levels of the South Block parking garage, which will result in the reduction of seven (7) parking spaces. As the South Block garage is already constructed, it is not possible to accommodate these facilities without removing existing parking spaces. As proposed, three (3) parking spaces will be removed from both the G-1 and G-2 levels of the South Block garage and one (1) parking space will be removed from the G-3 level of the South Block garage. The following table illustrates the garage parking situation as approved and as proposed for the Clarendon Center development:

	Approved	Proposed
Residential	244 (1 sp/unit)	244 (1 sp/unit)
Office	316 (1 sp/577 s.f.)	312 (1 sp/584 s.f.)
Retail*	40 (1 sp/576 s.f.)	37 (1 sp/623 s.f.)
Total	600	593

* The South Block garage provides retail parking for both the North Block and South Block retail uses

The Clarendon Center development includes the preservation of two buildings of local historic significance (the Underwood and Old Dominion office buildings), which were both excluded from the calculation for the overall parking requirement. Additional parking exclusions included 31,000 square feet of retail space consisting of storage areas and for retail space located within close proximity to a Metro station.

The Applicant’s proposal to remove seven (7) parking spaces will further modify the parking ratio approved with the Clarendon Center development. While staff is not opposed to the reduction in parking spaces, the primary goal is to ensure that the parking garage operates in an efficient manner, which can be addressed through mitigation measures such as appropriate signs, monitoring, and enhanced transportation demand management and is addressed further below.

Reserved Parking Spaces

The Clarendon Center development was approved with conditions that required the entirety of the G-1 level of the South Block garage to be provided as short-term public parking and that the entirety of the G-2 level of the South Block garage to be provided as short-term public parking after normal office hours (6 p.m.) and on weekends and holidays. To accommodate the proposed grocery store, the Applicant proposes to reserve 31 (of 93) parking spaces on the G-1 level of the South Block garage for the sole use by customers of the grocery store during operational hours of the store, and to reserve an additional 39 (of 121) parking spaces on the G-2 level of the South Block garage for the sole use by customers of the grocery store after normal office hours and on weekends and holidays during operational hours of the grocery store. The Applicant has also proposed to amend the conditions to permit public access to available parking spaces on the G-2 level of the South Block garage beginning at 5 p.m. on non-holiday weekends rather than after 6 p.m. as initially approved.

The Applicant’s proposal to reserve parking spaces for the use by customers of a specific tenant conflicts with the intention of the initially approved conditions, as well as County parking policies. Policy 9 of the *Master Transportation Plan* states:

“Maximize the sharing of parking spaces, including in private parking lots and garages, by various users throughout the day and night. Discourage assigned parking. Balance shared parking goals with the preservation of neighborhood character in church, lodge and school parking lots in residential areas.”

Accordingly, it is not common County practice to support reserved parking spaces, especially when a developer has committed to provide short-term parking for the public's use. However, the South Block garage will still be a shared parking facility, providing shared parking between the office, retail and public users. In addition, parking spaces reserved for use by grocery store customers on both the G-1 and G-2 levels of the South Block garage will be made available to the public on an unreserved basis after the close of the grocery store.

Recognizing the County's policies regarding parking, the County also has adopted a Policy for Grocery Stores (adopted by the County Board on October 5, 1985; copy attached), which states in Policy #1:

“To seriously consider any reasonable suggestion for modification of County policies and regulations, (such as those pertaining to zoning, site plan, and parking standards) that would support the retention, expansion, or establishment of grocery stores.”

As it is the County's policy to attract and retain grocery stores, and considering that grocery stores are a retail use supported in this location according to the *Retail Action Plan*, staff supports the use in this location and supports the goals of the Policy for Grocery Stores as justification for modifying the conditions to permit reserved parking spaces for use by customers of the grocery store. Though supportive of the grocery store in this location, staff believes that it is imperative that the G-1 and G-2 levels of the South Block garage be appropriately signed and operated in an efficient manner for purposes of maximizing the use of available parking spaces, and to ensure that the reserved parking spaces adequately serve the intended customers.

As such, staff has suggested multiple mitigation measures to the Applicant for consideration for purposes of maximizing the efficiency of the G-1 and G-2 levels of the South Block garage. Effectively designed signs guiding customers of the garage to the appropriate parking area (i.e. office, public, grocery store) is essential to ensuring that vehicular circulation within the South Block garage functions in an acceptable manner. The Applicant has submitted a conceptual plan for signs within the parking garage that accomplishes these goals. Final design of these signs has not yet occurred and, as conditioned, the design is required to be provided to the County for review and approval as part of a revision to the parking management plan.

In addition to appropriate directional signs within the garage, staff has proposed, and the applicant has agreed to, a new condition (Condition #87) requiring that an attendant be provided in the South Block garage during the peak grocery store shopping hours (4 p.m. – 8 p.m. weekdays and 11 a.m. – 6 p.m. weekends and holidays) for purposes of directing customers to the appropriate parking spaces. Maximizing the efficiency of the South Block garage is a prime concern. Therefore staff has also proposed, and the applicant has also agreed to, a new condition that requires the Applicant to submit to the County annual utilization studies of the public and reserved parking spaces on the G-1 and G-2 levels of the South Block garage. The purpose of these studies will be to inform the County of the effectiveness of the mitigation measures required by the conditions and to permit modifications to the hours that a parking attendant in the garage is necessary. With approval of these conditions, staff believes that the proposed reserved parking spaces will not result in an adverse impact on the operation or public use of the South Block garage.

Additionally, the parking spaces to be reserved for use by grocery store customers will be signed in a manner indicating their intended use and time limitation (90-minute validation will be provided by the grocery store). A 90-minute time limitation for the reserved parking spaces will allow the typical grocery store customer sufficient time to complete errands in addition to shopping at the grocery store without having to relocate their vehicle to a different parking space. The proposed validation program will not preclude grocery store customers from parking in these spaces for periods in excess of 90 minutes, though in this situation the customer would have to pay the difference between the validation and the exit fare. This arrangement is consistent with the urban village theme of Clarendon and only requires customers to “park once” when visiting Clarendon.

South Block Garage Pedestrian Access

Whereas the elevators will provide direct access from the grocery store to the G-1 and G-2 parking levels of the South Block garage, staff has encouraged the Applicant to provide a stair access from these parking levels directly into the grocery store. While customers may enjoy using the elevators to travel between their vehicles and the grocery store, staff believes it necessary to accommodate all users of the garage and to provide a direct stair access for convenience purposes. The Applicant has not agreed to construct a new stairwell for this purpose, and has proposed, instead, use of the emergency access stairwell for ingress/egress between the grocery store and the South Block garage. Should use of the emergency access stairwell be permitted by the County, an entrance from the lobby level hallway would be provided to permit pedestrian access between the grocery store and the G-1 and G-2 parking levels of the South Block garage. In the event that this access is needed to be clear for emergency access from the garage and permission to use the emergency access stairwell for ingress/egress to the grocery store cannot be granted, pedestrians would be able to use this stairwell to access the North Highland Street sidewalk where they could enter the store. In this scenario, pedestrians would be able to return to the G-1 and G-2 parking levels of the garage through use of the main lobby entrance to the South Block located on Clarendon Boulevard. A new condition has been proposed (Condition #86) to address this issue by requiring the Applicant to pursue permission through the County’s Inspection Services Division (ISD) to use the emergency stairwell for pedestrian access between the grocery store and the South Block garage.

Outdoor Displays

The Applicant proposes to allow the grocery store to display merchandise for sale, on a temporary basis, within the café/shy zone of the South Block’s North Highland Street sidewalk frontage. Staff believes that, subject to certain restrictions, this will activate the streetscape and provide an attractive outdoor display feature consistent with the urban design goals of the urban village in Clarendon. Moreover, the need to use an approximately three-and-one-half (3.5) foot wide portion (of variable width) of the sidewalk abutting the building arises out of the fact that this grocery store will be in a building where the façade is located at the back of the sidewalk, an arrangement that is favored for the “urban village” type of development suggested in the *Clarendon Sector Plan*. Therefore, although outdoor displays are not generally permitted, in the

setback or in sidewalk easements, staff is recommending approval of this one. Staff has worked with the Applicant to define the appearance and use of the proposed outdoor displays and has proposed a new condition (Condition #85) addressing the limitations of these outdoor displays. Currently a portion of the North Highland Street sidewalk proposed to be used for outdoor displays is subject to an easement for sidewalk and utilities purposes. Staff recommends that the County Board permit the applicant to use a portion of this area for temporary displays of merchandise, subject to proposed condition #85. In addition, as discussed below, a modification to Section 31.A.4 of the Zoning Ordinance is required to permit this display within the building setback.

These outdoor displays will consist of common grocery store merchandise (seasonal items, flowers, etc.) that will be located no further than three-and-one-half (3.5) feet from the face of the building that is furthest from the curb, and will be no taller than five (5) feet. In addition, these outdoor displays will only be permitted on a temporary basis during operational hours of the grocery store and will, at all times, maintain an eight (8) foot clear zone on the North Highland Street sidewalk in a manner similar to outdoor cafes. Though outdoor display of merchandise for sale is not typically permitted within the building setback, staff believes that this use will activate the North Highland Street sidewalk and will assist in attracting customers to the grocery store from the Clarendon Metro station, which is located across Clarendon Boulevard from the South Block. Outdoor displays are a recommended use in the *Clarendon Sector Plan* within the Café and Shy Zone, as they provide interest to the streetscape without disrupting circulation. Furthermore, the Policy for Grocery Stores supports modifications of policies for the purpose of attracting and retaining grocery stores. In addition, unlike many grocery stores, which have a privately owned area and a parking lot located between the building and the public sidewalk allowing such displays of merchandise, this proposed grocery store will be located in a building that fronts directly on the public sidewalk, thus contributing to the “urban village” type of development called for in the *Clarendon Sector Plan*. Therefore, staff is not opposed to this proposed temporary use of the North Highland Street sidewalk at this location. Its recommendation is limited to these circumstances. Staff recommends that the County Board approve the use of a small portion of the public sidewalk and utilities easement as well as the modification of regulations to permit outdoor displays of merchandise in the building setback.

Loading Dock Hours of Operation

The South Block building was designed and constructed with two loading dock bays on the south side of the building with access from 11th Street North. The permitted hours of operation for the loading dock as initially approved, and with the exception of use by moving vans, are 8 a.m. – 6 p.m., seven (7) days a week. However, Condition #37, as previously approved, allows the Zoning Administrator the ability to administratively change loading hours to accommodate earlier loading hours should a tenant’s business require such. The Applicant has proposed a revision to Condition #37 regarding the permitted hours of operation of the loading dock that would accommodate the proposed grocery store tenant only. As the intended grocery store tenant is accustomed to modestly sized-stores, such as the approximately 12,000 square foot store proposed at the subject site, they typically receive deliveries at the loading dock prior to opening and closing of the grocery store and throughout the day on an as needed basis. Since the amount of storage space (approximately 2,000 square feet) is relatively small, the grocery store

will need to be able to accept multiple deliveries each day from different vendors to adequately supply the store's required inventory. Typical large-format grocery stores (45,000 to 60,000 s.f.) such as Harris Teeter and Giant, have more restrictive loading hours of operation, though the larger size of their storage space typically accounts for the reduced loading hours of operation, as they are able to store perishable items and other goods overnight before stocking their shelves prior to the store's opening in the morning.

Considering the limited storage space of the proposed grocery store, the Applicant has requested a revision to Condition #37 to permit expanded hours of operation of the loading dock that would apply only to the grocery store tenant. Initially, the Applicant proposed that the grocery store's hours of operation for the loading dock be expanded to 5 a.m. – 11 p.m., seven (7) days a week. Staff expressed concerns that these hours were too broad and may provide an adverse impact to the tenants located within the South Block's residential building. In response to staff's concerns, the Applicant has revised their request to modify the hours of operation for the loading dock to 6 a.m. – 10 p.m., seven (7) days a week. Considering the location of the Clarendon Center development within an area that includes many restaurants with nightly live entertainment and the limitation on the expanded hours to only the grocery store, staff is agreeable to these hours of operation of the loading dock subject to certain mitigation measures. Enactment of these mitigation measures (loading dock community liaison, notification to prospective residential tenants, and permanent signs displaying the permitted loading dock hours of operation within the residential building and loading dock) will provide proper notification to tenants of the residential building and will, in combination with other existing loading dock mitigation measures, reduce the probability of any adverse impact that may result from the grocery store's use of the loading dock between the hours of 6 a.m. and 10 p.m.

Building Transparency

The approved site plan conditions require that ground floor retail uses be designed with transparent storefronts to activate the streetscape through display of activity within the retail establishments. The Applicant proposes to install two (2) elevators in the southernmost retail bay along the South Block building's North Highland Street frontage to facilitate access from the garage to the grocery store. Initially, the Applicant proposed to amend Condition #31 to allow a spandrel glass façade for this retail bay only, which would block the view of the elevators from the adjacent streetscape. Staff expressed concern that this could deactivate the streetscape by providing an unattractive and inhospitable façade for this single retail bay. The Applicant has revised their proposal and now seeks to amend Condition #31 to permit the installation of a display case containing artwork or merchandise behind a transparent glass facade for this retail bay. All of the other grocery store's retail bays along North Highland Street will maintain the transparency requirement of Condition #31 as originally approved, and will permit views of retail activities within the grocery store from the adjacent sidewalk.

Modifications of Use: The following Zoning Ordinance regulation modifications are requested with this application:

Parking Ratio

The following table depicts the parking ratio as initially approved and as proposed, which includes revisions to use and parking allocations as approved by multiple Administrative Changes:

	Approved	Proposed
Residential	1 space/unit	1 space/unit
Office	1 space/577 s.f.	1 space/584 s.f.
Retail	1 space/576 s.f.	1 space/623 s.f.

As previously discussed, staff is not opposed to the reduction in parking spaces that is attributable to providing cart corrals and two (2) elevators that will provide access between the grocery store and the G-1 and G-2 levels of the South Block garage. Mitigation measures are required by the site plan conditions that will assist in ensuring that the South Block garage operates in an efficient manner regardless of this parking reduction.

Compact Parking Ratio

As initially approved, the North Block and South Block garages were to consist of a maximum of 89 compact parking spaces, which was 14.8% of the total number of parking spaces (600). With the Applicant's proposed modifications to the South Block parking garage, which includes the reduction of seven (7) parking spaces, the resulting number of compact parking spaces will be 91, which is 15.3% of the total number of parking spaces (593). Section 33.A.7 of the Zoning Ordinance permits a maximum compact ratio of 15%, which is echoed by Condition #39. Therefore, in order to support a compact parking ratio in excess of 15%, a modification of this use requirement is necessary. As the increase in the number of compact parking spaces will not adversely affect the operation of the garage, staff supports approval of this modification.

Outdoor Display of Merchandise

As previously discussed, the Applicant proposes to allow the grocery store tenant permission to display merchandise for sale adjacent to the South Block on the North Highland Street sidewalk. A public sidewalk and utility easement encumbers a portion of this sidewalk; therefore, the County Board must take action to permit temporary use of the public easement for this purpose. In addition, the Zoning Ordinance does not explicitly permit outdoor displays in the "C-O" District. In order to permit this use within the building setback adjacent to the North Highland Street sidewalk, a modification of Section 31.A.4 of the Zoning Ordinance is required, which states:

"Merchandise in Setbacks: No merchandise shall be displayed nor business conducted between the back of the curb and the building setback line unless directly associated with kiosk operations and located within the kiosk or within two (2) feet from the exterior wall of the kiosk."

The outdoor displays will be located on public property subject to approval of a modification of Section 31.A.4 of the Zoning Ordinance and as regulated by Condition #85. As this temporary use within the building setback and on a portion of the public sidewalk will help to support the grocery store and activate the North Highland Street sidewalk, staff is in support of this requested use modification and subject to the limitations contained within Condition #85.

Community Process: The subject application was reviewed at the following public meeting:

Transportation Commission: On October 7, 2010, this request was presented to the Transportation Commission as an information item. The Transportation Commission was generally supportive of the request and raised issues related to the operation of the South Block parking garage, which have been incorporated into the site plan conditions where applicable.

Community Meetings: The Applicant will be presenting this site plan amendment request to the Lyon Village Citizen's Association on November 8, 2010 and the Lyon Park Citizen's Association on November 10, 2010.

CONCLUSION: The Applicant proposes to lease approximately 12,000 square feet of space within the South Block of the Clarendon Center development to Trader Joe's for the operation of a grocery store. To support this grocery store tenant, the Applicant requests that certain site plan conditions be amended to support the attraction and retention of this grocery store and facilitate its operation. The County's Policy on Grocery Stores provides guidance to be used in the evaluation of proposals to locate grocery stores within the County. Because grocery stores are a necessary and desirable commodity in urban environments such as Clarendon, and considering their unique operating characteristics, this Policy supports the modification of other County policies in order to accomplish the establishment of new grocery stores within the County. In addition, the grocery store at this location and in this configuration will further the County's goal of transforming Clarendon into a walkable "urban village". The close proximity of the proposed grocery store to the Clarendon Metro station, and the development's highly accessible location in Clarendon, makes this an ideal location for a new grocery store. Though the County's *Master Transportation Plan* discourages assigned parking spaces, staff believes that the mitigation measures required by the site plan conditions will ensure that the South Block's parking garage will operate in a functional manner while providing a significant number of shared spaces for use by the general public. Therefore, staff recommends that the Applicant's request to amend Site Plan #397 be approved subject to approval of the requested modifications of use for parking ratio, compact parking ratio and outdoor display of merchandise within the building setback, and subject to all previously approved conditions, as well as amendments to certain conditions and the addition of new conditions as follows:

Conditions

1. **Site Plan Term**

The developer (as used in these conditions, the term developer shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated June 10, 2006 and reviewed and approved by the County Board and made a part of

the public record on June ~~13~~¹⁴, 2006 and November 16, 2010 including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

This site plan approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this site plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee.

18. The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager on the final site development and landscape plan and final engineering plan, in accordance with the Rosslyn-Ballston Streetscape Standards or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The sidewalk treatments shall continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The sidewalk sections and street tree species shall be as follows, or as otherwise determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, which may include minor building undulations as shown on the plans dated June 10, 2006:

Wilson Boulevard: A minimum 17-foot wide sidewalk, except in front of existing buildings, measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Willow Oak street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (80 inches back

from the back curb. The sidewalk shall at a minimum have a ten-foot clear sidewalk zone free from obstructions.

Clarendon Boulevard, North Side: A minimum 16-foot sidewalk, except in front of existing buildings, measured from the back of curb, including 5-foot by 12-foot tree pits, except as shown on plans dated June 10, 2006 indicating 5-foot by 5-foot tree pits, planted with 4 to 4½ inch caliper Willow Oak street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a ten-foot clear sidewalk zone free from obstructions.

Clarendon Boulevard, South Side: A minimum 20-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ caliper Willow Oak street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a ten-foot clear sidewalk zone free from obstructions.

Highland Street, North Block: A minimum 13-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Zelkova street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a eight-foot clear sidewalk zone free from obstructions.

Highland Street, South Block: A minimum 16-foot wide sidewalk, except in front of existing buildings, measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Zelkova street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have a ten-foot clear sidewalk zone free from obstructions with the exception of the temporary outdoor display of merchandise by the grocery store tenant as permitted subject to Condition #85 and outdoor café seating as permitted subject to Condition #65, which shall both require an eight (8) foot wide clear sidewalk zone free of obstructions.

Garfield Street, North Block: A minimum 22-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Zelkova street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have an eight-foot clear sidewalk zone free from obstructions.

Garfield Street, South Block: A minimum 18-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Zelkova street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have an eight-foot clear sidewalk zone free from obstructions.

11th Street North: A minimum 15-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4 to 4½ inch caliper Willow Oak street trees and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back curb. The sidewalk shall at a minimum have an eight-foot clear sidewalk zone free from obstructions.

31. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior (courtyard) elevations, and material samples, for review by the County Manager for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

The developer agrees that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefronts that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. “Transparency” shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

If, and at all times when, the elevators are installed in the southernmost portion of the grocery store in the South Block, the developer agrees to install a display case behind a transparent storefront at the southernmost retail bay along the South Block’s North Highland Street frontage to shield the elevators within the grocery store from public view. The display case shall include artwork or merchandise and shall be rotated, at a

minimum, on a quarterly basis. The developer further agrees to obtain the approval of the County Manager or her designee of the facade treatment of the grocery store prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block. The provisions of Condition #85 allowing temporary outdoor displays of merchandise along the North Highland Street sidewalk adjacent to the South Block shall not relieve the developer from complying with the requirements of this condition.

37. The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width (including entrances), 30 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall be as shown on the plans dated June 10, 2006. All loading docks shall contain roll-down doors. Use of the loading dock for deliveries (not including deliveries to the grocery store permitted by site plan amendment in the South Block as regulated below) or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures. If any tenant (excluding the grocery store), as suggested by the retail attraction and marketing plan specified in Condition #62, demonstrates the need, based on the nature of the tenant's business, for earlier deliveries, for example of baked goods or other perishable items, to accommodate morning patrons, the hours may be administratively changed, for that tenant's deliveries only, by the Zoning Administrator through an Administrative Change Request and the developer agrees to provide notification to the tenants of the building. However, the Zoning Administrator shall not approve any deliveries to occur earlier than two hours prior to the opening of the tenant's business.

The developer agrees that the loading dock hours of operation for deliveries to the grocery store (not including trash pick-ups as regulated above) in the South Block shall be limited to the hours of 6 a.m. – 10 p.m., seven (7) days a week. The developer agrees that, should the grocery store cease to operate at that location, these extended hours for the loading dock will no longer be permitted. The developer further agrees to provide written notification to each prospective residential tenant of the loading dock hours of operation. In addition, the developer agrees to post the loading dock hours of operation in a publicly noticeable area in the residential building and to install permanent signs in the loading dock displaying the permitted hours of operation of the loading dock in accordance with the requirements of this Condition #37. The developer also agrees to provide the contact information for a loading dock liaison to the Zoning Administrator, Clarendon-Courthouse Civic Association, Lyon Park Citizens Association and the Lyon Village Citizens Association prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block.

40. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to office, residential and retail areas on the following basis at a minimum:

Office and Residential Bicycle Storage Facilities:

One (1) employee bicycle parking space for every 7,500 square feet, or portion thereof, of new office floor area and one (1) additional such visitor space for every 20,000 square feet, or portion thereof, of new office floor area.

One (1) resident bicycle parking space for every three (3) residential units, or portion thereof, of residential units and one (1) visitor space for every 50 residential units, or portion thereof, of residential units.

Employee and resident bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress. The facilities for office users and resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Visitor parking must be located within 50 feet of the primary building entrance. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit. Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.

In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all tenants of the building. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County Police Department before issuance of the Footing to Grade Structure Permit. The developer agrees that an exercise/health facility containing a maximum of 1,000 square feet shall not count as density (FAR) but shall count as GFA if this facility meets all of the following criteria: 1). The facility shall be located in the interior of the building and shall not add to the bulk or height of the project; 2). Showers and clothes lockers shall be provided as required above; 3). The lockers shall be installed adjacent to the showers in a safe and secured area within the exercise facility and both showers and lockers shall be accessible to all tenants of the project; 4). The exercise facility shall be open only to tenants of the project and shall not accept or solicit memberships from outside of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.

Retail Bicycle Storage Facilities:

Two (2) retail visitor/customer bicycle parking spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of new retail floor area; one (1) additional

retail visitor/customer space for every 12,500 square feet, or portion thereof, of additional new retail floor area; and one (1) additional retail employee space for every 25,000 square feet, or portion thereof, of retail floor area. The retail visitor/customer bicycle spaces shall be installed at exterior locations that are convenient to the retail visitors/customers, and such locations shall be reviewed by the Division of Transportation. The developer agrees to obtain approval of the location, design and details of the retail visitor/customer bicycle spaces as part of the final site development and landscape plan. Facilities for retail visitors/customers must meet the County standards for bicycle racks, and be located close to retail visitor/customer entrances or the closest retail vehicle parking spaces.

In the event that the developer executes a lease for a grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block, prior to the issuance of the final Certificate of Occupancy for a grocery store in the South Block, the developer agrees to the following:

- Submit, and obtain approval of, an Administrative Change request to revise the approved final landscape plan to permit the installation of a minimum of four (4) and up to a maximum of eight (8) additional visitor bike parking spaces on the North Highland Street sidewalk adjacent to the grocery store in the South Block or at a location determined by the County Manager or her designee. Installation of the additional bike parking spaces shall occur within sixty (60) days of approval of the Administrative Change request. If the County Manager or her designee determines that new bike spaces can't be constructed without adversely impacting the streetscape, the County Manager or her designee may relieve the developer of this obligation.
- Permit shared use of the G-1 level of the South Block's Class I bike parking spaces by office and grocery store employees, as well as the shared use of ten (10) Class I bike parking spaces on the G-2 level of the South Block garage by office and grocery store employees.

48. The Transportation Management Plan (TMP) shall include a schedule and details of implementation and continued operation of the elements in the plan. In the event that the developer executes a lease for the grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block, the developer agrees to submit to the Zoning Administrator, for review and approval by the County Manager or her designee, an amendment to the TMP reflecting changes to the TMP approved by the County Board on November 16, 2010 prior to the issuance of the Certificate of Occupancy for the grocery store tenant. ~~The TMP Transportation Management Plan~~ shall include, but not be limited to, the following strategies

Participation and Funding

- a. Maintain an active membership in Arlington Transportation Partners (ATP), or successor entity at no cost to the developer, on behalf of the property management company.

- b. Designate a member(s) of the building management team as Property Transportation Coordinator who will be the primary point of contact and will be responsible for coordinating and completing TDM obligations on behalf of the Applicant. The owner will provide the name of the Property Transportation Coordinator to the Commuter Assistance Program.
- c. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, contribute \$5,000.00 per year per new building (three buildings) for ten (10) years to the Arlington County Commuter Services (ACCS) to sustain direct and indirect on-site and off-site services in support of TMP activities. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first tenant in each completed building. Subsequent payments will be made each year on the anniversary of the issuance of the first certificate of occupancy.
- d. Promote the formation of Employer Transportation Benefit Programs among tenants of the new commercial buildings. Provide for a sustainable fare incentive program with building tenant employers to provide the following:

Upon first occupancy of the building provide a transit benefit incentive of at least \$65.00 per month for each office tenant employee and on-site property management employee who chooses to participate for a six (6) month period to encourage formation of transit-oriented community habits, provided that the tenant has set up a pre-tax employee transit benefit program.

Provide SmarTrip cards; at initial lease up only, plus \$100 fare media per person, for free, one time, to grocery store employees, distributed no later than their first day of work.

Facilities and Improvements

- e. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, van access to the garage, and construction worker parking.
- f. During construction, maintain or coordinate relocation of existing bus stops.
- g. Maintain at least one on-site business center (including at a minimum, access to copier, fax and internet services), which shall be made available to support residents of the building who choose to work from home.

Parking Management Plan

- h. Comply with requirement of Site Plan conditions to develop a parking management plan that includes a description of employee, visitor and retail customer parking arrangements and charges; management of parking; and location of on-site parking meters and collection booths.

- i. Provide reserved spaces for employee carpoolers and vanpoolers that are conveniently located with respect to the elevators serving the building. If requested by the County Manager, provide one space for a car sharing vehicle which can be provided in either garage.
- j. Establish monthly parking rates for single occupant vehicles (SOV) consistent with comparable office buildings located in the Arlington County development corridors.
- k. In the event that the developer executes a lease for a grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block and such grocery store tenant provides a parking space subsidy to specific employees, a parking cash-out option shall be offered to those same employees. The parking cash-out option must offer a cash allowance in lieu of, and equal to a parking space subsidy, to those employees willing to reduce vehicle commute trips and emissions by taking transit, biking, walking or carpooling to work. Provide registered vanpools with free parking.
- l. Provide registered carpools (with three or more occupants) with a parking subsidy equal to one-half the single-occupant vehicle monthly parking rate. Subsidize parking for registered vanpools and carpools as follows:
 - Free parking to registered vanpools; and
 - Discount of 1/2 of the total monthly parking rate to registered carpools of three or more occupants.
- m. Depict, as part of the parking management plan, an area parking plan encompassing all block faces around the site. This plan will include a schematic drawing that designates proposed locations for a 2-space taxi stand, an accessible paratransit pick-up/drop-off location, bus stops, loading zones for delivery vehicles, and on-street parking spaces. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
- n. Provide effective directional signage subject to approval of a Comprehensive Sign Plan (parking, deliveries, taxi stand, etc.) to direct residents, employees, and visitors to appropriate locations on the property.
- o. No on-street loading will be permitted between the hours of 7 a.m. and 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday on Clarendon Boulevard, Wilson Boulevard, Highland Street, and Garfield Street.
- p. Depict, as part of the parking management plan, all parking spaces to be reserved for use by customers of the grocery store in the South Block.

- q. Provide effective directional signs (not a dynamic sign system) within the parking garage to direct residents, employees and visitors (reserved and unreserved) to their appropriate parking areas.

Promotions, Services, Policies

- r. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the developer and property manager’s websites regarding this development.
- s. Provide SmarTrip cards, during first time lease-up only, at a maximum cost to the developer of \$5.00 per card, per person, for free to tenants signing leases. Provide SmarTrip cards, at a maximum cost to the developer of \$5.00 per card, per person, for free to new on-site employees of the property management company.
- t. Provide in the lobby of each building a Transportation Kiosk, and a transportation information board within an employee common area of the grocery store in the South Block, the content/design/location of which shall be approved by the ~~developer~~ County Manager or her designee. The kiosk and transportation information board may include a static display with printed materials and/or a dynamic display with direct electronic link to CommuterPage.com™ to provide transportation and commuter-related information to residents, employees and visitors. Transportation-related materials contained within the Transportation Kiosk and/or transportation information display within the grocery store shall be stocked with appropriate transportation materials at all times.
- u. Provide marketing support to encourage ridesharing:
- Provide access to building or grounds at times acceptable to the developer to allow ATP and MWCOG’s Commuter Connections to promote group riding among tenants of the building, by means acceptable to the developer.
 - Distribute rideshare marketing materials provided by Arlington County to all new employees of the owner and tenant office managers, as well as to the new employees of the grocery store in the South Block.
 - Following lease up, encourage tenants to display posters, brochures, etc. in common work areas
- v. Following lease up, encourage new tenants and employers to, and require that the grocery store employer, inform all new employees of the existence of the nearby Clarendon Metro station, and encourage all employees to use Metrorail, Metrobus or Arlington Transit services through the following means:
- Distribute in new-tenant and new-resident packages, materials provided by Arlington County including site-specific transit-related information to all persons or entities signing leases.
 - Place a reference to the Clarendon Metro Station in promotional materials and advertisements.
 - Distribute information provided by Arlington County, ACCS, or Commuter Connections to tenant office and retail managers for their use

as part of recruiting and employment materials regarding commute options and assistance services available.

- Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotions in locations within the building acceptable to the developer.
 - Distribute information and promotional materials provided by Arlington County, ACCS, or Commuter Connections, at times and by means acceptable to the developer, for transit services to tenant office and retail managers and to residents.
 - Coordinate with ATP to conduct an annual promotion, at the developer's expense, encouraging retail customers and employees to walk, bike and take transit to these retail establishments.
 - Coordinate with ATP to certify the grocery store in the South Block as a Bike Friendly Business with the League of American Bicyclists.
- w. Following lease up, encourage building tenants to offer variable/flexible work hours to their employees in order to spread peak period transportation demands.
- x. Appropriately train management personnel to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site. Provide access to a phone in each building lobby to call a local taxi company.
- y. Submit an annual letter, which may be of an on-line, or email variety, to the County Manager describing, completely and correctly, the TDM-related activities employed on the site for the preceding year.
- z. Conduct one transportation performance monitoring study for the site two years after issuance of the first Certificate of Occupancy. Provide a report summarizing findings to the County. All data collection for this study must occur on the same day and include average vehicle occupancy, daily vehicle trips to and from the site, and parking availability by time of day for the site.
49. The intent of this condition is to ensure that at least one parking space is available in perpetuity for parking use by each residential unit in the project. Accordingly, the developer agrees to offer the use, for rental units, and the purchase or use for condominium units, of at least one parking space for each dwelling unit.

Further, for condominium units, the developer agrees to notify the Zoning Administrator at the time of the settlement of the last dwelling unit. If excess parking spaces are available at the time of settlement of the last dwelling unit, the number of excess parking spaces equaling the number of dwelling units which were sold without a parking space, shall first be offered exclusively for a period of twelve (12) months to the owners of those dwelling units which were sold without a parking space. Any other remaining spaces shall be offered to all dwelling unit owners or transferred to the condominium, cooperative or homeowners association. By the end of twenty four (24) months

following the settlement of the last dwelling unit, the developer agrees to relinquish in writing to the condominium, cooperative or homeowners association any and all remaining interest in the parking spaces or garage and a copy shall be filed with the Zoning Administrator. The future purchase of any parking spaces shall be limited to the dwelling unit owners or condominium, cooperative or homeowners association of the building.

For both rental and condominium buildings, the use of the parking spaces shall be limited to parking use by the residents of the building and their guests, unless otherwise permitted by the Zoning Ordinance, and shall not be converted to storage or other use without approval of a site plan amendment.

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how guest and visitor parking for the residential building, and parking for retail tenants' employees and customers for retail located in the residential buildings, will be provided, where the parking will be located and how guests and visitors, and retail employees and customers, will be directed to the parking spaces. The developer further agrees to make a minimum of sixty-two (62) parking spaces all of the G-1 level of the South Block ~~parking garage~~ parking spaces available for the public. ~~available within the South Block garage.~~ The parking management plan, containing elements as described in Condition #64, shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager or his designee, prior to the issuance of the first Certificate of Occupancy for the first residential building. Additionally, in the event that the developer executes a lease for a grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block, the developer agrees to submit to the Zoning Administrator an amendment to the parking management plan for review and approval by the County Manager or her designee, prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block to reflect revisions associated with reserved parking spaces, permitted pursuant to Condition #64, and directional signage within the G-1 and G-2 levels of the South Block garage. The developer agrees to submit a copy of the approved plan to a representative of the Clarendon Alliance, the Clarendon-Courthouse Civic Association, the Lyon Park Citizens Association and the Lyon Village Citizens Association.

64. The developer agrees to provide public parking in the garage as detailed below:
- a. The developer agrees to make all parking in the G-1 level of the South Block garage available to the public for parking, as short-term parking at market rate, from 7 a.m. to the close of neighborhood retail businesses within a five block radius of the South Block but shall not be required to remain open later than 3:00 a.m.

Further, the developer also agrees that the G-2 level of the South Block garage shall accommodate spaces, available to the public for parking, after standard office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays until 12:00 a.m. (midnight) or until the close of business of retail operations, whichever is later), ~~except: any time the G-1 level of the parking garage is not~~

~~being fully utilized; during the initial lease up of the office space in the project; and when utilization of the G-2 level by the public would adversely affect existing and future garage/tenant operations.~~

- b. In the event that the developer executes a lease with a grocery store to occupy greater than 10,000 square feet in the South Block, and following issuance of the initial Certificate of Occupancy for such a grocery store in the South Block, the developer may reserve parking spaces in the South Block garage as follows:
- Up to thirty-one (31) parking spaces on the G-1 level of the parking garage of the South Block for the sole use by grocery store customers from 7 a.m. to the close of the grocery store in the South Block, and
 - Up to thirty-nine (39) parking spaces on the G-2 level of the parking garage of the South Block may be reserved for the sole use by grocery store customers after standard office hours (weekday evenings after 5 p.m., weekends, and all legal holidays) until the close of the grocery store in the South Block.
 - The remainder of the parking spaces on the G-2 level of the parking garage of the South Block will be made available to the public for parking weekdays after 5 p.m., weekends, and all legal holidays until 12 a.m. (midnight) or until the close of business of retail operations, whichever is later.
- c. The developer further agrees that in the event that a grocery store in the South Block vacates its leasable space for a period in excess of six (6) months (except where issues such as casualty cause the extended vacancy), the reserved parking spaces on the G-1 and G-2 levels of the South Block parking garage shall be provided to the public on an unreserved basis as described in Condition 64.a above, unless or until the developer executes a new lease with a grocery store tenant who elects to reinstate the reserved parking described in Condition 64.b above.
- d. In addition, the developer agrees to make space in the North Block garage on weekends and evenings available to retailers for use by the public at market rates on a valet basis if demand warrants and is economically feasible. The developer agrees to submit and obtain approval from the Zoning Administrator for any valet parking plan. Such plan shall include, at a minimum, the location of the drop-off, pick-up and circulation patterns to the garage. The developer agrees that no public on-street parking spaces shall be used for the drop-off and pick-up locations unless otherwise approved by the County Manager when he finds that from a comprehensive review of valet parking staging areas in the Clarendon area, that such drop-off and pick-up locations, together with other valet parking, will not adversely affect traffic in the area.

85. Outdoor Displays

The developer agrees that outdoor display of merchandise as approved by the County Board on November 16, 2010, by site plan amendment, for the grocery store in the South Block, shall be permitted on a temporary basis within the North Highland Street building

setback and within a portion of the sidewalk, as shown on the attached outdoor display exhibit, only if they comply with all of the following limitations:

- Outdoor displays of merchandise in the building setback and/or in the sidewalk and utilities easement are permitted only for a period of one year, and then shall be permitted subject to approval by the County Manager if she determines that the subject portion of the sidewalk and utilities easement is not then needed for purposes other than outdoor display for the grocery store. Following County Manager approval of these outdoor displays, the County Manager shall review such outdoor displays of merchandise on an annual basis or at any time after one year from the commencement of such outdoor displays along the North Highland Street sidewalk. If at any time the County Manager determines that: the outdoor displays of merchandise within the building setback is having an undue adverse impact on public pedestrian or vehicular travel along North Highland Street or on the travelling public or the neighborhood; or that the County needs its sidewalk and utilities easement for any purpose; then the County Manager may revoke or suspend the permission to use such sidewalk easement area. Use of the portion of the sidewalk and utilities easement is permission only and shall not be deemed or interpreted to grant to the developer or others any interest in real property.
- The developer agrees that, prior to placement of any outdoor displays in the setback, the developer shall provide evidence to the County Manager that the developer has in full force and effect a public liability and property damage insurance policy, in an amount and type deemed sufficient by the County Manager to protect the County's and the public's interest in the sidewalk and utilities easement, which names the County, its elected and appointed officials, officers and employees as additional insureds, from claims for personal injury or death and damages to property resulting from the temporary use of the public sidewalk for temporary outdoor display of merchandise. The developer agrees to maintain such insurance at all times that such outdoor displays are provided by the grocery store tenant.
- Outdoor displays of merchandise shall be limited to those items offered for sale within the grocery store;
- Outdoor displays of merchandise shall extend no further than three-and-one-half (3.5) feet from the face of the South Block building along North Highland Street that is furthest from the back of curb, and shall not encroach upon the eight (8) foot wide clear zone of the North Highland Street sidewalk;
- Outdoor displays of merchandise including without limitation, furniture and the merchandise placed thereon, shall be no taller than five (5) feet as measured from the North Highland Street sidewalk;
- No portion of the outdoor displays shall be permanent, or affixed in any manner, to the South Block building or the sidewalk;
- No signs shall be permitted as, or attached to, any part of the outdoor displays; and
- Outdoor displays of merchandise shall be permitted only on the North Highland Street sidewalk during operational hours of the grocery store. All displays, including without limitation, furniture and the merchandise placed thereon or on

the sidewalk surface shall be removed in their entirety from the sidewalk area at or before store closing each day.

86. Stair Access

The developer agrees to diligently pursue permission from the Inspections Services Division (ISD) for purposes of allowing use of an emergency access stairwell for purposes of providing pedestrian access to and from the G-1 and G-2 levels of the South Block parking garage into the grocery store in the South Block. The developer further agrees that should permission not be granted to the developer to use the emergency access stairwell for access to and from the grocery store in the South Block prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block, that written documentation shall be provided to the Zoning Administrator detailing such failed attempts to acquire this approval, at which time the Zoning Administrator shall acknowledge acceptance of sufficient documentation, which acknowledgement will relieve the developer of the requirements of this condition. In addition, the developer agrees that, should permission be granted to use the emergency access stairwell for purposes of providing pedestrian access to and from the G-1 and G-2 levels of the parking garage into the grocery store in the South Block prior to issuance of the first Certificate of Occupancy for the grocery store in the South Block, an entrance shall be provided on the south wall of the grocery store in the vicinity of the elevators permitting such pedestrian access.

87. Parking Utilization

In the event that the developer executes a lease with a grocery store tenant to occupy greater than 10,000 square feet with reserved parking in the South Block, the developer agrees to provide an attendant in the South Block garage whose responsibilities do not include collecting exit fares, but do include directing customer traffic on the G-1 and G-2 levels of the South Block garage during the hours of 4 p.m. – 8 p.m. weekdays. Further, the developer agrees to provide to the Zoning Administrator, and to obtain the review and approval from the County Manager or her designee of, parking utilization studies of the public parking spaces and the parking spaces reserved for the grocery store on the G-1 and G-2 levels of the South Block parking garage six (6) months following issuance of the first Certificate of Occupancy for the grocery store in the South Block and annually thereafter for the first two (2) years of the grocery store's tenancy in the South Block. In addition, during the annual review and approval of the parking utilization study or upon submission of an Administrative Change request, the County Manager or her designee may reduce the hours of or necessity for the on-site attendant as required above. The developer further agrees to include these provisions in the amendment to the Parking Management Plan required by Condition #49.

	all previous conditions with the elimination of customer dancing and a review in three years.
February 10, 1990	Continued U-2615-89-1 to permit a food delivery service at 3014 Wilson Boulevard with amended conditions #1 and #2 and deletion of #3 and a review in three months.
May 22, 1990	Continued U-2615-89-1 to permit a food delivery service at 3014 Wilson Boulevard subject to all previous conditions with a review in one year.
June 4, 1991	Discontinued U-2615-89-1 for food delivery service at 3014 Wilson Boulevard.
April 3, 1993	Continued U-2506-86-1 to permit live entertainment at 3012 Wilson Boulevard subject to all previous conditions and one new condition regarding the noise ordinance and a review in five years.
September 18, 1999	Approved a use permit U-2968-99-1 to permit outdoor seating with 14 seats at 3028 Wilson Boulevard subject to conditions and a review in one year.
September 9, 2000	Continued U-2968-99-1 to permit outdoor seating with 14 seats at 3028 Wilson Boulevard subject to all previous conditions and a review in three years.
September 13, 2003	Continued U-2968-99-1 to permit outdoor seating with 14 seats at 3028 Wilson Boulevard subject to all previous conditions, one revised condition for the placement of the seating and a review in September 2008.
February 7, 2004	Deferred Z-2501-03-1 (rezoning) and SP #372 (site plan) for a period of three months to the May 15, 2004 County Board meeting.
May 15, 2004	Deferred Z-2501-03-1 (rezoning) and SP #372 (site plan) to the July 10, 2004 County Board meeting.
July 14, 2004	Denied Z-2501-03-1 Rezoning from C-3” General Commercial Districts to “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling

Districts and SP #372 Site Plan for approximately 279 dwelling units, approximately 156,689 square feet of retail, modifications of use regulations for building setbacks, parking, width of parking aisle, density, coverage, storage, mechanical systems within units and ducts to roof exemptions from FAR, and loading dock length

May 20, 2006

Deferred Rezoning Z-2525-06-1 from “C-3” General Commercial Districts to “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts and Site Plan SP #397 to permit approximately 244 dwelling units, 221,768 sq ft office and 60,527 sq ft retail, with modifications to use regulations for density, coverage, compact parking, tandem parking, and drive aisle width.

June 13, 2006

Approved Site Plan #397 to permit approximately 244 dwelling units, 220,919 sq ft of office, 61,380 sq ft retail with modification to use regulations for density, coverage, parking ratio, compact parking, tandem parking, and drive aisle width.

November 14, 2006

Enactment of Ordinance allowing the encroachment of an underground electric vault within the right-of-way of North Garfield St., immediately adjacent to lots 92, 93, 94 and 95, Lyon’s addition to Clarendon, block “F”, RPC Nos. 18-013-001 and 18-013-006, with conditions; and Enactment of Ordinance allowing the encroachment of an underground electric vault within the right-of-way of Wilson Blvd., immediately adjacent to Lot 9, Lyon’s addition to Clarendon, block “E”, RPC Nos. 18-012-001, with conditions.

February 26, 2008

Approved Site Plan Amendment to amend project phasing.

March 15, 2008

Approved Site Plan Amendment to permit permanent preservation easements on the Underwood Building and the Old Dominion Building, required to run to the benefit of the Northern Virginia Conservation Trust (NVCT), could also run to the benefit of another entity

identified and mutually acceptable to the landowners and the County Manager.

September 13, 2008

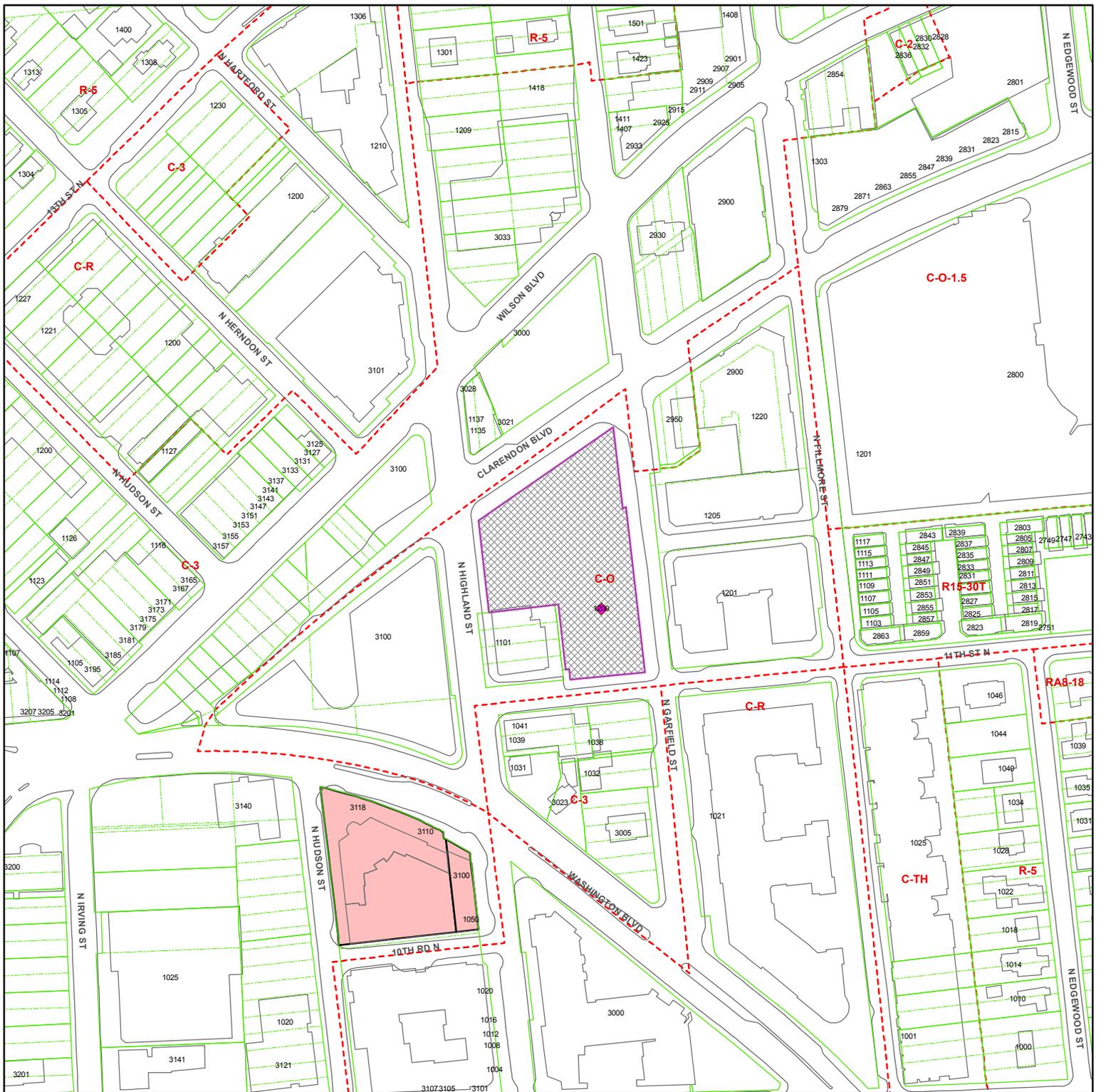
Approved a Site Plan Amendment to modify Condition #33 (plat of excavated area), and Condition #42 (wall check survey), and to amend Conditions #77 and #78 (permanent preservation easements).

May 22, 2010

Approved a Site Plan Amendment for a comprehensive sign plan.

September 25, 2010

Approved a Site Plan Amendment to modify Condition #65 (outdoor café seating) and Condition #71 (public access easements).



SP#397

1200 North Garfield Street/ 3030 Clarendon Boulevard

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.

ARLINGTON COUNTY, VIRGINIA POLICY FOR GROCERY STORES

It shall be the policy of Arlington County, Virginia, to support the retention and expansion of existing grocery facilities in Arlington, and to support the construction of new grocery facilities where feasible, appropriate, and in accordance with the County's general land use policies. Recognizing that different areas of the County and different residential and office populations may have differing grocery shopping requirements, County support and assistance will be equally available to independent operators and to major chains.

The Arlington County Board and the staff will seriously consider any reasonable proposal whose purpose is consistent with this policy. Interested parties are encouraged to bring forward suggestions for County action which would accomplish this purpose. Certain specific examples which are considered appropriate are as follows:

1. To seriously consider any reasonable suggestion for modification of County policies and regulations, (such as those pertaining to zoning, site plan, and parking standards) that would support the retention, expansion, or establishment of grocery stores.
2. To strongly encourage grocery operators and landlords to retain grocery stores as major tenants in existing shopping facilities, and to include grocery facilities in their new development projects.
3. To weigh, as part of any land use, zoning, or site plan decision, the impact of that decision on the community's grocery shopping needs.
4. To affirm the involvement of County staff in assisting grocery operators, the use of Arlington County Industrial Development Revenue Bond financing to support grocery store expansion and construction, (subject to the availability of funds) and the use of available financing programs of other agencies.
5. To support alternative approaches, whether publicly or privately initiated, for meeting the grocery shopping needs of special populations. Examples: Private home delivery, as offered by some independent grocers; transportation programs for the elderly and handicapped, etc.).

Clarendon Center
South Block - Level G1

Approved Parking Count:

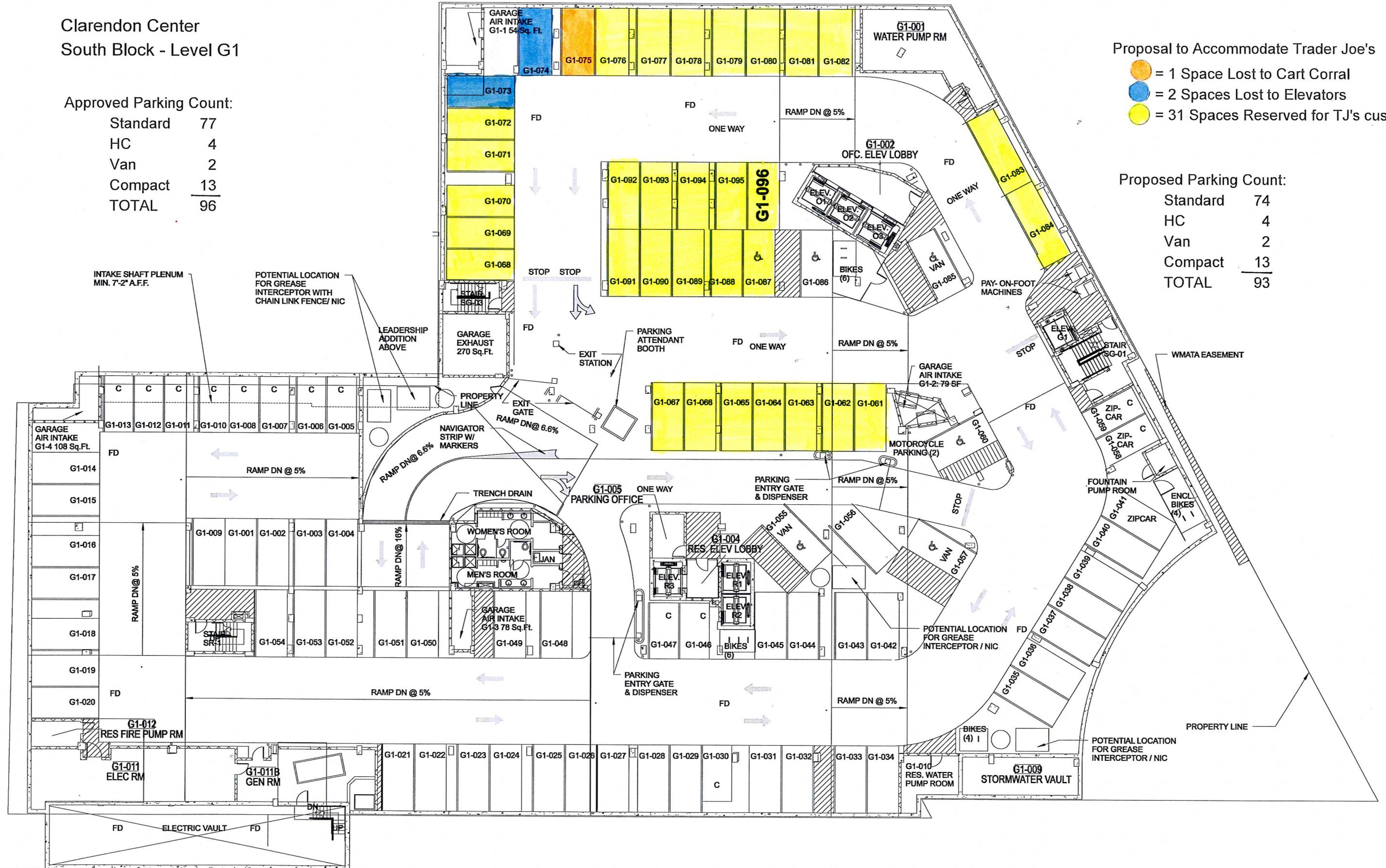
Standard	77
HC	4
Van	2
Compact	13
TOTAL	96

Proposal to Accommodate Trader Joe's

- = 1 Space Lost to Cart Corral
- = 2 Spaces Lost to Elevators
- = 31 Spaces Reserved for TJ's customers

Proposed Parking Count:

Standard	74
HC	4
Van	2
Compact	13
TOTAL	93



INTAKE SHAFT PLENUM
MIN. 7'-2" A.F.F.

POTENTIAL LOCATION
FOR GREASE
INTERCEPTOR WITH
CHAIN LINK FENCE/ NIC

LEADERSHIP
ADDITION
ABOVE

GARAGE
EXHAUST
270 Sq.Ft.

EXIT
STATION

PARKING
ATTENDANT
BOOTH

PARKING
OFFICE

PARKING
ENTRY GATE
& DISPENSER

PARKING
ENTRY GATE
& DISPENSER

POTENTIAL LOCATION
FOR GREASE
INTERCEPTOR / NIC

GARAGE
AIR INTAKE
G1-4 108 Sq.Ft.

GARAGE
AIR INTAKE
G1-1 54 Sq. Ft.

GARAGE
AIR INTAKE
G1-3 78 Sq.Ft.

GARAGE
AIR INTAKE
G1-2 79 SF

GARAGE
AIR INTAKE
G1-1 54 Sq. Ft.

RES FIRE PUMP RM

ELEC RM

GEN RM

RES WATER PUMP ROOM

STORMWATER VAULT

RES ELEV LOBBY

WOMEN'S ROOM

MEN'S ROOM

WATER PUMP RM

OFF. ELEV LOBBY

BIKES (6)

ZIP-CAR

ENCL. BIKES (4)

FOUNTAIN PUMP ROOM

WATER PUMP RM

Clarendon Center
South Block - Level G2

Approved Parking Count:

Standard	89
HC	4
Van	0
Compact	31
TOTAL	124

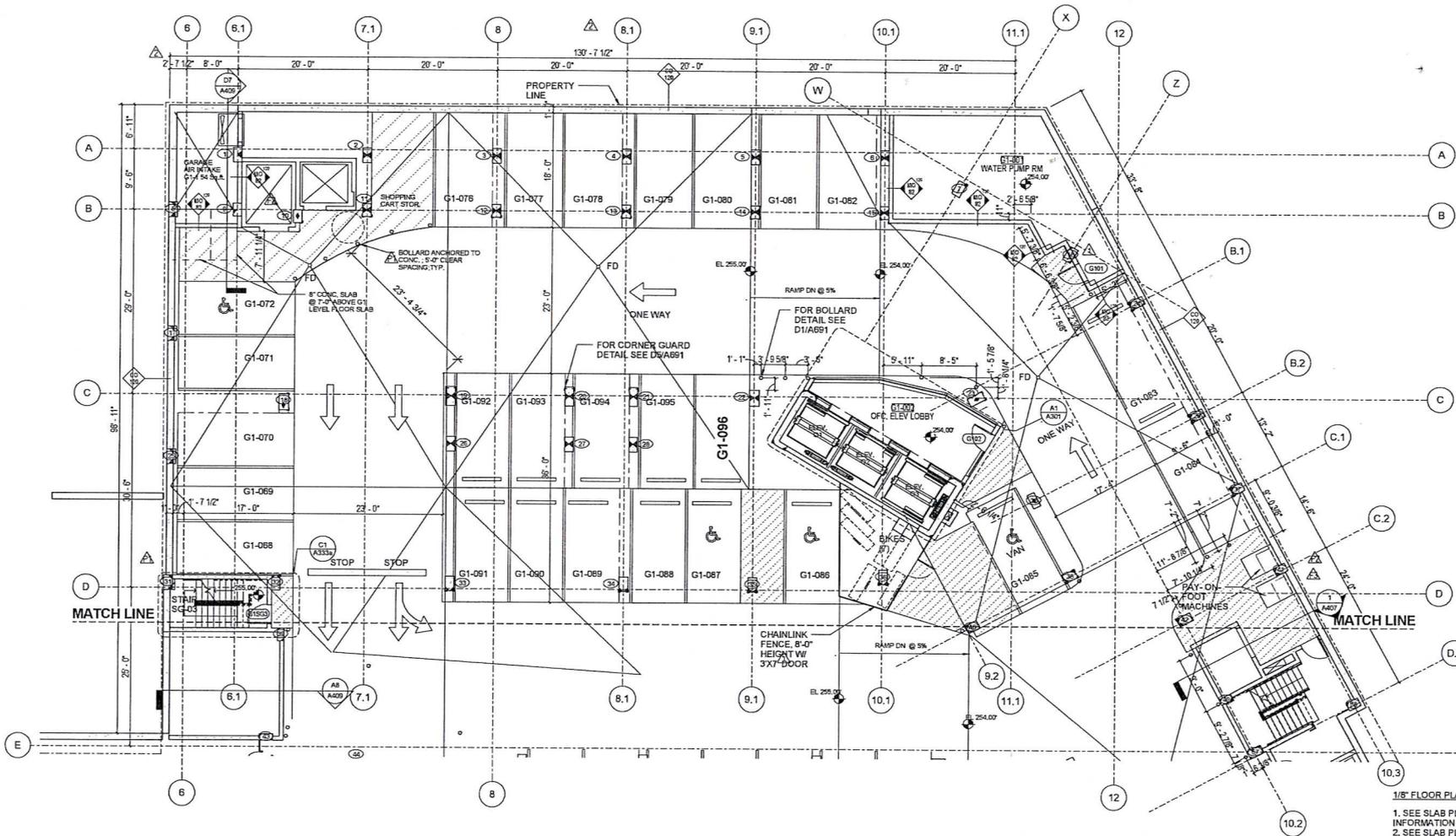
Proposal to Accommodate Trader Joe's

- = 1 Space Lost to Cart Corral
- = 2 Spaces Lost to Elevators
- = 39 Spaces Reserved for TJ's customers during evenings, weekends & holidays

Proposed Parking Count:

Standard	86
HC	4
Van	0
Compact	31
TOTAL	121



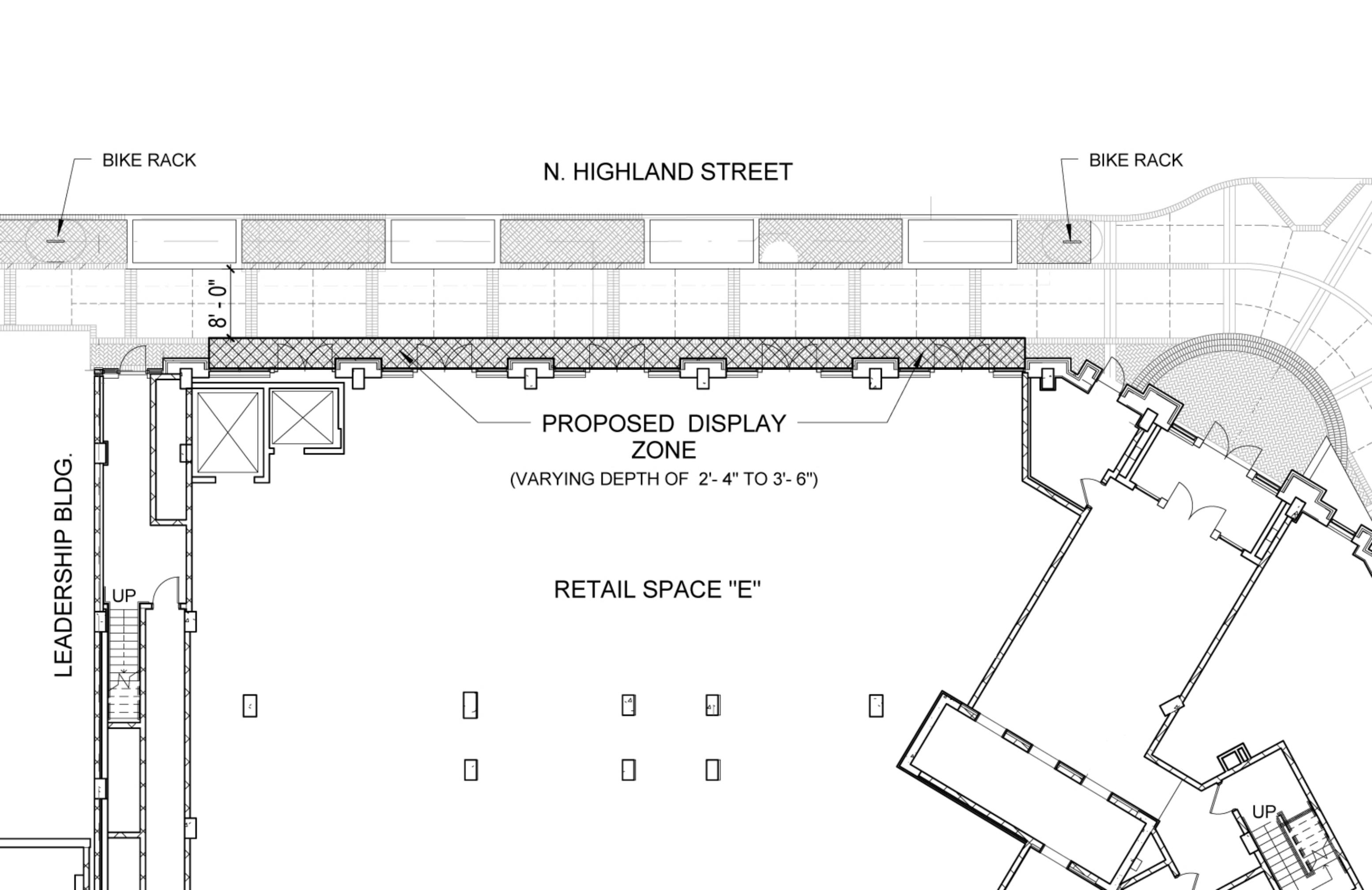


01 G1 LEVEL PARTIAL PARKING PLAN

1/8" = 1'-0"

1/8" FLOOR PLAN NOT

1. SEE SLAB PLANS (1) FOR INFORMATION
2. SEE SLAB PLANS FOR ELEVATIONS, PENETRATIONS, AND INFORMATION
3. ALL DIMENSIONS ARE TO FACE OF CMU, FACE OF CONCRETE, OR FACE OF WALL & ROOF
4. FOR WALL & ROOF
5. FOR DOOR SCHEDULE
6. FOR WINDOW AND GLASS
7. FOR TYPICAL GARAGE
8. SEE I.D. DRAWINGS FOR LOBBIES, 2ND FLOOR CORRIDOR WALLS
9. PROVIDE TRAFFIC COUNTERS AT AIR INTAKE SURFACES AT AIR INTAKE
10. PROVIDE STRIPPING FOR TRAFFIC COUNTERS
11. SEE G4 LEVEL PLAN



BIKE RACK

N. HIGHLAND STREET

BIKE RACK

8'-0"

PROPOSED DISPLAY ZONE

(VARYING DEPTH OF 2'-4" TO 3'-6")

LEADERSHIP BLDG.

RETAIL SPACE "E"

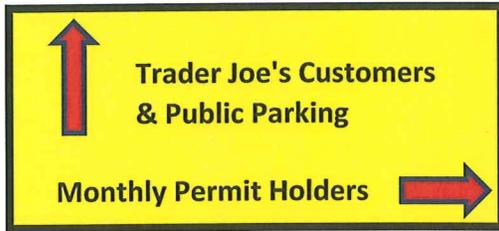
UP

UP

Examples of Trader Joe's Outdoor Displays



Clarendon Center (SP #397) - South Block Garage Concept Plan* for Trader Joe's Customer Traffic Control Signage



Static Sign



Electric sign set to switch "on" at 5 PM during weekdays & all day weekends & holidays



Static sign



Dual message electric sign set as follows:

←This display is "on" starting at 5 PM during weekdays & all day weekends & holidays



←This display is "on" from 7 AM to 5 PM weekdays, except on holidays



Electric sign set to switch "on" at 5 PM during weekdays & all day weekends & holidays

* This Concept Plan depicts the intent of the additional directional signage to be installed in the South Block of the Clarendon Center parking garage. Sign specifications (i.e., wording, dimensions, colors, materials, mounting locations, etc.) will all be finalized and approved by Arlington County pursuant to an amended Parking Management Plan for Clarendon Center that incorporates these details.

Clarendon Center
South Block - Level G1

Approved Parking Count:

Standard	77
HC	4
Van	2
Compact	13
TOTAL	96

Proposal to Accommodate Trader Joe's

- = 1 Space Lost to Cart Corral
- = 2 Spaces Lost to Elevators
- = 31 Spaces Reserved for TJ's customers

Proposed Parking Count:

Standard	74
HC	4
Van	2
Compact	13
TOTAL	93



Clarendon Center
South Block - Level G2

Approved Parking Count:

Standard	89
HC	4
Van	0
Compact	31
TOTAL	124

④

Trader Joe's Customers & Public Parking

Open after 5 PM weekdays & all day weekends & holidays

MONTHLY PARKING

Open Mon-Fri until 5 PM

Proposal to Accommodate Trader Joe's

- = 1 Space Lost to Cart Corral
- = 2 Spaces Lost to Elevators
- = 39 Spaces Reserved for TJ's customers during evenings, weekends & holidays

Proposed Parking Count:

Standard	86
HC	4
Van	0
Compact	31
TOTAL	121

⑤

Trader Joe's Customers Public Parking



PROPERTY LINE



WILLIAM GEARHART
CHAIR

ARLINGTON COUNTY, VIRGINIA
ARLINGTON COUNTY TRANSPORTATION COMMISSION
#1 COURTHOUSE PLAZA, SUITE 900
2100 Clarendon Boulevard
ARLINGTON, VIRGINIA 22201
(703) 228-3689 • fax (703) 228-7548
e-mail rbest@arlingtonva.us



RICHARD A. BEST
COORDINATOR

November 5, 2010

Mr. Jay Fisette
Arlington County Board
2100 Clarendon Boulevard
Arlington, VA 22201

Dear Mr. Fisette:

At its meeting on October 7, 2010, the Transportation Commission reviewed the request of Saul Centers to amend the site plan conditions for its south block building in Clarendon to allow public parking spaces in its garage to be dedicated to grocery store use; Trader Joe's is currently negotiating for space on the site. The Commission heard this item as an information item and took no formal vote. Nevertheless, the Commission thought it would be helpful to pass on a summary of the discussion.

Among the views expressed:

1. The proposed Clarendon site would be a good location for a small grocery store such as Trader Joe's, given its good access to public transportation. However, a store such as Trader Joe's would likely draw a lot of traffic to an already congested area, making it important to encourage customers to come by means other than a personal vehicle.
2. Any amendment to the current parking requirements in the site plan conditions should be framed as an exception that would apply only when a grocery store exceeding a certain size (e.g., 10,000 square feet) is a lessee on the site; should a grocery store later leave, the reserved spaces would automatically revert to public spaces.
3. The "park once and visit multiple places" approach reflected in site plan condition 64 should remain feasible under any site plan amendments. The applicant advised the Commission that it plans to offer 90 minutes of validated parking in the dedicated spaces, but that that customers using the dedicated spaces will be allowed to remain in the space for up to 4 hours, paying for the time beyond 90 minutes. Several Commissioners expressed the view that this would adequately preserve the "park once" approach if it is clearly spelled out and required in the site plan conditions. (However, we understand that the applicant has changed its position and would now like the signage to limit customers to a maximum of 90 minutes, without the right to stay longer by paying a fee.)
4. The condition should provide for a periodic review of the number of dedicated spaces and the time limits for their use so that the number of dedicated spaces and time limits can be adjusted to maximize efficient use.

5. Customers should be encouraged to use means other than a car to reach the store. The store is served by Metro and Metrobus and ARTS buses (e.g., Metrobus 38B and ARTS 41, 42, and 77). Staff and the applicant should explore use of TDM measures, such as transit cards or even credits to customer SmarTrip cards for customers who arrive and leave by transit. Bicycle racks should be added close to store entrances, and appropriate bags provided to bicycle customers.
6. The site plan condition should require that the applicant provide clear signage both inside and outside the garage regarding the availability of dedicated spaces, hours of dedication and costs.
7. The dedicated spaces should be available to the public during hours that the store is not in operation.

Present at the meeting were Commissioners Gearhart, Everline, Grant, Hubbard, Lynott, Ortiz, Petty, and Torma. Both staff and the applicant made presentations. There were two speakers, June O'Connell and Peter Owen. The speakers provided background on the condition and expressed views relating to the proposed change. A copy of the letter that Mr. Owen submitted to the Commission is attached.

I would be glad to answer any questions (703-522-2276).

Sincerely,


Bill Gearhart
Chairman