



## ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item  
Meeting of November 13, 2010

### SUPPLEMENTAL REPORT – REPORT CLARIFICATION AND REVISED CONDITION

**DATE:** November 11, 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).

**DISCUSSION:** This supplemental report provides clarification to two sections of the Discussion portion of the report dated November 2, 2010 and revisions to conditions #37 and 49. Both of the clarifications are necessary to conform to the site plan conditions, while the revision to Condition #37 is to include an additional association to the list of those receiving the contact information of the loading dock liaison and the revision to Condition 49 is to require that the amended parking management plan address, among other issues, parking validation and associated enforcement practices. In addition, an update regarding the Applicant's involvement with nearby communities is provided.

On page 5 of the report dated November 2, 2010, the narrative included a typographical error regarding the times that the G-2 level of the South Block garage would be available to customers of the grocery store and the public. Per Condition 64.b, the G-2 level of the South Block will be available to customers of the grocery store and the public after 5 p.m. on "non-holiday weekdays" rather than after 5 p.m. on "non-holiday weekends", as was incorrectly stated in the report. Condition 64.b, as included in the report dated November 2, 2010, correctly states the hours and days that the G-2 level on the South Block will be available and needs no revision.

On page 6 of the report dated November 2, 2010, the narrative included an error regarding the period that an attendant would be required in the South Block garage for purposes of directing vehicular traffic. The report stated that the attendant would be required "4 p.m. – 8 p.m. weekdays and 11 a.m – 6 p.m. weekends and holidays." Condition #87, as included in the report dated November 2, 2010, only requires the attendant on weekdays between 4 p.m. and 8 p.m. Staff revised the condition after further discussions with the Applicant regarding peak periods of use of the grocery store and impacts upon circulation in the South Block garage. Since the office

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*BMD/GA*

Staff: Aaron Shriber, DCPHD, Planning Division  
Robert Gibson, DES, Transportation Division  
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parking spaces in the South Block garage will not be heavily utilized on weekends or holidays, staff believes that an attendant is necessary only on weekdays, which resulted in a change to the condition. Condition #87, as included in the report dated November 2, 2010, was stated correctly and needs no revision.

Condition #37 has been revised to include the Station Square Condominium Association, (SP #359 located one block east of the site) to the list of associations that will be provided with the contact information for the loading dock liaison. The revised condition reads as follows (bold emphasis added to highlight revision):

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, **Station Square Condominium 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.

Condition 49 has been revised to require that the amended parking management plan, which must be approved prior to issuance of the Certificate of Occupancy for the grocery store, address issues related to the reserved parking spaces and enforcement actions related thereto. The revised condition reads as follows (bold emphasis added to highlight revisions):

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, as permitted pursuant to Condition #64, directional signage within the G-1 and G-2 levels of the South Block garage, and practices related to validation and enforcement of reserved parking spaces. 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.

**Community Meetings:**

On November 8, 2010, the Applicant presented this application to the Lyon Village Citizens Association. The discussion with the community focused mainly on issues related to use of the loading dock, size of the grocery store in comparison to other Trader Joe's within the vicinity, use of the reserved parking spaces and transit use by employees of the grocery store.

On November 10, 2010, the Applicant presented this application to the Lyon Park Citizens Association. Discussion at this meeting focused primarily on the reserved parking spaces and applicable enforcement actions.

The site plan conditions contained within the November 2, 2010 report address the majority of the concerns expressed at these community meetings. As enforcement of the reserved parking spaces, which will only be permitted to be reserved if a grocery store greater than 10,000 square feet leases space in the South Block, was a major issue discussed at these meetings, Condition #49 has been revised, as stated above, to address this concern.