



## ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item  
Meeting of November 19, 2011

### SUPPLEMENTAL REPORT – REVISED CONDITION

**DATE:** November 22, 2011

**SUBJECT:** SP #18 SITE PLAN AMENDMENT of 1812 Holdings, LLC to modify site plan condition #87, and add a new conditions #99; located at 1812 and 1850 N. Moore St. (RPC# 16-037-004, and -005).

**DISCUSSION:** This supplemental report is written to modify condition language for proposed condition #87. In the original board report, language related to design of the through-block connection was inadvertently stricken. This language has been added back into proposed condition #87 and the revised condition is below. A sentence regarding a connection to the Metro station entrance has been stricken, as it was determined that the elevation change between the two (2) floors does not support this connection. Staff's recommendation from the original approval remains unchanged.

Revised condition #87:

**87. Through Block Connection / Public Use and Access Easements**

~~The developer agrees to grant, by Deed of Easement, a permanent public use and access easement ("Easement") on the surface only, to the County Board of Arlington County providing for 24 hour a day, seven days a week, public use and access (including by way of illustration and not limitation public pedestrian use, access and passage) over, across and through the direct connection between the Ft. Myer Dr. level (upper lobby) entrance and the N. Moore St. level (lower lobby) entrance, which connection consists of approximately 3,350 s.f., as generally shown on the A-203 and A-204 plan sheets dated December 5, 2007 ("Easement Area"). Such Easement shall be a surface easement only and shall not preclude the installation of any improvements authorized by this site plan that may be located below or above the Easement Area, such as a parking garage, or on the upper floors of the office building that is the subject of these conditions. Moreover, such Easement shall permit other improvements or fixtures within the easement area,~~

County Manager:

*BMD/GA*

County Attorney:

*[Signature]*

Staff: Melanie Jesick, DES, Transportation  
Lisa Maher, DES, Transportation

42.

PLA-6051

~~including but not limited to escalators, elevators, seating or other architectural features, as long as such improvements or fixtures do not unreasonably interfere with the use and access of the public through the Easement Area. The final location and size of the Easement Area may change with the preparation of the final building plans, as approved by the County Manager if he finds that the changes still permit access for the public between the two entrances. The Easement shall be granted by deed, acceptable in substance to the County Manager, and acceptable in form to the County Attorney, which deed be recorded by the developer among the land records of the Clerk of the Circuit Court of Arlington County prior to the issuance of the first Certificate of Occupancy for the building, or any portion thereof, that is the subject of this site plan.~~

~~The Deed of Easement shall provide, among other things, that:~~

~~A) The developer shall be responsible, at his sole cost and expense, for the continued care and cleaning, maintenance, repair, replacement and installation of the Easement Areas and any improvements or facilities located thereon, therein or thereunder, including, but not limited to escalators, elevators, lighting, steps or staircases, signage, trash receptacles, underground garage, seating or other decorative or architectural features.~~

~~B) The developer shall indemnify and hold harmless the County Board, its elected and appointed officials, officers, employees, agents and contractors from all liability, personal injury, death, claims, damages, losses, costs and expenses, of whatsoever nature, concerning or arising out of the design, construction, installation, repair, maintenance, replacement, removal, care and cleaning, regulation, use and security of the Easement Area, or any feature, structure or facility therein or thereunder by the developer and use thereof by the public at large, the developer, and others.~~

~~C) The developer shall, at all terms during the term of the Easement, maintain comprehensive liability insurance for the Easement Area, naming the County Board, its elected and appointed officials, officers, employees, agents and contractors, as additional insureds, in the initial coverage amount of not less than 1 million dollars per occurrence and not less than 2 million dollars, annual aggregate. The County Manager, in his sole discretion, can require an increase in the amount of comprehensive liability insurance, by prior written notice to the developer.~~

The developer further agrees to design the through block connection to have a public appearance, including, but not limited to, attractive street level entrances on N. Moore Street and Fort Myer Drive, adequate signage, ~~a connection to the Metro Station pending final approval by WMATA and/or café seating.~~ In addition, the developer agrees to coordinate with the County and Rosslyn Renaissance as to the appropriate programming of the southern wall in the through block connection. The developer agrees that approximately 3,350 square feet of the lobby through the 1812 N. Moore St. office building, as generally shown on page A.203 and A.204 of the 4.1 plan sheets, shall be available for access by the general public. Public access shall be available beginning at the issuance of the first Certificate of Occupancy for use of the lobby level. Public access

shall be provided through the lobby of the 1812 N. Moore office building from 7 am – 11 pm, seven (7) days a week. The developer agrees to be responsible, at its sole cost and expense, for the continued care and cleaning, maintenance, repair, replacement, and installation of this public access area, including but not limited to escalators, elevators, lighting, staircases, signs, trash receptacles, seating, and decorative or architectural features.

## North Rosslyn Civic Association

1902 N Ode St  
Arlington, VA 22209-1412

November 22, 2011

VIA EMAIL

Mr. Christopher Zimmerman  
Chairman  
Arlington County Board  
2100 Clarendon Blvd. Suite 300  
Arlington, VA 22201  
[czimmerman@arlingtonva.us](mailto:czimmerman@arlingtonva.us)

Re: Minor Site Plan Amendment,  
1812 North Moore Street  
Case No. SP #18  
Rev. 11/08/11

Dear Mr. Zimmerman:

The North Rosslyn Civic Association (“NRCA”) is pleased that developer Monday Properties has agreed “that the lobby through the 1812 N. Moore office building . . . shall be available for use by the general public . . . from 7 am – 11 pm, seven (7) days a week.” However, the community notes that Condition #87 on Case No. SP #18, site plan for 1812 North Moore Street, is significantly more robust than proposed new Condition #100. Although many of the differences between Condition #87 and Condition #100 can be attributed to the fact that, in Condition #100, public access is not being provided as an easement (*i.e.*, no insurance, no representations concerning maintenance and repair, etc.), the community notes that the language at the end of Condition #87 is also missing:

The developer further agrees to design the through-block connection to have a public appearance, including, but not limited to, attractive street level entrances on N. Moore Street and Ft. Myer Drive, adequate signage, a connection to the Metro station . . . and/or café seating. In addition, the developer agrees to coordinate with the County and Rosslyn Renaissance as to the appropriate programming of the southern wall in the through-block connection.

As we stated in our letter of September 8th, the community’s vision – and the developer’s original proposal – was that the 1812 building’s through-lobby connection would feature “celebrated” entrances to a soaring light-filled space featuring enlivening

Mr. Chris Zimmerman  
November 22, 2011  
Page 2

artwork and multiple escalators transitioning the change in elevation between North Moore Street and Ft. Myer Drive. The community believed that the quality of access provided by this through-block connection would enhance the pedestrian experience, promote safety, and promote residents' use of the downtown area.

We are concerned that, particularly with developer's proposed deletion of the requirements for signage and entrances indicating the public nature of the space, the existence of this through-block connection to the general public will be hidden or lost. If these attributes are not expressly preserved, the space will most likely become "building lobby" rather than an inviting through-block transition between downtown Rosslyn and the adjacent neighborhood. Local knowledge might be required to discern that through-block access was possible – indeed, depending on the space's presentation, pedestrians could come to the conclusion that merely entering the lobby as an "outsider" was frowned upon or even prohibited. Thus, although Condition #100 may observe the letter of the public access benefit, it obscures its spirit. That is, Condition #87 was designed to provide a visible and robust through-block connection and, with it, public access to a celebrated, vibrant, animated space.

Therefore, NRCA asks – as is implicit in our prior letter opposing the deletion of Condition #87 – that the public amenity features of Condition #87, quoted above, be preserved in whatever compromise is reached between the developer and the county to ensure that important aspects of this public benefit are adequately preserved.

Very truly yours,



Jennifer J. Zeien  
President  
North Rosslyn Civic Association

cc: Arlington County Board  
Tom Miller, Supervisor, Current Planning, Arlington County  
Gizele Johnson, Arlington County Planning Commission  
Samia Byrd, Site Plan Coordinator, Arlington County  
Nan Walsh, Walsh Collucci Lubeley Emerich & Walsh PC  
Cecilia Cassidy, Executive Director, Rosslyn Renaissance  
Stan Karson, President, Radnor, Ft. Myer Civic Association

## North Rosslyn Civic Association

1902 N Ode St  
Arlington, VA 22209-1412

November 22, 2011

VIA EMAIL

Mr. Christopher Zimmerman  
Chairman  
Arlington County Board  
2100 Clarendon Blvd. Suite 300  
Arlington, VA 22201  
[czimmerman@arlingtonva.us](mailto:czimmerman@arlingtonva.us)

Re: Request for Minor Site Plan Amendment –  
Turnberry Tower – Retail Unit  
SP #19, Site Plan Condition #64

Dear Mr. Zimmerman:

The North Rosslyn Civic Association is writing to provide input for the board's consideration in its review of the application of 1881 Rosslyn Associates LLC for modification of Site Plan Condition #64 on the Turnberry Tower site plan, scheduled to be heard December 10. While NRCA supports the applicant's request to modify Site Plan Condition #64 and the Retail Attraction and Marketing Plan ("RAMP") to permit subdivision of the 4,400 sq. ft. retail space, NRCA strongly opposes relaxation in the type of retail permitted at that location, which Site Plan Condition #64 lists as "restaurant or similar use."

The location of the retail space is very close to the residential section of Rosslyn and a restaurant or similar retail activity would be much welcomed by the community. Although the RAMP further defines the condition as "Category II – Café/Gourmet Food Concepts/Specialty Grocery Store," NRCA would not oppose the tenancy of one or more similar types of retail activities in that space – such as a boutique, gift shop, or clothing store – so long as the tenant's business provided an active streetscape.

We therefore oppose the applicant's request to allow "Consumer and Business Service" users to occupy the space. Rosslyn's retail spaces are already replete with these types of users. Professional offices such as doctors or dentists and other types of business service users such as pack and ship services, dry cleaners, or banks do not enliven the streets or engage the passers-by.

Mr. Chris Zimmerman  
November 22, 2011  
Page 2

Moreover, the location of this retail space dictates the importance of securing one or more active retail uses. Specifically, despite the fact that the entrance for Turnberry Tower residences fronts on Nash Street as Mr. Sampson states, the 4,400 sq. ft. retail space actually opens onto Ft. Myer Drive facing the center of Rosslyn (*see RAMP at 2*). The site is next door to the Holiday Inn. An entrance to Metrorail is less than a block away. This retail space and its adjacent terrace are immediately opposite a small plaza at the corner of 19th Street and Ft. Myer Drive. In its redevelopment plans for Rosslyn Gateway, JBG is proposing this plaza will feature the dining terrace for a proposed restaurant. Thus, the Turnberry retail space is centrally located and will become increasingly vital in activating that corner as Rosslyn matures.

In sum, we ask that, in reviewing the applicant's request, you consider the views of the North Rosslyn community that Site Plan Condition #64 concerning the retail space for Turnberry Tower not be modified to remove the requirement for the space to be devoted to "restaurant or similar use."

Very truly yours,



Jennifer J. Zeien  
President  
North Rosslyn Civic Association

cc: Arlington County Board  
Tom Miller, Acting Planning Division Chief, Arlington County  
Timothy Sampson, Walsh Colucci Lubeley Emrich & Walsh PC  
Cecilia Cassidy, Executive Director, Rosslyn Renaissance  
Stan Karson, President, Radnor, Ft. Myer Civic Association