



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of March 10, 2012**

DATE: February 16, 2012

SUBJECT: SP #401 SITE PLAN AMENDMENT to modify Condition #64 regarding the expansion of allowable uses within the retail space at 800 N. Glebe Road (RPC# 14-053-062).

Applicant:
JBG Companies

By:
Nan Walsh
Walsh Colucci Lubeley Emrich & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment to allow a reduction in the retail requirement for Site Plan #401, subject to all previous conditions and a revised Condition #64.

ISSUES: The applicant is proposing a modification to the site plan's retail elements condition. No issues have been identified.

SUMMARY: The applicant is requesting a site plan amendment to allow the conversion of approximately 1,500 square feet of retail use to office use for on-site office leasing and property management. The conversion is requested in a ground floor area that the applicant maintains is not conducive to retail leasing. Per condition, the subject building is required to contain 26,292 square feet of retail; the applicant is requesting that the retail requirement be modified to 24,792 square feet of retail.

County Manager:

BMD/GA

County Attorney:

[Handwritten Signature]

Staff: Jason Beske, DCPHD, Planning Division

PLA-6147

8.

Staff and the Bluemont Civic Association generally support the applicant's request to modify the required amount of retail space for this building due to a number of circumstances. The subject, 1,500 square-foot space has an awkwardly shaped floor plate and is sited in an unfavorable location for retail leasing. Primary retail is still maintained on Wilson Boulevard and Glebe Road, which will help enliven the streetscape and neighborhood once the space is leased.

BACKGROUND: The Peck/Staples site plan (SP #401) was initially approved February 23, 2008 as a mixed-use development consisting of two (2) office buildings with ground floor retail, 28 townhouse style residential units and a mid-rise residential building consisting of 90 affordable housing units. The subject application requests a modification to the retail elements condition, which specifies the required amount of retail square footage. The applicant is asking to modify the requirement of 26,292 square feet of retail (the entire ground floor of the 10-story office building) to 24,792 square feet, which is a reduction of 1,500 square feet. The applicant would also like to maintain the flexibility to lease the 1,500 square feet to a retail use or to use the space as an on-site management / leasing office.

This item was previously deferred from the February meeting of the County Board to allow the applicant to meet with the Civic Association. At that meeting, the applicant was able to provide additional insight into the proposal and build support for the proposal. The Civic Association's letter of support is attached to this report.

The following provides additional information about the site and location (for new applications only):

Site: The 4.2 acre Peck/Staples site (SP #401) is bounded by SP #133 to the north, Wilson Boulevard to the south, North Glebe Road to the east, and North Wakefield Street and North Woodrow Street to the west. The building that is the subject of this application (Building A) is located on an approximately 1.4 acre parcel located in the southwest quadrant of the intersection between North Glebe Road and 9th Street North (to be built in accordance with SP #401). The uses surrounding the Peck/Staples site include:

- To the north: Regent office building (portion of SP #331). The property is designated "Medium" Office-Apartment-Hotel on the General Land Use Plan (GLUP) and is zoned "C-O-2.5."
- To the east: North Glebe Road and the Gateway office building, Continental condominium building and a Westin hotel (portions of SP #331). The properties are designated "Coordinated" Mixed-Use Development District on the GLUP and zoned "C-O-A."
- To the south: Wilson Boulevard and a) Murphy's Funeral Home, which is designated "Low-Medium" Residential on the GLUP and zoned "RA8-18"; and b) Rosenthal Mazda automobile dealership, which is designated "High-Medium Residential" Mixed-Use on the GLUP and zoned "C-2."

To the west: North Wakefield Street, North Woodrow Street and single-family detached dwellings designated “Low-Medium” Residential on the GLUP and zoned “R-5.”

Zoning: The portion of the Peck/Staples site (SP #401) located east of North Wakefield Street is zoned “C-O-2.5”, while the portion located west of North Wakefield Street is zoned “RA8-18.”

Land Use: The General Land Use Plan (GLUP) designates the portion of the Peck/Staples site (SP #401) located east of North Wakefield Street as “Medium” Office-Apartment-Hotel while the portion of the site located west of North Wakefield Street is designated as “Low-Medium” Residential.

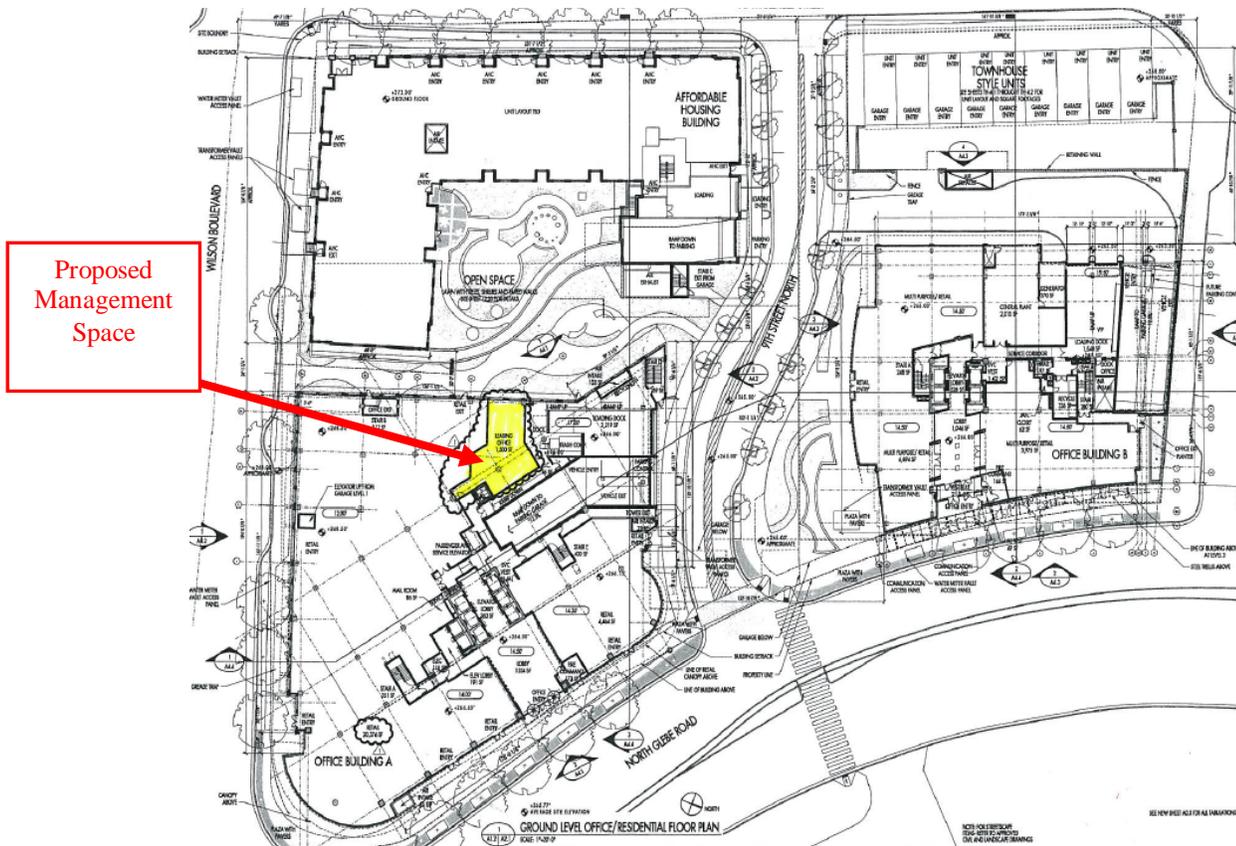
Neighborhood: The Peck/Staples site is located within the Bluemont Civic Association and west of the Ballston-Virginia Square Civic Association. The Bluemont Civic Association has indicated that it is amenable to the applicant’s request, but they do ask that the subject request not further diminish the remaining retail approved for the site and that the applicant make an effort to lease the subject space to a retail use in the future if possible if it is no longer needed as a management / leasing office. A letter from the Bluemont Civic Association is attached as an addendum to this report. Staff contacted the Ballston-Virginia Square Civic Association and has not received comments to date.

DISCUSSION: The Peck/Staples site plan (SP #401) was initially approved on February 23, 2008, as a mixed-use development composed of office (415,816 sq. ft.), residential (118 units) and retail (36,241 sq. ft.) uses. The subject application requests a modification to the retail elements condition, which specifies the required amount of retail square footage. The retail requirement for the subject building, Building A, is 26,292 square feet, which is the entire ground floor of the 10-story office building.

Prior to original site plan approval, a Staples store was located on the property. At the time of the site plan approval, it was assumed that the Staples store would lease and occupy a majority of the approved ground-floor retail space. Due to the assumption that Staples would relocate on site, the retail space was configured to accommodate a large-format tenant. However, it has since been determined that the Staples will no longer occupy the site.

The applicant is now reconsidering the distribution and use of the space. The space will now be subdivided to accommodate three (3) to five (5) retail tenants. The redistribution of the space creates one (1) awkward space that was originally intended to function as the back-of-house operations for Staples. This space fronts on the internal open space of the site plan and is not in close proximity to the primary street frontages of North Glebe Road and Wilson Boulevard (see below). The façade design for the space was approved as spandrel glass instead of clear glass due to the back-of-house condition. In addition, the space has very limited (or no) visibility from N. Glebe Road or Wilson Boulevard.

The applicant contends that, based on information from leasing consultants, the 1,500 square-foot, back-of-house space will prove difficult to lease. Therefore, the applicant is requesting a modification of the retail condition (Condition #64) to eliminate the 1,500 square feet retail space from the site plan requirement. This request would modify the 26,292 retail square-foot requirement to 24,792 square feet. However, the applicant would like the opportunity to use the 1,500 square feet as an on-site management/leasing office that would aid in marketing the office building and provide on-going support for the building tenants, or to lease the space as retail in the future. The applicant believes the remaining 24,792 square feet of retail will still enliven the surrounding streets and provide the benefit of nearby retail uses for the community and building's tenants. If, in the future, the market can support retail use in the subject space, the applicant would like to maintain the flexibility to lease that space for retail use without the need to file another site plan amendment approval to revert the space back to retail use.



CONCLUSION: The applicant would like to amend the site plan to allow the use of 1,500 square feet of required retail space as retail space or a management/leasing office. The request would allow the required 26,292 square feet of retail space to be modified to a 24,792 square-foot requirement. The applicant would still like the ability to market and lease the 1,500 square feet as retail space, but feels that the space will be better used as a management/leasing office

given market conditions and the physical composition of the building and site. Staff is supportive of the applicant's proposal and recommends approval of the attached ordinance to allow flexibility in the leasing of the subject space to a retail use or for use as a management / leasing office due to site plan and building constraints, as well as Civic Association support.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated December 5, 2011, for Site Plan #401 was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its March 10, 2012 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to all previous conditions and new or revised conditions; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on March 10, 2012, and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the C-O-2.5 district as set forth in the Zoning Ordinance and modified as follows:
 - To allow a reduction in the retail square-footage requirement initially approved in the site plan conditions.
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as requested by an application dated December 5, 2011, for an amendment to Site Plan #401, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements on file in the office of Arlington County (AC) Zoning Administration (which drawings are hereafter collectively referred to as “Revised Site Plan Application”), for the parcel of real property known as RPC# 14-053-062 and 800 N. Glebe Road, approval is granted and the parcel so described shall be used according to Site Plan #401 as initially approved on February 23, 2008 with an amendment as shown on the application dated December 5, 2011 subject to all previous conditions, with condition #64 revised as follows:

64. Retail Elements

The developer agrees to market a minimum of ~~26,292~~ 24,792 square feet of retail space located on the first floor of Office Building A. The developer agrees that approximately 1,500 square feet of space on the first floor of Office Building A, as shown on the revised sheet A1.2 and A2.1A dated 12-5-11, may be used for retail or management/leasing

office use, as approved by the County Board on March 10, 2012. ~~and~~ Additionally, a minimum of 9,949 square feet of retail space located on the first floor of Office Building B and 24,792 square feet of the retail space located on the first floor of Office Building A shall be used consistent with the approved Retail Action Plan for the Rosslyn-Ballston Corridor, dated January 2001 and the following:

1. The developer is encouraged to lease space designated for “personal or business services” in the Retail Action Plan to “Entertainment and Main Street Retail” businesses.
2. The retail space shall be designed and used in a manner consistent with the (*Ballston Sector Plan*, adopted in 1980).
3. Each separate retail space shall have direct access to the building’s service corridor.
4. The developer shall build out the retail space to include the rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions.
5. Within the space labeled “multipurpose/retail” on the plans dated February 6, 2008, Office Building B may use up to a maximum of 3,300 square feet of ground floor space for the following uses as an alternative to retail use, only for the Ballston Science & Technology Alliance or similar non-profit entity: 1) up to 2,000 square feet for office use, and 2) the remainder for exhibit space that would be open to the public during at least the hours of operation of the ground floor retail space, except for periods when the exhibit space may be closed to the public to accommodate special events. The developer agrees to maintain the following minimum retail depth for the Office Building B retail frontage along Glebe Road: measuring from the back of the column on the north wall to the second column (moving south) along the east wall, no more than 50% of the linear frontage may have a depth of less than eight feet, and the remainder may have a depth of less than 12 feet; all retail frontage south of the north edge of the second column as described above must have a minimum depth of 30 feet.

The developer agrees to submit an application for administrative change for any proposal for retail or other uses or parking not clearly consistent with the above. Any change in the use of the retail space from retail to office or other non-retail use, except as described in 5, shall require a site plan amendment.

PREVIOUS COUNTY BOARD ACTIONS:

- January 26, 2008 Deferred the GLUP amendment, rezoning, site plan, and vacation and encroachment requests to the February 23, 2008 County Board meeting.
- February 23, 2008 Approved a) an amendment to the GLUP to change the designation of the property from “Service Commercial” to “Medium” Office-Apartment-Hotel and to add Note 23 to the GLUP; b) a rezoning of the property from the C-2, RA8-18 and R-5 Districts to the C-O-2.5 and RA8-18 Districts; c) a site plan (SP #401) for approximately 415,816 s.f. of office, 36,241 s.f. of retail, 28 townhouses, 90 high-rise dwelling units, and modifications of use for density and below grade exclusions from GFA calculations; d) an encroachment for an underground electric vault within an easement for public street and utility purposes; and e) a vacation of a 5 foot sanitary sewer and water easement.
- July 19, 2008 Approved a site plan amendment to modify conditions #22 (structure free zone) and #43 (size of fitness center and applicable exclusion from density calculation) and to add a new condition #90 (temporary construction fence signs).
- July 19, 2008 Approved, by the County Board’s Own Motion, a site plan amendment for the “AHC Building” portion of SP #401.
- April 28, 2009 Approved a site plan amendment to modify conditions #6 (temporary circulation through construction), #19 (pavement, curb and gutter along all frontages), #21 (sidewalk design and improvements), #36 (plat of excavated area) and #45 (wall check survey).
- January 22, 2011 Approved a site plan amendment for a comprehensive sign plan for the Virginia Tech Research Institute, LLC located at 900 N. Glebe Road with amended Condition #50.

March 12, 2011

Approved a site plan amendment for a comprehensive sign plan for the Virginia Tech Research Institute, LLC for a rooftop sign located at 900 N. Glebe Road with amended Condition #50.

December 10, 2011

Approved a site plan amendment for a comprehensive sign plan for the North Glebe Office, LLC at 800 N. Glebe with amended Condition #50.

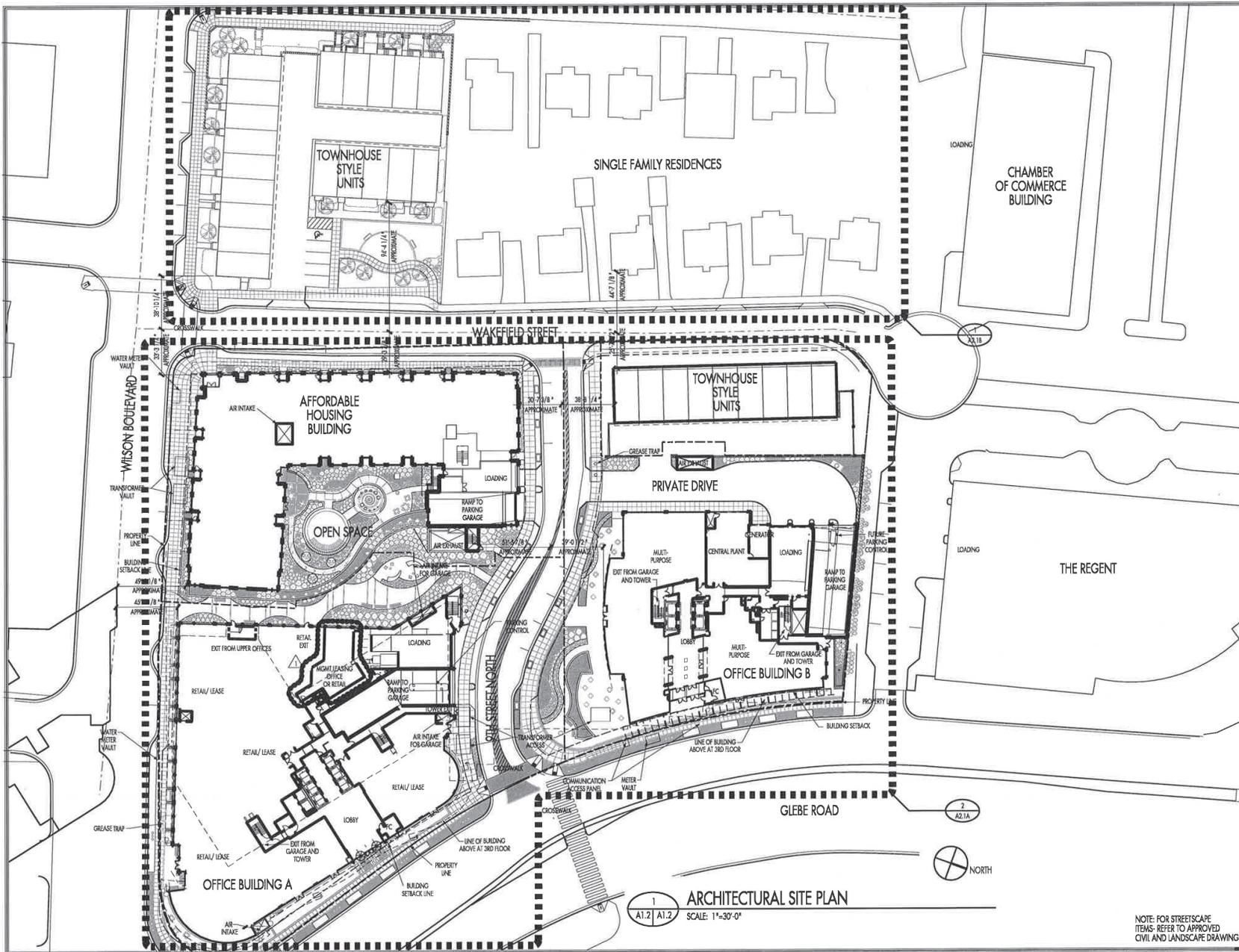


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 WWW.COOPERCARRY.COM

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No.	Drawing Name	Description	Date
1	Minor Site Plan Amendment		12.05.11



1 ARCHITECTURAL SITE PLAN
 A1.2 A1.2 SCALE: 1"=30'-0"

NOTE: FOR STREETScape ITEMS - REFER TO APPROVED CIVIL AND LANDSCAPE DRAWINGS

800/900 North Glebe
 Arlington, VA

Minor Site Plan Amendment

ARCHITECTURAL SITE PLAN

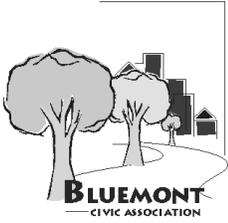
DAVID KITCHENS	200690
PROJECT MANAGER	PROJECT No.
STEVE SMITH	JULY 30, 2008
PROJECT MANAGER	Date of Approved Set
STEVE JACKSON	
PROJECT ARCHITECT	

A1.2

Not Issued For Construction - For Information Only

PLOT DATE: 2/13/2012

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Bluemont Civic Association

Representing Neighborhoods in and around Arlington Traditional School, Lacey Woods Park, Bon Air, Fields Park, Balls Crossing, West Ballston, and all along the former Bluemont Division of the Washington and Old Dominion Railroad

P.O. Box 5134 Arlington, Virginia 22205
www.bluemontcivic.org

February 14, 2012

Ms. Norma J. Cozart
Acting Zoning Administrator
Arlington County, Zoning Office
2100 Clarendon Boulevard
10th Floor
Arlington, VA 22201

RE: SP #401 Amendment

Dear Ms. Cozart:

I am writing on behalf of the Bluemont Civic Association (BCA) regarding the Site plan application to convert 1,500 sf of retail use to a management/leasing office use and modification to condition # 64.

The BCA would like to thank Megan Rappolt at Walsh Colucci, and the representatives from JBG for providing four members of the BCA Executive Board with a site visit of the new building at 800 N. Glebe on February 7.

From discussions with the Applicant during the site visit, we understand that the predominant type of tenant currently foreseen for this site is food service.

After review and discussion of the elements as presented, the BCA Executive Board would like to inform the County Board that:

- provided the applicant has made a good faith effort to identify a retail tenant for the space,
- provided conversion from retail will not jeopardize the usability of the remaining areas for prospective retail tenants in accordance with the RAMP, and
- provided approval of this request does not lead to additional requests to further diminish the agreed-upon retail space on this site,

The BCA has no objection to the applicants' request to convert only 1,500 sf, and to market a minimum of 24,792 sf of retail space located on the first floor of Office Building A. The BCA trusts that, should the space no longer be needed for a leasing office at any time in the future, this space would convert back to retail use.

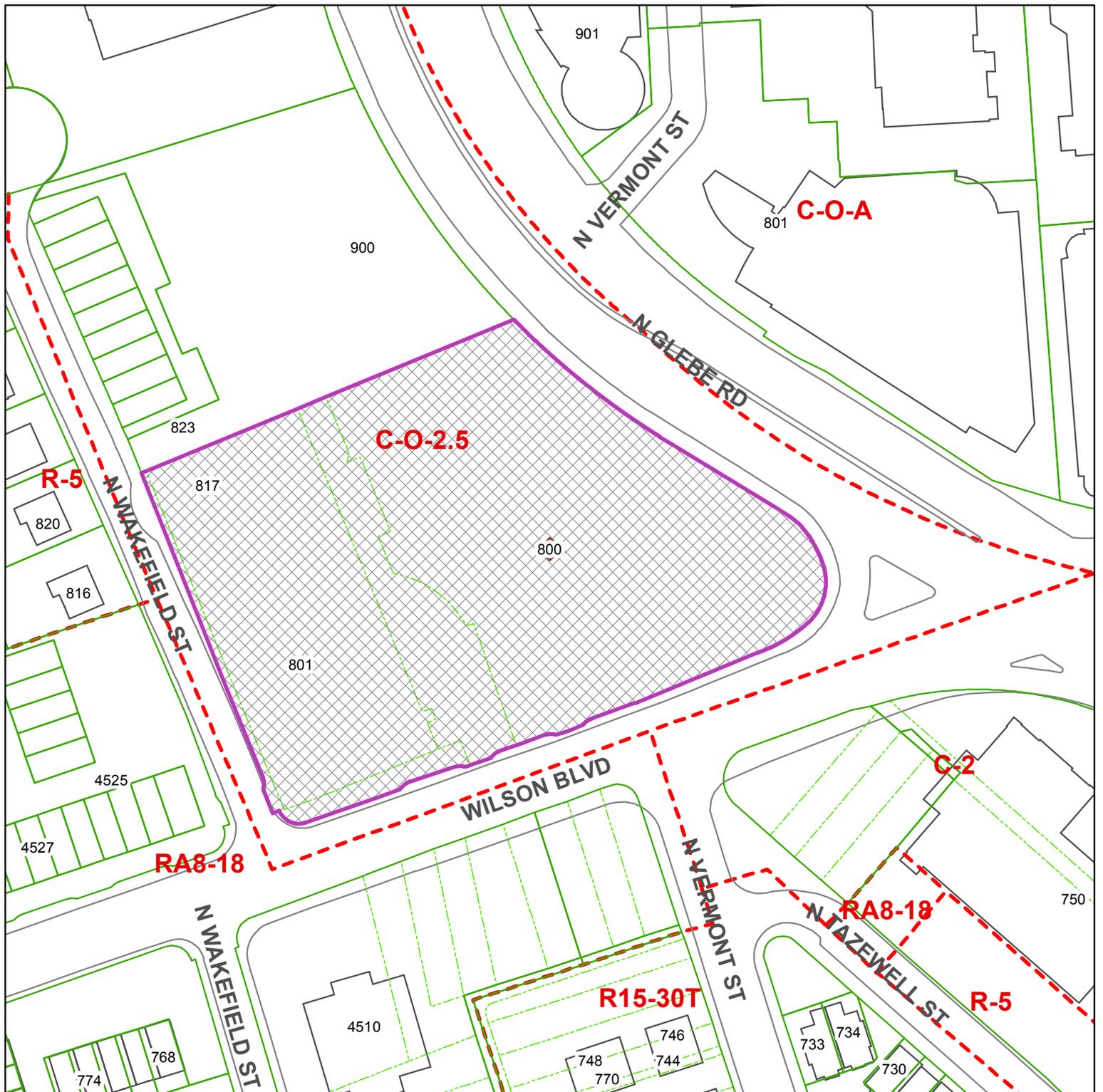
Regarding the request to market a minimum of 9,949 sf of retail space located on the first floor of Office Building B, the BCA requests that Arlington County staff review and report whether the Virginia Tech Research Institute, LLC or similar non-profit entity have complied with the conditions set forth under Retail Elements # 5 under condition 64:

“Within the space labeled “multipurpose/retail” on the plans dated February 6, 2008, Office Building B may use up to a maximum of 3,300 square feet of ground floor space for the following uses as an alternative to retail use, only for the Ballston Science & Technology Alliance or similar non-profit entity: 1) up to 2,000 square feet for office use, and 2) the remainder for exhibit space that would be open to the public during at least the hours of operation of the ground floor retail space, except for periods when the exhibit space may be closed to the public to accommodate special events. The developer agrees to maintain the following minimum retail depth for the Office Building B retail frontage along Glebe Road: measuring from the back of the column on the north wall to the second column (moving south) along the east wall, no more than 50% of the linear frontage may have a depth of less than eight feet, and the remainder may have a depth of less than 12 feet; all retail frontage south of the north edge of the second column as described above must have a minimum depth of 30 feet.”

Sincerely,

Judah dal Cais
President, Bluemont Civic Association

cc: Jason Beske, Planner, Arlington County



SP# 401

800 North Glebe Road

RPC# 14-053-062



 Case
 Location(s)
 Scale: 1:1,200

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