



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of June 16, 2012

DATE: June 7, 2012

SUBJECT: SP #397 SITE PLAN AMENDMENT to revise condition #31 to modify the retail transparency requirement for the space occupied by Trader Joe's on North Garfield Street; located at 1200 N. Garfield Street and 3030 Clarendon Boulevard (RPC# 18-013-011).

Applicant:
Trader Joe's

By:
Jonathan Puvak
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment to SP #397 to amend Condition #31 in order to modify the building transparency requirements for the space occupied by Trader Joe's located at 1200 North Garfield Street, subject to all previously approved conditions and with amended Condition #31.

ISSUES: This is a site plan amendment to amend approved Condition #31 regarding building transparency to permit Trader Joe's to install display cases in the retail space fronting on North Garfield Street. The space is currently used as storage for the grocery store use.

SUMMARY: This is a request by Trader Joe's to modify Condition #31 to amend the transparency requirement for the retail space occupied by the grocery store on North Garfield Street and currently used for storage. At the time of the original approval for the grocery store in November 2010, Trader Joe's did not anticipate occupying the space fronting on North Garfield Street for its retail storage. In order to accommodate the continued operation and expansion of the grocery store at this location, the applicant proposes to amend the building transparency requirements and install two (2) display cases behind the transparent store front. While it is not a

County Manager:

BMD/GA

County Attorney:

[Signature] *[Signature]*

Staff: Sophia S. Fisher, DCPHD, Planning Division

PLA-6220

7.

preferred use for a retail space fronting on a public street to be used as a storage room, staff supports the applicant's request to amend the transparency requirement and install display cases behind the transparent windows in the space occupied by the grocery store on North Garfield Street. The applicant's request will fulfill the goals of the County's [Grocery Store Policy](#) by supporting the existing grocery store use. Use of the subject retail space as a storage room is needed in order to support the continued operation of the grocery store, which furthers the [Clarendon Sector Plan's](#) goal of creating an "urban village" with a rich mix of uses. Therefore, staff recommends that the County Board adopt the attached ordinance to approve the subject site plan amendment, subject to all previously approved conditions with amended Condition #31.

BACKGROUND: Site Plan #397 was approved on June 13, 2006 to permit the development of Clarendon Center. The development consists of 244 multifamily residential units, 220,919 square feet of office space, and 61,380 square feet of retail space. 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. This site plan amendment pertains only to the Trader Joe's that currently occupies just over 13,000 sq. ft. of retail space in the "South Block."

The following provides additional information about the site and location:

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 space occupied by Trader Joe's in 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) 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 b) 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; the Penzance project (SP #418) is currently under construction and which consists of 284,012 sq. ft. of office and 22,479 sq. ft. of retail space. The properties are designated

“Medium Density Mixed-Use” on the GLUP and zoned “C-3” General Commercial.

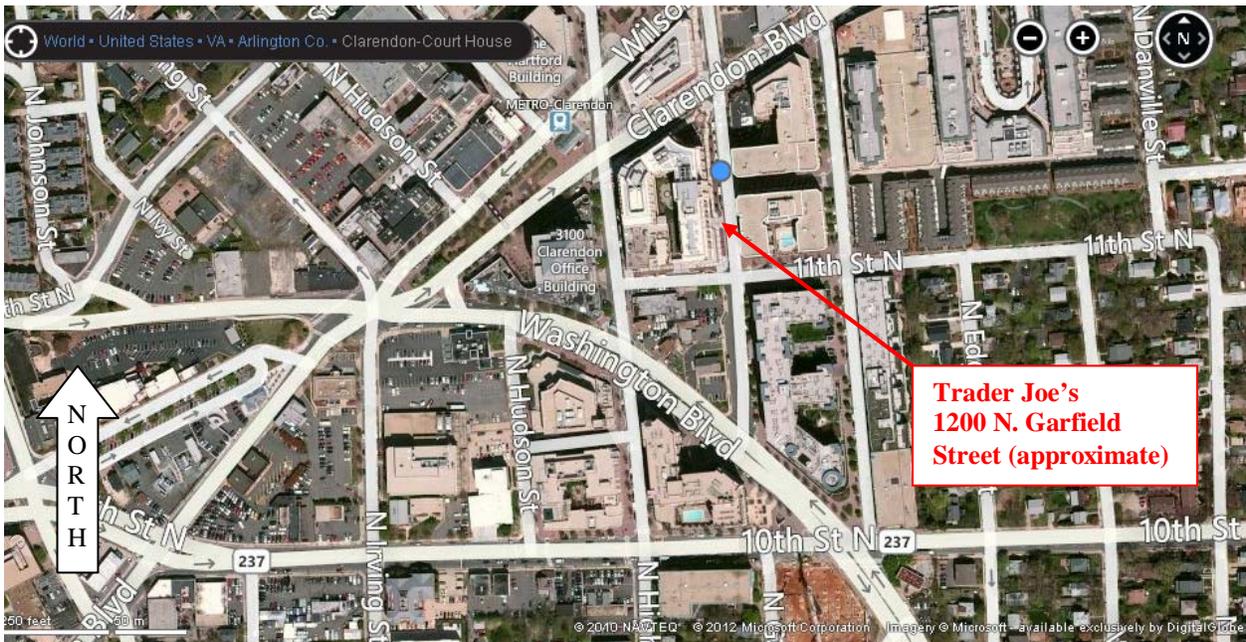
To the west:

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 site is zoned “C-O” Commercial Office Building, Hotel, Multiple-Family Dwelling.

Land Use: The site is designated as “High Office-Apartment-Hotel” (up to 3.8 FAR/Office; 4.8 FAR/Residential; and 3.8 FAR/Hotel) on the General Land Use Plan (GLUP).

Neighborhood: The site is located in the Clarendon-Courthouse Civic Association (CCCA). The CCCA has raised concerns regarding the application, specifically that the application does not meet the intent of the transparency condition and that approving this application could create a precedent that other retail tenants could potentially take advantage of. Staff notes that the modification of the transparency requirement is supported for a grocery tenant, and such modifications are permitted in accordance with the Grocery Store Policy.



Source: Bing Maps

DISCUSSION: 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. When the original site plan amendment for the grocery store use was approved in 2010, the approval included a modification of the transparency requirement on the store’s North Highland Street frontage to screen the elevator shafts. Condition #31 was amended to permit the developer 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 Clarendon Center Site Plan did not originally envision a grocery store tenant in the South Block. The retail space was subdivided into one large and several smaller spaces, with the smaller retail spaces separated from the large space by a service corridor that also serves the residential portion of the project and the loading dock. It was suggested that Trader Joe’s consider reconfiguring the space they occupy to permit an entrance to the store from North Garfield Street; however, that was determined to be not feasible from an operational standpoint.

The applicant is requesting to further modify Condition #31 to permit display cases to be installed on the North Garfield Street frontage, which the applicant did not plan to occupy when the site plan amendment for the grocery store was approved in 2010. The transparency requirement for retail spaces is intended to activate the street frontage and to provide pedestrians a view of the activity taking place within the retail space. However, that requirement may be modified by the County Board at the request of the tenant.

Having 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 and a rich mix of uses. Because the retail space in question is currently used as a storage room, which is needed in order to support the continued operation of the grocery store, staff considers the request a “reasonable suggestion for modification of County policies and regulations,” as stated in the Grocery Store Policy.

Right: Conceptual rendering of the proposed display case. The display could include merchandise in addition (or in place of) the graphics shown in this image.



The applicant is proposing to install display cases behind the existing windows, which would be used for seasonal displays of images and/or merchandise. As with the North Highland Street side, the display will be rotated at a minimum of once every quarter. The condition also limits the duration of the transparency modification to the duration of the grocery store use.

CONCLUSION: While it is not a preferred use for a retail space fronting on a public street to be used as a storage room, staff supports the applicant's request to amend the transparency requirement and install display cases behind the transparent windows in the space occupied by the grocery store on North Garfield Street. The proposed amendment is supported by the Grocery Store Policy, which permits modifications of County regulations and policies in order to attract and retain grocery stores. The amendment is needed to help support the viability of a desired use in Clarendon, and as such, it would contribute to the *Clarendon Sector Plan* vision of creating an "urban village" with a rich mix of uses. In addition, the visual interest component of the transparency condition will be addressed by adding artwork and merchandise to the display cases and rotating the display on at least a quarterly basis. Therefore, staff recommends that the County Board adopt the attached ordinance to approve the subject site plan amendment, subject to all previously approved conditions with amended Condition #31.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated April 9, 2012 for Site Plan #375, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report prepared for the June 16, 2012 County Board 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 numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 16, 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 district as set forth in the Zoning Ordinance; and
- 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 originally requested by an application dated June 13, 2006 for Site Plan #397, and as such application has been modified, revised, or amended (Revised Site Plan Application) for the parcel of real property known as RPC #18-013-011, 1200 North Garfield Street, approval is granted and the parcel so described shall be used

according to the Site plan as originally approved on June 13, 2006 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to the previously approved conditions #1-87 with condition #31 amended as follows:

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. If, and at all times when, the space identified as "Retail B-1" on the Clarendon Center South Block Leasing Plan (July 12, 2010) is leased by a grocery tenant that occupies a retail space in the Clarendon Center South Block and used for retail storage to support the grocery tenant, the developer agrees to install display cases behind a transparent storefront fronting on North Garfield Street to shield the storage area from public view. The All display cases installed pursuant to this condition 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.

PREVIOUS COUNTY BOARD ACTIONS:

- April 2, 1977 Approved a use permit U-2105-77-1 to permit a private music school at 1137 North Highland Street.
- September 9, 1978 Approved a use permit U-2170-78-2 to permit a dance studio at 1137 North Highland Street with conditions and a review in one year.
- October 13, 1979 Continued U-2170-78-2 to permit a dance studio at 1137 North Highland Street with conditions and a review in three years.
- October 16, 1982 Continued U-2170-78-2 to permit a dance studio at 1137 North Highland Street with conditions and a review in three years.
- October 5, 1985 Continued U-2170-78-2 to permit a dance studio at 1137 North Highland Street with conditions and a review in three years.
- April 15, 1986 Approved a use permit U-2506-86-1 to permit live entertainment and customer dancing at 3012 Wilson Boulevard subject to conditions and a review in one year.
- October 18, 1986 Approved a use permit U-2528-86-1 to permit the operation of a photography studio on the second level of 3019 Clarendon Boulevard.
- April 4, 1987 Continued U-2506-86-1 to permit live entertainment and customer dancing at 3012 Wilson Boulevard subject to all previous conditions and a review in two years.
- April 25, 1987 Continued U-2528-86-1 to permit the operation of a photography studio on the second level of 3019 Clarendon Boulevard.
- February 11, 1989 Approved a use permit U-2615-89-1 to permit a food delivery service at 3014 Wilson Boulevard with conditions and a review in one year.
- April 8, 1989 Continued U-2506-86-1 to permit live entertainment at 3012 Wilson Boulevard subject to

	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).
September 16, 2008	Renewed a use permit for an outdoor café (U-2968-99-1) subject to all previous conditions with a review in one year (September 2009).
September 29, 2009	Renewed a use permit for an outdoor café (U-2968-99-1) subject to all previous conditions with a review in one year (September 2010).
November 17, 2009	Approved a site plan amendment for live entertainment and dancing at Hard Times Café, subject to conditions and review in one year (November 2010).
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).
July 10, 2010	Approved the site plan amendment request for a comprehensive sign plan at Clarendon Center, subject to all previous conditions and revised condition #47.
September 28, 2010	Renewed a use permit (U-2968-99-1) for an outdoor café at Hard Times Café, subject to a revised condition #1, new conditions, all previous conditions and review in six months (March 2011).
November 13, 2010	Renewed a site plan amendment for live entertainment and dancing for Hard Times Café, subject to all previously approved conditions and revised condition #2 and eight new conditions, with a review in two years (November 2012).
November 13, 2010	Approved a 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.

January 22, 2011

Approved a Site Plan Amendment for a rooftop sign for Airlines Reporting Corporation at 3000 Wilson Blvd.

March 12, 2011

Renewed a use permit (U-2968-99-1) for an outdoor café at Hard Times Café, subject to a revised condition #1, all previous conditions and review in one year (March 2012).

March 10, 2012

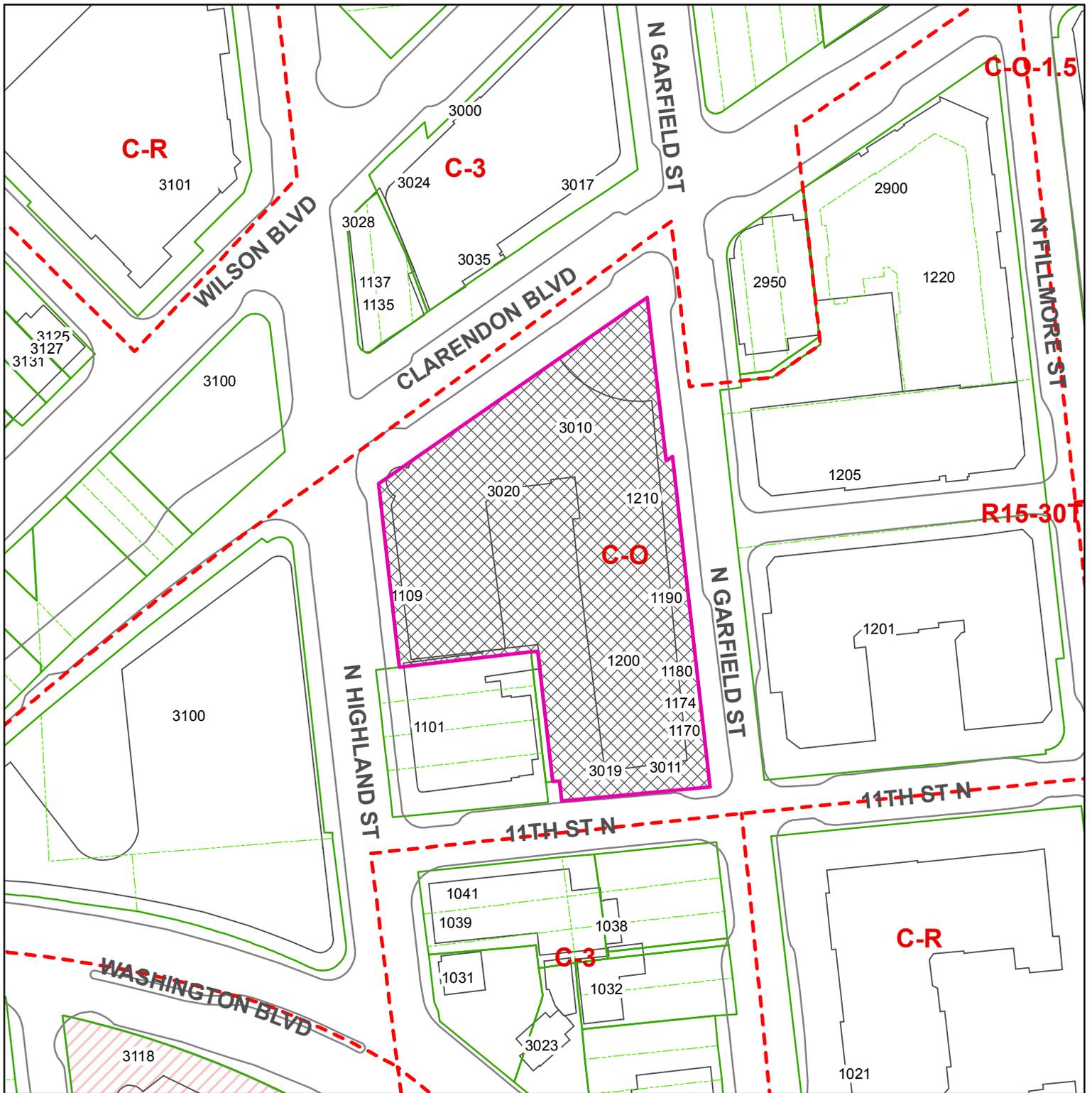
Renewed a use permit (U-2968-99-1) for an outdoor café at Hard Times Café, subject to a revised condition #1, all previous conditions and review in three years (March 2015).

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.).



SP# 397

1200 N Garfield St and 3030 Clarendon Blvd

RPC# 18-013-011



 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.