



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of February 23, 2008**

**DATE:** February 15, 2008

**SUBJECT:** SP #397 SITE PLAN AMENDMENT: Saul Centers, Inc., amend project phasing; 3000, 3012, 3016, 3020, 3028 Wilson Blvd., 3010, 3019 Clarendon Blvd., 1101 N. Highland St. (RPC #18-012-001, -002, -003, -004, -005, -006, -007, -008, -009, -010)

**Applicant:**

Saul Centers, Inc.

**By:**

Kara M. Whisler, Agent  
Walsh, Colucci, Lubeley, Emrich & Walsh, PC  
2200 Clarendon Boulevard, Suite 1300  
Arlington, Virginia 22201

**C.M. RECOMMENDATION:**

Approve the subject site plan amendment request to amend project phasing subject to the revised condition and drawing included with this report.

**ISSUES:** The proposed Site Plan Amendment requests a modification to project phasing specifically related to the timing of construction. In response to the proposed amendment, the community expressed concern regarding the impact of the proposed phasing on 1) tenant relocation and retention, and 2) pedestrian and vehicular circulation. Staff has addressed these concerns and has no issues with the proposed amendment.

**SUMMARY:** The developer of Clarendon Center requests a Site Plan Amendment to modify construction phasing represented during the community review and site plan approval process. In lieu of constructing the South Block of the project prior to the North Block as represented, the applicant requests the option to build the two blocks concurrently. During the 2006 site plan review and approval process, the community expressed concern related to the construction

County Manager: \_\_\_\_\_

Staff: Samia Byrd, DCPHD, Planning Division  
Robert Gibson, DES, Transportation Division

PLA-4881

phasing of building the two blocks one after the other. They were concerned with ensuring the timely development of the proposed office buildings, relocation and retention of existing small retail tenants and the amount of time that there would be disruption to streets and sidewalks as a result of the proposed construction phasing. The proposed concurrent construction phasing is a positive response to each of these concerns. Staff finds that there would be no significant impact from concurrent construction on retail tenant's retention and relocation and that pedestrian and vehicular circulation would be maintained at existing levels. In addition, long anticipated construction of a significant retail, residential and office development in the Clarendon Center Metro Station area would be completed in a timely manner, with disruption due to construction occurring over a shorter period of time. Therefore, staff recommends that this Site Plan Amendment be approved subject to revisions to Site Plan Condition #6 included in this staff report and the attached illustration of a pedestrian and vehicular circulation plan for concurrent construction dated February 5, 2008.

**BACKGROUND:** Clarendon Center was approved in June 2006 as a mixed use office, retail and residential development including preservation of the Underwood Building and the Old Dominion Building (Leadership Institute).

Site: The site encompasses two blocks in the Clarendon Center Metro Station Area with the following boundaries:

North:	Wilson Boulevard
South:	11 <sup>th</sup> Street North
East:	North Garfield Street
West:	North Highland Street

The two blocks are bisected by Clarendon Boulevard, dividing the site into a North Block and South Block. Notable landmark features surrounding the site include: Clarendon Square (north), McCaffery, Phase III (east) and the Olmstead Building (west). Immediately west of the North Block across North Highland Street is Metro Park, the entrance to the Clarendon Metro Station.

Zoning: "C-3" General Commercial District (North Block); "C-O" Commercial Office Building, Hotel, and Multiple-Family Dwelling Districts (South Block).

General Land Use Plan Designation: "Medium Density Mixed Use" (North Block); "High" Office-Apartment-Hotel (South Block)

Neighborhoods: Clarendon-Courthouse Civic Association; Lyon Village Citizens Association; Clarendon Alliance, and Lyon Park Citizens Association.

**DISCUSSION:** During the 2006 community review process, the community expressed a desire to have the North Block constructed prior to the South Block to ensure the timely development of office space in Clarendon. The developer however, always represented its intent to construct the South Block prior to the North Block (Condition #68). This construction phasing would ensure that existing retail tenants occupying the North Block eligible for, and accepting of retail tenant retention benefits could relocate to newly constructed space in the South Block prior to construction of the North Block. In this way, the extent of relocation required for existing small businesses, as well as the impact on their business operations would be minimized during redevelopment of the site. The developer proposes to modify this construction phasing such that both the North and South Blocks could, if feasible, be built concurrently in response to favorable market conditions.

In reviewing the site plan amendment request, the Clarendon-Courthouse Civic Association, Clarendon Alliance, Lyon Park Citizens Association, and Lyon Village Citizens Association were consulted. Of concern to the community during the review process preceding approval of this site plan, as well as in connection to the proposed Site Plan Amendment is the impact of concurrent construction on: 1) tenant relocation and retention and 2) vehicular and pedestrian circulation.

Tenant Relocation and Retention: Two site plan conditions address community concern regarding the relocation and retention of small retail businesses on-site at the time of site plan approval. Site Plan Condition #8 (Attachment A) requires the developer to coordinate with the Department of Economic Development in the provision of relocation assistance to all retail tenants under lease as of the date of site plan approval as well as establish and implement a retail tenant retention program. In addition Site Plan Condition #62 requires that a retail attraction and marketing plan be developed and implemented for the new retail space, identifying a marketing strategy targeted toward small local businesses with a goal of leasing at least 15% of the new retail space to such businesses.

For clarification, the *Rosslyn-Ballston Corridor Retail Action Plan* defines retail as follows:

“Unless otherwise noted, retail is an inclusive phrase that encompasses consumer comparison goods (General merchandise, apparel, furnishings and other types of similar merchandise – commonly referred to as GAFO categories in the retail industry), convenience goods, (food delis), gifts, drugstore items, personal care, cards/stationary), personal and business services, restaurants, grocery stores, and hotel, theater and other uses that provide visual interest and create active street life.”

The *Retail Action Plan* further provides examples of types of retail that meet its objectives in establishing well defined retail streets in Arlington’s downtown areas. There are two categories 1) Entertainment and Main Street Retail and Consumer and Business Services. (Attachment B)

In assessing the impact of concurrent construction on existing tenants, staff reviewed the

requirements for the retail tenant retention program, as it is directly related to the timing of construction of the North and South Blocks as represented by the developer. Site Plan Condition #8f reads as follows:

The developer shall institute a retail tenant retention program. Each small retail tenant (less than 2,500 square feet) occupying space in the building, with a signed lease, (except for tenants in the Underwood and Old Dominion Buildings) as of July 2004 and through the date of approval of the site plan shall be offered a retail suite in the new building, located in the portion of the retail space on North Garfield Street south of the residential lobby. The space will be offered at a per-square-foot rent no greater than the tenant's then-current rent. Developer shall provide each tenant with commercially standard "vanilla box" tenant improvements. The term shall be offered for at least 5 years and annual rent increases during this period shall be no greater than \$2.00 per square foot per year, commencing no earlier than the second lease year. The developer shall offer, but the tenant shall not be obligated, to lease as much space as the tenant currently leases in the north block. Tenant shall be permitted to lease additional space at market terms. In addition, prior to relocation to the South Block, the developer shall limit rent increases for retail tenants occupying space pursuant to a signed lease, (except tenants of the Underwood and Old Dominion Buildings) as of July 2004 through the date of site plan approval in any lease renewals subsequent to the date of site plan approval for the then existing retail suites on the North Block to the lesser of \$2.00 per square foot per year or the annual increase in the Consumer Price Index for the most recent available 12-month period.

Based on the above, the following table identifies tenants leasing space in the North Block at the time of site plan approval (the South Block consisted of a vacant office building and parking lot) and whether or not they were eligible for the retail tenant retention program:

TENANT	ELIGIBLE
David Schurtz, Esq.	No
Studio Body Logic	No
Member Cleaners	Yes
Classic Cigars & British Goodies	Yes
Hot Shotz	Yes
Little Viet Garden	Yes
Sjtorm & Theory	Yes
Clarendon Valet	Yes

The site plan condition is clear in that eligible tenants must be retail tenants, leasing space less than 2,500 square feet with leases in effect between July 2004 and June 2006, when the site plan was approved. As a result, David Shurtz, Esq., an attorney was not eligible for the program not meeting the definition of a small "retail" tenant for whom the program was targeted. The Studio Body Logic was not eligible for the retail tenant retention program because it was not a primary

lease holder, but maintained a sub-lease with David Shurtz, Esq. Finally, Clare and Don's, although not listed in the table above, was not eligible for the retail tenant retention program because they leased 3,600 sq ft of retail space exceeding the small retail space defined as less than 2,500 sq ft and they signed a month-to-month lease after site plan submission effective 3/2/2005. They voluntarily vacated their space on 11/30/2006. While all tenants both eligible and ineligible are currently still on-site, all premises of the North Block will be vacated by 3/31/08 to allow for deconstruction of the North Block buildings as the South Block demolition has already begun.

In implementing the retail tenant retention program in compliance with Site Plan Condition #8f, of the six (6) tenants listed as eligible in the table above, only one (1) tenant, Member Cleaners, has agreed to and accepted the terms of the retail tenant retention program opting to remain in the project during construction. Three (3) tenants, Classic Cigars & British Goodies, Hot Shutz, and Little Viet Garden, while rejecting the terms of Site Plan Condition #8f for relocation assistance, have indicated their intent to lease new retail space in the North Block of Clarendon Center once construction is complete. The remaining two (2) tenants, Sjtorm & Theory and Clarendon Valet, have either already vacated or intend to vacate the premises altogether. Therefore, should construction of the North and South Blocks be concurrent, the only tenant who has accepted the terms of Site Plan Condition #8f, Member Cleaners, would be temporarily relocated within Clarendon into a swing space and then to the South Block upon its completion. The terms of both leases for temporary and permanent space in the South Block would be consistent with Site Plan Condition #8f. There are no other retail tenants that would require relocation during concurrent construction of the project, and therefore none of the retail tenants would be impacted by the proposed amendment.

Vehicular and Pedestrian Circulation: Site Plan Condition #6 requires that a plan for temporary pedestrian and vehicular circulation be developed and implemented during construction. The Site Plan Condition further requires that safe pedestrian access be maintained throughout construction along both sides of Clarendon Boulevard, the south side of Wilson Boulevard, the east side of North Highland Street and 11<sup>th</sup> Street adjacent to the Old Dominion Building. Staff reviewed the impact of concurrent construction on pedestrian and vehicular circulation. With the proposed amendment to allow the developer the option to develop the two blocks concurrently, pedestrian circulation along Clarendon Boulevard is of primary concern. Specifically, the section of Clarendon Boulevard between N. Highland Street and N. Garfield Street is highly utilized, serving as a connection between the Metro Station and many of the newer developments along Clarendon Boulevard east of the site. In order to minimize any potential significant impact to pedestrian circulation from concurrent construction of the North and South Blocks, staff recommends and the applicant agrees to maintain pedestrian and bicycle access at existing levels. Currently the street section along Clarendon Boulevard between the North and South Blocks is approximately 47-feet wide providing two travel lanes, a bike lane, and on-street parking on both sides of the street. In order to meet the above requirement to maintain existing levels of accessibility, staff is requiring that in addition to all previously approved conditions, the project

provide at a minimum the following street sections during concurrent construction of the North and South Blocks:

- One (1), 10-foot travel lane along the north side of the street;
- One (1), 11-foot travel lane along the south side of the street;
- One ( 1), 4-foot bike lane along the south side of the street; and
- Covered or a protected pedestrian walkways providing a minimum of 8-feet wide of clear walkway on each side of the street.

In order to accommodate the above street sections, the parking lanes on each side of the street, within the existing street sections, will have to be removed. Site Plan Condition #6 has been revised to reflect this requirement. In addition, the applicant proposes the attached diagram indicating pedestrian and vehicular circulation, should construction be concurrent.

**CONCLUSION:** In reviewing the proposed Site Plan Amendment to allow the developer the option to build the North and South Blocks of Clarendon Center concurrently, staff finds that there will be no significant impact to either, retail tenant retention and relocation or pedestrian and vehicular circulation. The developer is in compliance with Site Plan Condition #8f regarding the retail tenant retention program. In as much as there is only one retail tenant who has accepted the terms of the program, there is no impact of concurrent construction on existing retail tenants. Furthermore, temporary relocation provisions will be made for the existing tenant should construction of the blocks occur concurrently in compliance with Site Plan Condition #8f. In addition, the developer proposes a temporary plan for vehicular and pedestrian circulation that would maintain existing levels of accessibility in response to concerns about pedestrian safety and circulation in compliance with Site Plan Condition #6. In general, should construction occur concurrently, the amount of disruption to the area in all ways would be minimized, and the entire project complete of residential and office development would exceed the community's expectations for the timeliness of delivering the proposed office buildings. Therefore, staff recommends that the Site Plan Amendment be approved subject to the following revisions to Condition #6 and the proposed pedestrian and vehicular circulation pan for concurrent construction as illustrated in the drawing dated February 5, 2008.

6. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. Throughout construction, the developer agrees to ensure that safe pedestrian access is maintained along both sides of Clarendon Boulevard, the south side of Wilson Boulevard, the east side of North Highland Street, and the portion of 11th Street adjacent to the Old Dominion Building; exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. In the event that the developer

pursues concurrent construction of the North Block and South Block, the developer agrees to maintain the following cross-section along Clarendon Boulevard:

- One 10-foot travel lane along the north side of Clarendon Boulevard;
- One 11-foot travel lane along the south side of Clarendon Boulevard;
- One 4-foot bike lane along the south side of Clarendon Boulevard; and
- Minimum 8-foot wide clear covered or protected pedestrian walkway on each side of the street.

The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The developer agrees to provide a copy of the approved plan to the Clarendon Alliance, Clarendon-Courthouse Civic Association, Lyon Park Citizens Association and the Lyon Village Citizens Association. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees, during the hours of construction, to provide “flagmen” to assist in the direction of traffic along or around a street any time that any driving lane of such a street is partially or fully blocked due to temporary construction activities. In addition, the developer agrees to notify the Clarendon Alliance and the presidents of the Courthouse Civic Association, the Lyon Park Citizens Association, and the Lyon Village Citizens Association and all abutting property owners in writing (or, by mutual agreement, by e-mail) at least seven calendar days in advance of any street closure, except in the case of an emergency, of more than one hour duration on any street. “Emergency” street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, insecure building façade, or similar unforeseeable public danger. “Emergency” street closures shall not include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, or utilities work, or similar situations.

Where county street lighting has been removed *or disconnected* due to construction and not yet replaced *or reconnected*, the developer agrees to maintain lighting around the perimeter of the site between the start of construction and completion of the project. The lighting shall be designed to illuminate the temporary pedestrian walkways and roads around the perimeter of the site. The developer may do this by means of overhead lights (e.g. “cobra head” lights) that meet the lighting standards for Arlington County streets, or by stringing lamps of the kind used in “used car” lots or similar along sidewalks and streets along the perimeter of the site. If lighting is accomplished by the latter, such lighting shall be with 75 watt bulbs (or approximate equivalent) placed no more than 25 feet apart and 6 to 10 feet high. Lighting shall be turned on between dusk and dawn 7 days a week. Any high-intensity overhead lighting, such as lighting placed on construction cranes, shall be used only during construction hours (except lower levels

after hours for safety and security reasons), and shall be placed so as not to directly illuminate residential dwellings south of North Garfield Street or be a nuisance to neighboring property owners. For purposes of this condition, “completion of the project” shall mean the time when the County standard lighting fixtures are in place and operational around the perimeter of the site.

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The developer agrees to insure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the developer, the developer’s contractors, or private utility companies. The developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. The term “significant portion of a road” is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this site plan and any County requirements relating to reconstruction and repaving of streets at the completion of construction.

In addition, to facilitate the Clarendon Mardi Gras Parade, the Clarendon Criterium bicycle race and Clarendon Day, the developer agrees to coordinate construction including utility work so that appropriate portions of the road surfaces of Clarendon Boulevard, Wilson Boulevard and North Highland Street are in a clean, smooth condition on the dates of Mardi Gras, the Clarendon Criterium bicycle race and Clarendon Day. The developer shall consult with the sponsor of the Clarendon Criterium and the Executive Director of the Clarendon Alliance prior to the respective events concerning the road surface conditions and the developer agrees to make any reasonable correction to the road surface disturbed by construction in time for the planned event. In the case of any disagreement, the County Manager shall determine whether the requested correction is reasonable.



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.