



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of June 17, 2008

SUPPLEMENTAL REPORT

DATE: June 17, 2008

- SUBJECT:**
- A. GP-315-08-1 General Land Use Plan Amendment to designate a “Special Affordable Housing Protection District” and add Note 13 for the property generally bounded by Clarendon Boulevard to the north, 16th Road North to the south, North Oak Street to the east and North Ode Street to the west, with the exception of the parcels located in the southwest and southeast corners of the block (1509, 1521, and 1523 16th Road North; 1524, 1520, 1516, 1512, and 1508 Clarendon Boulevard; and 1628 North Oak Street).
 - B. SP #412 SITE PLAN: JBG/Rosslyn Commons, LLC; construct approx 435 apartment dwelling units, approx 27 townhouses, modifications of use regulations for density, height, parking, exclusion from density of mechanical room, exclusion of retail GFA from density calculation; 1509, 1521, 1523 16th Rd.; 1508, 1512, 1516, 1520, 1524 Clarendon Blvd., 1628 N. Oak St., (RPC #17-005-002, -003, -004, -006, -007, -008, -009, -010, -011).

DISCUSSION: This supplemental report amends site plan condition #64 providing for a retail attraction and marketing plan and further provides for outreach to local small businesses and also incorporates additional language into site plan condition #72 providing for welcoming signs as part of the public walkway easement for the open space area.

Retail Elements

64. a. The developer agrees to develop and implement a retail attraction and marketing plan for a minimum of 10,000 square feet of retail space located on the first floors of the office and G-1 level of the Multifamily Residential Buildings located on Clarendon Boulevard. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The retail attraction and marketing plan shall be in accordance with the approved Retail Action Plan for the Rosslyn-Ballston Corridor, dated January 2001. The

County Manager: _____

County Attorney: _____

Staff: Samia Byrd, DCPHD, Planning Division
Margaret Rhodes, DCPHD, Planning Division
Dolores Kinney, DES, Division of Transportation
Betts Abel, DCPHD, Housing Division

PLA-4981

retail attraction and marketing plan shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment.

- b. The developer agrees that in consultation with the Department of Economic Development, the retail attraction and marking plan shall identify a marketing and outreach strategy that includes local small businesses. For the purposes of this condition, a "local small business" is defined as including any business entity that has a maximum of one other outlet in Arlington County (and none elsewhere) and which proposes to lease/occupy 1,500 square feet or less of ground floor retail space in the project.
- c. The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but are not limited to: approximately 15 foot floor to floor heights, as shown on the plans dated June 6, 2008; access to the service corridor/areas as shown on the architectural plans dated June 6, 2008; direct street frontage and access; rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions; provision for any venting systems required for any food preparation or restaurant use; and sufficient transparency of the building facade to achieve adequate street exposure as defined below.

The developer agrees to market a minimum of 10,000 square feet of retail space located on the G-1 level of the Multifamily Residential Buildings along Clarendon Boulevard first floor of the building to uses consistent with the approved Retail Action Plan for the Rosslyn Ballston Corridor, dated January 2001 and the following:

- 1. ~~The developer is encouraged work with the Department of Economic Development to make local small business owners aware of the opportunity to 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 *Rosslyn Station Area Plan Addendum (Rosslyn Sector Plan) Rosslyn Ballston Corridor Retail Action Plan* and the "RA-4.8" Zoning Ordinance Amendment adopted in January 1992, May 19, 2001 and March 15, 2008, respectively.~~
- 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.~~

Except as otherwise shown on the plans dated June 6, 2008, 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 grade 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. Vacant retail space shall be exempt from the above minimum transparency requirements, and the developer may display items inside the windows of the vacant retail space such as art work, murals, or displays, as may be approved by administrative change request.

~~The developer agrees to submit an application for administrative change for any proposal for retail 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 shall require a site plan amendment.~~

Public Use and Access Walkway Easements

72. For each phase of the Development as defined in Conditions #1 and #69, the developer agrees to grant, by Deed of Easement(s), permanent public walkway use and access easements ("Easement(s))", in accordance with the conditions set forth herein and in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County, for the benefit of the County and the public at large, providing for a public use and access pedestrian walkway by the County and the public at large over, on and through: (1) a sidewalk to be constructed and located in the open space area which forms a north-south mid-block connection between Clarendon Boulevard and 16th Road North; (2) a sidewalk to be located in the open space area which forms an east-west connection between N. Ode Street and the north-south mid-block connection; (3) a monumental staircase fronting on Clarendon Boulevard; and (4) the elevator located next to the monumental staircase; each of the easement areas (1) through (4) as shown on the plans prepared by Bowman Consulting Group, Ltd., seal dated June 5, 2008 ("Easement Areas"). The final location of the Easement Areas may change with the preparation, and approval by the County, of the final building plans. The developer agrees to construct and landscape the Easement Areas, as shown on plans with seal dates of May 28, 2008, June 5, 2008 and dated June 6, 2008 and made a part of the public record on June 17, 2008. Final landscape design and installation shall be approved by the County Manager as part

of the final site development and landscape plan. Construction and landscaping of each of the Easement Areas shall be completed prior to the granting of the Easement for that Easement Area. Granting of all of the Easements located in a phase of Development shall be completed prior to the issuance of the first certificate of occupancy for the building corresponding phase of Development. The Easements shall be granted by deed, in substance acceptable to the County Manager, and subject to approval as to form by the County Attorney, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County.

The Easements shall:

- a. Provide that the developer shall be responsible, at its sole cost and expense, for the continued care, cleaning, maintenance, repair, replacement and installation of all Easement Areas and all improvements contained within the Easement Areas, including, but not limited to concrete, bricks, masonry, stone work, sidewalks, lighting, trash receptacles, steps, monumental staircases, elevators and any other fixtures or improvements, if any, shown on the final site development and landscape plans. In addition, the developer shall be responsible, at its sole cost and expense for snow and ice removal in the Easement Area.
- b. Provide that no motorized vehicles, other than emergency vehicles or wheelchairs, and no bicycles, skateboards, scooters or similar non-motorized vehicles shall be operated in the Easement Areas.
- c. Provide that the County, its contractors and agents, and the public at-large, shall at all times, have full and free use of the Easement Area for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise and use of the Easements, including, but not limited to, the right to access to and from the Easements; and the right to use the adjoining land of the developer where necessary, provided however, that this right to use the adjacent land shall be limited to that use necessary for the County, its contractors and agents, to repair or maintain the Easement Areas should the developer fail to do so promptly after notice from the County, and further this right to use the adjacent land shall not be construed to allow the County to erect any building, structure or facility of a permanent nature on such adjoining land unless otherwise provided in such Easements.
- d. Provide that the Easement Areas shall be open for public access twenty-four hours a day, seven days a week.
- e. Provide that upon written request of the developer to the County Manager, stating the proposed time period, spatial area(s) and the reasons for such request, and with the written approval of the County Manager, not to be unreasonably withheld, the Easement Area, or portion thereof, may be temporarily restricted or prohibited for limited times and limited purposes (e.g. for maintenance, repair,

replacement, or special events).

- f. Provide that the developer shall be responsible for all trash and debris removal in the Easement Areas.
- g. Permit the installation, by the developer, within the Easement Areas, of benches, seating, trash receptacles, lighting, walls and landscaping features, if any, depicted on the final landscape and site plans.
- h. Provide that the developer may use the Easement Areas in any manner that is not inconsistent with the terms of the Deed of Easement or inconsistent with the use of the Easement for the purposes named therein.
- i. Provide that the developer may restrict or prohibit the following activities from the Easement Area: (1) vending; (2) soliciting; (3) any activity that violates the Noise Control Ordinance of Arlington County, Virginia; and (4) any activity which blocks the use of the Easement Area by pedestrians.

The developer agrees that the Easements shall include the consent of any lender for the project that is the subject of the site plan, the subordination of any lien or a mortgage or deed of trust and the consent of all parties and entities having any property interest, with priority in any portion of the Easement Areas.

The developer agrees to install signs welcoming the public to the public walkway wherever such walkway meets with the public sidewalk. Such signs shall be reviewed by the County Manager and approved by the Zoning Administrator as part of the Comprehensive Sign Plan.