



ARLINGTON COUNTY, VIRGINIA
ARLINGTON COUNTY PLANNING COMMISSION

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CHRISTOPHER FORINASH
CHAIR

NANCY IACOMINI
VICE CHAIR

MICHELLE STAHLHUT
COORDINATOR

GIZELE C. JOHNSON
CLERK

January 20, 2015

Arlington County Board
2100 Clarendon Boulevard
Suite 300
Arlington, Virginia 22201

SUBJECT:

2. Determine that the proposed vacation of the eastern 17.5 foot wide portion of Old South Eads Street, running north to south between the southern boundary of Army Navy Drive and the northern boundary of 11th Street South, abutting the western boundary of a parcel owned by Arlington Apartments to L/Cal LLC (RPC #35-002-001) is substantially in accord with the adopted Comprehensive Plan or applicable part thereof.
3. Determine that the proposed abandonment of the western 17.5 foot wide portion of Old South Eads Street, running north to south between the southern boundary of Army Navy Drive and the northern boundary of 11th Street South, and between the eastern 17.5 foot wide portion of Old South Eads Street and a 20 foot wide portion of Old South Eads Street dedicated to the County in Deed Book 1064 at Page 98, near the Western Boundary of a parcel Owned by Arlington Apartments L/Cal LLC, RPC #35-002-001, is substantially in accord with the adopted Comprehensive Plan or applicable part thereof.

RECOMMENDATIONS:

- 1) **The Planning Commission finds that the proposed vacation of the eastern 17.5 foot wide portion of Old South Eads Street, running north to south between the southern boundary of Army Navy Drive and the northern boundary of 11th Street South, abutting the western boundary of a parcel owned by Arlington Apartments to L/Cal LLC (RPC #35-002-001) is substantially in accord with the adopted Comprehensive Plan or applicable part thereof.**
- 2) **The Planning Commission finds that the proposed abandonment of the western 17.5 foot wide portion of Old South Eads Street, running north to south between the southern**

P.C. #33.D.E.

boundary of Army Navy Drive and the northern boundary of 11th Street South, and between the eastern 17.5 foot wide portion of Old South Eads Street and a 20 foot wide portion of Old South Eads Street dedicated to the County in Deed Book 1064 at Page 98, near the Western Boundary of a parcel Owned by Arlington Apartments L/Cal LLC, RPC #35-002-001, is substantially in accord with the adopted Comprehensive Plan or applicable part thereof.

Dear County Board Members:

The Planning Commission heard these items at its January 12, 2015 public hearing. Linda Collier, DES, gave a presentation on the background and purpose of the vacation and abandonment. Also present was Jennifer Bacon, DES.

Public Speakers

There were no public speakers for Item 2 or Item 3.

Planning Commission Committee Report

There were no Committee reports for these items.

Planning Commission Discussion

Commissioner Iacomini asked whether her understanding of the issues was correct: the eastern portion of the road is to be vacated, the “western portion” (actually the center of right-of-way) is to be abandoned, and the section west of that (adjacent to the Teardrop site) remains County property. The proposed abandonment of the western portion would remove it from the Master Transportation Plan (MTP) as a public street. Ms. Collier added that as we are addressing the eastern portion it made sense to discuss the western portion at the same time. The section adjacent to the Teardrop parcel is part of the street and will have to be abandoned or vacated at some point, but staff does not yet know the disposition of the Teardrop site, so no determinations will be made now.

Commissioner Gutshall asked staff to explain the difference between vacation and abandonment. Ms. Collier responded that a vacation means abandoning the use as a public street, and also the ownership. Usually, if the County is vacating an easement between two property owners, half would go to each property owner. Because in this case one half of the street is owned by the County and the County wants to retain ownership, the County wants to abandon its use as a public street, but will retain the land as County property. In other words, the street will no longer be a public one, but the County will own the property itself. In this case, the eastern portion is planned for use as part of the site plan. The owner of the site plan property will convey the underlying fee simple interest back to the County. Thus, eventually the County will own the land (fee simple interest) for all three pieces of the street. The private owner, then, will retain only an easement for limited use for one-way vehicle access, pedestrian access, and emergency vehicle access on the eastern portion of the street. In addition, the County will own the fee and the density associated with it. The County did not want to change the ownership of the western portion, and did not want to retain it as a public street. The eastern 17.5 foot portion will function as an alley. It will not have the width for a public street and the County wants to abandon the other portion to make sure it is not used as a public street.

Commissioner Gutshall asked if the County would be maintaining it. Ms. Collier responded she did not know about the maintenance or costs.

Commissioner Siegel asked staff to explain what specifically happens after the determinations are made. Ms. Collier explained the portion adjacent to the Teardrop site is currently owned by the County. The western and eastern portions together comprise a pre-Byrd Act Street. The County has a street and utilities easement - a pre-Byrd Act Street is a street that was dedicated by subdivision and is an easement. The eastern portion would transfer because half of the 35 foot portion (17.5) would go to the abutting owners. They would own it for a period of time and at some point they would convey the fee simple back to the County except for a small portion they will retain over their garage, for which the owners will pay approximately \$63,000. Ms. Collier explained that when the County vacates, the adjacent property owner gets ownership. The County practice is to give a one-time density credit for property that is then conveyed back to the County. The County wishes to obtain density as well, that is, depending on what determinations are made regarding the Teardrop site.

Commissioner Forinash asked, looking at the maps, how the County can vacate and abandon property on a street that appears to run up to the centerline of Army Navy Drive. Ms. Collier explained that there is a street and utilities easement over this portion of Army Navy Drive that is also being dedicated to the County. The fee simple for Army Navy Drive is being dedicated to the County as part of the site plan. It goes that far north along with the L/COR property line.

Commissioner Forinash asked whether the vacation and abandonment do indeed apply to these two rectangles within the current Army Navy Drive, and whether the County is planning to abandon that portion of the road, which would be a problem as the intent is clearly that Army Navy Drive is a public street. Ms. Collier responded this portion is being dedicated all the way across as part of the site plan, but noted the concern raised by the mapping.

Evan Pritchard, representing the owners of 400 Army Navy Drive, responded that the portion that goes up into Army Navy Drive is a separate interest easement that the County is not vacating. The County currently has an overlap of easements for Old South Eads and Army Navy Drive. One is going away but the County will retain the easement on Army Navy Drive.

Ms. Collier responded that staff will double check that this applies to the abandonment also.

Commissioner Cole said that under "Issues" on page two, the staff report indicates the site plan contains a request for a permit for two buildings. He noted that in fact the site plan calls for a single building with two towers. Also, the site plan calls for a pedestrian bicycle/occasional vehicle thruway that will be limited to 17.5 feet in the eastern portion. Therefore, Commissioner Cole asked if the vacation/abandonment would involve any area of Old South Eads St that will continue to be owned by the County. Ms. Collier responded no.

Commissioner Cole referred to page four of the proposed ordinance noting that the vacation requires relocation of all County utilities within the vacated area. He asked at whose expense the utilities be relocated. Ms. Collier responded that anything located in the eastern area would have to be relocated

by the applicant. Staff does not think anything is there, but if there are utilities to be relocated, the applicant would have to relocate them as part of the site plan.

Commissioner Cole asked about the map titled “Vacation of a Portion of Old South Eads Street” and observed the staff report text suggests that the vacation would end at 11st Street South. However, he noted that the map shows the vacation continuing to 12th Street South. Ms. Collier said the GIS department created that map and noted that it is not precise. Mr. Cole suggested the maps should be corrected before the report goes to Board as they are part of the County’s legal record.

Commissioner Gutshall referred to page C4.5, which shows the vacated Old South Eads Street, and asked whether this is something that is proposed or something that has already occurred. Ms. Collier said that the drawing shows the proposed dedication back to the County. Commissioner Gutshall clarified that the difference between the two parallelograms of 440 square feet is what they would retain and where the money comes from. Ms. Collier agreed and said the total was \$63,128.

Commissioner Gutshall asked how the value of that sliver of land is derived. Ms. Collier said it is a portion the private owner wants to retain over their garage. An appraisal was done on a FAR square foot basis and that figure was used to calculate the value. The County had an appraisal done and the figure was taken from that appraisal. Commissioner Gutshall asked if the appraisal is in the public record.

Ms. Collier responded the calculations are made using the square foot value multiplied by the FAR, and then by the square footage. The appraisal was done in a different office and she was unclear if it had been placed in the public record.

Commissioner Forinash stated that 11th Street South is not shown on the MTP and the Planning Commission is taking action on a finding related to a vacation and abandonment of street ROW. He asked whether what is shown is in accordance with the MTP. Ms. Collier responded that part of the Army Navy Drive site plan included a request for 11th Street to be put back on the MTP.

Commissioner Siegel noted that Item #3 references not only the MTP, which is a comprehensive plan element covered by the code under which we have to make these determinations, but that staff also provided the map of the Northeast Gateway, part of the Crystal City Sector Plan. She asked why that was introduced. Ms. Collier responded that the fact that Old South Eads is no longer on the MTP would probably sufficient for the Planning Commission to make the determinations. Staff, however, wanted to provide further support and context provided by the Crystal City Sector Plan. Thus staff provided the portion of the Sector Plan that shows that a duplicate of Eads Street near the Army Navy Drive intersection would be vacated in order to simplify the roadway network in this location, and facilitate a new development opportunity to define that corner.

Commissioner Siegel asked for clarification. She wanted to know whether staff’s position is that the proposed vacation and abandonment are consistent with the comprehensive plan as well as the Sector Plan. The issue with these vacations and the Teardrop parcel calls to mind a big change in policy related to the streetcar. Commissioner Siegel noted she had a set of questions about what the larger policy context would mean for the Crystal City Sector Plan, noting that she was aware that there was ongoing planning by staff regarding this issue.

Planning Commission Motion Item 2

Commissioner Siegel moved that the Planning Commission recommend the Commission find that the proposed vacation of the eastern 17.5 foot wide portion of Old South Eads Street, running north to south between the southern boundary of Army Navy Drive and the northern boundary of 11th Street South, abutting the western boundary of a parcel owned by Arlington Apartments to L/Cal LLC (RPC #35-002-001) is substantially in accord with the adopted Comprehensive Plan or applicable part thereof. Commissioner Ciotti seconded the motion.

Commissioner Gutshall stated support for the motion but that asserted that it should have come forward before the Planning Commission had voted on the site plan, because at this point it appeared that there could be no choice but to make the affirmative finding.

The Planning Commission voted 8-0 to support the motion with Commissioners Siegel, Ciotti, Iacomini, Forinash, Cole, Sockwell, Gutshall, and Brown in support.

Planning Commission Discussion Item 3

Commissioner Gutshall asked who is responsible if for the abandoned street if there were an accident. How does the County make sure that the road portion wouldn't be abandoned if the developer never proceeds with their site plan? Ms. Collier responded that the ordinance says that the abandonment is effective upon the recordation of the ordinance and that it cannot be recorded any sooner than the deed of vacation. The deed of vacation has a time limit on it of within 3 years so if the site plan isn't built, the deed would not be recorded, and the abandonment is not effective until the deed is recorded. Basically it would not take effect until the other portion is vacated.

Planning Commission Motion

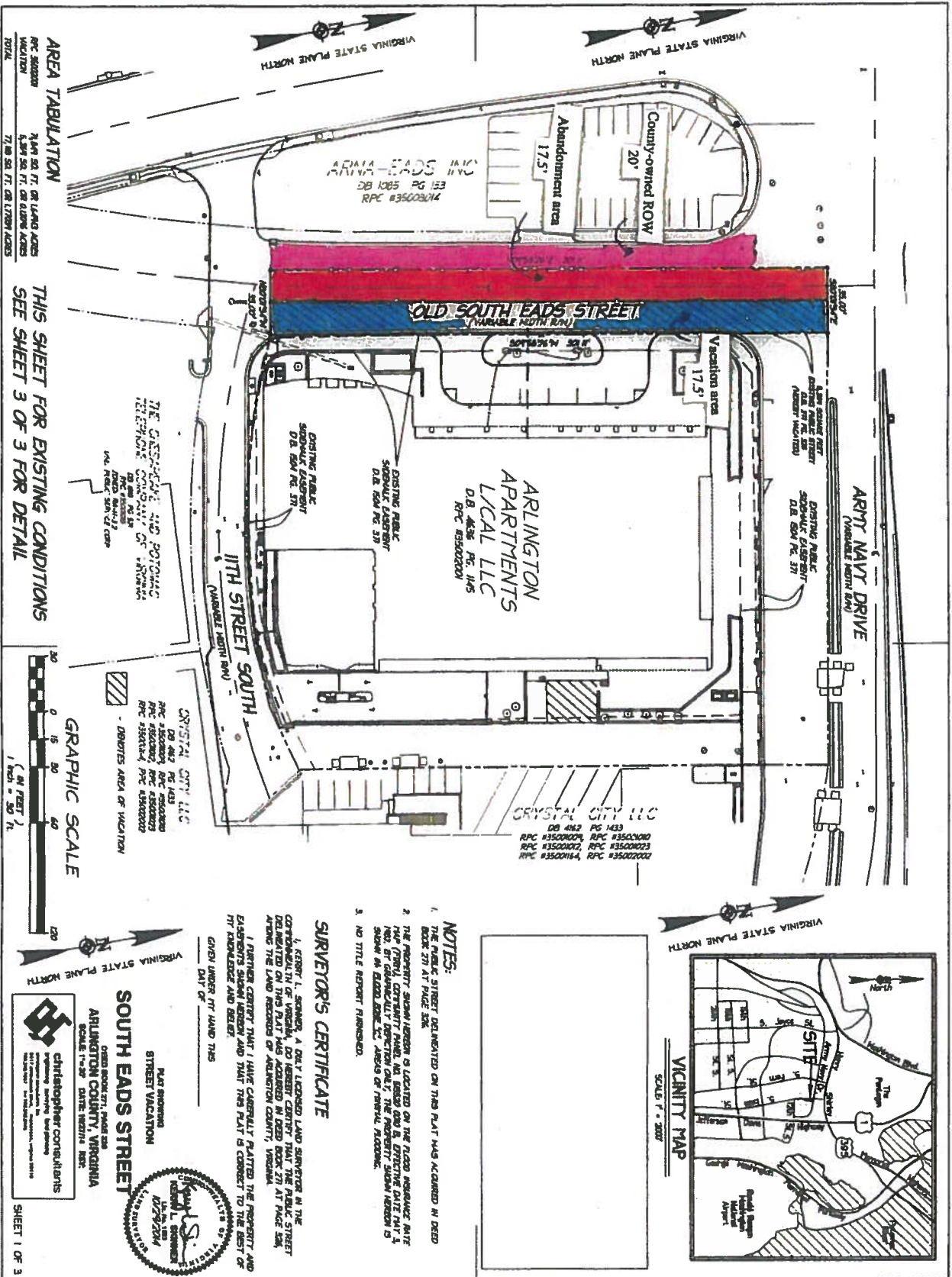
Commissioner Siegel made a motion that the Planning Commission find that the proposed abandonment of the western 17.5 foot wide portion of Old South Eads Street, running north to south between the southern boundary of Army Navy Drive and the northern boundary of 11th Street South, and between the eastern 17.5 foot wide portion of Old South Eads Street and a 20 foot wide portion of Old South Eads Street dedicated to the County in Deed Book 1064 at Page 98, near the Western Boundary of a parcel Owned by Arlington Apartments L/Cal LLC, RPC #35-002-001, is substantially in accord with the adopted Comprehensive Plan or applicable part thereof. Commissioner Ciotti seconded the motion.

The Planning Commission voted 8-0 to support the motion with Commissioners Siegel, Ciotti, Iacomini, Forinash, Cole, Sockwell, Gutshall, and Brown in support.

Respectfully Submitted,
Arlington County Planning Commission

A handwritten signature in black ink, appearing to read "Chris Forinash". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

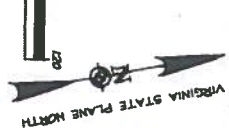
Christopher Forinash
Planning Commission Chair



AREA TABULATION

RPC #3500000 7.60 AC. 71' OR LAND ACRES
WALTON 5.94 AC. 71' OR LAND ACRES
10761 71.89 AC. 71' OR LAND ACRES

**THIS SHEET FOR EXISTING CONDITIONS
SEE SHEET 3 OF 3 FOR DETAIL**



SOUTH EADS STREET

PLAT NUMBER
STREET VACATION

christopher CONSULTANTS
Professional Surveying and Mapping
1011 North 11th Street, Suite 101
Arlington, VA 22206
TEL: 703.241.2222 FAX: 703.241.2223



SURVEYOR'S CERTIFICATE

I, **SPENCER**, A ONE-YEAR LICENSED LAND SURVEYOR IN THE COMMONWEALTH OF VIRGINIA, DO HEREBY CERTIFY THAT THE PUBLIC STREET DELINEATED ON THIS PLAT WAS ACQUIRED IN DEED BOOK 271 AT PAGE 25A. ALONG THE LAND RECORDS OF ARLINGTON COUNTY, VIRGINIA.

I FURTHER CERTIFY THAT I HAVE CAREFULLY PLATTED THE PROPERTY AND EASEMENTS SHOWN HEREON AND THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED UNDER MY HAND THIS _____ DAY OF _____ 2014

NOTES:

- THE PUBLIC STREET DELINEATED ON THIS PLAT WAS ACQUIRED IN DEED BOOK 271 AT PAGE 25A.
- THE PROPERTY SHOWN HEREON IS LOCATED ON THE FLOOD INSURANCE RATE MAP (FIRM) COUNTYMENT NUMBER 4488680018000001, EFFECTIVE DATE MAY 3, 2007. BEING GENERALLY DESIGNATED AS "VARIABLE FLOOD HAZARD" IS SHOWN IN SHADING AREA "X" AREAS OF FLOOD PLAINS.
- NO TITLE REPORT FURNISHED.

R.

PT. 13

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S. EADS ST.

35003014

S. EADS ST.

OB. 271
PG. 326

PARCELA

RELEE

RELEE

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OB. 1064
PG. 98

35003012

11TH ST. S.

PENTAGON INDUSTRIAL CENTER

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PT. 14A

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PENTAGON INDUSTRIAL CENTER

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OB. 357
PG. 278

35003012

12TH ST. S.

CENTER

10-A

BENNINGTON

PARCEL A

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PARCEL B-2

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35001PCS



Existing Conditions - Figure 3.3.15



Proposed Plan - Figure 3.3.16

3.3.5 NORTHWEST GATEWAY

BUILDINGS AND DEVELOPMENT

The Northwest Gateway district includes the two blocks north of 15th Street, and is bounded by the current Jefferson Davis Highway to the east, Eads Street to the west, and Army-Navy Drive and I-395 to the north. Most of the buildings on these two blocks are residential, with some hotel and office buildings, and a small amount of ground floor retail. The Concept Plan envisions all of the existing residential and hotel buildings remaining in place through the planning period. The potential for redeveloping existing structures at two sites is identified in the plan, one at the northwest corner of the northern block (currently occupied by an office building), the other located at the northeast corner of the south block, presently occupied by a free-standing garage structure. The block also includes two potential infill sites. One is located adjacent to the office building identified above as a potential redevelopment.

TRANSPORTATION

The street network in this district will remain largely unchanged. However, two important transportation improvements will occur. In the near-term, 12th Street will be reconfigured to accommodate the transitway, with travel in both directions. Just beyond the planning area boundary across Eads Street, it is anticipated that 12th Street will be extended between Eads and Fern Streets. As a long term vision, the south-bound exit ramp from Jefferson Davis Highway will be removed and replaced as part of the center-inboard ramp configuration. Finally, a duplicate segment of Eads St. near the Army Navy Drive intersection would be vacated to simplify the roadway network in this location, and to facilitate a new development opportunity to define that corner.

PUBLIC OPEN SPACE

Public Open Space improvements include a commitment to preserve the existing open space located at the southeast corner of Eads and 12th Streets. Creative landscaping and benches will make the park more inviting for small groups to gather or for workers to enjoy during their breaks.

