

City of Alexandria, Virginia

MEMORANDUM

DATE: JANUARY 21, 2022

TO: MAYOR WILSON AND MEMBERS OF CITY COUNCIL

FROM: KARL MORITZ, DIRECTOR, DEPARTMENT OF PLANNING & ZONING

SUBJECT: DSUP #2021-10017 / TIDELOCK

ISSUE:

This memorandum serves as an update on the TideLock development special use permit (DSUP) case. At the Planning Commission hearing on January 4, the applicant requested that the Planning Commission revise five conditions. The Planning Commission supported the applicant's request to change three of the conditions and their recommendation for approval included the revised conditions. Staff has discussed the conditions further with the applicant based on additional information provided by the applicant following the Planning Commission and proposes revisions to two conditions. **The applicant has indicated that it has no objections with the proposed changes.**

Public accessibility across the site

The success of this project rests on increased activation and accessibility across the site. This site includes both common space that is owned by TideLock as well as common space owned by the adjacent buildings. For the common space owned by TideLock, the applicant has provided a public guest access exhibit and agreed to record a covenant to allow for public access, similar to how a public access easement would function. Staff has also sought to confirm that the public can access the common spaces not under ownership of the applicant. The arts and cultural anchor, split between two buildings and anticipating using a lawn area, as well as the improved pedestrian connection from Second Street eastward to the waterfront, require that these common areas of the site be freely accessible to the public. To ensure this public access staff requests a revision to Condition 3 which relates to the covenant that will be recorded regarding public access. After further discussions with the applicant, staff proposes that the additional language include specificity that the recorded covenant will also maintain in perpetuity public access to the common areas owned by others under existing easements.

Activation of arts space

In order to ensure the adequate public benefits associated with the density and height bonuses for the development proposal, staff proposes a condition of DSUP approval specifying the average number of days of activation of the performance space per month (12 days per month). Establishing a number as a DSUP condition, rather than in an MOU, provides more surety. Additionally, requiring that the performances and events be in the performance space will provide greater activation than would occur

with private lessons in the teaching space. Everyone seeks to make this arts and cultural anchor as successful as possible and this revised language will establish a clear framework for expectations for activation.

UPDATED CONDITIONS:

Staff requests City Council recommend approval of the revised conditions changes below:

Condition 3

Provide public access to the areas delineated by the applicant in the exhibit “Public Guest Access Exhibit” dated November 15, 2021. Because existing easements upon Transpotomac Plaza preclude the applicant from providing a public access easement, the applicant shall execute one or more covenant(s) enforceable by the City requiring current and future residents/owners of the property subject to the DSUP, to provide public access within and across exterior, ground-level common areas of the property and preclude current and future residents/owners from requesting that the City close off such areas to the public. **The covenant will require the applicant to maintain the provisions in the existing master association easement which provide public access to the common areas of the Transpotomac Plaza property as guests and invitees.** The covenant language shall be reviewed by the Office of the City Attorney and be to the satisfaction of the Directors of P&Z and T&ES. The covenant(s) and “Public Guest Access Exhibit” shall be recorded with the deed at Land Records and be provided to all current and future owners.

- a. The covenant language shall include additional language regarding the occasional closure of the open space to the public for maintenance and repairs but otherwise is expected to be open to the public at all times. (P&Z) (T&ES) *, **
- b. The design and messaging of wayfinding signage shall be provided during Final Site Plan and to the satisfaction of the Directors of P&Z and T&ES. (P&Z) (T&ES)*, **

Condition 127

127. The use for the arts and cultural anchor space(s) identified in the Preliminary Site Plan shall meet the definition of an arts and cultural anchor in Section 6-902 of the Zoning Ordinance and comply with the provisions of Section 6-904 of the Zoning Ordinance, as consistent with other provisions of the Zoning Ordinance.

- a. A Memorandum of Understanding (MOU) will be drafted with the applicant, City and operator of the arts and cultural anchor space detailing use limitations, operations, demonstration of space activation through minimum attendance, visitors and/or events, cost-sharing agreements with the condominium and/or master association, framework for the future transfer of ownership and/or tenancy, and the City’s right of first refusal for future operators and/or purchasers of the space. *
- b. The applicant shall provide a contract, deed or other recorded instrument in compliance with Section 6-904(G) of the Zoning Ordinance.
- c. The MOU shall establish the terms and details by which **the performance space located in Building C shall host performances and/or events open to the public or guests at a minimum average of 12 days a month over the course of a year** ~~the arts and cultural anchor space will be open to the public with regularly scheduled presentations, activities, classes, or performances that are open to the public for a significant number of days within the calendar year commensurate with the type of use and operation~~ to the satisfaction of the Directors of P&Z and RP&CA (P&Z) (RP&CA) (PC) *, ***

STAFF:

Karl Moritz, Director, P&Z

Robert M. Kerns, AICP, Chief of Development, P&Z

Catherine Miliaras, AICP, Principal Planner, P&Z

Michael Swidrak, AICP, Urban Planner, P&Z

ATTACHMENTS:

1 – Updated Memo from applicant regarding use of common areas in Trans Potomac Plaza, dated January 20, 2022

Gloria Sitton

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1-22-22

From: Paul McDowell <ptm004@hotmail.com>
Sent: Friday, January 21, 2022 6:40 PM
To: Gloria Sitton; Gloria Sitton
Subject: [EXTERNAL]Tidelock Public Hearing

You don't often get email from ptm004@hotmail.com. [Learn why this is important](#)

Dear Gloria,

I want to submit the following statement for the Tidelock Public Hearing:

The increased urbanization of Old Town North has reached a tipping point endangering the residential character of our fine neighborhood. There have been several entire city blocks entirely built on in Old Town North where before there was open space (the Muse, the old Crown Plaza hotel, Gables apartments, Trammel Crow Apartments). The proposed TideLock development will further increase urbanization. Building C and the new building connecting Buildings A & B will destroy trees; this would go against the spirit of COP26 and President Biden's Deforestation Policy. Alexandria, a city of trees, needs to set the example of stopping deforestation!

The solution is simple. I believe there is no opposition to renovating the current footprint of the buildings (there is plenty of empty commercial space in Old Town for the Arts!). The Developer said they chose to expand the footprint rather than build the current footprint higher. This proposal goes against the public sentiment that the expanding footprint of projects in Old Town North is destroying the neighborhood (a Realtor said it is starting to remind her of Arlington- Ugh!!!!). **Bottom Line: Keep the same footprint (no expansion and new buildings) and allow the Developer to go to the highest permitted height (something not in their current plan).**

Thank you for your consideration.

Best regards,
Paul McDowell

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January 20, 2022

Mr. Ryan Whittaker
President
Whittaker Investment Corp.
PO Box 7757
Arlington, VA 22207

SENT VIA EMAIL— Ryan@WhittakerCorp.Com

Re: Proposed TideLockDevelopment

Dear Ryan,

Thank you for sharing information with the Old Town North Community Partnership and the residents of Old Town North and then local small businesses in Old Town North.

I am writing as both a small business owner and the President of the Board of Directors of the Old Town North Community Partnership, to express my support for the proposed transformation of TransPotomac Plaza into TideLock.

The development plan as shared by you and your team in community outreach presentations would appear to allow for redevelopment of an existing empty space without the disruption inherent in a complete teardown and rebuild.

The addition of a new arts organization, the Levine School of Music to the neighborhood fits in well with the City of Alexandria's designation in the 2017 Small Area Plan, of Old Town North as the City's Arts and Cultural District.

I was very impressed with the commitment to community engagement expressed by Mr. Tribble the President of the Levine School of Music.

I am equally impressed by your expressed commitment to minimize disruption to the existing small businesses in Old Town North and the residents of Old Town North.

The new development you are proposing will offer a variety of residential units, both for sale and for rent with a focus on creating more workforce housing, also both for sale and for lease.

Additionally, the opening up of access to the Mt. Vernon Trail and achieving Silver Leed Status for the development project is in keeping with the City of Alexandria's commitment to eco friendly policies.

The conversion of the existing empty commercial space and the addition of 5000 square feet of arts and additional retail space should add vibrancy to the neighborhood and create support for the existing small businesses and not for profits located in Old Town North, Parker- Gray and east of the Braddock Metro Station.

I wish you much success in receiving City approvals for the project and move into the construction phase of the project and I welcome the sharing of my letter of support with Mayor Wilson and members of the Alexandria City Council .

With my best regards

Margaret Townsend

President The Old Town North Community Partnership

Founder Alexandria Yoga LLC