

City of Alexandria, Virginia

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**MEMORANDUM**

DATE: APRIL 3, 2018

TO: CHAIRWOMAN MARY LYMAN AND MEMBERS OF THE PLANNING COMMISSION

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

SUBJECT: APRIL 3, 2018 DOCKET ADDENDUM: OLD TOWN NORTH ARTS AND CULTURAL DISTRICT ZONING MAP AMENDMENT AND TEXT AMENDMENT TO THE ZONING ORDINANCE

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In response to comments regarding the proposed Arts and Cultural applications, staff recommends amendments to clarify:

- Definitions;
- Criteria for evaluating the public benefit of the Arts and Cultural Use;
- Clarification on the requirements of the covenant; and
- Clarification on the use and responsibilities for future homeowners/condominium associations.

In addition to the amendments listed above, staff made clarifications to the remainder of the text as outlined below.

**SUBSTANTIVE AMENDMENTS BASED ON COMMENTS:**

***6-902 – Definitions***

(A) *Ground Floor Arts and Cultural Tenant*: Small scale or individual uses whose purpose is the creation or display of art or design. ~~which includes art galleries, artist studios, graphic art design, and crafts such as the production or creation of art of individual handmade objects.~~

(B) *Arts and Cultural Anchor*: A larger destination use or venue where visual or performing arts and cultural works are taught, created, and made available to the public by various means including ~~presenting~~ live performances of theater, dance, music, or other imaginative work ~~and/or~~ producing or exhibiting of physical works created by or under the direction of one or more artists ~~which are~~ and intended for unique production or limited reproduction. Museums ~~where art and/or historic artifacts are displayed or created~~, art schools including, but not limited to, culinary arts schools, instructional art, music, or drama academy may also qualify as Arts and ~~or~~ Cultural Anchor.

**6-904 – ~~H~~ Incentives for Arts and Cultural Anchors**

- (F) The public benefit of the Arts and Cultural Anchor space will ~~be~~ generally be equivalent to the amount of additional market rate density requested for each site. The equivalency of the public benefit of the Arts and Cultural Anchor will be evaluated based on:
1. The size of the proposed Arts and Cultural Anchor compared to the added market rate density;
  2. The type of physical improvements necessary to construct the Arts and Cultural Anchor space; and
  3. The ability of the proposed use to further the goals of the Arts & Cultural District.
- (H) ~~The Arts and Cultural Anchor space(s) will be subject to all applicable taxes, fees and other applicable City requirements and fees. Notwithstanding any other provisions of this ordinance, the Arts and Cultural Anchor operator may be subject to reciprocal easement agreements (REA) that provide for an allocation of shared operating expenses and capital expenditures between uses as reasonably determined by the mixed-use property owner. Property management of the exterior of the Arts and Cultural Anchor space will be provided by the property manager of the overall project and a pro rata fee for such management will be allocated to the Arts and Cultural Anchor. The Arts and Cultural Anchor operator will be responsible for the management and maintenance of the interior of the arts space.~~
- (H) Nothing in this Section 6-900 shall be construed to limit or otherwise interfere with any rights and obligations of the Arts and Cultural Anchor arising out of membership in a property owners' association or pursuant to any other arrangement governing management of a mixed-use property.
- (J) ~~The Arts and Cultural Anchor space will be~~ The proposed operator of the Arts and Cultural space will ensure that the space is 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. ~~In the event the space is open to the public for a limited period of time within the calendar year, the space will be made available to the public and/or City for community events or City meetings for a nominal fee.~~
- (K) The applicant shall submit as part of the application for special use permit ~~As part of the special use permit process, provisions such as hours of operation, public access to the space and prospective agreement~~ an agreement with the Arts and Cultural Anchor that will demonstrate compliance with this Section 6-900.

## **FULL TEXT AMENDMENT WITH REVISIONS:**

### **Section 6-900 Old Town North Arts and Cultural District Overlay**

#### ***6-901 – Intent***

The intent of this provision is to provide incentives to retain and attract Arts and Cultural uses in Old Town North through the creation of an Arts and Cultural District pursuant to Virginia Code Section 15.2-1129.1. Additional floor area, density, and height may be permitted for properties within the Arts and Cultural District Overlay as part of a special use permit, subject to the provisions of this section.

The intent of the Ground Floor Arts and Cultural Tenant space defined in Section 6-902(A) is to provide a range of uses on the ground floor that will reinforce the arts, cultural, and creative identity of Old Town North.

The intent of the Arts and Cultural Anchor defined in Section 6-902(B) is to provide destination anchor(s) that have a significant amount of public access and activity and attract additional large ~~Arts~~ arts and ~~Cultural~~ cultural institutions.

The use of these incentives will be limited to areas within the Old Town North Arts and Cultural District Overlay Map that have frontages on the following streets: N. Washington Street, N. Saint Asaph Street, Montgomery Street, N. Fairfax Street, Third Street, or Canal Center Plaza. The regulatory incentives for arts and cultural uses as outlined in this section will not preclude the ~~potential~~ use of ~~all applicable provisions of~~ Section 7-700 for the provision of low- and moderate-income housing.

#### ***6-902 – Definitions***

- (A) *Ground Floor Arts and Cultural Tenant*: Small scale or individual uses ~~whose purpose is the creation or display of art or design which includes art galleries, artist studios, graphic art design, and crafts such as the production or creation of art of individual handmade objects.~~
- (B) *Arts and Cultural Anchor*: A larger destination use or venue where visual or performing arts and cultural works are taught, created, and made available to the public by various means including ~~presenting~~ live performances of theater, dance, music, or other imaginative work ~~and/or~~ producing or exhibiting of physical works created by or under the direction of one or more artists ~~which are~~ and intended for unique production or limited reproduction. Museums ~~where art and/or historic artifacts are displayed or created,~~ art schools including, but not limited to, culinary arts schools, instructional art, music, or drama academy may also qualify as Arts and ~~or~~ Cultural Anchor.

**6-903 – ~~I~~ Incentives for Ground Floor Arts and Cultural Tenant**

For parcels ~~along the frontages~~ within the Old Town North Arts and Cultural District Overlay that front along the streets listed in Section 6-901 above, the floor area for ~~ground floor~~ Ground Floor Arts and Cultural Tenant space(s) may be excluded from the calculation of the maximum floor area ratio permitted for the site. The allocation of Ground Floor Arts and Cultural Tenant space(s) will be limited to ~~the ground floor of the parcel frontages identified in the Old Town North Arts and Cultural District Overlay Map~~ and a maximum amount of 15,000 square feet of floor area for each ~~redevelopment~~ block.

Notwithstanding any contrary provision of the Zoning Ordinance, the uses as defined in Section 6-902(A) for Ground Floor Arts and Cultural Tenant may be allowed by special use permit. The use of this incentive will be subject to the following:

- (A) Approval as part of a special use permit in accordance with the procedures and requirements set forth in Section 11-500.
- (B) The applicant for the special use permit shall provide sufficient assurance by way of contract, deed, or other recorded instrument in a form approved by the City that the ground floor space excluded from the floor area shall be limited to the uses defined in Section 6-902(A) or as otherwise as approved as part of in accordance with the special use permit process and that said space shall only be leased to an approved Arts and Cultural Tenant(s) as defined in Section 6-902(A) for a minimum period of 15 years from the issuance of the certificate of occupancy for the space.
- (C) The Ground Floor Arts and Cultural Tenant space will be open to the public during regular hours.
- ~~(D) The uses will be required to front onto N. Washington Street, N. Saint Asaph Street, Montgomery Street, N. Fairfax Street, Third Street, or Canal Center Plaza.~~

**6-904 – ~~H~~ Incentives for Arts and Cultural Anchors**

For parcels within the Old Town North Arts and Cultural District Overlay that front along the streets listed in Section 6-901 above, floor area ratio and an associated amount of density may be increased by a maximum of 30 percent above the maximum floor area ratio otherwise permitted by the Zoning Ordinance for a building or project that includes an Arts and Cultural Anchor as defined in Section 6-902(B).

Notwithstanding any contrary provision of the Zoning Ordinance, the uses as defined in Section 6-902(B) for Arts and Cultural Anchor may be allowed by special use permit. The use of this incentive will be subject to the following:

- (A) Approval as part of a special use permit in accordance with the procedures and requirements set forth in Section 11-500.

- (B) The entire Arts and Cultural Anchor space will be limited to the uses defined in Section 6-902(B).
- (C) ~~To qualify for the 30% floor area ratio increase,~~ The space provided for the Arts and Cultural Anchor ~~will~~ shall be a minimum ~~consolidated~~ size of 5,000 square feet and consolidated in one area. The final size, use, and amount of floor area ratio increase for the provision of Arts and Cultural Anchor space will be based on the type and character of the use and on achieving the intent and objectives of the Old Town North Small Area Plan. ~~as part of the special use permit process.~~
- (D) The Arts and Cultural Anchor space may be located below grade, provided that it has a minimum area of 2,000 square feet of ground floor space, primarily accessed from the street frontages ~~located within the Old Town North Arts and Cultural District Overlay~~ listed in Section 6-901 and with a floor-to-ceiling height of no less than 15 feet.
- (E) The total floor area for Arts and Cultural Anchor space utilizing the Arts and Cultural Anchor incentive within the Old Town North Arts and Cultural District Overlay will not exceed 50,000 square feet of floor area as defined by the Zoning Ordinance.
- (F) The public benefit of the Arts and Cultural Anchor space will ~~be~~ generally be equivalent to the amount of additional market rate density requested for each site. The equivalency of the public benefit of the Arts and Cultural Anchor will be evaluated based on:
1. The size of the proposed Arts and Cultural Anchor compared to the added market rate density;
  2. The type of physical improvements necessary to construct the Arts and Cultural Anchor space; and
  3. The ability of the proposed use to further the goals of the Arts & Cultural District.
- (G) The applicant for the special use permit shall provide a contract, deed, or other recorded instrument in a form approved by the City prior to the release of the final site plan, which will be recorded within the land records prior to the issuance of the first certificate of occupancy permit for the site. The instrument will at minimum include:
1. Use of the space ~~will~~ shall be limited to ~~an Arts and Cultural Anchor~~ the uses defined in Section 6-902 (B) ~~and as may be~~ or as otherwise approved ~~through~~ in accordance with the special use permit process for a minimum period of 30 years from the issuance of the certificate of occupancy for the ~~Arts and Cultural Anchor~~ space.
  2. In the event the Arts and Cultural Anchor space is vacated for a period of 90 calendar days, or the tenant is no longer able to operate within the space, the City shall have the right of first refusal to purchase the space
- (H) ~~The Arts and Cultural Anchor space(s) will be subject to all applicable taxes, fees and other applicable City requirements and fees. Notwithstanding any other provisions of this ordinance, the Arts and Cultural Anchor operator may be subject to reciprocal easement~~

~~agreements (REA) that provide for an allocation of shared operating expenses and capital expenditures between uses as reasonably determined by the mixed-use property owner. Property management of the exterior of the Arts and Cultural Anchor space will be provided by the property manager of the overall project and a pro rata fee for such management will be allocated to the Arts and Cultural Anchor. The Arts and Cultural Anchor operator will be responsible for the management and maintenance of the interior of the arts space.~~

Nothing in this Section 6-900 shall be construed to limit or otherwise interfere with any rights and obligations of the Arts and Cultural Anchor arising out of membership in a property owners' association or pursuant to any other arrangement governing management of a mixed-use property.

- (I) Height may not be increased pursuant to this section by more than 25 feet beyond the height otherwise permitted by the zone for the site. However, no building located in any zone or height district where the maximum allowable height is 50 feet or less may be allowed to exceed such height limits.
- (J) The Arts and Cultural Anchor space will be ~~The proposed operator of the Arts and Cultural space will ensure that the space is 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. In the event the space is open to the public for a limited period of time within the calendar year, the space will be made available to the public and/or City for community events or City meetings for a nominal fee.~~
- (K) The applicant shall submit as part of the application for special use permit ~~As part of the special use permit process, provisions such as hours of operation, public access to the space and prospective agreement~~ an agreement with the Arts and Cultural Anchor that will demonstrate compliance with this Section 6-900.
- (L) To qualify as an Arts and Cultural Use Anchor, the proposed operator of the arts and cultural space will be an existing organization or establishment that can demonstrate fiscal and managerial capacity to successfully operate such space as part of the special use permit process.
- (M) ~~In the event the Arts and Cultural Anchor space is vacated for a period of 90 calendar days, or the tenant is no longer able to operate within the space, the City shall have the right to first refusal to purchase the space~~

April 3, 2018

Planning Commission  
City of Alexandria  
301 King Street  
Alexandria, VA 22314

Re: Item #9, Proposed Arts and Cultural District Text Amendment

From: Matthew Stensrud, Chair, City of Alexandria Commission for the Arts

The Commission for the Arts has appreciated being involved in the discussion process regarding the Old Town North Proposed Arts and Cultural District and the corresponding text amendment. At the Commission's meeting on February 20, 2018, we endorsed the proposed text amendment for an Arts and Cultural District in Old Town North with the following recommendations:

- Increase total floor area for Arts and Cultural Anchor Spaces to 150,000 as opposed to the 50,000 currently proposed by City staff;
- Ensure the Office of the Arts works collaboratively with Planning and Zoning to manage the development conditions;
- Allow relevant City bodies, including the Commission for the Arts, to review and provide comment at several stages as the implementation process continues; and,
- Ensure alignment of the Old Town North Arts and Cultural District with the Arts and Cultural Master Plan 2016-2026 through current City processes.

As Chair, I can provide some additional insight into the more pertinent aspects of these recommendations based on recent discussions of City Council.

The current Small Area Plan allows for 250,000 of square feet for Arts and Cultural Anchor Spaces. While we understand staff's interest in a trial phase, we recommended an increase to 150,000 to truly open the possible anchors to new visual and performing arts entities that might encapsulate the vision expressed by City Council during their discussion on March 20<sup>th</sup>. With a current project including MetroStage expected around 8,000 square feet and the Art League currently at capacity with a 20,000 square foot annex plus over 6,000 square feet at the Torpedo Factory, it is easy to envision two projects with current arts anchors in Old Town North using over 75% of the square footage allotted in the trial phase. The Commission does not find that this allows for developers and arts anchors to envision invigorating and community-centered spaces. Rather, an increase to 150,000—or even 100,000 or 75,000 square feet—would still provide a trial phase while broadening the impact to reach the 'vision' status aspired by City Council and the arts community.

Alexandria takes pride in its recognition as an arts destination and the creation of an Arts and Cultural District through this text amendment is a strong step by the City to show support for both current arts entities while enticing other anchors to consider Alexandria as their home. While we understand the concerns of the Alexandria Housing Affordability Advisory Committee regarding the use of a density

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bonus in return for space specific to the arts, it should be mentioned that the Arts and Cultural District overlay is only a portion of the Old Town North Small Area Plan, and developers can consider both arts spaces and affordable housing when proposing new projects. Additionally, affordable housing incentives are still in place outside of this overlay and across the City.

Finally, we encourage Planning and Zoning to closely work with the Office of the Arts and consult the Arts and Cultural Master Plan 2016-2026 during implementation. We also suggest Planning and Zoning continue to update relevant bodies, including the Commission for the Arts and the Alexandria Housing Affordability Advisory Committee, so we can continue to advise the City to the best of our ability.

Thank you to City staff for keeping the Commission for the Arts involved in this process and thank you to the Planning Commission for considering our recommendations regarding the Old Town North Arts and Cultural District text amendment. As always, we are here to advise the City on activities and policy regarding the arts and we look forward to continuing to provide the Planning Commission with our insight and perspective during the implementation of this District.

Artfully Yours,

A handwritten signature in black ink that reads "Matthew Stensrud". The signature is written in a cursive, slightly slanted style.

Matthew Stensrud  
Chair, Alexandria Commission for the Arts

CC: Diane Ruggiero, Office of the Arts  
Heba El-Gawish, Planning and Zoning  
Jeffrey Farner, Planning and Zoning

TA2018-0002  
Additional Materials

*Open 360 days a year serving 7,000+ people from 5 to 96 years old*  
*11,000+ class seats filled*  
*1,075+ classes offered*  
*110+ faculty artists*  
*3,150+ exhibited artworks*  
*20+ community events a year*

105 North Union Street, Alexandria, VA 22314



April 3, 2018

Planning Commission | City of Alexandria  
301 King Street, Alexandria, Virginia 22314

Dear Alexandria Planning Commissioners:

**Re: The Old Town North Small Area Plan (OTNSAP) and Text Amendments**

The Art League Board submits this letter in support of the North Old Town Small Area Plan Text Amendments being presented to you today for the creation of an "Arts District". Members of our board, our professional staff and interested teachers and students, have been actively engaged with city planners and members of the advisory group overseeing the development of the plan since the fall of 2015. We have been very impressed with the collaborative planning process and how opportunities for community and stakeholder engagement in this process have afforded us meaningful input.

We are pleased to see that the plan and text amendments recommend that arts and cultural uses be reinforced and expanded to establish an identity that emphasizes the mixed-use nature of the area seeking to build on the neighborhood's and the City's creative economy. Of the many objectives in the plan we specifically endorse the following and are willing to provide resources necessary to bring them into reality as the plan is implemented:

- 1. Creating an Arts District and Arts Corridor.** - The Art League can be an important catalyst for this objective. As a long-time community asset, central to the cultural life of Alexandria for the past 45 years, we have a track record of providing citizen/students and school children with a broad array of classes at all levels of proficiency, and a venue to showcase their work in professional gallery settings as they progress. In effect, The Art League is an **Arts Anchor** that offers a lifetime learning experience for anyone interested in developing a career, or hobby, in art, or seeking practical training for employment in the creative economy.
- 2. Providing regulatory incentives for affordable art and culture space-** As a 501c(3) organization with no permanent endowments, one of the perennial challenges for The Art League to stay in Alexandria is to find below market-rate space that fits our needs for our classroom activities (size, ceiling heights, depth, etc.). Granting a density bonus for new or re-purposed development that incorporates arts space at discounted rents would be a lifesaver for The Art League.
- 3. Encouraging Public Art and Culture** - the plan recognizes that art in the public realm can be a community and quality of life enhancing endeavor. With the productivity and creativity of our students and teachers, we can supply a ready source of talent, energy, and resources necessary to support this objective.
- 4. Sustaining a Sense of Community** -- At our Madison Annex, we have a landlord and community who appreciate us as a neighborhood based arts center. At 19,000 square feet and with an annual enrollment of over 6,500 students, we are one of the largest tenants in the study area. Our cultural meetings, lectures/events, after-school activities, and daytime and evening students populate the area day and night, and energize the adjacent retail businesses, adding vibrancy to the neighborhood.
- 5. Building a Creative Economy** -The Art League has a hugely important role in sustaining a creative relationship among professional artists, photographers and designers not only within Alexandria but across the region by providing a venue for teaching. This network of symbiotic relationships guarantees not only practicing artist/teachers, but also a high level of teacher/student discourse, creativity, and the production of first rate talent supportive of the City's creative economy.

For many of us who live and work in Alexandria, we cannot begin to express how important The Art League has been in sustaining an important part of a productive cultural community life. It is fitting that this Plan and Text Amendments address several items that have been of concern for its future in Alexandria, and, in our opinion, is an initiative worthy of your approval.

Very truly yours, Board of Directors, The Art League