



**Arlington County
Civic Federation**

February 8, 2015

Arlington County Board
1 Courthouse Plaza
Suite 300
Arlington, Virginia 22201

Re: *Arlington County Civic Federation Resolution Passed on
February 3, 2015*

Dear Chairman Fisette:

Please see the below Resolution in Opposition to the Proposed Arlington County Retail Plan that was passed at our most recent Arlington County Civic Federation meeting on February 3, 2015.

As always, we appreciate the consideration of our views, resolutions, and positions. Please feel free to contact me via telephone at 571.213.4827, or via email at mike@civfed.org, if you should require any additional information pertaining to this resolution.

Sincerely,



Michael McMenamin
President
Arlington County Civic Federation

Cc: Hope Halleck

Resolution of the Arlington County Civic Federation in Opposition to the Proposed Arlington County Retail Plan

WHEREAS, the 2008-09 Arlington Retail Task Force reviewed Arlington's retail development policies and practices and recommended that Arlington "rethink and revise" Arlington's 2001 Rosslyn-Ballston Corridor Retail Action Plan; and

WHEREAS, on November 15th 2014, the County Manager proposed to replace the 2001 plan with a countywide, comprehensive policy operations guide, the *Arlington County Retail Plan (hereinafter "the plan")*, and the County Board voted to advertise it for possible adoption on February 21st 2015; and

WHEREAS, Chapters 1 and 2 of the plan contain helpful analysis of past and existing retail conditions and evolving trends, challenges, and opportunities; and

WHEREAS, Chapter 3 purports to set forth Arlington's "Retail Vision, Principles & Policies" and Chapter 4 contains specific implementation elements including retail street maps and recommendations to amend the Zoning Ordinance and administrative regulations; and

WHEREAS, the plan's policy prescriptions include some systemically flawed approaches, including:

(1) Moving away from a sector-based policy approach to a "one size fits all" countywide approach that does not accommodate the specific needs of individual sectors or neighborhoods. (For example, some neighborhoods need more planned anchor retail, while others need more flexibility for service establishments).

(2) Employing a limited number of options for street activation (such as preferring restaurants while banning personal services) from prime locations.

(3) Proposing an 18-20 hour retail street concept with "lively, noisy, energetic, and sometimes, messy environment created by night life uses" [page 69] near residential buildings without providing policies for nuisance mitigation and compatibility of retail operation in mixed use and residential districts.

(4) Using detailed maps specifying a small set of retail uses supposedly appropriate for each indicated spot on the map, while offering no

discernable demographic or economic analysis to support the designations; and

WHEREAS, the plan would become the controlling policy document for retail in Arlington County, and its retail street maps would govern the types of ground-floor retail permitted or prohibited, taking precedence over sector plans and other provisions developed with vigorous community engagement; and

WHEREAS, a policy as important as the retail plan should be developed through a countywide, stakeholder-based development process with robust community engagement in which staff clearly explain the advantages and disadvantages of the significant policy changes to all stakeholders—including targeted commercial and residential property owners, affected and adjacent neighborhoods, and the business community—or in which stakeholders had a meaningful opportunity to interact directly with one another to achieve understanding or compromise; and

WHEREAS, the plan was not developed through such a process; and

WHEREAS, rather than making restrictions governing specific retail uses more flexible, as recommended by the Arlington Retail Task Force, the plan is unduly prescriptive and—particularly as retail commerce evolves in response to future economic and demographic changes—would very likely inhibit healthy adaptation to such changes; and

WHEREAS, there are dozens of retail related Zoning Ordinance changes also proposed for adoption in February that have never been separately identified, explained, and discussed outside of County staff as to how the changes relate to the proposed retail policies; and

WHEREAS the plan's policy prescriptions include revisions to other policies, rules, and ordinances (such as governance of outdoor cafés, changes to the site plan process and its standard conditions) not yet considered by the community; and

WHEREAS, County staff have already begun to use the draft plan as a policy guidance tool before the County Board has considered it;

THEREFORE BE IT RESOLVED that the Arlington County Civic Federation:

Opposes the overall policy framework of the plan in its current form and recommends that the County Board **not adopt** the plan or use its policy approach and **not adopt** any regulatory or policy changes or take other actions that are discussed or recommended in the plan.

Recommends that the County Board initiate development of a revised policy framework that:

- Better accommodates individual neighborhoods' retail needs and impacts;
- Allows more policy flexibility among and within sectors;
- Uses appropriate policy tools to ensure successful retail nodes;
- Streamlines the approval processes for diverse retail when it is in line with neighborhood needs; and
- Considers Arlington's current/changing economic competitiveness.

Calls for a public process to develop the revised policy framework that:

- Ensures that all stakeholder groups are actively engaged;
- Presents to all stakeholders both the advantages, costs, and disadvantages of key policy recommendations, as well as their reasonable alternatives; and
- Provides opportunities for stakeholders to communicate directly with one another about issues raised by the Civic Federation in the attached Appendix, so all can learn from one another and jointly identify their own proposed areas of consensus or compromise.

Appendix to the Civic Federation Resolution on the Retail Action Plan

I. Plan Framework

It would be helpful for staff to set forth some aspects of the framework of the Plan and why it would be a good idea. We would hope that County staff would clearly articulate this framework in writing, and allow the community and eventually the County Board to weigh in on whether there is consensus about the framework. By framework, we mean:

- a. A problem statement or analysis (e.g. what the Plan is trying to solve, what is currently working and not working, etc.).
- b. A description of the current policy framework (list of the applicable policy documents and how they interact) and a description of any shortcomings in the current approach.
- c. A discussion of best practices in other communities (do all other great communities have a single jurisdiction-wide retail action plan? If not, what are the alternatives? If so, how are they structured and implemented?).
- d. A statement about the benefits of retail planning and regulation (i.e. what is the evidence, if any, that having such planning and/or regulation improves a community economically or otherwise?).
- e. Are there any national standards for jurisdictional retail plans and what policies, or kinds of policies, they should contain?
- f. What policies (if any) are appropriate to make at a County-wide level, and which are better left to be done at a neighborhood/sector level, or even a block level?
- g. How does Arlington's changing economic position (e.g. BRAC/Silver Line) affect its retail planning goals?
- h. Taking the foregoing into consideration, what are the key policy goals that Arlington's comprehensive retail planning/policy document should contain?

II. Plan Development Process

As the Federation's resolution states, we do not believe that the Retail Action Plan has been developed in a fully transparent, inclusive manner, and we have recommendations for an improved process.

- a. As stated in the Federation's resolution, we recommend that all stakeholder groups be explicitly engaged in development of any comprehensive Retail policy. These groups include retail operators, urban planners, transportation planners, building owners, and retail leasing agents. Also, residents are key stakeholders in several respects: homeowners and condominium owners who are directly affected by retail operations within sight/hearing of their

properties, residents who live close enough to retail areas to be affected by traffic and parking, residents who need to be or desire to be customers of conveniently located retail establishments, and residents whose travel patterns can be positively or negatively affected by sidewalks or streets on which retail activity occurs. We would like to see specific outreach to the Federation itself, affected Civic Associations, as well as heavily affected individual condominium and renters' associations.

- b. As background, it would be helpful for staff to provide more information about the sources of the information in the current draft Retail Action Plan (e.g. what information came from developers, business owners or neighborhood association representatives?). Within the County staff, it would be helpful to know the extent to which different departments led or participated in the development (e.g. was this solely Economic Development, with support from CPHD? Were other departments involved? Were some relevant departments not yet involved, such as DES?).
- c. Going forward, we would like to see a collaborative, iterative, and transparent policy development process, in which stakeholder groups are presented with key policy choices and are convened by staff to discuss these choices with one another as organized groups, and not just with staff as constituent individuals.
- d. Before adoption of a comprehensive planning document, it is important for all stakeholders to fully understand the implications of the proposed policies. At the appropriate time, well before final County Board action on the underlying policies, we would like to see side-by-side descriptions of:
 1. Elements of the retail policies and their proposed implementation (if any) in changes to the GLUP and zoning map.
 2. Elements of the retail policies and their implementation (if any) in changes to the by-right zoning code.
 3. Elements of the retail policies and their implementation (if any) in changes to the site plan or other special exception use process.
 4. Elements of the retail policies and their implementation (if any) in other regulations, especially with respect to sidewalk usage (e.g. café space), noise, or other direct impacts on the public realm.

III. Substantive policy questions and concerns

There are a number of areas where we believe further policy development is warranted, through the community engagement process we described in II, above.

- a. Flexibility vs. prescription. In some aspects, we believe that more flexibility is needed than is in the current plan: e.g. not allowing neighborhood-specific

solutions, and seeming to require “shopping and dining” in so many locations. But in others, we may wish to see more prescription, e.g. where anchor retail needs to be encouraged for the benefit of an entire node, or where disruptive retail might be located near residences. These questions need careful, transparent, public iterative discussion.

- b. Ground floor retail requirements. We believe that a retail policy needs to reflect the different kinds of concerns that different neighborhoods experience with respect to ground floor retail requirements. In some neighborhoods, apparently stringent retail requirements have led to what appears to be empty/abandoned/un-leasable storefronts. In other neighborhoods, apparently lax requirements have led to medical offices or similar lack of activity where neighbors have an expectation for something better. There is lack of clarity in Arlington’s policy framework about where ground floor retail is considered an amenity to be provided and funded with above-by-right density allowances, and where it is meant to itself be the economic basis for development. We are highly skeptical that ground floor retail should be required in all the places called for in the current plan, but we also would not want to abandon such requirements where they are truly fulfilling an important planning/economic development purpose.
- c. Which kind of regulations to use for which purposes. With respect to retail regulation, there needs to be a discussion of which tools are best used for which regulations. Both residents and businesses might welcome a shift away from the use permit and site plan processes that can require great time and expense by all parties on a case-by-case and often repeated basis. Conversely, a regulatory environment with “flexibility” through lax administrative approvals cannot benefit Arlington if such a system merely allows commercial land owners to ignore the community’s needs altogether. Where we balance the more intense but flexible case-by-case decision-making, with more efficient but rigid administrative rules, it would be helpful to allow stakeholder-to-stakeholder discussion to help set priorities.
- d. Relationship of retail operations to residences. Arlington has successfully achieved “mixed use” areas throughout the County. By moving away from Euclidian zoning, Arlington has in general made improvements to our economy, livability, transportation and environmental impact. However, Arlington must recognize that the tool of separating uses a century ago was implemented for a reason. Intentionally placing residences adjacent to (or above!) commercial areas requires more specialized regulation of those activities. Specifically:
 - 1. We doubt that “18-20 hour per day” activity is necessarily desirable in many locations where this would impose burdens on co-located or adjacent residences.

2. We think more emphasis should be placed on identifying uses of retail space that are most compatible with co-located or adjacent residences (e.g. contrast bars and restaurants – particularly those operating outdoors on sidewalks, patios and rooftops -- with service retail with a lower impact and higher benefit to residents).
 3. Many all-residential areas have edges that run nearby and parallel to arterial streets. In such locations, it may be appropriate to have different retail expectations for each side of the street. (E.g. more intense restaurant activity on the side farther from residences.)
- e. Sidewalk regulation. The conversion of public sidewalks to private uses in the form of sidewalk cafes merits more thorough discussion. Competition among restaurants and bars has created an environment in which the public realm is under continual incursion in which the bare minimum (or less) space is left for pedestrians (e.g. newly-built 18-foot sidewalks that leave less than 5 feet for pedestrians to use). To the extent we continue to promote or rely on restaurants to fill retail space, we must do a better job of managing sidewalk use. We would feel more comfortable with encouraging more sidewalk-abutting restaurants only after we are convinced that the public realm can be better protected.
 - f. Use of retail nodes. We believe more study is needed into whether the planning framework for Arlington's retail should be more based on identified "nodes" rather than on corridors.
 - g. Reconsider the target for retail. We have skepticism about the continued viability of the "creative class" model for economic development. What is the evidence that this model actually works? Is there better evidence for other models?
 - h. Alternative categorizations. Inherent in most of our recommendations would be reconsideration of the categories proposed in the current plan. Consider alternatives (e.g. Node-based categories of "destination retail" (draws people into the area), "transition retail", and "community retail" (serves mainly immediate neighbors)).