



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of November 15, 2008**

DATE: November 7, 2008

SUBJECT: 1812 Holdings, LLC, amend timing of conditions #11.e, 36, 45, and 65 re construction hours, submission of excavation plat, submission of wall check plat, submission of public art proposal, approval of temporary construction signs, modification of approved parking garage and related conditions. Modification of use regulations for compact parking; 1850 N. Moore St., 1815 N. Fort Myer Dr. (RPC #16-037-004, -005)

Applicant:

Monday Properties Services, LLC

By:

Nan E. Walsh, Agent/Attorney
Walsh, Colucci, Lubeley, Emrich and Walsh
2200 Clarendon Blvd, 13th Floor
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the site plan amendment to modify conditions #11.e, 36, 45, 50, 52, 65, and 79 regarding construction, and expansion of approved parking garage with changes to compact parking ratio, and subject to all previously approved conditions.

ISSUES: This is a site plan amendment application to modify conditions in the 1812 N. Moore St. site plan (SP #18) and to add one-half level of an additional underground parking level to meet parking requirements. The compact space parking ratio increases to 23.96% and the overall number of parking spaces remain the same. The applicant has also requested increased hours for construction activity. The adjacent community is opposed to the proposed construction time change.

SUMMARY: The applicant is asking to add one-half of one more level of underground parking to the 1812 N. Moore St. (SP #18) project. The applicant is also requesting site plan condition

County Manager: _____

County Attorney: _____

Staff: Richard Dooley, CPHD, Planning Division
Adam Denton, DES, Transportation Division

PLA- 5114

language modifications to conditions #11.e, 36, 45, and 65. Additional condition language changes involve changes to the Comprehensive Sign Plan (Condition #50), the Parking and Parking Management Plan (Condition #52), and the Temporary Bus Relocation (Condition #79). Staff recommends that the County Board approve the site plan amendment to modify the site plan conditions #11.e, 36, 45, 50, 52, 65, and 79 and to approve the new parking garage layout and compact parking ratio. All other previously approved conditions in SP #18 still apply.

The concurrent development of the Central Place blocks in Rosslyn will place limitations on the operations of North Moore Street and Fort Myer Drive. The request to extend construction hours may help expedite the construction schedule and facilitate transit operations around the Rosslyn Metro station, one of the busiest multi-modal transportation hubs in the area. Proposed conditions would permit additional hours of construction while still protecting adjacent residential areas from noise impacts.

BACKGROUND: The applicant proposes a major site plan amendment for Site Plan (SP #18) to modify certain site plan conditions and to add one more level to its approved parking garage. The applicant received a site plan approval in December 2007 to incorporate the existing Dominion Virginia Power substation (1850 N. Moore St.) into SP #18 and redevelop the two parcels located at the northern end of the block bounded by North Moore Street, 19th St. North, Wilson Boulevard, and North Fort Myer Drive. The approved plan includes a 470-foot tall (30-story) office building. The proposed 580,759 s.f. building would be adjacent to the Rosslyn Metro Station and would use available density from the Dominion Virginia Power Substation parcel. The existing Dominion Virginia Power substation on the northern parcel (21,031 s.f.) would remain.

The following provides additional information about the site and location:

- Site: This 1.38-acre site is in Rosslyn, and includes the redevelopment of two parcels located at the northern end of the block bounded by North Moore Street, 19th St. North, and North Fort Myer Drive.

- To the north: Office building (Rosslyn South) of 11 stories - Afghan Cuisine is on the ground floor fronting 19th St. North on Moore St.; there's a public parking garage and Continental pool lounge on the west side; and on the east side is 1901 N. Moore, a 12-story office building.
- To the east: Urban parks, and two fast food restaurants, McDonalds and Burger King. (Site of future Central Place JBG Site Plan (SP # 335) – approved May 2007)
- To the south: WMATA Metro Station (Rosslyn), Rosslyn Metro Mall, and an office building (Rosslyn Center).
- To the west: Hyatt Hotel, Ames Center (10-story office bldg) and Art Institute of Washington, and the Arlington Temple United Methodist Church.

Zoning: “C-O-Rosslyn” Commercial Office Building, Retail, Multiple Family Dwelling Districts.

Land Use: “High” Office-Apartment-Hotel (3.8 FAR office; 4.8 FAR residential; and 3.8 FAR hotel). The site is within the boundaries of the “Rosslyn Coordinated Redevelopment District” on the General Land Use Plan.

Neighborhood: The site is within the North Rosslyn Civic Association. In addition, the Rosslyn Renaissance public-private partnership has been briefed by the applicant.

Proposed Development: The following table sets forth the revised statistical parking summary for the proposed development:

	Approved	Change	Proposed
Parking - office			
Standard spaces	241 ¹	- 98	143
Compact spaces	31 (11.1% ratio)	+ 84	115 (23.96% ratio)
Handicap spaces	8	+ 1	9
Managed spaces	117	+33	150
Total spaces	480 (incl. 76 tandem)	+0	480 (incl. 89 tandem)
Parking Ratio	1 per 2,035 SF - (1 per 1,205 SF w/ managed and tandem) ²	NC	1 per 2,035 SF - (1 per 1,205 SF w/ managed and tandem)
“C-O-Rosslyn” Required Parking Ratio	1 per 530 to 1,000 SF	NC	1 per 530 to 1,000 SF
“C-O-Rosslyn” Required Parking Spaces	577 to 1,088	NC	577 to 1,088
Parking - retail			
Standard spaces	6	NC	6
Compact spaces	0	NC	0
Handicap spaces	1	NC	1
Total spaces	7	NC	7
Parking Ratio	1 per 860 SF ³	NC	1 per 860 SF ³
“C-O-Rosslyn” Required Parking Ratio	1 per 530 to 1,000 SF	NC	1 per 530 to 1,000 SF
“C-O-Rosslyn” Required Parking Spaces	6 to 12	NC	6 to 12

Density and Uses: There are no density or use changes planned or requested for the plan approved in December 2007. The redevelopment would retain the 21,031 s.f. Dominion Virginia Power Substation, demolish the CACI building and replace it with a 30-story office building

¹ The majority of “standard” spaces will be blocked by the “managed” spaces, which would make the affected “standard” spaces “tandem” spaces.

² The overall ratio including both office and retail parking is one space per 2,006 s.f. (direct spaces) and one space per 1,200 s.f. (including managed and tandem). This includes the exclusions for proximity to Metro (5,000 s.f.) and substation density (21,031 s.f.).

³ Includes a 5,000 s.f. proposed exclusion for proximity to Metro.

containing approximately 569,739 s.f. of commercial use and 11,020 s.f. of retail GFA along North Moore Street and North Fort Myer Drive.

Site and Design: As approved in December 2007, parking would be provided in a parking garage that could be accessed through one entrance located off of Fort Myer Drive that would take vehicles either down to four levels of underground parking or up to four levels of above-grade parking. In this site plan amendment, the developer is requesting the addition of one-half level of underground parking, resulting in four and one half levels of underground parking and four levels of above-ground parking. The developer has noted the additional half level of parking was deemed necessary after structural engineers analyzed the project and needed to modify the size and number of structural supports. Such structural changes eliminated parking spaces in the approved design, which will be provided in the proposed new parking level.

Transportation/Parking: The applicant is proposing to utilize a managed parking system for both the below and above grade garages. The garage with the managed parking would operate in the following manner:

All direct and tandem spaces would be filled first (self-parked by driver). Once all direct and tandem spaces are filled, managed parking would be provided on a level-by-level basis. Once the self-park spaces are full, an attendant would direct the driver to self-park the vehicle behind the direct spaces, or the attendant would take the vehicle at that floor and park it behind the direct spaces, partially within the drive aisle. Once a floor is full, drivers will be directed to the next higher floor, which would operate in the same manner. The attendants would remain on each floor to assist in accessing vehicles that may be blocked by managed parked vehicles. At a minimum, the applicant is required to manage parking from 7:00 a.m. to 7:00 p.m. on the lowest (GE) and highest (P6) levels to increase efficiency (Condition #52).

In the evenings, a similar process would occur. A driver would return to the floor where their vehicle was parked. If the car is not blocked by another vehicle, the driver would be able to access the vehicle without attendant assistance and exit the garage. If the driver's vehicle is blocked by another vehicle or difficult to access, the attendant on that floor would assist in retrieving the vehicle. In both instances, the design of the garage with the speed ramp would allow drivers to ascend or descend the garage without circulating on each individual floor, allowing for easier loading and unloading of the garage.

Similarly managed parking operations have been implemented in numerous other parking operations in the Metropolitan area. In the case of the 1812 parking garage, the application of the managed solution will be ideal, as the speed ramp will allow very efficient loading of the self-park spaces and minimize inefficiencies found in many garages. Due to the relatively efficient garage layout, more managed parking spaces can be provided. However, the overall parking plan, in concert with the TDM, has been prepared to achieve an appropriate and comparable parking ratio to other "C-O-Rosslyn" projects, while encouraging maximum use of public transportation. This objective is consistent and necessary with achieving a LEED Platinum certification for the building.

As part of the final engineering of the project the applicant changed the location of mechanical equipment, column spacing, number of columns, and column size. These changes made it impossible for the developer to maintain the original garage layout and to meet the parking space requirements. The proposed garage layout incorporates an additional one-half level of below grade parking, increases the number of managed spaces by 33 to 150, and the number of compact parking spaces by 84 to 115. Compact parking ratio previously approved with the project was 11.1% and the developer is proposing 23.96%. This high level of compact parking is not common, but similar ratios have been approved on other small or odd-shaped parcels, e.g., Rosslyn Central Place which was approved at 21.5%.

The applicant originally proposed a lower compact parking ratio but reduced aisle widths. Staff did not support further reducing the aisle widths since the approved aisle width was necessary for the garage to function, and tasked the applicant to modify its plans to reflect the approved aisle width and provide the updated compact parking ratio.

The modified condition language will help ensure the garage will operate as intended as a result of the redesign. What have been kept constant are the overall goals of the previously approved managed garage and overall parking ratio. Staff and the applicant worked with WMATA (Washing Metropolitan Area Transit Authority) and its adjacent construction division to maximize the underground garage while maintaining WMATA Zone of Influence requirements for distance from the Metrorail escalator tunnel.

Modification of Use Regulations: The applicant has requested the following modifications of use regulations:

Increase in the Compact Parking Ratio: The applicant proposes to increase the compact parking ratio to 23.96% rather than the permitted 15%; none of the retail parking spaces will be compact. The applicant has indicated that site constraints and the aforementioned changes to the parking garage layout have resulted in the higher compact ratio. Staff supports the modification for an increase in the compact parking ratio.

DISCUSSION: Changes to the project proposed by the applicant have caused the parking garage to function differently, causing recommended changes to the site plan conditions. Most of the applicant's proposed changes are appropriate and would help keep the project's conditions current with County procedures. The recommended conditions reflect changes to account for project-specific issues and are in concert with the way projects normally proceed through the construction process.

Parking: Site constraints for this project and across the street (Rosslyn Central Place) project warrant innovative solutions to provide sufficient parking. The Rosslyn Central Place project is planning on using mechanical lifts and managed parking. For the 1812 N. Moore St. project, the applicant is planning on providing managed parking through personnel rather than through mechanical lifts.

The need for adding one-half of a parking level stems primarily from changes to the building's mechanical equipment and the pillars that support the 30-story building. The reason the applicant is not requesting a full additional level of underground parking is because the applicant states to do so would extend the parking garage into WMATA's Zone of Influence. The applicant claims that it can meet the approved number of parking spaces (480 spaces) by adding only one-half of an additional level of parking and changing the compact parking ratio from what was approved (11.1% ratio) to 23.96%.

Given the changes to the parking garage layout and the number of compact and tandem spaces proposed, the applicant will be required to fully manage from 7 a.m. to 7 p.m. levels GE and P6, i.e., the lowest and highest levels of the garage. The rest of the managed parking operations will occur on an as-needed basis for the other parking garage levels.

The proposed changes to the parking garage have created additional compact spaces and made parking management more challenging. In the approved plan the applicant intended to manage the parking garage, however, the County did not impose any specific parking management requirements. The changes proposed by the applicant warrant more specificity regarding how the parking garage should operate, which is reflected in the revised site plan condition language (Condition #52).

Condition #11.e sets limits on the hours of construction activity. Given the project's location relative to another large site plan project (Rosslyn Central Place – SP #335), there is a need to attempt to diminish the construction impacts on the adjacent streets and the Rosslyn Metro Station and related transit operations. Therefore, the applicant is asking to change the daily end time for construction from 6:30 p.m. to 10:00 p.m. The North Rosslyn Civic Association and the Radnor/Ft. Myer Heights Civic Association oppose such a change. However, given the close proximity of the Rosslyn Central Place project and the Rosslyn Metro station, and the fact that the project does not directly abut any existing residential area, staff supports a change in the construction activity end-time to 10:00 p.m. until October 2009, at which time the end-time would become 8:00 p.m. This would take into account the future occupancy of the Turnberry Tower project, which is the closest residential property to the site. Existing condition language allows indoor construction to take place until midnight. The County's noise ordinance would still be in full effect during any construction activity so that if there is noise that disturbs neighbors, the issue can be investigated and appropriate action taken. This compromise would protect current and future Rosslyn residents' interests and help limit the project's construction activity impacts on an area frequented by many.

Condition #36 is related to the submission of plats of excavated area. The request is to clarify the condition language to reflect the applicant's option to seek issuance of a Footing to Grade Permit prior to a Final Building Permit or to bypass the Footing to Grade Permit and seek only a Final Building Permit. The applicant is also proposing changes to that condition to bring the language close to what the County currently allows.

Condition #45 addresses the submission of the wall check survey. The County has also recently modified this condition's standard language to reflect current construction practices. Staff supports condition language changes that reflect the County's current standard.

Condition #50 The applicant is requesting a change to allow for temporary construction signs similar to what was allowed in the Rosslyn Central Place site plan across N. Moore St. The recommended condition language reflects what would be appropriate for this location. The location of this project is next to one of the busiest Metro stations in Arlington. It is important to ensure that the pedestrian experience is not greatly diminished while this and the Rosslyn Central Place project across the street are under construction. In addition to providing for the applicant's site marketing needs, the mixture of signs with images and text will serve to enhance the pedestrian experience along the site's street frontages through the provision of color and text content, in a way that would not be addressed by the standard chain-link construction site security fencing. Prior approvals for temporary construction signs associated with the applicant's site plan approvals at Waterview (SP #25), Central Place (SP #335) and Peck (SP #401) included significantly increased sign areas.

Condition #52 requires the applicant to provide full management of the lowest (GE) and highest (P6) levels weekdays (not including holidays) from 7:00 a.m. to 7:00 p.m.

Condition #65 involves the submission of the project's public art plan. The applicant is noting that it will take more time to submit the plan and is asking to tie the submission of the plan to permits that are issued later in the construction process. Staff supports the changes in timing.

Condition #79 The developer has agreed to include additional language providing funding for bus operations and delays that are directly affected by the staging of the project in N. Moore Street.

CONCLUSION: Given the updated requirements now apparent to the applicant's team regarding the location of the mechanical equipment and the size and number of structural pillars, changes are needed to what was approved for the parking garage. In addition, site plan conditions needed to be updated to keep current with the County's revised procedures. Staff also supports the extension of construction hours subject to conditions which protect nearby residents. Facilitating the construction of the project will likely result in less disruption to the transit operations near the Rosslyn Station. Staff recommends that the County Board approve the site plan amendment to modify the site plan conditions #11.e, 36, 45, 50, 52, 65, and 79 and to approve the new parking garage layout and compact parking ratio. All other previously approved conditions in SP #18 still apply.

REVISED CONDITIONS
1812 N. Moore St.
November 4, 2008

11.e. Construction Activity

Until October 1, 2009, the developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by ~~6:30~~ 10:00 p.m. on weekdays and will commence no earlier than 10:00 a.m. and end by ~~6:30~~ 10:00 p.m. on Saturdays, Sundays, and holidays unless an alternate construction staging plan is reviewed by and approved by the County Manager after his determination of not having an undue adverse impact on the neighborhood. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors, and construction of the improvements along N. Moore Street and construction of the improvements to the Rosslyn Metro Station shall end at midnight each day. All construction activity shall comply with the noise ordinance.

After October 1, 2009, the developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by 8:00 p.m. on weekdays and will commence no earlier than 10:00 a.m. and end by 8:00 p.m. on Saturdays, Sundays, and holidays unless an alternate construction staging plan is reviewed by and approved by the County Manager after his determination of not having an undue adverse impact on the neighborhood. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors, and construction of the improvements along N. Moore Street and construction of the improvements to the Rosslyn Metro Station shall end at midnight each day. All construction shall comply with the noise ordinance.

The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.

36. Plat of Excavated Area

The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above. The developer may seek issuance of a Footing to Grade Permit prior to a Final Building Permit. Prior to the issuance of the Footing to Grade Permit, the developer agrees to submit a preliminary plat of the excavated area showing spot elevations at two corners of the building at the building's lowest level (the "Preliminary Spot Elevations Plat"). Such spot elevations must be consistent with the plans approved by the County Manager. The Preliminary Spot Elevations Plat may be submitted when 25% of the square footage of the excavated area reached the building's lowest level.

Prior to commencing above-grade construction the developer agrees to submit a final plat of the excavated area showing spot elevations (the "Final Spot Elevations Plat"). The Final Spot Elevations Plat shall confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board on December 15, 2007, and as indicated in the plans referenced in Conditions #1 and #10 above.

Both the Preliminary and Final Spot Elevation Plats shall be drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size.

45. Wall Check Survey

The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above. The wall check survey shall show the location of the walls at the top level of the below-grade structure, and will be provided prior to the issuance of a permit for above-grade construction. The wall check plat submission may be phased at the discretion of the Zoning Administrator.

Comprehensive Sign Plan

50. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The developer also agrees to coordinate the comprehensive sign plan with the Rosslyn BID Wayfinding system in place at the time of comprehensive sign plan submission. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. ~~No sign permits will be issued until a comprehensive sign plan is approved.~~ The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before any sign permits are issued and before the issuance of the first Certificate of Occupancy. All proposed rooftop signs,

defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment. No signs will be permitted over 50 feet above the ground.

The developer agrees that the design, color, dimensions, material and placement of the temporary construction signs shall be in accordance with the 1812 North Moore Construction Sign Plan, prepared by Graham Hanson Design, dated October 9, 2008, review and approved by the County Board on November 15, 2008.

The developer agrees that should any graffiti and/or other damage occur on the signs, the applicant shall immediately (within ten (10) calendar days) repaint and/or replace the signs (or any portion of the sign) to eliminate such damage. In addition, the developer agrees to inspect the sign daily to determine whether such damage has occurred.

The developer agrees that the overall commercial image and text content shall not exceed 708 square feet. In addition to these signs, the developer may place one (1) Panel E sign (1812NORTHMOORE.COM) at each of two (2) vehicle access points to the construction site.

The developer agrees that the construction signs are temporary and shall be removed before the issuance of the first partial Certificate of Occupancy for the project or by April 1, 2011, whichever occurs first. In the event that the building is still under construction on April 1, 2011, the developer agrees to submit to the Zoning Administrator a request to extend the Sign Permit for temporary construction signs. The Zoning Administrator shall extend the Sign Permit for a six (6) month period.

Parking and Parking Management Plan

52. The developer agrees that the number of parking spaces designated for commercial use shall remain dedicated to commercial use, unless modified by the County Manager if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and consistent with the intent of the site plan approval.

The use of the commercial parking spaces shall be limited to parking use by the tenants of the building, their guests and visitors, unless otherwise permitted by the Zoning Ordinance, and shall not be converted to storage or other use without approval of a site plan amendment.

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how tenant, guest, and visitor parking will be provided, where the parking will be located, and how guests and visitors will be directed to the parking spaces. The developer further agrees to provide a maximum of 20% of the total parking spaces (including tandem and managed) as specific reserved parking spaces for tenants. The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for the commercial building.

The developer agrees to include within the parking management plan an operations outline containing a description of the managed parking plan for the operation of the garage. The managed parking plan shall be implemented, at a minimum, on weekdays (not including holidays) from 7:00 a.m. to 7:00 p.m. and shall include full management of the GE and P6 levels weekdays (not including holidays) from 7:00 a.m. to 7:00 p.m. The managed parking plan may include, but is not limited to, a description of the process for self-parked vehicles to access the garage during managed and non-managed hours of the garage, how vehicles will be directed to appropriate floors once the direct spaces are filled, how the parking attendant(s) will park managed vehicles on the same floor where the driver leaves a vehicle, how the parking attendant(s) will remain on each floor throughout the hours of the managed garage and the operational transition from managed to non-managed hours to ensure that all occupied managed spaces are attended to by parking attendants. The managed parking plan shall be submitted as part of the parking management plan to be reviewed and approved prior to the first Certificate of Occupancy.

65. Public art

- A. The developer agrees to commission a professional artist to create public art for a minimum cost of \$750,000, inclusive of artist fees, fabrication, installation, transportation, artist travel/expenses but exclusive of art consultant fees, fees for coordinating with artist or with other design professionals on the project (architect, landscape architect, engineer, etc.), and other in-house costs or fees. The public art shall respond to the themes and priorities discussed in the Public Art Master Plan (adopted December 2004) in support of the goals of the Public Art Policy (adopted September 2000). The developer also agrees to take into account driver and pedestrian safety and energy efficiency when designing the public art. The developer agrees that, if the commission is made more than 12 months after site plan approval, the minimum commission amount will be adjusted based on the percentage change in the Consumer Price Index-Urban (CPI-U) between the date of site plan approval and the first day of the month in which the contribution is made.
- B. The developer agrees to obtain the approval of the County Manager for the process to be followed in the selection of artist, art proposal development, maintenance plan, placement and design of informational signage. The County Manager's approval will be given only if the process is in accordance with Public Art Program signage specifications, and the developer agrees to implement that approved process. The developer agrees to notify the County Manager when the artist selection process is about to begin. The County Manager at his option may, within 15 business days following receipt of this notification, request that a panel process be undertaken and designate panel members to be included or artists to be considered. If requested, the developer agrees to use a panel to select the artist and the art. The panel used by the developer will consist of at least three persons, up to two of whom may be professional artists or arts professionals, as defined by the County. The panel should include representatives from the developer's project team, including architect, landscape architect and other design professionals. The developer

agrees to include in its panel those persons designated by the County Manager and to compensate them at a reasonable hourly rate agreed to by that individual.

- C. The selection panel will consider at least three different artists for the commission, including any named by the County Manager as set forth in this condition. The developer agrees that artists who are currently under contract in the County will not be eligible for commissions for public art within four years after the time of signing a contract or otherwise being initially engaged to create public art. The developer agrees to present its or the panel's choice of artist to, and obtain approval of this choice from, the Arlington Commission for the Arts/Public Art Committee (ACA/PAC), prior to issuance of the Clearing and Grading Permit. The developer further agrees to present the art proposal to, and obtain approval from, the ACA/PAC prior to issuance of the ~~Excavation/Sheeting and Shoring Permit~~ Footing to Grade Permit. The art proposal shall consist of visual and written representations of the public art and its proposed location within the site, list of materials, proposed maintenance plan, and an itemized budget. The developer further agrees to resubmit the art proposal to reflect any revisions made in response to any recommendations made by ACA/PAC to the County Manager prior to issuance of the ~~Footing to Grade Permit~~ Final Building Permit. The public art shall be installed prior to the issuance of the Certificate of Occupancy for any space on the top floor of the building.
- D. In order to prevent the public art from conflicting with other elements of the site plan, the developer also agrees to represent the public art on the landscape plan, building elevation or other plan that represents the site of the art, in the normal course of submission of such plans as provided for in these site plan conditions. The plan(s) on which the art is represented will be determined based upon the art's chosen location within the site plan.
- E. The developer may choose to make a contribution of \$750,000 to the Public Art Fund to fund County-initiated public art projects in the Rosslyn Metro/or other specified area in lieu of commissioning public art through the process set forth above. Such contribution shall be made to the Public Art Fund prior to issuance of the first above grade building permit. If the contribution is made more than 12 months after site plan approval, the contribution amount will be adjusted based on the percentage change in the Consumer Price Index- Urban (CPI-U) between the date of site plan approval and the first day of the month in which the contribution is made.

Temporary Bus Relocation

- 79. The developer agrees to coordinate with the County Manager and WMATA to provide and maintain temporary WMATA bus relocation and operations changes caused by this site plan, including WMATA bus routing and temporary shelters and signs as required in Condition #6, during construction to support operations within the Rosslyn Station area. The developer agrees to comply with WMATA's Adjacent Construction operational reimbursement guidelines to the extent required by and associated with the construction of the site plan, including any applicable capital and/or operating costs associated with any necessary relocation of WMATA bus stops or routing of WMATA buses. The

developer agrees that if construction staging is approved for this site plan on N. Moore Street and any interim ART bus relocation and/or road improvements do not become permanent, the developer shall pay the County reasonable capital and/or operating costs for relocated ART bus stops and/or added time due to lengthened ART bus routes during the period of time when buses are required to be relocated solely as a result of construction staging on N. Moore Street for this site plan. To extent required by and associated with the construction of the 1812 N. Moore Street site plan, and to the extent required by WMATA, the developer agrees to pay WMATA for any additional operational costs for the relocation and/or detour of MetroBus services, including all personnel costs necessitated by the operational changes. The developer agrees to execute a contribution agreement for the payment of these costs. Operating costs would be calculated based on agency hourly rates and capital costs would be based on current market rates for purchasing and installing the item. The developer agrees to pay a proportionate share of the costs for relocated bus stops and/or added time due to lengthened bus routes only during the period of construction for this site plan in the event that other construction activities along N. Moore Street are occurring concurrently with construction of this site plan.

The developer also agrees to pay the County, at a rate consistent with the County policy in effect at the time of service interruption, for parking meters taken out of service to accommodate temporary bus relocation resulting from construction activities for this site plan.

PREVIOUS COUNTY BOARD ACTIONS
(SP #18 – 1812 N. Moore St.)

February 8, 1962	Approved a site plan (Z-1598-62-2 SP #18) for an 11-story office building.
January 6, 1968	Approved a site plan amendment for an exterior sign request.
December 10, 1975	Approved a site plan amendment for an exterior sign change.
March 10, 1979	Approved a site plan amendment to convert parking to retail / office space.
September 16, 1980	Approved a site plan amendment for an exterior sign request.
December 15, 2007	Approved a rezoning request (Z-2529-06-1) and a site plan amendment to incorporate 1850 N. Moore St. (Dominion Virginia Power substation) into the site plan, construct approximately 569,739 square feet of commercial office, approximately 11,020 square feet of retail space, and retain the existing power substation.