



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 16, 2009**

DATE: May 8, 2009

SUBJECT: SP #231 SITE PLAN AMENDMENT to revise condition #66 regarding Energy Star label appliances, fixtures and/or building components. Property is located at 1401 N. Adams Street (RPC #18-005-042).

Applicant:

Arlington Hotel Associates, LLC

By:

Martin D. Walsh, Attorney
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Approve the subject site plan amendment, subject to all previous conditions and one amended condition.

ISSUES: This is a site plan amendment request to revise condition #66 for the Courthouse Plaza Hotel (SP #231). The proposed changes either meet or exceed desired energy efficiency standards.

SUMMARY: The Courthouse Plaza Hotel (SP #231) is requesting a site plan amendment to modify condition language related to the use of Energy Star label appliances, fixtures and/or building components in the Marriott Residence Inn currently being constructed at 1401 N. Adams Street. The developer is unable to meet the requirements of the condition as written while also meeting the requirements of Marriott Corporation in providing its standard appliances, fixtures and components specified for all Marriott Residence Inns throughout the country. In some cases, the items specified meet Marriott's Residence Inn design standards and do not carry the Energy Star label. In other instances, the items specified for the hotel are commercial grade fixtures and, since Energy Star only qualifies residential grade products, these commercial grade products are not eligible for Energy Star labeling.

County Manager: _____

County Attorney: _____

Staff: Samia Byrd, DCPHD, Planning Division
Joan Kelsch, DES, Environmental Planning

PLA-5256

The developer proposes to meet the spirit and intent of the site plan condition by incorporating alternate building components or an environmental equivalent that meet or exceed the energy efficiency that would have been achieved by strict compliance with the Energy Star program. Therefore, staff recommends the site plan amendment be approved subject to all previous conditions and one amended condition.

BACKGROUND: The Courthouse Plaza Hotel was approved in February 2006 as a major site plan amendment to the Courthouse Plaza Site Plan (SP #231). The approximately 10 story, 176-room hotel with up to 10,000 square feet of ground floor retail and restaurant space is currently under construction, as a Marriott Residence Inn. The proposed hotel would complete the Courthouse Plaza Site Plan, which was originally approved in 1985. Following is additional information on the site and its adjacent uses.

Site: The 42,489 square foot site is located on the western end of Courthouse Plaza with the following boundaries and adjacent uses:

- To the north: Clarendon Boulevard; The 7-story Navy League office building (SP #351).
- To the east: The 17- and 14-story Courthouse Plaza residential and office buildings (SP #231).
- To the west: N. Adams Street; The 11-story Charleston Condominium building (SP #252)
- To the south: 14th Street; The Courthouse Hill Condominium (6-stories) and Townhouse (4-stories) development (SP #225)

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

General Land Use Plan Designation: Striped pattern of 50 percent “High” Residential and 50 percent “High” Office-Apartment-Hotel (up to 3.8 FAR office density, up to 4.8 FAR apartment density, up to 3.8 FAR hotel density).

Neighborhood: The site is located in the Clarendon-Courthouse Civic Association. The Clarendon-Courthouse Civic Association has been notified and has provided no response to date regarding the subject site plan amendment request.

DISCUSSION: Site Plan Condition #66 currently requires the developer of the Courthouse Plaza Hotel to install appliances, fixtures, and/or building components that have earned the U.S. EPA’s Energy Star label. The site plan condition specifically states that refrigerators, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas) and exit signs be Energy Star labeled. By condition, the developer has also agreed to provide two (2) of the following throughout the building: Energy Star qualified programmable thermostats (in hotel rooms); hotel room light fixtures; windows and doors; and/or HVAC systems. The developer now requests that the specific requirement of providing Energy Star labeled refrigerators, light fixtures in halls and common areas, ventilation fans, programmable thermostats, and hotel room light fixtures be modified as detailed below. Energy Star only qualifies residential grade products. In some cases the items specified for the hotel are commercial grade fixtures and thus

are not eligible for Energy Star labeling. In other cases, the items are specified to meet Marriott's Residence Inn design standards and do not carry for Energy Star label.

- Refrigerators: The developer has purchased and begun the installation of 176 refrigerators in guest rooms that, while consistent with the Marriott Residence Inn standard and the layout and configuration of the guest rooms, are not Energy Star labeled as required by Site Plan condition #66. In lieu of providing Energy Star label refrigerators, the developer proposes to purchase green power/renewable electricity from Dominion Virginia Power or a third party supplier (Renewable Choice Energy, Sterling Planet, etc.) in the amount of 1,633,280 kWh (which amount was determined by multiplying 176 non-Energy Star refrigerators by 464 kWh annual consumption by 20 years). This amount would purchase enough renewable power to cover the electricity consumed by all the non-Energy Star labeled refrigerators installed in the hotel for a 20-year period. This purchase would off-set the total use of electricity by the refrigerators as opposed to just the difference in electricity usage between the Marriott standard and an Energy Star labeled refrigerator. Although the purchase of green power/renewable electricity would cover a period equivalent to twenty (20) years of energy use by the refrigerators, the total amount would be purchased prior to the issuance of the final Certificate of Occupancy.

Approximately 70 non-Energy Star refrigerators have already been installed in the hotel. A significant amount of energy would be required to remove these refrigerators, ship them to another site, and then ship replacement refrigerators to the hotel. Also, the refrigerators selected by Marriott are small and the applicant reports that an Energy Star equivalent refrigerator has slightly larger dimensions. Thus, the kitchen cabinetry and framing would have to be altered to make the new refrigerators fit. This would create more demolition debris and would require the use of more wood and framing materials. From an environmental perspective, these additional environmental impacts are significant and can be avoided by the renewable power purchase alternative.

In addition, the developer has agreed to install Energy Star labeled dishwashers in all guest rooms, which would result in a savings in water and electricity, 41% greater than that of non-Energy Star dishwashers.

- Light Fixtures (Halls and Common Areas): The commercial grade light fixtures that are currently proposed at the hotel are not Energy Star labeled as required by the site plan condition. The Energy Star program certifies only residential grade light fixtures and does not label commercial grade light fixtures. However, 808 (or 80 percent) of the 1,011 light fixtures in the halls and common areas (including those lights in the hall that would remain on 24-hours a day, seven days per week) will use energy efficient fluorescent or compact fluorescent bulbs. The 203 non-fluorescent lights are specialty lights installed in specific areas such as the pool, library, meeting room and garage. The commercially managed hotel would maintain full control over the replacement of light bulbs to ensure compact fluorescent and fluorescent lamps continue to be utilized.

LEED for Commercial Interiors includes a credit for Lighting Power, which is a more appropriate method of measuring the energy efficiency of lighting in commercial settings.

This LEED credit requires that a building reduce its lighting power (watts used to provide lights in the interior of the building) by 15 percent or more below an established standard baseline outlined by LEED. Calculations for the entire building (common areas and hotel rooms) indicate that the lighting power is 45 percent lower than the allowed lighting power for a hotel.

Finally, energy efficiency has been enhanced through other elements of design such as: 1) daylighting in 90% of regularly occupied common spaces and 2) use of lighter colored paints to reflect light and reduce the need for brighter bulbs.

- Ventilation Fans: Energy Star labeled kitchen and bathroom ventilation fans are currently required by the site plan condition. Those fans referred to and required by the site plan condition are residential grade ventilation fans that exhaust directly through the wall to the outdoors. The fans provided in the hotel kitchen and bath areas comprise part of a commercial, centralized, roof-vented custom designed system that does not carry the Energy Star label. Individually vented fans do not generate enough pressure to vent properly through a center stack. The project engineer reports that the central venting system is 50-87 percent more efficient than residential grade Energy Star labeled fans would be.
- Thermostats: The Energy Star qualified programmable thermostats required to be provided in each guest room by the site plan condition refers to residential grade programmable thermostats. Residential grade programmable thermostats are designed so that the homeowner can set the heat/air conditioning to go on/off on a regular schedule. Hotel room occupancy is not as predictable, and thus this type of thermostat is not appropriate. The developer is providing commercial grade thermostats that include occupancy sensors that will enhance energy efficiency. Because this system is a commercial grade product, it is not Energy Star qualified. Specifically, Onity SensorStat thermostats will be provided in each hotel room. This type of thermostat functions with a door sensor that activates the thermostat along with a secondary occupancy motion sensor. Together the sensors work to detect when the guest room is occupied and act to modulate temperature accordingly. This would result in approximately 25 to 30 percent greater energy efficiency than a programmable residential-grade thermostat without an occupancy sensor.
- Light Fixtures in Hotel Rooms: Energy Star qualified light fixtures are required by site plan in the hotel rooms, however, the fixtures and lamps to be provided are not Energy Star labeled. These fixtures were selected to meet the Marriott Residence Inn standard. Of the 1,385 bulbs to be provided in the hotel rooms, 1,221 bulbs (88 percent) are low wattage fluorescent or compact fluorescent bulbs. The remaining 164 bulbs are low-wattage (35 watt) incandescent kitchen light bulbs. The lighting power calculation described above includes the hotel room light fixtures. Thus, even with the 164 incandescent bulbs, the lighting power for the whole building is well below the baseline standard determined by LEED.

In addition, energy efficiency will be further maximized in the hotel rooms through other elements of design such as: 1) daylighting penetrates up to 75% of regularly occupied spaces in all guest rooms; 2) use of white paint for the ceilings and light cream for the walls; and 3)

commercial management of the hotel that would have full control over the replacement of light bulbs to ensure the continued use of fluorescent and compact fluorescent light bulbs.

CONCLUSION: Site Plan Condition #66, as currently written provides for the use of Energy Star qualified appliances, fixtures and building components that are residential grade consistent with a multifamily building as opposed to a commercial grade hotel. Staff and the developer have reviewed the appliances, fixtures and building components and have developed a comprehensive approach to providing energy efficient appliances, fixtures and components comparable to, and in some cases exceeding, those initially intended under the Energy Star program. The proposed modifications are in keeping with the spirit and intent of the originally approved condition which was designed to minimize the environmental impact of the project. The proposed changes are appropriate given that the hotel development is a commercial grade building and less residential in its operation and management. Therefore, staff recommends that the site plan amendment be approved, subject to all previous conditions and the following amended condition.

66. The developer agrees to hire a LEED certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED Prerequisites and 26 LEED credits. The developer further agrees to achieve Credit 7.2, *Landscape and Exterior Design to Reduce Heat Islands, Roof* under the Sustainable Sites category of the LEED-NC Version 2.2 Registered Project Checklist, by providing an Energy Star-compliant, high-reflectance and high-emissivity or similar roof surface finish on the 10-story tower and a vegetated green roof on the five story wing.

The developer agrees that all dishwashers and exit signs of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: ~~refrigerators, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs.~~ The developer further agrees to purchase green power/renewable electricity from Dominion Virginia Power or a third party supplier (Renewable Choice Energy, Sterling Plant, etc.) in the amount of 1,633,280 kWh, all to be paid and to provide evidence to the Zoning Administrator that such purchase has been completed prior to the final Certificate of Occupancy that permits occupancy of any space on the final floor for which Certificates of Occupancy are issued. A contract shall be provided to the County Attorney within 90 days of County Board approval of the site plan amendment of May 16, 2009. To further enhance energy efficiency, the developer ~~shall~~ agrees to install Onity Sensor Stat programmable thermostats in all hotel rooms and agrees that more than 85% of the bulbs installed in the hotel rooms shall be fluorescent or compact fluorescent, with the remaining 15% being less than or equal to 35-watt incandescent bulbs. choose two of the types of components listed and all of those two types of components installed or used in the project shall be Energy Star qualified: programmable thermostats (in hotel rooms); hotel room light fixtures; windows and doors; and HVAC systems. The developer shall

submit to the County Manager a statement listing all Energy Star qualified or the equivalent components prior to issuance of the Core and Shell Certificate of Occupancy. In addition, the developer agrees to implement a green hotel management program, such as Virginia Green Lodging Green Planet, as part of its housekeeping services. Documentation of participation describing the program shall be submitted to the County Manager prior to the issuance of the Certificate of Occupancy for hotel occupancy.

The developer further agrees to submit, to the County Manager, ~~a~~ reports prepared by the LEED consultant and documentation upon request to substantiate the report. Such report will be submitted prior to issuance of each of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

- Demolition Permit
- Excavation, Sheeting and Shoring Permit
- Footing to Grade Permit
- First Above Grade Building Permit
- Final Building Permit
- Shell and Core Certificate of Occupancy
- Certificate of Occupancy for occupancy of the last floor of space
- Master Certificate of Occupancy

In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its LEED consultant submit a certification to the County Manager that the elements to earn the above specified numbers of points have been included in the buildings.

April 6, 1991	Deferred a site plan amendment request (SP #231) for a conversion of 3,500 square feet of first floor retail space to office use at 2250 Clarendon Boulevard to the June 4, 1991 County Board meeting.
June 4, 1991	Deferred a site plan amendment request (SP #231) for a conversion of 3,500 square feet of first floor retail space to office use at 2250 Clarendon Boulevard to the July 13, 1991 County Board meeting.
July 13, 1991	Deferred a site plan amendment (SP #231) for a conversion of 3,500 square feet of first floor retail space to office use at 2250 Clarendon Boulevard to the August 10, 1991 County Board meeting.
August 10, 1991	Accepted withdrawal of a site plan amendment (SP #231) for a conversion of 3,500 square feet of first floor retail space to office use at 2250 Clarendon Boulevard.
February 8, 1992	Approved a site plan amendment (SP #231) for a conversion of 2,625 square feet of area designated for community meeting space to retail use.
July 11, 1992	Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, 43, and 44, to increase the ratio of compact car parking spaces to the August 8, 1992 County Board meeting.
August 8, 1992	Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, 43, and 44, to increase the ratio of compact car parking spaces to the September 12, 1992 County Board meeting.
September 12, 1992	Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, 43, and 44, to increase the ratio of compact car parking spaces to the November 14, 1992 County Board meeting.

November 14, 1992	Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, 43, and 44, to increase the ratio of compact car parking spaces to the December 12, 1992 County Board meeting.
December 12, 1992	Deferred a site plan amendment (SP #231) for a special exception to amend Conditions #42, 43, and 44, to increase the ratio of compact car parking spaces to the February 6, 1993 County Board meeting.
February 6, 1993	Approved a site plan amendment (SP #231) for a special exception to amend Conditions #42, 43, and 44, to increase the ratio of compact car parking spaces, subject to all previous conditions, revised Conditions #9, 42, and 44, and a new Condition 58.
August 14, 1993	Approved a site plan amendment (SP #231) for live entertainment (Capitol Grille) from 7:00 p.m. to 11:00 p.m. on Thursdays, (Capitol Grille) 2300 Clarendon Boulevard, from 9:00 p.m. to 1:00 a.m. on Fridays and Saturdays, and from 10:00 a.m. to 2:00 p.m., and 7:00 p.m. to 10:00 p.m. on Sundays, subject to conditions and an administrative review in one (1) year.
September 11, 1993	Approved a site plan amendment (SP #231) to permit a dentist office (2250 Courthouse Plaza) on the plaza level in designated retail space, subject to all previous conditions and an additional condition.
February 4, 1995	Deferred a site plan amendment (SP #231) to March 4, 1995 to extend the term of decorative building banners and approve an alternative design depicting seasonal themes. (2100 - 2400 Clarendon Blvd.)
March 4, 1995	Approved a site plan amendment (SP #231) to extend the term of decorative banners and approve an alternative design depicting seasonal themes (2100 - 2400 Clarendon Blvd.) for a period of five (5) years, subject to all previous conditions and amended Conditions #51 and 53.
January 20, 1996	Approved site plan amendment (SP #231) to convert 4,290 square feet of retail space under 2250

Clarendon Boulevard to secondary retail and medical office and law office uses for the parcels of real property known as 2100 through 2400 Clarendon Boulevard, for a period of five (5) years until January 2001.

April 12, 1997

Approved a site plan amendment (SP #231) to permit construction and operation of a temporary metered parking lot (175 spaces) subject to conditions.

September 6, 1997

Authorized advertising of following related matters: Rezoning Z-2440-97-5 from "C-3" General Commercial Districts, to "C-O" Commercial Office Building, Hotel and Multiple-Family Dwelling Districts, at 1400 North Uhle Street (the "Court Square West Building").

Site Plan Amendment SP #231 to permit an office/retail building of approximately 280,000 square feet of gross floor area (g.f.a.) with an associated underground parking structure in the 1400 block of North Courthouse Road.

December 13, 1997

Approved vacation of the portions of North Uhle Street, from North Veitch Street to North 14th Street, subject to the retention of a pedestrian access easement and agreed that the approved site plan amendment will include a museum for exhibit space on the significance of Freedman s Village to Arlington County s history.

March 14, 1998

Deferred Site Plan Amendment SP #231 (Z-2280-85-4) to adjust the parking to eliminate the requirement for the provision of 92 additional spaces at 2100 through 2400 Clarendon Boulevard to May 16, 1998.

May 16, 1998

Deferred Site Plan Amendment SP #231 (Z-2280-85-4) for adjustment of parking to eliminate requirement for provision of 92 additional spaces at 2100 through 2400 Clarendon Boulevard to July 11, 1998.

July 16, 1998

Approved site plan amendment (SP #231) for construction of a full-service hotel consisting of 17

	stories with associated parking for the parcel of real property known as the 2300 block of Clarendon Boulevard subject to all previous conditions, including the previously approved parking ratio of 0.7 spaces per unit, and to amended conditions number 18, 19, and 45, and new conditions number 1 through 12 which relate only to the hotel.
September 26, 1998	Deferred to no specific date Site Plan Amendment (SP #231) for the final design of the exterior façade of the building and the public plaza in the 1400 block of North Court House Road.
June 30, 2001	Approved extension of the term of Site Plan Amendment SP #231 for the Courthouse Plaza hotel for another four months (October 2001).
January 27, 2001	Continued site plan amendment (SP #231) to convert 4,290 square feet of retail space under 2250 Clarendon Boulevard to secondary retail and medical office and law office uses for the parcels of real property known as 2100 through 2400 Clarendon Boulevard, subject to all previous conditions, with a review in two (2) years (January 2003).
March 13, 2003	Continued site plan amendment (SP #231) to convert retail space under 2250 Clarendon Boulevard to secondary retail and medical office and law office, subject to all previous conditions, with a review in two (2) years (March 2005).
November 15, 2003	Deferred a site plan amendment (SP #231) for a flea market at 1400 North Court House Road to January 10, 2004.
January 10, 2004	Deferred site plan amendment (SP #231) for a flea market at 1400 North Courthouse Road to March 13, 2004.
March 13, 2004	Deferred site plan amendment (SP #231) for a flea market at 1400 North Courthouse Road to the April 24, 2004 County Board meeting.
April 24, 2004	Approved site plan amendment (SP #231) for the operation of an open-air flea market on Sundays on

	the public parking lot located between 14 th and 15 th Streets North in the Courthouse Metro Station area, subject to conditions with an administrative review following the issuance of the Certificate of Occupancy in approximately three (3) months (September 2004) review by the County Board in one year (April 2005).
March 12, 2005	Renewed site plan amendment (SP #231) to convert 4,290 square feet of retail space under 2250 Clarendon Boulevard to secondary retail and medical office and law office uses for the parcels of real property known as 2100 through 2400 Clarendon Boulevard with a review in three (3) years. (March 2006).
April 16, 2005	Approved site plan amendment (SP #231) for live entertainment and dancing (The Music Box), with administrative review in three (3) months (July 2005) and County Board review in one (1) year (April 2006).
December 14, 2005	Deferred a major site plan amendment (SP #231) for hotel development for one month to January 21, 2006.
January 21, 2006	Deferred a major site plan amendment (SP #231) for hotel development for one month to February 25, 2006.
February 25, 2006	Approved a major site plan amendment (SP #231) for a 176-room extended-stay hotel, 5,510 square feet of restaurant space and 3,945 square feet of retail/food service space.
April 22, 2006	Deferral of site plan amendment (SP #231) for live entertainment and dancing at 2300 Clarendon Boulevard (Music Box) to the October 14, 2006 County Board hearing.
October 14, 2006	No renewal of site plan amendment (SP #231) for live entertainment and dancing at 2300 Clarendon Boulevard (Music Box).
May 5, 2007	Renewal of a site plan amendment (SP #231) for a flea market at 1400 North Courthouse Road with

review by the County Board in three years (May 2010).

June 19, 2007 Approved a site plan amendment (SP #231) for a new garage entrance regarding ADA and condition #38

March 18, 2008 Deferred a site plan review (SP #231) for conversion of retail space (dentist office) to the April 10, 2008 County Board meeting.

April 22, 2008 Renewed the retail conversion to dentist office (SP #231), subject to all previous conditions and new conditions, not to extend beyond December 2014, with an administrative review in 5 years (January 2013).

December 13, 2008 Approved a site plan amendment (SP #231) for a comprehensive sign plan for the hotel, subject to conditions.

April 28, 2009 Deferred a site plan amendment (SP #231 to revise Condition #84 to modify the timing and requirements for the garage closure and bicycle storage facility for two (2) months to June 13, 2009 County Board Meeting.