



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 16, 2009

DATE: May 6, 2009

SUBJECT: SP #382 "On the County Board's Own Motion" site plan amendment to delete conditions #53 and #68 for National Science Teachers Association located at 1801, 1805 Clarendon Blvd., 1836, 1840 Wilson Blvd. (RPC #17-011-019, -021, -023).

C.M. RECOMMENDATION:

Approve the site plan amendment for SP #382 (National Science Teachers Association) to delete Conditions #53 and #68; 1801, 1805 Clarendon Blvd., 1836, 1840 Wilson Blvd. (RPC #17-011-019, -021, -023).

ISSUE: At the November 15, 2008 County Board meeting, staff intended to include in the County Manager's Recommendation the deletion of site plan conditions #53 and #68, which were replaced by condition #83. Staff recommends this action to complete the November 15, 2008 amendment. There are no issues.

SUMMARY: The site plan amendment for SP #382 approved by the County Board at its November 15, 2008 County Board meeting has not changed. The County Board's motion to approve the amendment did not explicitly delete Conditions #53 and #68. While the deletions were discussed and explained in the staff report, the report's recommendation did not explicitly include the deletion of these conditions. Therefore, further action is recommended to correct this oversight. Staff recommends that the County Board approve the site plan amendment to delete conditions #53 and #68, which have been supplanted by condition #83, which is attached for reference purposes only.

BACKGROUND: At its November 15, 2008 meeting, the County Board approved a site plan amendment for SP #382, part of which included an increase in the LEED commitment to Silver certification. That change necessitated the addition of a new site plan condition (#83) that would both replace the previously approved LEED Condition (#68) and eliminate the need for the previously approved green building fund Condition (#53). Although staff fully intended Conditions #53 and #68 to be deleted, the County Manager Recommendation did not explicitly state that Conditions #53 and #68 should be deleted and that the new Condition #83 would

County Manager: _____

County Attorney: _____

Staff: Rich Dooley, Planning Division, DCPHD

PLA-5259

replace those two deleted conditions. The County Board motion in turn did not reflect the deletion of Conditions #53 and #68.

DISCUSSION: The purpose of this request is to ask the County Board to take further action to delete two conditions that should have been eliminated along with the November 15, 2008 approval of the site plan amendment for SP #382 that provided for LEED Silver certification.

CONCLUSION: The revised Recommendation is needed to explicitly delete Conditions #53 and #68. The scope of proposed changes is limited. Therefore, staff recommends that the County Board approve the site plan amendment to delete conditions #53 and #68 as shown below:

53. **(Intentionally Omitted)** ~~The developer agrees to make a contribution to the County's Green Building Fund of \$2,107.35 (\$0.03 X 70,245 square feet). The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition Permit, and compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded upon receipt of written request, and documentation of LEED certification, by the applicant.~~
68. **Deleted and replaced by Condition #83**
- a. ~~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 include at least 27 ~~32~~ LEED points, including at least two (2) points from LEED Section EA.1, "Optimize Energy Performance." The developer agrees to use commercially reasonable efforts to achieve additional LEED points which would qualify the building for certified levels.~~
- b. ~~The developer further agrees to submit, to the County Manager Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED consultant and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance 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:~~
- ~~1. Clearing, Grading & Demolition Permit~~
 - ~~2. Excavation, Sheeting and Shoring Permit~~
 - ~~3. Footing to Grade Permit~~

- ~~4. Final Building Permit~~
- ~~5. Shell and Core Certificate of Occupancy~~
- ~~6. Partial Certificate of Occupancy for occupancy of the last floor of space~~
- ~~7. Master Certificate of Occupancy~~

~~e. In addition, prior to issuance of the first Certificate of Occupancy for 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.~~

Approved on November 15, 2008 (for reference purposes only)

LEED™ Credits and Sustainable Design Elements

83. 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 (USGBC) 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 include at least 32 LEED™ credits (or the minimum required for LEED™ Silver for Core and Shell projects).

The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED™ consultant and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance 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.

Within ninety (90) days after the issuance of the first certificate of occupancy for any part of the last floor, the developer agrees to provide a certification by a LEED™-accredited professional. The certification shall state that all of the Green Elements, as set forth in the reporting mechanisms and including all of the LEED™ Prerequisites, have been incorporated into the project and that, in the professional's opinion, the project will qualify for a LEED™ Score of 32 points or higher (or as defined by the USGBC as a Silver Certified Level for Core and Shell projects). The developer also agrees to submit all appropriate documentation to the USGBC for review and evaluation for LEED™ certification.

Prior to the issuance of the first certificate of occupancy, the developer agrees to provide

to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$120,360 guaranteeing that, within eighteen (18) months from the date of the issuance of the first certificate of occupancy for any part of the last floor, the developer will have received its "Silver Certified" certification from the USGBC. Should the developer miss up to three (3) points, at the end of the eighteen month period, the developer shall automatically forfeit seventy-five percent (75%) of the security, which shall be immediately paid to the County. The developer agrees that the County may take any amounts due under the condition out of the financial security as deposited with the County. Should the developer miss four (4) or more points, at the end of the eighteen month period, the developer shall automatically forfeit 100 percent (100%) of the security, which shall be immediately paid to the County.

The developer agrees to permit the County Manager to access the USGBC records for the project and to provide the County Manager with such authorization as may be necessary to allow such access.

PREVIOUS COUNTY BOARD ACTIONS:

- June 3, 1978 Approved Use Permit U-2162-78-1 at 1836 Wilson Boulevard for live entertainment with dancing, subject to conditions with a review in one year.
- June 9, 1979 Continued Use Permit U- 2162-78-1 for live entertainment with dancing, subject to conditions with a review in one year.
- June 10, 1980 Continued Use Permit U- 2162-78-1 for live entertainment with dancing, subject to conditions with a review in two years.
- June 1, 1982 Discontinued Use Permit U-2162-78-1 for the operation of a restaurant providing live entertainment including dancing.
- December 7, 1991 Took no action on Use Permit U-2724-91-2 for live entertainment and dancing in an existing restaurant.
- January 18, 1992 Authorized advertising a March 7, 1992 public hearing on Use Permit U-2732-92-3 for live entertainment and dancing in an existing restaurant.
- March 7, 1992 Approved a use permit U-2732-92-3 for live entertainment and dancing in an existing restaurant from 5:00 p.m. to 12: 00 a.m., seven days a week, for the parcel of real property known as 1836 Wilson Boulevard (Bellissimo Restaurant).
- September 26, 1992 Continued a use permit U-2732-92-3 for live entertainment and dancing in an existing restaurant, subject to all previous conditions and review in six months.
- April 3, 1993 Continued a use permit U-2732-92-3 for live entertainment and dancing in an existing restaurant, subject to all previous conditions and review in one year.

April 9, 1994	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant, two months, subject to all previous conditions and review at the June 4, 1994 County Board Meeting.
June 4, 1994	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant and amended the use permit to extend the hours of live entertainment from 5:00 p.m. to 12:00 midnight to 5:00 p.m. to 2:00 a.m., seven days a week, subject to the original conditions and amended conditions number one and two. (Chef Peppino's Restaurant).
June 4, 1996	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant, subject to all previous conditions and review in one year (June 1997). (Barchetta's Restaurant)
June 7, 1997	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant, subject to all previous conditions and review in four months (October 1997). (RHODESIDE GRILL)
October 4, 1997	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant, subject to all previous conditions and review in four months (February 1998). (RHODESIDE GRILL)
February 7, 1998	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant, subject to all previous conditions and review in one year (February 1999). (RHODESIDE GRILL)
February 6, 1999	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant, subject to all previous conditions and review in one year (February 2000). (RHODESIDE GRILL)
December 11, 1999	Adopted a resolution authorizing the IDA to issue up to \$3,500,000 in tax-exempt revenue bonds and to issue up to \$2,500,000 in taxable revenue bonds for the financing of the NSTA project subject to conditions.

February 12, 2000	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant, subject to all previous conditions, one new condition that no customer dancing shall be permitted unless the applicant first obtains a valid dance hall permit and review in three years (February 2003). (RHODESIDE GRILL)
February 8, 2003	Continued a use permit U-2732-92-3 for live entertainment in an existing restaurant, subject to all previous conditions and review in five years (February 2008). (RHODESIDE GRILL)
July 10, 2004	Deferred a General Land Use Plan amendment (GP-294-04-1), rezoning request (Z-2511-03-1) and site plan request (SP #382) to the September 18, 2004 County Board meeting.
September 18, 2004	Deferred a General Land Use Plan amendment (GP-294-04-1), rezoning request (Z-2511-03-1) and site plan request (SP #382) to the November 16, 2004 County Board meeting.
November 16, 2004	Deferred a General Land Use Plan amendment (GP-294-04-1), rezoning request (Z-2511-03-1) and site plan request (SP #382) to the June 2005 County Board meeting.
June 18, 2005	Deferred a General Land Use Plan amendment (GP-294-04-1), rezoning request (Z-2511-03-1) and site plan request (SP #382) to the September 17, 2005 County Board meeting.
September 17, 2005	Deferred a General Land Use Plan amendment (GP-294-04-1), rezoning request (Z-2511-03-1) and site plan request (SP #382) to the November 15, 2005 County Board meeting.
November 16, 2005	Approved a General Land Use Plan amendment (GP-294-04-1), rezoning request (Z-2511-03-1) and site plan request (SP #382) to retain the existing NSTA building and redevelop the site with an approximately 71,840 s.f. office building with ground floor retail/restaurant uses.

July 19, 2008

Approved a site plan amendment request (SP #382) to modify the height of the parking structure and the façade, and to extend the term of the site plan.

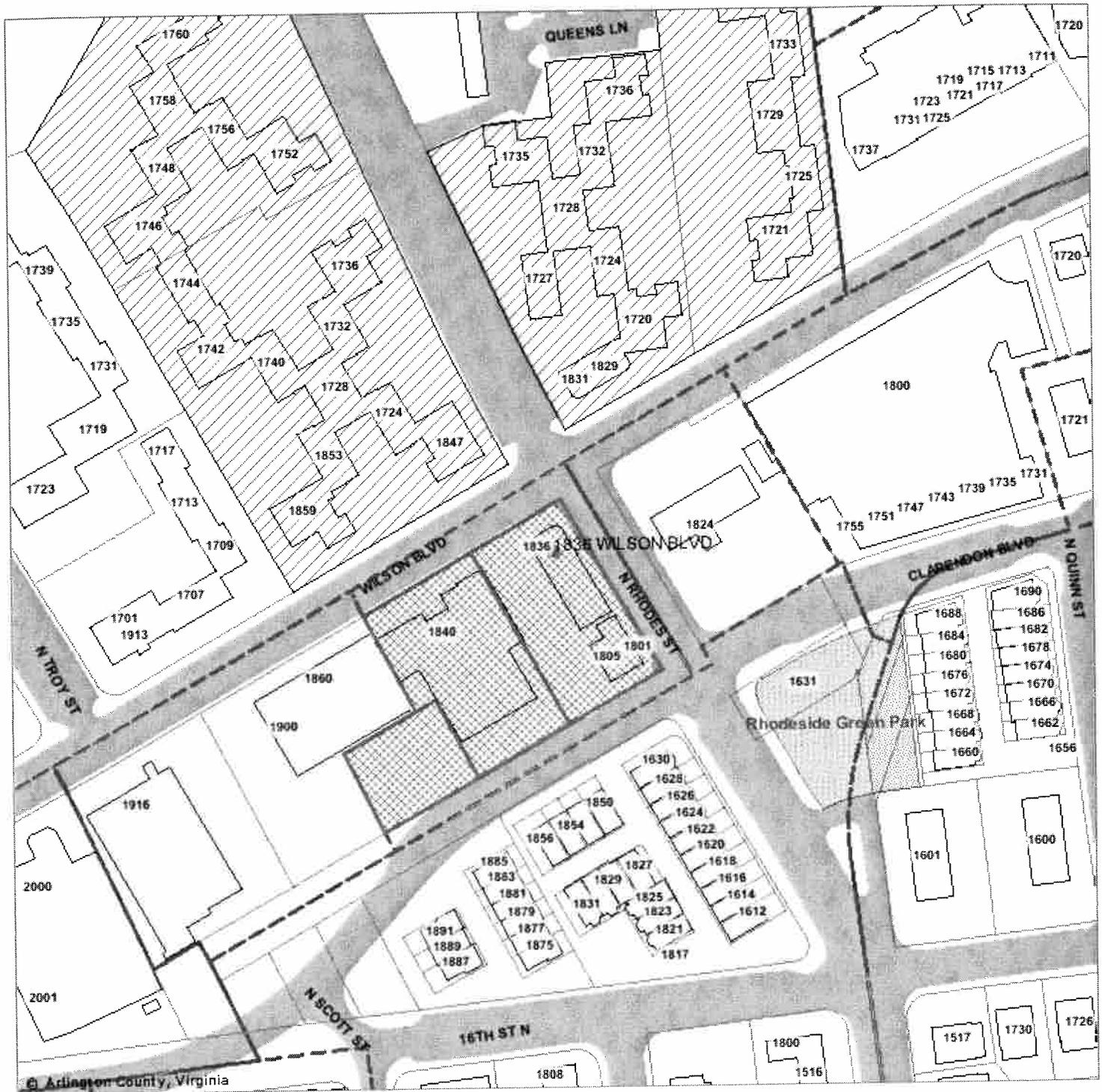
Deferred consideration of the site plan amendment request to modify the project's parking to the October 18, 2008 County Board meeting.

October 18, 2008

Deferred consideration of the site plan amendment request to modify the project's parking to the November 15, 2008 County Board meeting.

November 15, 2008

Approved a site plan amendment request (SP #382) to amend conditions #38, 40, 49, 63, 74 re timing of garage clearance modification, size of exercise facility and exclusion of fitness center from density calculations, modification of approved parking, removal of surface parking lot, reduction in site area and associated modification for an increase in density (FAR) and related conditions.



SP #382 SITE PLAN AMENDMENT
1801, 1805 Clarendon Blvd., 1836, 1840 Wilson Blvd.
RPC #17-011-019, -021, -023

Note: These maps are for property location assistance only.
 They may not represent the latest survey and other information.

Department of Community Planning, and Housing Development

Planning Division