



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of July 11, 2009**

**DATE:** June 30, 2009

**SUBJECT:** SP #390 SITE PLAN AMENDMENT to revise Condition #67 to modify the timing for granting public use and/or access easements for the North Tract Lofts Residential Site Plan located at 305 10<sup>th</sup> Street South (RPC: 34-024-457).

**Applicant:**

North Tract Apartments, LLC

**By:**

Michael K. George, Agent  
York Residential, LLC  
2011 Crystal Drive, Suite 400  
Arlington, Virginia 22202

**C. M. RECOMMENDATION:**

Approve the site plan amendment request to modify the timing for granting permanent public use and/or access easements to allow them to be phased consistent with the approved phasing plan, subject to all previous conditions with revisions to Condition #67 and Condition #6 addressing pedestrian access through the site during phased construction, as shown in this report.

**ISSUES:** This is a request to revise Condition #67 to modify the timing for granting permanent public use and/or access easements to allow them to be phased consistent with the approved phasing plan for the North Tract Lofts Residential Site Plan. In addition, it is recommended that Condition #6 be revised to allow residents to use the underground parking garage for pedestrian access through the site during phased construction. No issues have been identified.

**SUMMARY:** The applicant has requested to revise Condition #67, which would modify the timing for granting permanent public use and/or access easements to allow them to be phased consistent with the approved phasing plan. The phasing plan would divide the project into four (4) buildings and would allow construction of each building and its associated improvements to occur in phases and upon completion of each phase, and before issuance of the Shell and Core Occupancy Permit, easements would be granted for the completed public open space areas and

County Manager: \_\_\_\_\_

Staff: Freida Wray, CPHD Planning

PLA-5312

private street. Condition #67 would be revised to reflect this modification. The applicant has also agreed to revisions to Condition #6, making the underground garage available for pedestrian access through the site during phased construction until all sidewalks and streetscape are complete. Therefore, staff recommends that this site plan amendment be approved, subject to all previous conditions, but with revisions to Condition #6 and #67 as shown in the staff report.

**BACKGROUND:** This site plan for a residential development containing 184 units was approved by the County Board on July 12, 2005. The site is located in the North Tract area, between 6<sup>th</sup> and 10<sup>th</sup> Streets South. Among its many community amenities, the applicant agreed to grant permanent public use and/or access easements over several on-site plazas, courtyards and open space areas, including a new private yield street. The approved Condition #67 requires that construction and landscaping of these areas be completed before the granting of the easements and that the easements be granted to the County before issuance of the first Certificate of Occupancy for the building. The first certificate of occupancy is the Shell and Core Occupancy Permit. Construction on this multi-phase project is in process. The developer is in Phase III of construction (vertical construction) and will be seeking the Shell and Core Occupancy Permit for the different buildings at different times during this particular phase of construction. The applicant has requested a site plan amendment to revise Condition #67 to modify the timing for granting permanent public use and/or access easements over the open space and street areas, to allow them to be phased consistent with the approved phasing plan.

**DISCUSSION:** The applicant has received administrative approval of a Phase III Vertical Construction Phasing Plan (hereinafter referred to as “Plan”), contingent upon approval of this minor site plan amendment. The Plan delineates construction of the multiple buildings and surrounding improvements, including the open space areas and private yield street which would later be under public easement, over four (4) phases. The Plan has divided the site into four (4) buildings or phases – Buildings 200, 150, 100 N and 100 S. With the completion of each phase the associated improvements, which are delineated in the Plan for each phase and include the aforementioned open space areas and private yield street, would be completed and the Shell and Core Occupancy Permit would be issued for that building. Staff recommends that Condition #67 be revised to require that with the completion of each phase of the approved phasing plan, permanent public use and/or access easements be granted over the applicable open space areas and/or private yield street included in that respective phase of construction.

Additionally, the applicant has agreed to revised Condition #6 which addresses temporary pedestrian access through the site during construction. The first phase of building occupancy will include Building 200, the building located adjacent to 10<sup>th</sup> Street South. For this phase of building occupancy, the applicant would seek a Certificate for Partial Occupancy for the entire P1 level of the garage. The second phase will include Building 150, the building located on the northern edge of the site adjacent to 6<sup>th</sup> Street South. To ensure that residents of Building 150 and subsequent phases are provided a safe and direct pedestrian route through the site during construction to access 10<sup>th</sup> Street South, and the Crystal City Metro Station further south, the applicant has agreed to post notices informing residents that they may use the parking garage’s G-1 level for pedestrian access until the site plan’s sidewalks and streetscape are complete and open to the public. Staff recommends that Condition #6 be revised to reflect this.

**CONCLUSION:** Staff supports the proposed modification to the timing for granting permanent public use and/or access easements to allow them to be phased consistent with the approved phasing plan. Condition #67 is recommended to be revised to reflect this. Furthermore, the applicant has agreed to revised Condition #6, making the underground garage available for pedestrian access through the site during construction. Therefore, staff recommends that the proposed site plan amendment be approved, subject to all previous conditions, but with revisions to Conditions #6 and #67 as shown below.

6. The developer agrees to develop a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager or his designee as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve amendments to the plan, if consistent with this approval. Upon initial occupancy of the site plan by residential tenants, the developer agrees to post notices informing residents that they may utilize the G-1 level of the parking garage to gain access through the site at all times during construction until all sidewalks and streetscape are complete and available for public access.
  
67. The developer agrees to grant permanent public use and/or access easements, in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County providing for public use and/or access to the plaza and open space areas outlined below, consistent with the plans dated June 16, 2005. The final location of the easements may change with the preparation of the final building plans. The developer agrees to construct and landscape these areas, as shown on plans dated June 16, 2005 and made a part of the public record on July 9, 2005. Final landscape design and installation shall be approved by the County Manager or his designee as part of the final site development and landscape plan. Construction and landscaping of these areas shall be completed for the respective phase of construction, consistent with the approved phasing plan, prior to the granting of the easements for each phase. Granting of the public use and/or access easements for each phase shall be completed prior to the issuance of the ~~first~~ Shell and Core certificate of occupancy for the ~~building~~ respective phase of construction, consistent with the approved phasing plan. The easements shall be granted by deed, in form and substance acceptable to the County Manager, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. The developer shall be responsible for maintaining these areas, which include:
  - a. Public use and access of the plaza and open space area located adjacent to 6<sup>th</sup> Street South;
  - b. Public access of the two (2) courtyards;

- c. Public access of the 8-foot wide pedestrian walkway located contiguous to the south property line and which extends from 10<sup>th</sup> Street South eastward to the site's east property line;
- d. Public access of the approximately 5-foot wide building setback areas located adjacent to the entrances to the courtyards and open space and plaza areas, as measured from the site's east property line.
- e. Public use and access of the private street and associated sidewalk, streetscape and landscaped buffer.

PREVIOUS COUNTY BOARD ACTIONS:

July 12, 2005

Adopted the resolution approving a rezoning from "M-2" to "C-O-1.5".

Approved a site plan (SP #390) for a residential development containing 184 dwelling units, including 15 affordable units, with 20.3% bonus density for affordable housing.