



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of October 23, 2010

**DATE:** October 5, 2010

**SUBJECT:** SP #105 SITE PLAN AMENDMENT to revise conditions #6, 9, 15, 16, 19, 25, 32, 41, 51, 65, 70, and other conditions as applicable, and to add new conditions as applicable, for Metropolitan Park Phase 3, located at 1201 and 1211 S. Fern St. (RPC# 35-003-010 and -009).

**Applicant:**

CLPF – Metropolitan Three Venture, L.P.

**By:**

Benjamin T. Danforth, Esq.  
Lawson, Tarter & Charvet, P.C.  
6045 Wilson Boulevard, Suite 100  
Arlington, Virginia 22205

**C.M. RECOMMENDATION:**

Approve the site plan amendment request subject to all previously approved conditions and amended Conditions #6, 15, 16, 19, 25, 65, and 70 (Conditions #9, 32, 41, and 51 were listed in the County Board meeting advertisement; however, staff and the applicant have agreed through further discussions that no revisions will be proposed to these four conditions as a part of this request).

**ISSUES:** This is a site plan amendment request to modify the language of site plan Conditions #6, 15, 16, 19, 25, 65, and 70 for the Metropolitan Park Phase 3 project in Pentagon City and there are no known issues.

**SUMMARY:** The applicant is requesting revisions to Conditions #6, 15, 16, 19, 25, and 65 to address timing/flexibility and consistency issues. Staff is proposing a minor refinement to Condition #70, related to sustainable design elements. Some of the proposed revisions to the approved conditions bring them up to date with current requirements, which, in some instances also provide greater flexibility for the developer. Two proposed revisions are related to the timing of public art approvals and refinement of sustainable design standards. The remaining

County Manager: *BMD/GA*  
Staff: Natalie Sun, DCPHD, Planning Division  
PLA-5696

3.

proposed revisions address the timing of certain conditions, reflecting challenges developers face in the field in complying with timing requirements for occupancy during periods of adverse weather or other unexpected construction-related circumstances. All of the proposed amendments to the conditions are consistent with current County policies and standards, and retain the spirit and intent of the Metropolitan Park Phase 3 project as approved. Therefore, staff recommends approval of the requested site plan amendment for Conditions #6, 15, 16, 19, 25, 65, and 70, subject to all previously approved conditions and modifications.

**BACKGROUND:** This site plan, Metropolitan Park Phase 3, was approved by the County Board on February 21, 2009, and is part of the larger Metropolitan Park development which will contain over 3,000 residential units over a total of eight phases. Metropolitan Park Phase 3 includes one mixed-use building containing approximately 411 multi-family dwelling units and 16,350 square feet of ground-floor retail on an approximately 91,050 square foot site.

**DISCUSSION:** The applicant is requesting to modify a number of conditions which primarily address season- and/or weather-related construction timing, clarification of pavement design standards, and flexibility related to public art approvals. Staff is also recommending that the LEED condition be amended to bring it up to date with current County standards.

Several components of this request intersect with topics in a staff-initiated amendment to several site plans, which is also on the October County Board meeting agenda for consideration. This staff-initiated amendment recommends approval of a new condition that would grant the Zoning Administrator authority to modify the timing required for compliance with certain conditions. The topics addressed in the new condition, which provides timing flexibility as related to weather, planting season, and other construction-related issues, have been incorporated into the subject request for Metropolitan Park Phase 3 (Conditions #15, 16, 19, and 25). The Metropolitan Park Phase 3 project, therefore, at the applicant's choice, is not one of the approved site plan projects included in the staff-initiated amendment.

Below are descriptions of the proposed revisions to Conditions #6, 15, 16, 19, 25, 65, and 70 of the approved site plan for Metropolitan Park Phase 3:

Condition #6 – Plan for Temporary Circulation During Construction

The revision to Condition #6 would allow installation of the 10-foot wide temporary pedestrian asphalt walkway on the north side of 12<sup>th</sup> Street South between South Fern and South Eads Street to occur prior to the issuance of the Excavation/Sheeting and Shoring Permit instead of the Clearing, Grading and Demolition Permit. As part of the original site plan approval, it was envisioned that the demolition of the two existing on-site buildings and the construction of the approved building would occur in immediate succession. Due to market conditions, the applicant anticipates delaying construction of the new building. However, due to liability concerns, the applicant would potentially like to proceed with demolition without immediately commencing with new construction. Since an asphalt walkway currently exists in the desired location, at least one walkway will be in place at all times – either the existing path or a new walkway. To further ensure that pedestrian access is maintained, new language has been added to Condition #6 requiring that the developer provide a maintenance of traffic plan (MOT) showing that pedestrian access will not be affected during the demolition process.

### Conditions #15 & 16 – Installation of Plant Materials, Hardscape Features, and Street Trees

Depending on the planting season, availability of plant materials, weather, or other construction-related issues, the installation of plant materials, hardscape features, and/or street trees may not be feasible prior to the issuance of the first partial Certificate of Occupancy Permit for occupancy. Revisions to Conditions #15 and 16 would give the Zoning Administrator the authority to modify the timing requirement for the installation of plant materials, hardscape features, and street trees through the administrative change process. The proposed revisions to these conditions provide a solution to construction-related problems that developers have often faced and have brought to the attention of County staff.

### Condition #19 – Pavement, Curb and Gutter Along All Frontages

Clarifying language is proposed in Condition #19 for consistency between the currently approved condition language and the County's Master Transportation Plan. In addition, similar to the proposed revisions to Conditions #15 and 16, revisions are also proposed to this condition to give the Zoning Administrator administrative authority. Through the administrative change process, staff is recommending that the Zoning Administrator be permitted to allow modifications to the timing of the installation of pavement, curb and gutter depending on the season, weather, or other construction-related issues, which may not permit installation of these features prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.

### Condition #25 – Replacement of Damaged Existing Curb, Gutter and Sidewalk

Similar to Conditions #15, 16 and 19 discussed above, proposed amendments to this condition would allow modifications to the timing related to the installation of certain site features. Condition #25 addresses replacement of existing curb, gutter and sidewalk that has been damaged by construction. This amendment would allow developers to obtain an administrative change approval to modify the timing of the condition requirement based on the season, weather, or other construction-related issues.

### Condition #65 – Public Art

This condition outlines the public art approval process for Metropolitan Park Phase 3. Proposed revisions to this condition shift the developer deadlines for two tasks. Timing for the artist selection is proposed to occur prior to the issuance of the Excavation/Sheeting and Shoring Permit instead of the Clearing and Grading Permit. The other requested change to this condition is to allow review/approval of the art by the Arlington Commission for the Arts/Public Art Committee (ACA/PAC) prior to the issuance of the Footing to Grade Permit instead of the Excavation/Sheeting and Shoring Permit.

### Condition #70 – LEED Credits and Sustainable Design Elements

Staff proposed revisions to this condition are related to the requirement for U.S. Environmental Protection Agency (EPA) Energy Star labeling of certain building items and components, and to LEED progress reporting. The condition currently requires clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), residential light fixtures, programmable thermostats, and exit signs to comply with the U.S. EPA Energy Star standards. Staff proposes to eliminate ventilation fans from these requirements because Energy Star labels residential grade fans that are not always appropriate for commercial grade systems in high-rise residential buildings. Requiring Energy Star fans would oblige the developer to use a

specific type of HVAC system that is not necessarily more energy efficient. Programmable thermostats and exit signs have been removed from the current standard site plan conditions because Energy Star has discontinued labeling these products. The remaining appliances, fixtures, and/or building components listed above must earn the Energy Star label or meet equivalent energy performance standards as approved by the County Manager or designee.

In addition, Condition #70d requires LEED progress reports to be submitted for review prior to the issuance of various permits and certificates of occupancy. Staff is proposing to eliminate the Footing to Grade Permit from this list since the timing of this permit is so close to the timing of the Excavation, Sheeting and Shoring Permit that no major project changes will happen between the times that these two certificates would be issued. All of the above revisions to Condition #70 bring this condition up to date with current County standards.

**CONCLUSION:** The proposed amendment to the Metropolitan Park Phase 3 site plan Conditions #6, 15, 16, 19, 25, 65, and 70 would bring the approval up to date with current requirements and offer the applicant more flexibility in complying with the timing of certain requirements, without compromising the spirit and intent of the approved site plan for this project. The applicant has agreed to all of the proposed revisions for these conditions. Staff therefore recommends approval of the site plan amendment, subject to all previously approved conditions and the following revisions to Conditions #6, 15, 16, 19, 25, 65, and 70:

**Plan for Temporary Circulation During Construction**

6. The developer agrees to develop and implement (after approval) 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. Exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The developer agrees to provide a copy of the approved plan to all owners of the Pentagon Centre PDSP, Costco and the appropriate civic associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees, during the hours of construction, to provide “flagmen” to assist in the direction of traffic along or around a street any time that any driving lane of such a street is partially or fully blocked due to temporary construction activities. In addition, the developer agrees to notify the appropriate civic associations and all abutting property owners, including all owners of the Pentagon Centre PDSP, and Costco, in writing (or, by mutual agreement, by e-mail) at least seven calendar days in advance of any street closure, except in the case of an emergency, of more than one hour duration on any street.

“Emergency” street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, insecure building façade, or similar unforeseeable public danger. “Emergency” street closures shall not include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, or

utilities work, or similar situations.

Where county street lighting has been removed *or disconnected* due to construction and not yet replaced *or reconnected*, the developer agrees to maintain lighting around the perimeter of the site between the start of construction and completion of the project. The lighting shall be designed to illuminate the temporary pedestrian walkways and roads around the perimeter of the site. The developer may do this by means of overhead lights (e.g. “cobra head” lights) that meet the lighting standards for Arlington County streets, or by stringing lamps of the kind used in “used car” lots or similar along sidewalks and streets along the perimeter of the site. If lighting is accomplished by the latter, such lighting shall be with 75 watt bulbs (or approximate equivalent) placed no more than 25 feet apart and 6 to 10 feet high. Lighting shall be turned on between dusk and dawn 7 days a week. Any high-intensity overhead lighting, such as lighting placed on construction cranes, shall be used only during construction hours (except lower levels after hours for safety and security reasons), and shall be placed so as not to directly illuminate residential dwellings or be a nuisance to neighboring property owners. For purposes of this condition, “completion of the project” shall mean the time when the County standard lighting fixtures are in place and operational around the perimeter of the site.

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. Additionally, the developer will replace any temporary or cold patch pavement with hot patching to return the road surface to a smooth, clean condition matching the appropriate contour of the street within 30 days or when weather permits such repairs, whichever comes first. The developer agrees to insure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the developer, the developer’s contractors, or private utility companies. The developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. The term “significant portion of a road” is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this site plan and any County requirements relating to reconstruction and repaving of streets at the completion of construction.

On the north side of 12<sup>th</sup> Street South between South Fern and South Eads Streets, the developer agrees to construct and maintain a 10-foot wide temporary pedestrian asphalt walkway with temporary lighting, connecting South Fern Street and South Eads Street, as shown in final engineering plans, prior to the issuance of the ~~Clearing, Grading and Demolition~~ Excavation/Sheeting and Shoring Permit. Prior to the issuance of the Clearing, Grading and Demolition Permit, the developer agrees to provide a maintenance

of traffic plan (MOT) that shows that pedestrian access will not be impacted during the demolition phase of construction. The temporary lighting must provide between 1 and 2 foot candles of light along the entire length of the path. Should the temporary lighting not meet County standards, the developer shall maintain the temporary lighting until it is removed. The Developer agrees to mark and sign the walkway/path as a multi-purpose trail for use by pedestrians and bicyclists.

The developer agrees to maintain the lighting along the exterior wall of the existing buildings, along the north side of the buildings, adjacent to the existing pedestrian path, until the issuance of the Clearing, Grading and Demolition Permit.

- **The following Conditions of site plan approval (#15 through #31) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**

15. **Coordination of these plans: final site development, landscape and site engineering**

The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final civil engineering plan as required in Condition #18 below, as well as a vicinity map with major streets labeled. The final landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final landscape plan and the final civil engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Conditions #16 and #21 below; the *Arlington County Streetscape Standards* if applicable; the *Metropolitan Park Design Guidelines (dated January 23, 2004 and incorporating revisions approved by the County Board on February 10, 2004)* and the *Metropolitan Park Project Booklet (November 12, 2003)*; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the civil engineering plan. The installation of all plant materials and hardscape features shown on the final landscape plan shall take place before the

issuance of the first partial Certificate of Occupancy for tenancy-occupancy for the Phase 3 Metropolitan Park site plan, ~~unless otherwise approved by the County Manager because the timing for issuance of the first Certificate of Occupancy does not coincide with a viable planting season as determined by the County Manager.~~ The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of these features by the required timing. The final landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, bus stops, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final civil engineering plan and placed so they do not obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, and interior walkways. Transformers shall not be placed above grade in the setback area between the building and the street.

The developer agrees to relocate existing traffic signal poles, traffic signal cabinets, and any other existing traffic-related items and equipment located on, or in the public right-of-way contiguous to, the development site as described below. The improvements shall conform to the DES Construction Standards and Specifications, and shall be shown on the final engineering plan. Installation of the improvements shall be completed prior to issuance of the first certificate of occupancy for the development. The developer agrees to install the following improvements:

- 1) The developer agrees at its sole cost and expense to design and construct all the necessary signal improvements, consistent with the requirements identified during final engineering review, at the intersection of South Fern Street and 12<sup>th</sup> Street South to support the ultimate build out of the of 12<sup>th</sup> Street, at locations consistent with the approved final engineering plan.
  - 2) The developer agrees at its sole cost and expense to design and construct all the necessary signal improvements, consistent with the requirements identified during final engineering review, at the intersection of South Eads Street and 12<sup>th</sup> Street South to support the ultimate build out of the of 12<sup>th</sup> Street, at locations consistent with the approved final engineering plan.
  - 3) The developer agrees to contribute \$16,000.00 to the County toward the installation of multi-space parking meters along the frontages adjacent to the site plan prior to the issuance of the first Certificate of Occupancy.
- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is

used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated as part of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates located at grade shall be located and/or screened so as not to be visible from public rights-of-way. Ventilation louvers located on the façade of the building(s) shall have a decorative architectural treatment. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final civil engineering plan and the final landscape plan before issuance of the Footing to Grade Permit.

- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (4) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to *Metropolitan Park Design Guidelines (dated January 23, 2004 and approved by the County Board on February 10, 2004)* and the *Metropolitan Park Project Booklet (November 12, 2003)* or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #53 below.
- e. Topography at two (2) foot intervals, the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, drinking fountains, bollards, trash receptacles, dog waste dispenser/disposal stations, bike racks, arbors, trellises, and water features, and other landscape elements or structures. Include public art information, if known.
- g. The location and planting details for street trees in accordance with Department of Environmental Services Standards and Specifications for planting in public rights-of-way and as shown on the final civil engineering plan.
- h. The limits of demolition and construction.

The developer agrees that once approved, the final landscape plan shall govern construction and/or installations of elements and features shown thereon, except as

amendments may be specifically approved through an Administrative Change request.

### **Landscape Standards**

16. The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements:
- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
    - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #21 below.
    - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
    - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
    - (4) Shrubs—a minimum spread of 18 to 24 inches.
    - (5) Groundcover—in 2 inch pots.
  - b. The developer agrees to coordinate with the DPRCR Urban Forester to determine an appropriate and acceptable season in which to plant street trees~~conduct planting~~. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant street trees prior to issuance of the first partial Certificate of Occupancy Permit for occupancy~~unless otherwise approved by the County Manager because the timing for issuance of the first Certificate of Occupancy does not coincide with a viable planting season as determined by the County Manager.~~ The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the planting season, availability of street trees, or weather, which may not permit installation of these features by the required timing.
  - c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
  - d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.

- e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.
- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.
- h. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.

**Pavement, Curb and Gutter Along All Frontages**

19. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement, crosswalks, and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the season, weather, or other construction-related issues, which may not permit installation of these features by the required timing.

- a. **South Fern Street:** Construct a 49-foot wide cross-section between face of curb on the east and west sides, providing one 10-foot wide travel lane in each direction a 10-foot right-turn lane (west side of the street) an alternating 10-foot left-turn lane a 7.5-foot wide (including gutter) parking lane (east side of the street) and a 1.5-foot wide section of gutter on the west side of the street, as shown on the final engineering plan approved by the County Manager, or his designee.

The developer agrees to construct standard nubs narrowing the street section to 43-feet along South Fern Street at the intersections with 13<sup>th</sup> Street South (north

side) and 12<sup>th</sup> Street South (south side).

The developer agrees to provide a standard crosswalk and resulting curb ramps across South Fern Street at the intersection with 12<sup>th</sup> Street South, as shown on the final engineering plan.

- b. **South Elm Street:** Construct a 34-foot wide cross-section between face of curb on the east and west sides, providing one 12.75-foot travel lane in each direction and a 7-foot wide (including gutter) parking lane (east side of the street) and a 1.5-foot wide section of gutter on the west side of the street, as shown on the final engineering plan approved by the County Manager, or his designee.

The developer agrees to construct standard curbs narrowing the street section to 28.5-feet along South Elm Street at the intersections with 13<sup>th</sup> Road South (north side) and 12<sup>th</sup> Street South (south side).

The developer agrees to provide ~~brick or concrete~~standard paver crosswalks and resulting curb ramps across South Elm Street at the intersection with 12<sup>th</sup> Street South (south side), and at the intersection of 12<sup>th</sup> Road South (north and south sides), as shown on the final engineering plan.

- c. **South Fair Street:** Construct a 27-foot wide cross-section between face of curb on the east and west sides, providing one 20-foot wide (including gutter) travel lane and a 7-foot wide (including gutter) parking lane (west side of the street) as shown on the final engineering plan approved by the County Manager, or his designee.

The developer agrees provide ~~brick or concrete~~standard paver crosswalks and resulting curb ramps across South Fair Street at the intersection with 13<sup>th</sup> Street South (north side), as shown on the final engineering plan.

- d. **12<sup>th</sup> Road South:** Construct a 27-foot wide cross-section between face of curb on the north and south sides, providing one 20-foot wide (including gutter) travel lane and a 7-foot wide (including gutter) parking lane (north side of the street) as shown on the final engineering plan approved by the County Manager, or his designee.

The developer agrees provide ~~brick or concrete~~standard paver crosswalks and resulting curb ramps across 12<sup>th</sup> Road South at the intersection with South Elm Street (east and west sides) and mid block between the building entrance and the park, as shown on the final engineering plan.

- e. **12<sup>th</sup> Street South:** Construct a 36-foot wide cross-section between face of curb from South Fern Street to South Eads Street, providing two 11-foot wide eastbound travel lanes, a 7-foot wide (including gutter) parking lane (north side of the street), a 7-foot wide (including gutter) parking lane (south side of the street)

as shown on the final engineering plan approved by the County Manager, or his designee.

The developer agrees to construct standard curbs narrowing the street section to 30.5-feet along 12<sup>th</sup> Street South at the intersections with South Fern Street (east side), South Elm Street (east and west sides) and South Eads Street (west side).

The developer agrees to provide standard crosswalks and resulting curb ramps across 12<sup>th</sup> Street South at the intersection with South Fern Street (west side) and at the intersection with South Eads Street (east side), as shown on the final engineering plan.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, ~~crosswalks~~, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with *the Metropolitan Park Design Guidelines (dated January 23, 2004 and approved by the County Board on February 10, 2004)* and *the Metropolitan Park Project Booklet (November 23, 2003)* or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated January 21, 2009 unless the County provides additional funding to offset such increased cost.

#### **Replacement of Damaged Existing Curb, Gutter and Sidewalk**

25. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the season, weather, or other construction-related issues, which may not permit installation of these features by the required timing.

#### **Public Art**

65. The developer agrees to commission a professional artist to create public art for a minimum cost of \$75,000, 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), and fulfill the objectives of the approved Public Art Concept Plan for Metropolitan Park. 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.

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 in accordance with Public Art Program signage specifications, and then 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, and 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.

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 Excavation/Sheeting and Shoring~~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~~Footings 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 Footings to Grade Permit. The public art shall be installed prior to the issuance of the Certificate of Occupancy for the top floor of the building.

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.

The developer may choose to make a contribution of \$75,000 to the Public Art Fund to fund County-initiated public art projects in accordance with the approved Metropolitan Park Public Art Concept Plan 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.

### **LEED Credits and Sustainable Design Elements**

70. a. The developer agrees to include a LEED Accredited Professional as a member of the design and construction team. The LEED AP shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components shall earn the developer points under the U.S. Green Building Council's LEED for New Construction (LEED-NC) green building rating system at the Silver level or higher. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements of all of the prerequisites and include at least "33" LEED points, achieving the Silver level or higher, including at least two (2) points from LEED Section EA.1, "Optimize Energy Performance." The developer agrees to register the project, submit documentation, and receive final LEED Silver certification from the USGBC. The number of credits and LEED version for the Final Site Plan shall be based on the LEED green building rating system under which the building is registered with the USGBC.
- b. For residential development, the developer agrees that all 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 (or equivalent as approved by the County Manager or his/her designee): clothes washers, dishwashers, refrigerators, ceiling fans, ~~ventilation fans (including kitchen and bathroom fans)~~, and residential light fixtures (comply with Energy Star's Advanced Lighting Package), ~~programmable thermostats, and exit signs~~. The developer shall submit to the County Manager a statement listing all Energy Star-qualified components prior to issuance of the Core and Shell Certificate of Occupancy. For the commercial lighting in common areas of multifamily residential projects, (by way of illustration and not limitation, these areas include lobbies, corridors, stairwells, common rooms, fitness rooms, etc.), the developer shall reduce the need for lighting (through daylighting where possible) and shall specify the use of energy efficient fixtures, bulbs, light sensors, motion sensors, timers, and interior design, e.g., paint color, that maximize energy efficiency in lighting. The guidelines outlined by the US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit entitled, *Optimizing Energy Performance: Lighting Power* shall be used toward the goal of maximizing energy efficiency in the lighting of common areas.
- c. Prior to the issuance of the first certificate of occupancy for the first floor of residential 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 \$487,555 (\$1 per square foot), guaranteeing that, within eighteen months from the date of the issuance of the certificate of occupancy for any part of the last floor to be occupied (or in a time frame approved by the County Manager), the developer will have received its LEED-NC Silver level certifications (with 33 or more LEED credits) from the United States Green Building Council. Should the developer miss up to two (2) credits within

the eighteen month period, the developer shall automatically forfeit twenty-five percent (25%) of the total financial security called for each point, up to a total of fifty percent (50%) 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 3 or more credits from the 33 credits or fall below the LEED-NC Silver level certification threshold, within the eighteen month period, the developer shall automatically forfeit 100 percent (100%) of the security, which shall be immediately paid to the County.

- d. The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a LEED progress report prepared by the LEED consultant and documentation upon request to substantiate the report. Such reports and documentation 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~~ Final Building Permit
4. ~~Final Building Permit~~ Shell and Core Certificate of Occupancy
5. ~~Shell and Core Certificate of Occupancy~~ Partial Certificate of Occupancy for occupancy of the last floor of space
6. ~~Partial Certificate of Occupancy for occupancy of the last floor of space~~ Master Certificate of Occupancy
7. ~~Master Certificate of Occupancy~~

PREVIOUS COUNTY BOARD ACTIONS:

February 25, 1976

Rezoned Pentagon City Tract - properties bounded on north by Army-Navy Drive; on west by South Joyce Street; on south by Arlington County property and 15th Street South; and on east by South Eads Street; excluding the Western Electric property - from "RA7-16," "RA6-15," "C-O," and "M-1" to "C-O-2.5."

Rezoned 1601 South Hayes Street (future fire station) from "RA7-16" to "S-3A." Rezoned 1500 block of South Hayes Street through to South Joyce Street including adjoining County owned property on South Joyce Street from "R2-7" to "S-3A." Rezoned 1500 and 1600 blocks to South Hayes through to South Fern Street from "RA7-16" to "RA4.8."

Rezoned 621 - 18th Street South from: S-3A" to "C-O-2.5."

Approved Pentagon City Phased Development Site Plan (PDSP).

January 8, 1977

Approved a PDSP Amendment to: 1) permit 20 additional low-rise family housing units in Parcel 5; 2) permit removal of 300 non-subsidized dwelling units for the elderly from Parcel 5 and relocate 280 such unit in Parcel 3; 3) permit submittal of landscape maintenance agreement prior to issuance of building permit instead of with final site plan submission; and 4) provide that park dedication be held in escrow until rezoning and site plan approval held valid by final court decision.

January 8, 1977

Approved Final Site Plan (SP-1) for Parcel 5 to include 300 subsidized housing units for the elderly, a 300-bed nursing home, and 200 low-rise family units.

October 15, 1977

Approved a PDSP Amendment to permit a temporary Metro-related parking lot until December 30, 1980 in area bounded by Army-Navy Drive, 15<sup>th</sup> Street South, South Joyce Street and South Hayes Street.

Approved Final Site Plan for a temporary Metro-related parking lot along the west side of South Hayes Street (between Army-Navy Drive and 15<sup>th</sup> Street South) and along north side of 15<sup>th</sup> Street South (between South Hayes and South Joyce Streets) until December 30, 1980.

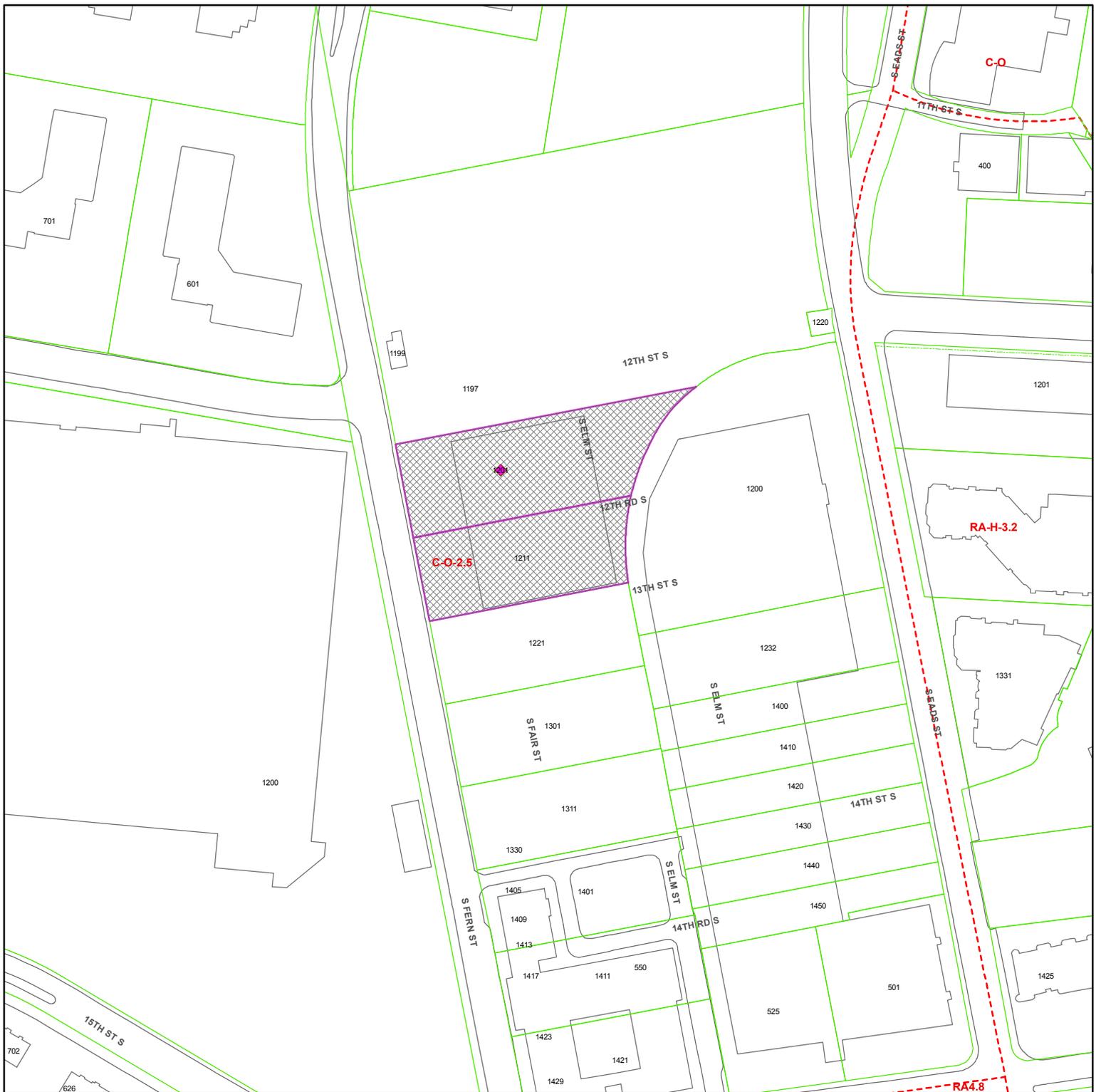
June 3, 1978	Approved Final Site Plan Amendment for temporary Metro-related parking lot to eliminate the requirement for railroad ties or utility poles to separate parking aisles.
January 6, 1979	Approved Final Site Plan (SP-2) for a 12-story office building with approximately 253, 534 square feet of gross floor area located at 701 12 <sup>th</sup> Street South (northeast corner of 12 <sup>th</sup> Street South and South Hayes Street).
January 5, 1980	Approved Final Site Plan Amendment (SP-2) to extend approved plan for one year to January 6, 1981.
January 3, 1981	Approved PDSP Amendment to the PDSP and the Final Site Plan for temporary Metro-related parking lot to extend for one year to December 31, 1981.
April 1, 1981	Approved Final Site Plan (SP-3) for 12-story office building with approximately 309,574 square feet of gross floor area located at 601 12 <sup>th</sup> Street South.
November 14, 1981	Approved an Amendment to the PDSP and the Final Site Plan for temporary Metro-related parking lot to extend for two years to December 31, 1983. Approved Final Site Plan to enlarge temporary Metro-related parking lot in the 1000-1300 block of South Hayes Street.
May 20, 1982	Approved PDSP Amendment to transfer 200,000 and 290,000 square feet of gross office floor area from Parcels 2 and 3, respectively, to Parcel 1, and the transfer of 670 dwelling units from Parcel 1 to Parcel 3. (Conditioned on agreement being reached with MCI for use of the transferred space.) Reduced office and commercial parking requirement unless otherwise approved in final site plans.
September 11, 1982	Approved PDSP Amendment to permit temporary uses accessory to construction (eating facilities) on Pentagon City Tract.
January 8, 1983	Accepted withdrawal of Amendment to PDSP and Final Site Plan to enlarge temporary Metro-related parking lot.
April 9, 1983	Approved Amendment to Final Site Plan (SP-4) to extend the approval for two years to April 1, 1985 for residential condominium at 801 15 <sup>th</sup> Street South.
June 4, 1983	Deferred Amendment to Final Site Plans (SP-2 and SP-3)

	for signs at MCI office buildings.
June 18, 1983	Approved Amendment to Final Site Plans (SP-2 and SP-3) for signs at MCI office buildings.
August 13, 1983	Accepted withdrawal of Amendment to Final Site Plans (SP-2 and SP-3) for a freestanding sign/sculpture at MCI office buildings.
December 10, 1983	Approved Amendment to PDSP and Final Site Plan for a temporary Metro-related parking lot located in the 1000-1400 block of South Hayes Street to July 30, 1984.
July 11, 1984	Approved a Phased Development Site Plan Amendment to redefine parcel boundaries, increase retail density, transfer 47,500 square feet of retail density from Parcel 3 to Parcel 1 and 2 and modify several conditions.
	Approved a Final Site Plan for a shopping mall (1,019,300 square feet), a hotel (450 units), an office building (172,000 square feet) and 4,173 parking spaces.
	Approved a Final Site Plan amendment to amend the boundaries of Parcel 2C.
August 18, 1984	Approved a Phased Development Site Plan amendment to reduce the number of hotel units on Parcels 1B and 2B from 600 to 450 and on Parcel 1D from 1,100 units to 882 units.
September 8, 1984	Approved a PDSP Amendment to extend the approval of a temporary eating facility.
July 13, 1985	Approved Final Site Plan (SP-6) for two 12-story office buildings containing 514,892 square feet of gross floor area on Parcel 1C.
September 7, 1985	Approved Amendment to Final Site Plan to increase the site area of the shopping center by 18,853 square feet, to relocate and/or reconfigure the hotel, office tower, department stores, mall and parking structures with no change in gross floor area or height and to relocate the pedestrian access to Metro through the parking garage.
December 7, 1985	Approved Amendment to Final Site Plan to delete Condition #49, referring to the County Board's approval of a 25,000 square foot performing arts center.

October 1, 1988	Deferred a Site Plan Amendment request for a comprehensive sign plan to December 3, 1988 County Board meeting.
December 3, 1988	Deferred a Site Plan Amendment request for a comprehensive sign plan to January 7, 1989 County Board meeting.
February 11, 1989	Approved a Site Plan Amendment request for a comprehensive sign plan.
March 4, 1989	Approved Site Plan Amendment request for a daycare center at 600 Army-Navy Drive.
May 13, 1989	Approved Final Site Plan (SP-7) for a 300-unit, 16-story hotel with two levels of underground parking in Parcel 1D at 1001 South Fern Street (northwest corner of South Fern Street and Army Navy Drive).
October 7, 1989	Approved Site Plan Amendment (SP-5) to substitute planters and landscaping for louvers on parking garage at Pentagon City Mall.
September 8, 1990	Approved Site Plan Amendment (SP-4) to allow 320 square feet of temporary leasing banners at the Parc Vista apartments.
October 6, 1990	Approved Site Plan Amendment (SP-4) to convert 550 square feet of storage space in the Parc Vista apartments to medical office use.
August 10, 1991	Approved a Site Plan Amendment to permit the operation of a convenience store on the first floor.
November 16, 1991	Approved a Site Plan Amendment for a special exception permitting off-site stockpiling of material excavated from 4201 North Wilson Boulevard on premises known as 1001 South Fern Street.
May 16, 1992	Approved PDSP Amendment to permit the uses allowed on M-1 to continue until redevelopment occurs, for 10 years.
September 12, 1992	Approved PDSP Amendment to permit operation of temporary uses accessory to construction (i.e., eating facilities for construction workers, subject to original conditions and a review in three (3) years.

December 15, 1992	Approved the abandonment, conveyance, and relocation of South Joyce Street at 15 <sup>th</sup> Street South subject to conditions and authorize the Chairman to execute the deed conveying the abandoned right of way.
March 10, 1993	Approved Use Permit (U-2764-93-1) for a comprehensive sign plan for 17 signs at River House I, II, and III.
June 5, 1993	Approved PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and a one (1) year review.
January 8, 1994	Approved Site Plan Amendment (SP-7) to amend Condition #43 to allow a brick and EIFS treatment to hotel façade in Parcel 1D.
April 9, 1994	Approved PDSP Amendment to permit the uses allowed on M-1 to continue until redevelopment occurs, subject to no new floor space being created outside the existing building envelop for a period ending on July 31, 2004.
June 10, 1995	Continued PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and a one (1) year review.
September 9, 1995	Approved PDSP Amendment to permit operation of temporary uses accessory to construction (i.e., eating facilities for construction workers, subject to original conditions and administrative review in five years (September 2000).
June 4, 1996	Continued PDSP Amendment (SP #105) to permit the 200 parking spaces required to be constructed in the former South Joyce Street right of way be converted to a landscaped open space and bus stop subject to conditions and no further review.
February 8, 1997	Approved Site Plan Amendment (SP-2 and SP-3) to permit extension of the building entrance lobbies by 900 square feet each.
September 6, 1997	Took no action on General Land Use Plan Amendment to change the striping pattern in the Pentagon City PDSP.

October 4, 1997	Deferred a PDSP Amendment (SP #105) to amend Condition #2 of the PDSP and Final Site Plan (SP-8) for mixed use residential and retail development and associated parking to recessed meeting of December 18, 1977.
December 18, 1997	Approved PDSP Amendment (SP #105) to amend Condition #2 thereby adding 300,000 square feet of retail gross floor area to Parcel 1A/2A, reducing the number of residential units in Parcel 1A/2A from 2, 176 to 830 units, and reallocating 249 residential units from Parcel 1A/2A to Parcel 3. Deferred Final Site Plan (SP-8).
February 7, 1998	Approved Final Site Plan (SP-8) for a mixed use development that includes up to 300,000 square feet of retail, 830 residential units, and associated parking.
May 20, 2000	Accepted withdrawal of Site Plan Amendment (SP #105) to permit an urgent care center, hospital storage facility and print shop, including signage, at 1311 South Fern Street.
October 19, 2002	Deferred PDSP Amendment to permit the continuation of "M-1" uses to November 16, 2002.
November 16, 2002	Deferred PDSP Amendment to permit the continuation of "M-1" uses to December 7, 2002.
December 7, 2002	Approved PDSP Amendment to permit the continuation of "M-1" uses to expiration dates from December 31, 2005 through December 31, 2015.
February 10, 2004	Approved a Final Site Plan (SP-9) for 399 dwelling units and 11,300 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 1).
March 14, 2006	Approved Final Site Plan (SP-9) for 300 dwelling units and 8,119 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 2).
February 21, 2009	Approved Final Site Plan (SP-105) for approximately 411 dwelling units and 16,350 square feet of ground floor retail in Parcel 3 (Metropolitan Park Phase 3).



**SP#105 CLPF**

**1201 and 1211 S. Fern St**

**RPC# 35-003-010 and 35-003-009**



 Case Location(s)

Scale: 1:2,400

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