



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of January 22, 2011

SUPPLEMENTAL REPORT #2

Revised Recommendation and Conditions

DATE: January 21, 2011

SUBJECT:

- A. Certification of Transferrable Development Rights for transfer from Mosaic Park (“Sending Site”) to portions of SP #413 – Founders Square owned by Ashton Park Associates III, LLC and Ashton Park Associates IV, LLC (“Receiving Site”) for the purpose of open space located on the block generally bounded by Wilson Blvd. to the north, N. Pollard St. to the east, 5th Road North to the south, and N. Quincy St. to the west - Wilson Boulevard, 3929 5th Place North, 544 N. Pollard St., 548 N. Pollard St., and 538 N., Pollard St. (RPC: 14-060-016, -017, -019, -020, -037, -042, and -060).
- B. Transfer of Development Rights from Mosaic Park (“Sending Site”) 76,212 square feet commercial GFA and 23 residential units, which units may be transferred on a unit for unit basis as residential or hotel use, or at a rate of 3,000 square feet commercial GFA per unit, to SP #413 – Founders Square (“Receiving Site”). The Sending Site is located on the block generally bounded by Wilson Blvd. to the north, N. Pollard St. to the east, 5th Road North to the south, and N. Quincy St. to the west - Wilson Boulevard, 5th Place North, 3929 5th Place North, 544 N. Pollard St., 548 N. Pollard St., and 538 N., Pollard St. (RPC: 14-060-016, -017, -019, -020, -037, -042, and -060). The Receiving Site is located on the 4000 Block Even of Wilson Blvd. between N. Quincy St. and N. Randolph St. (RPC: 14-060-036, -068, -069, and N. Randolph St. right of way).
- C. SP#413 Site Plan Amendment Ashton Park Associates c/o The Shooshan Company to increase north office building gross floor area and height, reallocate density between the north and south residential buildings, change the use of the south residential building to a hotel, and amend the Comprehensive Sign plan to add rooftop signs, located at the 4000 Block Even side of Wilson Blvd. between N. Quincy St. and N. Randolph St. (RPC: 14-060-036, -068, -069, -070, -073, -074, -077, N. Randolph Street right of way, and vacated portions of 5th Place North and 5th Road North). Modifications of Zoning Ordinance

County Manager:

BMD/GA

Staff: Samia Byrd, CPHD, Planning
Robert Gibson, DES, Transportation
Scott McPartlin, PRCR, Planning

25. A., B., C.

requirements include: density, height, parking, compact parking percentage, and other modifications as may be necessary to achieve the proposed development plan.

C. M. RECOMMENDATIONS:

1. Adopt the attached resolution certifying 76,212 square feet of commercial GFA and 23 residential units (which units may be transferred on a unit for unit basis as residential or hotel use, or at a rate of 3,000 square feet commercial GFA per unit), as transferrable development rights on Mosaic Park (“Sending Site”) for the eligible purposes of open space and to be used in association with Site Plan #413, Founders Square.
2. Adopt the attached resolution to transfer 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a unit for unit basis as residential or hotel use, or at a rate of 3,000 square feet commercial GFA per unit, from Mosaic Park (“Sending Site”) to portions of Founders Square site plan-SP #413 (Receiving Site) owned by Ashton Park Associates III, LLC and Ashton Park Associates IV, LLC, by site plan amendment.
3. Adopt the attached ordinance to approve a site plan amendment to SP #413 including the approval of ~~108,192~~ up to 109,212 additional square feet of commercial gross floor area in 5 stories on the north office building and ~~44~~ 12 residential units on the north residential building based upon a Transfer of Development Rights; add approximately 5,628 square feet of bonus density for LEED Gold to the north office building; reallocate density from the south to the north residential building to provide for a total ~~256~~ 257 residential units; change in use of the south residential building to a 183-unit hotel; amend the comprehensive sign plan to add two (2) rooftop signs; and modifications of Zoning Ordinance requirements for density; height; exclusion from density of below grade storage in the parking garage and mechanical shafts; reduced parking ratio for office and hotel parking; and compact parking ratio greater than 15% for office, residential and retail uses, subject to all previously approved conditions as amended and the addition of conditions #86, and 87 and 88.

DISCUSSION: This supplemental report provides revisions to Conditions #86 and #87 of the subject Site Plan as it is proposed to be amended, as well as to data in the Transfer of Development Rights Resolution, Site Plan Amendment Ordinance, and County Manager’s recommendation for Subject C., #3 above. These revisions reflect the developer’s agreement to utilize with the subject site plan amendment the total amount of available density proposed for transfer from Mosaic Park to the Founders Square site plan. In addition, this supplemental report will further revise Condition #51 to reinstate language that was inadvertently struck through specifically related to 51.B.3. Finally, attached is a letter from the applicant to County Board member Jay Fisette dated January 20, 2011 indicating a commitment to continue to work with the County’s Community Energy Plan project to identify design elements within its development projects that could be used in the future to take advantage of an efficient District Energy network.

After further consideration, the applicant proposes, and staff agrees, to utilize the 4,020 square feet of commercial GFA transferred to the project but not previously planned or valued, to provide for one (1) additional residential unit in the north office building and up to 1,020 square feet of GFA in the north office building. In exchange for this additional density, the applicant has agreed to contribute an additional \$110,715 toward improvements for Mosaic Park. The impact of the proposed change is provided in the tables below. The proposed revisions to the conditions, resolution and ordinances as a result of these changes are attached. Note that all new changes to conditions, the resolution and the ordinances beyond the initial reports dated January 14, 2011 and the Supplemental Report dated January 20, 2011 are identified by highlighting.

TDR DENSITY CONVERSION

	Commercial GFA	Residential Units
By-Right Commercial GFA and Residential Density Proposed for Transfer	76,212	11 12
Residential Density Proposed for Conversion to Commercial GFA @ 3,000 sq ft per unit	←	12 11
Additional Commercial GFA Proposed for Transfer After Conversion from Residential Units	36,000 33,000	
Total Proposed Density Transfer	112,212 109,212	11 12

TDR VALUATION

Commercial GFA Proposed (Sq Ft)	108,192 109,212
Residential Units Proposed	11 12
Average Residential Unit Size (Sq Ft/Unit)	992.75
Residential GFA Proposed (Sq Ft)	10,920 11,913
Total TDR GFA (Sq Ft)	119,112 121,125
Mosaic Park Contribution Value (Per Sq Ft of TDR GFA)	\$55
Total Contribution	\$6,551,160 \$6,661,875

Revised Conditions:

Transportation Management Plan

51. The developer agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. The developer agrees to obtain the approval of the County Manager for such plan before the issuance of the first Certificate of Occupancy for the building.

Annual contribution rates and Metro fare values will be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of site plan approval.

The Transportation Management Plan shall include a schedule and details of implementation and continued operation of the elements in the plan. The Transportation Management Plan shall include, but not be limited to, the following strategies:

A. Program Participation and Funding

1. Maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the property management company.
2. Designate a member(s) of building management as Property Transportation Coordinator (PTC) to be a primary point of contact with the County and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to Arlington County Commuter Services (ACCS) or successor entity. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
3. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, contribute \$8,218 per year for ~~each~~ the south office building for thirty (30) years, \$14,819 per year for north office building for thirty (30) years, \$8,218 per year for each the residential building for thirty (30) years, \$8,218 per year for the hotel building for thirty (30) years and \$500 per year for thirty (30) years for the retail building to the Arlington County Commuter Services (ACCS) or successor entity to sustain direct and indirect on-site and off-site services in support of TMP activities. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first tenant in the first completed building. Subsequent payments will be made each year on the anniversary of the issuance of the first certificate of occupancy.
4. Promote the formation of Employer Transportation Benefit Programs with each tenant

of the commercial building(s).

5. Except for and not including the secure office building, once ~~Once~~, upon the issuance ~~for of the initial tenant partial~~ Certificate of Occupancy for tenant occupancy, for each initial tenant of each building, provide SmarTrip cards (or any subsequent form of a Metro fare media) plus \$70.00 Metro fare ~~media~~ per person, for free, to each of the office, hotel and retail tenants' employees. The fare cards shall be distributed no later than the employee's first day of work at the building and may be provided only one time for each employee.
6. Except for and not including the Secure office building, Pprovide SmarTrip cards (or any subsequent form of a Metro fare media) plus \$70.00 Metro fare ~~media~~ per person, for free, to each on-site employee of the property management company and/or building operator. The fare cards shall be distributed no later than the employee's first day of work at the building and may be provided only one time for each employee. Provide or administer a sustainable commute benefit program for these employees (the program shall include, at a minimum pre-tax employee contributions.)
7. Once, upon the first lease or initial sale of each residential unit located within the residential buildings, provide one (1) SmarTrip card (or any subsequent form of a Metro fare media) plus \$70.00 Metro fare ~~media~~ for free, one time, to each initial residential lessee or purchaser of each unit, distributed no later than the day of move in at the building.
8. Provide a one-time membership fee subsidy in a car sharing plan per residential unit. This subsidy shall be paid on proof of membership in a car share service by initial occupancy lessees or purchasers.
9. In lieu of providing SmarTrip cards (or any subsequent form of a Metro fare media) to secure office building employees, the developer agrees to contribute:
 - a. \$40,000 to Arlington County Department of Environmental Services prior to the issuance of the first Certificate of Occupancy for occupancy of the secure office building, to be used to support Capital Bikeshare capital and operation costs within the Ballston Sector Plan area.
 - b. \$30,000 to Arlington County Department of Environmental Services prior to the issuance of the first Certificate of Occupancy for occupancy of the secure office building, to be used to support Arlington County Commuter Services outreach efforts on-site and within the Ballston Sector Plan area.

B. Physical Facilities and Improvements.

1. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, van access to the garage, showers and lockers, and construction worker

parking. Bicycle clothing lockers will be a minimum size of 12” wide, 18” deep, and 36” high and shall be available for use on a 24 hour basis in office buildings.

2. During construction, maintain or coordinate relocation of existing bus stops at the developers cost. Bus stops and shelters within 50 feet of the property shall be maintained free of snow, ice, trash, and debris. A 6-foot wide path, clear of snow and ice, to the main entrance of the building shall be maintained to bus stops. The developer agrees to comply with all other requirements of Site Plan conditions related to bus stops and shelters.
3. Upon request of the County Manager, up to eleven (11) spaces shall be set aside in the underground garage of the North Buildings ~~or the South Residential building~~ for car sharing services, if the demand exists, as determined by the County Manager for the additional spaces, and with six (6) month written notice given to the owner by Arlington County. Upon a determination by the County Manager that such spaces are needed, the spaces shall be provided by the owner to the car sharing service at no cost for six (6) months and then at a negotiated rate, no higher than market rate, thereafter. These spaces shall be located convenient to the garage entrance, available to the members of the car sharing service during normal garage operating hours (for security reasons the garage may be gated— in such event, members of the car sharing service would have access to the spaces via a key pad combination to a pass code system, or other similar device). There shall be internal and external signage to direct people to the spaces. Until requested, the spaces may be used for any other use. Signs will be planned and included in the comprehensive sign plan, but not installed until the garage spaces are requested. The car sharing spaces shall be counted towards the parking requirements of the project.

C. Coordinated Parking Management

1. Depict, as part of the parking management plan, an area parking plan encompassing all block faces around the site. This plan will include a schematic drawing regarding proposed locations for a taxi stand, an accessible paratransit pick-up/drop-off location, bus stops, loading zones for delivery vehicles, visitor bicycle rack locations, car sharing spaces, and on-street parking spaces. Additionally, this plan will note any restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
2. For the office buildings, Pprovide reserved spaces for carpools and vanpools that are conveniently located with respect to the elevators serving the building.
3. For the office buildings, Eestablish monthly parking rates for single occupant vehicles (SOV) consistent with comparable office buildings located in the Arlington County development corridors.
4. Provide registered vanpools with free parking for the office buildings only.

5. Oversee program to provide carpools with a parking subsidy for the office building only. Subsidies will be:

(a) Two-person car pool equal to one third the single-occupant vehicle monthly parking rate

(b) Three-person (or more carpool) equal to two thirds the single-occupant vehicle monthly parking rate

6. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.

D. Promotions, Services and Policies

1. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the developer and property manager’s websites regarding this development

2. Provide Transportation Information Center Displays, the number, content, design, and location of which shall be approved by ACCS / ATP, in each building to provide transportation related information and maintain a stock of information materials at all times.

3. Provide access to building or grounds, upon request, to allow ATP and Metropolitan Washington Council of Governments’ (MWCOG) Commuter Connections to promote group riding among tenants of the building.

4. Encourage new tenants and employers to inform all new employees of the existence of the nearby Ballston Metro station, and encourage all employees to use Metrorail, Metrobus, Arlington Transit, or other services through the following means:

(a) Distribute in a new-tenant package, materials provided by Arlington County including site-specific transit-related information and SmarTrip cards to all employees consistent with this TDM Sections A(1) through A(8). Packages will be distributed to each of the tenants’ employees no later than their first full day of work at the building.

(b) Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each residential lessee, or purchasers. Packages will be distributed to tenants and / or owners no later than the day of move-in.

(c) Provide information to tenant office and retail managers for their use as part of recruiting and employment materials regarding available commute options and assistance services.

- (d) Distribute transit services information and promotional materials provided by Arlington County, Four (4) times per year to persons employed at or visiting the site. Information regarding transit route, schedules, fares, etc. shall be distributed to all tenant and owner employees and shall be displayed in common work areas
 - (e) Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotions in locations within the buildings.
5. Encourage each of the building tenants to offer variable/flexible work hours to their employees in order to spread peak period transportation demands.

E. Monitoring and Performance

- 1. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- 2. Conduct a transportation performance monitoring study at two years, five years, and at the County's option, each subsequent five year period after issuance of first Certificate of Occupancy and provide a report summarizing findings report findings to the County. The County will specify the scope of the study. The study may include average vehicle occupancy, daily vehicle-trips to and from the site, and parking availability by time of day for the site and pedestrian traffic. Such report shall include an all-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator will assist and encourage tenant's employee participation in mode split surveys which may be of an on-line, email variety.
- 3. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual report to the County Manager describing completely and correctly the TDM related activities of the site.

Transferred Density from Mosaic Park to Founders Square

86. Additional density available from Mosaic Park certified in the amount of 76,212 square feet of commercial GFA and 23 residential units shall be transferred to SP #413 consistent with County Board approval of a Transfer of Development Rights on January 22, 2011.

~~The developer further agrees that there would be approximately 4,020 square feet of unused commercial gross floor area associated with the project after such transfer and that the use of any such unused by right density transferred from Mosaic Park to the Founders Square site plan (SP #413), shall require a review by the Site Plan Review Committee and to County Board review and approval by a site plan amendment.~~

Mosaic Park Improvements

87. The developer agrees to contribute ~~\$6,551,160~~ \$6,661,875 for design, administration and improvements to Mosaic Park in exchange for the transfer of 76,212 square feet of commercial GFA and 23 residential units as set forth in Condition #86 and as

approved by the County Board on January 22, 2011, which contribution shall be paid in three (3) installments, as follows:

The developer will pay the County one-third (1/3) of the total amount, or ~~\$2,183,720~~ \$2,220,625, prior to issuance of the Excavation, Sheeting and Shoring permit for the north office building, and one-third (1/3) or ~~\$2,183,720~~ \$2,220,625 prior to issuance of the Final Building Permit for the north office building, and the final payment of one-third (1/3), or ~~\$2,183,720~~ \$2,220,625 prior to the issuance of the first Certificate of Occupancy for Tenant Occupancy of the north office building.

The developer further agrees that the County may use any part of the contribution that is not used for the construction of the park for such other purposes as the County deems appropriate

Transfer of Development Rights Resolution

Whereas, the County Board certified that certain property owned by the County Board of Arlington County, Virginia, identified as Mosaic Park and generally bounded by Wilson Blvd. to the north, N. Pollard St. to the east, 5th Road North to the south, and N. Quincy St. to the west, is an eligible Sending Site.

Whereas, the County Board certified that the Sending Site contains 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a per unit basis as residential or hotel units, or commercial GFA at a rate of 3,000 square feet per residential unit, and may be transferred under Section 36.H.5.b of the Arlington County Zoning Ordinance to an eligible Receiving Site.

Whereas the County Board finds that Site Plan #413, Founders Square owned by Ashton Park Associates III, LLC and Ashton Park Associates IV, LLC located at the 4000 Block Even of Wilson Boulevard between North Randolph Street to the east and North Quincy Street to the west, is an eligible Receiving Site under Section 36.H.5.b. of the Zoning Ordinance.

Whereas, the County Board finds that the transfer of development rights from the Receiving Site would fulfill the commitment to the County goal to preserve open space consistent with Section 36.H.5.b. of the Arlington County Zoning Ordinance.

Whereas, the County Board finds that use of the additional density from the Sending Site on the Receiving Site is appropriate and that the dedication of development rights transferred would be consistent with the Zoning Ordinance as modified, approved policies and plans and public health safety and welfare, generally.

Now therefore, the County Board hereby transfers, from Mosaic Park, 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a per unit basis as residential or hotel units, or commercial GFA at a rate of 3,000 square feet per residential unit to Site Plan #413, Founders Square, subject to the following conditions:

1. Mosaic Park transferrable development rights certified at 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a per unit basis as residential or hotel units, or commercial GFA at a rate of 3,000 square feet per residential unit, shall require County Board approval of a major site plan amendment to the Founders Square site plan SP #413 as shown on the plans dated December 17, 2010 and on file in the Arlington County Zoning Office in order to become effective.
2. Within 90 days of the January 22, 2011 County Board approval of the site plan amendment to Founders Square (SP #413) (April 22, 2011), the County and the developer of Founders Square – SP #413, Ashton Parks Associates III, LLC and Ashton Parks Associates IV, LLC, shall mutually agree upon the deeds necessary to transfer the by-right density from Mosaic Park to SP #413 consistent as shown on plans dated December 17, 2010 and as reviewed and approved by the County Board on January 22, 2011, certified at 76,212 square feet of commercial GFA and 23 residential units, which

shall declare that this density is no longer available on Mosaic Park. The aforementioned deed shall be recorded at a time mutually agreed upon pursuant to Site Plan Condition ~~#88~~ #87.

3. An Open Space Covenant shall be placed on the Mosaic Park site upon transfer and use of all by-right density on Founders Square – SP #413.

Site Plan Amendment Approval Ordinance

WHEREAS, an application for a Site Plan Amendment dated July 26, 2010 for Site Plan #413, was filed with the Office of the Zoning Administrator: and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan Amendment on January 10, 2011 and recommended that the County Board approve it, subject to all previous conditions and new conditions 86 and 87 (which will be provided in a supplemental report) and as provided in a letter dated January 18, 2011; and

WHEREAS, as indicated in Staff Report[s] dated January 14, 2011, ~~and January 19, 2011~~ and January 21, 2011 and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Reports; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on January 22, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
 - Increased Density;
 - Increased Height;
 - Reduced Parking Ratios for office/commercial and hotel uses;
 - Increase percentage for compact parking ratios for office, retail and residential parking spaces
 - Exclusions from density of GFA associated with below grade storage in the parking garage and mechanical shafts;
 - Signs above 35 feet; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated July 26, 2010 for Site Plan # 413, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to use density moved by TDR from Mosaic Park to SP #413, to increase density and the building height of the north office building, to reallocate density and to increase the number of units in the north residential building, and to change the use of the south residential building to a hotel, for the parcel of real property known as RPC: 14-

060-036, -068, -069, -070, -073, -074, -077, N. Randolph Street right of way, and vacated portions of 5th Place North and 5th Road North located at the 4000 Block Even of Wilson Blvd. between N. Quincy St. and N. Randolph St. approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions:



January 20, 2011

Mr. Jay Fisette
Arlington County Board
2100 Clarendon Boulevard
Arlington, Virginia 22201

Mr. Fisette,

In recent months we have been working with the County's Community Energy Plan (CEP) project manager, Mr. Rich Dooley, and are pleased to be associated with the County's initiatives in moving toward a more efficient energy model for the entire county. As a result of our discussions, we offer our commitment to continue to work with the CEP project to identify design elements within our development projects that could be used in the future to take advantage of an efficient District Energy network, if and when one emerges in Ballston.

Generally, we have identified the following components that we can agree to provide in our projects:

- Provision of hydronic HVAC (heating and cooling) for our multi-family residential projects
- Provision of hydronic HVAC (cooling only) for our office projects
- Provision of sufficient space for equipment for connection to the future District Energy Utility
- Building design that locates plant and future DE equipment such that it easily serves the building's needs and is convenient for connection to a future DE network, including a free path to the likely routing of the network

While the particular designs of these systems have not yet been identified, we are willing to provide documentation submitted with the building permits for each of our buildings that would outline the specific provisions included in each of our projects. We anticipate that this would be in the form of annotated plans indicating specific elements or spaces allotted for District Energy equipment purposes.

We applaud the County's efforts in this regard and hope to continue our positive dialogue to achieve the County's goals on this important initiative.

Regards,

A handwritten signature in black ink, appearing to read "P. Scull".

P. Brian Scull