



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of June 11, 2011**

DATE: June 7, 2011

SUBJECT: PDSP #161, SP-8 Troy Street, LLC for a site plan amendment to modify conditions related to issuance of certificates of occupancy and phasing improvements, located at 1702, 1704, 1706, 1708, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, and 1734 North Troy Street and 2101, 2103, 2105, 2107, 2109, 2113, and 2115 18th Street North (RPC# 16-030-027 and 16-026-505).

Applicant:

Troy Street, LLC
c/o Wesley Housing Development Corporation
5510 Cherokee Avenue, Suite 200
Alexandria, Virginia 22312

By:

Nan E. Walsh, Esq., Agent/Attorney
Walsh, Colucci, Lubeley, Emrich & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment for revisions to Conditions #11 and 37 related to the timing of site improvements and the issuance of certificates of occupancy, subject to all previously approved conditions and revised Conditions #11 and 37.

ISSUES: This is a site plan amendment for revisions to Conditions #11 and 37 related to the timing of site improvements and issuance of certificates of occupancy in association with the rehabilitation of affordable housing units within Colonial Village. No issues have been identified.

County Manager: *BMD/GA*

County Attorney: *[Signature]* *[Signature]*

Staff: Aaron Shriber, DCPHD, Planning Division

PLA-5902

1.

SUMMARY: This application requests revisions to conditions related to the timing of site improvements and the issuance of certificates of occupancy for buildings owned by Wesley Housing Development Corporation (applicant) that are located within Colonial Village. As previously approved, all site improvements are required to be completed prior to the issuance of the first certificate of occupancy for the respective phase of construction. In addition, the applicant is required to obtain a Master Certificate of Occupancy for each building.

Since approval of PDSP #161, SP-8, the applicant has been diligently pursuing approval of its final engineering plan and final landscape plan so that they can commence construction as soon as possible. While working with County staff through the review process of these plans, the applicant determined that the phased approach required by the conditions would not accommodate their compressed construction schedule. In order to meet the terms of their loan obligations, all of the units must be completely renovated and occupied by income qualified tenants by December 31, 2012. As such, the applicant requests revisions to the site plan conditions regarding the timing of the installation of landscaping and hardscape elements (Condition #11) and the issuance of the Master Certificate of Occupancy (Condition #37). The proposed revisions to Condition #11 will allow the applicant to complete landscape and hardscape installations prior to the issuance of the last Certificate of Occupancy for the applicable phase of construction, while the proposed revisions to Condition #37 will require only one Master Certificate of Occupancy for the entire project and that the applicant must indicate how many Certificates of Occupancy will be required for each phase of construction. These revisions do not relieve the applicant of any site improvements as required with the previous site plan approval; rather the revisions will permit construction to proceed in a swift manner so that the applicant may have all of the units permitted for occupancy by income-qualified tenants by December 31, 2012. Therefore, staff recommends that the County Board adopt the attached Ordinance (included in this report) approving this site plan amendment request subject to all previously approved conditions but with revisions to Conditions #11 and 37 as shown below.

BACKGROUND: Colonial Village was initially approved as a phased development site plan (PDSP #161) in 1979. PDSP #161 preserved existing housing units, while permitting additional housing and office development. Subsequent to the approval of PDSP #161, numerous site plans have been approved for sections of Colonial Village to permit development in conformance with the original PDSP approval. On September 28, 2010 the County Board approved a request by the applicant (Wesley Housing Development Corporation) to amend PDSP #161 and a new site plan (SP-8) for two sections of Colonial Village. The purpose of these applications was to permit “bump-out” additions to certain buildings in association with the complete rehabilitation of the 162 units owned by the applicant. An Arlington Housing Investment Fund (AHIF) loan was concurrently approved with SP-8, which provides local funding in addition to that provided through the federal Low-Income Housing Tax Credit (LIHTC) program to finance this rehabilitation project that will result in the provision of committed affordable housing units, including more family sized units (two and three bedroom units).

Following is additional information on the application area:

Site: Colonial Village (PDSP #161) is an approximately 61.6 acre development that is bounded by Lee Highway to the north, North Quinn Street and North Scott Street to the east, Wilson Boulevard to the south, and North Veitch Street to the west. The subject site plan amendment application area is comprised of two areas within Colonial Village comprising a total site area of 275,190 square feet (6.32 acres). The North Troy Street site contains 224,101 square feet (5.15 acres) and the 18th Street North site consists of 51,089 square feet (1.73 acres). The uses surrounding the subject area include:

	<u>North Troy Street site</u>	<u>18th Street North site</u>
To the north	Multi-family housing	Multi-family housing, single family detached housing, and VFW lodge
To the east	Multi-family housing	Multi-family housing
To the south	SP #389 (vacant/cleared property)	Multi-family housing
To the west	Office and retail	Single family detached housing

Zoning: “RA7-16” Apartment Dwelling Districts.

Land Use: The General Land Use Plan (GLUP) designates the subject property as “Low – Medium” Residential (16 – 36 units per acre) and Coordinated Preservation Development District.

Neighborhood: The site is located within the boundaries of the Colonial Village Civic Association. The General Manager and Board presidents for Colonial Village I, II and III have been contacted by staff, as have the presidents of the Radnor/Ft. Myer Heights and Clarendon-Courthouse Civic Associations. No issues of concern have been raised by any of these neighborhood representatives.

DISCUSSION: Condition #11 requires that landscape and hardscape be installed prior to the issuance of the first Certificate of Occupancy for the respective phase of construction. The timing of these installations is the same as required by the conditions for other site improvements (curb and gutter, sidewalk, water and sewer connections, etc.), though the applicant would like the ability to defer installation of the landscape and hardscape elements until a point prior to issuance of the last Certificate of Occupancy for the respective phase of construction. These other site improvements are required for purposes of protecting the health and safety of the building’s tenants and must be provided prior to the issuance of the first Certificate of Occupancy for each applicable phase. The landscape and hardscape elements are amenities, and though critical elements associated with the rehabilitation of these units as committed affordable housing units, their installation can be deferred until the end of each applicable phase of construction. By revising Condition #11 accordingly, the applicant will be able to permit occupancy of each building in phases as units are completed, rather than requiring all work to be completed before permitting occupancy of each building.

Condition #37 requires that the applicant obtain a Master Certificate of Occupancy for each building within 90 days of receipt of the last Certificate of Occupancy for each building. The area subject to this site plan includes 22 buildings. The deadline for completing this renovation project permitted by PDSP #161, SP-8 is approaching (December 31, 2012); therefore, the applicant proposes to divide the project into six phases based upon groupings of buildings rather than by each individual building. A copy of the proposed phasing plan, as contained in the final landscape plan, is attached to this report. Obtaining a Master Certificate of Occupancy for each building would potentially slow down the construction schedule and jeopardize the applicant's ability to meet its occupancy deadline. By revising Condition #37 to require only one Master Certificate of Occupancy for all of the buildings subject to this site plan, the applicant will be able to proceed to other phases of the project without being delayed while working to obtain individual Master Certificates of Occupancy for each building. Additionally, Condition #37 is proposed to be revised to require the applicant to indicate how many Certificates of Occupancy will be requested with each phase of construction. Knowing this information will allow staff to track the issuance of Certificates of Occupancy with each phase of construction and know when the landscape and hardscape installations must be installed in accordance with Condition #37. The proposed revisions to Condition #37 do not relieve the applicant from any previously approved obligations, instead it allows for a more efficient phasing schedule of construction which will allow the applicant to meet their loan obligations and deliver these renovated housing units to income qualified tenants on time.

CONCLUSION: The proposed revisions to Conditions #11 and 37 do not relieve the applicant from completing any of the site improvements previously committed to with the approval of PDSP #161, SP-8. As proposed, these revisions to the conditions will allow the applicant to diligently pursue completion of this renovation project by their deadline of December 31, 2012, which will result in the provision of committed affordable housing units, including more family-sized units (two and three-bedroom units). Therefore, staff recommends that the County Board adopt the following Ordinance approving this site plan amendment request subject to all previously approved conditions and revisions to Conditions #11 and 37.

Site Plan Amendment Ordinance

WHEREAS, an application for a Site Plan Amendment dated March 29, 2011 for Phased Development Site Plan #161, Site Plan-8, was filed with the Office of the Zoning Administrator: and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its June 11, 2011 meeting, 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 Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on June 11, 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 the General Land Use Plan and the Court House Sector Plan Addendum, and with the uses permitted and use regulations of the RA7-16 District as set forth in the Zoning Ordinance; 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 March 29, 2011 for Phased Development Site Plan #161, Site Plan-8, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 of the site plan (which drawings, etc. are hereafter collectively referred to as "Revised Site Plan Application"), for the parcels of real property known as RPC# 16-030-027 and RPC# 16-026-505 and 1702, 1704, 1706, 1708, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, and 1734 North Troy Street and 2101, 2103, 2105, 2107, 2109, 2113, and 2115 18th Street North, approval is granted and the parcels so described shall be used according to the Revised Site Plan Application, subject to all previously approved conditions (numbers 1 through 44) with conditions #11 and 37 amended as follows:

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

11. 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 of a detailed final landscape plan prior to issuance of the first Building 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 #14 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 first Building 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 Condition #12 below; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards as approved by the County Board with this site plan. Irrespective of the quantity of plantings depicted on the conceptual landscape plan approved as a part of the site plan, the ultimate quantity of plantings to be installed shall be determined by the final landscape plan approved by the County Manager. 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. All hardscape features internal to the site (but not including public improvements required by condition 17) and shown on the approved landscape plan shall be completed prior to the issuance of the ~~first~~ Certificate of Occupancy for the last dwelling unit in the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on conflicts with the season, weather, or other construction related issues. All plant materials shown on the final landscape plan shall be installed before the issuance of the Certificate of Occupancy for the last dwelling unit for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season and the availability of planting materials.

Upon approval of the final landscape plan and prior to the issuance of the first Certificate of Occupancy for the respective phase of construction, the developer agrees to submit to the Department of Community Planning, Housing, and Development (DCPHD) a copy of the contract for construction and installation of all landscape materials. 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.

- b. 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 the site plan approved by the County Board and in accordance with the review and approval of the final landscape plan.
- c. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities.
- d. Topography at two (2) foot intervals, and the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- e. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), air conditioner condenser unit and above ground transformer screening for purposes of screening these structures from public view, 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, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures.
- f. 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.

Obtain Master Certificate of Occupancy

- 37. The developer agrees to obtain a Master Certificate of Occupancy for ~~each building to be renovated under~~ this site plan as approved by the County Board on September 25, 2010 within 90 days of receipt of the ~~partial~~ Certificate of Occupancy for ~~full occupancy of each such building~~ the last dwelling unit in the final building in the last phase of construction. The developer further agrees to notify Arlington County at the time of submission for the initial Certificate of Occupancy for each phase of development of the total number of Certificates of Occupancy that will be requested with each phase of construction, and that the “last” Certificate of Occupancy for each phase of development shall be the one so identified to be the last of the total number for each phase.

PREVIOUS COUNTY BOARD ACTIONS:

- December 5, 1978 Approved a rezoning of a portion of Colonial Village to “H-D” (Historic District) for approximately 8.605 acres located on the east and west sides of North Rhodes Street north of Wilson Boulevard.
- December 11, 1979 Deferred a decision on an expansion of the Colonial Village HD.
- December 11, 1979 Approved a rezoning from RA8-18, RA6-15, C-2 and C-3 to C-0-2.5 for parcel 1 of Colonial Village (2108 – 2130 16th Street North, 2101 and 2115 Wilson Boulevard, 1523 – 1525 North Veitch Street, and 2108 – 2130 Key Boulevard) and to RA7-16 for parcels 2 - 10 of Colonial Village (1829, 1831, 1847, 1853, 1859, 1913 Wilson boulevard; 1721, 1723 North Veitch Street; 1750 – 2120 Lee Highway; 1730 – 1816 North Quinn Street; 1720 – 1817 Queens Lane; 1724 – 1924 North Rhodes Street; 1701 – 1782 North Troy Street; 1700 – 1708 North Uhle Street; 1800 – 2026 Key Boulevard; 2101 – 2115 18th Street North; and 2101 – 2112 19th Street North.
- December 11, 1979 Approved a Phased Development Site Plan (PDSP #161) for Colonial Village consisting of 61.6 acres zoned C-0-2.5 and RA7-16 to permit 1,573 units and 760,000 square feet of office space.
- February 9, 1980 Approved a PDSP (PDSP-161) to correct the wording of condition 26.
- November 25, 1980 Approved a Final Site Plan (SP-1) for condominium conversion of 212 units (1801 – 2021 Key Boulevard, 1900 – 1924 North Rhodes Street, 1802 and 1804 Lee Highway).
- July 14, 1981 Approved a Final Site Plan (SP-2) for a 140 unit condominium development on parcel 4-D (2028 – 2120 Lee Highway and 2100 – 2112 19th Street North).

September 15, 1981	Approved an amendment to PDSP (PDSP-161) to modify moderate-income housing conditions.
September 15, 1981	Approved an amendment to PDSP (PDSP-161) to modify office parking area requirement.
September 15, 1981	Approved a Final Site Plan (SP-3) for three 12-story office buildings (2111, 2121 and 2131 Wilson Boulevard).
March 20, 1982	Approved an amendment to PDSP (PDSP-161) to permit a reduction in parking spaces for units in Parcel 2A only if developed by the Arlington Housing Corporation (1700, 1702, 1704, 1706 and 1708 North Uhle Street; 2111, 2113 and 2114 North Key Boulevard; and 1721 – 1723 North Veitch Street).
March 20, 1982	Approved a Final Site Plan (SP-4) for construction of two parking lots and 24 on-street parking spaces and for a condominium conversion of 70 units (1700, 1702, 1704, 1706 and 1708 North Uhle Street; 2111, 2113 and 2114 North Key Boulevard; and 1721 – 1723 North Veitch Street).
March 20, 1982	Approved a Final Site Plan (SP-5) for conversion to a cooperative for 72 units in Parcel 8C (1750, 1752, 1754, 1756, 1758, 1760 and 1762 North Troy Street; and 2018, 2022 and 2026 Key Boulevard).
November 21, 1983	Approved a Final Site Plan (SP-6) for a condominium conversion of 474 units (1720 – 1817 Queens Lane; 1724 – 1821 North Rhodes Street; 1701 – 1761 North Troy Street (east side); 1774 – 1782 North Troy Street (west side); 1829, 1831, 1847, 1853 and 1859 Wilson Boulevard; 1800 – 1904 Key Boulevard; and 2101 - -2115 18 th Street North).
January 7, 1984	Deferred a Phased Development Site Plan Amendment (PDSP-161) and Site Plan Amendment (SP-2) for Parcel 4D (2028 -2120 Lee Highway and 2100 – 2112 19 th Street North).
March 3, 1984	Approved an amendment to PDSP (PDSP-161) to permit an increase in the number of units in Parcel 4

from 288 to 402 and to permit up to six stories in height rather than four stories.

- March 3, 1984 Approved a Site Plan Amendment (SP-2) for construction of a 240 unit four to six story residential building (2028 – 2120 Lee Highway and 2100 – 2112 19th Street North).
- March 2, 1985 Approved a Final Site Plan (SP-7) for construction of 366 unit rental apartments in four six-story buildings and associated parking spaces (1800 block of North Quinn Street).
- November 16, 1985 Approved a Site Plan Amendment (SP-7) to subdivide Parcel 6 (1800 block of North Quinn Street).
- September 6, 1986 Approved a Site Plan Amendment (SP-7) for two project identification signs (1804, 1808 and 1814 North Quinn Street).
- January 10, 1987 Deferred a Site Plan Amendment (SP-3) (2111 Wilson Boulevard).
- February 7, 1987 Approved a Site Plan Amendment (SP-3) for a project identification sign mounted on the Metro tunnel elevator enclosure (2101, 2107 and 2111 Wilson Boulevard).
- March 7, 1987 Deferred a Site Plan Amendment (SP-7) (1800 block of North Quinn Street and 1800/1900 block of North Scott Street).
- March 7, 1987 Approved a Site Plan Amendment (SP-3) for two tenant identification signs and logo (2111 Wilson Boulevard).
- May 2, 1987 Deferred a Site Plan Amendment (SP-7) (1800 block of North Quinn Street and 1800/1900 block of North Scott Street).
- May 2, 1987 Approved a Site Plan Amendment (SP-2) for the retention of the condominium sales office for use as a community facility for child care, eliminate the access road connection between North Uhle Street and the parking lot, and add three parking spaces to

	the parking lot adjacent to Lee Highway (2100 Lee Highway).
June 6, 1987	Approved a Site Plan Amendment (SP-7) for addition of a swimming pool, bathhouse and eight parking spaces (1800 block of North Quinn Street and the 1800/1900 block of North Scott Street).
November 21, 1989	Deferred a Site Plan Amendment (SP-3) (2111 – 2121 Wilson Boulevard).
August 12, 1990	Deferred a Site Plan Amendment (SP-3) (2111 – 2121 Wilson Boulevard).
January 9, 1990	Deferred a Site Plan Amendment (SP-3) (2111 Wilson Boulevard).
January 9, 1990	Approved a Site Plan Amendment (SP-3) for a coordinated sign plan for two freestanding signs and other associated signage (2111 – 2121 Wilson Boulevard).
February 10, 1990	Approved a Site Plan Amendment (SP-3) for a coordinated sign plan for three freestanding signs (2111 – 2121 Wilson Boulevard).
August 10, 1991	Denied a Site Plan Amendment (SP-161) (SP-7) for a free standing sign beyond permitted time frame (1870 North Scott Street).
August 8, 1992	Approved a Site Plan Amendment (SP-6) for the connection of a residential unit to an existing non-conforming dental office (1829 Wilson Boulevard).
January 8, 1994	Approved a Site Plan Amendment (SP-3) for modifications to an approved comprehensive sign plan for two freestanding signs and directional signage (2102 and 2111 Wilson Boulevard).
April 13, 1996	Approved a Site Plan Amendment (SP-6) for expansion of an existing dental office into an adjacent residential unit (1829 and 1831 Wilson Boulevard).
July 19, 1997	Deferred a Site Plan Amendment (SP-161) for modification of an approved comprehensive sign

	plan for a building mounted sign (2111 Wilson Boulevard).
September 6, 1997	Accepted a withdrawal of a Site Plan Amendment (SP-161) for modification of an approved comprehensive sign plan for a building mounted sign (2111 Wilson Boulevard).
August 5, 2000	Deferred a Site Plan Amendment (SP-161) for modifications to an approved comprehensive sign plan for a rooftop sign (2107 Wilson Boulevard).
September 9, 2000	Approved a Site Plan Amendment (SP-161) for a rooftop sign (2107 Wilson Boulevard).
October 13, 2007	Deferred a Site Plan Amendment (SP-161) for modifications to an approved comprehensive sign plan for new and replacement signs (2101, 2107 and 2111 Wilson Boulevard).
November 13, 2007	Approved a Site Plan Amendment (SP-161) for modifications to an approved comprehensive sign plan for new and replacement signs (2101, 2107 and 2111 Wilson Boulevard).
September 28, 2010	Approved a Phased Development Site Plan Amendment (PDSP #161) and Site Plan (SP-8) for “bump-out” additions to 1702, 1704, 1706, 1708, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, and 1734 North Troy Street and 2101, 2103, 2105, 2107, 2109, 2113, and 2115 18th Street North.

