



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of May 19, 2012

DATE: May 10, 2012

SUBJECT: Request to Advertise a public hearing on proposed amendments to Site Plans #13 (Crystal Houses Lofts, RPC #35-011-007 and -008, and 36-018-014), 297 (Pentagon Center Phase One, RPC #35-004-001), 331 (Arlington Gateway/Fairmont, RPC #14-051-019), 335 (Rosslyn Central Place, RPC#16-038-001, -002, -003, -004, -014, -015 and -016), 346 (Potomac Yard Bay C, RPC #34-027-071 and -072; Bay D-East, RPC #34-027-062; and Bay D-West and Center Park, RPC #34-027-052 and -065), 382 (National Science Teachers Association, RPC #17-011-019, -021 and -023), 413 (Founders Square, RPC #14-060-036, -068, -069, -070, -074, -077), and 417 (Wakefield Manor, RPC#: 17-017-001, 002, 003, and - 004), and Use Permit U-3148-05-1 (2525 Lee Highway UCMUD, RPC #15-007-006) to modify condition language and the timing required for compliance with certain conditions, related to the final landscape plan, civil engineering plans, street lighting, and contributions to the County's Tree Canopy Fund.

C. M. RECOMMENDATION:

Authorize advertisement of a public hearing by the County Board on its own motion on June 16, 2012, to consider amending Site Plans #13 (Crystal Houses Lofts, RPC #35-011-007 and -008, and 36-018-014), 297 (Pentagon Center Phase One, RPC #35-004-001), 331 (Arlington Gateway/Fairmont, RPC #14-051-019), 335 (Rosslyn Central Place, RPC#16-038-001, -002, -003, -004, -014, -015 and -016), 346 (Potomac Yard Bay C, RPC #34-027-071 and -072; Bay D-East, RPC #34-027-062; and Bay D-West and Center Park, RPC #34-027-052 and -065), 382 (National Science Teachers Association, RPC #17-011-019, -021 and -023), 413 (Founders Square, RPC #14-060-036, -068, -069, -070, -074, -077), and 417 (Wakefield Manor, RPC#: 17-017-001, 002, 003, and - 004), and Use Permit U-3148-05-1 (2525 Lee Highway UCMUD, RPC #15-007-006) to modify condition language and the timing required for compliance with certain conditions related, to the final landscape plan, civil engineering plans, street lighting, and contributions to the County's Tree Canopy Fund.

ISSUES: This is a request for authorization by the County Board to advertise public hearings on amendments to several site plans and use permits to modify condition language and timing

County Manager:

BMD/GA

County Attorney:

[Handwritten signatures]

Staff: Robert Gibson, Development Services Bureau, DES
Freida Wray, Planning Division, DCPHD

30.

required for compliance with certain conditions related to the final landscape plan, civil engineering plans and contributions to the County's Tree Canopy Fund, to improve efficiency of construction timing while still maintaining County infrastructure requirements. No issues have been identified.

SUMMARY: This is a request to authorize advertisement of public hearings to amend approved conditions for several site plans and use permits. The changes are proposed as part of an ongoing Department of Environmental Services (DES) effort to improve the review process for civil engineering plans and would allow more flexibility as to when the civil engineering plans would be required to be approved. (In the subject projects the civil engineering plans have been referred to by the name of Final Site Engineering Plan.) The changes would also coordinate the timing for other standard conditions tied to the civil engineering plans. Since the changes in timing are primarily related to issuance of an Excavation, Sheeting and Shoring (ESS) permit, staff recommends amending the condition language for approved projects that have substantial excavation required and that have not yet completed the engineering review process for all phases of the project. The proposed amendments are consistent with updated standard site plan condition language being applied to current projects. Therefore, staff recommends that the County Board authorize advertisement, on its own motion, of a public hearing by the County Board on June 16, 2012, to consider amending the subject site plans and use permits to modify condition language to adjust the timing required for approval of the civil engineering plans, final landscape plan, street lighting, and contributions to the County's Tree Canopy Fund.

BACKGROUND: Over the last year DES has undertaken a review of its civil engineering plans review and approval process. Along with changes in organization, staffing, and internal processes, DES has examined the standard site plan condition for civil engineering plan approval.

As the complexity of projects has increased, civil engineering plans themselves have become more complex, including more information than in the past, to ensure that the construction process does not negatively affect the public and that public facilities and infrastructure are built to the high standards expected by the community. The increased complexity has lengthened the time to review and approve civil engineering plans. Standard condition language required approval of the civil engineering plans prior to issuance of the ESS permit. After a developer fulfills all other requirements for issuance of the ESS permit, in many cases this timing slows issuance of the ESS permit for up to a few months, potentially delaying the start of construction, while issues/comments identified in the plan review are addressed. When the specific outstanding issues preventing approval of the civil engineering plans have no relationship to excavation, sheeting and shoring activities for the project, the delay may be unnecessary.

In order to reduce or eliminate such unnecessary delays, staff identified that certain critical items related to land development and public infrastructure improvements need to be approved before the issuance of the ESS permit, while other items do not. Staff determined that if, following one complete review of the civil engineering plans by County Staff, the County Manager finds that the limits of the Excavation/Sheeting and Shoring shown on the plans will not interfere with or pose a substantial risk of damage to existing and proposed public infrastructure and adjacent

public or private property, the ESS permit could be issued and the full approval of the civil engineering plans could be required prior to issuance of the Footing to Grade permit.

Therefore staff revised the standard condition to provide for these changes and allow for this flexibility. Similar versions of the new language has been approved by the County Board in new site plans and site plan amendments since October 2011 (New site plans: SP # 418 – 3001 Washington Boulevard; Site plan amendments: SP #386 – 3901 N. Fairfax Drive, SP #400 – Monument View, SP #403 – 2009 N. 14th Street, SP #416 – Virginia Square Towers.)

The next step in DES' efforts to improve its business process is to apply the new civil engineering plan condition language to approved projects that have not yet completed the civil engineering plan review process for all phases of the project. These projects, which would be subject to the proposed site plan amendments, are listed in Table 1 below.

DISCUSSION: County staff evaluated the civil engineering plan review process to improve its efficiency. Through that effort staff determined that more flexibility was needed, and could be provided, in the timing of civil engineering plan approval. Staff has updated the standard site plan condition language to provide the desired flexibility, and similar language has been approved by the County Board since October 2011, with slight modifications over time to further clarify the intent and implementation of the condition provisions.

Staff recommends applying this new condition language to already approved projects with substantial excavation required and that have not yet completed the civil engineering plan review process for all phases. Approved projects meeting these criteria are listed in Table 1 below.

With the proposed change in timing for the civil engineering plans, a review of all approved site plan and use permit conditions for the subject projects revealed the necessity to revise three additional standard conditions to ensure coordination with the civil engineering plan timing as intended in the original approvals:

- 1) Final Landscape Plan: Site plan conditions are written to ensure that the engineering plan is coordinated with the landscape plan. As such, for the subject projects, the civil engineering and landscape plans were required to be approved prior to the issuance of the ESS permit. With a change in the timing for approval of the civil engineering plans to prior to the Footing to Grade permit, a corresponding timing change should be made to the landscape plan condition to retain coordination. Since the proposed timing is still far earlier than any landscaping would be installed, there would be no negative impact of the proposed change.
- 2) Contributions to the County's Tree Canopy Fund: As part of the landscape plan (by separate condition) developers are also required to develop a tree replacement plan, outlining the replacement of trees on-site or through a monetary contribution to the County's Tree Canopy Fund. Payment into the fund is required prior to issuance of the ESS permit. Without making changes to the timing in this condition, payment to the Tree Canopy Fund would be required prior to the approval of the tree replacement plan, which details the specific payment amount. Since contributions to the fund are intended to

compensate for trees not planted changing the payment to prior to issuance of the Footing to Grade permit would still result in the payments being made long before completion of the project, and there would be no effective negative impact as a result of this change.

- 3) Street Lighting Requirements: This condition requires street lighting to be shown as part of the civil engineering plans. Unlike other infrastructure-related conditions, this condition also includes language requiring the engineering plans to be completed prior to the issuance of the ESS permit. This language is redundant and should be deleted.

Staff recommends that the condition requiring the submission and approval of the civil engineering plans for the subject projects (listed in Table 1 below) be deleted and replaced with the following language:

Civil engineering plan approval by DES

The developer agrees to submit a complete set, of civil engineering plans for each applicable phase of the project consistent with the approved Phasing Plan for the development. Whether the set is complete will be determined by the County Manager, based on the Minimum Acceptance Criteria document dated April 30, 2012 or subsequent amended submission checklist, prior to the issuance of the Land Disturbance Permit for that phase. The plans shall be drawn at a horizontal scale of 1 inch = 25 feet and a vertical scale of 1 inch = 5 feet and be 24 inches by 36 inches in size.

The developer agrees to meet the following requirements prior to issuance of the Excavation/Sheeting and Shoring Permit:

1. *Obtain approval by the County Manager of a Maintenance of Traffic Plan for, at a minimum, the Excavation/Sheeting and Shoring phase of work;*
2. *Obtain approval by the County Manager of a tieback plan, or alternatively, submit a statement by the developer confirming that tiebacks will not be placed and will not extend into the public right of way during construction of the project; and*
3. *Obtain a minimum of one complete County staff review of the civil engineering plans that results in a finding by the County Manager that the limits of Excavation/Sheeting and Shoring shown on the plan will not interfere with, limit, damage, or pose a substantial risk of damage to, existing and proposed public infrastructure and adjacent public or private property.*

The developer also agrees to obtain all additional required approvals and permits prior to commencing excavation, sheeting, and shoring.

The developer agrees to obtain approval of civil engineering plans that agree with the approved final landscape plan, and the sequence of construction, from the County Manager as being consistent with all site plan approval requirements and all County codes, standards and specifications, and policies, prior to issuance of the footing-to-grade permit, for any phase consisting only of buildings on slab, prior to the issuance of the above grade building permit.

Staff further recommends that the following changes be made to the additional three conditions described above, as applicable, for the subject projects:

- 1) Final Landscape Plan: Change the timing for the approval of the plan from prior to the issuance of the ESS permit to prior to the issuance of the Footing to Grade permit.
- 2) Contributions to the County’s Tree Canopy Fund: Change the timing for the contribution to the Tree Canopy Fund, if applicable, from prior to the issuance of the ESS permit to prior to the issuance of the Footing to Grade permit.
- 3) Street Lighting Requirements: Strike language in the condition related to the timing for completion of the civil engineering plans.

The table below identifies the affected site plans and the conditions and corresponding condition numbers that are proposed to be changed.

Site Plan # and Project Name	Tree Canopy Fund Cond. #	Landscape Plan Cond. #	Engineering Plan Cond. #	Street Lighting Requirements Cond. #
SP #13 - Lofts at Crystal Houses	N/A	15	18	30
SP #297 Pentagon Centre Phase I Final Site Plan	3	15	18	26
SP # 331 -The Spire/Fairmont	N/A	13	16	27
SP #335 - Central Place	N/A	15	18	30
SP #346 - Potomac Yard - Land Bay C (National Gateway 3-4-5-6)	N/A	15	18	30
SP #346 - Potomac Yard - Land Bay D - West (Brittany West)	N/A	15	18	30
SP #346 - Potomac Yard - Land Bay D- East (Brittany East)	N/A	15	18	30
SP #382 - NSTA Office Site Plan	3	13	16	27
SP #413 -North Office Founder's Square	3	15	18	26
SP #417 - Wakefield Manor	3	15	18	26
U-3148-05-1 - 2525 Lee Highway	N/A	7	9	12

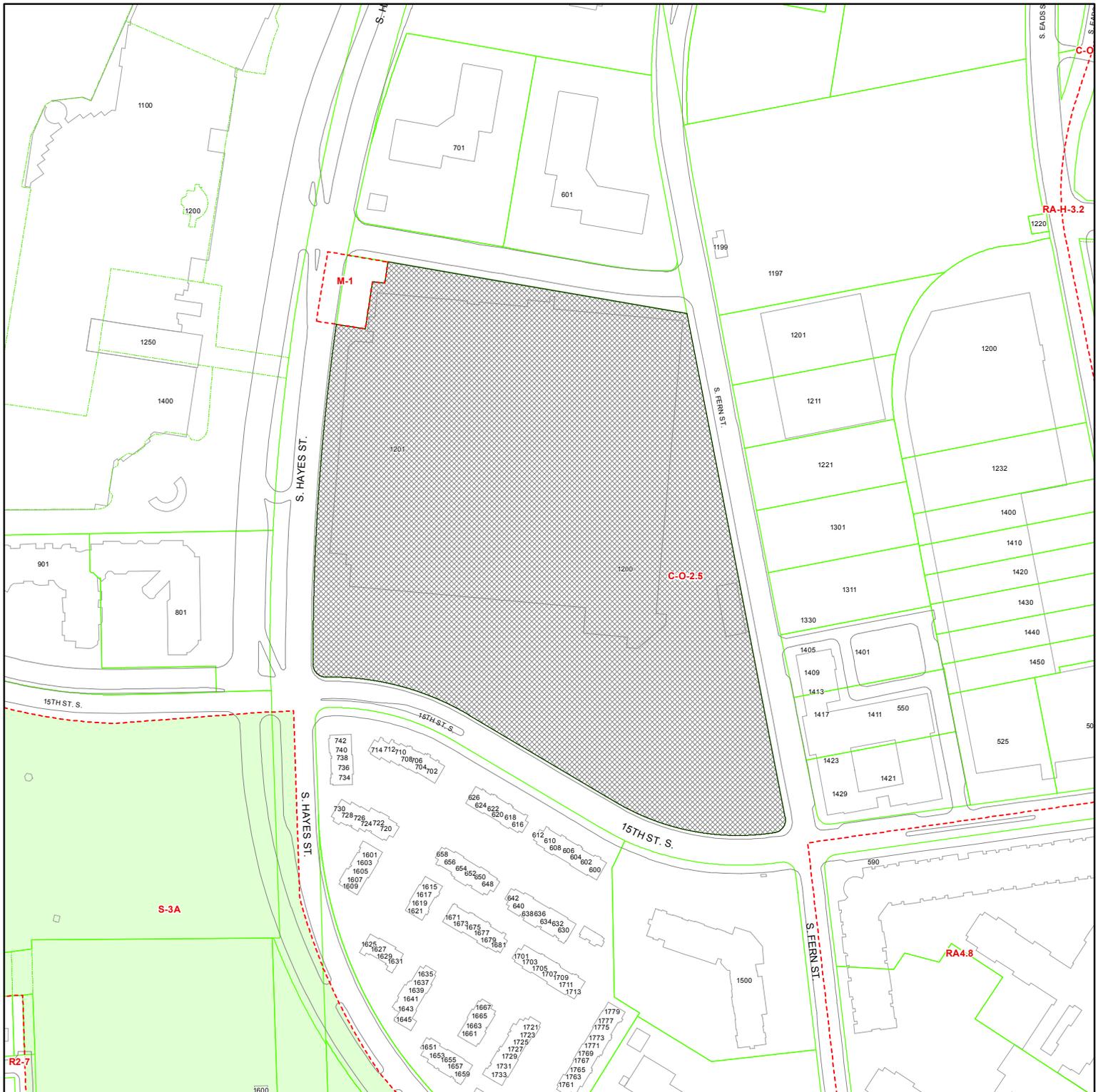
Note: N/A - Proposed changes not applicable to the corresponding project.

Community Process: The proposed changes to the standard conditions for the civil engineering plans have been reviewed by the Northern Virginia Building Industry Association (NVBIA). NVBIA supports the proposed changes as they provide additional flexibility and are intended to improve DES’s civil engineering plans review process. Staff has also communicated with the developers and attorneys of all of the affected projects, who consent to the Request to Advertise.

CONCLUSION: It should be noted that a recommendation to authorize advertisement does not imply support of approval of the proposed site plan amendments. However, for the County Board to consider the proposed condition revisions, a public hearing must be advertised. Therefore, staff recommends that the County Board authorize advertisement of a public hearing by the

County Board on June 16, 2012, to consider amending condition language and the timing required for compliance with certain conditions related to the final landscape plan, civil engineering plans, street lighting, and contributions to the County's Tree Canopy Fund for the following projects:

- Site Plan #13 (Crystal Houses Lofts, RPC #35-011-007 and -008, and 36-018-014);
- Site Plan #297 (Pentagon Center Phase One, RPC #35-004-001);
- Site Plan #331 (Arlington Gateway/Fairmont, RPC #14-051-019);
- Site Plan #335 (Rosslyn Central Place, RPC#16-038-001, -002, -003, -004, -014, -015 and -016);
- Site Plan #346 (Potomac Yard Bay C, RPC #34-027-071 and -072; Bay D-East, RPC #34-027-062; and Bay D-West and Center Park, RPC #34-027-052 and -065);
- Site Plan #382 (National Science Teachers Association, RPC #17-011-019, -021 and -023)
- Site Plan #413 (Founders Square, RPC #14-060-036, -068, -069, -070, -074, -077)
- Site Plan #417 (Wakefield Manor, RPC#: 17-017-001, 002, 003, and – 004);
- Use Permit U-3148-05-1 (2525 Lee Highway UCMUD, RPC #15-007-006)



Sp 297

1201 S. Hayes Street and 1200 S. Fern Street

RPC #35-004-001

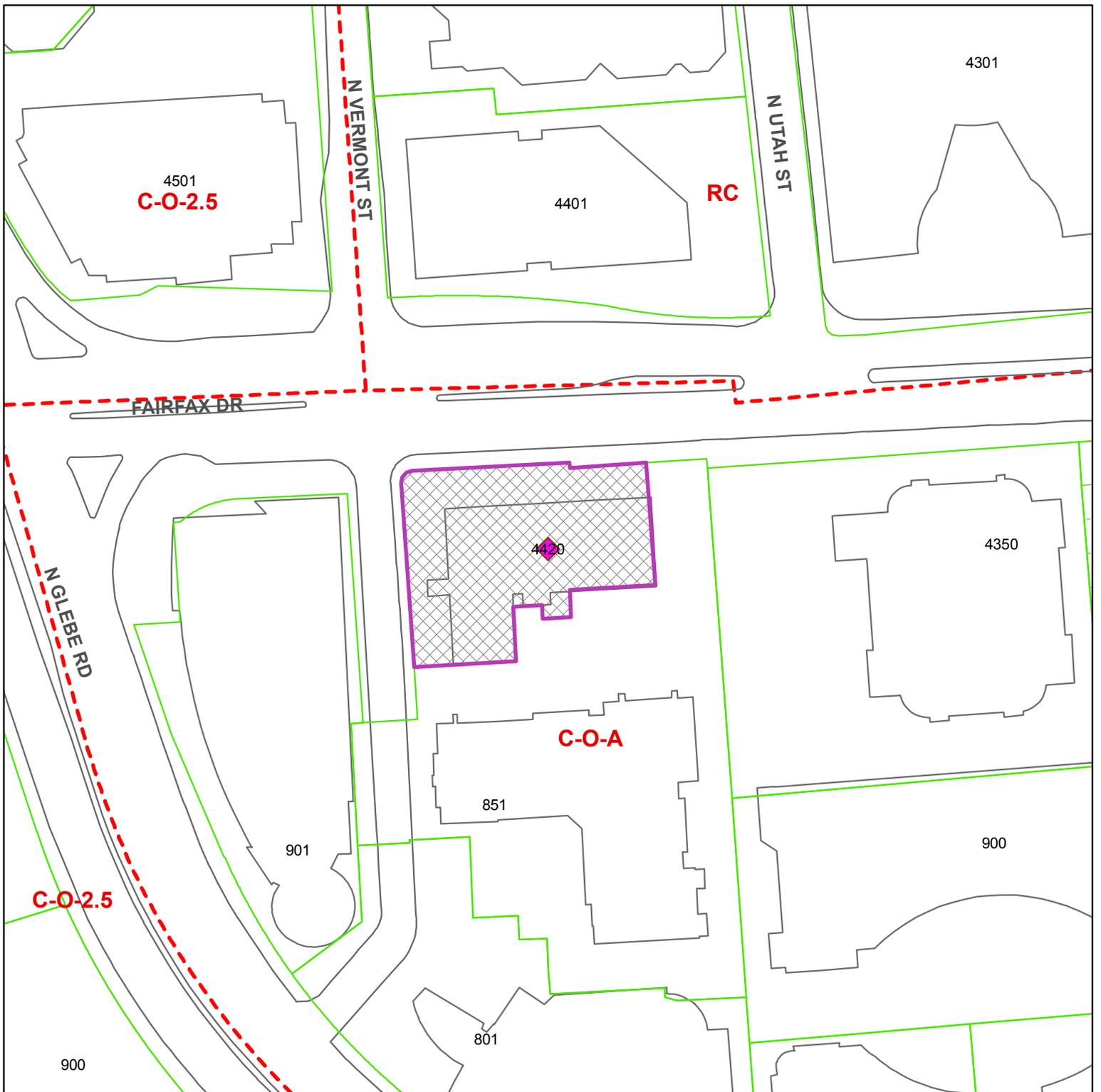


 Case Location

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

Department of Community Planning, Housing and Development

Planning Division



SP# 331

4420 N. Fairfax Drive

RPC #14-051-019



 Case Location(s)

Scale: 1:1,200

Note: These maps are for property location assistance only.
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Sp 335

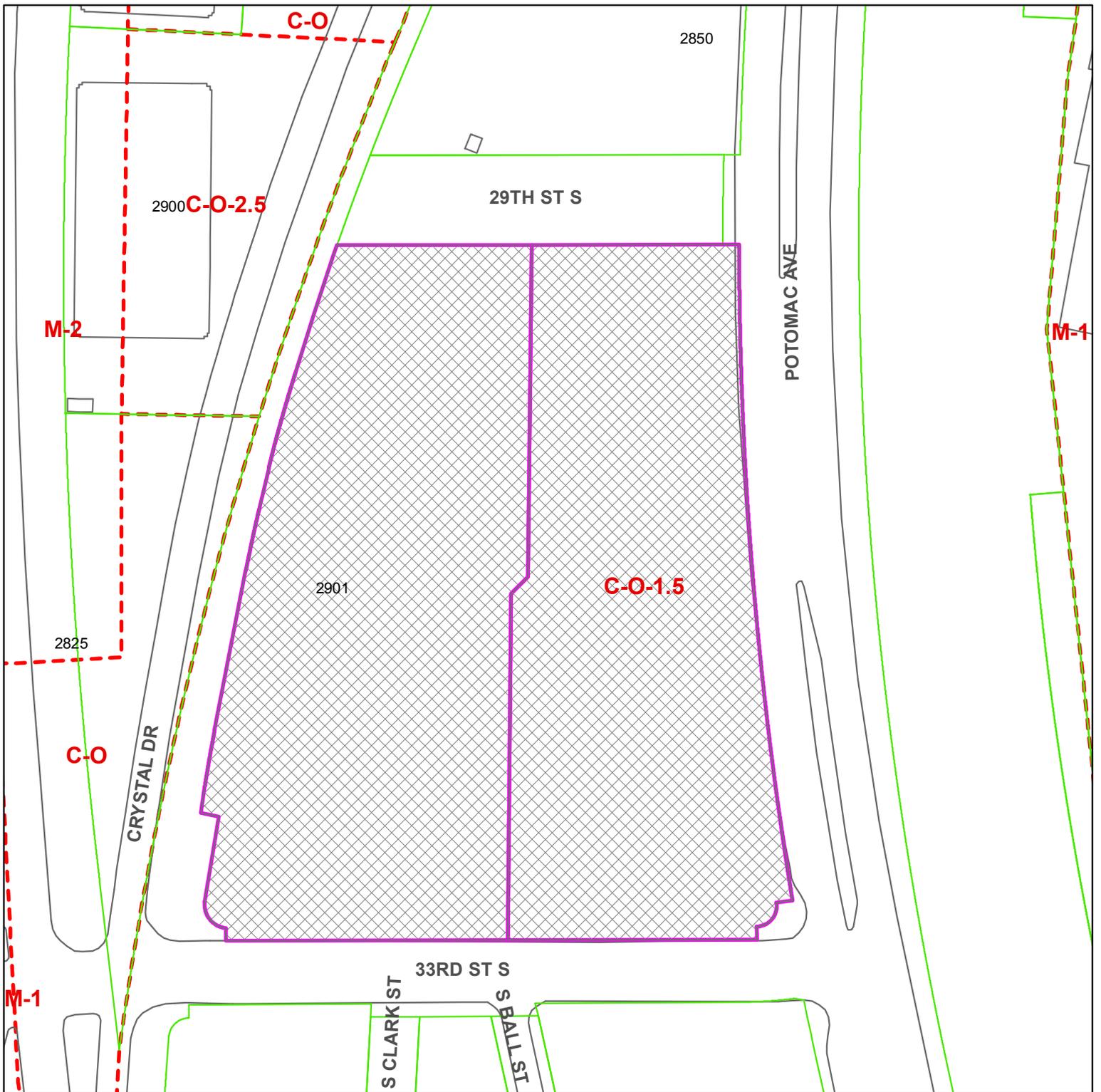
**1201 and 1213 Wilson Boulevard, 1730 and portions of N. Lynn Street,
1821 N. Moore Street**

RPC #16-038-001, -002, -003, -004, -014, -015 and -016



 Case Location

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SP# 346 Potomac Yard Land Bay C

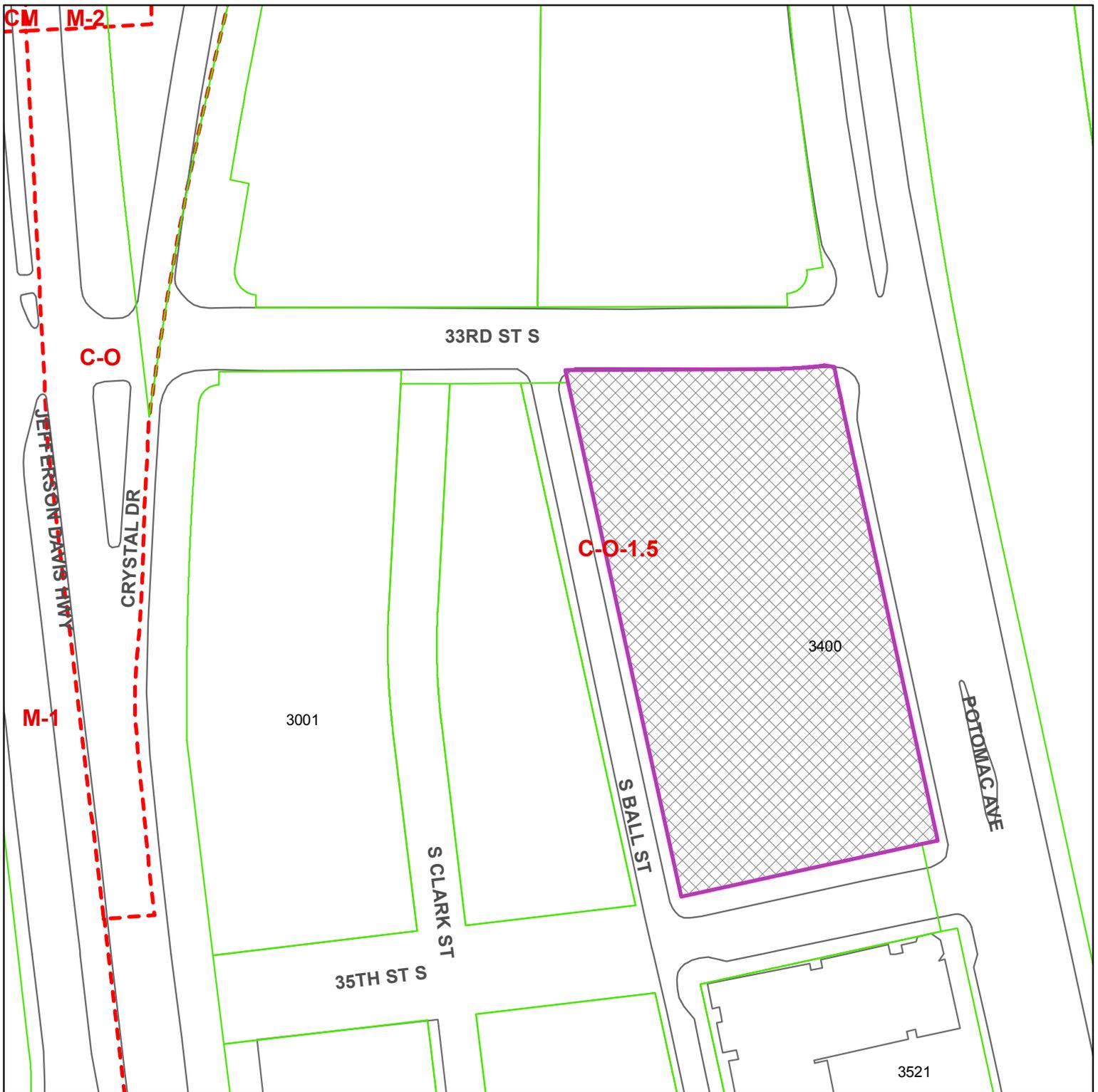
Potomac Yard Land Bay C, portion of Crystal Drive

RPC #34-027-071 and -072



 Case
 Location(s)
 Scale: 1:1,200

Note: These maps are for property location assistance only.
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SP# 346 Potomac Yard Land Bay D-East

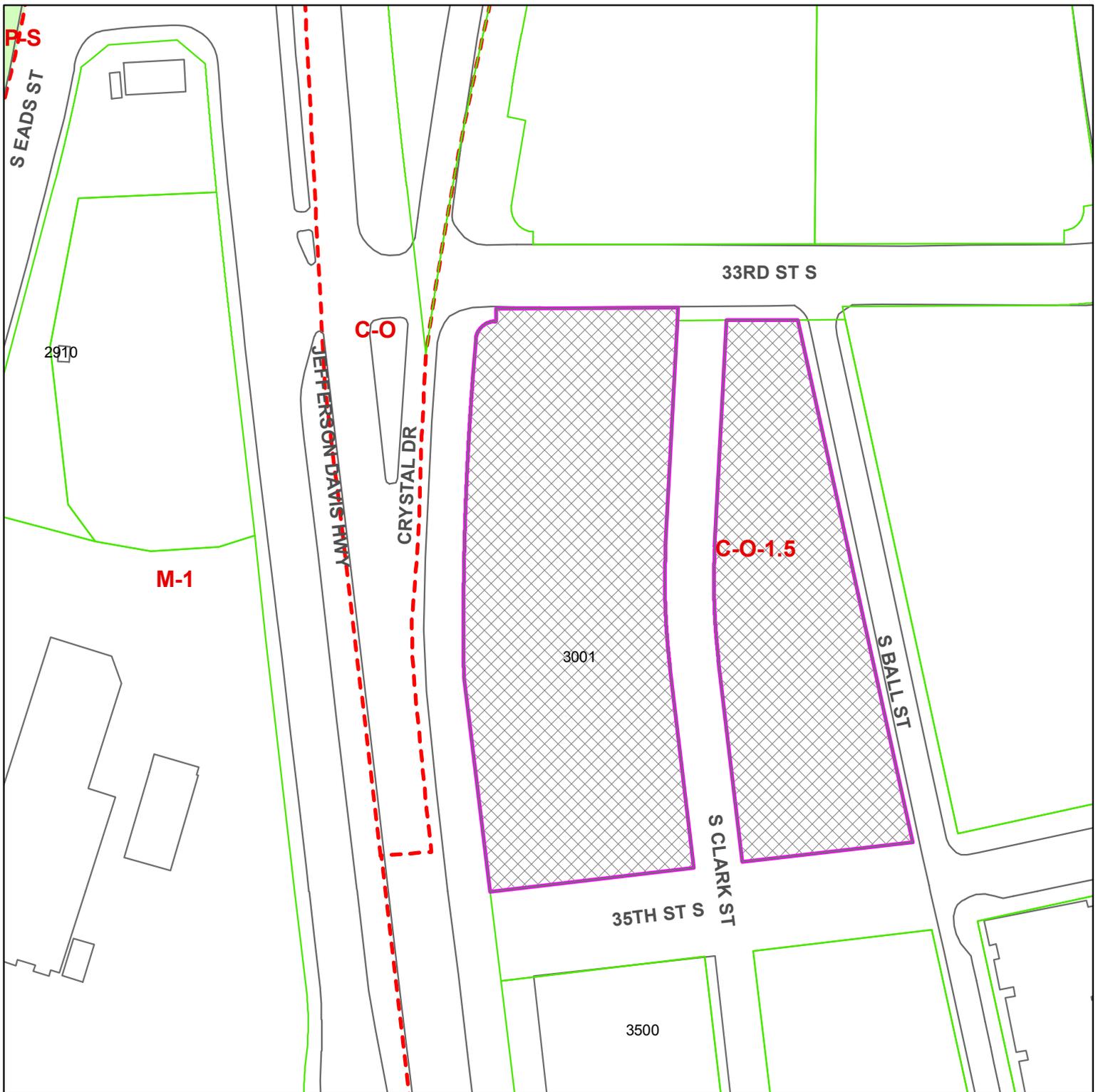
Potomac Yard Land Bay D-East, 3400 Potomac Avenue

RPC #34-027-062



 Case Location(s)
Scale: 1:1,200

Note: These maps are for property location assistance only.
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SP# 346

Potomac Yard Land Bay D-West and Center Park, portions of Crystal Drive and Jefferson Davis Highway

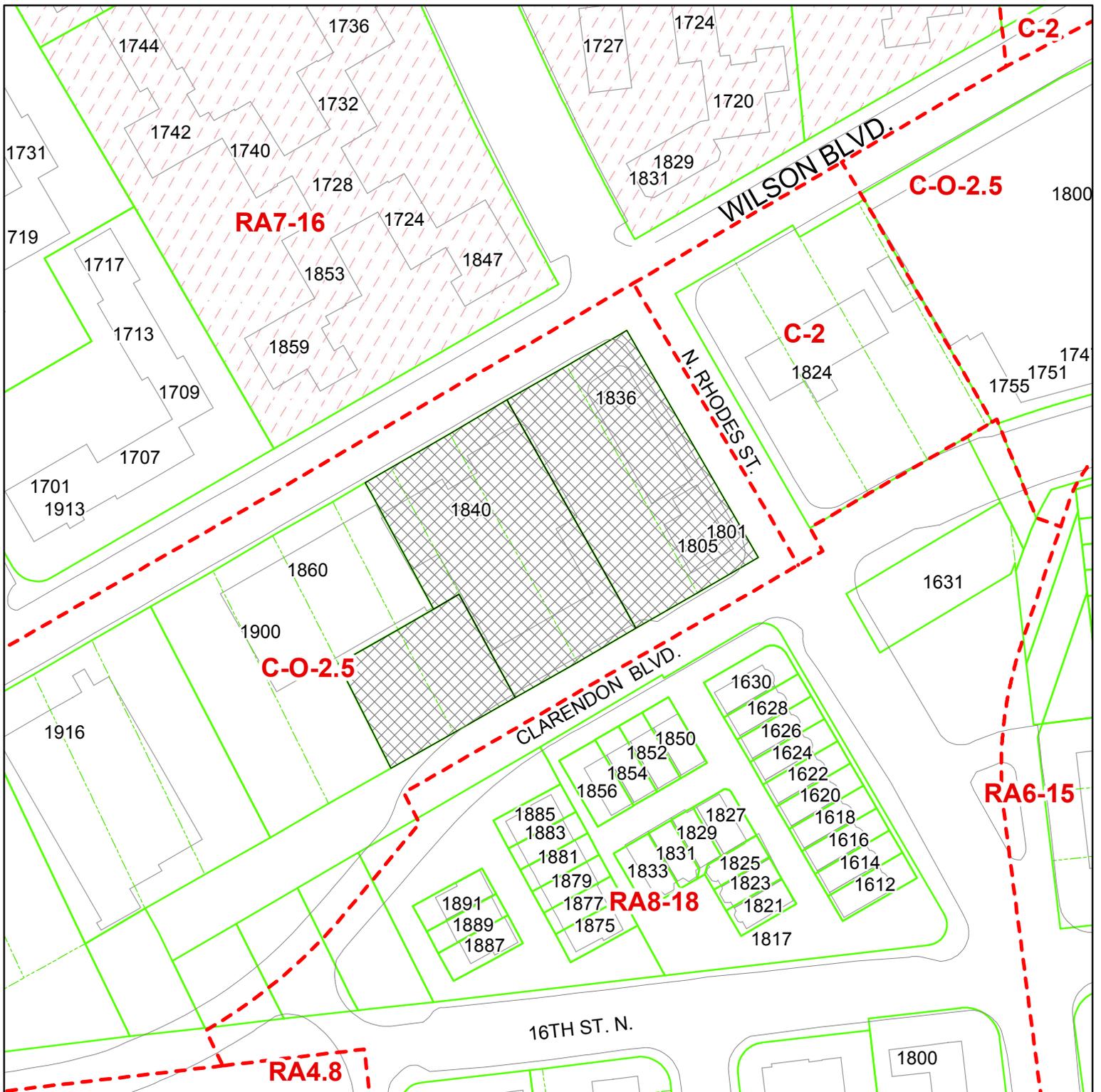
RPC #34-027-052 and -065



 Case Location(s)

Scale: 1:1,200

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



Sp 382

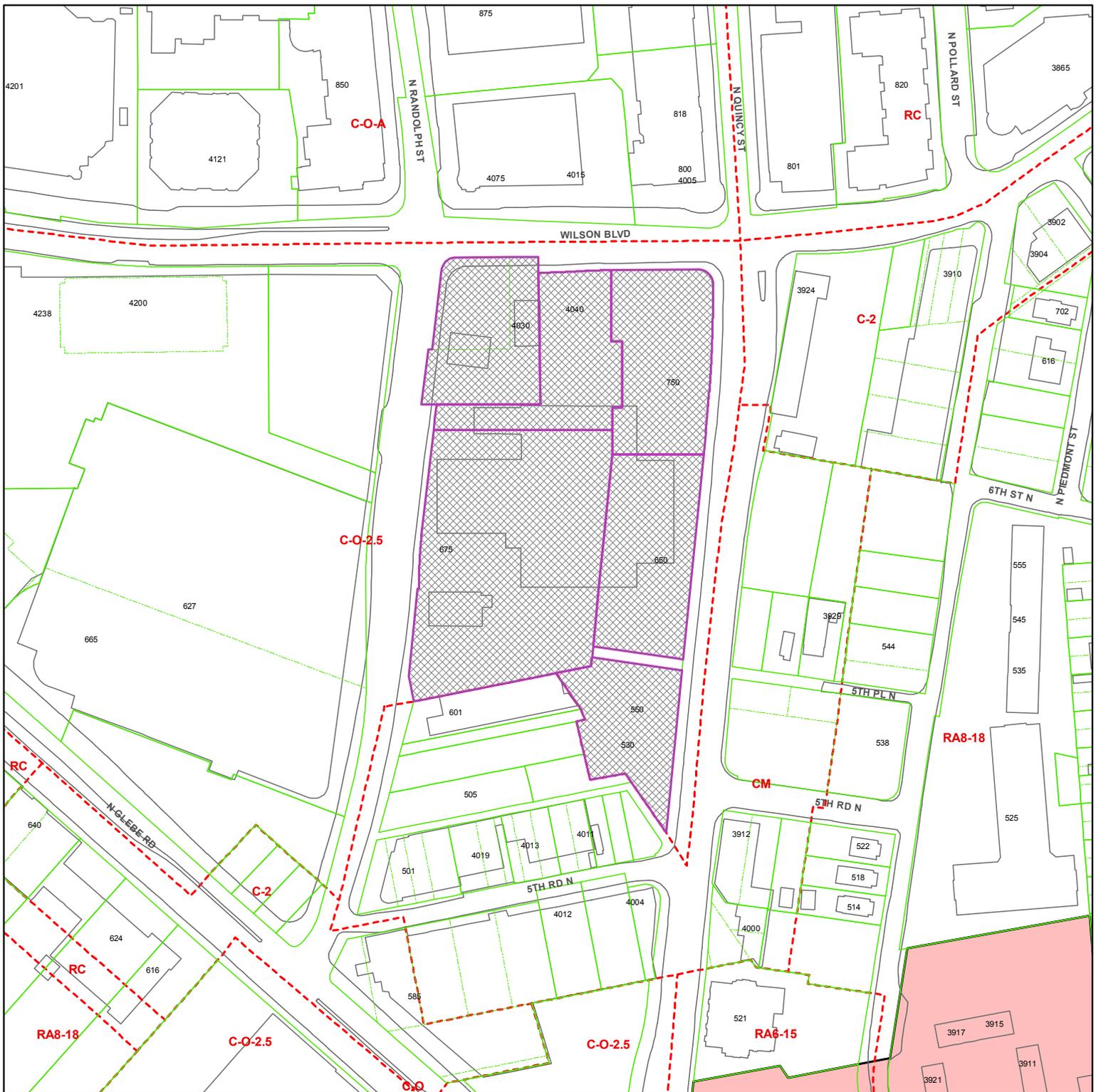
1836 and 1840 Wilson Boulevard, 1801 and 1805 Clarendon Boulevard, and portion of 17th Street North

RPC #17-011-019, -021 and -023



 Case Location

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SP# 413

block bounded by N. Randolph Street, Wilson Boulevard, N. Quincy Street and 5th Road North

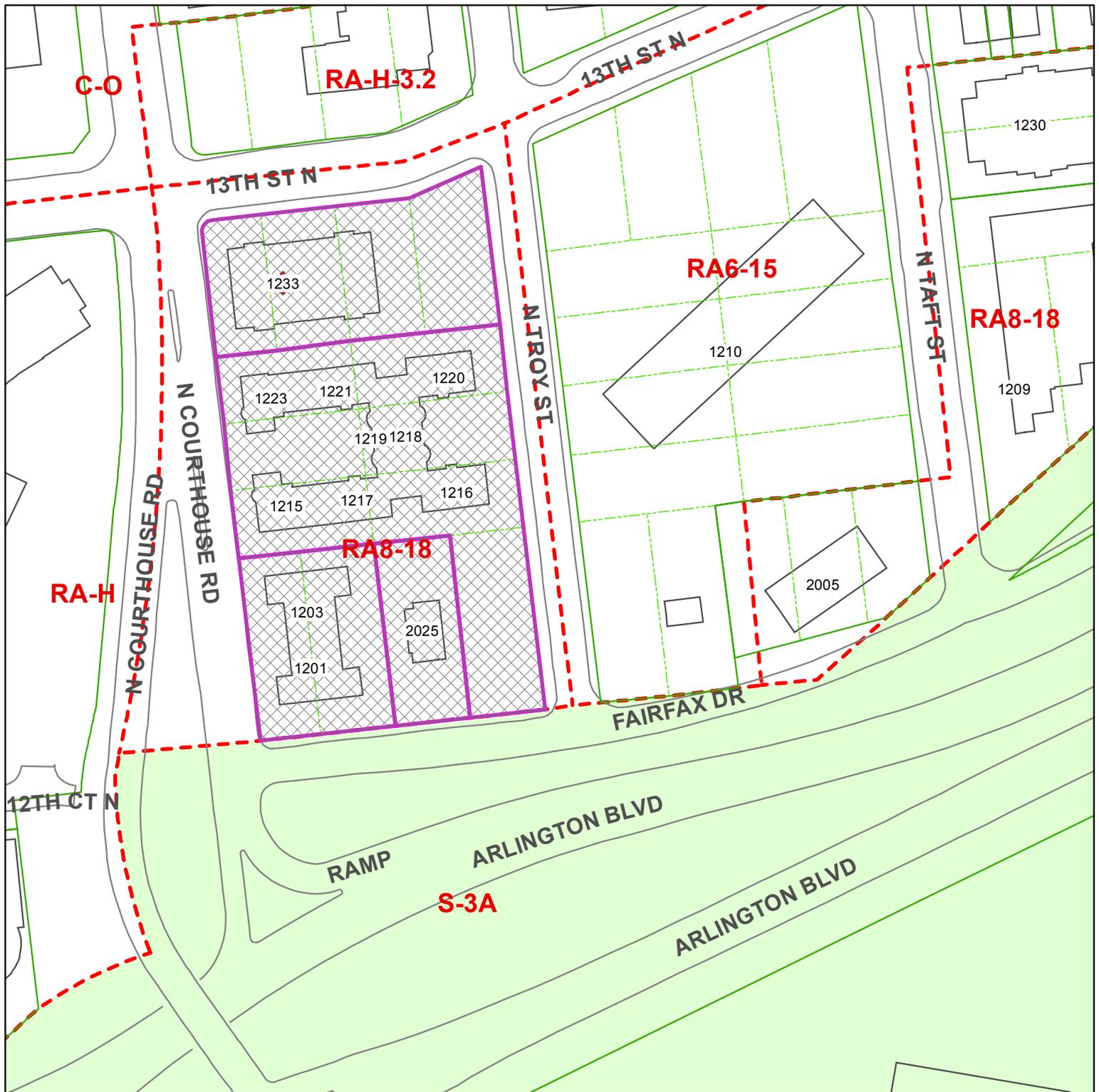
RPC #14-060-036, -068, -069, -070, -074, -077



 Case Location(s)

Scale: 1:2,214

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



SP# 417

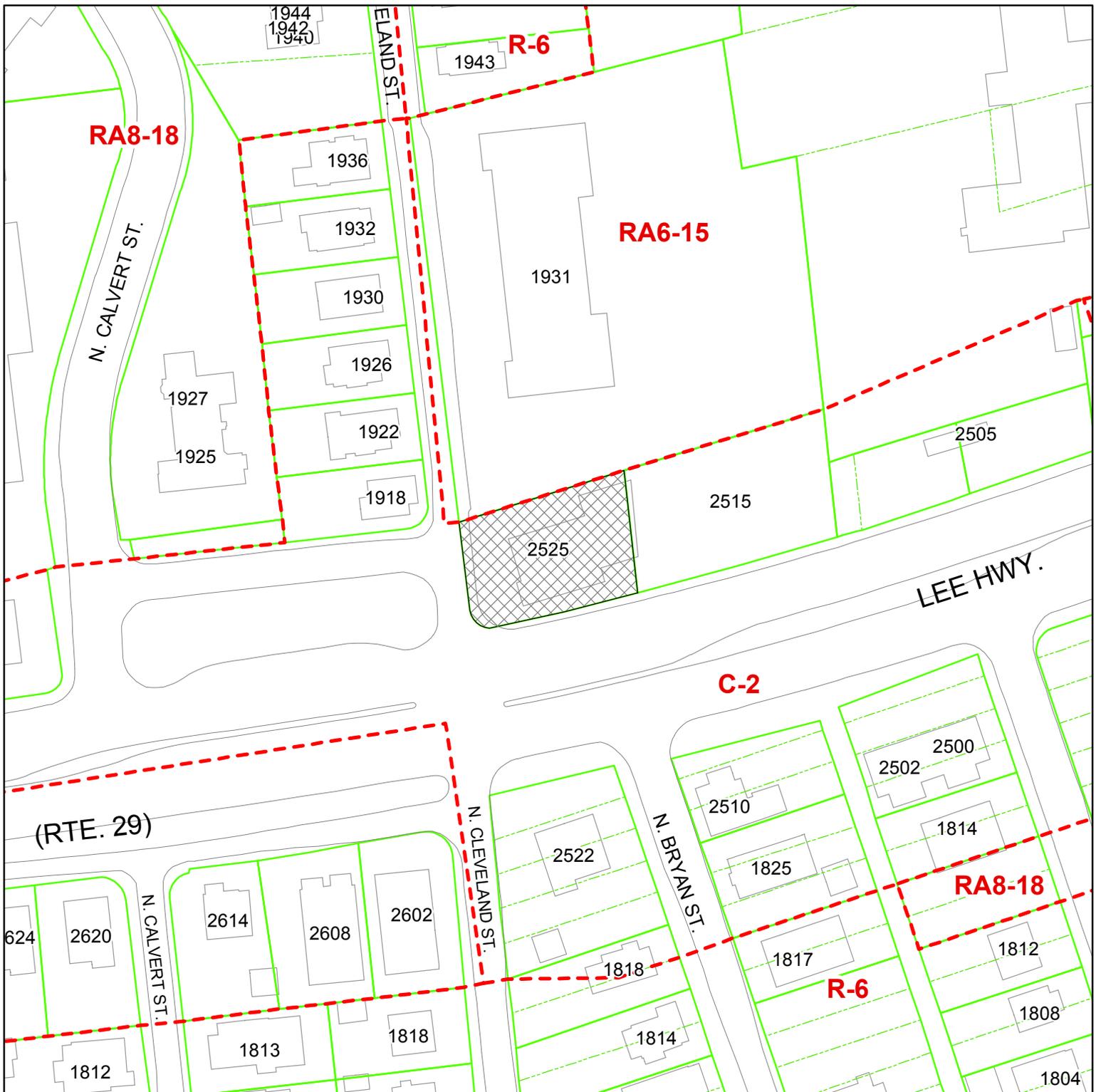
1201, 1215, 1223, and 1233 N. Courthouse Road and 2025 Fairfax Drive

RPC#17-017-001, -002, -003, and -004



 Case Location(s)
Scale: 1:1,200

Note: These maps are for property location assistance only.
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U-3148-05-1

2525 Lee Highway

RPC #15-007-006



 Case Location

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