



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of June 16, 2012

DATE: May 31, 2012

SUBJECT: ON THE COUNTY BOARD'S OWN MOTION, modify the condition requirements for Site Plans #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; 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. RECOMMENDATIONS:

Adopt the attached ordinance to approve amendments to Site Plans #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; 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), 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.

Approve the subject use permit amendment to 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, subject to the conditions of the staff report.

County Manager:

BMD/GA

County Attorney:

[Handwritten signatures]

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

ISSUES: This is an amendment to several site plans and a use permit to modify condition language and timing 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: Staff proposes to amend condition language for several site plans and use permits as part of an ongoing Department of Environmental Services (DES) effort to improve the review process for civil engineering plans. The proposed changes 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, Sheet piling 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 site plan condition language (which is also applied to large-scale construction use permit projects), that has been approved by the County Board for several recent new site plans and major site plan amendments, and would be applied to all future projects going forward. Therefore, staff recommends that the County Board adopt the attached ordinance to amend the subject site plans, subject to all previously approved conditions and the amended conditions of the ordinance; and approve the subject use permit amendment, subject to the condition of the staff report, 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 development 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. In standard condition language the developer agreed to obtain approval of the civil engineering plans prior to issuance of the ESS permit. In many cases this timing slows issuance of the ESS permit for up to a few months after other requirements for an ESS permit are met, 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 are not critical to the excavation, sheet piling and shoring activities for the project, staff believes that the permit for that work could be issued.

In order to reduce or eliminate delays, staff identified certain critical items related to land development and public infrastructure improvements that need to be approved before the issuance of the ESS permit, and other items that do not. Staff further 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 obtained prior to issuance of the Footing to Grade permit. This allows construction to keep moving, while ensuring that the ESS permit is not issued in circumstances that would potentially create problems. Therefore, to improve DES' business process, staff proposes revising the standard condition for approved projects that have not yet completed the civil engineering plan review process. The revisions would provide for these changes and allow for this flexibility.

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

Table 1. Subject Site Plans and Related Conditions

Site Plan # and Project Name	Tree Canopy Fund Cond. #	Landscape Plan Cond. #	Engineering Plan Cond. #	Street Lighting Requirements Cond. #
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 #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.

For the above projects, staff recommends that the referenced conditions, in which the developers agree to submit and obtain approval of civil engineering plans, be deleted and replaced with the language included below. Similar versions of the proposed language have 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):

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.

In addition, 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 conditions for each of the subject projects 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. Therefore, for conditions in the subject projects shown under the heading “landscape plan” in Table 1 above,, staff recommends changing the timing of 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: 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. Staff therefore recommends that the tree canopy conditions for the subject projects, as shown in Table 1 above, be revised so that the contribution to the Tree Canopy Fund, if applicable, will be paid not prior to the issuance of the ESS permit, but prior to the issuance of the Footing to Grade permit.

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 condition language is redundant and should be deleted from the conditions shown in Table 1 above for the subject projects.

These proposed changes to conditions are again summarized in Table 1 on page 3 above.

Community Process: The proposed changes to the standard conditions for the civil engineering plans have been reviewed by the Northern Virginia – National Association of Industrial and Office Properties, and Northern Virginia Building Industry Association (NVBIA). NAIOP and NVBIA support 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. Following the approval of the Request to Advertise (RTA) for the proposed amendments the applicant for SP #13-Lofts at Crystal Houses and SP #346-Potomac Yard Land Bay D-East requested to maintain their existing conditions. The developer for SP #13 is concerned that since the project is on a ground lease they would also need to get permission from the property owner to consent to the changes which they did not want to pursue. Site plan #346-Potomac Yard Land Bay D-East is currently in the middle of its engineering plan review and the developer did not want to have the language changed to provide the additional flexibility. Staff has removed these site plans from the list of recommended site plans to be amended. All other applicants have consented to the proposed changes.

CONCLUSION: The proposed modifications to conditions that would be applied to the site plans and use permit (As shown in Table 1) would 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. The proposed modified conditions maintain the spirit and intent of the approved site plans and use permits, but would enable construction to proceed more smoothly. Therefore, staff recommends that the County Board adopt the attached ordinance to approve amendments to Site Plans #297, 331, 335, 346 (Potomac Yard Bay C and, Bay D-West and Center Park), 382, 413, and 417 to

amend 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. Further, staff recommends that the County Board also approve the proposal to amend Use Permits U-3148-05-1 to amend 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.

Site Plan Amendment Ordinance

WHEREAS, Site Plan Amendments for Site Plans #297, 331, 335, 346 (Potomac Yard Bay C and, Bay D-West and Center Park), 382, 413, and 417 was recommended for advertisement on the County Board's own motion on May 19, 2012; and

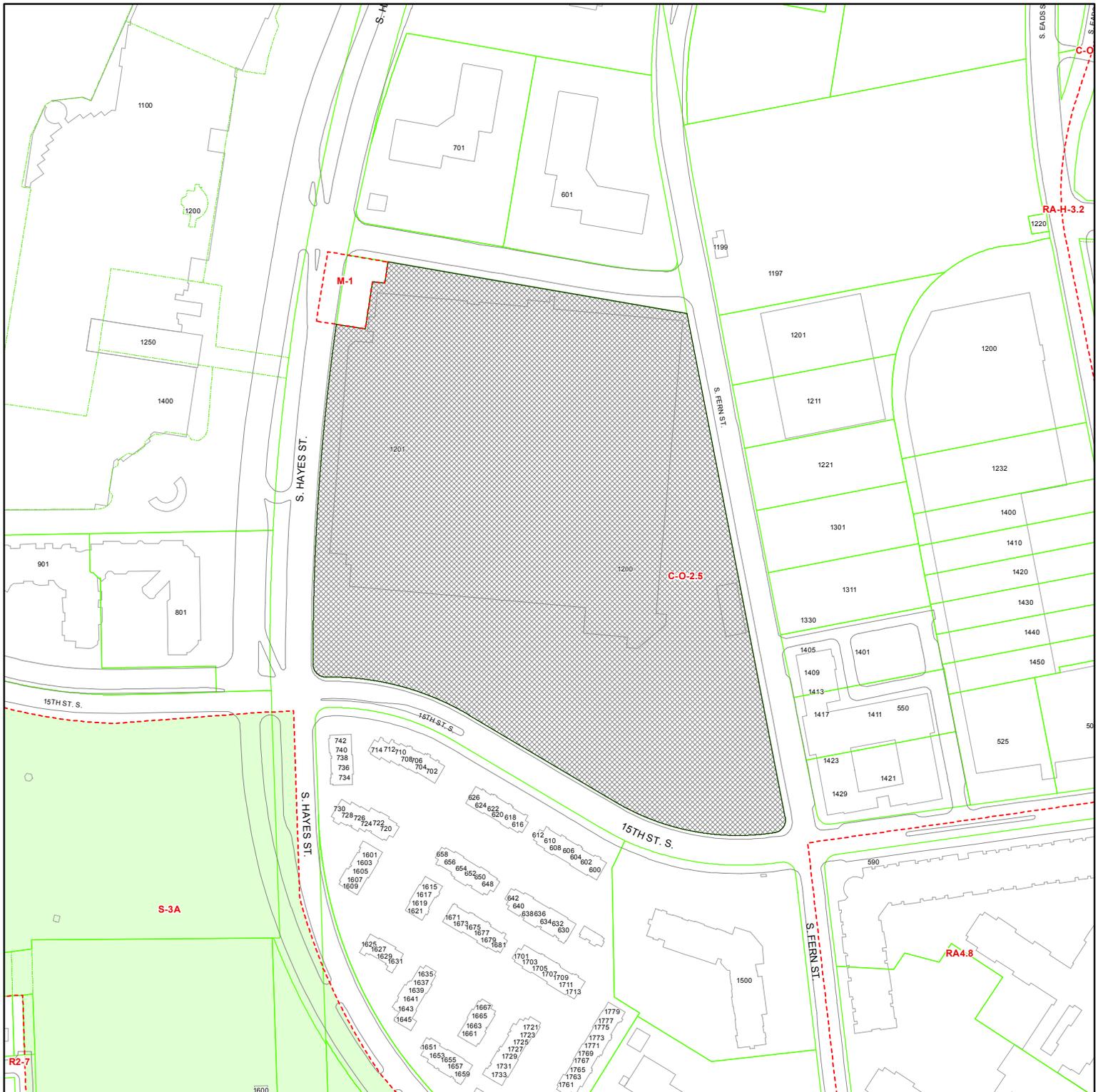
WHEREAS, as indicated in Staff Report(s) prepared for the June 16, 2012 meeting and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendments, with each site plan being subject to all previous conditions and amended conditions as set forth in the Staff Report[s] and shown in the Table 1 on page 3 of that Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on the Site Plan Amendments on June 16, 2012 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 Plans as amended:

- Substantially comply 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
- Functionally relate to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Are so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that for Site Plan Amendments for Site Plans #297, 331, 335, 346 (Potomac Yard Bay C and, Bay D-West and Center Park), 382, 413, and 417

approval is granted and the parcels so described shall be used according to the Site Plans as originally approved and amended from time to time as shown in the records of the Office of Zoning Administration, with the amended conditions as shown and described in the Report(s) prepared for the June 16, 2012 meeting, and listed in Table 1 on page 3 of the Staff Report.



Sp 297

1201 S. Hayes Street and 1200 S. Fern Street

RPC #35-004-001

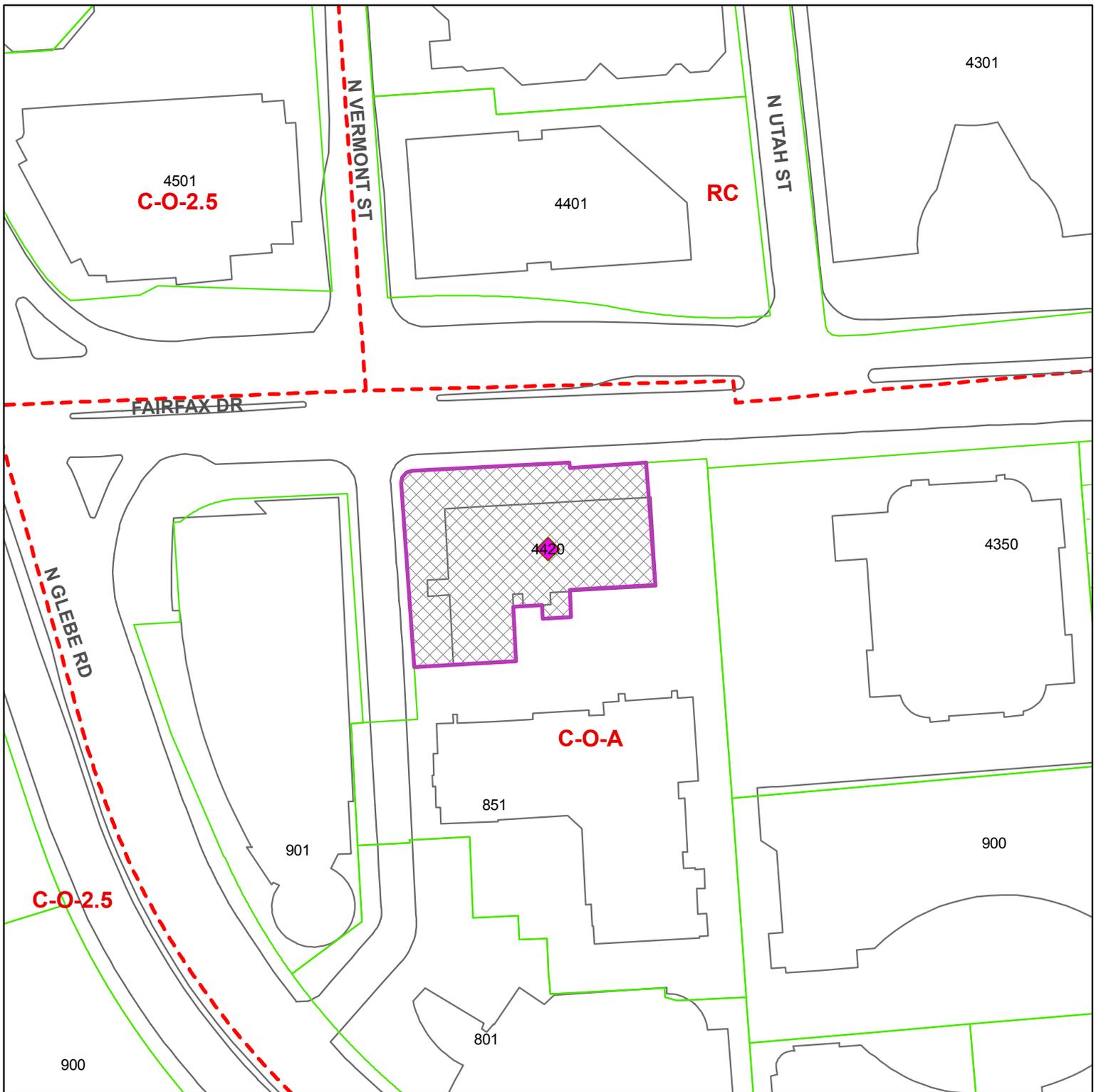


 Case Location

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

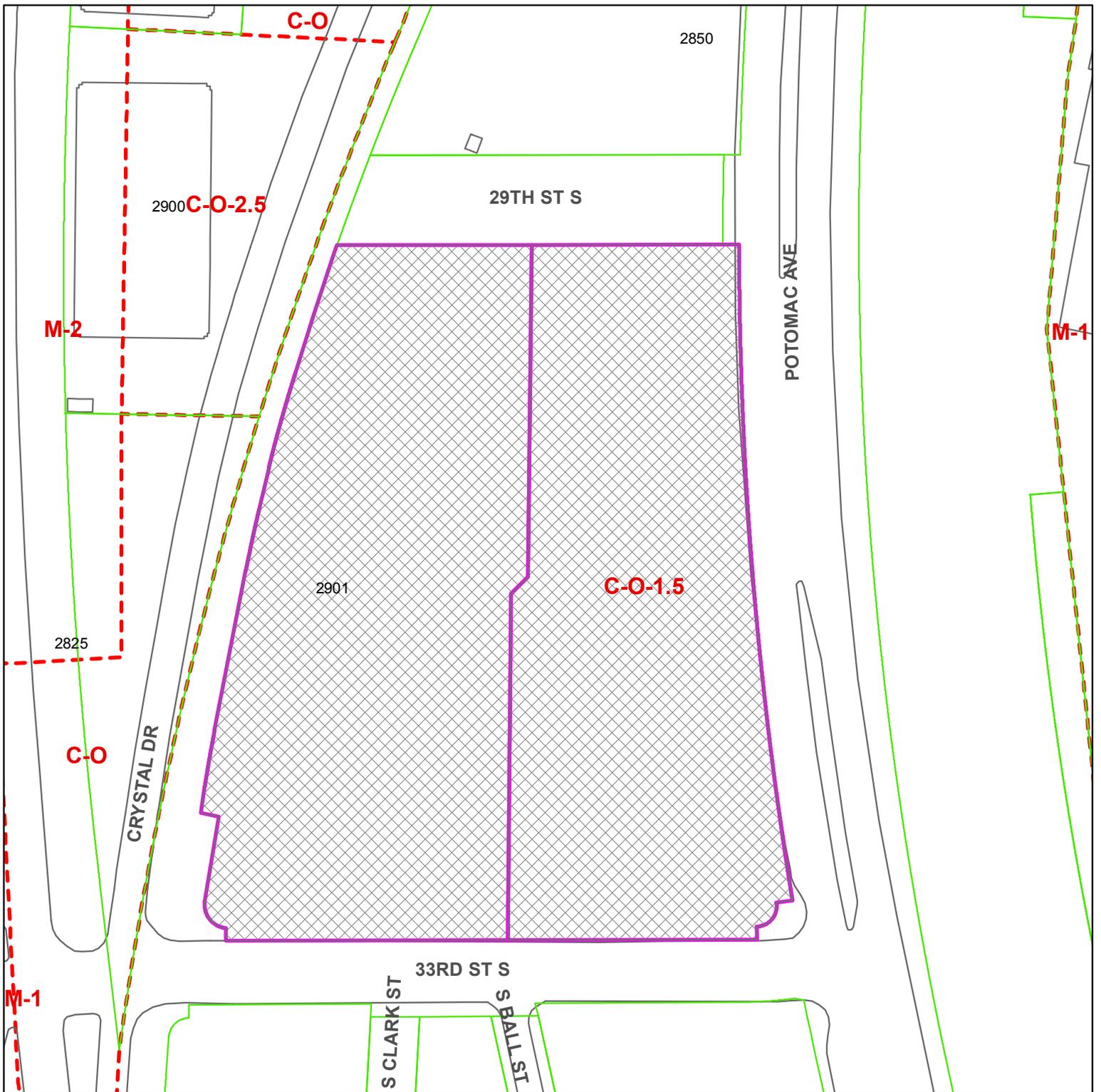
RPC #14-051-019



 Case Location(s)

Scale: 1:1,200

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

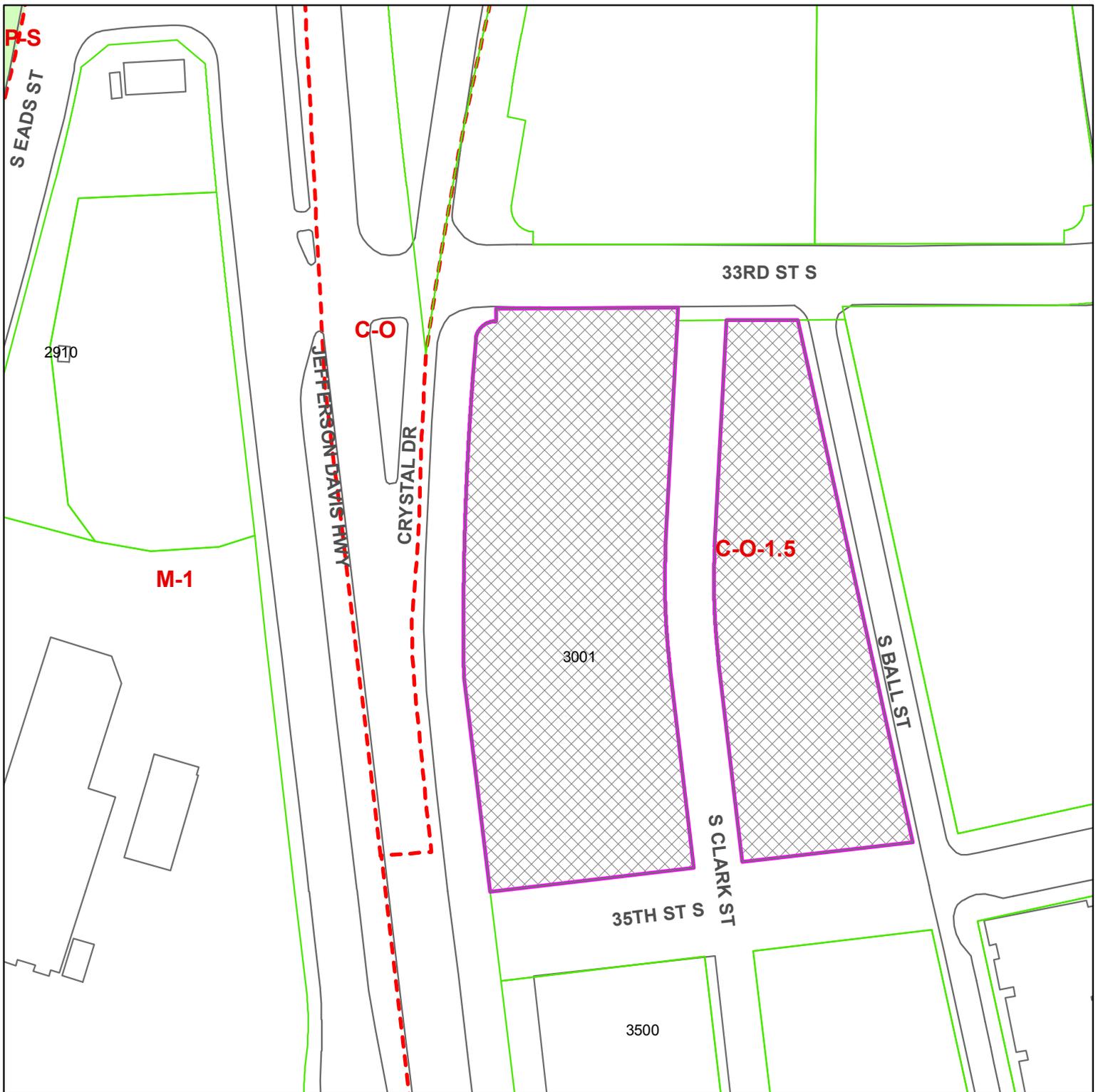
Potomac Yard Land Bay C, portion of Crystal Drive

RPC #34-027-071 and -072



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

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



SP# 346

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

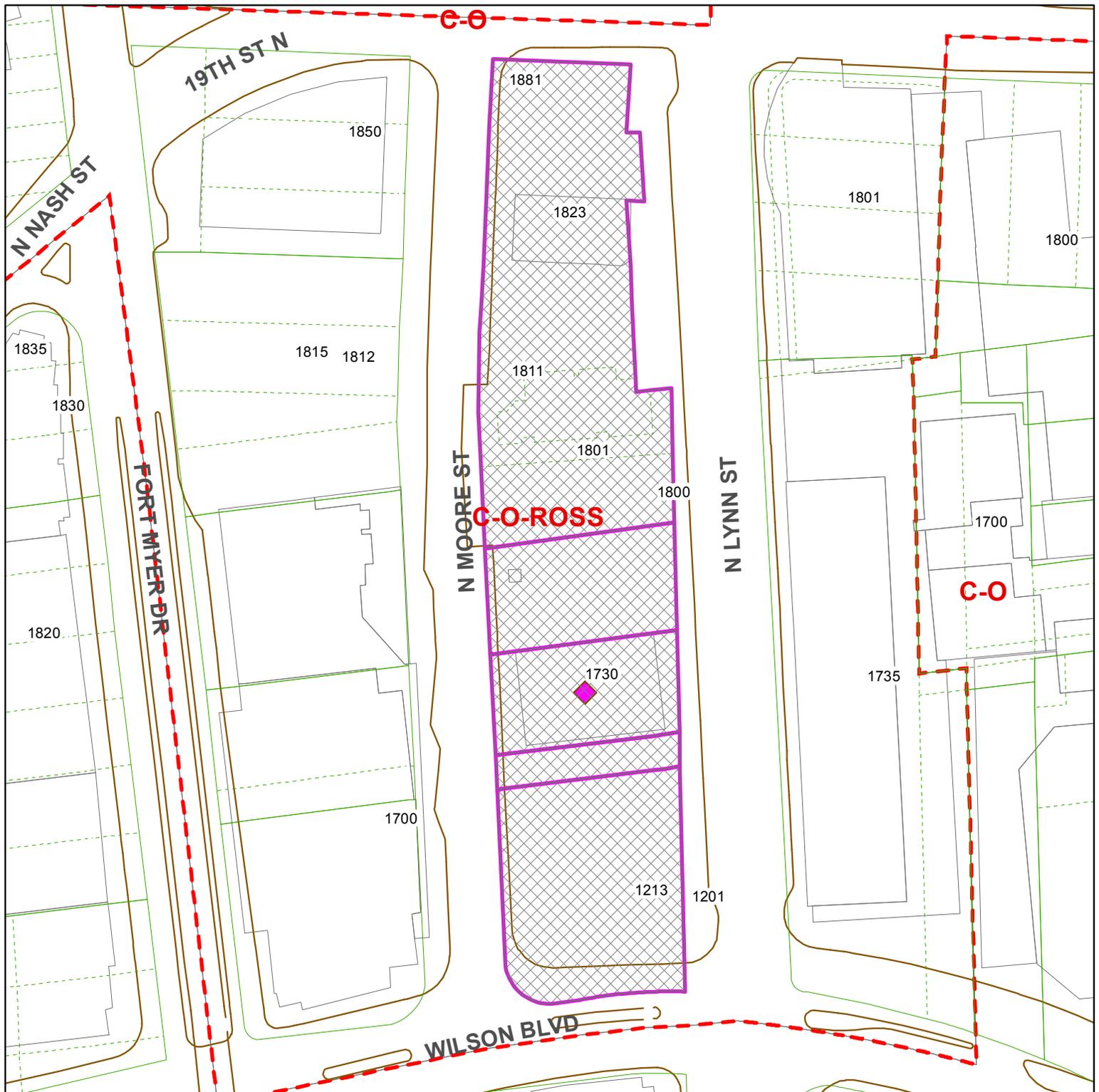
RPC #34-027-052 and -065



 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 #335

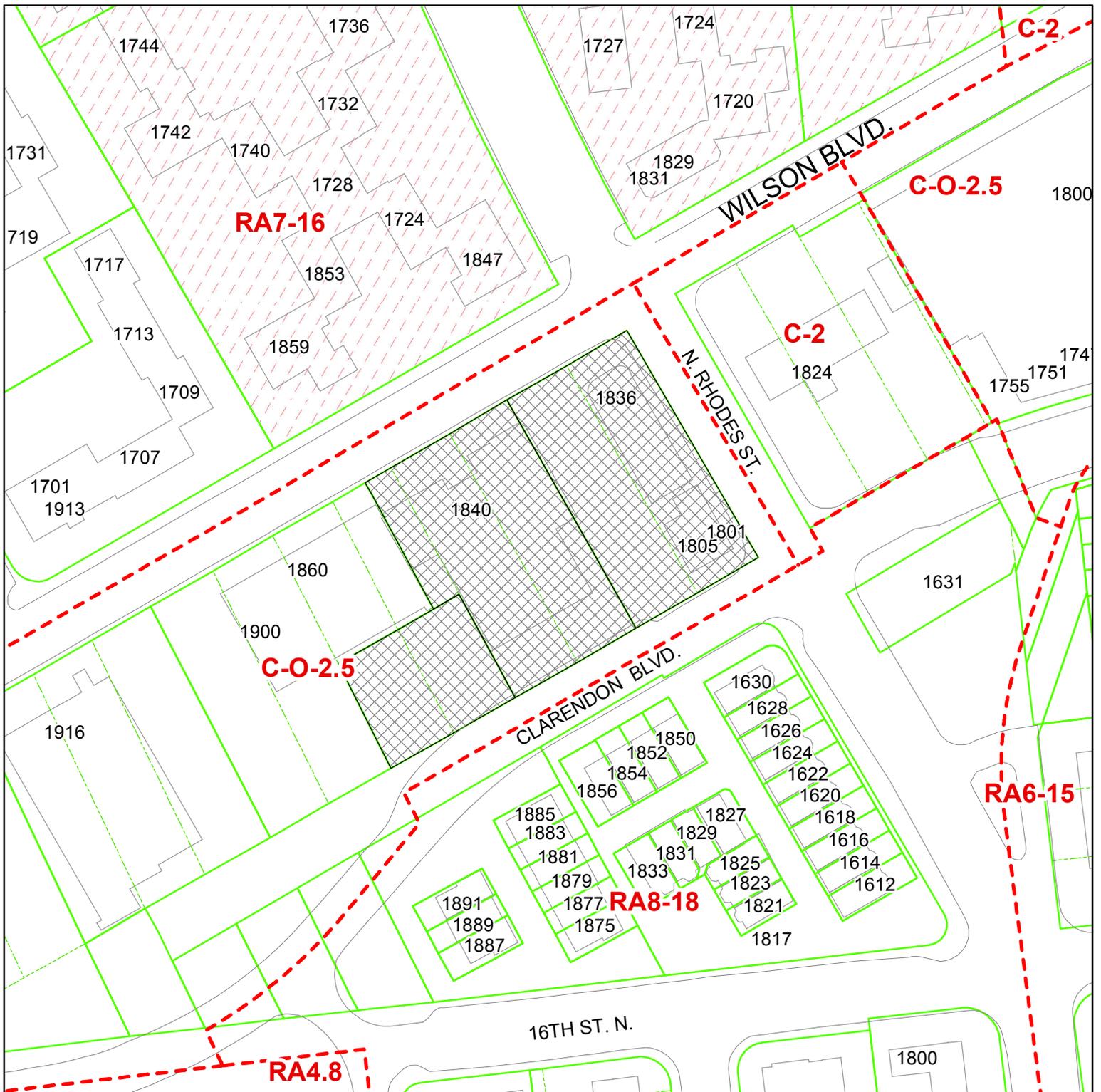
1201 Wilson Blvd., 1730 N. Lynn St., 1821 N. Moore St.

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



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

Note: These maps are for property location assistance only.
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Sp 382

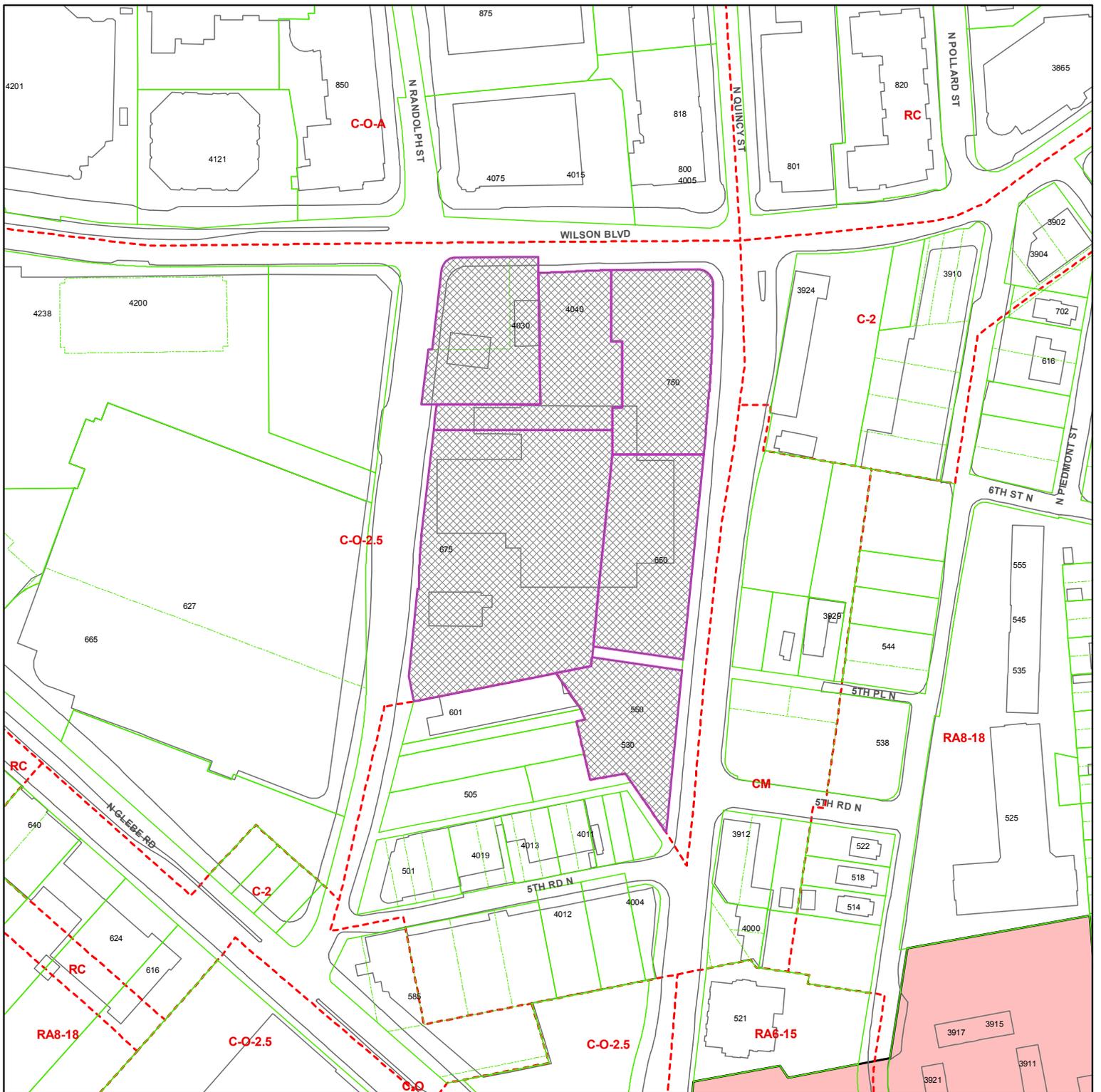
1836 and 1840 Wilson Boulevard, 1801 and 1805 Clarendon Boulevard, and portion of 17th Street North

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



 Case Location

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



SP# 413

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

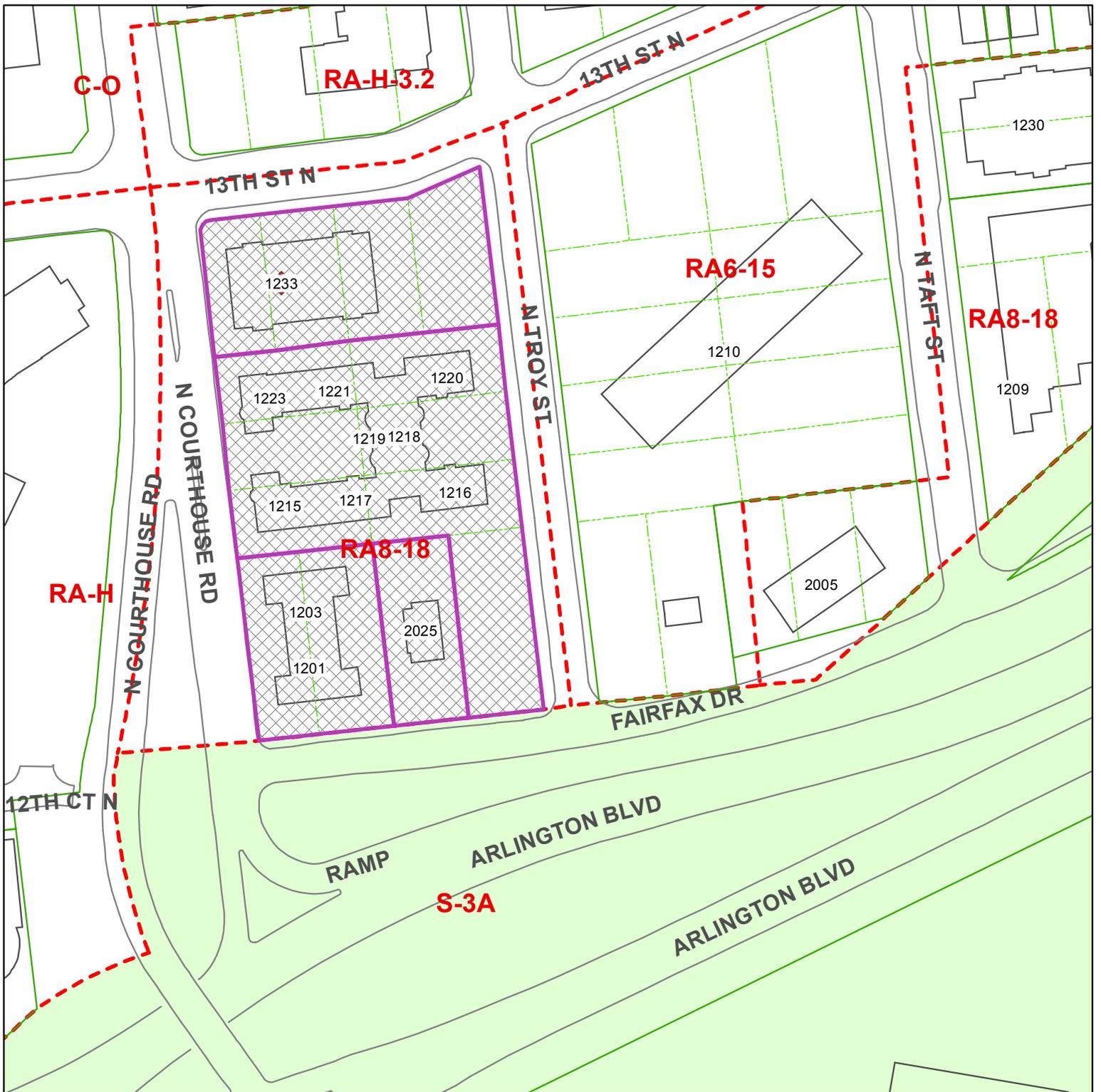
RPC #14-060-036, -068, -069, -070, -074, -077



 Case Location(s)

Scale: 1:2,214

Note: These maps are for property location assistance only.
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SP# 417

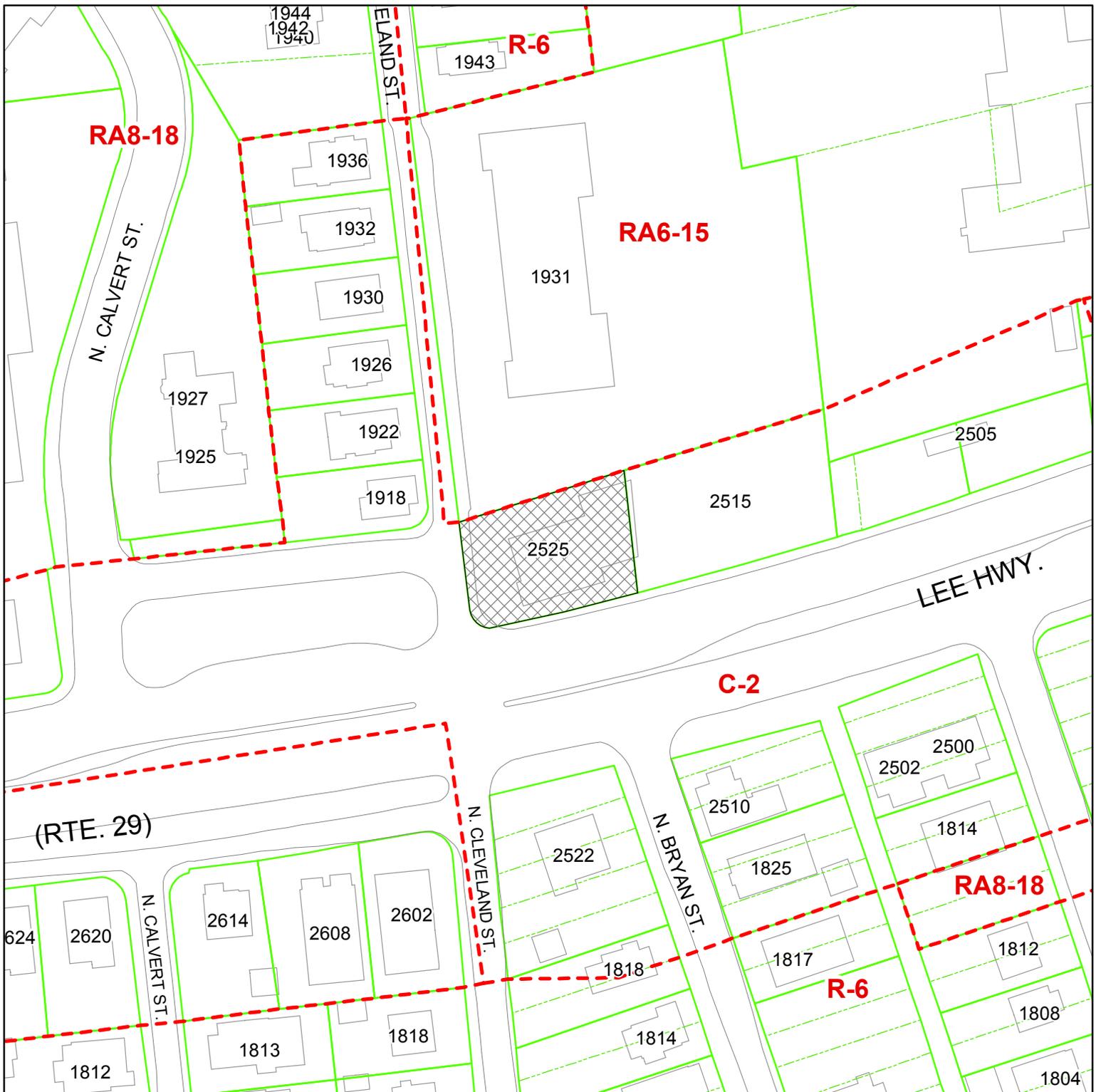
1201, 1215, 1223, and 1233 N. Courthouse Road and 2025 Fairfax Drive

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



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

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



U-3148-05-1

2525 Lee Highway

RPC #15-007-006



 Case Location

Note: These maps are for property location assistance only.
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