



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of September 15, 2012

DATE: August 27, 2012

SUBJECT: Request to Advertise a public hearing on a proposed amendment to Condition #21 of SP #386 (3901 N. Fairfax Drive) to amend the required street tree species along North Quincy Street.

C.M. RECOMMENDATION:

Authorize advertisement of a public hearing by the County Board, on its own motion, on October 20, 2012, to consider amending the required street tree species along North Quincy Street from *Acer rubrum* (Red Maple) to *Ulmus americana* 'Princeton' (American Elm).

ISSUES: This is a request for authorization by the County Board to advertise, on its own motion, a public hearing to consider amending Condition #21 of SP #386 to change the required street tree from *Acer rubrum* (Red Maple) to *Ulmus americana* 'Princeton' (American Elm). No issues have been identified.

SUMMARY: This is a request to authorize advertisement of a public hearing to amend Condition #21 of SP #386 (3901 N. Fairfax Drive), which requires that Red Maple be used as street trees along the site's frontage on North Quincy Street. The request to change the type of street tree came out of the public charrette held for the planned public plaza at 3901 N. Fairfax Drive. Participants in the charrette identified a desire for a double allee of street trees to both provide additional shade and to help define the boundary of the plaza. In order to create the desired effect of the allee, it was determined that the Red Maples do not provide sufficient shade, and that the 'Princeton' American Elm is the preferred alternate. Because the condition specifies the tree species, an administrative change was not possible. Therefore, staff recommends that the County Board advertise, on its own motion, a public hearing by the County Board on October 20, 2012 to consider amending Condition #21 which stipulates that Red Maple trees shall be planted along North Quincy Street.

County Manager:

BMD/GA

County Attorney:

OWM

Staff: Sophia S. Fisher, DCPHD, Planning Division
Brett Wallace, DCPHD, Planning Division

31.

BACKGROUND: SP #386 was approved by the County Board on January 21, 2012. The major site plan amendment includes a 201,627 square foot commercial building with 178,131 square feet of office space, 3,200 square feet of ground floor retail, a 12,985 square-foot black box theater, and a comprehensive sign plan. The approval included Condition #15.i, which outlined a post-approval charrette process to develop a concept design for the public plaza that will occupy the western portion of the site.

DISCUSSION: At the time of site plan approval in January 2012, the County Board wanted to give the public an opportunity to be involved in designing the proposed plaza. Therefore, Condition #15.i was added, which outlined a post-approval charrette process to gather community input and create a concept design, which would be implemented as part of the final landscape plan. One of the elements of the concept design that was proposed during the charrette and that garnered support from all who attended was a double allee of trees along North Quincy Street. Creating the allee would entail planting an additional row of street trees along the edge of the plaza where it meets the sidewalk. The double allee serves both to provide additional shade, and to help define the boundary of the plaza.

The 2002 Virginia Square Sector Plan classified different kinds of streets, and what street tree would be anticipated for each type of street. North Quincy Street is classified as “Streetscape Type B,” and Red Maple is specified as the anticipated type of street tree. This was carried into the site plan conditions for SP #386, which specify that Red Maples shall be used along North Quincy Street (Condition #21). After the charrette concluded, staff met with the developer on the concept plan and determined that 'Princeton' American Elm is the preferred tree species for the double allee of trees because it produces better shade than Red Maples. However, since Condition #21 of the site plan approval specifies that Red Maples will be the street trees on North Quincy Street, a site plan amendment is required to change the type of tree.

The applicant agrees to construct the revised plaza design (subject to cost limits in the conditions), but to achieve that design this site plan amendment is needed. Therefore, and because the applicant needs this change to accomplish the charette participants’ recommended plaza design, staff recommends that the County Board advertise, on its own motion, a public hearing to consider modifying the type of tree required by condition #21 of SP # 386.

CONCLUSION: It should be noted that a recommendation to authorize advertisement does not imply support of approval of the proposed site plan amendment. However, for the County Board to consider modifying the type of tree required by Condition #21 of SP #386 (3901 N. Fairfax Drive), a public hearing must be advertised. Therefore, staff recommends that the County Board advertise a public hearing by the County Board on October 20, 2012 to consider amending Condition #21 which stipulates that Red Maple trees shall be planted along North Quincy Street. Conditions #15.i and 21 are included below for reference:

- 15.i The developer agrees, prior to issuance of the Footing to Grade Permit, to develop, and to a make a request in writing to the County Manager for the approval of, the final designs for the plaza and the segment of 10th Street North between North Quincy Street and North Pollard Street (“10th Street North”), the design of which shall be coordinated

with the plaza design. The Developer agrees to participate in the process outlined below prior to seeking approval of the Footing to Grade Permit:

- (1) The Developer will participate in a County-organized Workshop (“Workshop”), which will be facilitated by a consultant selected by the County in order to engage the Ballston-Virginia Square community and stakeholders in the design of the plaza and the 10th Street North pattern and street paving material design. The notification list for the public design workshop shall be created by the County Manager, in coordination with the SPRC Chair. The Workshop will be scheduled within sixty (60) days of approval of the site plan by the County Board. The Workshop will be organized with a timeline that will allow participants to learn about the project site and its constraints (including, but not limited to, the garage intake vent) and opportunities, to discuss potential programming for the plaza, to create design concepts, and for the participants to select a final plaza and 10th Street North design concept. The outcome of the Workshop will be a plaza and a 10th Street North design concept which will include, but not be limited to, the types of plaza amenities, their placement in the plaza, landscaping, site lighting and other design features needed to develop a plaza that will meet the stated goals in the Virginia Square Sector Plan. The 10th Street North concept will include the pattern and color selection of the high performance color coating to be applied to the asphalt in the area designated in the December 9, 2011 plans and revised drawing entitled Revisions to West Elevation dated January 13, 2012. The Workshop is intended to be one-day in duration. Should a second Workshop be necessary, it shall be held within 30 days from the first meeting. A staff summary of the Workshop’s conclusions shall be completed within 30 days of the Workshop.
- (2) The Developer agrees to work with the County Manager to address feedback from the Workshop and agrees to submit a revised design concept for the plaza and 10th Street North to the County Manager for review at one SPRC meeting. The developer further agrees to work with staff to address comments from the SPRC meeting. In the event that the developer does not receive comments on the landscape plan for the plaza and 10th Street North in writing from the County Manager within fifteen (15) days of the subject SPRC meeting, the developer may proceed to seek approval of the landscape plan for the plaza design as shown on the plans dated December 9, 2011 and revised drawing entitled Revisions to West Elevation dated January 13, 2012, and approved by the County Board on January 21, 2012, or at its sole discretion, the developer may extend the deadline for receiving County comments.
- (3) Following SPRC review and issuance of comments from the County Manager, the developer agrees to submit a revised plan for the plaza and 10th Street North to the County Manager for final approval. The County Manager shall approve the revised final site development and landscape plan upon a finding that the plan addresses the County Manager’s comments. The final plaza

design shall include the location and design of hardscape and plantings, street furniture including benches, lights, trash receptacles, and any other aesthetic and functional elements to be located in the plaza, paving patterns, shade canopy structure, and a water feature, or such elements as detailed in the final plaza design as approved by the County Manager following the Workshop and SPRC review. If the final plaza design and the final 10th Street North design pursuant to this condition are not finally approved by the County Manager by the time of approval of the final landscape plan or the final site engineering plan as set forth in Condition #18, then these plans will not be required to include the final plaza design and the final 10th Street North design. In such event, the developer agrees to obtain approval from the County Manager, prior to issuance of the Footing to Grade Permit, for amendments to the approved final landscape plan and the approved final site engineering plan, both of which shall incorporate the final plaza design and final 10th Street North design.

In the event that the County Manager has not approved the final plaza design and final 10th Street North design within one year of County Board approval of this site plan, then the developer shall have the option to seek approval of the landscape plan for the plaza design as shown on the plans dated December 9, 2011 and revised drawing entitled Revisions to West Elevation dated January 13, 2012, and construct such approved landscape plan.

If the total cost to the developer for the final plaza improvements exceeds \$825,000, based on the cost estimates submitted by the developer dated December 20, 2011, including the detailed estimate prepared by HITT dated December 5, 2011, then the developer shall notify the County Manager of this fact. Upon a finding that the total cost to the developer for the final plaza design improvements exceeds \$825,000, the County Manager may, at his or her sole option, and within thirty (30) days of receiving the cost estimate, choose to: (1) adjust the design of the plaza with the developer's participation and cooperation to reduce the cost of the plaza design; or (2) advise the developer that the County will pay the cost to the extent it exceeds \$825,000. The total cost to the developer for the plaza improvements will be adjusted annually 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 total cost limit shall be increased yearly, using the base year which is on the first anniversary date of site plan approval (January 21, 2013). Thereafter, the total cost limit will be increased on the anniversary of approval by the same percentage as the percentage difference in the CPI from the prior year anniversary of the date of approval. Wherever the \$825,000 figure appears in this condition, it shall be deemed to be the number adjusted for CPI as set forth in this condition. The \$825,000 figure will include the costs incurred by the developer in constructing a plaza which includes hardscape and plantings, plaza furniture, lights, trash receptacles, and any other aesthetic and functional elements to be located in the plaza, paving patterns, shade canopy structure, and a water feature, or such elements as detailed

in the final plaza design as approved by the County Manager but will not include the costs of the garage deck and any water proofing material that may be used underneath the plaza. The final plaza design, together with a revised cost estimate for the design and construction of the plaza, shall be subject to prior written approval by the County Manager to ensure that improvements are consistent with the level of the design approved by the County Board. In addition, the developer agrees to include the following information at the time of the final plaza design submission:

- (1) A revised cost estimate to design and construct the plaza as shown on the plans dated December 9, 2011 and revised drawing entitled Revisions to West Elevation dated January 13, 2012, or as modified pursuant to the process described above;
- (2) An annual maintenance plan, subject to approval by the County Manager;
- (3) Details of the plaza amenities and structures as described above;
- (4) The final sidewalk pattern and design of walkways located internal to the plaza, and the final selection of materials and colors to be used, subject to the approval of the County Manager as consistent with County standards for such materials and colors.

The final 10th Street North design shall be consistent with, and include the elements depicted on page L5.01 of the plans dated December 9, 2011 and revised drawing entitled Revisions to West Elevation dated January 13, 2012, and approved by the County Board on January 21, 2012, including a mountable curb, and the installation of a high performance color coating on the asphalt, approved by the County Manager. The asphalt coating will be applied in a pattern with two colors and the colors will have a white line border separating the on-street parking from the street. The final design for 10th Street North shall include the same level of detail outlined and required in Conditions #15 and #16.

The developer agrees to implement the approved plaza and 10th Street North plans, including all site elements in the approved final site development and landscape plan, and complete construction of the plaza and 10th Street North prior to issuance of the first partial Certificate of Occupancy for tenant occupancy for the site plan. The developer agrees to maintain the plaza (but not 10th Street North), including all elements within the plaza, for the life of the site plan.

* * *

21. **Sidewalk Design and Improvements**

The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager on the final landscape plan and final civil engineering plan, in accordance with the Arlington

County Streetscape Standards or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The clear pedestrian zone of all public sidewalks shall also be indicated.

The sidewalk clear zones along the street frontages of this development shall be consistent with the Arlington County Streetscape Standards and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. The developer agrees that the clear pedestrian zone sidewalk shall:

- a. Continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic.
- b. Not be less than six feet wide at any point
- c. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards
- d. Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval and under the provisions of the Arlington County Streetscape Standards.
- e. Not contain joints or use patterns that create gaps of ¼-in depth or greater at spacings of less than 30.”

The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first partial Certificate of Occupancy for occupancy of the applicable phase of the project/tenant occupancy, as such phases are defined in condition #83.

The sidewalks shall contain street trees placed in either tree pits, or planting strips, consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified below. Placement, planting and root enhancement options shall be consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer, or any subsequent owner, also agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The sidewalk sections and street tree species shall be as follows:

Fairfax Drive – A minimum 20-foot wide sidewalk measured from the back of curb, maintaining a 10-foot wide clear sidewalk, including 6 feet by 12 feet tree pits, planted with 4 to 4 ½ inch caliper Willow Oak street trees at 28- to 32-feet on center tree pits 6 feet by minimum of 12 feet with such ground cover as liriop *liriop muscarii*, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), and placed a minimum of eight (8) inches back from the back of curb.

North Quincy Street – A minimum 16-foot wide sidewalk measured from the back of curb, maintaining a 10-foot wide clear sidewalk, including 5 feet by 12 feet tree pits, planted with 4 to 4 ½ inch caliper ~~Red Maple~~ *Ulmus americana* 'Princeton' (American Elm) street trees at 28- to 32-feet on center and such ground cover as liriop *muscarii*,

hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), and placed a minimum of eight (8) inches back from the back of curb.

10th Street North – A minimum 14-foot wide sidewalk measured from the back of curb, maintaining a 8-foot wide clear sidewalk, including 5 foot wide Low Impact Development (LID) tree strips with understory bioretention plantings, planted with 4 to 4 ½ inch caliper London Plane Tree street trees at 24- to 28-feet on center and such ground cover as lirioppe muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), and placed a minimum of eight (8) inches back from the back of curb.

North Pollard Street – A minimum 10- to 14-foot wide sidewalk measured from the back of curb, maintaining a 8-foot wide clear sidewalk, including 5 feet by 12 feet tree pits, planted with 4 to 4 ½ inch caliper London Plane Tree street trees in tree pits 5 feet by 12 feet or as fits between parallel parking spaces and with such ground cover as lirioppe muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), and placed a minimum of eight (8) inches back from the back of curb.

PREVIOUS COUNTY BOARD ACTIONS:

- July 9, 1983 Approved use permit (U-2380-83-2) for a cremation unit within a funeral home with a review in one year.
- September 8, 1984 Continued use permit for a cremation unit within a funeral home with a review in three years.
- September 12, 1987 Continued use permit for a cremation unit within a funeral home with no further review.
- May 7, 1994 Approved use permit amendment for construction of a two-story garage and storage building, subject to all previous conditions, new conditions, and review in one year following issuance of a Certificate of Occupancy.
- April 26, 2003 Approved General Land Use Plan amendment from “High-Medium Residential Mixed-Use” to “Medium” Office-Apartment-Hotel.
- November 15, 2003 Deferred rezoning to “C-O-2.5” and site plan for approximately 140 dwelling units, community facility, public plaza, and retention of existing commercial use.
- December 6, 2003 Denied site plan for approximately 140 dwelling units, community facility, public plaza, and retention of existing commercial use, and accepted withdrawal of rezoning to “C-O-2.5”
- July 10, 2004 Approved Z-2516-04-1 rezoning from “C-2” Service Commercial – Community Business Districts to “C-O-2.5” Commercial Office Building, Hotel and Apartment Districts for premises known as 3901 N. Fairfax Dr ; and approved site plan for approximately 135 dwelling units, ground floor retail, community black box theater, plaza, existing funeral home, with modification of use regulations for density, setbacks, exclusion of community facility space and below grade storage from calculation of GFA.
- September 8, 2007 Deferred to the October 13, 2007 County Board meeting the site plan amendment for approximately 120 dwelling units, ground floor retail, community black box theater, plaza, funeral home, with modification of use regulations for density and exclusion of community facility space and below grade storage; 3901 N. Fairfax Dr.

October 13, 2007
Deferred to the November 13, 2007 County Board meeting the site plan amendment for approximately. 120 dwelling units, ground floor retail, community black box theater, plaza, funeral home, with modification of use regulations for density and exclusion of community facility space and below grade storage; 3901 N. Fairfax Dr.

November 27, 2007
Approved a site plan amendment for approximately 120 dwelling units, ground floor retail, community black box theater, plaza, funeral home, with modification of use regulations for density and exclusion of community facility space and below grade storage; 3901 N. Fairfax Dr.

January 21, 2012
Approved a major site plan amendment for a 201,627 square foot commercial building with 178,131 square feet of office space, 3,200 square feet of ground floor retail, a 12,985 square-foot black box theater, and a comprehensive sign plan with modifications of zoning ordinance regulations for parking ratio, increased sign area, changeable copy signage, and surface parking as an interim use, exclusions from density for the theater, below-grade storage and a below-grade fitness facility, bonus density for LEED Gold certification, affordable housing contribution, and specific construction problems and techniques needed for the black box theater and open space and environmental amenities; 3901 N. Fairfax Dr.



**WALSH COLUCCI
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August 20, 2012

Via E-Mail Only

Ms. Sophia S. Fisher, AICP
Associate Planner
Arlington County CPHD
Planning Division, Suite 700
2100 Clarendon Boulevard
Arlington, VA 22201

**Re: 3901 Fairfax Drive – Site Plan #386
Minor Site Plan Amendment on County Board's Own Motion
Condition #21 – Request to change species of tree
Applicant: BDC Crimson, LLC**

Dear Sophia:

On behalf of the Applicant, and as a follow up to our meeting with Staff on July 19, 2012, the following letter serves to confirm the Applicant's agreement with Staff to modify the species of tree for the double allee of trees in the plaza from Red Maple to *Ulmus Americana* 'Princeton' (American Elm).

By way of background, Site Plan #386 was approved by the County Board on January 21, 2012. Pursuant to the approved site plan conditions, the Applicant has been working with Staff, the community, and SPRC in order to refine the final design of the on-site public plaza. As part of this collaborative process, it was recommended that a different species of tree would be more appropriate for the double allee of trees, which has been designed to run north-south along the Quincy Street side of the plaza.

Approved Site Plan Condition #21 specifies that Red Maple trees shall be planted along Quincy Street. After working with Staff and SPRC on the plaza details, our preference is to substitute the Red Maple trees with the Princeton American Elm because of the Elm's preferred growth habit. The Elm provides a more airy shade canopy with its upright vase shape branch habit, as opposed to the lower branching habit of the Red Maple. This particular Elm is also fast growing and is resistant to the Dutch Elm disease. When selecting the tree specimens at the nursery, care should be taken to hand select matching canopies and growth habit, since they vary from the seed/grafting propagation process.

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COURTHOUSE PLAZA ■ 2200 CLARENDON BLVD., THIRTEENTH FLOOR ■ ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 ■ PRINCE WILLIAM OFFICE 703 680 4664

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ATTORNEYS AT LAW

August 20, 2012

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It is our understanding that the County Board intends to advertise this minor site plan amendment to modify the species of street tree as an amendment on the Board's Own Motion. The Applicant agrees to this modification.

Thank you for your attention to this matter. Please do not hesitate to contact me if you require any further information to proceed with this amendment for the October 20, 2012 County Board Hearing.

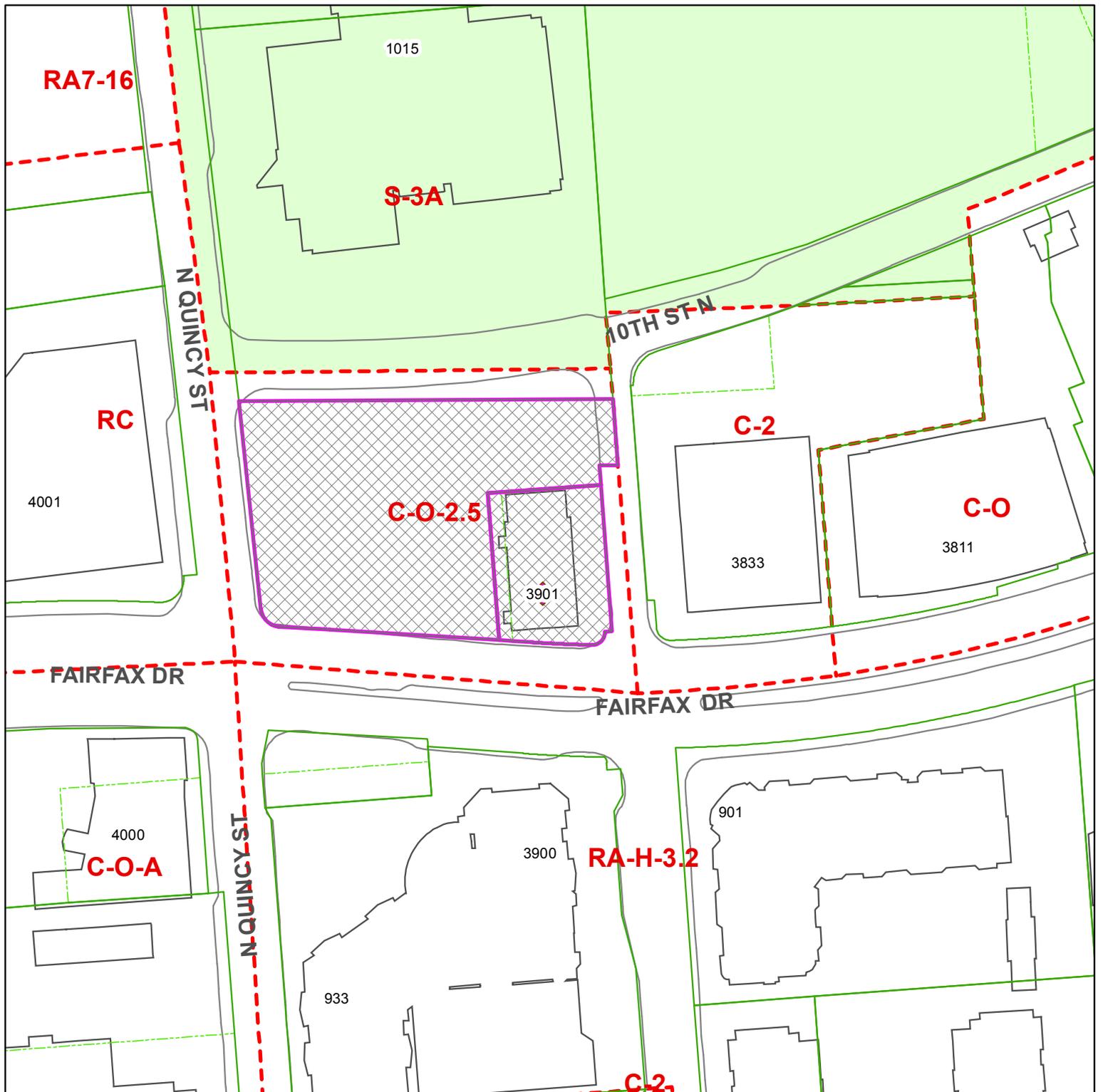
Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

A handwritten signature in cursive script that reads "Nan E. Walsh by em".

Nan E. Walsh

cc: Chris Chambers
Chris Lukawski
Joe Plumpe
Loren Helgason
John Becker
John Lutostanski
Elizabeth McKeeby



SP# 386

3901 North Fairfax Drive

RPC# 14-030-057 and -058



 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.