



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 19, 2008**

DATE: April 1, 2008

SUBJECT: SP #331 SITE PLAN AMENDMENT to modify conditions, including but not limited to, site plan expiration date, inflationary adjustment to monetary contributions, and applicable development standards; 4420 Fairfax Dr. (RPC #14-051-019)

Applicant:

JBG/Fairfax Drive, LLC

By:

Nan Walsh
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201

C. M. RECOMMENDATION:

Approve, the site plan amendment request to revise site plan Conditions #1, #17.b, #40, #48.c and e, #78, #80, #87, and #89.

ISSUE: This is a site plan amendment request to extend the site plan by three (3) years. Staff has not identified any issues, but recommends updates to site plan conditions that include expiration dates, monetary contributions not based on land value, and conditions for which County standards have changed.

SUMMARY: The applicant has not pursued construction of the approved residential site plan due to market conditions and has requested to extend the site plan term by three (3) years. The site plan, which includes design and construction of a significant portion of a new western entrance to the Ballston Metro station, meets nearly all current standards for site plans. The approved site plan, with its associated benefits and site plan conditions, is appropriate for the site and provides a major component of a long-desired goal of providing a western entrance to the

County Manager: _____

County Attorney: _____

Staff: Lisa Maher, Planning Division, DCPHD
Adam Denton, Transportation Division, DES

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Ballston Metro Station. Staff recommends extension of the site plan term by three (3) years, as well as minor revisions in other site plan conditions as described in the discussion below.

BACKGROUND: On January 21, 2006, the County Board approved incorporation of Site Plan #6 into Arlington Gateway Site Plan #331 and approved a site plan amendment to add a 23-story residential building with ground floor retail space. The proposal included additional height and density for provision of a major contribution in design and construction toward a long-planned western entrance to the Ballston Metro Station.

DISCUSSION: Due to changed market conditions, the applicant has not begun final design or construction of the approved project and has requested to extend the term of the site plan, currently due to expire on January 21, 2009, for an additional three (3) years. There have been no changes in the area that would lead staff to recommend not extending the term of the site plan. Staff, however, also recommends revisions to site plan conditions that: 1) include provisions with deadlines tied to the original site plan approval or expiration dates; 2) include monetary contributions for items whose costs will increase due to inflation; and 3) include provisions for which site plan standards have changed since the site plan approval in January 2006. Staff does not recommend changing the values related to the Ballston western Metro entrance benefit. While construction costs have risen since site plan approval, the amount of the benefit was calculated based on the values of the additional density in the project and the related easement vacations. These values have likely decreased since the original site plan approval; however the applicant has agreed to maintain these originally negotiated values.

Specific condition revisions, which the applicant has agreed to, are as follows:

- Condition #1: Extend the site plan term by three (3) years, to January 21, 2012;
- Condition #17.b: Include a Consumer Price Index factor to increase the contribution for a traffic signal to account for inflation;
- Condition #40: Update references to the approval date of the Bicycle Transportation Plan, County entities to approve the bicycle plan for the project, and clarify the proximity of retail bicycle parking to the retail entrances;
- Condition #48.c and e: In the Transportation Demand Management Plan, update language related to a transportation kiosk or information display, and elements to be provided in the business center;
- Condition #78: Extend the timing of related easement vacation requests by three (3) years, to January 21, 2012;
- Condition #80: Extend the deadline for approval of traffic calming measures for Continental Alley by the Continental Condominium to coincide with the site plan term extension;
- Condition #87: Extend the time during which the applicant agrees to hold open its monetary offer to the owner of the Ellipse Office Building for an easement to coincide with the site plan term extension;
- Condition #89: Include a Consumer Price Index factor to increase the contribution for traffic calming within the site plan to account for inflation.

CONCLUSION: Market conditions have delayed development of a number of site plan projects, including the Fairmont. The approved site plan, with its associated benefits and site plan conditions, is appropriate for the subject site and provides a major component of a long-desired western entrance to the Ballston Metro station, which would effectively extend the capture area for Metro patrons in and around Ballston. Staff recommends that this site plan should be extended, at the request of the applicant, from its current expiration in January 2009, since it will not otherwise vest before that date. Since the project was extensively reviewed just over two (2) years ago, most aspects of the approval meet current standards. Staff recommends minor revisions in site plan conditions to revise the expiration date of the site plan and some of its requirements, to provide for increases in certain contributions based on cost of living increases, and to make minor updates in two transportation-related conditions, in order to bring the site plan up to current standards.

REVISED CONDITIONS:

1. The developer (as used in these conditions, the term developer shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated January 11, 2006, and reviewed and approved by the County Board and made a part of the public record on January 21, 2006, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

The developer agrees that this site plan amendment expires ~~three (3) years after the date of County Board approval~~ January 21, 2012 if the Final Building Permit has not been issued for the building to be constructed at 4420 Fairfax Drive pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this site plan and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the site plan is subject to, among other things, inclusion of amended or additional site plan conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the developer and accepted by the County Board or vice versa.

Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee.

17. b. The developer agrees to contribute \$150,000 for the design and installation of a traffic signal at the intersection of North Fairfax Drive and North Vermont Street prior to issuance of the final building permit for the project. If the contribution is made later than January 21, 2009, the contribution amount will be adjusted based on the

percentage change in the Consumer Price Index-Urban (CPI-U) between January 21, 2009 and the first day of the month in which the contribution is made.

(Remainder of Condition #17 not included here.)

40. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to residential and retail areas on the following basis at a minimum:

Residential Bicycle Storage Facilities:

One (1) resident bicycle parking space for every three (3) residential units, or portion thereof, and one (1) visitor space for every 50 residential units, or portion thereof.

Resident bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site plan. The facilities, including parked bicycles, shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire egress. The facilities for resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003 2008, and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor entrance. Visitor parking must be located within 50 feet of the primary building entrance. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the ~~Zoning Administrator~~ Bicycle and Pedestrian Program Manager before the issuance of the Footing to Grade Structure Permit. Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.

Retail Bicycle Storage Facilities:

Two (2) retail visitor/customer bicycle parking spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) additional retail visitor/customer space for every 12,500 square feet, or portion thereof, of additional retail floor area; and one (1) additional retail employee space for every 25,000 square feet, or portion thereof, of retail floor area. The retail visitor/customer bicycle spaces shall be installed at exterior locations that are within 50 feet of the primary entrance convenient to the retail visitors/customers, and such locations shall be reviewed by the Division of Transportation. The developer agrees to obtain approval of the location, design and details of the retail visitor/customer bicycle spaces as part of the final site development and landscape plan. Facilities for retail visitors/customers must meet the County standards for bicycle racks, and be located close to retail visitor/customer entrances or the closest retail vehicle parking spaces and approved by the Bicycle and Pedestrian Program Manager before installation.

48.

Facilities and Improvements:

- c. Provide in the residential lobby a Transportation Kiosk or information display, the content/design/location of which shall be approved by ~~the developer, (static display with printed materials or dynamic display with direct electronic link to CommuterPage.comTM)~~ ACCS / ATP, to provide transportation-related information to residents and visitors.
- e. Maintain at least one on-site business center (including at a minimum, access to copier, fax, pc, and internet services in a minimum 56 sq. ft. of space), which shall be made available to residents of the building who choose to work from home.

(Remainder of Condition #48 not included here.)

78. This site plan approval is conditioned upon the vacation of a portion of North Vermont Street and certain public street and utilities easements. The developer agrees to obtain approval of an ordinance of vacation and meet all conditions for vacation before issuance of the first Certificate of Occupancy for the building. Unless all conditions of such approved ordinance have been met by January 21, ~~2009~~ 2012, this site plan amendment approval shall be null and void and of no force or effect.

80. If the egress easement agreement described in Condition #87 is not granted and the Continental Alley remains open, the developer agrees to install a sign limiting access to authorized vehicles only, three (3) speed bumps, a gate arm, and a stop signal in Continental Alley in order to slow vehicular traffic in proximity to the egress point of the Continental's garage. The developer further agrees to construct a raised median/channelization structure to separate Fairfax Alley vehicles from exiting Continental traffic as shown on the final site engineering plan approved by the County Manager. The speed bumps, with gate arm, stop signal, and sign shall be located as shown on the plans dated January 11, 2006, and as shown on the site engineering and building plans and approved by the County Manager. The developer agrees to install the sign, median/channelization structure, speed bumps, gate arm, and stop signal within 90 days of written approval by the condominium homeowners association (called "The Unit Owners Association of The Continental, a Condominium). If The Unit Owners Association of The Continental, a Condominium does not furnish written approval by January 21, ~~2009~~ 2012, then the developer shall have no obligation to install the sign, speed bumps, gate arm, or stop signal. The developer agrees to perform a study of traffic counts and traffic assignments in Continental Alley between six and twelve months after the later of 1) installation of the above described speed bumps, gate arm, and signal and 2) issuance of a certificate of occupancy for any part of the top floor of the Gateway hotel. The developer shall furnish the results of this study to the County Manager and to the The Unit Owners Association of The Continental, a Condominium. If the County Manager determines, with input from the The Unit Owners Association of The

Continental, a Condominium, that significant unauthorized vehicles are traveling in Continental Alley, the developer agrees to work with the above parties to develop additional measures to reduce or eliminate such unauthorized traffic.

(Remainder of Condition #80 not included here.)

87. The developer agrees to hold open its monetary offer to the owner of the Ellipse Office Building, as stated in the November 9, 2005, letter from The JBG Companies to Miller Global Properties, for a period not to exceed one year from the date of issuance of a Certificate of Occupancy for any part of the top floor of the NRECA 2 building, or January 21, ~~2009~~ 2012, whichever is earlier. In the event that the owner of the Ellipse Office Building does not grant, within this period, an egress easement over the Ellipse Office Building's internal access road to North Fairfax Drive in order to permit use by the Arlington Gateway Hotel truck traffic, then the developer's obligation under this condition shall become null and void. Such easement agreement shall prohibit truck traffic serving the hotel from accessing the easement area during the hours of 8:00 a.m. to 9:30 a.m. and 4:30 p.m. to 6:00 p.m., Monday through Friday, other than holidays.
89. The developer agrees to fund a Traffic management and/or calming account to be administered by The Unit Owners Association of The Continental, a Condominium and the Fairmont Board of Directors to address future traffic calming initiatives within the site plan area as approved by the County Manager. The contribution shall total \$10,000 and be funded prior to the issuance of the Shell and Core Certificate of Occupancy. If the contribution is made later than January 21, 2009, the contribution amount will be adjusted based on the percentage change in the Consumer Price Index-Urban (CPI-U) between January 21, 2009 and the first day of the month in which the contribution is made.

PREVIOUS COUNTY BOARD ACTIONS:

Site Plan #331

- April 6, 1963 Approved a use permit (U-1541-63-1) for a public garage at 905 North Glebe Road and 928 North Vermont Street, subject to conditions.
- May 9, 1970 Approved a use permit (U-1838-70-1) for a public garage at 901 North Glebe Road, subject to conditions.
- July 29, 1978 Approved a rezoning from “C-2” to “C-O-2.5” for 901-941 North Glebe Road, and from “C-3” to “C-O-2.5” for 801 North Glebe Road.
- November 25, 1980 Approved a General Land Use Plan Amendment to “Coordinated Mixed Use Development District”, and a rezoning from “C-O-2.5” to “C-O-A”, for 801 and 901-941 North Glebe Road.
- September 10, 1983 Approved a use permit (U-2395-83-2) for an automobile service station, subject to conditions and with a one year review, at 901 North Glebe Road.
- April 1, 1996 Took no action on a site plan request (SP #311), a site plan amendment (SP #6), and a request to vacate a portion of North Vermont Street, to construct an office development.
- July 20, 1996 Approved a site plan (SP #321) for a 123-car motor vehicle storage lot on a temporary basis, subject to conditions and a one year review, at 801-941 North Glebe Road.
- July 19, 1997 Continued a site plan (SP #321) for a 123-car motor vehicle storage lot, subject to conditions and amended condition #3 which continues the temporary use for two years to July 1999, at 801-941 North Glebe Road.
- November 14, 1998 Approved a new site plan (SP #331) for a mixed-use office, retail, residential and hotel development consisting of two office buildings containing first floor retail, and one residential/hotel building, at 801-941 North Glebe Road, and the intersection of North Glebe Road, North Fairfax Drive and North Vermont Street.

November 16, 1999	Deferred a major site plan amendment (SP #331) request for a mixed-use office, retail, residential and hotel development consisting of one office building containing first floor retail, one residential building and one hotel building, at 801-941 North Glebe Road, and the intersection of North Glebe Road, North Fairfax Drive and North Vermont Street.
December 15, 1999	Approved a major site plan amendment (SP #331) request for a mixed-use office, retail, residential and hotel development consisting of one office building containing first floor retail, one residential building and one hotel building, at 801-941 North Glebe Road, and the intersection of North Glebe Road, North Fairfax Drive and North Vermont Street.
May 18, 2002	Deferred a major site plan amendment to convert the approved hotel to residential use.
July 24, 2002	Deferred a major site plan amendment to convert the approved hotel to residential use.
September 14, 2002	Deferred a major site plan amendment to convert the approved hotel to residential use.
October 19, 2002	Deferred a major site plan amendment to convert the approved hotel to residential use.
December 7, 2002	Deferred a major site plan amendment to convert the approved hotel to residential use.
April 26, 2003	Deferred a request to incorporate Site Plan #133 into Site Plan #331, modify the approved hotel to reduce parking and exclude GFA from density calculations, and to construct a new office building.
June 17, 2003	Approved a request to incorporate Site Plan #133 into Site Plan #331, modify the approved hotel to reduce parking and exclude GFA from density calculations, and to construct a new office building.
September 17, 2005	Deferred a request to incorporate Site Plan #6 into Site Plan #331 and to construct a new residential building.

October 15, 2005	Deferred a request to incorporate Site Plan #6 into Site Plan #331 and to construct a new residential building.
November 29, 2005	Deferred a request to incorporate Site Plan #6 into Site Plan #331 and to construct a new residential building.
January 21, 2006	Approved a request to incorporate Site Plan #6 into Site Plan #331 and to construct a new residential building.

Site Plan #6

August 27, 1962	Approved a rezoning (Z-1620-62-2) from “C-2” and “C-3” to “C-O”.
January 5, 1963	Approved a site plan (Z-1620-62-2) for a five-story office building with a gross floor area of 44,748 square feet.
August 5, 1970	Approved site plan amendment (Z-1620-62-2) to use two floors for National Clinical Service Laboratories
July 29, 1978	Approved rezoning (Z-1620-62-2) from “C-O” to “C-O-A”.
November 25, 1980	Approved rezoning (Z-1620-62-2) from “C-O-2.5” to “C-O-A”.
April 7, 1984	Approved site plan amendment (Z-1620-62-2) to add a 15,000 square foot addition to the front of the building and to upgrade the exterior.
November 17, 1984	Approved site plan amendment (Z-1620-62-2) to install two-(2) 2 ½ foot by 25 foot rooftop signs.
September 17, 2005	Deferred a request to incorporate Site Plan #6 into Site Plan #331 and to construct a new residential building.
October 15, 2005	Deferred a request to incorporate Site Plan #6 into Site Plan #331 and to construct a new residential building.
November 29, 2005	Deferred a request to incorporate Site Plan #6 into Site Plan #331 and to construct a new residential building.
January 21, 2006	Approved a request to incorporate Site Plan #6 into Site Plan #331 and to construct a new residential building.