DATE: July 7, 2005

SUBJECTS:  
A. Z-2518-05-1 REZONING from “M-2” Service Industrial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts; premises known as 305 South 10th St. (RPC #34-024-457).

B. SP #390 SITE PLAN for approximately 190 dwelling units, revised to 184 units, with modifications of use regulations for density; premises known as 305 South 10th St. (RPC #34-024-457).

Applicant:  
Archstone-Smith Operating Trust

By:  
Martin D. Walsh, Attorney  
Walsh, Colucci, Lubeley, Emrich & Terpak P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

C.M. RECOMMENDATIONS:  

Approve the following items:

A. **Adopt** the attached resolution approving a rezoning from “M-2” Service Industrial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts; premises known as 305 South 10th St. (RPC #34-024-457).

B. **Approve** the site plan request for two (2) residential buildings containing 184 dwelling units, including fifteen (15) affordable dwelling units, with modifications of use regulations for density, subject to the conditions of the staff report.

ISSUES: None.
SUMMARY: The applicant has submitted a site plan request to redevelop a 2.12-acre site located on the southern portion of the North Tract area between 6th and 10th Streets South. The site plan proposal is for a residential development consisting of two (2) buildings and a total of 184 units including a 20.3 percent bonus density (15 affordable dwelling units and 16 market rate units within the bonus). Associated with this site plan is a request to rezone the site from “M-2” Service Industrial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts, which is consistent with the site’s “Low” Office-Apartment-Hotel General Land Use Plan designation.

The site plan is generally consistent with the redevelopment goals for this area, as envisioned in the North Tract Area Plan Study. The buildings’ setbacks from the east and north property lines do not comply with County policy for separation between buildings. However, the proposed development provides an urban form which is appropriate for the site and the North Tract area. The applicant would work with the County to reach an agreement that would allow the use of North Tract Parcel C to meet the building code’s setback requirement for building wall openings for the east elevation of Building One, as required in Condition #76.

The applicant proposes a number of community amenities to mitigate the impacts of the proposed development, including, but not limited to, public access to several on-site plazas and open space areas, including a new private yield street, a financial contribution to North Tract Parcel C improvements, and the provision of 30 public-designated underground parking spaces or a contribution equivalent to their cash value toward North Tract improvements. Therefore, staff recommends that the County Board adopt the attached resolution approving a rezoning from “M-2” to “C-O-1.5”, and approve the proposed site plan subject to the conditions of the staff report.

BACKGROUND: The applicant is contract owner of the site and is proposing to rezone the property from “M-2” to “C-O-1.5”. The proposed site plan would include two (2) loft-style residential buildings with an overall height of five (5) stories plus mezzanine for each building and a total of 184 units, including 20.3 percent bonus density for affordable housing (15 affordable dwelling units and 16 market-rate units within the bonus).

The following provides additional information about the site and location:

Site: The site is located between 6th and 10th Streets South and is currently developed with a towing facility. The site area totals 92,727 square feet. Adjacent development includes:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>To the north:</td>
<td>6th Street South and the North Tract open space area.</td>
</tr>
<tr>
<td>To the west:</td>
<td>Two parcels developed with a self storage facility and office building, and further west is South Ball Street.</td>
</tr>
<tr>
<td>To the east:</td>
<td>North Tract Parcel C, a 1.26 acre County-owned parcel located contiguous to the railroad tracks.</td>
</tr>
<tr>
<td>To the south:</td>
<td>10th Street South and the Gateway North Office Building, Water Park Towers Residential Building, and associated park.</td>
</tr>
</tbody>
</table>

Z-2518-05-01 & SP #390 - 2 -
North Tract Lofts
PLA-4050
**Zoning:** The site is currently zoned “M-2” Service Industrial Districts. The applicant has requested a rezoning to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts.

**Land Use:** The site is designated on the General Land Use Plan (GLUP) as “Low” Office-Apartment-Hotel (up to 1.5 FAR office density, up to 72 units/acre apartment density, up to 110 units/acre hotel density).

**Neighborhood:** The site is located within the North Tract Area Plan Study area.

**Proposed Rezoning:** The subject site is zoned “M-2” Service Industrial Districts, which permits commercial and industrial uses at a density of 1.5 FAR with a height of 75 feet. Residential and hotel development are not permitted. Parking is required at one space per 250 square feet of area on the first floor, one space per 300 square feet of area in the basement and floors 2 through 5, and one space per 400 square feet for floors above the 5th floor.

The proposed rezoning to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts would permit, by site plan, mixed use office (up to 1.5 FAR), residential (up to 72 units per acre), and hotel (up to 110 units per acre) development. However, no part of any site can be used more than once in calculating the permitted density. The proposed zoning district is consistent with the existing “Low” Office-Apartment-Hotel GLUP designation.

The following table summarizes the maximum development permitted under the existing and proposed zoning classifications.

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Density Allowed</th>
<th>Maximum Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>“M-2” (92,727 sq.ft.)</td>
<td>1.5 FAR for commercial and industrial development. Residential and hotel development not permitted</td>
<td>139,090.5 sq.ft. commercial/industrial</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Zoning</th>
<th>Density Allowed</th>
<th>Maximum Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>“C-O-1.5” (92,727 sq.ft.)</td>
<td>By-right: One-family dwellings at 7.26 units/acre (6,000 sq.ft. per residential lot); or Office, business and professional uses at .60 FAR.</td>
<td>By-right: 15 one-family dwellings; or 55,636 sq.ft. office, business and professional uses.</td>
</tr>
<tr>
<td></td>
<td>Site Plan: 1.5 FAR office/commercial; or 72 units/acre residential; or 110 units/acre hotel.</td>
<td>Site Plan: 139,090.5 sq.ft. office/commercial; or 153 residential units; or 234 hotel units.</td>
</tr>
</tbody>
</table>
Proposed Development: The following table sets forth the statistical summary for the project.

<table>
<thead>
<tr>
<th>Site Area</th>
<th>92,727 sf (2.12872 acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential Density</strong></td>
<td></td>
</tr>
<tr>
<td>Total GFA (FAR)</td>
<td>228,282 sf (2.46 FAR)</td>
</tr>
<tr>
<td>Number of Units</td>
<td>184 units</td>
</tr>
<tr>
<td>Units per Acre</td>
<td>86.4 units per acre</td>
</tr>
<tr>
<td><strong>“C-O-1.5” Permitted Residential Density</strong></td>
<td>153 units at 72 units per acre</td>
</tr>
<tr>
<td>Affordable Dwelling Units</td>
<td>15 affordable dwelling units</td>
</tr>
<tr>
<td>(20.3% bonus includes 15 adu’s + 16 market-rate units)</td>
<td></td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td></td>
</tr>
<tr>
<td>Average Site Elevation</td>
<td>16.65 feet</td>
</tr>
<tr>
<td>Mezzanine Roof Elevation</td>
<td></td>
</tr>
<tr>
<td>Building 1</td>
<td>81.00 feet</td>
</tr>
<tr>
<td>Building 2</td>
<td>81.50 feet</td>
</tr>
<tr>
<td>Mezzanine Roof Height</td>
<td></td>
</tr>
<tr>
<td>Building 1</td>
<td>64.35 feet</td>
</tr>
<tr>
<td>Building 2</td>
<td>64.85 feet</td>
</tr>
<tr>
<td>Penthouse Elevation</td>
<td></td>
</tr>
<tr>
<td>Building 1 (top of screening wall)</td>
<td>88.42 feet</td>
</tr>
<tr>
<td>Building 2 (top of screening wall)</td>
<td>88.92 feet</td>
</tr>
<tr>
<td>Penthouse Height</td>
<td></td>
</tr>
<tr>
<td>Building 1 (top of screening wall)</td>
<td>71.77 feet</td>
</tr>
<tr>
<td>Building 2 (top of screening wall)</td>
<td>72.27 feet</td>
</tr>
<tr>
<td>Number of Stories</td>
<td></td>
</tr>
<tr>
<td>Building 1</td>
<td>5 stories + mezzanine</td>
</tr>
<tr>
<td>Building 2</td>
<td>5 stories + mezzanine</td>
</tr>
<tr>
<td><strong>“C-O-1.5” Permitted Height</strong></td>
<td>35 feet by-right</td>
</tr>
<tr>
<td>10 stories by site plan for apartment buildings</td>
<td></td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Number of Spaces</td>
<td>242 spaces</td>
</tr>
<tr>
<td>Parking Ratio</td>
<td>1.315 spaces per unit</td>
</tr>
<tr>
<td><strong>Required Residential Spaces</strong></td>
<td>207 spaces</td>
</tr>
<tr>
<td><strong>Required Residential Ratio</strong></td>
<td>1.125 spaces per unit</td>
</tr>
<tr>
<td>Public</td>
<td></td>
</tr>
<tr>
<td>Number of Public Spaces</td>
<td>30 spaces</td>
</tr>
<tr>
<td>Total</td>
<td>272 spaces</td>
</tr>
<tr>
<td><strong>Coverage</strong></td>
<td>67,395 sf (73%)</td>
</tr>
<tr>
<td><strong>LEED Score</strong></td>
<td>24 points</td>
</tr>
</tbody>
</table>

Density and Uses: The proposed site plan is for a multi-story rental apartment development consisting of two buildings. The buildings would be separated by a private yield street which would run parallel to South Ball Street. The predominant area of the site is situated east of the private street and is contiguous to the County-owned North Tract Parcel C. The larger of the two buildings, Building One, would be constructed on this portion of the site. It would contain 162 units. The balance of the site is located west of the private street, adjacent to 10th Street South. This portion of the site would be developed with Building Two, which would comprise 22 units. In total, the development would contain 184 residential units, including efficiencies, and one-
and two-bedroom units. The total project density is 86.4 units/acre, including 20.3% bonus density for affordable housing (14.4 units/acre). A total of 153 units would be included in the base density and 31 units would be included in the bonus, with 15 affordable dwelling units and 16 market-rate units within the bonus. The proposal includes a two-level underground garage containing 272 parking spaces, including 30 spaces specifically designated for public use.

**Site and Design:** As indicated above, the site would be split by a private yield street. The street would include a 21-foot travel/parking lane, a 5-foot sidewalk with intermittent curb extensions on the project side, and an approximately 2-foot landscaped buffer adjacent to the existing self-storage facility. Building One, situated east of the private street, is designed to meet the FAA height requirements. Adjacent to 6th Street, a landscaped plaza would be constructed within the “no build zone” and from that point the building would step up in height from two (2) to five (5) stories plus mezzanine, from the plaza southward to 10th Street, to comply with FAA. The building design would incorporate two courtyards that would be accessed from both the private street via the building’s 2-story tall breezeways and from North Tract Parcel C. These specially designed spaces would have public access, providing a linkage to North Tract Parcel C both visually and physically. Building Two, located west of the private street with frontage on 10th Street South, would also have a height of five (5) stories plus mezzanine. Both buildings would contain a combination of duplexes and flats, with “loft-style” units on the top level. Many of the ground floor units would have private individual entrances at the street or courtyard, and would also be accessed from the garage.

The building façade materials include two (2) different colors of brick (reddish and beige) and light grey smooth surface panels of either metal or aluminum, or a similar treatment. The facades also include metal and aluminum accents on, but not limited to, balcony railings, window systems, canopies, and rooftop screening walls.

Garage access would be from one curb cut on the private street, near the intersection of 6th Street, providing access to the underground structure located beneath Building One. The parking would be connected to Building Two by an elevator, stairway and passageway. Loading and trash collection would occur within the interior of Building Two, with access from South Ball Street near the intersection of 10th Street. The proposal would improve the streetscape with a minimum clear sidewalk width of six (6) feet plus 5-foot wide tree pits along the 6th and 10th Street frontages of the site.

**LEED Scorecard:** The proposed LEED score is 24 points. It includes credits for sustainable sites, water efficiency, materials and resources, and indoor environmental quality. The applicant has a LEED accredited professional working on the project. The development would include Energy Star appliances, fixtures and building components as recommended in Condition #66.

**Transportation:** The Master Transportation Plan classifies South Ball Street, 6th Street South, and 10th Street South as neighborhood-minor streets.

**Trip Generation:** A Traffic Impact Analysis (TIA) submitted by the applicant, prepared by Grove/Slade Associates, dated November 15, 2004, assessed the impacts of the development on
the adjacent street system. The proposed 184 unit development is estimated to generate 80 AM and 101 PM peak hour vehicle trips and a daily total of 1,324 trips upon project completion. However, staff thinks that the estimated vehicle trip reduction for walking and transit use of 15% is low. Staff estimates that the reduction would be in the range of 40% which would generate an estimated daily vehicle trips of 934.

Streets and Sidewalks: South Ball Street currently measures 36 feet in width with on-street parking on both sides of the street. The sidewalk along the site’s frontage is proposed to be 11 feet-8 inches wide, which includes an 8-inch banding next to the curb, five-foot wide tree pits and a six-foot wide clear sidewalk.

10th Street South measures 36.5 feet in width with on-street parking on both sides of the street. It terminates in a cul-de-sac, which measures approximately 106 feet in diameter. The applicant proposes to construct a 40 foot wide diameter raised circle in the center with landscaping and a water feature. The sidewalk along the site’s frontage is proposed to be 11 feet 8 inches wide, which includes an 8 inch banding next to the curb, five-foot wide tree pits and a six-foot wide clear sidewalk.

6th Street South currently measures 36 feet in width with on-street parking on both sides of the street. It terminates in a cul-de-sac which measures approximately 76 feet in diameter. Staff has recommended that the applicant eliminate the cul-de-sac and use the land as a landscaped/plaza area. The property will remain public and the applicant will maintain the area.

The private road, which is proposed to have a public access easement, will be 21 feet wide, which includes on-street parking on the applicant’s side of the road. The proposed sidewalk along the site will be five feet wide and have nubs with trees in pots. The private road shall be similar in design and function as a local queuing or “yield” street, in which both directions of traffic share one widened lane, and vehicles yield to oncoming vehicles by pulling over where a parking space is unoccupied or where “no parking” restrictions exist.

Public Transit: The subject site is located approximately ½ mile from the Crystal City Metro Station. This station is located on the Yellow and Blue Lines. ART Bus Route 90 is approximately one block away on 12th Street South. This bus line goes to the Crystal City Metro Station.

Bicycle Access: The George Washington Memorial Parkway Trail is located approximately ½ mile from the site. It connects to other bicycle routes including Custis Memorial Parkway Trail and bridge connections to the District of Columbia. In the near future, adjacent to the eastern portion of this site, a bike trail is planned for construction which will connect Crystal Drive to the North Tract Park.

Transportation Demand Management (TDM) Plan: Consistent with site plan development and the County’s adopted TDM Policy, staff recommends that the applicant implement a TDM Plan to reduce single occupancy vehicle (SOV) trips to and from the site. Staff recommends, and the
applicant agrees to implement the standard TDM strategies that are briefly summarized below and required in Condition #49:

- Provide a contribution to Arlington County in support of TDM activities.
- Provide a Transportation Kiosk in the residential lobby.
- Distribute transit information, including a new resident package to include site-specific transit-related information.
- Provide a parking management plan including a schematic drawing depicting an area parking plan for all block faces abutting the site.
- Provide free SmarTrip cards for new residents.
- Designate a member of the building management team as Property Transportation Coordinator with responsibilities for completing and coordinating TDM Plan obligations.
- Conduct a transportation monitoring study of the site.

**Utilities:** Extension of an 8-inch watermain from the terminus of the existing 12-inch watermain in 10th Street South approximately 150 feet to the cul-de-sac, the abandonment of the existing 6-inch watermain in 10th Street South from South Ball Street to the terminus of the street, and the transference of all existing services and appurtenances to the proposed 8-inch watermain is needed to facilitate the new development.

Consistent with site plan development and the Utility Undergrounding Plan, the developer agrees to contribute to the Utility Underground Fund in the amount of $106,435 ($50,000 x 2.1287 acres). The developer will be required to comply with the new Chesapeake Bay Preservation Ordinance and the Plan of Development requirements, including a Resource Protection Area Delineation (site is not located in an RPA), a Landscape Conservation Plan, a Storm Water Management Plan, and an Erosion and Sediment Control Plan.

**DISCUSSION**

**Adopted Plans and Policies:** The General Land Use Plan, the North Tract Area Plan Study, and several other area studies guide development on this site.

**General Land Use Plan:** In October 2000, as a part of the implementation of the 1993 Supplemental Agreement to the multi-party lawsuit surrounding the North Tract, the County Board approved amendments to the General Land Use Plan for the South Tract and for properties north and south of 6th Street South, including the subject site; amendments to the Bicycle, Pedestrian and Master Transportation Plans; a rezoning for the South Tract; and the Potomac Yard Phased Development Site Plan for the South Tract.

For the subject site, a General Land Use Plan (GLUP) Amendment from “Service Industry” to “Low” Office-Apartment-Hotel was approved. This land use designation allows the mixed-use land use pattern existing in Crystal City to extend northward to 6th Street South, facilitating redevelopment of the North Tract in a manner consistent with adjacent areas.

**North Tract Area Plan Study:** The North Tract Area Plan Study was accepted by the County
Board on February 21, 2004. Its overarching vision is to transform the North Tract area “… into a distinctive showplace of environmentally sound redevelopment, with a central expanse of attractive public green spaces and high-quality indoor and outdoor recreation facilities that are accessible to all Arlingtonians, conveniently linked with nearby urban corridors and the Potomac riverscape, and coupled with complementary private redevelopment”. One of the goals of the Study is “To forge creative partnerships with private entities, non-profit organizations, and other public agencies to complement direct County investments in the park and help to achieve, in cost-effective ways, the planned community facilities and the compatible, high-quality redevelopment of adjacent privately-owned sites.” The Study outlines several basic guidelines for redevelopment of the subject site, including provision of:

- Improved access to Crystal City.
- At least 50 percent of the permitted GFA as residential.
- Shared parking for a minimum of 30 spaces.
- Unsecured public access, at all times, to at least 20 percent of the surface area of the site, which should be fully landscaped.
- Possible roads to access recreation facilities. Coordinate access and open space to the existing park on the adjacent property to the south.

Proposed Rezoning: The proposed rezoning to “C-O-1.5” is consistent with the existing GLUP designation and the planned development for the site. The proposed development’s density of 86.4 units/acre includes a request for 20.3% bonus density for affordable housing. Under Section 36.H.5. of the Zoning Ordinance, the County Board may approve additional residential density, not to exceed 25% of the density permitted by the applicable zoning district, for low or moderate income housing where a proposed site plan is in compliance with the ordinance standards. The building height of the proposed development (5 stories plus mezzanine) is consistent with the standards of the “C-O-1.5” zoning district.

Proposed Site Plan: The proposed site plan generally meets the redevelopment goals for the subject site, as envisioned in the North Tract Area Plan Study.

- It provides improved access to Crystal City through provision of a new private street which breaks up the block and allows better circulation around the site. It also provides enhanced pedestrian and bicycle circulation through construction of several linkages to adjacent existing and future trails and parks.
- The proposed all-residential development will be a catalyst for future redevelopment of the southern end of the North Tract. In the future, with completion of the North Tract park, the applicant would consider converting up to two (2) residential units adjacent to 6th Street to convenience retail to serve the needs of project residents and users of the North Tract park.
- It provides 30 parking spaces on the first level of the underground garage specifically designated for public use. If the County determines that this location is not appropriate for public parking, then the applicant has agreed to provide a cash contribution equivalent to the value of the spaces in the amount of $650,000 to the County.
- It includes several plaza and open space areas that would be fully accessible to the public,
both visually and physically, through the provision of public access easements and special landscaping and landscape elements. The spaces include:

- Plaza and open space area located adjacent to 6th Street South;
- Two (2) courtyards;
- Pedestrian walkway located contiguous to the south property line, extending from 10th Street South eastward to the site’s east property line;
- Five (5) foot wide landscaped building setback area located adjacent to the entrances to the courtyards and open space and plaza areas, as measured from the site’s east property line; and,
- Private street and associated sidewalk, streetscape and landscaped buffer.

- In addition to the above, the developer has agreed to make financial contributions to the County towards improvements to North Tract Parcel C, including landscaping and construction of various trail connections between the proposed development, Crystal City and the North Tract. Financial contributions toward these improvements would be consistent with the County goal of partnering with private developers to provide community and recreation facilities in a cost-effective way.

**Affordable Housing Program:** The proposed 31-unit bonus density would include fifteen (15) affordable dwelling units. The affordable units would be available to households earning up to 60 percent of the Area Median Income (AMI) for a term of 30 years.

Staff evaluated the affordable housing plan to ensure that it meets the staff guidelines for bonus density projects:

- **Term:** 30 years
- **Eligible Income:** The plan would limit eligibility for leasing the 15 new affordable units to households at or below 60 percent of area median income.
- **Unit/Bedroom Mix:** The plan provides affordable units as follows: 6 one-bedroom and 9 two-bedroom apartments.
- **Location:** The new affordable units will be dispersed throughout the buildings.
- **Design and Layout:** The affordable units will be architecturally compatible with the market-rate units. Households living in the affordable units will have access to all common areas equal with persons in market rate units.

The following chart provides a statistical summary of the proposed affordable housing plan:

<table>
<thead>
<tr>
<th>Number Units</th>
<th>Unit Type</th>
<th>% of Area Median Income</th>
<th>Net* Monthly Rent</th>
<th>Affordability Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>1-br</td>
<td>60%</td>
<td>$903</td>
<td>30 years</td>
</tr>
<tr>
<td>9</td>
<td>2-br</td>
<td>60%</td>
<td>$1,070</td>
<td>30 years</td>
</tr>
</tbody>
</table>

* The above rents do not include utilities, which would be individually metered and paid by the tenants. The County’s standard Section 8 utility allowance factors have been deducted from the maximum rents allowed under the program, which is why the above rents are labeled net rents.
The units in the project that are required to be fully accessible to persons with physical disabilities will be marketed to households with eligible incomes who need such units.

Tenants leasing the affordable units would be subject to customary fees, as applicable, charged for garage parking, application/credit check fee, move-in fee, pet deposit/fee, etc. Amenities would be included in the rents.

The indicated rents are indexed to 2005 area median incomes as published by the U.S. Department of Housing and Urban Development (HUD) for the Washington, D.C. Metropolitan Area (MSA). If the HUD Median Income figure increases between the time of project approval and lease-up of the units, the rents would increase but would remain affordable to households at the same income tiers. The rents could therefore rise to the maximum allowable rent under the HUD Median Income guidelines (less the utility allowance) for the agreed upon affordability level (i.e., 60 percent of median income). These affordability levels would be secured under the terms of tenants' leases and would be included as a provision in the Committed Affordable Housing program agreement between the County and the developer/owner. The affordable rent schedule, as adjusted, would remain in effect for the duration of the term of the affordability period. At the end of the term, the units could transition to market rate rents.

The developer has not submitted a detailed marketing plan at this point, but has indicated that it will coordinate with the County on a standard marketing plan subject to approval by the County Manager or his designee as consistent with the County’s criteria for such marketing plans. Marketing plans approved in recent projects call for advertising and marketing of the affordable units for forty-five (45) days prior to initial occupancy.

The owner and/or management agent will be responsible for providing an annual schedule to the County indicating the unit number, tenant, number of occupants, monthly rent, lease commencement, lease expiration, annual income, and type of income certification (W-2, tax return, employer, etc.).

The proposal meets many of the County Board-adopted Affordable Housing Goals and Targets as follows:

- Goal 1, Target 1A and Goal 5, Targets 5A and 5B: Nine (9) of the affordable units would be available to households with children.
- Goal 6, Target 6A: The affordable rental units would be provided in Neighborhood Service Area (NSA) H (Target is for 60% of new, non-elderly, rental committed affordable housing units to be in NSA’s D, E and H).

Issues: Through the review process, staff has identified issues regarding proposed building setbacks from property lines. County policy is that buildings be setback twenty (20) feet from shared property lines to achieve approximately 40 feet of distance between buildings, for purposes of achieving adequate privacy, light and views. Also, under the building code, a minimum distance between buildings is determined by the need for fire separation. The presence
of building wall openings limits the amount of fire-rating a wall can receive. Building One is proposed to be set back five (5) feet from the site’s east property line shared with North Tract Parcel C, and Building Two would be constructed to the site’s north property line shared with the contiguous Superior office building site located at 607 South Ball Street.

Along the east elevation, Building One is designed with 45% window openings, which requires a building setback of approximately 10 feet one inch (10’1”) from the east property line, rather than 5 feet as proposed. However, because the contiguous North Tract Parcel C is public property and envisioned to be used as public open space, the applicant would need to secure an agreement with the County to use its property to comply with the code requirement for building openings. Condition #76 would require that the agreement be finalized prior to the issuance of any permits for the site.

Along the north elevation, Building Two would be constructed to the north property line. Because of the narrow depth and awkward configuration of this portion of the site (site width ranges from approximately 31 to 58.5 feet and borders the 10th Street South cul-de-sac), achievement of the 20-foot setback would constrict the site. The building is designed to provide duplexes at grade with individual street entrances. The balance of the units would be accessed from a single-loaded corridor and would face South Ball and 10th Streets. Above the first floor adjacent to the north elevation, the building’s center bay would be setback approximately 17 feet from the property line. Blank walls flanking the center bay would be constructed to the property line. The site plan proposal seeks a waiver of the County policy to permit the building to abut the north property line. The adjacent property (Superior) is currently developed with an older, two-story office building and contains approximately 14,000 square feet of site area. The North Tract Area Plan Study encourages consolidation of the Superior property with other sites. In the absence of consolidation, the Study recommends that the Superior property provide appropriate setbacks. However, no specific setback requirement is recommended on the subject site. In the North Tract area where redevelopment is encouraged, the desire for projects to meet the County policy for building setback may serve as a disincentive for sites constrained by size, such as the Superior site. With redevelopment of properties along South Ball Street, a more urban character is desired and would likely encourage greater pedestrian activity. This would not adversely impact future development along street frontages, where adequate privacy, light and views can still be achieved. The applicant has considered the treatment of the building walls abutting the property line and has a revised design that provides a well-articulated and interesting façade treatment that staff believes adequately addresses the issue of blank walls.

In addition to the above, retention of the 10th Street South cul-de-sac was raised as an issue. While retention of the cul-de-sac is not needed to accommodate future traffic on 10th Street South, the applicant has not agreed to a reconfigured street lay out. This would require that the building design along the street frontage be redesigned to relate to the street. The applicant is not in favor of redesigning the project, but rather prefers to retain the cul-de-sac and improve the island with landscaping and/or a water feature in order to create a more interesting entrance to the project. When the question of whether or not to retain the cul-de-sac was raised during the public review process, it was not emphasized as a significant issue. The site plan was recommended for approval as designed by both the Planning and Transportation Commissions.
Modification of Use Regulations: The applicant has requested a modification of use regulations to allow 20.3% bonus density for affordable housing. Section 36.H.5.b. of the Zoning Ordinance permits additional density of up to 25 percent in return for the provision of affordable housing. This would enable the provision of 15 on-site affordable dwelling units, including nine (9) family-size 2-bedroom units. Staff supports the proposed modification of use regulations. It would further the goal and target of increasing the number of committed rental affordable housing units in the North Tract/Crystal City area where the provision of greater affordable dwelling units has been identified as desirable.

Community Process: The following public meetings have been held on this proposal:

- **Site Plan Review Committee:** Four (4) meetings were held on March 21, 2005; April 18, 2005; May 16, 2005; and, May 26, 2005.

- **Housing Commission:** The Commission met on June 30, 2005. The Commission unanimously voted (9-0) to recommend approval of the site plan, noting that the project has a lot of positive aspects, including on-site affordable housing in an area targeted for more affordable housing. Furthermore, the Commission was pleased that the housing mix includes nine (9) affordable family-sized units (2-bedroom units).

- **Transportation Commission:** The Commission met on June 30, 2005. The Commission voted to approve the site plan as recommended in the staff report with the following amendments:
  - Encourage the applicant to provide shared public parking spaces.
    **Staff Response:** One of the guidelines for redevelopment of the subject site is the provision of a minimum of 30 shared public parking spaces. The applicant proposes to provide the parking spaces on the first level of the underground garage. The County has discussed with the applicant the alternative of making a cash contribution equivalent to the value of the 30 underground parking spaces in lieu of providing the parking. The applicant has agreed to either scenario. Condition #75.b. outlines the requirements for both scenarios. A decision would be made by the County within 60 days of County Board approval of the site plan.
  - Provide dedicated visitor parking.
    **Staff Response:** Condition #50 requires the developer to provide a minimum of 10 visitor parking spaces. The developer has agreed to label the spaces as visitor parking and Condition #50 has been amended accordingly.
  - Provide signage for the public parking.
    **Staff Response:** If the County determines that public parking must be provided in the site plan consistent with Condition #75.b, then signage directing the public to the public parking spaces would be required as part of the comprehensive sign plan. Condition #48 has been amended to include language requiring directional signage for the public parking spaces.

The following comments were made by Commission members who voted against the motion. These comments were not added to the motion:
- Provide sidewalks on both sides of the private yield street.
  **Staff Response:** Staff believes it would cause an undue burden to require the applicant to build the entire street section on their property. Because it is anticipated that the street will have very low pedestrian and traffic volumes, staff believes that a sidewalk on one side of the street will be adequate. Upon redevelopment of the adjacent site, a sidewalk would be required on its property.

- Instead of a yield street as is shown on the plans, a street at the eastern edge of the site connecting 6th and 10th Streets should be built.
  **Staff Response:** The eastern edge of the site is adjacent to North Tract Parcel C. This parcel is planned to be used as a park with a bike and pedestrian path connecting Crystal Drive to the North Tract located along its eastern edge adjacent to the railroad corridor. The path will also be used as an overflow driveway which is anticipated to be used only a few times a year. The design of Parcel C is just beginning to get underway. It is not intended that the overflow driveway be an asphalt driveway but rather improved with grass pavers or an alternative treatment that is aesthetically pleasing. Staff believes that the proposed site plan, with the building and public courtyards abutting Parcel C, provides a more visually pleasing link to North Tract Parcel C than locating a street immediately adjacent to it. Also, staff does not support extending 10th Street South to the eastern edge of the property to connect to a street at that location. It would increase the amount of impervious material on the site and would have to be constructed at an awkward angle.

- The location of the loading dock is awkward because it is on one end of the complex, making for a very long walk for loading on the other end.
  **Staff Response:** Originally, the loading dock was located on the far northeastern corner of the site facing the future recreation fields of the North Tract. In response to staff and the SPRC, the applicant relocated the loading dock away from the North Tract, which staff believes significantly improves the site design and its relationship to the adjacent park. Staff believes that the new location for the loading dock represents an improved design. In addition, on-street parking spaces could be reserved for residential loading purposes. The parking management plan of the TDM Plan could address the use of the private yield street parking spaces for this purpose. Also, residents can contact the County to reserve on-street parking spaces on 6th and 10th Streets South.

- Do not have a clear understanding where the number 30 came from as the number of spaces the applicant is providing for North Tract parking.
  **Staff Response:** The North Tract Area Plan Study describes suggested uses and guidelines for redevelopment of the properties adjacent to the North Tract in keeping with the vision and goals for the North Tract. The basic guidelines represent the minimum criteria that would be expected of a development involving a site plan, use permit or rezoning on the site in order to be harmonious with the planned recreation facilities. One of the basic guidelines for redevelopment of the subject site is the provision of a minimum of 30 shared public parking spaces, which the applicant has agreed to provide on the first level of the underground garage.
The following additional comment was provided:

- Have Condition #14.c. changed so that it allows for concrete sidewalks as well.
  
  **Staff Response:** Staff has added flexibility in the standard language of Conditions #14.c. and 19 to allow the flexibility to consider an alternate treatment for interior and public sidewalks.

**Planning Commission:** The Commission met on June 27, 2005. The Commission voted to adopt the resolution to rezone the site to “C-O-1.5” and to approve the site plan with a modification of use regulations for bonus density for affordable housing, subject to the conditions of the staff report, with the following amended or new conditions:

- The Commission recommended that Condition #11 be amended to identify the Crystal Gateway Unit Owners’ Association and the Waterford House Condominium Association among the community and abutting property owners.
  
  **Staff Response:** The applicant concurs and this language is provided in Condition #11.a, b, and c.

- The Commission recommended that new language be added to Condition #18 to require crosswalks across the private yield street at 6th Street South and 10th Street South.
  
  **Staff Response:** The applicant concurs and new language is provided in paragraph “e” of Condition #18.

- The Commission recommended that a new condition be added to require noise abatement measures to mitigate external noise from Ronald Reagan Washington National Airport on residential and interior common areas.
  
  **Staff Response:** The applicant is in the process of conducting an acoustical engineering study and will install specific noise abatement measures if the study finds that noise levels will exceed the levels permitted under the noise ordinance. The applicant concurs and staff recommends new Condition #77.

- The Commission requested clarification on how the existing towing facility, which is permitted by-right under “M-1” zoning, would continue to operate on the site and what its status would be once the site is rezoned.
  
  **Staff Response:** Pursuant to Sections 23A (“C-O-1.5”) and 35 (Nonconforming Buildings and Uses) of the Zoning Ordinance, once the site is rezoned to “C-O-1.5” the existing towing operation would become a non-conforming use. Under “C-O-1.5”, which references back to “C-1-O” Limited Commercial Professional Office Building Districts, the towing operation is not a permitted use. The existing towing operation may be permitted to continue for a period not to exceed three (3) years following County Board action on the rezoning, or July 9, 2008. During this period, the expansion or extension of the towing operation is prohibited. If the towing operation discontinues or the use of the land changes any new use shall comply with the provisions of the “C-O-1.5” zoning district.

**CONCLUSION:** The proposed rezoning and site plan are consistent with the GLUP designation for the site, the recommendations of the North Tract Area Plan Study, and various other studies that have been undertaken in the area. The site plan includes a modification of use.
regulations for bonus density for affordable housing, which is consistent with Section 36.H.5.b. of the Zoning Ordinance. The proposed affordable housing program furthers achievement of County goals and targets for affordable housing. The applicant has proposed a community benefits package that includes contributions toward a number of North Tract related improvements. The proposed site plan would comply with Section 36.H.3. of the Zoning Ordinance, including compliance with County standards, policies and plans; functionally relating to adjacent and surrounding structures; and, promoting and protecting the public health, safety and welfare. For these reasons, staff recommends that the County Board adopt the resolution to rezone the site from “M-2” to “C-O-1.5” and approve the site plan for a residential development consisting of 184 units, with a modification of use regulations for bonus density for affordable housing, including 15 on-site affordable dwelling units, subject to the following conditions of the staff report:

- The following Conditions of site plan approval (#1 through #13) are valid for the life of the site plan and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.

1. **Site Plan Term**

   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 June 16, 2005 and reviewed and approved by the County Board and made a part of the public record on July 9, 2005, 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.

   This site plan approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner 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 owner and accepted by the County Board or vice versa.

2. **Pre-Construction Meeting**

   The developer agrees to conduct a pre-construction meeting, and to coordinate participation in the pre-construction meeting by relevant County staff, including staff from the Departments of Community Planning, Housing and Development (DCPHD) Planning, Zoning, Inspection Services; Parks, Recreation and Community Resources (DPRCR); Environmental Services (DES) and others as necessary, prior to the issuance of any permits for the site plan. The purpose of the pre-construction meeting is to discuss the requirements of the site plan conditions.
3. **Tree Protection and Replacement**

a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are consistent with the Tree Replacement Guidelines. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.

b. The developer agrees to file and implement a tree protection plan for any trees proposed to be saved by the developer or specified to be saved by the approved site plan and shown on any filing in connection with this case. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager or his designee to meet the requirements of this site plan, before the issuance of the Clearing, Grading and Demolition Permit. At a minimum, this plan shall include:

1. A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
2. Detailed specifications for any tree walls or wells proposed.
3. A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
4. Identification of tree protection measures and delineation of placement of tree protection.
5. Any tree which is 30% or more dead as determined by the County’s Urban Forester shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #15 below.

c. The developer also agrees to replace all trees, as shown on the Tree Survey, that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall conform to the standards and specifications set forth
in Condition #15a below and shall be installed on the project site or on County-owned land, determined by the County Manager or his designee. The developer agrees to submit and obtain approval of this plan by the County Manager or his designee as part of the final site development and landscape plan.

4. **Photographic Record of Development**

The developer agrees to produce a photographic record of development, starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction. These photographs shall comply with the following specifications:

All photographic records shall be taken using black and white film. Submission of a photo contact sheet and 8" x 10" prints on photographic paper shall be the minimum acceptable standard. Color photographs on compact disc must be submitted in addition to black and white photographs and the photo contact sheet at the end of the project prior to the issuance of the Master Certificate of Occupancy.

The photographic record shall include the following:

a. Before Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)–Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #52 below.

b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.

c. Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit)–At a minimum, views of the site: during excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.

d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

The photographic record of the site as it appears before demolition shall be delivered to the Zoning Administrator prior to the issuance of a clearing, grading or demolition permit.
permit. The remaining records, including the completed compact disc with the entire photographic history, shall be delivered to the Zoning Administrator, before the issuance of a Master Certificate of Occupancy, for placement in the County archives.

If the developer uses the "Fast Track" Permit Process, the Site Clearance and Construction Phase photographs shall be submitted before the issuance of the Footing to Grade Structure Permit, or the first Building Permit, whichever comes first. The Construction Phase photographs, showing any construction to grade, shall be submitted before the Final Building Permit. The Construction Phase photographs showing all construction above grade and the Site Completion Photographs and completed compact disc showing the entire photographic history of the site shall be submitted before issuance of the Master Certificate of Occupancy.

5. In addition to funding and constructing the utility undergrounding work, the developer agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the Building Permit or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is $106,435 ($50,000 x 2.1287 acres). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.

6. The developer agrees to develop a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager or his designee as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve amendments to the plan, if consistent with this approval.

7. **Intentionally Omitted** The developer agrees to coordinate with the Arlington County Relocation Program Coordinator in order to provide each rental household living in either an apartment unit or a single-family dwelling which is displaced by the construction of this site plan, except those who sign initial leases for a unit in the project after the date of this site plan approval, with at least the following:

a. A minimum of 120 days written notice to vacate.

b. Relocation payments, in accordance with the Arlington County Tenant Relocation Guidelines adopted by the County Board and in effect on the County Board date.
identified in Condition #1, a copy of which are attached to the report of the County Manager for this site plan approval.

c. Relocation services in accordance with the Arlington County Tenant Relocation Guidelines adopted by the County Board and in effect on the County Board date identified in Condition #1,

If the developer decides to limit relocation benefits to persons who executed initial leases before adoption of the site plan, the developer agrees to notify, in writing any tenant moving in after the date that the site plan is approved of his/her ineligibility for relocation payments and services. Any tenant who has not signed a waiver of rights to relocation assistance must receive the assistance. In cases where State law requires 120-day notice to vacate (displacement from multi-family buildings containing four or more units), notice cannot be waived, but may be reduced by mutual agreement in writing. Compliance with this condition shall be shown before the issuance of the Clearing, Grading and Demolition Permit.

8. Intentionally Omitted The developer agrees to coordinate with the Department of Economic Development in order to provide the following relocation assistance to all retail tenants under lease as of the date of the approval of the proposed site plan:

a. The developer agrees to keep all retail tenants informed of the redevelopment schedule by providing periodic updates with regard to material changes in the development program for the site, including the phasing of the project, anticipated schedules for eviction, construction and occupancy, and any anticipated material impacts on the tenants while they remain on the site, such as test borings, construction signs and fencing, asbestos removal, disruptions to customer parking and pedestrian paths, and the like.

b. The developer will assist the County to make available to all retail tenants, either directly or through the developer, information on available commercial space in the County, business counseling services and appropriate business courses.

c. The developer agrees to cooperate with the retail tenants by referring tenants who so request to private sources of professional assistance in regard to lease negotiation (i.e., understanding lease terms, trends and negotiation strategy), space planning and other related sources of help.

d. Except for provisions in any lease to the contrary, the developer agrees to maintain the site, structures and systems in good repair and in a businesslike appearance until the last retail tenant vacates or until the notice to vacate expires, whichever comes first.

e. The developer agrees to show compliance with the terms of this condition before the issuance of the Clearing, Grading and Demolition Permit.
9. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this plan and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this site plan approval. The County has the authority to take actions to include issuance of a stop work order when the developer is not in compliance with the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.

10. The developer agrees to file three copies of a site plan and the tabular information form, and digital copies on compact disc in JPEG, PDF, and DXF formats, which complies with the final approval of the County Board and with Administrative Regulation 4.1, with the Zoning Administrator within 90 days of the County Board approval and before the issuance of the Clearing, Grading and Demolition Permit.

11. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.

   a. The developer agrees to identify a person who will serve as liaison to the community, including the Crystal Gateway Units Owners’ Association and the Waterford House Condominium Association, throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.

   b. Before commencing any clearing or grading of the site, the developer shall hold a meeting with those whose property abuts the project, including the Crystal Gateway Units Owners’ Association and the Waterford House Condominium Association, to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.

   c. Throughout construction of the project, the developer agrees to advise abutting property owners, including the Crystal Gateway Units Owners’ Association and the Waterford House Condominium Association, in writing of the general timing...
of utility work in abutting streets or on-site that may affect their services or access to their property.

d. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.

e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10:00 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. “Holidays” are defined as New Year’s Day, Martin Luther King Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front indicating the permissible hours of construction around the construction site, to place one additional sign within the construction trailer containing the same information, and to provide a written copy of the permissible hours of construction to all subcontractors.

f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager of his designee.

12. The developer agrees to provide a plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by the project. The plan should outline recycling and/or reuse of waste generated during demolition and/or construction. The plan should outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on site, removed by licensed haulers for reuse/recycling, etc.). The plan must include letters from contracted haulers, reprocessors, and recyclers indicating that they are able to manage waste from the project. The developer agrees to obtain the County Manager’s approval of this plan prior to the issuance of the Clearing, Grading, and Demolition permit, and to implement the plan throughout demolition and construction of the project. Compliance with this condition may contribute to achieving LEED credits MR 2.1 and 2.2 (Construction Waste Management.)

13. The developer agrees to make a contribution to the County’s Green Building Fund of $6,808 ($0.03 X 226,922 square feet). The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition...
Permit, and compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded upon receipt of written request, and documentation of LEED certification, by the applicant.

- **The following Conditions of site plan approval (#14 through #33) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**

14. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final site development plan and a landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in Condition #17 below, as well as a vicinity map with major streets labeled. The 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 site development plan, the landscape plan, and the site engineering plan 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 or his designee 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 Excavation/Sheeting and Shoring 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 #15 below; the **Rosslyn-Ballston Corridor Streetscape Standards** if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final site 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. 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. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the site engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy for the respective phase of construction. The final site development and 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, 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 site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed above grade in the setback area between the building and the street.

b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated prior to submission of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager or his designee on the location and screening of all ventilation grates as part of the review of the final site engineering plan and the final site development and landscape plan before issuance of the Footing to Grade Permit.

c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Brick or a concrete unit paver, or as approved by the County Manager or his designee, shall be used on the access drives, automobile drop-off areas, plaza areas, and interior walkways and roadways. Interior walkways shall have a minimum width of four (4) feet. All plaza areas shall contain special paver 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 or his designee according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final site development and landscape plan.

d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #51 below.

e. Topography at two (2) foot intervals, the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.

f. Landscaping for all open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), 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, water features, and other landscape elements or structures. The landscaping and landscape
elements shall be consistent with the conceptual landscape drawings dated June 16, 2005.

g. The location and planting details for street trees in accordance with Division of Transportation Standards and Specifications for planting in public rights-of-way and as shown on the approved final site engineering plan.

h. The limits of demolition and construction.

i. The five-foot building setback area, as measured from the site’s east property line and located contiguous to the County-owned parcel (Parcel C), shall be improved with a landscaped buffer consisting of ornamental and evergreen trees, shrubs and seasonal plantings, and landscape elements such as trellises and knee walls adjacent to the courtyard entrances, consistent with the conceptual landscape drawings dated June 16, 2005.

j. A minimum 15-foot wide pedestrian connection, as measured from the site’s south property line and extending eastward from 10th Street South to the site’s east property line, shall be designed and constructed to include an 8-foot wide paver walkway and 7-foot wide landscaped buffer consisting of ornamental and evergreen trees, shrubs, seasonal plantings, and lighting, consistent with the conceptual landscape drawings dated June 16, 2005.

k. Details of the decorative treatment of all main and penthouse roof areas.

l. Details of the landscape materials and elements, such as a water feature if determined acceptable by the County Manager or his designee, for the island located in the 10th Street South cul-de-sac. The developer agrees to submit a maintenance agreement for the landscaped island, consistent with Condition #15.f. below, and to maintain the landscaped island for the life of the site plan.

15. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:

a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:

   (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #18 below.

   (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
(3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.

(4) Shrubs—a minimum spread of 18 to 24 inches.

(5) Groundcover—in 2 inch pots.

b. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.

c. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.

d. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.

e. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.

f. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.

g. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
16. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the developer agrees to submit to the Zoning Administrator copies of letters from the developer to the utility companies offering them access as stated above.

17. The developer agrees to submit final site engineering plans to the Division of Transportation. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Department of Environmental Services, as consistent with all site plan approval requirements and all County laws. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Department of Environmental Services for recording.

18. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site, including along the private yield street, in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The private yield street shall be a minimum of 21 feet wide from face of curb to face of curb, which includes parallel on-street parking on the east side of the street, or as approved on the final engineering plan. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.

a. Provide curb extension on 10th Street South at the south eastern corner of the intersection with South Ball Street built per the Department of Environmental Services Construction Standards and Specifications manual then in effect.

b. Provide 20 foot radius raised circled in the center of the 10th Street South cul-de-sac built per the Department of Environmental Services Construction Standards and Specifications manual then in effect, or as otherwise approved by the County Manager of his designee.

c. Provide new curb and gutter at the terminus of 6th Street South, extending the internal street to 6th Street South and removing the existing cul-de-sac.

d. Provide new curb ramp on 6th Street South at the intersection with the internal street on the northwest corner to cross 6th Street South.

e. Provide two (2) 10 feet wide crosswalks located at the 10th Street and 6th Street intersections with the private yield street.
All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager or his designee on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated June 16, 2005 unless the County provides additional funding to offset such increased cost.

19. 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 or his designee on the final site development and landscape plan and final engineering plan, in accordance with the Rosslyn-Ballston 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 developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project. The sidewalks along the street frontages of this development shall be paved with brick or an interlocking concrete paver, or as approved by the County Manager or his designee, and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. The sidewalk treatments shall 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. The sidewalks shall contain street trees placed in either tree pits, tree grates 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 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:

**6th Street South**—A sidewalk with a minimum width of 11 feet 8 inches (11’8”) measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4- to 4 ½-inch caliper October Glory Red Maple street trees and such ground cover as liriope muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

**10th Street South**—A sidewalk with a minimum width of 11 feet 8 inches (11’8”) measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4- to 4
\( \frac{1}{2} \)-inch caliper October Glory Red Maple street trees and such ground cover as liriope muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

**South Ball Street**—A sidewalk with a minimum width of 11 feet 8 inches (11’8”) measured from the back of curb, including 5-foot by 12-foot tree pits planted with 4- to 4 \( \frac{1}{2} \)-inch caliper October Glory Red Maple street trees and such ground cover as liriope muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

**Private Yield Street**—A minimum clear sidewalk width of five (5) feet measured from the back of curb, and curb extensions adjacent to the emergency access driveways and garage entrance to include ornamental trees and landscaping planted in pots, or as approved by the County Manager or his designee, the particular specifications of the landscape material and pots to be approved as part of the final site development and landscape plan.

20. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb to the far edge of the public sidewalk. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and development and landscape plan. Utility lines shall not be located beneath street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.

21. The developer agrees that the location of the water services will be determined at the time of the review of the final engineering plan in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the building walls shall be adjusted as necessary to provide these clearances.

22. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet clearance from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures. Water mains 16 inch and larger, and
mains placed more than 10 feet deep shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inches and larger, or sewers placed more than 10 feet deep shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

The developer agrees that the minimum clear horizontal separation between each individual barrel of the storm sewer and proposed buildings or other permanent structures shall be as follows: 10 feet from the center line of storm sewer mains less than 27 inches in diameter and 10 feet or less in depth; 15 feet from the center line of storm sewer mains less than 27 inches in diameter and greater than 10 feet in depth; 15 feet plus half the diameter from the center line of storm sewer mains greater than 27 inches in diameter, at any depth.

23. The developer agrees that no existing water main or fire hydrant shall be taken out of service or made inaccessible without the prior approval of the Department of Environmental Services. This approval shall be obtained before the issuance of the Excavation/Sheeting and Shoring Permit.

24. The developer agrees to show, on the final engineering plans, water main improvements in accordance with the following. The water main improvements shall be constructed prior to the issuance of the Final Building Permit for the respective phases of construction.

   a. Extend an 8-inch watermain from the terminus of the existing 12-inch watermain in 10th Street South approximately 150 feet to the cul-de-sac. Abandon the existing 6-inch watermain in 10th Street South from S. Ball St. to the terminus of the street and transfer all existing services and appurtenances to the proposed 8-inch watermain.

25. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following. The sanitary sewer main improvements shall be constructed prior to the issuance of the Final Building Permit.

   The County will TV-Inspect the sanitary sewer lines serving the site and shall identify any improvements that are necessary to adequately service the development. The developer agrees to repair or replace any sections or appurtenances of the sanitary sewer serving the development that are found to be deficient or damaged by the developer, as identified by County staff and as shown on the final engineering plan approved by the County Manager or his designee.

26. The developer agrees to show, on the final engineering plan, horizontal standpipes or fire hydrants at intervals of not more than 300 feet in order to provide adequate fire protection. The County shall specify kind of service and locations at the time of the final site engineering plan approval based on applicable safety standards. The fire hydrants
shall be installed prior to the issuance of the Final Building Permit, and horizontal standpipes shall be installed prior to the issuance of the first Certificate of Occupancy.

The developer agrees to provide calculations to demonstrate the needed fire flow as defined in the Arlington County Department of Environmental Services Standards and Specifications. This information shall be clearly shown on the cover sheet of each plan set submitted.

27. The developer agrees to remove and replace any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer according to Arlington County standards and specifications, prior to the issuance of the first Certificate of Occupancy.

28. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core Certificate of Occupancy. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Arlington County standards.

The developer agrees to purchase and install Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be 12 feet. The developer agrees to pay the cost of installing additional standard thoroughfare lights should the County decide that they are necessary to provide adequate lighting for street safety purposes.

29. The developer agrees to remove or place underground all existing aerial utilities within or along the periphery of the entire site plan site as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager or his designee. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles, or aerial devices. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.

30. The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be
provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.

31. The developer agrees to install address indicator signs on the site which comply with Section 27-12 of the Arlington County Code or successor provision in a location visible from the street and as shown on the final site development and landscape plan.

32. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The facade material labeled as smooth surface panel on the drawings dated June 16, 2005, shall consist of a metal or aluminum wall panel, or similar treatment, and shall not include a cementitious treatment. The developer agrees to submit colored drawings and renderings which label the materials and colors, and material samples, for review by the County Manager or his designee for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager or his designee of the facade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

**Intentionally Omitted** The developer agrees that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefronts that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. “Transparency” shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

33. All required public deeds of easement and deeds of dedication shall be submitted to the Department of Environmental Services prior to the issuance of the Excavation/Sheeting
and Shoring Permit, and be approved and recorded among the land records of the Clerk of the Circuit Court of Arlington County, by the developer before the issuance of the Final Building Permit. The developer agrees that there shall be no building construction within the easement area without approval by the County Manager or the County Board. Dedications granted by the developer for street improvements shall be dedicated in fee simple to the County. Dedications granted by the developer for sidewalk improvements may be dedicated by easement to the County.

- The following conditions of site plan approval (#34 through #42) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.

34. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building’s ground floor elevation(s) at the building’s lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above.

35. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Environmental Services for review and approval. Upon approval of the performance bond estimate by the Department of Environmental Services, the developer agrees to submit a performance bond in the approved amount of the estimate and agreement for the construction or installation of all these facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Environmental Services and this bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.

Prior to the release of the public improvement bond, the developer agrees to submit as-builts for all underground utilities (water, sanitary sewer, and storm sewer) that will be maintained by Arlington County.

36. The developer agrees that all new electrical transformers shall be placed underground in vaults which meet Virginia Power standards. These vaults may be placed in the street right-of-way or in driveways if approved by the County on the final site engineering plan. Ventilation grates may not be located within public sidewalks or streets, or within areas used as a walkway between the street curb and any building. The locations of the vaults shall be coordinated with other utility locations so as to have a minimum clearance of five (5) feet to conduits and manholes and a minimum clearance of 10 feet to water mains and sanitary sewers unless otherwise approved by the owner of that utility. The developer shall obtain approval from the County Manager or his designee on the location of all vault ventilation grates and utilities as part of the review of the final site engineering plan and the final site development and landscape plan before the issuance of the Footing to Grade Structure Permit.
37. The developer agrees that interior space shall be provided and used for the collection, storage, compaction, and removal of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. The collection, storage, compaction, and removal of trash shall not occur outside the interior loading space. This space may not conflict with the use of a loading berth. Drawings showing compliance with this condition shall be approved by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

38. The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width (including entrances), 30 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet. All loading docks shall contain specially designed roll-down doors fabricated of a translucent material. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.

39. The developer agrees that new parking garages shall be designed to allow access and use by vans. At least 1% of the total new parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches. Compliance with this condition shall be determined by review of the building plans by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit, which review shall not relieve the developer from constructing in accordance with this condition.

40. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance. Unless otherwise approved by the County Board, the number of compact spaces may not exceed the Zoning Ordinance requirement. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

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

**Office and Residential Bicycle Storage Facilities:**
One (1) employee bicycle parking space for every 7,500 square feet, or portion thereof, of office floor area and one (1) additional such visitor space for every 20,000 square feet, or portion thereof, of office floor area.
A minimum of one (1) resident bicycle parking space for every three (3) residential units, or portion thereof, of residential units and one (1) visitor space for every 50 residential units, or portion thereof, of residential units.

Employee and 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 shall not encroach on any area in the public right-of-way intended for use by pedestrians nor any required fire egress. The facilities for office users and 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, and be highly visible from an elevator entrance, a full-time parking attendant, a full-time security guard or a visitor/customer 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 before the issuance of the Footing to Grade Structure Permit. Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.

Intentionally Omitted In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all tenants of the building. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County Police Department before issuance of the Footing to Grade Structure Permit. The developer agrees that an exercise/health facility containing a maximum of 1,000 square feet shall not count as density (FAR) but shall count as GFA if this facility meets all of the following criteria: 1). The facility shall be located in the interior of the building and shall not add to the bulk or height of the project; 2). Showers and clothes lockers shall be provided as required above; 3). The lockers shall be installed adjacent to the showers in a safe and secured area within the exercise facility and both showers and lockers shall be accessible to all tenants of the project; 4). The exercise facility shall be open only to tenants of the project and shall not accept or solicit memberships from outside of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.

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 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.

42. The developer agrees to construct all plaza areas used for vehicular access, including the two (2) courtyards, and the private yield street, and all surface parking areas to support the live load of any fire apparatus. Architecturally designed bollards or curbs shall be used on pedestrian plazas to separate the areas intended for emergency vehicle use from areas intended for pedestrian use. The fire lanes in the courtyards shall be designed and constructed with a combination of grass-crete and decorative pavers, or similar treatment, consistent with the design in the conceptual landscape drawings dated June 16, 2005. No above-grade structure shall be allowed to encroach in fire lanes. The requirements of this condition shall be incorporated in the drawings submitted for the Footing to Grade Structure Permit.

- The following conditions of site plan approval (#43 through #47) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit.

43. The developer agrees to submit one (1) original and three (3) copies of a foundation wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #10 above.

44. Mechanical equipment shall be screened so as not to be visible from public rights-of-way.

45. The use of any penthouse shall be limited to mechanical equipment, elevator machinery and equipment maintenance space or telecommunication transmitter and/or receiver equipment as required in Condition #56 below.

46. The developer agrees to submit to the Zoning Administrator and the Operations Division of the Arlington County Police Department documentation that a Crime Prevention Through Environmental Design (CPTED) practitioner referred by the Police Department has reviewed and accepted the site plan for meeting CPTED design requirements.

47. The developer agrees to obtain from the Federal Aviation Administration (FAA), before the issuance of the final building permit, a written statement that the project is not a hazard to air navigation or that the project does not require notice to or approval by the FAA.

- The following conditions of site plan approval (#48 through #53) are valid for the life of the site plan and must be met by the developer before the issuance of the First Certificate of Occupancy.
48. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in “Sign Guidelines for Site Plan Buildings” and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The comprehensive sign plan shall be approved before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment. Rooftop signs and shall not directly face a residential neighborhood, the George Washington Parkway or the North Tract Park. If the County determines that underground public parking spaces shall be provided on site, consistent with Condition #75.b. below, then the comprehensive sign plan shall include signage directing the public to the public parking spaces.

49. The developer agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. The developer agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first Certificate of Occupancy for the building.

The Transportation Management Plan shall include a schedule and details of implementation and continued operation of the elements in the plan. The Transportation Management Plan shall include, but not be limited to, the following strategies:

A. Participation and Funding

1. The Applicant will maintain an active membership in Arlington Transportation Partners (ATP), or successor entity at no cost to the developer, on behalf of the property management company.

2. The Applicant will designate a member(s) of the building management team as Property Transportation Coordinator who will be the primary point of contact and will be responsible for coordinating and completing TDM obligations on behalf of the Applicant. The applicant will provide the name of the Property Transportation Coordinator to the Commuter Assistance Program.

3. Provide an annual contribution of $5,610 ($30 per residential unit) for five (5) years to the Arlington County in support of TDM activities for the residential building(s) prior to issuance of the first Certificate of Occupancy for the first building. Subsequent payments will be made each year on the anniversary of the issuance of the first certificates of occupancy. At the option of the developer, a one-time contribution of $28,050 can be made prior to issuance of the first Certificate of Occupancy for the first building.

B. Facilities and Improvements

4. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, van access to the garage, and construction worker parking.
5. The Applicant agrees to cooperate with the County in the evaluation and possible implementation of high capacity transit options adjacent to the property.

C. Parking Management Plan
6. Provide effective directional signage subject to approval of a Comprehensive Sign Plan (parking, deliveries, taxi stand, etc.) to direct residents and visitors to appropriate locations on the property.
7. No on-street loading or resident move-in will be permitted between the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. Monday through Friday.
8. Subject to the approval by the County Manager or his designee, the developer shall prepare a parking management plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, and passenger waiting area; loading zones for short-term deliveries; bus stops; and on-and off-street parking for residents, employees, and visitors. Such plan shall include a schematic drawing depicting an area parking plan for all block faces abutting the site. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.

D. Promotions, Services, Policies
9. Provide website hotlinks to CommuterPage.comTM under a “transportation information” heading from the developer and property manager’s websites regarding his development.
10. Provide SmarTrip cards, during first time lease-up only, at a maximum cost to the developer of $5.00 per card, per person, for free to residents. Provide SmarTrip cards, at a maximum cost to the developer of $5.00 per card, per person, for free to new on-site employees of the property management company.
11. Provide in the common area of each building a Transportation Information Center providing printed materials related to local transit services.
12. Provide marketing support to encourage ridesharing:
   a. Provide access to building or grounds at times acceptable to the developer to allow ATP and MWCOG’s Commuter Connections to promote group riding among tenants of the building, by means acceptable to the developer.
   b. Distribute rideshare marketing materials provided by Arlington County to all new residents.
13. Encourage new residents of the existence of the nearby Pentagon City and Crystal City Metro stations, and encourage all employees to use Metrorail, Metrobus or Arlington Transit services through the following means:
   a. Distribute in new-tenant and new-resident packages, materials provided by Arlington County including site-specific transit-related information to all persons or entities signing leases.
   b. Place a reference to the Pentagon City and Crystal City Metro Stations in promotional materials and advertisements.
   c. Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotions in locations within the building acceptable to the developer.
d. Implementing a transit-advertising program that will distribute information four
times per year to all residents, tenants, employees, and visitors.

E. Performance and Monitoring
14. During the first year of start-up of the TMP and on an annual basis thereafter for a
duration of 10 years, the developer will submit an annual letter to the County
Manager describing the TDM related activities of the site.
15. Conduct a transportation performance monitoring study two years after issuance of
first Certificate of Occupancy of each building and report findings to the County.
Such report shall include a data gathering effort and analysis that will result in the
determination of mode split, average vehicle occupancy, daily person vehicle trips to
and from the site, and parking availability by time of day.
16. 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) to provide transportation-related information to residents
and visitors.

50. The intent of this condition is to ensure that at least one parking space is available in
perpetuity for parking use by each residential unit in the project. Accordingly, the
developer agrees to offer the use, for rental units, and the purchase or use for
condominium units, of at least one parking space for each dwelling unit.

Further, for condominium units, the developer agrees to notify the Zoning Administrator
at the time of the settlement of the last dwelling unit. If excess parking spaces are
available at the time of settlement of the last dwelling unit, the number of excess parking
spaces equaling the number of dwelling units which were sold without a parking space,
shall first be offered exclusively for a period of twelve (12) months to the owners of
those dwelling units which were sold without a parking space. Any other remaining
spaces shall be offered to all dwelling unit owners or transferred to the condominium,
cooperative or homeowners association. By the end of twenty four (24) months
following the settlement of the last dwelling unit, the developer agrees to relinquish in
writing to the condominium, cooperative or homeowners association any and all
remaining interest in the parking spaces or garage and a copy shall be filed with the
Zoning Administrator. The future purchase of any parking spaces shall be limited to the
dwelling unit owners or condominium, cooperative or homeowners association of the
building.

For both rental and condominium buildings, the use of the parking spaces shall be limited
to parking use by the residents of the building and their guests, unless otherwise
permitted by the Zoning Ordinance, and shall not be converted to storage or other use
without approval of a site plan amendment.

The developer agrees to submit to the Zoning Administrator a parking management plan
which outlines how guest and visitor parking for the residential building, and public-
designated parking consistent with Condition #75 below, and parking for retail tenants' employees and customers for retail located in the residential buildings, will be provided, where the parking will be located, and how guests and visitors, and the public, and retail employees and customers, will be directed to the parking spaces. The developer further agrees to make a minimum of 10 residential visitor parking spaces, and ___ retail tenant parking spaces, and 30 public-designated parking spaces available within the residential garage. The 10 visitor parking spaces shall be specifically labeled as visitor parking. The 30 public-designated parking spaces shall be located and labeled on the P-1 level of the garage, and shall be in addition to the number of required residential parking spaces and guest and visitor parking spaces identified above. The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager or his designee, prior to the issuance of the first Certificate of Occupancy for the first residential building.

51. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager or his designee, including street lighting as described in Condition #28 above. The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. All lighting shall be installed and approved by the County Manager or his designee before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project. All lighting in public spaces shall be oriented downward. Lighting of the buildings, other than through the use of pendant light fixtures on the building base and/or as required by applicable building codes, shall be prohibited.

52. The developer agrees to be responsible for documenting any historical artifact or historical natural feature uncovered during construction on the site. This documentation shall include written notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was found. The developer agrees to submit a copy of this documentation to Arlington County before issuance of the First Certificate of Occupancy.

In the event an historical artifact or natural feature is found on the site, and is to be disturbed or removed from the site during construction, the developer agrees to contact the Arlington County Historic Preservation Program, Neighborhood Services Division before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.

If historic buildings are located on the site, then photographic documentation shall be consistent with Historic American Building Survey (HABS) standards. Should the project be assessed as a possible archaeological site, the developer agrees to pursue, at a minimum, a level one and two archaeological study. The developer agrees to submit to
the Arlington County Historic Preservation Program all written results of the level one and two archaeological study and all artifacts found on the site.

53. If the project includes a residential condominium or cooperative component, then the developer agrees that a copy of the conditions of this site plan approval shall be made available with the condominium's, cooperative's or homeowners association's bylaws or agreements. Documentation that this condition has been satisfied shall be provided to the County Manager or his designee before the issuance of the First Certificate of Occupancy. If the project includes a residential rental component that is converted to a condominium or a cooperative, then the developer agrees that a copy of the conditions of this site plan approval shall be made available with the condominium’s, cooperative’s, or homeowners’ association’s bylaws or agreements prior to the issuance of the first Certificate of Occupancy following the conversion.

• The following condition of site plan approval (#54) is valid for the life of the site plan and must be met by the developer before the issuance of the Master Certificate of Occupancy.

54. Before the issuance of the Master Certificate of Occupancy, the developer agrees to submit drawings certifying the building height as measured from the average site elevation to both the building roof and to the top of the penthouse roof.

• The following condition of site plan approval (#55) is valid for the life of the site plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.

55. The developer agrees to obtain a Master Certificate of Occupancy within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.

• Post Certificate of Occupancy: the following Conditions of site plan approval (#56 through #61) are valid for the life of the site plan.

56. In order to maintain the effectiveness of the County's public safety systems, the County reserves the right to install telecommunications transmitter and/or receiver equipment and conducting wire in or on the penthouse or top floor, and antennae and traffic monitoring systems on the roof of the proposed buildings at no charge to the County in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both upon request by the County. Upon request by the County, the developer agrees to provide access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County.
57. The developer agrees that any structural addition shall be subject to the approval of the Zoning Administrator consistent with Section 36.H.2.c of the Zoning Ordinance. If the Zoning Administrator determines that any proposed improvements have a significant impact on the site plan, or otherwise meet Zoning Ordinance requirements for site plan amendments that go to the County Board, a site plan amendment shall be required.

58. The developer or owner agrees to remove snow from all interior streets and interior and exterior sidewalks, including accessibility ramps and gutter areas within crosswalks, within a reasonable time after snow has stopped falling but in no case later than snow removal provided for vehicular access to the site.

59. If the project includes a residential component, then the developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to condominium units shall be provided for by the condominium's, cooperative's or homeowners association's bylaws or agreements consistent with Section 2.D.6 of the Zoning Ordinance.

60. The developer agrees to provide parking for each building according to the approved parking ratio; when this parking is not located within the parcel designation of each building but located within the overall project, it shall continue to be committed to the entire project for purposes of administering the Zoning Ordinance.

61. The density allocated for any new construction pursuant to the site plan on any subdivided parcel of the site shall be the same as the approved density for the entire site. No additional density shall be allowed on any individual parcel formed by subdivision of the site.

- The following unique site specific conditions (#62 through #77) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.

62. The developer agrees to contribute a total of $75,000 to the County's Public Art Fund toward realizing the public art in the North Tract park.

63. Prior to the issuance of any building permit for any activity on the site, the developer agrees to execute documents requested by the County to evidence agreement to all of the terms and conditions outlined in the developer’s approved final Affordable Housing Plan as such plan is set forth in the July 7, 2005 letter (attached) from Martin Walsh, applicant’s attorney, to Ken Aughenbaugh, County staff, including, but not necessarily limited to, the following conditions:

  a. County/Developer Agreement/Affirmative Marketing Plan: The agreement shall include an Affirmative Marketing Plan in substantially that form as required by the U.S. Department of Housing and Urban Development (HUD) and including, at a minimum, the elements specified in the Developer’s final
Affordable Housing Plan and Affirmative Marketing Plan. The Affirmative Marketing Plan shall be in a form and substance acceptable to the County Manager, with the concurrence of the County Attorney, according to the County’s criteria for such marketing plans. The developer agrees that the proposed marketing plan shall call for the initial advertising and marketing of the affordable units for a period of at least 45 days before projected occupancy.

b. **Affordable Rents:** The developer agrees that the affordable rents shall be calculated at 60% of area median income (AMI) according to the same formula as rents under the Low Income Housing Tax Credit (or any successor) program are calculated. Rents shall not exceed the established affordability level for the rents, as published by HUD, minus utility allowance (if applicable) as per the Utility Allowance Schedule annually approved by HUD for the Arlington County, VA, Section 8 Housing Certificate/Voucher Program. A total of 15 units (six 1-bedrooms and nine 2-bedrooms) shall have such rents and be available to households with incomes at or below 60% of AMI. The developer agrees to lease the affordable units to households whose incomes do not exceed these affordability levels. For 2005, the monthly rent for a one-bedroom apartment at 60% of AMI is $1,004 before utilities; the monthly rent for a two-bedroom apartment at 60% of AMI is $1,206 before utilities.

c. **Rent Increases:** The developer agrees that rent increases for tenants continuing in occupancy shall be based on area median income increases as published by HUD, subject to a maximum cap of 5% per year for the first five (5) years for each tenant. Rents for households moving into vacated affordable units shall be set according to #63.b., above. After an initial 5 year period for each tenant, annual rent adjustments shall not exceed the established affordability level for the rents minus a utility allowance as in Condition #63.b., above.

d. **Compliance Period:** The developer agrees that the affordable housing plan shall require units to remain affordable for a term of 30 years from the execution of the lease of the first unit of the 15 affordable units.

e. **Accessible Units:** The developer agrees to market the units required to be accessible to persons with physical disabilities as described in American National Standards Institute (ANSI) A117.1 Type A units to households in need of such units as part of the developer’s Affirmative Marketing Plan for the affordable units. All of the apartment units shall be fully adaptable.

f. **Condominium:** In the event that during the Compliance Period the rental units are converted to condominium ownership, the developer shall agree to: a) continue to lease the units as described in the terms above; b) sell the units to an affordable housing provider who will agree to all the conditions and terms
of the County/Developer Agreement for maintaining the affordable rental program, subject to the approval of the County Manager or his designee; or c) in the event that the County Manager determines not to have the developer maintain the affordable units as on-site rentals, the developer agrees at the sole request of the County Manager to sell the fifteen (15) affordable rental units at market-rate sales prices. Upon the sale of the units, the developer agrees that it will provide the net proceeds of sale to Arlington County within 30 days after closing. The net proceeds of sale shall be defined as the actual retail purchase price minus the imputed affordable sales price of the unit at 60% AMI at the time of the sale and all expenses of sale, as agreed to in an amended County/Developer Agreement that includes a marketing plan and any required County relocation program that are approved by the County Manager or his designee.

The developer agrees, at all times, to fully comply with the requirements of such documents and the plan.

64. The developer agrees to submit a phasing plan to the Zoning Administrator for review and approval by the County Manager or his designee prior to the issuance of any building permits for the site plan. During the phasing of construction, the developer further agrees to appropriately maintain the site and any buildings located within it. This shall include, but not be limited to, maintaining landscaping, keeping the grass mowed, and removing litter and debris from the site. Until the buildings are demolished, the developer agrees to maintain access on the site for fire emergency vehicles. Improvements required by these site plan conditions shall be constructed in phases, consistent with the phasing plan for construction of the project. Any changes in the project phasing shall require a new phasing plan approved by the County Manager or his designee prior to the issuance of any permits.

65. The developer agrees that no balconies, other than those identified in the approved site plan, shall be enclosed. Enclosure of any additional balconies shall constitute additional gross floor area and shall require a site plan amendment.

66. The developer agrees to hire a LEED certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council’s system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED Prerequisites and 24 LEED credits. The developer agrees to use commercially reasonable efforts to achieve additional LEED credits which would qualify the building for certified levels.

For residential development, the developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the
U.S. EPA’s Energy Star label: clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs. To further enhance energy efficiency, the developer shall choose two of the types of components listed and all of those two types of components installed or used in the project shall be Energy Star qualified: programmable thermostats (in residential units); residential light fixtures; windows and doors; and HVAC systems. The developer shall submit to the County Manager a statement listing all Energy Star qualified components prior to issuance of the Core and Shell Certificate of Occupancy.

The developer further agrees to submit, to the County Manager or his designee, a report prepared by the LEED consultant and documentation upon request to substantiate the report. Such report will be submitted prior to issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

- Demolition Permit
- Excavation, Sheeting and Shoring Permit
- Footing to Grade Permit
- First Above Grade Building Permit
- Final Building Permit
- Shell and Core Certificate of Occupancy
- Certificate of Occupancy for occupancy of the last floor of space
- Master Certificate of Occupancy

In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its LEED consultant submit a certification to the County Manager or his designee that the elements to earn the above specified numbers of points have been included in the buildings.

67. The developer agrees to grant permanent public use and/or access easements, in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County providing for public use and/or access to the plaza and open space areas outlined below, consistent with the plans dated June 16, 2005. The final location of the easements may change with the preparation of the final building plans. The developer agrees to construct and landscape these areas, as shown on plans dated June 16, 2005 and made a part of the public record on July 9, 2005. Final landscape design and installation shall be approved by the County Manager or his designee as part of the final site development and landscape plan. Construction and landscaping of these areas shall be completed prior to the granting of the easements. Granting of the public use and/or access easements shall be completed prior to the issuance of the first certificate of occupancy for the building. The easements shall be granted by deed, in form and substance acceptable to the County Manager, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. The developer shall be responsible for maintaining these areas, which include:
a. Public use and access of the plaza and open space area located adjacent to 6th Street South;

b. Public access of the two (2) courtyards;

c. Public access of the 8-foot wide pedestrian walkway located contiguous to the south property line and which extends from 10th Street South eastward to the site’s east property line;

d. Public access of the approximately 5-foot wide building setback areas located adjacent to the entrances to the courtyards and open space and plaza areas, as measured from the site’s east property line.

e. Public use and access of the private street and associated sidewalk, streetscape and landscaped buffer.

68. The developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility designated by the County Manager. The developer further agrees to stipulate in any future lease or property sale agreements that all tenants or property owners shall also comply with this requirement.

69. The developer agrees to have, as a part of its parking management plan, provisions relating to the towing of impermissibly parked vehicles. Such provisions shall include, but not be limited to:

a. Requirements for signage at the developer’s parking lot(s) providing notice of all applicable parking restrictions enforced by towing, the location of the towing contractor(s)’ impoundment yard, and the name and telephone number of the developer’s on-site representative responsible for towing-related complaints, as well as the telephone number of the Arlington County Office of Citizen and Consumer Affairs;

b. Disclosure by the developer and its towing contractor(s), at the developer’s parking lot(s), of all fees and charges for towing; and

c. Evidence that the developer has a contract with the towing contractor that requires the towing contractor to clearly display all fees and charges for towing.

70. The developer agrees to install speed bumps adjacent to the top of garage exit ramps at locations where ramps abut the pedestrian sidewalk, in order to slow vehicular traffic prior to vehicles crossing the sidewalk. The locations of the speed bumps shall be shown on the site engineering and building plans approved by the County Manager or his designee. The garage doors shall be setback from the sidewalk a minimum distance of six (6) inches.
71. The developer agrees to develop procedures, subject to approval of the County Manager, whereby uniformed Arlington County Police will be authorized to enter the parking areas for purposes of enforcing compliance with County ordinances and state laws applicable to resident’s motor vehicles.

72. If applicable, the developer agrees to install and maintain in operable condition, in a manner acceptable to the County Manager or his designee, an internal antenna/amplifier system that permits public safety radio communications to transmit in the 806-825 MHz frequency and to receive in the 851-870 MHz frequency from all areas within the building. The developer agrees to provide documentation in the approved electrical engineering drawings that adequate accommodations have been made in the building to meet this requirement.

73. The developer agrees to institute measures that will direct truck traffic (including moving vans/trucks and service/delivery trucks) to South Ball Street and away from 6th Street South, which may include, but not be limited to, written provisions in residential tenant lease agreements and vendor contracts. The developer shall submit to the County Manager or his designee documentation to support that residential tenants and vendors to the project shall have proper notification of this requirement prior to the issuance of the first Certificate of Occupancy for occupancy of the first phase of development.

74. No later than one year following the completion of North Tract park, the developer agrees to submit to the County Manager or his designee a retail market analysis evaluating the viability of providing convenience retail at this location. If the analysis supports the provision of retail at this location and should market conditions warrant, the developer agrees to consult with Arlington Economic Development staff, and may convert up to two (2) residential units into convenience retail. Should the developer choose to proceed with the retail option, then the developer shall file an administrative change request to convert up to two (2) residential units to convenience retail. The administrative change request shall address the type of retail use(s), use of the contiguous plaza area for outdoor café/seating, design of the store front(s), auto and bicycle parking for the retail use(s), and fit-out of the space(s) to accommodate the retail use(s).

75. The developer agrees to make contributions to Arlington County, as described below:

a. $427,845 towards the design, site grading and preparation, and installation of landscape materials, trails and other elements on the County-owned Parcel C, prior to the issuance of any permits for the site plan.

b. The developer shall coordinate with the County Manager or his designee on the provision of either 30 public parking spaces in the underground garage, or a financial contribution of $650,000 towards North Tract park improvements in lieu of the 30 underground public parking spaces, as follows:
(1) If the County Manager or his designee determines that the developer provide 30 underground public parking spaces, then the developer agrees to grant permanent public use and/or access easements, in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County providing for public use of and/or access to the 30 public parking spaces located on the P-1 level of the underground garage, consistent with the plans dated June 16, 2005. Such public parking shall be provided at no cost to the County or the public. The final location of the easements may change with the preparation of the final building plans. The floor plan of the P-1 level of the garage, which labels and shows the design, lay-out and number of the public parking spaces, shall be approved by the County Manager or his designee prior to the issuance of the Footing to Grade permit. The developer agrees to construct the underground public parking spaces, as shown on plans dated June 16, 2005 and made a part of the public record on July 9, 2005. Construction of the underground public parking spaces shall be completed prior to the granting of the easements. Granting of the public use and/or access easements shall be completed prior to the issuance of the first certificate of occupancy for the building. The easements shall be granted by deed, in form and substance acceptable to the County Manager, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. The developer shall be responsible for maintaining the underground public parking spaces at no cost to the County.

(2) If, within 60 days of County Board approval of this site plan the County Manager or his designee determines that the developer provide a financial contribution of $650,000 towards North Tract park improvements in lieu of the 30 underground public parking spaces, then the developer agrees to make the financial contribution in lieu of provision of the underground public parking spaces prior to the issuance of the Footing to Grade permit. Upon payment of the financial contribution to the County, the developer is no longer obligated to provide the 30 underground public parking spaces and the total number of spaces approved in the development becomes 242 spaces.

76. The developer agrees to finalize an agreement with Arlington County to use North Tract Parcel C in order for the site plan to achieve the required building setback for fire separation, consistent with the applicable building code. The agreement shall be approved by all necessary parties and executed prior to the issuance of any permits for the site plan. In the absence of an agreement, the developer agrees to redesign the east elevation of Building One to provide an amount of openings that comply with the applicable building code for building setback and to work with the County Manager or his designee on an appropriate design solution that would achieve the design intent of the site plan consistent with the drawings dated June 16, 2005. The redesigned façade treatment and the materials to be used on the façade for the east elevation of Building
One shall be reviewed and approved by the County Manager or his designee consistent with Condition #32 above, and such review and approval will not be unreasonably withheld by the County.

77. The developer agrees to conduct an acoustical engineering study of the development to determine if measures to mitigate potential external noise impacts on interior residential and common areas are warranted at the site. The study shall be submitted to the County Manager or his designee for review prior to the issuance of any permits for the site plan. If the study determines that noise abatement measures are needed to mitigate the impacts of external noise sources, then the study shall identify the specific abatement measures, which shall be shown on the construction drawings.
REZONING RESOLUTION

WHEREAS, the County Board of Arlington County (“County Board”) finds that the Archstone-Smith Operating Trust has requested a rezoning of property located at 305 South 10th Street (RPC #34-024-457 (“Property”)); and

WHEREAS, the County Board finds that the rezoning to "C-O-1.5" Commercial Office Building, Hotel and Apartment Districts will be consistent with the General Land Use Plan Designation for the Property; and

WHEREAS, the County Board finds that the rezoning to "C-O-1.5" Commercial Office Building, Hotel and Apartment Districts will achieve goals and objectives set forth in the North Tract Area Plan Study land use and zoning guidelines and other County policies; and

WHEREAS, the County Board finds that the rezoning to "C-O-1.5" Commercial Office Building, Hotel and Apartment Districts is required by public necessity, convenience, general welfare, and good zoning practice.

NOW THEREFORE, be it resolved, that the Property located at 305 South 10th Street (RPC #34-024-457 is hereby rezoned FROM "M-2" Service Industrial Districts to “C-O-1.5” Commercial Office Building, Hotel and Apartment Districts, as shown on the attached map.
PREVIOUS COUNTY BOARD ACTIONS:

June 3, 1938  The Zoning District Map adopted April 26, 1930 shows the subject site to be zoned “Light Industry”, per the Zoning Ordinance adopted by the County Board on June 3, 1938.

May 16, 1942  The Zoning Ordinance adopted by the County Board shows the subject site as zoned “M-2”.

August 12, 1961  Adopted General Land Use Plan indicating “Industrial” for the subject site.

March 24, 1979  Adopted General Land Use Plan Amendment indicating “Service Industry” for the subject site.

October 21, 2000  Adopted General Land Use Plan Amendment indicating “Low” Office-Apartment-Hotel for the block south of 6th Street South, including the subject site.