



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 9, 2005**

DATE: July 1, 2005

SUBJECT: U-3126-05-1 USE PERMIT REQUEST for approval under the Columbia Pike Form Based Code, with appropriate modifications for street location for 5400, 5422, 5444, 5446, 5448, 5500, 5502, 5510 Columbia Pike (RPC #28-004-004, -005)

Applicant:

West Columbia Pike, LLC
6110 Executive Boulevard, Suite 315
Rockville, MD 20852

By:

M. Catharine Puskar
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

C.M. RECOMMENDATION:

Approve the use permit application , in accordance with the Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) with appropriate modifications for street location, subject to the conditions in the staff report.

ISSUE: None.

SUMMARY: The applicant is requesting Use Permit approval of a 10-story condominium building with between 235 and 272 units and 7,544 to 8,427 square feet of ground floor retail. The subject property is located within the Columbia Pike Special Revitalization District and is eligible for redevelopment using the Columbia Pike Form Based Code (CP-FBC). The subject property, which is located south of the intersection of Columbia Pike and Greenbrier Street, is commonly known as the Petros site.

County Manager: _____

County Attorney: _____

Staff: Richard Tucker, DCPHD
Dave Robinson, DES

PLA-4055

The applicant has requested that existing utility easements located within the subject site be vacated and replaced with new easements for the subject site and adjacent properties. This matter is addressed both in the Use Permit Conditions within this report and in a separate staff report. As part of this proposal, the applicant will also construct a new segment of Greenbrier Street. Depending on whether the applicant is successful in obtaining the agreement of the adjacent property owners to the west (the Goins family), the applicant has proposed to either build the segment of Greenbrier Street on the adjacent Goins property (Scheme 18) or on the subject site (Scheme 19). The reduction in unit count, retail space, and parking spaces proposed in Scheme 19, as compared to Scheme 18, results from the placement of Greenbrier Street within the subject site. The proposed project will include 368 parking spaces (Scheme 18), of which up to 44 spaces will be available on an unreserved basis at all times for visitors or shoppers in the area. An alternative scheme (Scheme 19), has 320 parking spaces, with up to 38 spaces available on an unreserved basis. The project conforms to the CP-FBC, adopted by the County Board in February 2003. The proposed development is also consistent with the General Land Use Plan (GLUP) and the vision for Columbia Pike, as expressed in the Columbia Pike Initiative – A Revitalization Plan.

BACKGROUND: Under the CP-FBC, projects involving sites greater than 40,000 square feet in area must be approved by Use Permit, subject to staff review and community input.

Site: The 52,814 square foot site is located on Columbia Pike, and is bounded on three sides by garden style and high-rise multifamily housing development.

Zoning: The site is zoned “C-1” Local Commercial Districts, and is eligible, by reference, to be developed using the “CP-FBC” Columbia Pike Form Based Code District. There is a special note on the Columbia Pike Form Based Code Regulating Plan that allows up to 10 stories or the height of the adjacent Carlyle House building (259’6”) for this site.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Service Commercial”, which permits personal and business services of generally one to four stories and a maximum 1.5 F.A.R. with special provisions within the Columbia Pike Special Revitalization District. This project is located within the Western Gateway node of the Columbia Pike Special Revitalization District.

Neighborhood: The site is located within the Columbia Forest Civic Association. Community review was coordinated through the Columbia Pike Revitalization Organization (CPRO) with the participation of the Columbia Forest and Columbia Heights West Civic Associations.

Proposed Development:

	Required		Proposed (Scheme 18)	Proposed (Scheme 19)
Site Area: 52,814 sq. ft.				
Total GFA			321,200 sq. ft.	269,832 sq. ft.
Residential Units			272 units	235 units
Retail Space			8,427 sq. ft.	7,544 sq. ft.
Columbia Pike Form Based Code Requirements				
Maximum Height	10 stories, or height of Carlyle Bldg (259' 6")		10 stories (259' 2")	10 stories (259' 2")
Parking	Scheme 18	Scheme 19		
Residential Reserved Spaces	272 spaces	235 spaces	325 spaces	282 spaces
Residential Shared Spaces	34 spaces	30 spaces	35 spaces	30 spaces
Retail Spaces	9 spaces	8 spaces	9 spaces	8 spaces
Total Parking	315 spaces	273 spaces	368 spaces	320 spaces
Parking Ratio	Minimum: 1.125 spaces per residential unit (.125 of which must be shared parking) / 1 space per 1,000 sq. ft. of retail		1.32 per residential unit / 1.07 spaces per 1,000 sq. ft. of retail	1.33 per residential unit / 1.06 spaces per 1,000 sq. ft. of retail
Compact Ratio			8.97%	7.0 %
Open Contiguous Lot Area	7,964 sq. ft	6,826 sq. ft.	8,112 sq. ft. (18.7%)	6,858 sq. ft. (18.66%)
Coverage			39,332 sq.ft. (74.5%)	38,748 sq.ft. (74%)
LEED Score			16	16

Transportation: The subject site is located on the south side of Columbia Pike at its intersection with South Greenbrier Street. The Master Transportation Plan classifies Columbia Pike and South Greenbrier Street as a principal arterial and a neighborhood principal street, respectively. Adjacent to the site, Columbia Pike is constructed to a five-lane cross section, providing two westbound and two eastbound travel lanes and dedicated left turn lanes to South Greenbrier Street to the north and to the existing commercial development (subject site) to the south. South Greenbrier Street is constructed to a two-lane cross section and provides a single travel lane in each direction. The “T” intersection of South Greenbrier Street at Columbia Pike operates under traffic signal control.

Trip Generation: A Traffic Impact Analysis (TIA) submitted by the applicant, prepared by Wells & Associates, Inc., dated March 15, 2005, assessed the impacts of the development on the adjacent street system. Access to the site’s loading dock and parking garage, located at the rear of the site, is proposed from a service driveway entrance off of a proposed South Greenbrier Street extension south of Columbia Pike, adjacent to the site’s western property line. The proposed South Greenbrier Street extension south of Columbia Pike is a dead-end street. With future redevelopment of the property to the west, South Greenbrier Street would intersect with

another proposed street to provide a through street connection to South Jefferson Street to the west. The subject site is currently improved with approximately 32,278 square feet of office/retail development which is estimated to generate approximately 73 AM and 182 PM peak hour vehicle trips. The proposed development is estimated to generate approximately 126 AM and 162 PM peak hour vehicle trips. The proposed development generates a net increase of approximately 53 AM and a decrease of 20 PM peak hour vehicle trips, relative to the existing development on the site for Scheme 18. Scheme 19 results in a net increase of approximately 39 AM and a decrease of 39 PM peak hour vehicle trips. The South Greenbrier Street/Columbia Pike intersection is forecast to continue to operate at an acceptable LOS (LOS B/B) during the AM and PM peak hours.

Parking: The proposed 272-unit building (Scheme 18) provides a total of 368 parking spaces on three levels of below grade parking for the mixed use development. The proposed 235-unit building (Scheme 19) provides a total of 320 parking spaces on three levels of below grade parking for the mixed use development. The applicant’s parking proposal exceeds the Form Based Code minimum parking requirements for residential dwelling units (1.125 parking spaces per dwelling unit) and non-residential gross floor area (1 space per 1,000 square feet of GFA) of 315 spaces for Scheme 18 and 273 spaces for Scheme 19 by 53 and 47 spaces, respectively. Most of the excess parking spaces will be made available to retail patrons and other visitors to the site on a non-reserved basis.

Parking:

	Required Minimum		Proposed	
	Scheme 18	Scheme 19	Scheme 18	Scheme 19
Residential Reserved Spaces	272 spaces	235 spaces	325 spaces	282 spaces
Shared Visitor Spaces	34 spaces	30 spaces	34 spaces	30 spaces
Retail Spaces	9 spaces	8 spaces	9 spaces	8 spaces
Total Parking	315 spaces	273 spaces	368 spaces	320 spaces

Streets: The Columbia Pike Initiative and the Regulating Plan for the Columbia Pike Form Based Code show a proposed extension of South Greenbrier Street, south of Columbia Pike adjacent to the western property frontage of the Columbia Village site. The applicant has submitted two development alignment options for the proposed street. Scheme 18 locates the subject site’s RBL on the property line and requires the acquisition of right of way from the adjacent property owner (Goins) to construct the street and sidewalks. Scheme 19 locates the subject site’s RBL approximately 35 feet to the east of the property line and allows the applicant to construct a 20-foot-wide roadway (two 10-foot-wide travel lanes) and a 13.5-foot-wide streetscape section adjacent to the applicant’s building on-site. The applicant is continuing to attempt to acquire the necessary right of way from the adjacent property owner. If they are successful they propose to implement Scheme 18. If they are unsuccessful in acquiring the right of way, they propose to implement Scheme 19 that allows for future widening and improvements to the west with redevelopment of the Wildwood Apartment (Goins) site to complete the street cross section.

Adjacent to the site frontage, Columbia Pike is planned to provide a 21-foot-8-inches-wide streetscape section, a 7-foot-wide parking lane, a 5-foot-wide bike lane (including valley gutter) and 11-foot-wide outside travel lanes, 10-foot-wide inner and left-turn travel lanes, for a cross section that measures 59 feet to the centerline of Columbia Pike (within an overall RBL to RBL cross section width of 112 feet and 8 inches).

Pedestrian Access: The applicant's proposed streetscape standards are consistent with the adopted standards for the respective street frontages. The proposed streetscape section along the Columbia Pike site frontage consists of a 21-foot-2-inch-wide streetscape section, including a 5-foot-wide by 12-foot-long tree pit adjacent to the back of curb, a 6-foot-wide clear zone and a 2-foot-wide shy zone. The proposed streetscape section along the South Greenbrier Street frontage of the site consists of a 13.5-foot-wide streetscape section, including a five-foot-wide by 12-foot-long tree pit adjacent to the back of curb and an 8-foot-wide sidewalk.

Public Transit: The site is well served by public transit. The Washington Metropolitan Transit Authority's Columbia Pike bus routes were recently improved and designated "Pike Ride". They provide frequent service to both the Pentagon and Pentagon City Metrorail stations. Two Arlington Transit routes are also available nearby. ART Route 41 provides service between Columbia Heights West and the Courthouse Metrorail Station via the Ballston area. ART Route 75 and also provides service to the Ballston Metrorail Station via the Columbia Heights West neighborhood and the Carlin Springs Road corridor.

Bicycle Access: The subject site is conveniently located with respect to accessing a number of bicycle trail and route facilities. The Bicycle Transportation Plan was recently amended with adoption of the Columbia Pike Form Based Code Regulating Plan and Form Based Code Streetscape Standards. On-street bicycle lanes (5 feet in width) are proposed along Columbia Pike between South Jefferson Street and South Dinwiddie Street. Consistent with Form Based Code requirements, the applicant will provide secure bicycle storage for residential tenants and visitors, and for retail patrons and employees.

Utilities: Adequate water and sanitary sewer system capacity is available to serve the development. The developer will be required to relocate an existing sanitary sewer main and storm sewer box culvert that crosses the site around the periphery of the garage. The applicant will be required to obtain approval from the Virginia Department of Transportation for the design and construction of the storm sewer box culvert proposed to be located in VDOT right of way and from the Department of Environmental Services. The applicant is requesting a vacation of the existing utility easements concurrent with this application which is discussed in a separate board report. Consistent with Columbia Pike Form Based Code development requirements, the applicant will also be required to relocate the existing aerial utilities located along the site's Columbia Pike frontage to underground facilities.

DISCUSSION: As part of the Western Gateway node of the Columbia Pike Special Revitalization District, the site is eligible for redevelopment under the CP-FBC, subject to use permit approval, since the site area is greater than 40,000 square feet. The Regulating Plan (map) of the CP-FBC specifies what Building Envelope Standards (BES) apply to each property. The BES sets forth regulations pertaining to building height, building placement, and permitted uses on parcels within the District. The FBC also specifies the minimum open contiguous lot area required within sites. The subject site, having been assigned a BES, can be developed under the FBC according to its two (2) BES or building type designations; “Main Street” and “Avenue”. In addition, the Regulating Plan includes a special note which indicates that this site, given its proximity to other high-rise buildings, has an overall height limit of 10 stories or the height of the adjacent Carlyle House building (259 feet 6 inches, excluding an 18.5-foot penthouse), whichever is least. The applicant proposes a 10-story building with a height of 259 feet 3 inches, excluding a 9-foot penthouse, which is within the height limitation.

Modification: By Use Permit approval, modification of CP-FBC requirements may be allowed. The specific instances where flexibility with respect to CP-FBC requirements are listed in the CP-FBC as: topography or street grade, the location of alleys and/or streets, breaks and passages between buildings, signs, streetscape details, existing buildings proposed to remain, and inclusion of mature trees.

- **Street location:** The CP-FBC requires that a public street, generally running perpendicular to Columbia Pike, be created west of the subject site (on the Goins property), with the exact location of the street to be determined by the County Board at the time redevelopment is proposed. The applicant has proposed two locations for the required street: building the street cross section (including a 20-foot roadway, sidewalk and tree planting areas) on the adjacent Goins property (Scheme 18), or building the half street cross section within the subject site (Scheme 19), with the remainder half-street cross section to be built at a later date on the adjacent Goins property. Staff has worked with the applicant to develop the two alternatives with each being substantially equivalent in meeting the short- and long-term traffic needs for the subject and a adjacent (Goins) sites.

If agreement with the adjacent property owner and subsequent construction of the proposed half-section on the adjacent property cannot be achieved prior to submission of final site engineering plans to the County, the applicant proposes to build the half-section within the subject site. Until such time as the remainder of the street section is built, the applicant has agreed to maintain the half- section and has agreed to dedicate the right-of-way in fee. Staff has determined that this approach meets the intent of the CP-FBC in that it meets the goal of providing pedestrian and vehicular access to the site.

Community Review Process: The applicant met informally with CPRO and members of the two adjacent Civic Associations in early June. A formal “community meeting”, as required by the CP-FBC, was held on June 22, 2005 and was attended by CPRO and residents from the Columbia Heights West and Columbia Forest Civic Associations. Although there were questions relating to traffic impacts and parking, no major objections to the proposal was noted.

The Use Permit request was also reviewed by the Planning Commission at their June 27, 2005 meeting. The Commission voted 8-1 in favor of recommending approval, with the proviso that the Use Permit Conditions be amended to include:

1. There is clarification (written) for the developer's contribution and construction of utility undergrounding.
2. That there be a detailed engineering plan provided for the community's review prior to construction, which should include the new dimensions for Greenbrier Street;
3. That condition language specify what the developer's contribution to streetscape improvements, both east and west of the subject, would entail.
4. That the pedestrian crossing distance on Columbia Pike be no more than 60 feet.
5. That Condition 2.A. be modified to include the Carlyle House Condominium Association in liaison language;
6. That the applicant consider minimal landscaping between the two retaining walls on the rear of the site.
7. That a condition clarify the financial responsibility of the development on the replacement of the retaining wall in the event that the wall is undermined during construction.
8. That the developer agree to have U.S. EPA's Energy Star label appliances, fixtures, and/or building components.
9. That the developer be encouraged to place all vents on the interior wall of the balconies.

Staff Response: Staff agrees with and has incorporated all of the changes to the Use Permit Conditions recommended by the Planning Commission except Items #3, #4, and #8 listed above. In response to Planning Commission recommendations in Items #3 and #4, staff has modified language contained in intersection improvements Condition #3 and Condition #16. However, compliance with these recommendations is dependent upon anticipated off-site improvements to be completed by the County.

Also, the applicant had previously consented to install U.S. EPA Energy Star appliances, as per the LEED Scorecard, but could not agree to install "fixtures and /or building components" because it is unclear what the implications of such agreement might be. In light of this, a use Permit Condition (# 23) has been added to reflect what has been agreed upon.

CONCLUSION: Staff recommends that the County Board approve the Use Permit request with appropriate modification for street location noted above, subject to the conditions in this staff report.

Use Permit Conditions:

1. The developer (as used in these conditions, the term “developer” will include the property owner, the applicant, and its agents, employees, successors, and assigns) agrees to comply with the plans dated June 16, 2005 reviewed and approved by the County Board at the County Board meeting of July 9, 2005 together with any modifications proposed by the developer and accepted by the County Board or vice versa. This Columbia Pike Form Based Code Use Permit approval expires three (3) years after the date of County Board approval if the developer has not obtained a building permit for construction of the approved plan and commenced construction under that building permit. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this Columbia Pike Form Based Code Use Permit and its conditions for their compliance with the County policies for land use, zoning and special exception uses current at that time.
2. The developer agrees to comply with the following before issuance of the any building 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 throughout the duration of construction. The developer agrees to provide the name and telephone number of this individual, in writing, to the Zoning Administrator and to representatives of the Columbia Forest and Columbia Heights West Civic Associations, the Columbia Pike Revitalization Organization (CPRO), and the Carlyle House Condominium Association and to post that information at the entrance of the project.
 - b. Throughout construction of the project, the developer agrees to advise abutting property owners of the general timing of utility work, in abutting streets or on-site, that may affect their services or access to their property.
 - c. 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 or to enter the construction site are free of mud, trash and debris.
 - d. 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.

3. The developer agrees to submit and obtain approval of final site development/engineering plans from the County Manager, or his designee, in consultation with the Columbia Pike Implementation Team, for consistency with this approval, any applicable statutes and ordinances, and County guidelines and policies. The final site development/engineering plan shall include the proposed location of water mains and service lines, storm and sanitary sewers, proposed underground utility services to the buildings, the trees to be preserved and new proposed trees on site. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. No Building Permit shall be issued for this site until final site development/engineering plans and the sequence of construction has been approved by the County Manager or his designee. The developer further agrees that all construction on the site shall be in accordance with the approved final site development engineering plan.
4. Prior to issuance of any Certificate of Occupancy for any part of the project at a particular address, the developer agrees to install address indicator signs, 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 engineering plan.
5. The developer agrees to construct the project in strict conformance with the submitted drawings dated June 16, 2005 as presented to the County Board, as made a part of the public record at the July 9, 2005 County Board meeting, and modifications proposed by the developer and accepted by the County Board or vice versa at that time. Modifications to the design, height and placement of the buildings made subsequent to July 9, 2005 will require additional review by the Administrative Review Team to ensure compliance with the Form Based Code provided, however, that this condition shall in no way relieve the developer of any obligation under any other condition.
6. 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 First Certificate of Occupancy, 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. The applicant shall be required to dedicate to the County, in fee simple, the entire area of half of the future South Greenbrier Street which is located on the Applicant's property and its adjacent sidewalk improvement area from the western boundary of the property up to the RBL; and the area of the sidewalk improvements adjacent to the south side of Columbia Pike, from the northern property line to the RBL. Any off-site dedications granted by the developer or the adjacent property owner to the west for South Greenbrier Street may be

dedicated as a public access easement or agreement subject to approval of the terms by the County Manager and to form by the County Attorney.

Further, the developer agrees to develop and submit to the Department of Environmental Services an agreement, subject to approval by the County Manager, to maintain the surface improvements in the South Greenbrier Street right of way until such time as the street is widened to the west with adjacent development.

7. 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 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, the developer agrees to submit a performance bond and agreement for the construction or installation of all these facilities within the public rights-of-way or easements to the Department of Environmental Services. This bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.
8. The developer agrees to develop a final landscaping plan, consistent with final site development/engineering plans and with this use permit approval, and to obtain approval of such plan from the County Manager or his designee prior to issuance of a building permit. The landscape plan shall include a Street Tree Plan which shall be reviewed by the Department of Parks, Recreation and Community Resources and shall be accompanied by the site engineering plan and the two plans shall be compared to ensure that there are no conflicts between street trees and utilities; neither plan shall be approved until the landscape plan and the site engineering plan agree. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the Certificate of Occupancy for the project. The final site development and landscape plan shall include the following details, if applicable:
 - 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 in the setback area between the building and the street.
 - b. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks as well as for address indicator signs;
 - c. The location and types of light fixtures for streets, for parking, walkway and plaza areas;

- d. The location and dimension of the preserved open contiguous lot area located within the project;
- e. Topography at two (2) foot intervals and the finished first floor elevation of all structures;

The developer further agrees that the approved landscape plan shall govern all construction on the site.

9. Landscaping shall conform to Department of Environmental Services Standards and Specifications and to the following requirements:
- a. Planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for one year including the replacement and maintenance (to include but not be limited to pruning, feeding, spraying, mulching, weeding and watering) of all landscape materials following the issuance of the final Certificate of Occupancy;
 - b. Plant materials and landscaping shall meet the American Standard for Nursery Stock Z60.1-73, and shall also meet the following standards:
 - (1) Street Trees: Willow Oak trees at a minimum caliper of 4 to 4 1/2 inches.
 - (2) Other Planted Materials:
 - a. Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.
 - b. Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)- a height of 10 to 14 feet with a minimum caliper of 1 1/2 to 2 inches.
 - c. Shrubs - a minimum spread of 18 to 24 inches.
 - d. Groundcover - in 2" pots.
 - c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, seeding may be substituted for sod. All sod and seed shall be state certified;
 - d. 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;

- e. Soil depth shall be a minimum of four (4) feet for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and 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 finished grade adjacent to them;
 - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
 - g. 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.
 - h. The developer agrees to notify the Department of Parks, Recreation and Community Resources (DPRCR) Urban Forester at least 72 hours in advance of the scheduled planting of any street trees 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 plantings available from the DPRCR Urban Forester.
 - i. The developer agrees to provide landscaping in the area between the existing retaining wall shown on the parcel labeled Outlot A on the survey plat and the proposed retaining wall on the subject site, contingent upon approval of the owner of Outlot A. The landscaping shall consist of, at a minimum, grass, groundcover, and shrubs.
10. 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 letters from the developer to the utility companies offering them access as stated above.
11. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the Columbia Pike Form Based Code Streetscape Standards, and/or the then-current Arlington County/Virginia Department of Transportation Standards for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. 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. Columbia Pike site frontage: The face of curb shall be located 31 feet from the survey centerline and as shown on the final engineering plan approved by the County Manager or his designee, and a concrete sidewalk between the back of curb and the front façade of the building as shown in the final site engineering plan.

- b. South Greenbrier Street site frontage: The face of curb shall be located 13.5 feet from the RBL and as shown on the final engineering plan approved by the County Manager or his designee, and a concrete sidewalk between the back of curb and the front façade of the building as shown in the final site engineering plan.
12. All improvements to streets for pedestrians and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act and any regulations adopted thereunder. 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 Columbia Pike Streetscape Plan 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.
13. The developer agrees to underground all aerial utilities located along the Columbia Pike frontage of the site. In addition, all utility services serving the site shall be located below ground. Any utility improvements necessary to provide adequate utility services to this development shall be paid for by the developer and shall not result in the installation of any new utility poles.
14. All engineering design plans and subsequent construction shall be in accordance with the latest edition of the Arlington County Department of Environmental Services Construction Standards and Specifications.
15. 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 from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures, or as approved by the County Manager or his designee. Water mains 16 inch and larger, and mains placed more than 10 feet below the surface shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inch and larger, or sewers placed more than 10 feet below the surface 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 to relocate the existing utilities in conflict with the proposed development, including the sanitary sewer main and storm sewer box culvert, around the periphery of the underground garage as shown on the final site engineering plan as approved by the County Manager or his designee.

16. The developer agrees, in lieu of designing and constructing traffic signal and intersection improvements on the site, to make a payment of \$200,000 to the Department of

Environmental Services for the reconstruction of the traffic signal any related intersection improvements at South Greenbrier Street and Columbia Pike. The payment shall be paid in accordance with the following: a) The first payment of \$25,000 for the intersection signal design shall be made concurrent with the submittal of the engineering plans to the Department of Environmental Services; and b) The final payment (based on estimated construction costs) shall be made prior to the issuance of the final building permit. The funds, if not obligated by the County to pay for the signal system construction and related intersection improvements within 5 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.

17. The developer agrees to provide off-street parking for all construction vehicles during construction of the subject site. Construction vehicles and/or construction worker vehicles are not permitted to park on the neighboring streets during the hours of construction.
18. The developer agrees to use diligent, good faith efforts to acquire and dedicate to public street purposes the right-of-way on the adjacent (Goins) property necessary to implement Scheme 18, such efforts to be completed by the time of submission of final engineering plans. Depending on whether the developer is successful in obtaining the aforesaid right-of-way, Scheme 18 or Scheme 19 shall be built pursuant to the approved Use Permit. Further, depending on whether the developer is successful in obtaining such right-of-way on the adjacent property, the developer agrees to construct either (a) 368 underground parking spaces (Scheme 18), up to 325 of which may be reserved for use by condominium owners, 43 of which shall be made available to the general public and retail patrons on a non-reserved basis; or (b) 320 underground parking spaces (Scheme 19), up to 282 of which may be reserved for use by condominium owners, 38 of which shall be made available to the general public and retail patrons on a non-reserved basis.

Depending on whether Scheme 18 or 19 is implemented, the developer agrees to make 38 (Scheme 19) or 43 (Scheme 18) substantially contiguous parking spaces on the uppermost level of the garage (“shared spaces”) available to the general public on an unreserved, high turnover, hourly basis for visitors and patrons from 7:00 a.m. to 6:00 p.m. on weekdays (other than the holidays listed below). These shared spaces shall be provided free of charge or at up to market rates. The shared and reserved retail spaces, and their availability for this use, shall be clearly labeled. Further, the shared spaces shall also be fully accessible to the general public, for free or up to market rates, after 6:00 p.m. weekdays and on weekends and all legal holidays (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). The developer may prohibit entry, but not exit, of vehicles between the hours of 2:00 a.m. and 6:00 a.m. Public access to all garage spaces not reserved for residential condominium users shall be by means of the elevators and stairs that access the ground floor retail space.

Depending on whether Scheme 18 or 19 is implemented, the developer also agrees to provide storage space for 196 (Scheme 18) or 170 (Scheme 19) bicycles within the garage along with 2 sidewalk bicycle racks in order to meet the bicycle parking requirements of the Form Based Code.

19. Prior to the issuance of the first Certificate of Occupancy (to include temporary Certificates of Occupancy) for any building on the site, the developer agrees to submit a Loading and Delivery Management Plan to the Zoning Administrator for review and approval. This plan shall provide for service access using the public alley as shown in the plans dated June 16, 2005 and the final site engineering plan and located at the rear of the site. This plan shall further provide for monitoring of loading and unloading/deliveries by the management of the residential and commercial components of the project, the restriction of loading and deliveries using public streets for the parking of loading and delivery vehicles and shall include a contact name of a person with authority to control loading and unloading/deliveries to whom outsiders may report violations.
20. The developer agrees to develop a parking management plan which outlines how guest and visitor parking for the building, parking for residential, office, and/or retail tenants' employees and customers, and general public parking will be provided, where the parking will be located and how guests and visitors, retail employees and customers, and the general public, will be directed to the parking spaces. The parking management plan shall also include the location of any secure areas and the location of security gates or other measures to restrict access. The parking management plan shall encourage parking by visitors and customers of the project, through ease of access to the parking spaces, signage, and fee structure. The fee structure shall discourage daily commuter parking. The developer shall submit the parking management plan, which shall include the parking fees and details of the validation program, to the Zoning Administrator and it shall be reviewed and approved by the County Manager or his designee, prior to the issuance of the first Certificate of Occupancy for any portion of the site. The developer agrees to submit an annual report to the Zoning Administrator documenting compliance with the parking management plan as well as any changes to the plan.
21. The developer agrees to develop and implement a Transportation Demand Management Plan to be approved by the County Manager or his designee before the issuance of the first Certificate of Occupancy. The Transportation Demand Management Plan shall describe the developer's efforts to implement, but not be limited to, the following strategies:

Program Participation and Funding

- A. Maintain membership in Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the homeowners' association and/or the property management company. Promote membership in ATP for all building tenants.

- B. Designate a member(s) of the property management company as Property Transportation Coordinator to be primary point of contact and with responsibilities for coordinating and completing TDM obligations. The Property Transportation Coordinator shall be appropriately trained to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
- C. Promote the formation of Employer Transportation Benefit Programs and encourage formation of transit-oriented commuting habits among office and retail employees.

Promotions, Services and Progressive Employee Policies

- D. Provide in the common area(s) of the property for a static display with printed materials to provide transportation-related information to residents and visitors, the content of which shall be approved by the developer and the Transportation Kiosk and materials provided by the Commuter Assistance Program.
- E. Provide SmarTrip cards on a one-time basis free to condominium purchasers during the initial sales period.
- F. Distribute transit information to residents and visitors of the project, to include the following items:
 - 1. Distribute a new resident package provided by Arlington County that includes site specific transit-related information to each person purchasing a condominium.
 - 2. Place a reference to the Pike Ride in promotional materials and advertisements.
 - 3. Distribute information in promotional materials regarding commute options and assistance services available.
 - 4. Cooperate with Arlington County to assist the County in implementing a transit advertising program that will distribute information once a year to all owners.
 - 5. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by advertising such promotions in a manner and at such locations within the building acceptable to the developer and homeowners' association.

- G. From first occupancy provide marketing support through coordination with Arlington County to encourage ridesharing and use of transit by employees of the property and of tenant companies through the following strategies:
1. 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.
 2. Distribute a new-tenant package to all persons or entities signing leases, with materials provided by Arlington County encouraging them to join Arlington Transportation Partners (or successor entity) and including site-specific transit-related information referencing the nearest Metro station and bus routes, and encouraging all employees to use Metrorail or bus services.
 3. Distribute rideshare and transit marketing materials provided by Arlington County to tenant managers for their use as part of recruiting and employment.
 4. Encourage tenants to display transportation posters, brochures, etc. in common work areas.
- H. Encourage building tenants to offer variable/flexible work hours to their employees in order to spread peak period transportation demands.
- I. Provide website hotlinks to CommuterPage.com from the developer's and homeowners' association websites regarding this development.

Coordinated Parking Management

- J. In conjunction with the Division of Transportation, and subject to the approval by the County Manager or his designee, the developer shall prepare a plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, 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.
- K. 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.

Monitoring and Performance

- L. Conduct one transportation performance monitoring study (two years after occupancy) and provide a report summarizing findings to the County. All data collection for this study must occur on the same day. The study must include an all-day count of site generated traffic and a voluntary mode split survey.

- 22. The developer agrees to investigate and verify the structural integrity of the existing off-site retaining wall shown on Outlot A on the survey plat using a qualified professional, and to provide the results thereof to the Zoning Administrator, and, should it be determined that the development as proposed under this Use Permit will or has undermined the integrity of the existing retaining wall, the developer agrees to design and construct a new retaining wall in that location at his/her sole expense.

- 23. Prior to the issuance of any building permit, the developer agrees to provide an updated facade plan and materials board that illustrate the exterior materials to be used to ensure their conformance with the approved plans. In addition, prior to the developer agrees to place all vents shown on the submitted plans (dated June 16, 2005) on the interior wall of the adjacent balconies, where possible; and otherwise agrees to reduce the impact of any vents installed on the exterior facades of the building by employing color schemes and materials that match the proposed exterior building materials. The developer also agrees to provide evidence that U.S. EPA Energy Star labeled appliances are being used throughout the building, where applicable.

PREVIOUS COUNTY BOARD ACTIONS:

August 1961	Designated as “High Medium Residential” (14-39 units/acre) on the General Land Use Plan
April 1975	Designated “Low Medium Residential” (16-30 units/acre) on the General Land Use Plan
October 17, 1987	General Land Use Plan amended from Low Medium Residential to “Service Commercial”
December 17, 2002	Columbia Pike Special Revitalization District boundaries amended on the General Land Use Plan
February 25, 2003	Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) adopted
February 10, 2004	Columbia Pike Street Space Plan adopted