



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of February 12, 2011**

**DATE:** February 3, 2011

**SUBJECT:** U-3199-08-2 USE PERMIT AMENDMENT for a 122-unit, affordable residential project with modifications of sign regulations located at 4975 Columbia Pike (RPC: 22-001-004).

**Applicant:**

Arlington Mill Development Corp.  
2704 N. Pershing Drive  
Arlington, VA 22201

**By:**

Nan E. Walsh  
Walsh Colucci Lubeley Emrich & Walsh PC  
2200 Clarendon Blvd., 13<sup>th</sup> Floor  
Arlington, Virginia 22201

**C. M. RECOMMENDATION:**

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

**ISSUES:** This is a request to amend an existing use permit for the Arlington Mill Community Center project to construct the residential component of development and no issues have been identified.

**SUMMARY:** The subject use permit was originally approved on June 17, 2008 as a mixed-use community center, with a gymnasium, ground floor retail, and residential uses as part of the community center building and in a separate building on the northern portion of the site. In December 2009 the County Board approved plan modifications that would facilitate construction of the community center, independent of the residential portion of the project, in the absence of a

County Manager:	<i>BMD/GA</i>
County Attorney:	<i>[Signature]</i> <i>[Signature]</i>
Staff:	Melanie Jesick, DCPHD, Planning Division Jennifer Smith, DCPHD, Planning Division Maureen Markham, DCPHD, Housing Division Dolores Kinney, DCPHD, Planning Division
PLA-5821	

private development partner for the residential. The modifications to the project were approved in September 2010. This is a use permit amendment by Arlington Partnership for Affordable Housing (APAH), for 122 residential units, 99% of which would be affordable (one market unit may be provided for support staff in the supportive housing wing of the building). The proposed underground parking garage, which would provide parking for both the community center and the residential building, and streetscape improvements, would be constructed by the County as part of the community center phase of development. Two (2) courtyards, comprising some of the total 32% open space, would be located at the rear of the site and would be available to residents. The applicant is requesting approval of five (5) signs for the project, of which the proposed blade and address signs require modifications of Form Based Code (FBC) requirements. The proposed project meets the affordable housing goals of the County and allows for the continued revitalization of Columbia Pike. The proposal is in compliance with the requirements of the FBC, with proposed modifications for signs, and with the purposes and intent of the *Columbia Pike Initiative – A Revitalization Plan*. Therefore, staff recommends approval of the use permit amendment, subject to the proposed conditions in the staff report.

**BACKGROUND:** In June 2008, the County Board approved a use permit under the Columbia Pike Form Based Code (FBC) for the redevelopment of the County-owned Arlington Mill Community Center site. The approval provided for the development by the County and its private then-partner, Public Private Alliances, LLC (PPA) of a six (6) -story, mixed-use building comprised of community center uses, retail, and a five- (5) story residential building comprised of 159 units, with some affordable units.

Due to the economic downturn, Public Private Alliances, LLC was unable to ensure the financial certainty, timing and construction of the housing portion of the project. Therefore, in December 2009 the County Board authorized the County Manager to modify the approved plans in order to advance the redevelopment and construction of the community center independent of the residential component, and to pursue another development partner for future development of residential uses on the balance of the site. The approved plans were modified to provide phased redevelopment of the site, with Phase I including redevelopment of the southern portion of the site with a community center, and Phase II redeveloping the northern portion of the site with a residential building. In September 2010, the County Board approved Phase 1, which included construction of the community center, gymnasium, and ground floor retail. At that time, the residential portion was removed from the proposal. The subject of this use permit amendment is the residential building, Phase II, on the northern portion of the site.

Site: The 82,902 square foot (1.9 acres) site is located at 4975 Columbia Pike on the block generally bounded by the Park Glen Condominiums and the proposed 9<sup>th</sup> Street South to the north, South Dinwiddie Street to the west, Columbia Pike to the south, and Arlington Mill Drive to the east. The site is currently developed with a 25,000 square foot building and a surface parking lot. The proposed residential building is within the “Avenue” portion of the site, as designated by the FBC. For reference, the community center building is within the “Main Street” portion of the site, as designated by the FBC. Adjacent and surrounding land uses include:

To the Multi-family dwelling units dispersed in 18, 3-story buildings (Park

- north: Glen Condominium) zoned “RA14-26” and designated “Low-Medium” Residential on the GLUP (16-36 units per acre).
- To the west: Duplex residential units zoned “RA14-26” and designated “Low-Medium” on the GLUP front South Dinwiddie Street north of 9<sup>th</sup> Street. Strip commercial and associated surface parking (Pike Plaza Shopping Center) zoned “C-1” and designated “Service Commercial” on the GLUP are located south of 9<sup>th</sup> Street South.
- To the south: Across Columbia Pike, east of South Columbus Street, there is strip commercial development (7-11) zoned “C-1” and designated “Low-Medium” with the Triangle symbol on the GLUP. This area is planned for open space per the Columbia Pike Revitalization Plan and the FBC. Across Columbia Pike, west of South Columbus Street, existing multi-family residential zoned “RA7-16” and “RA6-15” and designated “Low-Medium” on the GLUP.
- To the east: The Long Branch of Four Mile Run and Glen Carlyn Park zoned “S-3A” and designated “Public” on the GLUP.

Zoning: The site is zoned "S-3A" Special Districts; eligible, by reference, to be developed using the “CP-FBC” Columbia Pike Form Based Code District. The FBC allows for residential development on this Avenue Site.

General Land Use Plan Designation: The site is designated on the General Land Use Plan (GLUP) as “Public” (permits parks, schools, parkways, recreation areas, major unpaved rights-of-way, libraries, and cultural facilities); site is located within the Neighborhood Center node of the Columbia Pike Special Revitalization District.

Neighborhood: The site is located within the Columbia Heights West Civic Association and adjacent to the Columbia Forest (south) and Barcroft (east) civic associations.

**Proposed Development:** Under the subject use permit amendment, a 122-unit, 99% affordable residential building is proposed on the northern portion of the subject site. This is proposed as Phase II of the development of the Arlington Mill site.

The table on the following page sets forth the statistical summary of the project and provides a comparison of the residential building approved in June 2008 and the residential building proposed with this use permit amendment:

	<b>Columbia Pike Form Based Code Requirements</b>	<b>Approved Residential Development (June 2008)</b>	<b>Proposed Residential Development (2011)</b>
<b>Site Area</b>		Approx. 82,902 sq. ft. (1.9 acres)	Approx. 82, 902 sq. ft. (1.9 acres)
<b>Density (Gross Floor Area)</b>	No density limit – density controlled by building form in FBC.	167,075 sq. ft. (159 units) in a separate residential building (along with an additional 33 units as part of the mixed-use community center, for a total of 192 units).	131,100 sq. ft. (122 units)
<b>Height</b>	Avenue Site: 2 – 5 stories	5 stories	4 stories
<b>Vehicle Parking</b>			
Residential Spaces	1.125 sp/unit	216 parking spaces	138 parking spaces ( <b>138 req.</b> )
Residential Space (min. shared)	0.125 sp/unit	24 parking spaces	16 parking spaces ( <b>16 req.</b> )
<b>Bicycle Parking</b>			
Residential Tenant Parking	1 space/3 units	64 racks (128 sp.)	40 spaces
Residential Visitor Parking	1 space/50 units	4 racks (8 sp.)	2 spaces
<b>Open Contiguous Lot Area</b> Avenue Site Buildable Area (57,461 sq. ft. in original proposal) (53,273 sq. ft. in current proposal)	30% Buildable Area	30% (17, 744 sq. ft.)	32% (17,164 sq. ft.)
<b>Sustainable Design (Earthcraft)</b>		Earthcraft certified	Earthcraft certified

**DISCUSSION:** The following provides review and analysis of site design, building design and architecture, and transportation:

**Land Use and Zoning:** The proposal is consistent with the Form Based Code (FBC) requirements set forth in Section 20 of the Zoning Ordinance, with the exception that some modifications are needed for two (2) of the proposed residential signs, which are outlined below in greater detail. As proposed, the subject amendment would have no impact on the current zoning of the site or the General Land Use Plan designation.

**Site Design, Characteristics, and Compliance with the Form Based Code FBC):** The layout of the northern (Avenue) portion of the site where the residential building will be located is modestly changed from the June 2008 approval. The underground garage would provide parking for the development, but would be constructed as part of Phase I, the County’s construction of the Community Center. In addition, the sidewalk and streetscape improvements would also be constructed by the County. Therefore, the scope of this use permit amendment includes construction of the building above grade and the open space in the rear and side of the site.

Some highlights of the overall proposal include:

- The building frontage is on South Dinwiddie Street, where the Required Building Line (RBL) is present, a requirement of the FBC.
- The majority of the building frontage is located on the Dinwiddie Street RBL which exceeds the 10% minimum requirement per the FBC.
- Would be four (4) stories, which meets the FBC Building Envelope Standard (BES) for Avenue sites, which is between 2 – 5 stories.
- Earthcraft certified rating.
- An open contiguous lot area of at least 30% of the site's Buildable Area would be used for open space.

The proposed project is compliant with the FBC (with the exception of two (2) sign modifications requested, as outlined below), and is consistent with the goals of the *Columbia Pike Initiative – A Revitalization Plan*. The FBC checklist is attached (Attachment 3).

**Transportation:** The subject site is located on the northeast corner of Columbia Pike and South Dinwiddie Street. The Master Transportation Plan classifies Columbia Pike as a principal arterial; South Arlington Mill Drive, South Dinwiddie Street and 9<sup>th</sup> Street South as neighborhood principal streets; and 8<sup>th</sup> Road South provides a local connection between South Carlin Spring Road and South Dinwiddie Street.

Trip Generation: Based on the Traffic Impact Analysis (TIA) prepared by Kimley-Horn and Associates, Inc. in June 2008, under the approved use permit, the project was estimated to generate approximately 60 AM, 78 PM, and 78 Saturday peak hour vehicle trips based on approximately 159 multiple family dwelling units. With the subject use permit amendment proposing only the remaining residential portion of 122 multiple family dwelling units, there are no anticipated negative impacts on peak hour trips. In fact, because the residential component has fewer units, fewer trips would be generated than as projected in the 2008 traffic analysis.

Street Section and Streetscape: The street sections and streetscape remain consistent with the original 2008 approval as well as the September 2010 amendment approval, pursuant to the Master Transportation Plan (MTP) and the Form Based Code (FBC), as amended through December 2010. All streetscape improvements will be constructed by the County as part of the community center portion of the project.

Parking: A three-level underground parking garage structure was originally approved in 2008 to service the residential, retail and community center components of the Arlington Mill site. In September 2010, an amendment was approved for a two-level underground garage to serve only the community center and retail components of Arlington Mill. The proposed amendment includes an extension to the already approved garage to add 138 parking spaces, which would serve the residential uses, as required by the FBC. Sixteen (16) spaces of the total 138 would meet the shared parking requirements of the FBC and would serve visitors and the general public. These spaces would be located on the B2 level of the garage. Access to the parking garage and loading area will remain on Arlington Mill Drive with this amendment, as was approved with the September 2010 amendment.

**Bike Parking:** The amendment proposes a total of 40 residential bicycle spaces in the garage and at least two visitor spaces on South Dinwiddie. The proposed bicycle provisions are consistent with the requirements of the Form Base Code (FBC).

**Utilities:** Adequate water and sanitary sewer capacity is available to serve the proposed development. With the September 2010 approval, the location of the garage and loading entrance moved further south on Arlington Mill Drive, which necessitated the relocation of the fire hydrants. The 8-inch water main was extended around all frontages of the site. Additionally, the transformers, which were originally planned to be located along the east side of South Arlington Mill Drive in the park, were incorporated inside the building with the September 2010 approval. The residential building will use the transformers in coordination with the community center portion of the project and no other transformer space would be needed.

**Affordable Housing:** In October 2010 the County chose Arlington Partnership for Affordable Housing (APAH) from the selected RFP finalists for the project. The proposed residential project would be 99% affordable. One (1) market unit may be provided for support staff in the supportive housing wing of the building. More specifically, the building would include eight (8) efficiencies; 16 one (1) bedroom units; 73 two (2) bedroom units; and 25 three (3) bedroom units. The units would be affordable to families or individuals earning 60% or less of the Area Median Income (AMI). Approximately 10% of the units would be made available as supportive housing for persons earning 40% of the AMI, and would be supplemented with social services and rental subsidy. The proposed affordable housing program of 121 committed affordable units meets several of the County Board adopted Affordable Housing Goals and Targets as follows:

- Goal #1 – Balanced assistance: housing for families with children and for persons with disabilities (e.g. 98 units with 2 or more bedrooms; 13 units available for supportive housing including 8 efficiencies )
- Goal #3 – Loss of Affordable housing: increases the supply of affordable housing by 121 Committed Affordable Units
- Goal #4 – Serious Housing Need: 10% of units (13) are set-aside for households at or below 40% AMI
- Goal #5 – Family sized units (2 or more bedrooms): 73 two-bedroom and 25 three-bedroom units

**Proposed Signs:** There are five (5) signs proposed for the residential building; two (2) building identification wall signs, one (1) wall sign to identify the property manager, one (1) building identification blade sign, and one (1) address sign. Following are details on the proposed signs:

Type of Sign	Location	Size	Compliant with FBC?
“Arlington Mill Studios” wall sign	Near the entrance to the studios at the north end of Dinwiddie Street.	Approx. 24 sq. ft.	Yes – permitted up to 3 wall signs.
“Arlington Mill Residences” wall sign	To the left of the entrance to the building facing Dinwiddie St.	Approx. 26 sq. ft.	Yes – permitted up to 3 wall signs.

Paradigm wall sign with phone number	To the right of the front entrance.	Approx. 22 sq. ft.	Yes – permitted up to 3 wall signs.
“Arlington Mill” blade sign.	To the right of the entrance to the building along Dinwiddie Street but facing North and South.	Approx. 34 sq. ft.	<b>No – needs modification for size. Also, blade signs are typically permitted for retail and office tenants, not as building identification for residential.</b>
“901” address sign	Above the front entrance along Dinwiddie Street.	Approx. 4 sq. ft.	<b>No – needs modification for height above grade, exceeding FBC provisions.</b>

Two (2) of the proposed signs require modifications of the Form Based Code. The proposed blade sign, which has the building name “Arlington Mill Residences” and “APAH,” is larger than the six (6) square feet the Form Based Code permits, as it is approximately 34 square feet. However, the blade sign helps direct visitors to the site. The blade sign in this location would make the front entrance more visible from north and south, as it would project perpendicular from the building. Visitors arriving from the north or south (from Columbia Pike for example) will not be able to see the building identification wall signs at the entrance facing Dinwiddie Street. Other than modifications for size and use of a blade sign for building identification purposes, the other design elements would be in compliance with the FBC. A minimum nine 9-foot clear height above the sidewalk would be provided, and the sign would not be illuminated. One (1) member of the Arlington Mill Steering Committee voiced some concern about the need for this building identification blade sign at the last committee meeting, however, staff finds the blade sign is necessary to be able to direct visitors to the site from Columbia Pike to the south, and from the north of the project. Blade building identification signs have been approved by the County Board for other projects located on Columbia Pike, such as Siena Park and the Halstead.

The other proposed sign requiring a modification is the address sign. The Form Based Code states that address signs are to be located between 6 – 10 feet above grade. The top of the address sign would be located at approximately 18 feet above grade, as it is located above the front entrance, which is elevated from the street. There are no issues with this request. Staff supports a higher placement to allow for more visibility of the building address, and to account for other FBC requirements, which call for the 1<sup>st</sup> floor to be at least 36 inches above grade. This forces the sign to be placed higher on the building than a commercial building would be along the Columbia Pike frontage.

**Community Review Process:** The proposed use permit amendment was presented for review and discussion at two (2) community meetings. The first was a meeting of the Form Based Code Advisory Working Group (AWG) meeting on December 8, 2010 as called for by the FBC Administrative Regulations for the purpose of reviewing the project for compliance with the FBC. At that meeting, the AWG concurred with staff that the project met the requirements of the FBC. AWG members discussed the proposed sign modifications and some community members raised concerns that too many signs were proposed. The applicant has since redesigned the signs and reduced the quantity. Other questions and suggestions raised included whether

landscape screening of the exposed garage walls could be provided, whether balconies could be provided for units overlooking the park, and whether double-decker bike racks are acceptable to the County. For cost reasons, the applicant responded that balconies could not be provided for all units; the FBC does not require balconies overlooking the park. The double-decker bike racks are acceptable to the County. The applicant is proposing a decorative treatment of the garage wall along 9<sup>th</sup> Street. The proposal was also presented at a community meeting on January 13, 2011. Community members present were supportive of the proposal and there were no major outstanding issues to be resolved.

Housing Commission: The subject use permit amendment went to the Housing Commission on January 6, 2011 as an information item, and no issues were identified. The item will be heard on February 3, 2011 for the Housing Commission's recommended action.

Transportation Commission: The subject use permit was heard at the January 27, 2011 Transportation Commission meeting as an information item. The Transportation Commission expressed support for the project and it was suggested that the County provide directional signs for the Four Mile Run Trail, and that the County provide additional bike racks on the street for the residential building. The County is currently exploring the possibility of providing these items, and this will likely be determined at final engineering stage.

Planning Commission: The subject use permit was heard at the January 31, 2011 Planning Commission meeting as an action item. The Planning Commission vote 12 – 0 to recommend that the County Board approve the use permit amendment and the modification of FBC sign regulations to allow a blade sign and address sign.

**CONCLUSION:** The proposed project is an opportunity to create affordable housing in the County and continue the revitalization of Columbia Pike. The proposal is in compliance with the requirements of the FBC, with proposed modifications for signs, and with the purposes and intent of the *Columbia Pike Initiative – A Revitalization Plan*. Therefore, staff recommends approval of the use permit amendment, subject to the proposed conditions in the staff report.

The following conditions apply to the “residential” portion of U-3199-08-2 only:

Note: Where a particular County office is specified in these conditions, the specified office includes any functional successor to that office. Where the County Manager is specified in these conditions, “County Manager” includes the County Manager’s designee. Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee.

**The following Conditions of Form Based Code Use Permit approval (#1 through #20) are valid for the life of the Use Permit and must be met by the developer before issuance of the Above Grade Building Permit.**

**Use Permit Term**

1. The developer (as used in these conditions, the term “developer” shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard



conditions set forth below and the plans dated January 10, 2011 and reviewed and approved by the County Board and made a part of the public record on February 12, 2011, 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.

Any modifications to the design, height and placement of the buildings made subsequent to February 12, 2011 will require approval by the County Manager with, as necessary, additional review by the Columbia Pike Form Based Code Administrative Review Team to ensure compliance with the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance) and the intent of the County Board’s approval, which may require either an Administrative Change, or a Use Permit Amendment if the proposed change is inconsistent with the intent of the County Board’s approval of this Use Permit; however, this condition shall in no way relieve the developer of any obligation under any other condition.

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. Extension of the Use Permit is subject to, among other things, inclusion of amended or additional 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.

**Use Permit Plan Orientation Meeting**

2. The developer agrees to attend, along with its construction team, an orientation meeting coordinated by the DCPHD lead planner prior to the issuance of any permits for the Use Permit plan. The meeting is intended to inform the developer of the following: 1) a review of each of the Use Permit plan conditions that apply to the approved Use Permit plan, 2) the general process and contacts for obtaining permits, including plan review and approval and overview of associated use permit compliance requirements, and 3) the potential need to attend additional pre-permit and pre-construction meetings coordinated by the Inspection Services Division (ISD) and the Department of Environmental Services (DES).

**Community Liaison and Activities during Construction**

3. The developer agrees to comply with the following before issuance of the Above Grade 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. This individual, or his designee, 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 the Columbia Pike Revitalization Organization Executive Director, Columbia Heights West Civic Association President, Arlington Mill Steering Committee Chair, Park Glen Condominium Unit Owners Association President, Barcroft Civic Association President, Columbia Forest Civic Association President, and to the Zoning Administrator, and shall be posted at the entrance of the project.

- b. Before commencing construction, the developer shall schedule a meeting with those whose property abuts the project and the Arlington Mill Steering Committee Chair 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 an Above Grade Building Permit is issued. The developer agrees to submit to the Zoning Administrator two sets of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation (one set of which will be forwarded to the Police Department by the County). 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. The location of all construction trailers shall be approved by Administrative Change approval, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers shall require approval by DES staff.
- c. Throughout construction of the project, the developer agrees to advise the Arlington Mill Steering Committee Chair, the Park Glen Unit Condominium Owner's Association, and other abutting property owners 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. The developer agrees to provide a timeline of projected phases of construction in writing, including the expected duration for each phase, at the meeting with abutting property owners as described in Condition 3.b. above.
- d. At the end of each workday 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 generated as a result of the work at the project site and that all streets and sidewalks adjacent to the construction site are free of trash and debris generated as a result of the work at the project site.
- 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 a.m. and end by 6:30 p.m. on weekdays and will commence no

earlier than 10 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, President’s Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving, and Christmas. Indoor construction activity is defined as activity occurring entirely within a structure enclosed on all sides facing residential properties (ie to the north and west of the property). Enclosed sides means that the exterior walls, windows, and/or doors on the floors that may contain indoor construction activities have been completed so as to create a barrier between the interior and exterior of the building. Indoor construction activities 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 around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.

- f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location. Construction vehicles shall not park, idle, or stand on any street designated as a “neighborhood minor” or “neighborhood principal” street on the Arlington County Department of Environmental Services, Division of Transportation – Planning website, except that such activity may occur where not otherwise prohibited along any street within the area bounded by and including Columbia Pike, South Arlington Mill Drive, and South Dinwiddie Street. Construction vehicles shall not park, idle, or stand on the proposed 9<sup>th</sup> Street South unless there is specific construction work that can not be staged elsewhere on the site. The developer agrees to comply with any additional idling ordinance or policy that is enacted upon by the County Board prior to the commencement of construction of this site.

#### **Plan for Temporary Circulation during Construction**

4. The developer agrees to develop and implement 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. Exceptions may be made only during an emergency as defined below and for such limited periods as are unavoidable for utility upgrades. The developer agrees to submit this plan to, and obtain approval of the plan from the County Manager as meeting these standards, prior to the issuance of the Above Grade Building Permit, and as part of the County Manager’s review, the developer agrees to work with staff to review the plans with the Arlington Mill Steering Committee. The developer agrees to provide a copy of the approved plan to the Columbia Pike Revitalization Organization Executive Director, Columbia Heights West Civic Association President, Arlington Mill Steering Committee Chair, Park Glen Condominium Unit Owners Association President, Barcroft Civic Association President, and the Columbia Forest Civic Association President. The County

Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees, during the hours of construction, to provide “flagmen” to assist in the direction of traffic along or around a street any time that any driving lane of such a street is partially or fully blocked due to temporary construction activities. In addition, the developer agrees to notify the appropriate civic associations and all abutting property owners in writing (or, by mutual agreement, by e-mail) at least seven calendar days in advance of any street closure, except in the case of an emergency, of more than one hour duration on any street. “Emergency” street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, insecure building façade, or similar unforeseeable public danger. “Emergency” street closures shall not include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, or utilities work, or similar situations.

Where county street lighting has been removed or disconnected due to construction and not yet replaced or reconnected, the developer agrees to maintain lighting around the perimeter of the site between the start of construction and completion of the project. The lighting shall be designed to illuminate the temporary pedestrian walkways and roads around the perimeter of the site. The developer may do this by means of overhead lights (e.g. “cobra head” lights) that meet the lighting standards for Arlington County streets, or by stringing lamps of the kind used in “used car” lots or similar along sidewalks and streets along the perimeter of the site. If lighting is accomplished by the latter, such lighting shall be with 75 watt bulbs (or approximate equivalent) placed no more than 25 feet apart and 6 to 10 feet high. Lighting shall be turned on between dusk and dawn 7 days a week. Any high-intensity overhead lighting, such as lighting placed on construction cranes, shall be used only during construction hours (except lower levels after hours for safety and security reasons), and shall be placed so as not to directly illuminate residential dwellings or be a nuisance to neighboring property owners. For purposes of this condition, “completion of the project” shall mean the time when the County standard lighting fixtures are in place and operational around the perimeter of the site.

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period.

**Compliance with Federal, State, and Local Laws**

5. 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 Use Permit approval. The developer specifically agrees that the County has the authority to take such actions as may be necessary, to include the issuance of a stop work order for the entire project, 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.

#### **Post-County Board 4.1.2 Filing**

6. The developer agrees to file five (5) copies of a Use Permit plan (3 full size and 2 ½ size) and the tabular information form, and digital copies on compact disc in JPEG, PDF, and DXF formats, which comply with the submitted drawings dated January 10, 2011 as presented to the County Board, and made part of the public record at the February 12, 2011 County Board meeting, and any modifications proposed by the developer and approved by the County Board or vice versa at that time, and with Form Based Code Administrative Regulation 4.1.2, with the Zoning Administrator within 90 days of the County Board approval and before the issuance of the Above Grade Building Permit.

The developer agrees to convene and participate in a meeting with pertinent County staff to address requirements of the Use Permit approval as specified in Condition #2. The developer also agrees that no material changes to the approved post-4.1.2 plans can take place in the field. All material post-4.1.2 plan changes must be approved by the County Manager, in conjunction with the lead DCPHD contact for the Use Permit, consistent with Condition #1.

#### **Construction Waste**

7. The developer agrees to provide a plan for diverting from landfill disposal the construction debris generated by the project. The plan should outline recycling and/or reuse of waste generated during 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 developer agrees to obtain the County Manager's approval of this plan prior to the issuance of the Above Grade Building permit, and to implement the plan throughout construction of the project.

#### **Coordination of these plans: Use Permit Final, Landscape and Site Engineering**

8. The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final landscape plan prior to issuance of the Above Grade Building Permit. The final landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final civil engineering plan as required in Condition #13 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 landscape plan and the final civil engineering plan shall 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 for both plans as meeting all requirements of the County Board's Use Permit plan approval and all applicable county laws and plans before the issuance of the Above Grade Building Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the Use Permit plan, and, at a minimum, shall conform to: the landscaping requirements in Condition #11 below; the *Columbia Pike Initiative – A Revitalization Plan (Update 2005)* and any supplemental documents to this Use Permit, the County's

landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board as part of this Use Permit approval. In order to facilitate comparison with the final civil 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 to also be submitted. 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 and with the intent of the approved Use Permit. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the Final Certificate of Occupancy for the respective phase of construction. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of plant materials or construction of hardscape features by the required timing. The final site development and landscape plan shall include the following details:

- a. 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. Outside walkways that are within the subject site shall have a minimum width of five (5) feet. The materials and colors used are subject to approval by the County Manager according to the *Columbia Pike Initiative – A Revitalization Plan (Update 2005)* and any supplemental documents to this Plan, and other urban design standards approved by the County Board as a part of review and approval of the final Use Permit site development and landscape plans.
- b. The finished floor elevation of all structures, top of wall elevations/bottom of wall elevations of raised planters or retaining walls, and top of steps/bottom of steps.
- c. Landscaping for open space areas, plaza areas, courtyards, and raised planters (including cross-sections of raised planters), 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, and water features, and other landscape elements or structures, including public art.
- d. The limits of construction.

The developer agrees that once approved, the final landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Board or by the Zoning Administrator as provided above.

### **Landscape Standards**

9. 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:
  - i. 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.
  - ii. Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
  - iii. 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.
  - iv. Shrubs—a minimum spread of 18 to 24 inches.
  - v. Groundcover—in 2 inch pots.
- b. The developer agrees to coordinate with the DPRCR Urban Forester to determine an appropriate and acceptable season in which to conduct planting. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant trees prior to issuance of the Final Certificate of Occupancy Permit for the respective building, or, if needed, at a time that the Columbia Pike Administrative Review Team determines to be a more appropriate planting time, except that the Zoning Administrator may allow modifications to the timing of the installation of the plantings where the Zoning Administrator finds that: 1) the developer is diligently pursuing the work; 2) the timing of the conditions will unnecessarily impede progress of the project; and 3) the developer provided reasonable assurances that the work will be completed in accordance with the use permit's approved design.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, 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 of soil plus 12 inches minimum of drainage material, or equivalent material as approved by the County Manager, for trees and tall shrubs, and three (3) feet of soil 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 except in areas of sufficient size to accommodate mounding of the earth, the depth of soil shall be the depth of such mounded earth.
- 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 after the issuance of the Above Grade Building Permit and agrees to secure and maintain the site throughout the construction process.

#### **Utility Company Contacts**

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 copies of letters from the developer to the utility companies offering them access as stated above.

#### **Final Site Engineering Plan Approval by DES**

11. The developer agrees to submit a final civil engineering plan to the Department of Environmental Services. The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted. Final approval on the final civil engineering plan will not be provided to the developer without submission of the landscape plan to the Zoning Office. The final civil 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. The Above Grade Building Permit shall not be issued until final site engineering plans which agree with the approved final civil development and landscape plans, and the sequence of construction, has been approved by the Department of Environmental Services and the lead CPHD Planner, as consistent with the Use Permit approval requirements and all County laws. To ensure final sign-off, the plans shall include the lead CPHD Planner review and signature blocks. 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. The developer further agrees that all construction on the site shall be in accordance with the approved final site development engineering plan.

#### **Existing Water Main or Fire Hydrant Service**

12. The developer agrees that no existing water main or fire hydrant shall be taken out of service or made inaccessible by developer without the prior approval of the Department of Environmental Services. This approval shall be obtained before the issuance of the Above Grade Building Permit.

#### **Off-Street Parking for Construction Workers**

13. The developer agrees to provide on-site parking or, if necessary, shuttle service for construction workers to arrive at the construction site without charge to the workers from the County parking facility at Barcroft Park, or other facility approved by the County Manager. 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, and for which the developer has



obtained the Zoning Administrator's approval, before the issuance of the Above Grade Building Permit. This plan shall set forth the quantity of parking that shall be needed for various stages of construction, and 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 for any construction workers that may arrive to the construction site or Barcroft facility via public transportation. 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.

#### **Address Indicator Signs**

14. 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 engineering plan as specified in Condition #13.

#### **Façade Treatment of Buildings**

15. 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 developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples, for review by the County Manager for consistency with this Use Permit plan approval prior to the issuance of the Above Grade Building Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval of this Use Permit before the issuance of the Above Grade Building Permit.

In addition, the developer agrees to:

- a. Reduce the impact of any vents installed on the exterior facades of the building by employing color schemes and materials that match the proposed adjacent exterior building materials, and also a reduction of the vent's overall size by combining of vents for multiple elements to the greatest extent possible.

#### **Interior Loading Spaces**

16. The developer agrees that 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 not in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.

### **Parking Space Compliance with Zoning Ordinance**

17. 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 Above Grade Building Permit.

The developer agrees to provide 138 underground parking spaces as part of the development, and agrees that at least 120 of these spaces may be reserved for residential occupants; and at least 16 spaces shall be for use by residential visitors and the general public on a non-reserved basis. The developer further agrees that, if, at the discretion of the developer, the residential unit count is reduced subsequent to County Board approval of the use permit, the parking ratios approved by the County Board and consistent with the Columbia Pike Form Based Code (Section 20. - Appendix A of the Zoning Ordinance) shall be maintained.

### **Bicycle Storage Facilities**

18. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to the residential area, at a minimum on the basis provided below. 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 Bicycle and Pedestrian Program Manager before the issuance of the Above Grade Building Permit. The Developer agrees to obtain approval of the location, design, and details regarding the proposed bicycle storage facilities set forth below as part of the final site development and landscape plans.

### **Residential Bicycle Storage Facilities:**

The residential bicycle parking shall be compliant with the Columbia Pike Form Based Code as follows: One (1) resident bicycle space per three (3) units, of residential units, and one (1) visitor bicycle parking space per 50 units, of residential units.

All resident bicycle parking facilities provided as described above shall be highly visible to the intended users and protected from rain and snow within a structure shown on the final site development plan. The facilities for resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, or a visitor/customer entrance. All resident visitor bicycle parking must be within the tree-furniture zone (as described in the Columbia Pike Form Based Code, Section 20.- Appendix A of the Zoning Ordinance), positioned at a 45-degree angle to the adjacent curb, and within the plaza area to be determined through final plaza design. The resident visitor bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance, or in close proximity to the residential entrances so as to avoid conflicts with the placement of other streetscape

elements such as street trees, benches, trash receptacles and street lights, and such locations shall be reviewed by the Division of Transportation and the lead CPHD planner. Facilities for resident visitor bicycle spaces shall be Class III spaces. Residential lease agreements shall not prohibit the storage of bicycles within individual apartment units.

**Screening of Mechanical Equipment**

19. Mechanical Equipment shall be screen so as not to be visible from abutting public rights-of-way.

**Use of Penthouse**

20. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space or telecommunication transmitter and/or receiver equipment.

**The following conditions of use permit approval (#21 - #23) is valid for the life of the Use Permit and must be met by the developer before the issuance of First Certificate of Occupancy.**

**Wall Check Survey**

21. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #6 above. The wall check survey shall show the location of walls above at the top level of the below-grade structure, and will be provided prior to the issuance of a permit for above-grade construction. The developer further agrees that, within thirty (30) days after the approval of a wall check survey, or such other time as mutually agreed upon by the Zoning Administrator and the developer, to submit to the Zoning Administrator a wall check survey showing the location of the walls and elevation of the slab, at grade.

**Transportation Management Plan**

22. 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 designee for such plan before the issuance of the First Certificate of Occupancy.

**a. Participation and Funding**

- i. Maintain an active, on-going relationship with Arlington Transportation Partners (ATP), or successor entity.
- ii. Designate a member(s) of building management as Property Transportation Coordinator (PTC) to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all TMP obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to ACCS (Arlington County Commuter Services). The Property Transportation Coordinator shall be appropriately trained, to the reasonable satisfaction of

ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

**b. Facilities and Improvements**

- i. Provide in the main or adjacent to the residential lobby an information display, the number/content/design/location of which shall be reasonably approved by ACCS / ATP, to provide transportation-related information to residents and visitors. Management shall keep display(s) stocked with approved materials at all times.
- ii. Provide a means to call a taxi from the lobby during hours when the leasing office is open.
- iii. If bus stops and shelters are located along the frontage of the property in the future, they shall be maintained free of snow, ice, trash, and debris. A 6 foot wide path, clear of snow and ice, to the main entrance of the building(s) shall be maintained to bus stops.
- iv. Maintain one on-site business center (including, at a minimum, access to copier, fax, pc, and internet services in a minimum 56 sq. ft. of space), which shall be made available to support residents of the residential building who choose to work from home.
- v. Comply with bicycle requirements to provide bicycle parking/storage facilities per Condition#18. The developer agrees to develop a plan of operation of the bicycle facilities which shall include details of implementation and continued operation of the bicycle facilities and related systems.

**c. Parking Management Plan**

- i. 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 and drop-off, handicapped access, and passenger waiting area; loading zones for short-term deliveries; bus stops; car sharing locations; and on-and off-street parking, and bicycle 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.
- ii. No on-street loading will be permitted between the hours of 7 to 9 AM and 4 to 6 PM, Monday through Friday.

- iii. Provide effective directional signage inside the garage directing residents and visitors to appropriate locations on the property. Such plan shall include provision to the items specified in the Parking Management Plan.

**d. Promotions, Services, Policies**

- i. Provide one (1) SmarTrip card plus four (4) Metrobus Weekly Passes or equivalent monetary value (Valid for a full week of unlimited travel region wide on regular Metrobus routes. Current value is \$5.00 for SmarTrip card and \$60.00 for 4 bus passes; value will rise with SmarTrip card or fare increase) for free, one time, excluding lease renewals, to each residential lessee up to a maximum of two (2) per unit, distributed no later than the day of move in at the building. Senior or Disabled weekly bus pass may be substituted if criteria are met. Passes shall be purchased through CommuterDirect, or successor entity, for ease of verification by ACCS. Signs announcing the program shall be approved by ACCS and posted in each mail room of each residential building. The program shall also be announced in any newsletter or website for the site.
- ii. Provide a choice of either one (1) SmarTrip card plus four (4) Metrobus Weekly Passes or equivalent monetary value (Valid for a full week of unlimited travel region wide on regular Metrobus routes. Current value is \$5.00 for SmarTrip card and \$60.00 for 4 bus passes; value will rise with SmarTrip card or fare increases) for free, one time, to each on-site employee of the property management company at the time that employee is hired for the Project. Provide or administer a sustainable commute benefit program for these employees (the program shall include, at a minimum, pre-tax employee contributions and/or tax-free transit or vanpool monthly contributions.)
- iii. Provide website hotlinks to CommuterPage.com<sup>TM</sup>, or its successor, under a “transportation information” heading from the property manager’s website regarding this development.
- iv. Distribute a new-resident package, containing material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each lessee and / or condominium purchaser. Packages will be distributed to tenants no later than the day of move-in at the building. Distribute equivalent package to new employees no later than their first day of work.
- v. Reference the transportation options in promotional materials and advertisements.
- vi. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.

- vii. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).

**e. Performance and Monitoring**

- i. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- ii. The owner shall reimburse the County for, and participate in, a transportation performance monitoring study at two (2) years, five (5) years and each subsequent five (5) years (at the County's option), after issuance of first Certificate of Occupancy. The cost of the study shall be shared by each building (the residential and the community center) and apportioned by Sq. Ft. GFA. The cost to the residential portion of the project shall be capped at \$5,000.00 plus CPI escalation (amount will be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of use permit amendment approval. The County may conduct the study or ask the owner to conduct the study. The County will specify the timing and scope of the study. The study may include average vehicle occupancy, daily vehicle trips to and from the site, and parking availability by time of day for the site and pedestrian traffic. The study may include a seven-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator will notify, assist, and encourage tenant's employees and building employees to participate in mode split surveys which may be of an on-line, or e-mail variety. A report will be produced as specified by the County. A copy of the report and provide a report summarizing the findings report findings shall be given to the County, the Arlington Mill Steering Committee Chair, Park Glen Unit Owners' Association President, Columbia Heights West Civic Association President, Columbia Forest Civic Association President, Barcroft Civic Association President, and the Columbia Pike Revitalization Organization Executive Director.
- iii. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the site.

**Parking Management Plan**

23. The developer agrees to coordinate with Arlington County to create a Parking Management Plan including the items required in the TDM Plan Condition #22, Parking Management Plan – section c. The Plan will describe how the parking for residents, visitors to the site, and general public will be provided, how the parking will be managed,

how motorists will be directed to the parking spaces, and how visitors will be directed to exits and payment devices. The Plan will also describe how the management of the garage will be coordinated with the management of the portion of the garage serving the Community Center. The developer further agrees that it shall not sell or lease any of the parking spaces designated to make the project comply with the Americans with Disabilities Act (ADA). The parking management plan shall be submitted to the Zoning Administrator. The developer agrees to obtain the County Manager's approval of the plan as being consistent with the Zoning Ordinance requirements, the Columbia Pike Form Based Code (Section 20. –Appendix A of the Zoning Ordinance), and this condition, prior to the issuance of the First Certificate of Occupancy for the first residential building.

- a. The developer agrees to include a plan of the garage facility, a description of the type of revenue and access control equipment, an explanation of how the garage will be managed and a rate setting policy coordinated with Arlington County for the site's visitor parking spaces only. The plan will show handicapped spaces and identify the different constituency groups and how they will be accommodated in the garage spatially and through management processes such as permits, validation, and pricing. The plan will include parking strategies for special events, if applicable.
- b. The developer agrees to coordinate with Arlington County so that overnight parking in the site's visitor parking spaces is available to the public generally from 10:00 p.m. to 8:00 a.m. nightly.
- c. The developer agrees to have, as a part of its parking management plan, provisions relating to the towing of impermissibly parked vehicles in compliance with Arlington County Code 14.3. Such provisions shall include, but need not be limited to:
  - i. Requirements for signage in the garage 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
  - ii. Disclosure by the developer and its towing contractor(s), at the developer's parking garage of all fees and charges for towing; and
  - iii. 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.
- d. Annual Reporting:

- i. On an annual basis, in conjunction with the submittal of the Transportation Management Plan, the developer or his designee will submit to the County a report on the operation of the garage to include how the garage is functioning for each user group –residents, residential visitors, and building employees. The number and location of reserved spaces by type will also be reported. The report will also include the number of different types of permits distributed. Parking occupancy counts will be taken at 10 a.m., 2 p.m. and 9 p.m. for 3 weekdays and two Saturdays and Sundays within 30 days before the issuance of the report. Building tenant occupancy will be provided as well.
- e. The Parking Management Plan shall be implemented for the life of the use permit. Any changes need to be approved by the County Manager.

**Post Certificate of Occupancy: the following Conditions of Use Permit Approval (#24 through #25) are valid for the life of the Use Permit.**

**County Installation of Telecommunications Transmitter and/or Receiver Equipment**

24. In order to maintain the effectiveness of the County's public safety systems, the developer agrees to grant to the County in perpetuity 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 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. The developer agrees to provide, upon request by the County, 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. The County shall remain responsible for the maintenance and costs of the County's communication system and shall indemnify and hold harmless the developer from any costs or claims resulting from the presence of the County's equipment within developer's project.

**Maintenance of Common Areas**

25. The developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to residential units shall be provided for by the developer.

**The following unique site specific conditions (#26 - #31) are valid for the life of the Use Permit and must be met before the issuance of the permit specified in each condition.**

**Affordable Housing**

26. The developer agrees that the land underlying the Arlington Mill Residences is being made available to the housing developer through a Ground Lease for the purpose of providing affordable housing. Therefore, the developer agrees that no permits will be



issued for this project until a lease for the subject property that is acceptable to the County Manager, has been executed by both the County and the developer. The developer agrees that the lease will provide, among other things, that 99% of the apartments will be affordable (121 of 122 units) to households earning 60% of the Area Median Income (AMI) and such lower amounts as the Developer and County may mutually agree in the terms of the lease. Rents for the 121 units will remain affordable for the life of the Ground Lease (at least 75 years).

### **Earthcraft Points**

27. The developer agrees to continue working with an EarthCraft Virginia certified consultant(s) as members 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 EarthCraft Virginia Multifamily certification. Specifically, for the residential-only building, the project will follow the specific requirements for the EarthCraft Virginia Multifamily program, achieving at least 200 points as well as the specific energy efficiency requirements (as approved by EarthCraft Virginia), or a comparable LEED rating (as approved by the US Green Building Council).

In addition to the EarthCraft certification, the project will comply with the following:

- a. For residential units, the developer agrees that all of the following types of appliances, fixtures, and/or building components initially installed in the project shall have earned the U.S. EPA's ENERGY STAR label (or an equivalent as approved by the County Manager or his/her designee): clothes washers, dishwashers, refrigerators, and ceiling fans. Residential units will comply with the EPA's Advanced Lighting Package (or equivalent as approved by the County Manager or his/her designee). The developer shall submit to the County Manager (or designee) documentation sufficient to confirm that such components are ENERGY STAR qualified (or equivalent as approved by the County Manager (or designee)) prior to issuance of the Shell and Core Certificate of Occupancy.
- b. For residential units, the developer agrees that all the following fixtures initially installed in the project shall have earned the U.S. EPA's WaterSense label (or equivalent as approved by the County Manager or his/her designee): toilets, showerheads, and bathroom sink faucets. The developer shall submit to the County Manager documentation sufficient to confirm that such components are WaterSense qualified (or equivalent as approved by the County Manager (or designee)) prior to issuance of the Shell and Core Certificate of Occupancy.
- c. For commercial lighting in the common areas of the project (lobbies, corridors, stairwells, common rooms, fitness rooms, office, etc.), the developer agrees to incorporate interior lighting in order to maximize energy efficiency. Strategies may include, but are not limited to, daylighting, efficient fixtures, bulbs, motion and light sensors, interior design (paint color), etc). The US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit for Optimizing

energy Performance: Lighting Power should be used as a goal. The developer shall obtain approval from the County Manager (or designee), for the lighting strategies used including a listing of lighting fixtures, bulbs, and components prior to issuance of the Shell and Core Certificate of Occupancy.

The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the EarthCraft consultant(s) and documentation upon request to substantiate the report. Such reports 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:

- Above-Grade Building Permit
- Shell and Core Certificate of Occupancy
- Partial 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 EarthCraft consultant(s) submit a certification to the County Manager that the elements to earn the above specified sustainability rating have been included in the buildings.

A site visit(s) to verify EarthCraft components will be accommodated as requested by staff.

#### **Parking Enforcement**

28. The developer agrees to develop procedures, subject to approval of the County Manager, whereby uniformed Arlington County Police will be authorized to enter the public parking areas for purposes of enforcing compliance with County ordinances and state laws applicable to resident's motor vehicles.

#### **Public Safety Radio Communications**

29. The developer agrees to install and maintain in operable condition, in a manner acceptable to the County Manager, 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 drawings that adequate accommodations have been made in the building to meet his requirement.

#### **ADA Power Door Openers**

30. In addition to the regulations and requirements established with ADA Federal law, the developer agrees to provide powered operators for at least one (1) door at each of the following locations: main entrance, main entrance vestibule, studio entrance, and all residential elevator lobbies in the garage. Either an actuator or approach sensor shall activate the powered operators. This shall not preclude building security for residents.

### **Proposed Signs**

31. The applicant agrees that all project signs shall be consistent with the signs included in the plans dated January 10, 2011 and approved by the County Board on February 12, 2011. The developer agrees that all signs shall be the number, size, and location as shown in the plans dated January 10, 2011. Text changes, colors, and graphic design of the signs may change so long as the number, size, and location is consistent with that shown in the plans. Sign lighting shall conform to the requirements of the Zoning Ordinance. The applicant agrees to obtain sign permits for the proposed signs, as specified in Section 34 of the Zoning Ordinance.

The developer agrees that minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of a sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%).

PREVIOUS COUNTY BOARD ACTIONS:

May 1942	“C-1” zoning as shown in Zoning Map book.
August 1961	Designated “Neighborhood Shopping” on the General Land Use Plan.
April 1975	Designated “Service Commercial” on the General Land Use Plan
April 13, 1996	Ratified the offer to acquire property located at 4975 Columbia Pike
June 4, 1996	Ratified the Agreement of Sale with Safeway, Inc. for the purchase of property located at 4975 Columbia Pike and reallocated funds for acquisition
November 16, 1996	<p>Found that the location, character and extent of a proposed community center which will provide school, recreation, and other community services at 4975 Columbia Pike, (formerly a Safeway grocery store) is substantially in accord with the Comprehensive Plan for Arlington County.</p> <p>Approved General Land Use Amendment GP-255-96-1 from “Service Commercial” (Personal and business services; and “Low-Medium” Residential (16 to 36 units per acre) to “Public” (Parks [local, regional and federal]); Schools [public]; Parkways, major unpaved rights-of-way; Libraries and cultural facilities) at 4975 Columbia Pike.</p> <p>Adopted an ordinance for a rezoning approval for a reclassification from zoning district “C-1” Local Commercial District, to zoning district “S-3A” Special District.</p> <p>Approved use permit (U-2897-96-1) for an adult education program (high school) and a by-right Department of Parks, Recreation and Community Resources facility, subject to conditions with a review in two (2) years, with the use permit expiring at the end of the 2001-2002 school year. (November 1998)</p>

December 16, 1997	Approved use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in one (1) year. (December 1998)
November 14, 1998	Continued use permit (U-2897-96-1) for an adult education program (high school) with a review in four (4) years. (November 2002)
December 12, 1998	Continued use permit amendment (U-2897-96-1) to permit three (3) programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in three (3) years. (December 2002)
December 8, 2001	Continued use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in five (5) years. (December 2006)
July 20, 2002	Continued use permit (U-2897-96-1) for an adult education program (high school) with a review in three (3) years. (July 2005)
December 17, 2002	General Land Use Plan amended to include the “Columbia Pike Special Revitalization District”.
February 25, 2003	Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) adopted
February 10, 2004	Columbia Pike Street Space Plan adopted and Form Based Code amendment to include new Required Building Lines
December 9, 2006	Continued use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in one (1) year. (December 2007)
December 15, 2007	Continued use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool

program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in three (3) years, or until redevelopment of the site occurs. (December 2010)

General Land Use Plan amended to redraw the “Columbia Pike Special Revitalization District” boundary to include the northern portion of the County-owned Arlington Mill Community Center property

Columbia Pike Form Based Code amendment to redraw the Columbia Pike Revitalization District boundary to include the northern portion of the County-owned Arlington Mill Community Center property; and 2) Designate a portion of the Dinwiddie Street frontage that is 250’ from the centerline of Columbia Pike to the north along the east side of South Dinwiddie Street and within the Revitalization District as an Avenue Site

January 29, 2008

Columbia Pike Form Based Code amendment to modify the distance between the Dinwiddie Street Required Building Lines from 91’ to a dimension of 80’ south of 9<sup>th</sup> Street and 65’ north of 9<sup>th</sup> Street

Resolution to endorse Arlington Mill Community Center Concept Plan for development by Special Exception Use Permit under the Columbia Pike Form Based Code.

Approval of affordable housing program and financial plan.

Approval of an option to ground lease between the County Board and Public Private Alliances, LLC.

April 19, 2008

Authorized advertisement of amendments to the Arlington County Comprehensive Plan - Master Transportation Plan Map - to add a new two-lane neighborhood-minor-street segment of 9th Street South between South Dinwiddie Street and South Arlington Mill Drive, and to delete a segment of South Arlington Mill Drive from Columbia Pike to a point approximately 200 feet to the north. The public hearings by the Planning Commission and the County Board to consider the proposed

amendments will be concurrent with the public hearings for the use permit for the Arlington Mill Community Center development.

May 17, 2008

Authorized advertisement of public hearings by the Planning Commission on June 2, 2008, and the County Board on June 17, 2008, on the Special Exception Use Permit Form Based Code application for the proposed Arlington Mill Community Center.

June 24, 2008

Approval of a use permit for a residential building with 159 units; a 6-story mixed-use building with approximately 40,000 square feet of community center uses including gymnasium, approximately 3,000 square feet of retail uses, and 33 residential units; an underground parking garage; and a public plaza at 4975 Columbia Pike.

July 22, 2008

Approval of ground lease between Arlington County and Public Private Alliances, LLC for 4975 Columbia Pike.

December 15, 2009

Authorized the County Manger to modify plans the plans for the approved Arlington Mill Community Center redevelopment project as needed to construct the public portion independently from the housing portion of the project with a target opening in the first quarter of 2013.

Authorized the County Manager to pursue a development partner for the residential housing to be built on the northern portion of the site.

January 26, 2010

Authorization of sole source award to Davis Carter Scott Architects for design services for Phase I of the Arlington Mill Community Center.

March 16, 2010

Approval of the ground lease termination between Arlington County and Public Private Alliances, LLC, dated July 22, 2008 for 4975 Columbia Pike.

September 25, 2010

Approved use permit amendment for plan modifications to the Arlington Mill Community Center to construct an approximately 65,700 sq. ft. community center facility with gymnasium and retail and eliminated the residential portion of the project from Phase 1.