



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of October 14, 2006**

DATE: September 28, 2006

SUBJECT: U-3144-05-1 USE PERMIT REQUEST for approval under the Columbia Pike Form Based Code, 2301 Columbia Pike (RPC #25-017-043, -045, -047, -049).

Applicant:

The Georgelas Group, LLC
8405 Greensboro Drive, Suite P130
McLean, Virginia 22102

By:

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

C.M. RECOMMENDATION:

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

ISSUES: None

SUMMARY: The applicant is requesting use permit approval of a new 188-unit rental apartment building with approximately 34,341 square feet of ground floor retail, and 14,650 square feet of office for the former Safeway grocery store site located at 2301 Columbia Pike. The subject property is also located within the Columbia Pike Special Revitalization District and is eligible for redevelopment using the Columbia Pike Form Based Code (the Code). In separate staff reports, it is recommended that vacation and encroachment requests be approved for areas along the Wayne Street frontage of the site in order to allow development that is in conformance with the Code. The proposed project will include 408 parking spaces, 107 of which will be available on a non-reserved, shared basis at all times for visitors or shoppers in the area. The parking associated with this project helps to achieve the objective of creating pools of shared parking along Columbia Pike.

County Manager: _____

County Attorney: _____

Staff: Richard Tucker, DCPHD, Planning
Dave Robinson, DES

PLA-4505

Review of this application was deferred from the December 2005 and May 2006 County Board meetings as the applicant explored feasibility issues related to the financing and construction of the project. The Planning Commission had recommended approval of the project at its November 30, 2005 meeting, and a community meeting with Columbia Pike residents was held earlier in that month. Since that time, the proposal has changed from a condominium project to a rental project and the unit count has increased from 177 units to 188 units. As a result of the change in unit count, the parking tabulations have changed; however, the parking provided in the revised project still exceeds the parking requirement under the Code. There are no other material changes to the project as proposed and the project conforms to the Code. 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 (Update 2005).

BACKGROUND: Under the Code, 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 67,065 square foot site is located on Columbia Pike, and is bounded by South Wayne Street, South Adams Street, and (proposed) 9th Road alley. The site currently contains a Safeway grocery store building and a parking lot.

Zoning: The site is zoned “C-1” Local Commercial Districts and "C-2" Service Commercial - Community Business Districts, and is eligible, by reference, to be developed using the “CP-FBC” Columbia Pike Form Based Code District. A 9-story office building is located to the north of the site on a property zoned “C-O” Commercial Office Building, Hotel and Multiple family Dwelling Districts. A strip shopping center, zoned “C-2” Service Commercial - Community Business Districts is located to the west of the subject 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 Town Center node of the Columbia Pike Special Revitalization District. The adjacent sites to the north and west are also designated on the General Land Use Plan (GLUP) as “Service Commercial”.

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

Plans: The site is located within the Columbia Pike Special Revitalization District and is subject to the Columbia Pike Initiative – A Revitalization Plan (Update 2005).

Proposed Development:

	Required / (Allowed)	Proposed
Site Area		67,065 square feet
Total GFA		252,753 square feet
Columbia Pike Form Based Code Requirements		
Height	Main Street – Up to 6 stories (plus mezzanine)	6 Stories (plus mezzanine) – 76 feet
Parking		
Residential (reserved) spaces	188 spaces (min. req.) / 376 spaces (max. allowed)	263 spaces
Residential (shared) spaces	24 spaces	24 spaces
Commercial (shared) spaces	48 spaces	48 spaces
Commercial (reserved) spaces	47 spaces (max. allowed)	38 spaces
Other shared spaces		35 spaces
Total Parking	260 spaces (min.)	408 spaces
Parking Ratio	1.125 spaces per residential unit / 1 space per 1,000 sq. ft. of retail	1.40 per residential unit / 3.00 spaces per 1,000 sq. ft. of retail and office
Open Space – 15% of Buildable Area	7,133 square feet (47, 552 sq. ft. buildable area x 15%)	7,679 square feet (16.2% of buildable area)
Coverage		51,436 square feet (76.7% of site area)
LEED Score		16

TRANSPORTATION: The subject site is located in the 2300 block of Columbia Pike and is bounded by South Wayne Street to the east and South Adams Street to the west. The Master Transportation Plan classifies Columbia Pike as a principal arterial and South Wayne and Adams Streets as neighborhood-minor streets. Adjacent to the site, Columbia Pike is constructed to a five-lane cross-section, providing two westbound and two eastbound travel lanes and an eastbound left-turn lane to South Wayne and Adams Street. Adjacent to the site, South Wayne Street is constructed to a 45-foot cross-section and provides a single travel lane in each direction. On-street parking is allowed along the eastern side of the street. South Adams Street is constructed to a 36-foot cross-section and provides a single travel lane in each direction. On-street parking is allowed along both sides of the street. The intersection of South Wayne Street at Columbia Pike operates under traffic signal control. The South Adams Street approach at Columbia Pike is controlled by a stop sign.

Trip Generation: A Traffic Impact Analysis (TIA) submitted by the applicant, prepared by Wells & Associates, Inc., dated October 14, 2005, assessed the impacts of the development on the adjacent street system. Access to the site's loading dock and parking garage is proposed from a new public alley linking South Wayne and Adams Streets along the northern property line of the site. The proposed development is estimated to generate approximately 111 AM and 194 PM peak hour vehicle trips. The critical intersections in the vicinity of this project are the two adjacent Columbia Pike intersections with South Wayne and Adams Streets. Both intersections are forecast to continue to operate at an acceptable level of service (LOS) D or better during the AM and PM peak hours.

The applicant has proposed to implement a TDM Program to discourage single occupant vehicle commuting to and from the site to lessen the impact of the development on the local transportation system. The applicant has agreed to implement TDM strategies that are briefly summarized below:

- Designate a member of the building management team as Property Transportation Coordinator with responsibilities for completing and coordinating TDM Plan obligations.
- Provide a transportation kiosk or information display to provide transportation-related information in the lobby or common area of the building.
- Provide SmarTrip cards free to residential unit renters of the site on a one-time basis.
- Conduct a transportation performance monitoring study for the site two years after issuance of the first Certificate of Occupancy.
- Distribute transit information to residents and visitors of the project.

Parking: The proposed mixed-use development provides a total of 408 parking spaces on three levels of below grade parking, including 22 tandem parking spaces located on the B2 and B3 levels. The applicant proposes to provide 263 reserved parking spaces for the residents (at 1.39 parking space per dwelling unit), 24 shared guest residential spaces, 48 shared parking spaces for retail and office use (at one space per 1,000 square feet of GFA), 38 reserved parking spaces for retail and office use (at one space per 1,242 square feet of GFA), and 35 additional shared use parking spaces. A total of 107 parking spaces will be available on a shared, non-reserved basis for visitors and shoppers to the general area. The project also includes 79 bicycle parking racks.

Streets: The subject site has frontage adjacent to three streets and a proposed public alley, including Columbia Pike, South Wayne Street, South Adams Street and the public alley.

Columbia Pike: The applicant's proposed Columbia Pike street cross-section is consistent with the Regulating Plan and the adopted Columbia Pike Street Space Plan for this section. Adjacent to the Columbia Pike site frontage, this section is planned to include a 13-foot-8-inch wide streetscape section, two 8-foot-wide parking lanes, 11-foot-wide outside travel lanes, 10-foot-wide inner and a 10-foot wide landscaped median/left-turn travel lanes, for an overall Required

Building Line (RBL) to RBL cross-section width of 98 feet and 4 inches.

South Wayne and Adams Street: Side street streetscape sections have not been endorsed by the Columbia Pike Implementation Team (CPIT) nor approved by the County Board. In general, side street streetscape and travel way improvements are to be provided within a 75-foot cross-section between the RBL's. The 75-foot cross-section equals a 37.5-foot width between the RBL and the street centerline. The applicant's proposed South Wayne and Adams Street RBL's are consistent with the adopted regulating plan and the side street streetscape cross-sections. The 75-foot cross-section provides two 10-foot wide travel lanes, two eight-foot wide parking lanes, and a 19.5-foot wide streetscape section. The 19.5-foot wide streetscape section includes a 6.5-foot wide planting strip/furniture zone, an 11-foot wide sidewalk and a 2-foot wide shy zone adjacent to the building.

Public Alley: The Columbia Pike Form Based Code Regulating Plan calls for a public alley to be provided between South Wayne and Adams Street. The developer has incorporated the proposed alley along the site's northern property line. The alley's 25-foot width is consistent with the Regulating Plan and would be dedicated as a public surface access easement. The developer has proposed and has agreed to be responsible for the maintenance of the alley. The Master Transportation Plan (MTP) currently shows this segment of the 9th Road alignment as a street. Staff is proposing that this segment be re-designated in the MTP as an alley to be consistent with the Code. This issue is addressed more fully in a separate staff report.

Public Transit: The site is well served by public transit. The Washington Metropolitan Area Transit Authority's Columbia Pike bus routes were recently improved and designated "Pike Ride." They provide frequent service to and from the Pentagon and Pentagon City Metrorail Stations. In addition, the 16Y bus goes directly to Farragut Square during peak hours. Arlington Transit service is also available nearby. Arlington Transit Route 74 provides additional service along Columbia Pike and serves the Pentagon City area during peak hours. North-south bus service is also available nearby. Route 10B provides service between Ballston and Shirlington and is available nearby along Walter Reed Drive and South Fillmore Street. Route 24P provides service between the Pentagon and Ballston via Clarendon and is available nearby on Courthouse Road. Arlington is participating with WMATA in the Pike Transit Initiative study, which is looking at future options for light rail or bus rapid transit service along Columbia Pike.

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 are proposed along Columbia Pike between South Jefferson Street and South Quincy Street and between South Wayne Street and South Joyce Street. Staff will be developing parallel bike routes north and south of Columbia Pike to provide interim bikeways and to serve local trips along the corridor.

UTILITIES: Adequate water and sanitary sewer system capacity is available to serve the development. Staff recommends, and the developer agrees, to construct a new 12-inch water main along the site's South Wayne Street frontage between Columbia Pike and the proposed alley to provide adequate water pressure for residents and fire control. The developer has agreed to remove or relocate all existing aerial utility lines along the periphery of the site. The developer will be required to comply with the new Chesapeake Bay Preservation Ordinance and the Plan of Development requirements, including a Resource Protection Area Delineation (site is not located in an RPA), a Landscape Conservation Plan, a Storm Water Management Plan, and an Erosion and Sediment Control Plan.

DISCUSSION: As part of the Columbia Pike Special Revitalization District, the subject site is eligible for redevelopment under the Columbia Pike Form Based Code (the Code), subject to use permit approval by the County Board, since the site area is greater than 40,000 square feet. The Regulating Plan (map) of the Code 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 Code also specifies where open space is to be built or maintained. The subject site, having been assigned a BES, can be developed under the Code according to its Main Street designation. The Main Street frontage, along Columbia Pike, South Adams Street and South Wayne Street, calls for a building between three (3) and six (6) stories in height.

The applicant has proposed a new six-story 188-unit rental apartment building with approximately 49,000 square feet of retail and office development located on the ground floor and mezzanine. In order to construct the building where specified and with the architectural details (i.e. cornices, canopies and awnings) that are required by the Code, it has been determined that the applicant must build and encroach upon County right-of-way along the Wayne Street frontage. The applicant is requesting approval of vacation and encroachment requests in order to construct the proposed building as required. These issues are addressed more fully in separate reports.

During the course of the review of this proposal, the applicant has continually refined the architectural treatments of the project to better comply with the regulation. Staff has concluded that the architectural renderings attached to this report, supplemented by specific guidance contained in use permit Condition # 21 satisfactorily meet the requirements of the Code.

The proposed project is in compliance with the Form Based Code and is consistent with the goals of the Columbia Pike Initiative – A Revitalization Plan (Update 2005). No modifications to the provisions of the Form Based Code are requested.

Community Review Process: The applicant met informally with CPRO and members of the Penrose and Columbia Heights Civic Associations in October 2005. A formal community meeting, as required by the Code, was held on November 14, 2005. Two issues were raised by community members having to do with the lack of affordable housing provided as part of the proposal, and the overall height of the building. It was explained that, as a Form Based Code use permit submission, the project was not subject to the County's affordable housing guidelines,

which are targeted to Site Plan projects. The height of the proposed six-story building, which is approximately 76 feet, is 18 feet less than the maximum height achievable for a Main Street site (94 feet) and is therefore in compliance with the applicable regulations.

The Planning Commission reviewed the proposal at their November 30, 2005 meeting. On a 9-1 vote, the Planning Commission recommended that the County Board approve the use permit request. The dissenting vote was cast in response to the Leadership in Energy & Environmental Design (LEED) score (16) that was submitted for this project, which was considered low for this type of project. It was noted that, currently, there is no County policy addressing minimum score requirements for projects submitted for use permit approval. The Planning Commission also requested that language be added to the use permit Conditions to make it clear that changes to the proposal subsequent to County Board approval that reduce the unit count for the project should not affect the parking ratios approved by the County Board. Staff modified Condition # 19 to address this issue.

Since the application was reviewed by the Planning Commission, the proposal has been revised to include additional residential units (from 177 to 188 units). In reviewing the revised proposal, staff has determined that the project continues to conform with Form Based Code regulations with no major impacts and that no additional community review, prior to County Board action, is required.

CONCLUSION: Staff recommends that the County Board approve the use permit request, subject to the use permit conditions attached to this report, and subject to the conditions of the vacation and encroachment reports associated with this report.

Use Permit Conditions:

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.

1. The developer (as used in these conditions, the term “developer” will include the property owner, the applicant, and their agents, employees, successors, and assigns) agrees to comply with the plans dated July 31, 2006 reviewed and approved by the County Board at the County Board meeting of October 14, 2006 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. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
 - b. Before commencing any clearing or grading of the site, the developer shall hold a meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.

- c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.
 - d. At the end of each 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 and that all streets and sidewalks adjacent to the construction site are free of trash and debris.
 - e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7 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, 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 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, or as approved by the County Manager.
3. The developer agrees to submit and obtain approval of final site development/engineering plans from the County Manager 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 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 July 31, 2006 as presented to the County Board, and made a part of the public record at the October 14, 2006 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 October 14, 2006 will require additional review by the Columbia Pike Form Based Code Administrative Review Team to ensure compliance with the Form Based Code and this approval provided, however, that this condition shall in no way relieve the developer of any obligation under any other condition.
6. The developer agrees that all required public deeds of easement and deeds of dedication shall be submitted by the developer to the Department of Environmental Services prior to the issuance of the First Certificate of Occupancy for all public walkway and street improvements described in Condition #11. The developer agrees to obtain the County Manager's approval of such deeds and to record them upon approval, among the land records of the Clerk of the Circuit Court of Arlington County, before the issuance of the Final Building Permit. Dedications for public street and sidewalk improvements constructed between the Required Building Line (RBL) and the existing street right-of-way shall be granted by the developer to the County in fee simple. A six-foot (6') wide portion of the above dedication may, at the County's discretion, be dedicated to the County as an easement for all public purposes adjacent to, and parallel to the RBL. The deed or deeds of easement for public purposes may provide that there is reserved unto the developer the right to construct and maintain, within specified portions of the boundaries thereof, appendages to buildings of the type and at the specific locations approved by the County Manager or designee as shown on the final engineering site design plans approved by the Department of Environmental Services, and as shown on the plat attached to the deed or deeds of easement. Any and all easements for public purposes shall be granted by deed, in form and substance acceptable to the County Manager or designee, and in form approved by the County Attorney.

The developer further agrees to dedicate to the County a 25-foot-wide public access surface easement over and across the alley located adjacent to, and parallel to the site's northern property line between South Wayne Street and South Adams Street, as shown on plans dated July 31, 2006. The public access surface easement shall be granted by deed, in form and substance acceptable to the County Manager or designee, and approved as to form by the County Attorney, for the maintenance by the developer of the surface improvements within the limits of the said alley.

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 first 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. The developer agrees that landscaping on the site 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: Red Maple 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.

located along the South Wayne Street 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. The transition from underground to overhead facilities shall occur off-site.

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. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet 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 storm sewer, 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 to show, on the final engineering plans, and to construct water main improvements in accordance with the following:

A 12-inch water main along the South Wayne Street frontage of the site and inter connected with the existing 12-inch water main in Columbia Pike and the existing 8-inch water main in South Wayne Street. The developer agrees to abandon the existing water main located in South Wayne Street to be replaced with the new 12-inch water main and reconnect any service to the new water main. The water main improvements shall be constructed prior to issuance of the Final Building Permit

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. 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 July 31, 2006 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.

19. The developer agrees to construct 408 underground parking spaces as part of the development, and agrees that up to 263 of these spaces may be reserved for residential occupants; 38 of these spaces may be reserved for office and retail users; and at least 107 spaces shall be made available at all times to shoppers and visitors to the site on a non-reserved basis. The developers 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 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. The developer further agrees that, if, at the discretion of the developer, either the residential unit count or commercial square footage is reduced subsequent to County Board approval of the use permit (U-3144-05-01) the parking ratios described in this report shall be maintained. The developer also agrees to provide 79 bicycle parking racks within the parking garage for residents and visitors to the site.
20. 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.
21. 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 approval prior to the issuance of the Footing to Grade 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 before the issuance of the Final Building Permit. In addition, the developer agrees to:
- A. Place all vents shown on the submitted plans (dated July 31, 2006) on the interior wall of the adjacent balconies, where possible.
 - B. Explore the use of newer technologies to reduce the height of the mechanical penthouse, and provide cladding similar in texture and color to the other exterior elements.
22. The developer agrees that at no time shall the areas labeled as “Mechanical Room” and “Office Storage” areas within the mezzanine level be used for residential storage or other uses associated with the residential functions of the building.
23. The developer agrees that the use permit approval (U-3144-05-01) for this project is subject to and conditioned upon County Board approval of related utility and right-of-way vacation and encroachment requests pertaining to the development of this site. The developer also agrees that the use permit approval shall be null and void, should the developer not cause all conditions of such vacations and encroachments to be met and, all deeds of vacation and easement, and encroachment plat(s), which are to be approved by the County Manager, to be recorded among the land records of the Clerk of the Circuit Court of Arlington County on or before October 14, 2009.
24. The developer agrees to include a lighting plan for all public areas, including sidewalks and alleys, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager or his designee. The developer shall include in the site development and landscape plan certification that the lighting plan meet the minimum standards of Section 2 Subsection H and Section 20 of the Zoning Ordinance, and the Illumination Engineering Society of North America Standards. The

lighting shall be installed and tested prior to the issuance of the First Certificate of Occupancy.

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

PREVIOUS COUNTY BOARD ACTIONS:

August 1961	Designated as “Undetermined Uses” on the General Land Use Plan
December 1964	Designated “General Commercial” on the General Land Use Plan
November 15, 1986	General Land Use Plan amended to include the Columbia Pike Special Revitalization District. Designated as “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 and Form Based Code amended to include new Required Building lines.
December 10, 2005	U-3144-05-1 deferred to May 20, 2006
May 20, 2006	U-3144-05-1 deferred to October 14, 2006
October 14, 2006	U-3144-05-1 deferred to October 14, 2006