



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of April 25, 2009**

DATE: April 16, 2009

SUBJECT: SP #403 SITE PLAN: 2009 N. 14th Street LLC, an application to approve approximately 254 dwelling units, approximately 4,354 square feet retail, approximately 8,127 square feet office, approximately 2,527 square feet office/retail, and modifications to include density, exclusion from Gross Floor Area (GFA) calculations for non-parking areas in the parking garage, an exclusion outside the parking garage of common vertical and transverse HVAC shafts located throughout the building, and a modification for a reduction in drive aisle width requirements from 23 feet to approximately 20 feet; premises known as 2009 14th Street N. (RPC #17-014-001).

Applicant:

2009 N. 14th Street, LLC

By:

Jonathan Kinney, Agent/Attorney
Tad Lunger, Agent/Attorney
Bean, Kinney & Korman, PC
2300 Wilson Blvd., 7th Floor
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the site plan application for approximately 254 dwelling units, 4,354 square feet retail, 8,127 square feet office, 2,547 square feet office/retail, and modifications to include density, exclusion from Gross Floor Area (GFA) calculations for non-parking areas in the parking garage, an exclusion outside the parking garage of common vertical and transverse HVAC shafts located throughout the building, and a modification for a reduction in drive aisle width requirements from 23 feet to approximately 20 feet; 2009 14th Street N. (RPC #17-014-001), subject to the conditions of the staff report.

ISSUES: This is a site plan proposal to construct a 16-story building containing 254 rental units and 15,004 square feet of ground floor office and retail. Upon redevelopment, the Courthouse Sector Plan Addendum calls for the subject property to provide a large mid-block open space

County Manager: _____

County Attorney: _____

Staff: Jack Thompson, DCPHD, Planning Division
Dolores Kinney, DES, Transportation Division
Betts Abel, Housing Division, DCPHD

PLA - 5244

with a central east/west pedestrian connection. Staff views the envisioned open space and pedestrian connection as a crucial link in connecting the subject property with the adjacent SRA Building plaza and the surrounding street grid. While the applicant has agreed to provide the pedestrian connection and open space (plaza), they also desire to limit public access to the plaza area from dawn to dusk. Staff recommends that no such easement restriction be applied to the space, and that the public plaza and accessible N. Taft Street elevator be made available 24 hours a day, 7 days a week. There are no other issues and staff recommends approval of the site plan with the inclusion of this provision.

SUMMARY: The applicant, 2009 N. 14th Street LLC, has submitted a proposal for the redevelopment of the Executive Building site, a 1.14 acre property located on the north side of 14th Street North, between North Troy and North Taft Streets. The proposal includes the demolition of the site's existing 7-story office structure and adjoining 2-level parking structure, and the construction of a mixed-use, 16-story building containing approximately 254 residential units (240,530 square feet), 8,127 square feet of office space, 4,354 square feet of retail space, and 2,527 square feet of office/retail space. The redevelopment includes a three-level parking garage (273 parking spaces), as well as a divided public/private outdoor plaza located to the rear (north) of the proposed building.

The applicant has agreed to comply with the Zoning Ordinance requirement for affordable housing contributions for site plan projects, a Transportation Demand Management program, and contributions to the Public Art Fund and Utility Underground Fund. The proposed site plan includes a 0.35 FAR bonus for the provision of a LEED Gold (39-51 points) building, the first LEED Gold residential building in Arlington County. Consistent with a number of key elements of the Courthouse Sector Plan Addendum, the proposal includes preservation of the existing view corridor towards Washington D.C., perimeter streetscape and accessibility improvements, and a centralized public plaza and promenade that connects to surrounding sidewalks and the adjacent SRA plaza. The proposed development and mix of uses are compatible with the surrounding properties, and the building/plaza design fits well within the neighborhood's existing context and scale.

The applicant's proposal, as set forth with conditions, satisfactorily complies with the adopted plans and goals for this area and, in balancing such goals and policies, offers sufficient community benefits and design amenities. Staff recommends that based on the merits of the project that the site plan request be approved subject to the conditions of the staff report.

BACKGROUND:

The following provides additional information about the subject site and location:

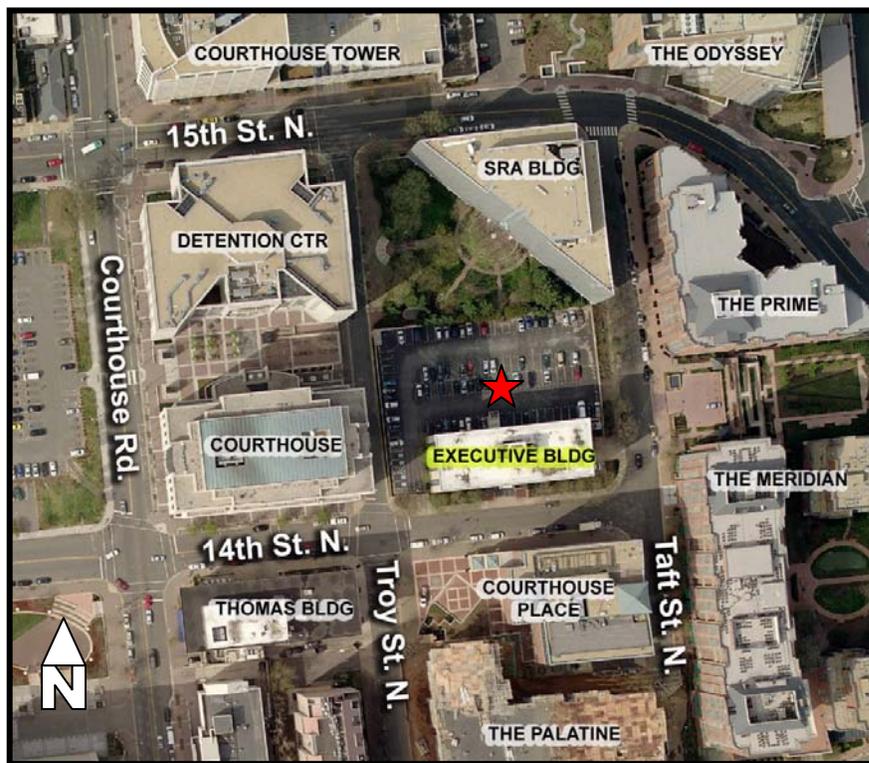
Site: The Executive Building property is located on the north side of 14th Street North, between North Troy and North Taft Streets; it has an area of 50,000 square feet (1.14 acres). The site is currently developed with a 1963-built, 7-story, 70,000 s.f. office building, with a two-level parking garage (203 spaces). Due to structural issues, the existing parking garage, previously accessed from N. 14th and N. Taft Street, has been closed and all required parking moved off-site to the abutting SRA Building garage (2000 N. 15th Street). Properties adjacent to the site include the following uses:

- To the north: Arlington Plaza Office Building (aka SRA Building), which is designated High Office-Apartment-Hotel on the General Land Use Plan and zoned “C-O” Commercial Office Building, Hotel, Multiple-Family Dwelling Districts.
- To the west: North Troy Street and the Justice Center, composed of the County’s Courthouse and Detention Facility. The property is designated Government and Community Facilities on the General Land Use Plan and zoned “P-S” Public Service Districts.
- To the east: North Taft Street and a few high-rise apartment buildings (including the Meridian at Courthouse Commons and The Prime at Arlington Courthouse Apartments), designated “High-Medium Residential Mixed-Use” on the General Land Use Plan and zoned “RA4.8” Multiple-Family Dwelling and Hotel Districts and “R-C” Apartment Dwelling and Commercial Districts.
- To the south: 14th Street North and the Courthouse Place Office Building. The property is designated High Office-Apartment-Hotel on the General Land Use Plan and zoned “C-O” Commercial Office Building, Hotel, Multiple-Family Dwelling Districts.

Zoning: The subject site is zoned “C-O” Commercial Office Building, Hotel, Multiple-Family Dwelling District.

Land Use: The property is designated High Office-Apartment-Hotel (maximum 3.8 FAR office; up to 4.8 FAR residential; up to 3.8 FAR hotel) on the General Land Use Plan.

Neighborhood: The site is located within the Courthouse Metro Station Area and the Radnor/Ft. Myer Heights Civic Association.



Picture 1: Aerial view of subject site (star) and surrounding neighborhood.

Proposed Development: The following table sets forth the preliminary statistical summary for the proposed development known as 2009 N. 14th Street, LLC:

Proposed	
SITE AREA	50,000 square feet (1.148 acres)
Density	
Residential GFA	240,530 SF (254 rental units)
Residential FAR	4.8 FAR
Max. residential GFA permitted under “C-O”	240,000 SF
Max. residential FAR permitted under “C-O”	4.8 FAR
Office GFA	8,127 SF
Retail GFA	4,354 SF
Office/Retail GFA	2,527 SF ¹
Parking garage GFA exclusion	4,505 SF ²
Outside of parking garage GFA exclusion	894 SF ³
Total GFA	255,538 SF (5.11 FAR)
Total bonus density	.35 FAR ⁴
Building Height	
Average Site Elevation	227.22 feet ASE
Residential Main Roof Height	165.11’
Residential Main Roof Elevation	392.33’
Residential Penthouse Height	180.00’
Residential Penthouse Elevation ⁵	407.22’
Residential Number of Stories	16 stories plus penthouse
“C-O” Maximum Permitted Height by Site Plan ⁶	Office and Commercial Buildings: 153’ feet Multi-Family and Hotel Buildings: 180’ feet
Parking	
Total parking spaces	273
Office spaces	19 spaces
Residential spaces	254 spaces
“C-O” Standard Office, Retail, Commercial Parking Ratio	1 space per 580 SF (19 spaces) ⁷
“C-O” Required Multiple-Family Dwelling Parking Ratio	1 space per dwelling unit (254 spaces)
LEED Score	39 points (Gold Certification)

Density and Uses: The subject site’s existing Executive Office Building contains approximately 70,000 square feet of GFA. The applicant’s proposed mixed-use development would eliminate

¹ The applicant has proposed two (2) units, with a combined GFA of 2,527 SF, as “Office/Retail” space along N. Taft Street, with the use subject to market demand. For the purposes of calculating FAR, the space is listed as retail.

² The applicant has requested modifications of the use regulations to include exclusion from Gross Floor Area (GFA) calculations for non-parking areas in the parking garage (to include storage areas, showers, bike lockers, fitness area).

³ The applicant has requested exclusion outside the parking garage of common vertical and transverse HVAC shafts located throughout the building.

⁴ LEED Gold Certification at .35 FAR of bonus density is proposed.

⁵ Three (3) residential units, located on the east (1 unit) and west (2 units) ends of the 16th floor, will have cathedral ceilings (double height for the living/dining spaces), which will match the maximum penthouse height of 407.22’.

⁶ “C-O” maximum building height includes penthouses and parapet walls.

⁷ The Zoning Ordinance requires a ratio of 1 space per 530 square feet for office parking. When calculating office parking for site plans, typically, a ratio of 1 space per 580 square feet is used, which equates to nineteen (19) office parking spaces.

this single-use structure and replace it with a 16-story, 255,538 square foot building. The proposed building, and ground floor outdoor public/private plaza, would be built above three levels of structured parking (273 spaces). The building would incorporate residential uses (254 rental units at 240,530 square feet), retail space (4,354 square feet), office space (8,127 square feet), and ‘office/retail’ space (2,527 square feet). The ‘office/retail’ space designation, proposed for two (2) rental units along N. Taft Street (Garage 1 level), would provide the applicant with the use option of office or retail space depending upon market demand.

In computing the maximum permitted FAR for the project, the “C-O” zoning district (Section 25 (B)(1)(b)) limits office GFA to a maximum FAR of 3.8, and multiple-family dwelling GFA to a maximum FAR of 4.8. Included within the calculation, the applicant has requested an additional 0.35 FAR bonus over the entire site for providing a LEED Gold building. The applicant is proposing a maximum overall total of 255,538 square feet (5.11 FAR).

Site and Design: The proposed 16-story mixed-use retail, office and residential building has a rectangular-shaped footprint oriented toward 14th Street on the southern half of the site with an outdoor public/private plaza on the northern portion. The building and plaza sit atop 3 levels of structured parking. The site has significant elevation changes from its southwest corner high point (N. 14th Street and N. Troy Street) sloping away to the north and east. As a result, the G-1 garage level is fully below-grade at the southwest corner, becoming partially exposed progressing north along N. Troy Street to the northwest corner, becoming more exposed (but still partially) proceeding east along the 14th Street frontage, and fully exposed at the northeast and southeast corners along N. Taft Street.

The partially exposed Garage 1 level wall on N. Troy Street allows for five (5) intake vents screened by a landscape strip between the wall and sidewalk. The grade change necessitates stairway access to the plaza above. The progressively exposed Garage 1 level wall, proceeding east along N.14th Street starts at grade, transitions to a partial stone wall with plantings, stair access to office units, and finally the side profile of retail space facing N. Taft Street. Along N. Taft Street, the Garage 1 level is fully exposed at-grade allowing for retail/office storefronts, elevator/stair access to the plaza above, as well as at-grade Garage 1 level access to the loading/unloading bays and 273-space parking garage.

Immediately above the Garage 1 level is the ground floor (1st story) of the mixed-use 16-story building with the approximate 26,145 square feet public/private open plaza to the north. The plaza is segmented into public and private portions. The private space adjacent to the north wall of the building features decorative trees and plantings, a lawn area, special paving, water fountain, gravel patio and gathering/seating areas. Access to the private space is from the residential portion of the building or via a gate located along its eastern edge. The proposed public plaza space arcs across the west, north and northern east perimeter of the site and will include decorative trees and plantings, special paving, a water feature, gravel patio and gathering/seating areas. Also integrated into the public plaza design are an exhaust vent, electrical vaults, promenade and overlook terrace providing a largely unobstructed view of the Washington Monument and U.S. Capitol Building (detailed later in the report). The plaza design offers a walkway or promenade with at-grade access at the southwest corner (N. 14th Street and N. Troy Street) through an open air passageway.



Picture 2: Illustrative Plan from the applicant's 4.1 site plan submittal on March 26, 2009.

Both on-site plazas sit atop a base elevation of 234', but the public plaza increases in elevation along the northern property line in order to provide a better landscape transition to the abutting and elevated SRA (SP #173) plaza site (elevation of 239'+/-), as well as a shared, mid-site pedestrian access connection. Aside from the SRA connection, the public plaza will include stair access along N. Troy Street, at-grade access from the corner of N. 14th Street and N. Taft Street, and elevator and stair access from N. Taft Street. The proposed elevator, located along the N. Taft Street building facade, will take plaza visitors directly from the Garage 1 level to the Ground Floor level (and back down).

The ground floor of the proposed 16-story building is split into three (3) separate uses, with a retail unit located along the western end of the building, office units located along the eastern end of the building, and the building's predominant residential use located in the middle. As noted, the proposed building's ground floor footprint has a rectangular-shaped footprint, except for a small portion ('bump-out') of ground floor office-space that extends partially into the plaza

area. The ground floor office spaces, to include four (4) separate units ranging between 862 to 2,562 square feet, are accessed from an internal elevator, plaza door entrance, or at-grade/stair access from N. 14th Street. The office units will include rear door access to the residential freight elevator. The ground floor's 1,807 square foot retail unit, envisioned as a café or restaurant use, will be accessed from the proposed promenade. The unit includes a one-floor elevator lift to the Garage 1 level, but only for employee access to/from the trash room and loading/unloading space. The residential ground floor, composed of a fountain, lobby, mail room, business center, manager's room, great room, file room, and elevator lobby, provides at-grade access directly from N. 14th Street, at-grade access from the private plaza space, and elevator access from all levels and floors.

The remainder of the building, stories 2 through 16, will be composed solely of residential uses. Each floor contains 17 rental units (except for the 2nd with 16 units), with each unit accessed from a central east-west linear hallway. The building's residential unit mix includes 45 studio units, 150 one-bedroom units (some with additional baths and den options), and 59 two-bedroom units (some with additional baths and den options). Each floor essentially mirrors the others, except for the 2nd and 16th stories. The 2nd story includes an undefined "Amenities" room with access to a small outdoor "Terrace" along the northeast corner of the building. The proposed terrace is built on top of the ground floor office 'bump-out' directly below it, and include three (3) additional private and abutting terraces for adjacent residential units. Three (3) residential units, located on the east (1 unit) and west (2 units) ends of the 16th floor, will have cathedral ceilings (double height for the living/dining spaces). The ceilings, or 'roof towers', do not contain additional floor area and will match the maximum penthouse height of 407.22' feet.

Architecturally, the base of the building along N. 14th Street is composed of a light brown and buff-colored brick, with windows framed with gray cast stone header and beige cast stone window trim. The windows, as with the rest of the building, are colored light blue green. The building's base includes medium gray base accents, or bands, of composite stone, and is separated from the body of the building by an off-white cast stone cornice. The promenade, or western corner of the building's base, is composed of light cool gray metal cladding and includes a metal canopy along N. 14th Street. Similar to the promenade, the storefronts and office spaces along N. Taft Street are composed of light cool gray metal cladding, large storefront windows, and gray metal roll-up garage doors with opaque light blue-green glass panels. The structure's primary entranceway along N. 14th Street is the focal point of the building, highlighted by three (3) canopies and long vertical metal panels extending from the base of the building to the top. The entranceway is off-center, and framed by glass balconies running along both sides, from the 5th floor to the 16th floor. The body of the building is predominately composed of glass windows, with a mix of long vertical rows of light brown/buff-colored brick or gray metal cladding. The roof of the building includes mechanical penthouse features, which are screened by light cool gray metal and/or opaque glass louvers, metal paneling, and dark cool gray metal roof/fascia/coping.

LEED Scorecard: The applicant has agreed to achieve 39 LEED points in the proposed project, including credits for sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation in design. The applicant proposes to construct the first LEED Gold residential building in Arlington County, and is requesting the

maximum .35 bonus for LEED Gold (39-51 points) as permitted under the Green Building Incentive Program. Condition #72 addresses the applicant's LEED scorecard and implementation of "green building" measures in the proposed project.

Affordable Housing: Section 36.H.6 of the Zoning Ordinance, as detailed in Condition # 68, sets out the affordable housing contribution options among which site plan developers choose one. The options are affordable dwelling units that the developer could provide either on-site or off-site or a monetary contribution. The number of affordable units required on site plan density above 1.0 FAR is 5 percent for on-site units, 7.5 percent for off-site units located within ½ mile of the project or within ½ mile of the nearest Metro Station if the project is located within a Metro Station area, or 10 percent for off-site units located elsewhere in the County. The estimated number of affordable units for each of these options is as follows:

- Estimated number of units for the on-site option is 11 units.
- Estimated number of units for the option to provide affordable units within ½ mile of the project site is 16 units.
- Estimated number of units for the option to provide affordable units elsewhere in the County is 22 units.

For site plan proposals accepted in the year 2008, as this one was, monetary contributions were calculated at the following rates: \$1.65 per square foot of gross floor area (GFA) for the first 1.0 FAR, plus \$4.40 per square foot of GFA from 1.0 to 3.0 FAR for residential use and \$4.40 per square foot of all GFA above 1.0 FAR for non-residential uses, plus \$8.81 per square foot of GFA above 3.0 FAR for residential use. Staff estimates the cash contribution for the developer's proposal at \$56,578 for the office + retail and \$1,375,025 for the residential, for a total of \$1,431,602.

Transportation: The proposed 2009 N. 14th Street project is located in the Courthouse Sector Plan area, approximately 900 feet east of the Courthouse Metrorail Station. The site is bordered by the SRA Office Building to the north, North Troy Street to the east, N. 14th Street to the south and North Taft Street to the west. The Master Transportation Plan identifies these streets as Non-Arterial Urban Center Local Streets.

Trip Generation: A Traffic Impact Analysis (TIA) submitted by the applicant, prepared by Wells & Associates, dated June 2008 and updated March 9, 2009, assessed the impact of the development on the adjacent street network. The analysis estimates that currently there are approximately 46 AM peak hour trips and 33 PM peak hour trips generated from the site. The proposed development will generate 71 AM peak hour vehicle-trips and 127 PM peak hour vehicle-trips. The new site will increase the AM peak hour vehicle-trips by 25 and the PM peak hour vehicle-trips by 94. Approximately 40 percent of all residential trips, 30 percent of all office trips and 60 percent of all retail trips would be non-auto related.

TABLE I – LEVEL OF SERVICE (LOS)

Street Intersections	Level of Service			
	Existing		Proposed	
	AM	PM	AM	PM
14th Street & N. Troy N.	A	A	A	A
14th Street & N. Taft	A	B	A	B
15th Street & N. Troy	A	A	A	A
15th Street & N. Taft	A	A	A	A

Source: 2009 14th Street North Traffic Impact Analysis, Wells & Associates, Inc.

Table I describes the Level of Service for the street intersections which service the site. The Level of Service (LOS) describes the operation of intersections as “A” through “F”. Several intersections within the vicinity of the site, currently operate at LOS “A” or “B”. These intersections include N. 14th Street/N. Troy Street, 14th Street & N. Taft Street, N. 15th Street & N. Troy Street and N. 15th Street & N. Taft Street. Based on the study, the intersecting streets adjacent to the site listed in Table I, currently and will continue to operate at an acceptable LOS, as a result of the proposed development.

Streets and Sidewalks: The following chart lists the proposed street section/streetscape conditions.

TABLE II - EXISTING AND PROPOSED STREETScape

Street Name	Existing	Proposed
North 14th Street	(North Side) 7.2’ s/w 8’ pkg ln	(North Side) 15.66’ s/w 8’ clear s/w 8’ pkg ln
North Taft Street	(West Side) 14’4” s/w 8’ pkg ln	(West Side) 16.6’ s/w * 8’ clear s/w 8’ pkg ln
North Troy Street	(East Side) 2’6” s/w 7’ pkg ln	(East Side) 12’ s/w 8’ clear s/w

The proposed development provides pedestrian circulation around and through the site. A public plaza on the north side of the project enhanced with plantings and a water feature will be located on the site with pedestrian access by stairs from N. 14th Street and N. Taft Street sidewalks. A 24-hour elevator will be located on North Taft Street, accessed through the building from N. Taft Street.

The following lists the current standards and minimum street section/streetscape requirements for the proposed site pursuant to the Master Transportation Plan and the Rosslyn-Ballston

TABLE III - MASTER TRANSPORTATION PLAN MINIMUM STREET REQUIREMENTS and R-B CORRIDOR GUIDELINES

Street	Classification	Travel Lanes	Bike Access	Restricted Access Pkg	On-street Parking	Pedestrian Access
N. 14 th Street	Non-Arterial Urban Center Local	2	Bike/Shared Lane	No	Yes	13' s/w* 8' clear
N Taft Street	Non-Arterial Urban Center Local	2	Bike/Shared Lane	No	Yes	13' s/w* 8' clear
N Troy Street	Non-Arterial Urban Center Local	2	Bike/Shared Lane	No	Yes	13' s/w* 8' clear

*Sidewalk includes tree pits

North 14th Street is a two-way Non-Arterial Urban Local center street, which facilitates east/west vehicular travel with on-street metered parking. The existing street section is described in Table II above. The Master Transportation Plan (MTP) recommends 2 travel lanes, shared bike lanes, on-street parking and minimum 8-foot clear sidewalks. The R-B Corridor Streetscape Plan recommends at a minimum, 13-foot sidewalks which includes 5-foot by 12-foot tree pits. The proposed street complies with the Type B Category for streetscape design as indicated in the R-B Corridor Streetscape Plan. The applicant proposes to upgrade the streetscape with a 15-foot, 8-inch sidewalk of which a minimum of 8-feet is clear sidewalk, and a 5-foot by 12-foot tree pit with an 8-inch band.

North Troy Street is a one-way southbound street. North Troy Street provides frontage to the Arlington County Judicial Center, which houses police and emergency services. Per request by the Arlington County Sheriff's Office, N. Troy Street was made one way in 2007, to limit access through Troy and minimize impacts on police and emergency operations. Currently, parking for only police vehicles is allowed. A sidewalk exists on North Troy Street fronting the adjacent property to the north at the SRA Building, which terminates at the proposed site. A decorative wall on the SRA property which protrudes into the sidewalk along North Troy Street, separates the subject and SRA sites. This wall will be removed as part of the proposed development. The Master Transportation Plan recommends 2 shared bike/travel lanes, and on-street parking. The R-B Corridor Streetscape Plan does not clearly identify sidewalk widths on North Troy. However, in order to maintain continuity of an urban streetscape around the site, already established by the SRA property. The applicant proposes to upgrade the streetscape to comply with a 12-foot sidewalk to include a 4-foot by 13-foot tree pit with no banding.

North Taft Street is also a Non-Arterial Urban Local Center street with two-way traffic. The R-B Corridor Streetscape Plan recommends a thirteen (13) foot sidewalk with five-foot by twelve-foot treepits. The Master Transportation Plan recommends 2 travel lanes, shared bike/travel lanes, on-street parking, and 8-foot sidewalks with a tree pit. The applicant proposes to upgrade the streetscape with a 13-foot, 8-inch sidewalk consisting of an 8-foot clear sidewalk, and a 5-foot by 12-foot tree pit with an 8-inch band.

Parking/Loading: A surface parking lot currently exists on-site with access from N. 14th Street. A structured parking garage also exists on-site, with access from North Taft Street. The site plan proposes a below-grade parking garage with three levels. The garage will be accessed from North Taft Street. Pursuant to the “C-O” zoning district, the parking requirement for multiple family dwellings is one parking space per unit, for a total of 254 spaces. The Zoning Ordinance requires a ratio of 1 space per 530 square feet for office parking. When calculating office parking for site plans a ratio of 1 space per 580 square feet is used, which equates to nineteen (19) office parking spaces. The overall total number of parking spaces is 273, which includes 19 spaces for the office use (at a ratio of one space per 580 square feet), and 254 spaces for the multiple family units (at a ratio of one space per unit). The 273 total spaces are composed of 226 standard spaces, 39 compact spaces, and 8 handicapped spaces. Additional parking will be provided for 118 bicycle spaces, 21 tricycles and 3 spaces for Smart Cars for use by the residents. The tricycles, SmartCar, and required office spaces will be located on the first level of the garage (Garage 1).

The site plan also includes one (1) loading area which is accessed from North Taft Street. The loading docks would accommodate a single-unit (SU) 40-foot truck.

Pedestrian Circulation: The site plan provides pedestrian circulation around and through the site. Sidewalks at the perimeter of the site would be contiguous on three sides of the property. A mid-block pedestrian connection is proposed to accommodate pedestrians traveling east and/or west, across a public plaza. This pedestrian connection would be accessed from a staircase proposed on the east side of the site at N. Taft Street, as well as from North Troy Street on the west side of the site. Universal access to the plaza is also available via the at-grade entrance to the promenade on 14th Street N. On the east side of the site, at N. Taft Street, a 24-hour ADA accessible elevator will be available for access to the plaza. North/south pedestrian circulation will be provided to the property edge of the adjacent SRA Building, by a walkway from the public plaza. The north/south connection between the two properties will be completed on the SRA site when the SRA property redevelops or whenever agreed upon by the owners. Staff supports 24-hour access to the plaza and elevator.

Public Transit: The site is located approximately 900 feet east of the Courthouse Metro Station, and is served by the Orange Line. The site is also served by ART Bus and Metro Bus routes which provide 315 weekday bus-trips, 167 Saturday bus-trips and 106 Sunday bus-trips along Clarendon Boulevard, Wilson Boulevard, and 15th Street North. The bus routes include the ART Buses 41, 61 and 62, and Metro Buses 4B, 4E and 38B. There are no improvements proposed for this site as they relate to public transit.

Bicycle Access: The applicant proposes one (1) resident bicycle parking space for every three (3) residential units, or portion thereof, of residential units and one (1) visitor space for every 50 residential units, or portion thereof, of residential units. The applicant is providing 118 bicycle spaces.

Transportation Management Plan (TMP): Consistent with site plan development and the County’s adopted Transportation Demand Management (TDM) Policy, staff recommends that the applicant implement a TDM Plan to encourage reduced single occupancy vehicle (SOV) trips to and from the site. Staff recommends, and the applicant agrees, to implement the 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 transportation related information available to residents in the multifamily residential building.
- Provide SmarTrip cards to each initial occupant of the Multi-Family Residential Building.
- Make annual contributions of \$8,369.00 per year for thirty (30) years to the Arlington County Commuter Services (ACCS) to sustain direct and indirect on-site and off-site services in support of TMP activities

Utilities: Adequate water and sanitary sewer capacity is available to serve the proposed development. The project proposes the construction of an 8-inch water main, approximately 175 feet in length, along the subject site's N. Troy Street frontage, from the connection source to the existing 8-inch main located on N. Troy St, at the southwest corner of the site. Consistent with the site plan development and the Utility Underground Plan, the developer has agreed to contribute to the Utility Underground Fund in the amount of \$57,400 (\$50,000 x 1.148 acres).

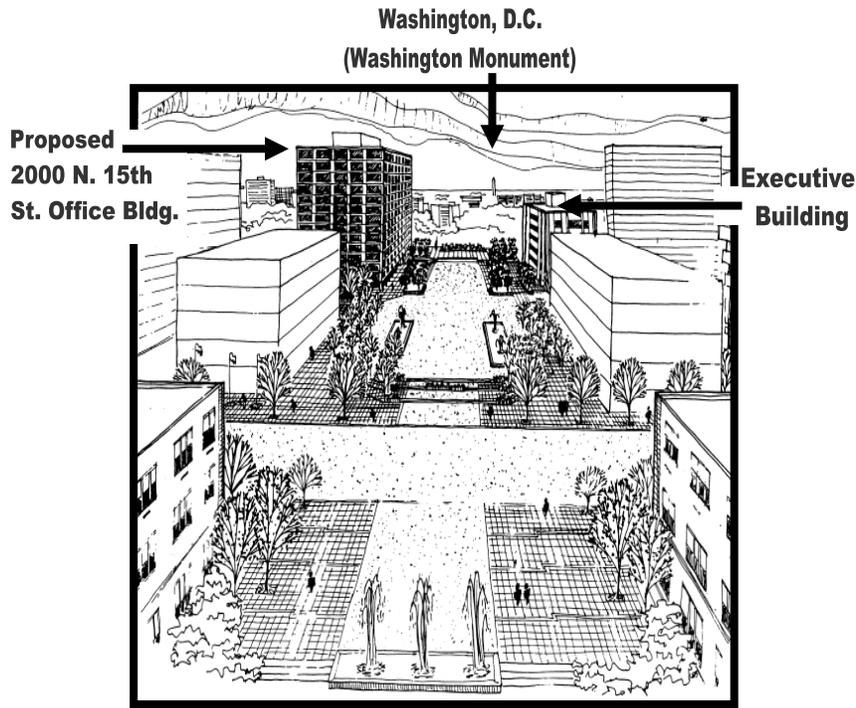
DISCUSSION:

Approved Plans and Policies:

General Land Use Plan: The proposal is consistent with the uses and densities permitted by site plan under the General Land Use Plan (High Office-Apartment-Hotel (maximum 3.8 FAR office; up to 4.8 FAR residential; up to 3.8 FAR hotel)).

Court House Sector Plan: The Court House Sector Plan was adopted by the County Board in April of 1981. The document provided a detailed examination of existing conditions at the Courthouse Metro Station Area (MSA), and included a concept plan which illustrated the type of environment envisioned in the area, emphasizing a balance of high density residential and office uses surrounding the local government center. The sector plan proposed open space and character/vista guidelines for the government center that included a large, at-grade, centrally-located plaza that extended from the former Court House Tower to N. Troy Street, as well as a plan to preserve the vista or view corridor toward the District of Columbia from the Court House Tower (later demolished in 1997). At the time, it was envisioned that the preservation of the view corridor would be accomplished through the use of easements, site plan review, and covenants.

The extended plaza and view corridor goals were largely predicated upon a September 13, 1980, County Board approved rezoning, GLUP amendment, and shared site plan for two properties, 2000 N. 15th Street (aka SRA Building) and 2009 N. 14th Street (aka Executive Building). The approved site plan included the proposed preservation of the 1963-built Executive Building and subsequent demolition of its 2-level parking garage, and the simultaneous development of a new 14-story, rectangular-shaped office structure and 4-level parking garage at 2000 N. 15th Street. The site plan included a new below-grade, 3-level parking garage for the Executive Building site which would connect underground with the proposed 4-level 2000 N. 15th Street parking garage. The remnants of this approved site plan are visible on the Court House Sector Plan illustration below.



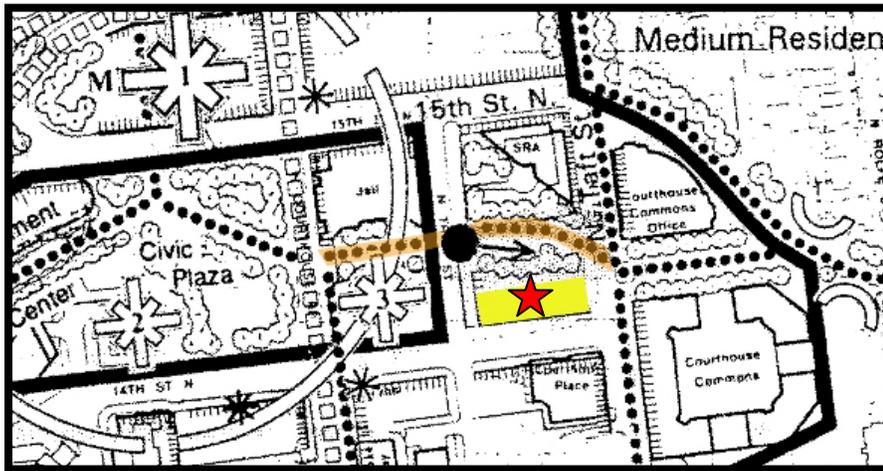
Picture 3: Court House Sector Plan, Concept Plan (*Illustrative View East: View to the East from the Court House Tower*). The illustration above shows the desired view corridor towards DC and the continuous at-grade plaza.

On May 8, 1982, the County Board approved a Site Plan Amendment to delete the 50,000 square foot Executive Office Building site from the approved site plan and to approve a new 12-story, triangular-shaped, view-obstructing office building at 2000 N. 15th Street (today’s existing SRA Building). Due to the subsequent above-grade design of the SRA Building’s parking structure and plaza, as well as the fact that the building extended to the shared mid-block property line with the Executive Building, the vision of having a continuous at-grade plaza and preservation of the complete vista were never realized. In 1993, the County Board adopted a Courthouse Sector Plan Addendum (described below) which attempted to keep portions of this plan in place, to include an adapted view corridor and linked open space goal.

Courthouse Sector Plan Addendum: The Courthouse Sector Plan Addendum was approved by the County Board on November 13, 1993, and generally confirmed the goals and recommendations of the original Sector Plan. The purpose of the Courthouse Sector Plan Addendum was to establish an overall vision for the Courthouse Area so that individual projects could be designed to fit better within the general Metro Station scheme, and that the Courthouse Metro Station Area could achieve “an individual image of particular significance to the community as the County’s Government Center”. To achieve this vision, the Addendum included a refined concept plan, an illustrative plan, site or area specific design recommendations, urban design guidelines and an action plan.

The Addendum offered recommendations (written and illustrative) for the subject site, to include service access, open space/plaza design, building location, pedestrian connections, and preservation of an existing view corridor towards Washington D.C. Specifically, the

Addendum’s “Concept Plan” identified a ‘View Corridor’ across the subject property, extending from the Justice Center (Courts/Detention Facility) towards D.C. (Washington Monument and U.S. Capitol Building), and a ‘Pedestrian Linkage’ also running across the subject property, extending from the Justice Center past N. Taft Street.



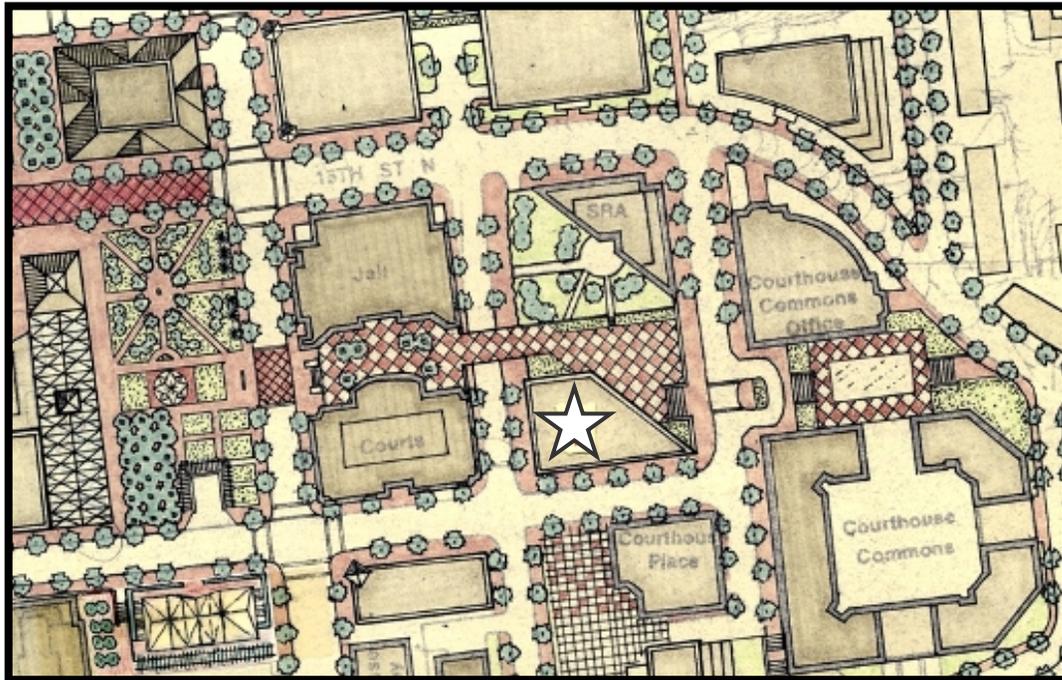
Picture 4: Courthouse Sector Plan Addendum, *Concept Plan* (cropped). The Concept Plan recommends a “Pedestrian Linkage” (dotted line) and preservation of a “View Corridor” (arrow) across the subject site. Staff has added the star and highlighting for clarity.

More specific with regard to design details, the Addendum’s ‘*Illustrative Plan*’ envisioned a pedestrian bridge extending across N. Troy Street and connecting the Justice Center plaza with a redeveloped Executive Building plaza. The proposed pedestrian bridge and plazas are depicted with the same texture and no recognizable grade deviation, with proposed stair connections between the adjacent SRA Building plaza, N. Taft Street, and N. Courthouse Road. The proposed pedestrian bridge was shown as part of a larger envisioned pedestrian pathway that stretched from N. 15th Street (east of the Courthouse Commons project) past the proposed Courthouse Square civic plaza (site of the former Court House Tower and existing surface parking lot). According to a couple of SPRC members, the pathway was originally proposed as a long pedestrian connection between Clarendon and Rosslyn. The Addendum’s *Illustrative Plan* also envisioned a redeveloped Executive Building footprint that paralleled the existing SRA Building’s triangular-shaped design, and which left open an unobstructed view corridor from the Justice Center to the Washington Monument/U.S. Capitol Building.

The Courthouse Sector Plan Addendum identified the Executive Building site as 1 of 14 “*Key Development Sites*” in the Courthouse area, and provided the following recommendation for the subject site:

11. SRA Block (Southern Half): Development on this site should be located at the back of the sidewalk respecting a build-to line along N. Troy St. and N. 14th St. Open space should be consolidated at the center of the block providing a pedestrian connection from the Courts/Detention Facility open

space to the Courthouse Commons project. Service access should be located on N. Troy Street.



Picture 5: Courthouse Sector Plan Addendum, *Illustrative Plan* (cropped). Staff has added a star to help identify the envisioned/redeveloped Executive Building site.

As detailed above, following are a list of the Courthouse Sector Plan Addendum principal site-specific recommendations with staff’s analysis on how they are addressed by the applicant’s proposal.

- **Service Access along N. Troy Street:** The Courthouse Sector Plan Addendum’s Key Development section recommended for the site, “*(s)ervice access should be located on N. Troy Street.*” N. Troy Street is currently a one-way, 24-foot wide non-arterial local thoroughfare that connects N. 15th Street to N. 14th Street. Aside from occasional one-way (north to south) traffic, the street only serves the Justice Center with 3-high speed security doors (along the west side of N. Troy Street) for underground employee parking, at-grade loading/unloading access, and an at-grade sally-port egress for inmate transport.

From the project’s onset, the applicant had offered to provide their parking and loading/ unloading access along either N. Troy Street or N. Taft Street, stating that they were content with either preference. However, after reviewing the projected truck-turning movement plans along N. Troy Street, it was determined that N. Troy Street would not provide a suitable access location for loading/unloading from a functional standpoint. In addition, the Arlington County Sheriff’s Office indicated

that any changes made to the current use of N. Troy Street would represent serious concerns for public safety, would greatly affect their day-to-day operations, and would impede upon their ability to respond to emergency operations. As a result of these factors, it was determined that N. Taft Street provided a better alternative for parking/loading access.

- **Pedestrian Bridge over N. Troy Street:** As previously described, the Courthouse Sector Plan Addendum's Illustrative Plan envisioned an at-grade pedestrian bridge that connected the Justice Center plaza with the proposed Executive Building plaza, with stair connections to the existing SRA Plaza and N. Taft Street. (It should be noted that the Justice Center was completed in 1994, following the November 13th, 1993 Addendum adoption date). Additionally, the Addendum's Key Development section recommended for the site, "*Open space should be consolidated at the center of the block providing a pedestrian connection from the Courts/Detention Facility open space to the Courthouse Commons project.* In line with this vision, the Addendum's Concept Plan depicted a "Pedestrian Linkage" that crossed over the north of the subject site, from N. Taft Street to the Justice Center.

In comparing the 1993-approved Illustrative Plan with the surrounding site's existing conditions, it became clear that the plan could not realistically be implemented as depicted. The primary obstacle was the height of the Justice Center Plaza podium (243' feet in elevation), which was built at a higher than expected elevation due to the location of the Justice Center's N. Troy Street loading/unloading garage entrance directly below it. In order to build an at-grade connecting plaza with the Justice Center, as depicted on the Illustrative Plan, the proposed Executive Building plaza would have to be elevated almost 5 feet higher than the adjoining SRA Plaza (238' +/-) and over twenty (20) feet higher in elevation than N. Taft Street (220' +/-). The objective of providing an at-grade pedestrian connection from the Justice Center to N. Taft Street, with a small set of steps along N. Taft Street (as illustrated in the Addendum), was not realistically possible. Further deteriorating the strength of the Addendum's recommended pedestrian connection was the subsequent approval of the Courthouse Commons project (Meridian and Prime Apartments), located to the east of the subject site, which did not provide a continuous pedestrian connection to 15th Street, as was envisioned in the plans.

In reviewing the subject site's varying elevations and proposed plaza design, it was determined that the most prudent approach would be to build a proposed plaza at an elevation that provided the largest number of surrounding street connections, as well as a connection to the abutting SRA plaza. Additionally, it was agreed that by providing an internal/central connection to the SRA plaza, the applicant's proposal would provide an opportunity for consolidation and activation of the two (2) open spaces. The subject site's proposed plaza elevation of 234' permitted an at-grade accessible connection from the corner of N. Troy Street and N. 14th Street, a stair connection from N. Troy Street, a stair and accessible elevator connection from N. Taft Street, and an accessible pathway connection up to the SRA plaza (note: the SRA plaza has existing stairs in this location, which would require renovation to

make ADA accessible). It should be noted that the applicant's proposed Executive Building plaza elevation of 234' is identical to the site's existing upper level, open-air parking structure and building ground floor.

Upon urging from the SPRC and County staff, the applicant explored N. Troy Street pedestrian bridge connections between the existing Justice Center plaza podium (243' elevation) and proposed Executive Building plaza (at the proposed 234' elevation). Functionally, the difficulty was designing an ADA accessible pedestrian bridge that could conform to a nine (9) foot drop in elevation, and span over fifty (50) linear feet plaza-to-plaza. The result was a pedestrian bridge that required over 100' linear feet of winding ramps to make it accessible (all to be located on the proposed Executive Building plaza), and the need to add support piers along the west side of the Justice Center plaza due to unplanned/additional weight loads. Aside from unknown usability, maintenance, and aesthetic-related issues, the County has generally moved away from supporting small pedestrian bridges of this nature.

Lastly, the Arlington County Sheriff's Office and Police Department both reviewed and objected to the applicant's pedestrian bridge proposal, citing uncontrolled public plaza access, to include an increase in pedestrians not conducting business at the Justice Center, perimeter security issues, and potential overhead disruptions and surveillance of emergency operations along N. Troy Street. As a result of these collective factors and opinions, it was determined that an Addendum envisioned plaza-connecting pedestrian bridge over N. Troy Street was not suitable or practical.

- **Open Space Consolidated at the Center of the Block:** As previously noted, the Courthouse Sector Plan Addendum's Key Development Site section recommends that, "*(o)pen space should be consolidated at the center of the block...*" To fulfill this objective, the applicant's proposal includes a 26,145 square foot public/private plaza along the northern half of the site. The proposed private plaza space would be located directly to the north/rear of the residential structure, and separated from the surrounding public plaza space by landscaping, gates, and a short retaining wall. The proposed public plaza space, largely located along the perimeter of the site, would extend along a portion of the east property line, and along the entire north and western property lines. As a result of the enhanced plaza design, particularly with regard to its pedestrian connection to the surrounding streets and abutting SRA plaza, it has been determined that this Addendum objective has been adequately addressed.
- **View Corridor:** As noted, the Courthouse Sector Plan Addendum "*Concept Plan*" identifies a 'View Corridor' extending across the subject property, from the Justice Center towards Washington D.C. (Washington Monument and U.S. Capitol Building). The view east, from the Justice Center plaza to the Washington Monument and U.S. Capitol Building, is framed by the Weslie Building (built in 1981) and the Prospect House (built in 1980). The two condominium buildings are located at the intersection of N. Oak Street and N. 14th Street, approximately 100 feet north and south of each other, and .57 miles east of the Justice Center. The Justice Center plaza sits just over 2.5 linear miles away from the Washington Monument, and

just under 4 linear miles to the U.S. Capitol Building.

In order to maintain the existing view corridor from the Justice Center plaza, the applicant's building is proposed along the southern half of the subject site. The proposal includes a publically accessible 'overlook terrace' for plaza visitors, which would be located along the eastern edge of the plaza, south of the proposed N. Taft Street stairs. The overlook terrace would be built at an elevation of 234', which would permit Justice Center plaza viewers, at an elevation of 243' simultaneous opportunity to view the Washington Monument and U.S. Capitol Building. Lastly, the applicant's landscape proposal would strategically limit the type of trees and greenery located along the view corridor so that the view would be kept free from future growth-related obstructions.

Modification of Use Regulations: The applicant has requested modification of use for bonus residential and commercial density via the green building initiative; exemption of non-parking GFA areas in the garage; exemption of mechanical shafts GFA within the building; and a modification for a reduction in parking for 5 spaces.

LEED Gold: The applicant has requested additional density (0.35 FAR) for a LEED Gold building. This provision is an element of the green building initiative that was adopted by the County Board in December 2003. The LEED component of the project is discussed earlier in the report. Staff supports the project's green building measures, and the proposed construction of the County's first LEED Gold residential building.

Parking Garage Density Exclusions: The applicant has requested modifications of the use regulations to include exclusion from Gross Floor Area (GFA) calculations for non-parking areas in the parking garage (to include storage areas, showers, bike lockers, fitness area). The total exclusion request is 4,505 square feet. Staff generally supports the exclusion of below ground and garage area storage and similar uses from density calculations because it does not affect bulk, height or density of a project and does not contribute to the intensity of the site.

Above-Grade Density Exclusions: The applicant has requested exclusion outside the parking garage of common vertical and transverse HVAC shafts located throughout the building. The HVAC vertical shafts take exhaust from individual HVAC units within the building and vent it to the roof, thus eliminating individual vents on the exterior walls (facades) of the building. The total exclusion request is 894 square feet. Staff encourages measures that eliminate these individual vents and therefore supports the exclusion of these shafts from density calculations.

Reduction in Drive Aisle Width: The applicant has requested a modification for a reduction in the drive aisle width requirement from 23 feet to approximately 20 feet. The request is to permit the option to convert two (2) proposed residential parallel parking spaces, located within the Garage 1 level, into a total of six (6) perpendicular compact spaces, if deemed necessary.

Issues:

Public Access Easement Area: The applicant has agreed to grant a public access easement over a large portion of the proposed public plaza and has included a site plan sheet (L-10) detailing its

location/boundaries. The easement will permit the public at-large to have full and free use of the plaza area, to include access to the plaza from N. 14th Street, N. Troy Street, N. Taft Street, and the adjacent SRA Building plaza. At issue, the applicant proposes to limit public access to the plaza from the hours of dawn to dusk, citing the desire to keep the area secure from non-residents and to remove unforeseeable liability-related issues. Also, the applicant/developer, who holds a 60-year land lease on the subject site, needs the owner's consent for the easement and is concerned with adding long-term legally-binding encumbrances to the property. In conformance with the Courthouse Sector Plan Addendum, which envisioned a pedestrian connection and a large open space across the subject site, staff recommends that the easement area, to include the proposed N. Taft Street elevator to the plaza, be open for public access twenty-four hours a day, seven days a week. Staff recommends condition #73 (*Public Use and Access Easements*), which captures the recommended hours of operation, as well as the other easement-related provisions and restrictions.

Intake Vents along N. Troy Street: The applicant is proposing five (5) intake vents along N. Troy Street, between the proposed sidewalk and plaza, which will face onto the adjoining right-of-way. In order to limit their visual impact upon the surrounding area, the applicant has proposed architectural metal grille panels to cover the vents, as well as a narrow 2.6-foot linear landscape strip. Given the alternative vent locations along the proposed promenade and the corner of N. 14th Street and N. Taft Street, and the infrequent public usage and exposure along this portion of N. Troy Street, staff believes that the negative impact of the proposed vents will be limited. Notwithstanding, staff recommends condition #15 (*Coordination of these plans: final site development, landscape and site engineering*), which stipulates that ventilation grates, "shall be located and/or screened so as not to be visible from public rights-of-way".

Community Benefits: The applicant's proposed 2009 N. 14th Street LLC site plan would include the following community benefits:

- Certified LEED Gold Building, with a minimum 39 points as outlined in the LEED Scorecard.
- \$75,000 Public Art Contribution.
- Utility Fund Contribution.
- Affordable Housing Contribution.
- Provision of ½ acre public/private plaza and creation of scenic overlook for public views of D.C. monuments. Also, preservation of 'view corridor' from Justice Center plaza towards D. C. monuments.
- Pedestrian access through the site.
- Provision of bicycles/tri-cycles and Smart Cars for residents.
- Streetscape improvements, including new sidewalks, curb, and gutters; and the partial removal of an existing off-site (SRA property) planter wall/sidewalk obstruction located along the east side of N. Troy Street, near the northwest corner of the subject site.
- Undergrounding of public utilities.

Community Process:

- Site Plan Review Committee (SPRC): The Site Plan Review Committee met on five (5) occasions to review the site plan proposal. The meetings occurred on November 17,

2008, December 15, 2008, January 23, 2009, February 23, 2009, and March 9, 2009. In addition, a walking tour of the subject site and surrounding neighborhood was conducted for SPRC members on December 13, 2008.

- **Planning Commission Recommendation:** The Planning Commission heard this request at its April 13, 2009 meeting. The Commission voted 9-0 to recommend approval of the Site Plan # 403, with the following additional recommendations:
 1. Staff to look at the possibility of tree removal on the east side of North Taft Street to protect the view corridor.
Staff response: Staff and the applicant's landscape architect both looked at the off-site tree in question and determined that it poses no present impact to the view corridor. The subject tree is located within the County's right-of-way and could either be removed or trimmed in the future if it was determined to cause a visual obstruction.
 2. Staff to look at a revision of the southwest and northwest corners of the building to center the off-center vertical alignment of the windows in the base architecture with the vertical-rise of windows above.
Staff response: The applicant has agreed to revise their proposed elevations to address this concern.
 3. Post-approval minor changes to be reviewed by the Sheriff and Police Departments before approval by the Zoning Administrator.
Staff response: Staff has added Condition #86 (*Plaza Design and Post-Approval Minor Change requests*) in which the applicant agrees to provide the Arlington Sheriff and Police Departments with copies of any post-approval minor change requests.
 4. The County Board seek to obtain a public access easement for the plaza to be open 24 hours per day, seven days per week, and the issue should be revisited two years after initial occupancy, except that the applicant can bring forward a request for review at any time during those two years.
Staff response: Staff is working on the recommended language and will address its findings within a Supplemental Report.
 5. Changes to the plaza design to come to the SPRC.
Staff response: Staff has added Condition #86 (*Plaza Design and Post-Approval Minor Change requests*) in which the applicant agrees to bring all minor site plan amendments requests, involving proposed plaza design changes, to the SPRC.
- **Transportation Commission Recommendation:** The Transportation Commission is scheduled to hear this proposal at its April 16, 2009 meeting. Staff's response to the Commission's recommendation will be included within a Supplemental Report.

CONCLUSION: The proposed site plan amendment is consistent with the GLUP designation for the site and a number of key elements of the Courthouse Sector Plan Addendum, to include open space provisions, streetscape improvements, and protection of the existing view corridor towards Washington, D.C. The applicant has agreed to comply with the Zoning Ordinance requirement for affordable housing contributions, a Transportation Demand Management Program, and contributions to the Public Art Fund and Utility Underground Fund. The applicant proposes to construct Arlington County's first LEED Gold certified residential building, incorporating a number of environmentally sensitive features. The proposed 16-story mixed-use building fits well within the context and scale of the neighborhood, and ground floor retail, office, and publically-accessible outdoor plaza space will help activate the base of the building with the surrounding street fronts. Additionally, the applicant's outdoor plaza proposes a pedestrian connection to the adjoining SRA plaza, which will enhance, activate, and consolidate the two (2) open spaces.

The applicant's major site plan proposal, as set forth with conditions, does satisfactorily comply with the adopted plans and goals for this area and, in balancing such goals and polices, offers sufficient community benefits and design amenities. Further, the proposal meets the standards of Section 36.H.3 of the Zoning Ordinance, including compliance with County standards, policies and plans, and promoting and protecting the public health, safety, and welfare. For these reasons, staff recommends that the County Board approve the major site plan request for 2009 N. 14th Street, LLC (SP#403), subject to the following development conditions:

The following Conditions of site plan approval (#1 through #14) are valid for the life of the site plan and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.

1. Site Plan Term

The developer (as used in these conditions, the term “developer” shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated March 27, 2009 and reviewed and approved by the County Board and made a part of the public record on April 25, 2009, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

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

2. Pre-Construction Meeting

The developer agrees to coordinate and conduct a pre-construction meeting in a County office building prior to the issuance of any permits for the site plan. The meeting participants shall include the developer and its construction team, and relevant County staff. Relevant County staff will include the following personnel and division representatives: DCPHD Site Planner, Arlington County Police, Code Enforcement, Department of Environmental Services (DES) Transportation Planner, Department of Parks, Recreation and Community Resources (DPRCR) site plan liaison, Landscape Plan team, Arlington Economic Development (AED), green building staff contact, WalkArlington staff, Housing Division, and other departments as determined by the County Manager. The developer agrees to notify the above meeting participants of the meeting time and location at least two weeks in advance. The purpose of the pre-construction meeting is to discuss the requirements of the site plan conditions.

3. Tree Protection and Replacement

- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.
- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer. Trees designated to be

saved on the tree protection plan, or those specified to be saved by the approved site plan and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager to meet the requirements of this site plan, before the issuance of the Clearing and Grading or Demolition Permit.

- c. Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by the DPRCR, the developer agrees to submit to the DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit. Prior to the release of the public improvement bond, the developer agrees to submit to the DPRCR as-built drawings showing the location of all saved trees.
- d. The Developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. At a minimum, this plan shall include:
 - (1) A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
 - (2) Detailed specifications for any tree walls or wells proposed.
 - (3) A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the critical root zone of the trees to be saved.
 - (4) Identification of tree protection measures and delineation of placement of tree protection.
 - (5) Any tree required to be saved pursuant to this condition, which dies (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) years of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #15 below, provided, however, that replacement as specified in this subparagraph (3.d.5) does not relieve the developer of any violation resulting from the failure to save identified trees.

- (6) The location of all construction trailers shall be approved either by Administrative Change approval or be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers proposed to be located in the public right-of-way shall require approval by DES and Zoning staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.
- e. In addition to saving identified trees, the developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall conform to the standards and specifications set forth in Condition #15a below and any replacement trees that cannot be accommodated on site will be provided in a monetary amount to the Tree Canopy Fund coordinated with Arlington County's Department of Parks and Recreation. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final landscape plan.
- f. Per Condition #3.e above, the developer agrees to make a contribution to the County's Tree Canopy Fund of at least \$2,400.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property. The payment shall be delivered to the Department of Parks and Recreation Office prior to the issuance of the Excavation/Sheeting and Shoring Permit, and evidence of compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the contribution is made more than 12 months after site plan approval, the contribution amount will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the site plan to first day of the month on which the contribution is made.

4. **Photographic Record of Development**

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

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

the issuance of the Master Certificate of Occupancy.

The photographic record shall include photos taken at the following points in construction, and photos shall be submitted as taken:

- a. Before Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)–Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #54 below.
- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- c. Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit)–At a minimum, views of the site: during excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.
- d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

The photographic records for which no time is specified above, including the completed compact disc with the entire photographic history, shall be delivered to the Zoning Administrator, before the issuance of a Master Certificate of Occupancy for placement in the County archives.

Utility Fund Contribution

5. In addition to funding and constructing the utility undergrounding work, the developer agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the Building Permit or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is \$57,400 ($\$50,000 \times 1.148$). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.

Plan for Temporary Circulation During Construction

6. 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. Exceptions may be made only during an emergency as defined below, during actual demolition, 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, before the issuance of the Clearing, Grading and Demolition Permit. The developer agrees to provide a copy of the approved plan to the appropriate civic associations. 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. Whenever a

significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The developer agrees to insure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the developer, the developer's contractors, or private utility companies. The developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. The term "significant portion of a road" is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this site plan and any County requirements relating to reconstruction and repaving of streets at the completion of construction.

Residential Relocation

7. Intentionally Omitted.

Retail Relocation

8. Intentionally Omitted.

Compliance with Federal, State and Local Laws

9. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this plan and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this site plan approval. The 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~~ require approval by the Zoning Administrator.)

Post-County Board 4.1 Filing

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

The developer agrees to include on the post-4.1 plans details regarding existing traffic signal system infrastructure, e.g., poles, meters, controller cabinets, and to indicate on the plans if any part of the system will be moved and to where it is proposed to be moved. The developer agrees to convene and participate in a meeting with pertinent County staff to address requirements of the site plan approval.

The developer also agrees that no changes to the approved post-4.1 plans can take place in the field. All post-4.1 plan changes must be approved by the lead DCPHD contact for the site plan.

Community Liaison and Activities During Construction

11. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
 - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site or available for direct and immediate contact 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 community 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 Zoning Administrator and the Arlington County Police representative must be notified once the community meeting dates/times are established. 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. The developer agrees to submit to the Zoning Administrator two (2) 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). 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 either by Administrative Change approval or to be shown on the Tree Protection Plan, the two (2) sets of the aforementioned plans, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers on public property shall require approval by DES staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.
 - 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 work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and

entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.

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

C & D Waste

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

Green Building Fund Contribution

- 13. Intentionally Omitted

14. Vacations and Encroachments

Prior to the issuance by the County of any permit for development of the site plan, except for demolition permits solely for buildings and structures not owned by the County or located on property within which the County has an interest, the developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the project, or any portion thereof, as depicted on the site plan referenced in Condition # 1 of

this Ordinance and in accordance with final site engineering plans for the project approved by the County. The satisfaction of the requirements of this condition may be phased (i.e., all ordinances of vacation or ordinances of encroachment associated with each approved phase of development must be enacted or obtained before issuance, by the County, of any permit for any work relating to, or necessary for, such phase, except for demolition permits for buildings or structures, not owned by the County or located on property within which the County has a legal interest) provided that such phasing is approved by the County Manager as part of a phasing plan as set forth in Condition #70. Irrespective of any other conditions set forth herein, the developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless and until the developer, before any Excavation/Sheeting and Shoring Permit is issued, first has: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s).

- **The following Conditions of site plan approval (#15 through #31) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**

15. **Coordination of these plans: final site development, landscape and site engineering**
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 Excavation/Sheeting and Shoring 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 #18 below, as well as a vicinity map with major streets labeled. The final 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 site plan approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Conditions #16 and 21 below; the *Arlington County Streetscape Standards* if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final 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 governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the civil engineering plan. All hardscape features shown on the approved landscape plan shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy. The installation of All plant materials shown on the final landscape plan shall ~~take place~~ be installed before the issuance of the first Partial Certificate of Occupancy for any space above grade for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season and the availability of planting materials.

Upon approval of the final landscape plan and prior to the issuance of the first Certificate of Occupancy for the respective phase of construction, the developer agrees to submit to the Department of Community Planning, Housing, and Development (DCPHD) a copy of the contract for construction and installation of all landscape materials. The final landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, bus stops, 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 civil engineering plan and placed so they do not obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, and interior walkways. Transformers shall not be placed above grade in the setback area between the building and the street.

The developer agrees to relocate existing traffic signal poles, traffic signal cabinets, and any other existing traffic-related items and equipment located on, or in the public right-of-way contiguous to, the development site as described below. The improvements shall conform to the DES Construction Standards and Specifications, and shall be shown on the final engineering plan. Installation of the improvements shall be completed prior to issuance of the first certificate of occupancy for the development. The developer agrees to install the following improvements:

- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated as part of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. Specifically, all intake vents located along N. Troy Street, shall include exterior architectural metal grille panels and landscape screening, as shown on Sheet A-12 (West Elevations) and Sheet A-21b (Elevation of the Metal Railing & Air Intake Grille) of the 4.1 plans, dated March 27, 2009. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of

the final civil engineering plan and the final landscape plan before issuance of the Footing to Grade Permit.

- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of ~~four~~ five (5) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #53 below.
- e. Topography at two (2) foot intervals, the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures. Include public art information, if known.
- g. The location and planting details for street trees in accordance with Department of Environmental Services Standards and Specifications for planting in public rights-of-way and as shown on the final civil engineering plan.
- h. The limits of demolition and 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 through an Administrative Change request.

16. Landscape Standards

The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements:

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

- (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #21 below.
 - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
 - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
 - (4) Shrubs—a minimum spread of 18 to 24 inches.
 - (5) Groundcover—in 2 inch pots.
- b. ~~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 first Certificate of Occupancy Permit. The developer agrees to plant all street trees prior to issuance of the first Partial Certificate of Occupancy for any space above grade for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season and the availability of street trees. The developer also agrees to fulfill the Public Improvement Bond requirements (Condition #33). The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.~~
- 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 plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.

- 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. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.
- ~~h. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right of way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.~~

Utility Company Contacts

- 17. 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 for each phase of the project. The developer agrees to also contact the Development Services Bureau Chief, Transportation Division of the Department of Environmental Services in Arlington County not less than two (2) months prior to its planned commencement of utility undergrounding for each phase of the project to offer the County, at no cost to the County, access to the locations where the developer plans to excavate trenches or similar areas to install underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. Such access, and the terms and conditions under which access to the site will be provided and the undergrounding activities of the County and the developer will be coordinated, shall be set forth in an agreement approved by the County Manager and the County Attorney.

Final site engineering plan approval by DES

- 18. The developer agrees to submit final site engineering plans to the Department of Environmental Services. The plans shall include a receipt from the Zoning Office that the landscape plan has been submitted. Staff comments on the final engineering plans will not be provided to the developer without submission of the landscape plan to the Zoning Office. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Department of Environmental Services and the CPHD Site

Planner, as consistent with all site plan approval requirements and all County laws. To ensure final sign-off, the plans shall include CPHD Site 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.

Pavement, Curb and Gutter Along All Frontages

19. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.
- a. The developer agrees to construct a new curb and gutter along the east side of North Troy Street, at approximately the existing location, as shown on the final engineering plan approved by the County Manager.
 - b. The developer agrees to construct a new curb and gutter along the north side of 14th Street North, as shown on the final engineering plan approved by the County Manager.
 - c. The developer agrees to construct a new curb and gutter along the west side of North Taft Street, as shown on the final engineering plan approved by the County Manager.
 - d. The developer agrees to construct handicap ramps along N. 14th Street at the on-site and receptive corners of the intersections of N. 14th and North Troy, and N. 14th and North Taft, as shown on the final engineering plan approved by the County Manager.
 - e. The developer agrees to construct pedestrian crosswalks of materials as approved by the County, built per Arlington County Standards, along N. 14th Street at the intersections of N. 14th and North Troy, and N. 14th and North Taft, as shown on the final engineering plan approved by the County Manager.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such

improvements as shown on the site plan drawings dated March 27, 2009, unless the County provides additional funding to offset such increased cost.

20. **Survey Monuments**

The developer agrees to submit, before issuance of the Excavation/Sheeting and Shoring Permit, a survey of the site adherent to the following:

Horizontal Datum - All Site Plans shall be referenced to the Virginia Coordinate System of 1983 (VCS 83). Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in U.S. Survey feet. All plans shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field run boundary and horizontal control survey."

Vertical Datum - All Site Plans shall be referenced to the North American Vertical Datum of 1988 (NAVD 88). All plans shall be annotated as follows: "The site shown hereon is referenced to the North American Vertical Datum of 1988 as computed from a field run vertical control survey."

21. **Sidewalk Design and Improvements**

The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager on the final landscape plan and final civil engineering plan, in accordance with the Arlington County Streetscape Standards or other applicable urban design standards approved by the County Board and in effect at the time of the final landscape plan approval. The clear pedestrian zone of all public sidewalks shall also be indicated.

The sidewalk clear zones along the street frontages of this development shall be consistent with the Arlington County Streetscape Standards, or as shown on the approved 4.1 plans, and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. The developer agrees that the clear pedestrian zone sidewalk shall:

- a. Continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic.
- b. Not be less than six feet wide at any point.
- c. Allow encroachments by sidewalk cafes only in accordance with Condition # 67 and under the provisions of the Arlington County Streetscape Standards.
- d. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards.
- e. Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval and under the provisions of the Arlington County Streetscape Standards.
- f. Not contain joints or use patters that create gaps of ¼-in depth or greater at spacings of less than 30."

The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.

The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified below. Placement, planting and root enhancement options shall be consistent with the Standards for Planting and Preservation of Trees in Site Plan Projects, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer, or any subsequent owner, also agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The sidewalk sections and street tree species shall be as follows:

North Troy Street – A minimum 12-foot sidewalk, measured from the back of curb, including a minimum 8-foot, clear sidewalk in addition to pedestrian lighting and 4-foot by 13-foot tree pits, unless otherwise approved by the County Manager on the final engineering plan. The tree pit areas will be planted with 4 to 4 ½ inch caliper Red Maple street trees, and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches from back of curb.

North 14th Street– A minimum 15-foot, 6-inch sidewalk, measured from the back of curb, including a minimum 8-foot, clear sidewalk in addition to pedestrian lighting and 5-foot by 12-foot tree pits with 8-inch tree band unless otherwise approved by the County Manager on the final engineering plan. The tree pit areas will be planted with 4 to 4 ½ inch caliper Red Maple street trees, and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches from back of curb.

North Taft Street – A minimum 16-foot, 6-inch wide sidewalk, measured from the back of curb, including a minimum 8-foot clear sidewalk in addition to pedestrian lighting, and a 5-foot by 12 foot tree pit , with 8-inch tree band, unless otherwise approved by the County Manager on the final engineering plan. The tree pit will be planted with 4 to 4 ½ inch caliper Scarlet Oak street trees, and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperius conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches from back of curb.

Subsurface Structure-free Zone for Utilities and Streetscape

22. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the

street curb to the far edge of the public sidewalk. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and development and landscape plan. Utility lines shall not be located beneath street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.

Water Service Requirements

23. The developer agrees that the location of the water services will be determined at the time of the review of the final engineering plan in accordance with the following standards defined in the Arlington County Department of Environmental Services Construction Standards and Specification Manual.

Existing Water Main or Fire Hydrant Service

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

Replacement of Damaged Existing Curb, Gutter and Sidewalk

25. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy after the Shell and Core Permit.

Street Lighting Requirements

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

In accordance with adopted County Street Lighting Policy, the developer agrees to purchase and install "Carlyle" standard street lights with single globes along all frontages of the site. The developer agrees to remove all standard thoroughfare lights from the site, unless the County decides that one or more are required to provide adequate lighting for street safety purposes at intersections. The developer agrees to pay the cost of moving existing or installing additional standard thoroughfare lights if required above.

Underground Existing Aerial Utilities

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

Off-street Parking for Construction Workers

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

Address Indicator Signs

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

Façade Treatment of Buildings

30. 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 site plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the

approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

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

Recordation of Deeds of Public Easements and Deeds of Dedications

31. The developer agrees that, for each phase, as phase is defined in the phasing plan required in Condition #70, all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved site engineering plans, for the construction of any public street, public infrastructure, public utility, public facility or public improvement (jointly "Public Improvements"), shall be: a) submitted by the developer to the Department of Environmental Services for review and approval prior to the issuance of any Excavation/Sheeting and Shoring Permit for such phase; and; b) approved by the County; and c) recorded by the developer, among the land records of the Circuit Court of Arlington County, all before the issuance of the first Certificate of Occupancy for occupancy for the building(s) or any portion thereof for such phase. Real estate interests conveyed by the developer to the County for public street or public right-of-way purposes shall be conveyed in fee simple, free and clear of all liens and encumbrances. Real estate interests conveyed by the developer to the County for Public Improvements or public uses, including, but not limited to, sidewalk, street trees, other streetscape planting, water mains, storm sewers, sanitary sewers, and other public utilities and facilities, which other Public Improvements are not located, or to be located, in the public street or public right-of-way may be granted to the County by deed(s) of easement, provided, however, that in the deed(s) conveying such real estate interests to the County, all liens and encumbrances shall be subordinated to the easement rights of the County.

- **The following conditions of site plan approval (#32 through #40) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

Plat of Excavated Area

32. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the

building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 above. Spot elevations shall be taken at spots determined at the time of the pre-construction meeting and shall at a minimum consist of two corners and spot elevations from 50 % of the total area to be excavated. The elevations shall be provided prior to the issuance of the footing to grade permit. Provided however, that when the Zoning Administrator determines that the excavated area will be greater than 20,000 square feet, the Zoning Administrator may reduce the area for which elevations must be provided before issuance of a footing to grade permit. Additional elevations confirming the elevations of the remainder of the excavation shall be provided prior to issuance of any permit for above grade construction.

Public Improvements Bond

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

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

Underground Electrical Transformers

34. The developer agrees that all new electrical transformers shall be placed underground in vaults which meet Virginia Power standards. These vaults may be placed in the street right-of-way or in driveways if approved by the County on the final site engineering plan. Ventilation grates may not be located within public sidewalks or streets, or within areas used as a walkway between the street curb and any building. The locations of the vaults shall be coordinated with other utility locations so as to have a minimum clearance of five (5) feet to conduits and manholes and a minimum clearance of 10 feet to water mains and sanitary sewers unless otherwise approved by the owner of that utility. The developer shall obtain approval from the County Manager on the location of all vault ventilation grates and utilities as part of the review of the final site engineering plan and the final site development and landscape plan before the issuance of the Footing to Grade Structure Permit.

35. Interior Trash Collection and Recycling Areas

The developer agrees that the loading dock area interior space shall be provided and used for the collection, storage, compaction, and removal of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. The collection,

storage, compaction, and removal of trash shall not occur outside the interior loading space. This space may not conflict with the use of a loading berth. The developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition before the issuance of the Footing to Grade Structure Permit. The developer agrees that the Multifamily Residential Building shall not be served by trucks longer than 40 feet, for any purpose, including loading, deliveries, or trash removal. Use of the loading docks for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 9:00 a.m. and 4:00 p.m. and 6:00 p.m. to 8:00 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends and holidays. The loading dock doors shall be closed when the loading dock is in use, except when necessary for entrance or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures. If any tenant demonstrates the need, based on the nature of the tenant's business, for earlier deliveries, for example of baked goods or other perishable items, to accommodate morning patrons, the hours may be administratively changed by the Zoning Administrator through an Administrative Change request and notifications to the tenants of the buildings on the site if the Zoning Administrator finds the need for such deliveries outweighs any increase in the impact on neighboring properties. Any trash containers exterior to the adjacent residential units shall be enclosed and screened from view.

Interior Loading Spaces

36. The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width (including entrances), 40 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet. All loading docks shall contain roll-down doors, specially designed with opaque glass panels, consistent with drawings dated March 27, 2009. The developer agrees that the Multifamily Residential Building shall be serviced by trucks no longer than 40 feet for loading, deliveries, or trash removal. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 9:00 a.m. to 4:00 p.m. and 6:00 p.m. to 8:00 p.m. on weekdays, and 9:00 a.m. to 6:00 p.m. on weekends and holidays. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures.

Parking Garage Van Access

37. The developer agrees that new office parking garages shall be designed to allow access and use by vanpools. At least 10%, of the total new office parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches. Compliance with this condition shall be determined by review of the building plans by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit, which review shall not relieve the developer from constructing in accordance with this condition.

Parking Space Compliance with Zoning Ordinance

38. The developer agrees to ensure that all parking spaces, with the exception of three (3) parking spaces identified as “ Possible SC” (SmartCars/Microcars) and located on the Garage 1 level near the proposed office/retail space, comply with the requirements of Section 33 of the Zoning Ordinance. Unless otherwise approved by the County Board, the number of compact spaces as a percentage of the total may not exceed the Zoning Ordinance requirement. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

Bicycle Storage Facilities

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

Office and Residential Bicycle Storage Facilities:

One (1) employee bicycle parking space for every 7,500 square feet, or portion thereof, of office floor area and one (1) additional such visitor space for every 20,000 square feet, or portion thereof, of office floor area.

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

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

In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all tenants of the building. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County

Police Department before issuance of the Footing to Grade Structure Permit. The developer agrees that an exercise/health facility containing a maximum of 1,000 square feet shall not count as density (FAR) but shall count as GFA if this facility meets all of the following criteria: 1). The facility shall be located in the interior of the building and shall not add to the bulk or height of the project; 2). Showers and clothes lockers shall be provided as required above; 3). The lockers shall be installed adjacent to the showers in a safe and secured area within the exercise facility and both showers and lockers shall be accessible to all tenants of the project; 4). The exercise facility shall be open only to tenants of the project and shall not accept or solicit memberships from outside of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.

Retail Bicycle Storage Facilities:

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

Emergency Vehicle Access/support on Parking and Plaza Areas

- 40. The developer agrees to construct all plaza areas used for vehicular access and all surface parking areas to support the live load of any fire apparatus. Architecturally designed bollards or curbs shall be used on pedestrian plazas to separate the areas intended for emergency vehicle use from areas intended for pedestrian use. No above-grade structure shall be allowed to obstruct fire lanes. The requirements of this condition shall be incorporated in the drawings submitted for the Footing to Grade Structure Permit.

- **The following conditions of site plan approval (#41 through #45) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit.**

Wall Check Survey

- 41. 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 #10 above. The wall check survey shall show the location of the walls 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 approval of the wall check survey, to submit to the Zoning Administrator a wall check survey showing the location of the walls and the elevation of the slab, at grade.

Screening of Mechanical Equipment

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

Use of Penthouse

43. The use of any mechanical penthouse shall be limited to mechanical equipment and equipment maintenance space or telecommunication transmitter and/or receiver equipment as required in Condition #58 below.

Review by Crime Prevention Through Environmental Design (CPTED) Practitioner

44. The developer agrees to submit to the Operations Division of the Arlington County Police Department the approved post-4.1 drawings for review by the Crime Prevention Through Environmental Design (CPTED) practitioner in the Police Department for review of CPTED design elements.

FAA Documentation

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

- **The following conditions of site plan approval (#46 through #55) are valid for the life of the site plan and must be met by the developer before the issuance of the First Certificate of Occupancy.**

Water Main Improvements

46. The developer agrees to show, on the final engineering plans, and to construct water main improvements in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual as well as the following as outlined below. The water main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.

The developer agrees to construct an 8-inch water main, approximately 175 feet in length, along the subject site's N. Troy Street frontage, from the connection source to the existing 8-inch main located on N. Troy Street, at the southwest corner of the site.

Storm Sanitary Sewer Main Improvements

47. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual. The sanitary sewer main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy.

None.

The County will TV-Inspect the sanitary sewer lines serving the site and shall identify

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

Storm Sewer Improvements

48. The developer agrees to show, on the final engineering plans, and to construct storm sewer improvements in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications manual. The storm sewer improvements shall be constructed prior to the issuance of the first Certificate of Occupancy.

Fire Hydrant Requirements

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

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

Comprehensive Sign Plan

50. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the guidelines contained in "Sign Guidelines for Site Plan Buildings" and with Section 34 of the Zoning Ordinance. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. All proposed rooftop signs, defined as all signs that are 35 feet or more above the ground, shall require a site plan approval or amendment.

Transportation Management Plan

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

Annual assessment rates 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 site plan approval.

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

(1) Participation and Funding

- a. Maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.
- b. Designate a member(s) of building management as Property Transportation Coordinator 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. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
- c. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, the developer agrees to contribute to the Arlington County Commuter Services (ACCS) to sustain direct and indirect on-site and off-site services in support of TMP activities annual contributions of \$8,369.00 per year for thirty (30) years. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy. Subsequent payments will be made annually.

(2) Facilities and Improvements

- a. Provide in the lobby or lobbies, static Transportation Information Center Displays, the number/content/design/location of which shall be 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.
- b. Provide in the building lobby(s) a means to call a taxi.
- c. Maintain at least one on-site business center (including, at a minimum, access to copier, fax, personal computer, and internet services in a minimum 56 sq. ft. of space), which shall be made available to support residents of the building who choose to work from home.
- d. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, and construction worker parking.

(3) Parking Management Plan

- a. The developer agrees to prepare and obtain the County Manager or designee's approval of a parking management plan depicting locations including, by way of illustration and not limitation: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access and passenger waiting area; bicycle parking; loading zones for short-term deliveries; bus stops; car sharing locations; 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.
- b. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.
- c. Provide effective directional signage subject to approval of a Comprehensive Sign Plan to direct residents and visitors to appropriate locations on the property, such plan to include provision for the items specified in the Parking Management Plan.
- d. Establish monthly parking rates for single occupant vehicles (SOV) consistent with comparable residential buildings located in the Arlington County development corridors.
- e. Provide reserved spaces for carpools and vanpools for the office and retail space that are conveniently located with respect to the elevators serving the building.
- f. Provide registered vanpools with free parking for the office and retail space.
- g. Oversee program to provide carpools with a parking subsidy for the office and retail space. Subsidies will be:
 - (a) Two-person carpool subsidy shall equal one-third the single-occupant vehicle monthly parking rate.
 - (b) Three-person (or more carpool) subsidy shall equal two thirds the single-occupant vehicle monthly parking rate.

(4) Promotions, Services, Policies

- a. Provide SmarTrip cards plus \$30.00 Metro fare media per person, for free, one time, to each residential lessee or purchaser, distributed no later than the day of move in.

- b. Provide SmarTrip cards plus \$40.00 Metro fare media per person, for free, one time, to on-site property management and maintenance employees. Provide, administer, or cause the provision of 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).
- c. Provide SmarTrip cards plus \$60.00 Metro fare media per person, for free, one time, to on-site employees of the retail and office tenants.
- d. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the developer’s, property manager’s, and building’s websites regarding this development.
- e. Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each residential lessee or purchaser. Packages will be distributed to tenants and / or owners no later than the day of move-in at the building. Distribute equivalent package to new office and retail employees no later than their first day of work.
- f. Reference the Court House Metro Station and bus routes in promotional materials and advertisements.
- g. 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.
- h. 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).

(5) Performance and Monitoring

- a. 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.
- b. The developer agrees to conduct a transportation performance monitoring study at two years, five years, and each subsequent five years after issuance of first Certificate of Occupancy and provide a report summarizing findings to the County. 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. Such report shall include an all-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator

will assist and encourage residents and tenants' employee participation in mode split surveys which may be of an on-line, email variety.

- c. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant agrees to submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the site.

Residential Parking and Parking Management Plan

- 52. Parking for the 2009 N. 14th Street project will be provided in a three-level parking garage, accessed from N. Troy Street. The garage will contain 254 spaces for the residents, and 19 additional spaces for the office, retail, and visitors uses. Per the Transportation Management Plan, a parking management plan will be developed depicting spaces for residents, visitors, and carsharing.

Parking for the residents will be provided on the 1st level and on the 2nd and 3rd levels of the garage. Security doors or gates will allow only residents, or their guests, to access the designated parking areas within the garage.

Approximately The 19 parking spaces on the 1st level will be designated as visitor, retail spaces and office spaces, will be located on the 1st level of the garage. Signs and markings within the garage will direct visitors to the appropriate parking area. These spaces will be managed by the building operator. Violators would be towed at the vehicle owner's expense.

Lighting Plan for Public Areas

- 53. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager, including street lighting as described in Condition #30 above. The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.

Documentation of Historical Artifacts, Features and Buildings

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

In the event an historical artifact or natural feature is found on the site, and is to be disturbed or removed from the site during construction, the developer agrees to contact the Arlington County Historic Preservation Program, Neighborhood Services Division

before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.

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

Availability of Site Plan Conditions to Residential Condos, Cooperatives and Homeowners Associations

55. If the project includes a residential condominium or cooperative component, then the developer agrees that a copy of the conditions of this site plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's or homeowners association's bylaws or agreements. Documentation that this condition has been satisfied shall be provided to the County Manager before the issuance of the First Certificate of Occupancy. If the project includes a residential rental component that is converted to a condominium or a cooperative, then the developer agrees that a copy of the conditions of this site plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's, or homeowners' association's bylaws or agreements prior to the issuance of the first Certificate of Occupancy following the conversion.
- **The following condition of site plan approval (#56) is valid for the life of the site plan and must be met by the developer before the issuance of the Master Certificate of Occupancy.**

Building Height Certification

56. The developer agrees to submit, before the issuance of the Master Certificate of Occupancy, drawings certifying the building height as measured from the average site elevation to both the building roof and to the top of the penthouse roof.
- **The following condition of site plan approval (#57) is valid for the life of the site plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**

Obtain Master Certificate of Occupancy

57. The developer agrees to obtain a Master Certificate of Occupancy within 90 days of receipt of any partial Certificate of Occupancy for full occupancy of the building.
- **Post Certificate of Occupancy: the following Conditions of site plan approval (#58 through #63) are valid for the life of the site plan.**

County Installation of Telecommunications Transmitter and/or Receiver Equipment

58. In order to maintain the effectiveness of the County's public safety systems, the developer/applicant hereby 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. The developer is not required to pay for design and installation costs for such equipment. 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.

In addition, to enhance the reach of the County's public emergency communications system-of-systems, the developer/applicant agrees to grant to the County ~~in perpetuity~~ for the life of the site plan the right to install tie-ins from the County's outdoor emergency warning system to the 2009 N. 14th Street LLC interior building fire/emergency warning annunciator systems using either land lines or emergency relay transceivers in or on the mechanical penthouse or top floor roof, antennae systems and along with hazardous material detection sensors 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 at the time of installation.

Structural Additions

59. The developer agrees that any structural addition or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager, in consultation with the Zoning Administrator determines that any proposed improvements or changes to the facades or materials have a significant impact on the site plan, or otherwise meet Zoning Ordinance requirements for site plan amendments that go to the County Board, a site plan amendment shall be required.

Snow Removal

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

Maintenance of Residential Common Areas

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

Retention of Approved Parking Ratio over Subdivided Site

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

Retention of Approved Density over Subdivided Site

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

- **The following unique site specific conditions (#64 through #78) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.**

64. **Retail Elements**

The developer agrees to market a minimum of 4,350 square feet of retail space, located on the ground floor (N. Taft Street) and first floor (N. 14th Street) of the building, to uses consistent with the approved Retail Action Plan for the Rosslyn-Ballston Corridor, dated January 2001 and the following:

1. The developer is encouraged to lease space designated for “personal or business services” in the Retail Action Plan to “Entertainment and Main Street Retail” businesses.
2. The retail space shall be designed and used in a manner consistent with the approved 4.1 plans, dated March 27, 2009, and the Courthouse Addendum Sector Plan, adopted in 1993.
3. Each separate retail space shall have direct access, or provide direct service elevator access, to the building’s service corridor.
4. The developer shall build out the retail space to include the rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions.

The developer agrees to submit an application for administrative change for any proposal for retail uses or parking not clearly consistent with the above. Any change in the use of

the retail space from retail to office or other non-retail use shall require a site plan amendment.

Public art site plan condition – standard language for Public art fund contribution

65. The developer agrees to make a contribution to the Public Art Fund in the amount of \$75,000 to support County public art initiatives described in the Public Art Master Plan (adopted December 2004) and the goals of the Public Art Policy (adopted September 2000). Such funds shall be used to commission public art and earmarked for use in the Courthouse metro area. Such contribution shall be made to the Public Art Fund prior to issuance of the first above grade building permit. If the contribution is made more than 12 months after site plan approval, the contribution amount will be adjusted based on the Consumer Price Index.

After-hours Parking in Office Garages

66. The developer agrees to make a minimum of nineteen (19) parking spaces in the garage on Level 1 available to the public for retail tenant and customer parking and implement a parking validation program for use of such spaces available after regular office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays) and until 30 minutes after the close of business of retail operations.

Outdoor Cafes

67. Outdoor cafes shall be permitted in the public right-of-way or within public easements along N. Taft Street in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. A minimum of 8 feet of clear sidewalk width must be maintained along N. Taft Street. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time, the Zoning Administrator may review the approval, impose conditions on the operation of the outdoor café, or revoke the prior approval.

Outdoor dining/café shall be permitted along the plaza and promenade within the public easement in accordance with the applicable provisions of the Zoning Ordinance, and as determined by the Zoning Administrator. A minimum 6-foot clear sidewalk shall be maintained within the public easement along the public plaza and public promenade.

Affordable Housing Contribution

68. The developer agrees to comply with Subsection 36.H.6.of the Zoning Ordinance, “Affordable Dwelling Units for Increased Density Within General Land Use Plan.” Prior to the issuance of the first Certificate of Occupancy for the project, the developer shall have submitted to and obtained from the County Manager confirmation or approval of the developer’s finalized plan for meeting the requirements of the affordable housing ordinance, and shall have executed all necessary documents to implement the approved or confirmed plan.

Building Security Requirements

69. Intentionally Omitted

Phasing Plan

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

Enclosure of Balconies

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

72. **LEED Credits and Sustainable Design Elements**

- a. The developer agrees to hire a LEED Accredited consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components will earn the developer points under the U.S. Green Building Council's LEED for New Construction (LEED-NC) green building rating system for LEED at the Gold level or higher. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for all LEED Prerequisites and include at least thirty-nine (39) LEED points as outlined by the LEED 2.2 green building rating system.
- b. For residential development, the developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), residential light fixtures (comply with Energy Star's Advanced Lighting Package), programmable thermostats, and exit signs. The developer shall submit to the County Manager a statement listing all Energy Star-qualified components prior to issuance of the Core and Shell Certificate of Occupancy for the project. For the commercial lighting in common areas of multifamily residential projects, (by way of illustration and not limitation, these areas include lobbies, corridors, stairwells, common rooms, fitness rooms, etc.), the developer shall reduce the need for lighting (through daylighting where possible) and shall specify the use of energy efficient fixtures, bulbs, light sensors, motion sensors, timers, and interior design, e.g., paint color, that maximize energy efficiency in lighting. The

guidelines outlined by the US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit entitled, *Optimizing Energy Performance: Lighting Power* shall be used toward the goal of maximizing energy efficiency in the lighting of common areas.

- c. The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED consultant 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:
1. Clearing, Grading & Demolition Permit
 2. Excavation, Sheeting and Shoring Permit
 3. Footing to Grade Permit
 4. Final Building Permit
 5. Shell and Core Certificate of Occupancy
 6. Partial Certificate of Occupancy for occupancy of the last floor of space
 7. Master Certificate of Occupancy

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

- d. The developer agrees to provide a certification by a LEED-accredited professional within ninety (90) days after the issuance of the first certification of occupancy for any part of the last floor of the mixed-use (residential, office, and retail) building. The certification shall state that all of the Green Elements, as set forth above in the reporting mechanisms and including all of the LEED Prerequisites, have been incorporated into the respective building and that, in the professional's opinion, the project will qualify for at least a LEED-NC score of 39 points (or LEED equivalent). The developer also agrees to submit all appropriate documentation to the USGBC for review and evaluation for LEED certification.
- e. Prior to the issuance of the first certificate of occupancy, the developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$700,000 [(\$40 per s.f.) x (17,500 s.f. of average LEED bonus density)] guaranteeing that, within eighteen months from the date of the issuance of the first certificate of occupancy for any part of the last floor of the building, the developer will have received from the United States Green Building Council its LEED-NC "Gold" certification (39 or more credits). Should the developer miss up to three (3) LEED points within the eighteen month period, the developer shall automatically forfeit twenty-five percent (25%) of the total financial security for each point missed for that building, up to a total of seventy-five percent (75%) of the security, which shall

be immediately paid to the County. The developer agrees that the County may take any amounts due under the condition out of the financial security as deposited with the County. For each building, should the developer miss four (4) or more points, within the eighteen month period, the developer shall automatically forfeit 100 percent (100%) of the security, which shall be immediately paid to the County. Should the developer fail to obtain the USGBC's rating within the eighteen month period, unless due to delay related solely to the USGBC, the developer shall automatically forfeit the security, which shall be immediately paid to the County.

- f. The developer agrees that the LEED point references referred to in this condition refer to the LEED-NC Version 2.2 in use on the date of site plan approval, as noted in Condition #1. Any changes to the point valuations incorporated into future updates to the LEED Green Building Rating System must equal or exceed the requirements outlined in LEED Version 2.2.
- g. The developer agrees to permit the County Manager or his designee to access the USGBC records for the project, and to provide the County Manager with such authorization as may be necessary to allow such access. Should there be a dispute between the County and the developer as to whether any sustainable element has properly been included in the development so as to qualify for the applicable number of LEED rating system points, the County and the developer will select a mutually agreeable third-party LEED-certified individual, or other person with substantial experience in the LEED system if approved by the County Manager, and accept the determination of that individual as to whether the developer has qualified for those points. If the third-party person determines that the sustainable element has properly been included, the County will issue the permit. Such a determination shall in no way relieve the developer of the obligation to achieve the level of certification called for in this condition.

73. **Public Use and Access Easement(s)**

The developer agrees to create, grant and convey, by Deed of Easement(s), permanent public use and access easement(s) ("Easement(s)"), in accordance with the conditions set forth herein, to the County Board of Arlington County, for the benefit of the County and the public at large, providing for a public use and access, by the County and the public at large in, over, on, across and through the areas designated as "Public Access Easement Area" ("Easement Area") in sheet number L-10 of the 4.1 plans, captioned Public Easement Plan, prepared by Parker Rodriquez, Inc. and dated March 27, 2009 ("Plan"). The final location of the Easement Area may change with the preparation, and only upon the approval, by the County, of the final building and/or landscape plans. The developer agrees to construct and landscape the Easement Area, as shown on plans with dates of March 27, 2009, and made a part of the public record on April 25, 2009. The final landscape design and installation shall be subject to approval by the County Manager as part of the final site development and landscape plan. Construction and landscaping of the Easement Area shall be completed prior to the granting of the Easement for the Easement Area. The Easement(s) shall be granted to the County Board prior to the

issuance of the first certificate of occupancy for the project that is the subject of this condition (“Project”). The Easement(s) shall be granted by deed, in substance acceptable to the County Manager, and subject to approval as to form by the County Attorney, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County.

The Easement(s) shall:

- a. Provide that the developer, including its successors and assigns, shall be responsible, at its sole cost and expense, for the continued care, cleaning, maintenance, repair, replacement and installation of all Easement Area and all improvements contained within the Easement Area, including, but not limited to, concrete, bricks, masonry, stone work, walkways, lighting, trash receptacles, steps, staircases, elevators, landscaping, water features, benches and tables and any other fixtures or improvements (jointly “Facilities”), if any, shown on the final site development and landscape plans. In addition, the developer shall be responsible, at its sole cost and expense for snow and ice removal of the entire Easement Area.
- b. Provide that no motorized vehicles, other than emergency vehicles or wheelchairs, and no bicycles, skateboards, scooters or similar non-motorized vehicles shall be operated in the Easement Area.
- c. Provide that the County, its contractors and agents, and the public at-large, shall, at all times, have full and free use of the Easement Area for walkway purposes, sitting, dining, use of the “overlook” terrace, and any other purposes named, and shall have all rights and privileges reasonably necessary to the exercise or use of the Easement(s), including, but not limited to, the right to access to and from the Easement(s); and the right to use the adjoining land of the developer where necessary, provided, however, that this right to use the adjacent land shall be limited to that use necessary for the County, its contractors and agents, to repair or maintain the Easement Area, at developer’s expense, should the developer fail to do so promptly after notice from the County, and further this right to use the adjacent land shall not be construed to allow the County to erect any building, structure or facility of a permanent nature on such adjoining land unless otherwise provided in such Easements.
- d. Provide that the Easement Area shall be open for public access twenty-four hours a day, seven days a week.
- e. Provide that, upon written request of the developer to the County Manager, stating the proposed time period(s), spatial area(s) and the reasons for such request, and with the written approval of the County Manager, not to be unreasonably withheld, the Easement Area, or any portion thereof, may be temporarily restricted or prohibited for limited times and the limited purpose of maintenance, repair, replacement of any Facilities, the use of all or a portion of the Easement

Area for special events of, or by, the developer.

- f. Provide that the developer shall remove or cause to be removed, at developer's sole cost and expense, all trash and debris in and from the Easement Area.
- g. Permit the installation, by the developer, within the Easement Area, of benches, seating, tables, trash receptacles, lighting, walls, landscaping, art and water features (jointly "Structures"), if any, depicted on the approved final landscape and site plans. Such Structures, whether or not affixed to the real estate, shall not be the property of the County.
- h. Provide that the developer may use the Easement Area in any manner that is not inconsistent with the terms of the Deed of Easement or inconsistent with the use of the Easement(s) for the purposes named therein.
- i. Provide that the developer may restrict or prohibit the following activities from the Easement Area: (1) vending; (2) soliciting; (3) any activity that violates the Noise Control Ordinance of Arlington County, Virginia; and (4) any activity which blocks the use of the Easement Area, or any portion thereof, by pedestrians.
- j. Provide that the developer, including all of its successors and assigns, shall indemnify and hold harmless the County Board, its elected and appointed officials, officers, employees and agents from any liability, personal injury, death, claims, damages, losses, costs and expenses of whatsoever nature concerning or arising out of the design, construction, installation, repair, replacement, removal, care, cleaning, maintenance, use, access and regulation of the Easement(s) and Easement Area, Facilities, Structures and any other structures, by the developer, the County or the general public.

The developer agrees that the Easement(s) shall include the consent of all persons and entities having any legal or property interest in any portion of the Easement Area, including each lender, which lender shall agree to subordinate the lien of the mortgage or deed of trust to the Easement.

Prior to the issuance of the first certificate of occupancy for the Project, the developer agrees to install signs welcoming the public to the Easement Area to inform the public of the access wherever appropriate, including the "overlook" terrace and areas where the walkways meet with the public sidewalk. Such signs shall be subject to the prior approval of the Zoning Administrator as part of the Comprehensive Sign Plan.

Refuse Delivery to County Disposal Facility

74. The developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility designated by the County Manager. Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the developer. The developer agrees that if it intends to deliver its refuse from this project to a facility other than the disposal facility

designated by the County Manager, then the developer will submit that decision in writing to the DES Solid Waste Bureau along with a comprehensive cost analysis justifying the developer's decision. The developer further agrees to stipulate in any future office and retail leases or property sale agreements and deeds that all office and retail tenants, ~~or property owners~~ including the ground lessee, shall also comply with this requirement for the life of the site plan.

Towing of Impermissibly Parked Vehicles

75. The developer agrees to have, as a part of its parking management plan, provisions relating to the towing of impermissibly parked vehicles. Such provisions shall include, but not be limited to:
- a. Requirements for signage at the developer's parking lot(s) providing notice of all applicable parking restrictions enforced by towing, the location of the towing contractor(s)' impoundment yard, and the name and telephone number of the developer's on-site representative responsible for towing-related complaints, as well as the telephone number of the Arlington County Office of Citizen and Consumer Affairs;
 - b. Disclosure by the developer and its towing contractor(s), at the developer's parking lot(s), of all fees and charges for towing; and
 - c. Evidence that the developer has a contract with the towing contractor that requires the towing contractor to clearly display all fees and charges for towing.

Speed Bumps at Garage Exit Ramps

76. The developer agrees to install speed bumps adjacent to the top of garage exit ramps at locations where ramps abut the pedestrian sidewalk, in order to slow vehicular traffic prior to vehicles crossing the sidewalk. The locations of the speed bumps shall be shown on the site engineering and building plans approved by the County Manager. The garage doors shall be setback from the sidewalk a minimum distance of six (6) inches.

Authorization for Police to Enter Residential Parking Areas

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

Public Safety Radio Communications

78. 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 engineering drawings that adequate accommodations have been made in the building to meet this requirement.

Historic Building Deconstruction

79. Intentionally Omitted

ADA Power Door Openers

80. In addition to the regulations and requirements established with ADA Federal law, the developer agrees to install an automatic door opener for the main pedestrian residential entrances to the residential buildings. In addition, at any secure interior door, the developer agrees that a call box, if used, shall be mounted and measured at the lowest given height under the ADA with hands-free remote capability. The developer further agrees to provide an automatic door opener at the entrance to the lobby of the elevators from the parking garage adjacent to the ADA/van accessible parking spaces.

Universal Design and Accessibility

81. The developer agrees to work toward making the project barrier free and to incorporate Universal Design Concepts. The developer agrees to include the following specific Universal Design Concepts into the project:
- a. Creating at-grade access to all first floor retail areas;
 - b. Installing lobby desks with a portion of workspace that has a height no greater than 34 inches above grade and has an open design to all unobstructed line of site between an individual behind the desk and a person in a wheelchair in front of the desk.

Multi-Space Parking Meters

82. Prior to the first certificate of occupancy for each phase, where parking meters are called for along the frontages adjacent to the site, the developer agrees to install either parking meters or multi-space parking meters as required by the County Manager.

Future Plaza Connections

83. The developer agrees to provide and allow access (pedestrian connections) to the public plaza from adjacent parcels if requested in the future. The developer agrees to coordinate with the County to ensure that future connections, from the plaza area to adjacent parcels, may be possible.

24-Hour Elevator Access

84. The applicant agrees to provide universal access to the plaza by use of an elevator, made available to the general public 24-hours a day, seven days a week, in compliance with ADA requirements. The elevator shall provide access from N. Taft Street, the parking garage, and office building, to the public plaza.

N. Troy Street Sidewalk Obstruction

85. The applicant agrees to remove a portion of planting wall, located on the east side of N. Troy Street and owned by the abutting property owner to the north (SRA Building) of the subject site, in order to permit a continuous sidewalk along the entire eastern side of N. Troy Street, between N. 14th Street and N. 15th Street. In addition to the removal of the existing sidewalk obstruction, the applicant also agrees to rebuild the off-site planting

wall (i.e. retaining wall) and sidewalk, as shown on Sheet C-5 (Plot and Location Plan) of the 4.1 plans, dated March 27, 2009.

Plaza Design and Post-Approval Minor Change Requests

86. The applicant agrees to bring all minor site plan amendments requests, involving proposed plaza design changes, to the SPRC. The applicant also agrees to provide the Arlington Sheriff and Police Departments with copies of any post-approval minor change requests.

