



ARLINGTON COUNTY, VIRGINIA

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

DATE: April 7, 2009

SUBJECT: SP #346 SITE PLAN AMENDMENT to revise condition #1 allowing extension of time to submit building permit for two land bays and park concept design plan (Potomac Yard Land Bays D-East, D-West, and Center Park North). Property is located at Jefferson Davis Hwy., 3400 Potomac Ave., and Crystal Dr. (RPC# 34-027-045, -059 and 34-027-062, -070).

Applicant:

Archstone National Gateway I, and II, LP

By:

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

C. M. RECOMMENDATION:

Approve the subject site plan amendment, subject to sixteen (16) amended conditions, one (1) new condition and all previous conditions for each of the final site plans for Land Bays D-East and D-West.

ISSUES: This is a site plan amendment request to allow an extension of time to submit building permits for Potomac Yard Land Bays D-East, D-West and the concept design plan for Center Park North and no issues have been identified.

SUMMARY: The applicant is requesting a site plan amendment to extend the time permitted to submit building permits at Potomac Yard Land Bays D-East, D-West and the related concept design for Center Park (Site Plan Condition #1). The respective site plans are due to expire three (3) years from their original approval of April 2007 in April 2010. An extension to April 2013 is requested specific to the current economic climate and resulting financial conditions. Extending the time for the final site plans and consequently submission of the Center Park design concept would not have an impact on the approved development project nor would it have any land use and planning implications at this time. In addition, the site plan conditions have been reviewed and updated where appropriate so they are consistent with current standards. Therefore, staff recommends the site plan amendment be approved subject to sixteen (16) amended conditions,

County Manager: _____

Staff: Samia Byrd, DCPHD, Planning Division

PLA-5225

one (1) new condition, and all previous conditions for each of the Final Site Plans for Land Bays D-East and D-West.

BACKGROUND: Potomac Yard (SP #346) was approved in October 2000 as a Phased Development Site Plan (PDSP). The PDSP is comprised of several developable parcels of land identified as Land Bays A, B, C, D-East, D-West, E-East, E-West, and F, as well as a Center Park. Since the PDSP approval in 2000, final site plans have been submitted and approved for each of the Land Bays. The subject final site plans for Land Bays D-East and D-West were approved by the County Board in April 2007. The approval of the final site plan for Land Bay D-East included 425,752 square feet of residential GFA (360 units) in a 12-story building, with ground floor retail. The approval of the final site plan for Land Bay D-west included 398,435 of residential GFA (331 units) with ground floor retail and a concept plan for the Center Park as required by PDSP Condition #22(a). Following is additional information about the site:

Site: The 49.7-acre Potomac Yard site is located in the South Tract along the Jefferson Davis Corridor. It is generally bounded by the Airport Viaduct, the George Washington Memorial Parkway (the eastern edge of the railway corridor), Four Mile Run and the City of Alexandria, the Jefferson Davis Highway (Route 1) and Crystal Drive. Within the PDSP, the subject parcel Land Bay D is bounded by Route 1, 33rd and 35th Streets, and Potomac Avenue. It is bisected into an eastern and western portion by Center Park which runs north-south through the middle of the Land Bay. Land Bay D-East is located east of Center Park across South Ball Street, and adjacent to Potomac Avenue. Land Bay D-West is located west of Center Park across South Clark Street, and adjacent to Crystal Drive and Route 1.

Zoning: C-O-1.5, Commercial Office Building, Hotel and Apartment Districts

General Land Use Plan Designation: One-third “Medium” Residential (37-72 units/acre) and two-thirds “Low” Office-Apartment-Hotel (up to 1.5 FAR office density, up to 72 units/acre residential density, up to 110 units/acre hotel density), with Note 18.

Neighborhood: The site is adjacent to the Aurora Highlands and Arlington Ridge Civic Associations. The Civic Associations have been notified and have not provided any comments.

DISCUSSION: According to final site plan condition #1 for each of the respective Land Bays, the site plan approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. For Land Bays D-East and D-West, the date of expiration would be April 21, 2010. The applicant has indicated that additional time is needed to secure financing for the development of these Land Bays. A three (3) year extension to April 2013 would provide the necessary security sought by financiers given the current economic climate, where lenders are reluctant to provide financing and investment in development projects with short-term expiration dates as compared to those with a longer time frame for obtaining a building permit. This request, which is financial in nature, would have no impact on the approved development project and conditions of original approval, nor would it have a planning or land use impact or any impact on the community. As the project was initially approved in 2007, in accordance with

Condition #1, with the request for an extension the site plan and conditions were reviewed for compliance with the current County policies and land use, zoning and special exceptions. As a result, several conditions are proposed to be amended to bring them up to date with those currently applied to special exception site plan projects.

CONCLUSION: The proposed site plan amendment to extend the time permitted to submit building permits at Potomac Yard Land Bays D-East, D-West and consequently the concept design plan for Center Park by three (3) years from April 21, 2010 to April 21, 2013, is related to financial and economic conditions and would neither have an impact on land use and planning, nor would it affect the plan as approved by the County Board in April 2007. Therefore, staff recommends that the site plan amendment be approved, subject to sixteen (16) amended conditions, one (1) new condition, and all previous conditions for each of the two approved final site plans for Land Bay D-East and D-West.

Land Bay D-East

Amended Conditions:

Site Plan Term and Approved Site Plan Conditions

1. The developer (as used in these conditions, the term “developer” shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1, the conditions of the approved Potomac Yard Phased Development Site Plan (PDSP), and the revised plans dated March 23, 2007 (Final Site Plans) and February 9, 2007 (PDSP plans) and reviewed and approved by the County Board and made a part of the public record on April 21, 2007, 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 on~~ April 21, 2013 if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this site plan, including its conditions and relevant PDSP 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 PDSP and final 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.

~~The developer agrees to attach the approved conditions to each set of permit drawings that are submitted to the County.~~

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. The developer agrees to maintain lighting around the perimeter of the site at all times where pedestrian or vehicular access is located. Lighting shall conform to the "Arlington County Government Street Light Policy and Planning Guide". The developer agrees, during the hours of construction, to provide "flagmen" to assist in the direction of traffic along or around a street or driveway any time that any driving lane of such street or driveway is partially or fully blocked due to temporary construction activities. The developer agrees to submit this plan to, and obtain approval of the plan from, the Zoning Administrator as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

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.

Green Building Fund Contribution

13. The developer agrees to make a contribution to the County's Green Building Fund of \$19,901.48 (\$0.045 X 442,225 square feet). ~~\$13,267.65 (\$0.03 X 442,255 square feet).~~ The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition Permit, and 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 project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded upon receipt of written request, and documentation of LEED certification, by the applicant.

14. **Vacations and Encroachments**

~~The developer agrees to submit Vacation and Encroachment application(s) or waiver form(s) prior to the issuance of any permits for the site plan. Vacations and encroachments shall be recorded before the issuance of any permits for the site plan. 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 #68. 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).

Coordination of these plans: final site development, and landscape plan and final site engineering plan

15. 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 ~~site development and~~ landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. This final site development and landscape plan shall also include the landscape elements which make up the interim improvements to Center Park North, as described below in Condition #80 for this final site plan in Land Bay D-East. The final ~~site development and~~ landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final ~~site~~ civil engineering plan as required in Condition #~~18~~ 24 below, as well as a vicinity map with major streets labeled. The final ~~site development and~~ landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final ~~site development and~~ landscape plan and the final ~~site~~ 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 final ~~site development and landscape~~ plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, the approved PDSP landscape plan, the approved PDSP Preliminary Infrastructure Plan (PIP), the approved Potomac Yard PDSP Urban Design Guidelines, and, at a minimum, shall conform to: the landscaping requirements in Conditions #~~16 and~~ #21 below; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final ~~site~~ 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 site 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 a~~ All plant materials shown on the final landscape plan shall ~~take place~~ be installed before the issuance of the final Certificate of Occupancy for tenant occupancy 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 (DPCHD) a copy of the contract for construction and installation of all landscape materials. The final site development and landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final ~~site~~-civil engineering plan and placed so as not to 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 prior to submission of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way, or as approved by the County Manager. The garage ventilation grates shall be screened with landscaping or landscape elements, and/or designed as part of a structure. The developer agrees to construct the ventilation grates in a manner that will mitigate any noise impacts on the open space areas. The details of the screening and design of the ventilation grates, and the measures that will be used to attenuate the noise, shall be approved as part of the final site development and landscape plan for this final site plan in Land Bay D-East. 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 ~~site~~-civil engineering plan and the final ~~site development~~ and landscape plan before issuance of the Footing to Grade Permit.

- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA Ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. ~~Brick or a concrete unit paver shall be used on the access drives, automobile drop-off areas, plaza areas, and interior walkways and roadways.~~ Interior walkways shall have a minimum width of four (4) feet. All plaza areas, access drive, automobile drop off areas, interior walkways, and roadways, including, but not limited to, the pedestrian connection which extends from South Ball Street to Potomac Avenue, the vehicular court adjacent to Potomac Avenue, and the landscaped courtyard located adjacent to Potomac Avenue, shall contain special decorative paver treatments that coordinate in design, color and materials with the treatment of the adjacent sidewalks. The design and treatment of these areas shall be consistent with the conceptual landscape plan contained in the drawings dated March 23, 2007. The materials, colors and paving patterns used shall be consistent with the drawings dated March 23, 2007, and are subject to approval by the County Manager for consistency with the PDSP Urban Design or other urban design standards approved by the County Board as a part of review and approval of the final ~~site development and~~ landscape plan.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #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, providing details of planters depressed below grade and planting depth), roof terraces and raised courtyards, 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; ~~including the location of public art.~~ Include public art information, if known.
- g. The location and planting details for street trees in accordance with ~~Division of Transportation~~ Department of Environmental Services Standards and Specifications, and the PDSP Urban Design Guidelines, for planting in public rights-of-way and as shown on the final site engineering plan.
- h. The limits of demolition and construction.

The developer agrees that Once approved, the final site development and 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 by the County Manager.

Landscape Standards

16. The developer agrees that all landscaping shall conform to Department of Environmental Services Division of Transportation Standards and Specifications and to at least the following requirements:
- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and the standards identified in the PDSP Urban Design Guidelines, 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 plan 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 the street trees. The developer also agrees to fulfill the Public Improvements Bond requirements (Condition #37). 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 the staff of SPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications of street tree planting available from the SPRCR 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, consistent with the PDSP Urban Design Guidelines. 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.

~~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 Service 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.

Survey Monuments

20. ~~The developer shall submit a boundary survey of the site, with an error of closure within the limit of one (1) in twenty thousand (20,000), related 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 feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft = 1200/3937 E+00 meters. If the development is located more than one half mile from an Arlington County Survey Control Network (ACSCN) monument, the developer shall utilize a Virginia Licensed Land Surveyor to establish a permanent second order accuracy (or higher) survey control monument. The surveyor shall comply with standards and specifications contained in the current VDOT Survey Manual. The surveyor will be required to submit his or her computations to the Office of the County Surveyor for inclusion into the ACSCN. Plans referenced to the VCS 83 shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field survey which ties this boundary to the Arlington County Survey Control Network."~~

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."

Sidewalk Design and Improvements

21. 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 ~~site development~~ and landscape plan and final civil engineering plan, in accordance with the PDSP Urban Design Guidelines 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 as specified below, consistent with the PDSP Urban Design Guidelines, must comply with current ADA standards, and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. ~~The sidewalk treatments shall~~

~~continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic. The 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, except that the pavement patterns shall be slightly differentiated, 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 # 66 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 patterns 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 PDSP Urban Design Guidelines, the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The developer agrees that sidewalk sections and street tree species shall be as follows:

35th Street - A minimum 14-foot wide sidewalk measured from the face of curb, including 5-foot by 12-foot tree pits, as specified in the PDSP Urban Design Guidelines. The sidewalks shall be constructed of a special paver treatment with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree pits shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

33rd Street - A minimum ~~9.5~~ 11-foot wide sidewalk measured from the ~~face~~ back of curb, including ~~5~~ 4-foot by 6-foot tree grates, providing a minimum of 7-feet of clear sidewalk. ~~as specified in the PDSP Urban Design Guidelines.~~ The sidewalks shall be

constructed of a special paver treatment with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree grates shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

South Ball Street - A minimum 14-foot wide sidewalk measured from the face of curb, including 5-foot by 12-foot tree pits, as specified in the PDSP Urban Design Guidelines. The sidewalks shall be constructed of a special paver treatment to include brick or interlocking concrete pavers with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree pits shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, and such ground cover as liriope muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

Potomac Avenue – A minimum 12-foot wide sidewalk, measured from the back of curb, including 5 feet by 12 feet tree pits, as specified in the Potomac Yard Urban Design Guidelines. The sidewalks shall be constructed of 4 feet by 4 feet scored concrete to include the color additive "lamp black" with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree pits shall be planted with 4 ½ inch caliper street trees (from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines), and such ground cover as liriope muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed ~~28 to 32~~ approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

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, and shall be constructed in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual. ~~in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the building walls shall be adjusted as necessary to provide these clearances.~~ Consistent with PDSP Conditions #11 and #18, the developer agrees to construct water services in locations consistent with the approved PDSP and with the approved PIP.

Underground Existing Aerial Utilities

31. 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. 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. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.

Plat of Excavated Area

36. 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.

Wall Check Survey

45. 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.

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 the right to install tie-ins from the County's outdoor emergency warning system to the Central Place interior building fire/emergency warning annunciator systems using either land lines or emergency relay transceivers in or on the penthouse or top floor, 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.

LEED Credits and Sustainable Design Elements

70. The developer agrees to hire a LEED Accredited ~~certified~~ consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components ~~may~~ will earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for all LEED Prerequisites seven (7) LEED Prerequisites and include at least the number of LEED components necessary for baseline LEED certification at least 28 LEED credits. The developer agrees to use commercially reasonable efforts to achieve additional LEED credits which would qualify the building for certified levels.

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

The developer further agrees to submit, to the 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:

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

In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its 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.

Refuse Delivery to County Disposal Facility

72. 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 Waster Bureau along with a comprehensive cost analysis justifying the developer's decision. The developer further agrees to stipulate in any future lease or property sale agreements and deeds that all tenants or property owners shall also comply with this requirement for the life of the site plan.

New Condition:

84. **Building Security Requirements**

- a. The developer agrees to coordinate with County staff on the design of exterior building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior building security measures shall be shown on, and approved as part of, the final site development and landscape plan and the approved façade treatment plan. The base of the buildings, as shown in the drawings dated March 23, 2007, and consistent with Condition #64 above, have been designed to accommodate retail uses and provide interest and activate the streetscape. Any change in the use and design of the base resulting from any proposal for exterior building measures shall require a site plan amendment.
- b. The developer agrees that it is the policy of the County to maintain the maximum number of on-street parking spaces around the perimeter of a site, and that it will not remove or reduce the number of on-street parking spaces around the perimeter of a site whether at the request of the developer or a tenant or otherwise. Accordingly, the developer agrees that it shall notify tenants of the aforesaid policy prior to execution of any lease with a tenant.

Land Bay D-West

Amended Conditions:

Site Plan Term and Approved Site Plan Conditions

1. The developer (as used in these conditions, the term “developer” shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1, the conditions of the approved Potomac Yard Phased Development Site Plan (PDSP), and the revised plans dated March 23, 2007 (Final Site Plans) and February 29, 2007 (PDSP plans) and reviewed and approved by the County Board and made a part of the public record on April 21, 2007, 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 on~~ April 21, 2013 if a building permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this site plan, including its conditions and all relevant PDSP 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 PDSP and final 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.

~~The developer agrees to attach the approved conditions to each set of permit drawings that are submitted to the County.~~

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. The developer agrees to maintain lighting around the perimeter of the site at all times where pedestrian or vehicular access is located. Lighting shall conform to the “Arlington County Government Street Light Policy and Planning Guide”. The developer agrees, during the hours of construction, to provide “flagmen” to assist in the direction of traffic along or around a street or driveway any time that any driving lane of such street or driveway is partially or fully blocked due to temporary construction activities. The developer agrees to submit this plan to, and obtain approval of the plan from, the Zoning Administrator as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

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.

Green Building Fund Contribution

13. The developer agrees to make a contribution to the County's Green Building Fund of ~~\$18,643.64 (\$0.045 X 414,303 square feet).~~ ~~\$12,429.09 (\$0.03 X 414,303 square feet).~~ The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition Permit, and 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 project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded upon receipt of written request, and documentation of LEED certification, by the applicant.

14. **Vacations and Encroachments**

~~The developer agrees to submit Vacation and Encroachment application(s) or waiver form(s) prior to the issuance of any permits for the site plan. Vacations and encroachments shall be recorded before the issuance of any permits for the site plan. 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 #68. 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).~~

Coordination of these plans: final site development, ~~and~~ landscape plan and final site engineering plan

15. ~~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 site development and~~

landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final ~~site development and~~ landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final ~~site~~ civil engineering plan as required in Condition #~~18~~ 21 below, as well as a vicinity map with major streets labeled. The final ~~site development and~~ landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final ~~site development and~~ landscape plan and the final ~~site~~ 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 final ~~site development and landscape~~ plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, the approved PDSP landscape plan, the approved PDSP Preliminary Infrastructure Plan (PIP), the approved Potomac Yard PDSP Urban Design Guidelines, and, at a minimum, shall conform to: the landscaping requirements in Conditions #16 and #21 below; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final ~~site~~ 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 site 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 a- All plant materials shown on the final landscape plan shall ~~take place~~ be installed before the issuance of the final Certificate of Occupancy for tenant occupancy 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 (DPCHD) a copy of the contract for construction and installation of all landscape materials. The final site development and landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final ~~site~~ civil engineering plan and placed so as not to 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 prior to submission of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way, or as approved by the County Manager. The garage ventilation grates shall be screened with landscaping or landscape elements, and/or designed as part of a structure. The developer agrees to construct the ventilation grates in a manner that will mitigate any noise impacts on the open space areas. The details of the screening and design of the ventilation grates, and the measures that will be used to attenuate the noise, shall be approved as part of the final site development and landscape plan for this final site plan in Land Bay D-West. 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 ~~site~~ civil engineering plan and the final ~~site development~~ and landscape plan before issuance of the Footing to Grade Permit.

- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA Ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. ~~Brick or a concrete unit paver shall be used on the access drives, automobile drop-off areas, plaza areas, and interior walkways and roadways.~~ Interior walkways shall have a minimum width of four (4) feet. All plaza areas, access drive, automobile drop off areas, interior walkways, and roadways, including, but not limited to, the pedestrian connection which extends from Route 1 to South Clark Street, and the landscaped courtyard located adjacent to South Clark Street, shall contain special decorative paver treatments that coordinate in design, color and materials with the treatment of the adjacent sidewalks. The design and treatment of these areas shall be consistent with the conceptual landscape plan contained in the drawings dated March 23, 2007. The materials, colors and paving patterns used shall be

consistent with the drawings dated March 23, 2007, and are subject to approval by the County Manager for consistency with the PDSP Urban Design Guidelines or other urban design standards approved by the County Board as a part of review and approval of the final ~~site development and~~ landscape plan.

- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #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, providing details of planters depressed below grade and planting depth), roof terraces and raised courtyards, 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; ~~including the location of public art.~~ Include public art information, if known.
- g. The location and planting details for street trees in accordance with ~~Division of Transportation~~ Department of Environmental Services Standards and Specifications, and the PDSP Urban Design Guidelines, for planting in public rights-of-way and as shown on the final site engineering plan.
- h. The limits of demolition and construction.

The developer agrees that Once approved, the final ~~site development and~~ 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 by the County Manager.

Landscape Standards

- 16. The developer agrees that all landscaping shall conform to Department of Environmental Services ~~Division of Transportation~~ Standards and Specifications and to at least the following requirements:
 - a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and the standards identified in the PDSP Urban Design Guidelines, 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 plan 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 the street trees. The developer also agrees to fulfill the Public Improvements Bond requirements (Condition #37). 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 the staff of SPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications of street tree planting available from the SPRCR 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, consistent with the PDSP Urban Design Guidelines. 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.

~~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 Service 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.

Survey Monuments

20. ~~The developer shall submit a boundary survey of the site, with an error of closure within the limit of one (1) in twenty thousand (20,000), related 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 feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft = 1200/3937 E+00 meters. If the development is located more than one half mile from an Arlington County Survey Control Network (ACSCN) monument, the developer shall utilize a Virginia Licensed Land Surveyor to establish a permanent second order accuracy (or higher) survey control monument. The surveyor shall comply with standards and specifications contained in the current VDOT Survey Manual. The surveyor will be required to submit his or her computations to the Office of the County Surveyor for inclusion into the ACSCN. Plans referenced to the VCS 83 shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate~~

~~System of 1983 as computed from a field survey which ties this boundary to the Arlington County Survey Control Network.”~~

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.”

Sidewalk Design and Improvements

21. 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 ~~site development and~~ landscape plan and final civil engineering plan, in accordance with the PDSP Urban Design Guidelines 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 as specified below, consistent with the PDSP Urban Design Guidelines, must comply with current ADA standards, and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. ~~The sidewalk treatments shall continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic.~~
The developer agrees that the clear pedestrian zone sidewalk shall:

- g. Continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, except that the pavement patterns shall be slightly differentiated, and there shall be no barriers to impede the flow of pedestrian traffic.
- h. Not be less than six feet wide at any point.
- i. Allow encroachments by sidewalk cafes only in accordance with Condition # 66 and under the provisions of the Arlington County Streetscape Standards.
- j. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards.
- k. 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.

1. Not contain joints or use patterns that create gaps of 1/4-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 PDSP Urban Design Guidelines, the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer agrees to maintain and replace the street trees and sidewalks for the life of the site plan. The developer agrees that sidewalk sections and street tree species on the building side of the street are provided below. The sidewalk sections and street tree species for the Center Park side of the street are provided in Condition #81.a.5.

35th Street - A minimum ~~14~~ 20.5-foot wide sidewalk measured from the face of curb, including 5-foot by 12-foot tree pits, as specified in the PDSP Urban Design Guidelines. The sidewalks shall be constructed of a special paver treatment with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree pits shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, and such ground cover as *liriope muscarii*, *hypericum*, *calycinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

33rd Street - A minimum ~~9.5~~ 11-foot wide sidewalk measured from the ~~face~~ back of curb, including 5-foot by 6-foot tree grates, providing a minimum of 7-feet of clear sidewalk. ~~as specified in the PDSP Urban Design Guidelines.~~ The sidewalks shall be constructed of a special paver treatment with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree grates shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

South Clark Street - A minimum ~~14~~ 16-foot wide sidewalk measured from the face of curb, including 5-foot by 12-foot tree pits, as specified in the PDSP Urban Design Guidelines. The sidewalks shall be constructed of a special paver treatment to include brick or interlocking concrete pavers with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The tree pits shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, and such ground

cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center and a minimum of eight (8) inches back from the back of curb.

Route 1/Crystal Drive – A minimum 12-foot wide sidewalk, including a 5-foot wide continuous planting strip. The sidewalks shall be constructed of 4 feet by 4 feet scored concrete to include the color additive "lamp black" with a 12-inch border of special paver banding adjacent to the back of curb, as specified in the PDSP Urban Design Guidelines. The planting strip shall be planted with 4 ½ inch caliper street trees from the selection of broad deciduous street trees identified in the PDSP Urban Design Guidelines, and such ground cover as liriopie muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper) and shrubs, consistent with the drawings dated March 23, 2007, placed approximately 30 feet apart on center at the back of curb.

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, and shall be constructed in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual. ~~in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the building walls shall be adjusted as necessary to provide these clearances.~~ Consistent with PDSP Conditions #11 and #18, the developer agrees to construct water services ~~shall be constructed~~ in locations consistent with the approved PDSP and with the approved PIP.

Underground Existing Aerial Utilities

31. 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. 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. All

utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.

Plat of Excavated Area

36. 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.

Wall Check Survey

45. 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.

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 the

right to install tie-ins from the County's outdoor emergency warning system to the Central Place interior building fire/emergency warning annunciator systems using either land lines or emergency relay transceivers in or on the penthouse or top floor, 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.

LEED Credits and Sustainable Design Elements

70. The developer agrees to hire a LEED Accredited ~~certified~~ consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components ~~may~~ will earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for all LEED Prerequisites seven (7) LEED Prerequisites and include at ~~least the number of LEED components necessary for baseline LEED certification~~ at least 28 LEED credits. The developer agrees to use commercially reasonable efforts to achieve additional LEED credits which would qualify the building for certified levels.

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

The developer further agrees to submit, to the 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:

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

In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its 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.

Refuse Delivery to County Disposal Facility

72. 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 Waster Bureau along with a comprehensive cost analysis justifying the developer's decision. The developer further agrees to stipulate in any future lease or property sale agreements and deeds that all tenants or property owners shall also comply with this requirement for the life of the site plan.

New Condition:

84. **Building Security Requirements**

- a. The developer agrees to coordinate with County staff on the design of exterior building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior building security measures shall be shown on, and approved as part of, the final site development and landscape plan and the approved façade treatment plan. The base of the buildings, as shown in the drawings dated March 23, 2007, and consistent with Condition #64 above, have been designed to accommodate retail uses and provide interest and activate the

streetscape. Any change in the use and design of the base resulting from any proposal for exterior building measures shall require a site plan amendment.

- b. The developer agrees that it is the policy of the County to maintain the maximum number of on-street parking spaces around the perimeter of a site, and that it will not remove or reduce the number of on-street parking spaces around the perimeter of a site whether at the request of the developer or a tenant or otherwise. Accordingly, the developer agrees that it shall notify tenants of the aforesaid policy prior to execution of any lease with a tenant.

PREVIOUS COUNTY BOARD ACTIONS:

October 21, 2000

South Tract: Approved a General Land Use Plan (GLUP) Amendment to a striped pattern of 1/3 "Medium" Residential (37-72 units/acre) and 2/3 "Low" Office-Apartment-Hotel, with Note 18.

Approved Amendments to the Master Transportation Plan, including Part I to add public streets and designate several streets as private; Arlington Bicycle Plan to add on-street bike lanes; Arlington County Pedestrian Transportation Plan to add a pedestrian corridor; and establishment of a transitway.

Approved a rezoning from "M-1" to "C-O-1.5".

Approved a Phased Development Site Plan for a mixed use office, retail, hotel and residential development.

Adopted a resolution affirming Arlington County's commitments to developing transit facilities to provide high quality local transit service in the Jefferson Davis Corridor and facilitating traffic movements between U.S. 1 in Arlington and Potomac Avenue.

North Tract: Approved a General Land Use Plan (GLUP) Amendment for the area north of 6th Street South, from "Service Industry" to "Public".

Approved a General Land Use Plan (GLUP) Amendment for the area south of 6th Street from "Service Industry" to "Low" Office-Apartment-Hotel.

February 9, 2002

Deferred a site plan for a Land Bay A, for office and retail development totaling 654,000 square feet, including 6,000 square feet of initial retail, 11,784 square feet of potential retail, and 4,000 square feet of fitness center, to February 25, 2002 Planning Commission and March 23, 2002, County Board meeting.

March 23, 2002	Approved a final site plan for Land Bay A, for office and retail development totaling 654,000 square feet, including 6,000 square feet of initial retail, 11,784 square feet of potential retail, and 4,000 square feet of fitness center.
April 20, 2002	Approved a Preliminary Infrastructure Plan (PIP) for the Potomac Yard PDSP.
December 9, 2003	Approved a final site plan for Land Bay E, for a residential rental building containing 391,714 square feet of residential GFA, 386 units and 4,120 square feet of ground floor retail.
December 9, 2003	Approved a final site plan for Land Bay F, for two residential condominium buildings containing 482,000 square feet of residential GFA, 479 units and 80,000 square feet of ground floor retail, including 50,000 square feet of grocery store use.
July 10, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to September 18, 2004.
September 18, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to November 16, 2004.
November 16, 2004	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to January 2005.
February 1, 2005	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to May 7, 2005.
May 17, 2005	Deferred a site plan amendment for 2805 Crystal Drive for Potomac Yard PDSP to amend condition #25 to clarify affordable dwelling unit requirement to a County Board meeting of a later date to be determined by staff and the applicant.

July 9, 2005	Approved a minor site plan amendment for Land Bay A, to modify the first floor configuration and uses for the north and south office buildings, subject to amended Condition #57.
April 22, 2006	Approved a site plan amendment request to amend Condition #57(b) regarding a reduction in the size of the three (3) flat screen televisions (Land Bay A).
September 16, 2006	Approved site plan amendment request for a comprehensive sign plan (Land Bay F), subject to the proposed conditions.
December 9, 2006	Approved the site plan amendment request for a comprehensive sign plan for four (4) projecting retail tenant signs for Land Bay F, per the revised <i>Potomac Yard Sign Guidelines</i> to allow signs for retail tenants located on the interior courtyard of Land Bay F to have tenant signs along Route 1, for a period of ten (10) years.
January 27, 2007	Deferred a PDSP Amendment and final site plans for Land Bays D-East, D-West and E-West to the County Board meeting of March 17, 2007.
March 17, 2007	Approved a site plan amendment request for a comprehensive sign plan (Land Bay E-East).
March 20, 2007	Deferred a PDSP Amendment and final site plans for Land Bays D-East, D-West and E-West to the County Board meeting of April 21, 2007.
April 21, 2007	<p>Approved a PDSP Amendment to convert office to residential in Land Bay D-West, to increase the maximum permitted residential units to 1,548 units, and to reallocate and convert densities within and between Land Bays B, C, D-East, D-West and E-West, subject to amended PDSP Condition #4.</p> <p>Approved a final site plan for Land Bay D-East, for a residential building containing 425,752 square feet of residential GFA, 360 units and 16,503 square feet of ground floor retail.</p> <p>Approved a final site plan for Land Bay D-West, for a residential building containing 398,435 square</p>

feet of residential GFA, 331 units and 15,868 square feet of ground floor retail.

Approved a final site plan for Land Bay E-West, for an office development containing 374,379 square feet of office GFA and 71,418 square feet of ground floor retail.

Approved Conceptual Design Plan for Center Park.

November 13, 2007

Deferred PDSP Amendment to convert 22,313 square feet of office use in Land Bay C to ground floor initial and potential retail use in Land Bay C to December 15, 2007. (RPC #34-027-071, -072)

Deferred final site plan for Land Bay C for approximately 1,064,673 square feet office, approximately 23,675 square feet initial retail, 17,275 square feet potential retail, modification of use regulations for fewer loading bays than required, and to exclude approximately 5,598 square feet garage entry from GFA to December 15, 2007. (RPC #34-027-071, -072) (Potomac Yard Land Bay C)

December 18, 2007

Approved PDSP Amendment to convert 22,313 square feet of office use in Land Bay C to ground floor initial and potential retail use in Land Bay C. (RPC #34-027-071, -072)

Approved final site plan for Land Bay C for approximately 1,064,673 square feet office, approximately 23,675 square feet initial retail, 17,275 square feet potential retail, modification of use regulations for fewer loading bays than required, and to exclude approximately 5,598 square feet garage entry from GFA. (RPC #34-027-071, -072) (Potomac Yard Land Bay C)

Approved final site plan to construct approx. 625 hotel rooms, approx 10,000 sq ft retail with modification of use regulations for exclusion of storage area from gross floor area, parking ratio; (Land Bay B, RPC #34-027-066).

June 17, 2008

Deferred site plan amendment for an amendment to

	the comprehensive sign plan for Land Bay F to July 17, 2008.
July 19, 2008	Deferred site plan amendment for an amendment to the comprehensive sign plan for Land Bay F to September 13, 2008.
September 13, 2008	Approved a comprehensive sign plan amendment to add six (6) window signs for the Bank of America, increasing the existing site sign area by a total of 135.2 square feet.
October 18, 2008	Approved proposed amendment to the comprehensive sign plan for two (2) freestanding signs, pursuant to the conditions of the staff report, and with a County Board Review in ten (10) years (October 2018).
November 15, 2008	Approved a site plan amendment for a comprehensive sign plan (Land Bay E-West).