



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of July 11, 2009**

DATE: July 2, 2009

SUBJECT: U-3144-05-1 USE PERMIT AMENDMENT to modify Condition #19 to permit tandem spaces to be counted toward the total parking quantity requirement and adjust the parking allocations for reserved and shared spaces; and to modify the awning height clearance at the Siena Park project, located at 2301 Columbia Pike (RPC: #25-017-098).

Applicant:

Woodfield Columbia Pike, LLC
M. Catherine Puskar, Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Blvd, 13th Floor
Arlington, Virginia 22201

C.M. RECOMMENDATION:

Approve the use permit amendment to modify Condition #19 to permit tandem parking spaces to be counted toward the total parking quantity requirement, and adjust the parking allocations for reserved and shared parking spaces; and to modify the height clearance for five (5) awnings along South Wayne Street and South Adams Street, subject to all previous conditions, one (1) revised Condition # 19, and one (1) new Condition #27.

ISSUES: In order for Zoning to be able to count the tandem parking toward the total parking quantity requirement, this use permit amendment is necessary. The applicant is also requesting to adjust the parking allocations to increase the number of reserved commercial parking spaces, and, in addition, is requesting to reduce the clearance of five (5) awnings due to topography constraints. No issues have been identified.

SUMMARY: The applicant for the Form Based Code (FBC) Siena Park project requests approval of three (3) amendments to the approved use permit. The first request is a modification of Condition # 19 to permit up to six (6) tandem parking spaces to be counted toward the residential reserved parking. The tandem parking spaces were depicted on the approved plans, but the conditions did not specifically state that tandem parking spaces were included in the parking calculations. The second request is also a modification to Condition #19 to increase the amount of parking allocated for "reserved" commercial parking spaces, which requires a reduction of ten (10) additional "shared" parking spaces. These ten (10) additional "shared"

County Manager: _____

Staff: Jennifer Smith, DCPHD, Planning Division
Melanie Jesick, DCPHD, Planning Division

PLA-5304

parking spaces were approved in excess of what the FBC requires. With this reallocation, the parking quantities remain compliant with the FBC, and the parking spaces remain available for visitors to the project. However, the ten (10) reallocated parking spaces would be reserved for visitors of particular tenants. There would still be at least 97 parking spaces available to shoppers and visitors to the site and to the public on a non-reserved basis. The third request is a modification of the height clearance for five (5) retail awnings, two (2) on South Wayne Street and three (3) on South Adams Street, due to topography constraints. The County Board may modify FBC requirements where topography constrains implementation of FBC regulations. The grade increases traveling north on both South Wayne Street and South Adams Street from Columbia Pike, and in order for the storefront awnings to be at a uniform height across the building, modifications are proposed, which are consistent with awning clearances approved for other projects in the County. Therefore, staff recommends approval of the use permit amendment to modify Condition #19 to permit tandem parking spaces to be counted toward the total parking quantity requirement, and adjust the parking allocations for reserved and shared parking spaces; and to modify the height clearance for five (5) awnings along South Wayne Street and South Adams Street, subject to all previous conditions, one (1) revised Condition # 19, and one (1) new Condition #27.

BACKGROUND: In March 2002, the *Columbia Pike Initiative-A Revitalization Plan* was adopted by the County Board. A major recommendation of the plan was to develop a new review process to evaluate redevelopment proposals in the corridor, which became the Form Based Code (the Code). In February 2003, the County Board adopted the FBC, which made development sites within the “Columbia Pike Special Revitalization District,” designated on the General Land Use Plan, eligible for development following the Code.

The Siena Park project was approved as a Columbia Pike Form Based Code project in October 2006 in the Town Center portion of the Columbia Pike Special Revitalization District. This approved development, located on Columbia Pike between South Wayne Street and South Adams Street, is comprised of a 6-story building with ground floor retail and upper story office and multi-family residential uses. Three (3) levels of underground parking will be provided. At the time of the project’s approval by the County Board, specific details on future tenants that would occupy the building were unknown. The County Board approved several signs for the project in June 2009 and staff is continuing to work with the applicant on the balance of the remaining signs in order to complete the comprehensive sign plan.

DISCUSSION: The applicant is seeking special exception approval for three (3) items: 1) to permit up to six (6) tandem parking spaces to be counted toward the residential reserved spaces; 2) to increase the amount of reserved commercial parking to the maximum allowed under the FBC, which is 48 spaces; and 3) to reduce the height clearances for five (5) awnings along South Wayne Street and South Adams Street. The following outlines these requests in greater detail:

Allocation of Tandem Parking

The originally approved plans showed a total of six (6) tandem spaces. However, the Condition #19 did not reference tandem spaces and how they were to be allocated, hence the “zero” tandem spaces approved shown in the table below. In order for Zoning to be able to count the tandem parking spaces toward the total parking requirement, this use permit amendment is necessary.

The applicant requests up to six (6) spaces, as shown in the approved plans, to be allocated toward the reserved residential spaces only. Thus, up to six (6) different residential units in the project would each have a tandem parking space assigned to them. With the tandem parking spaces, the project meets the total number of reserved residential spaces specified in the original condition (408). The project exceeds the minimum amount of reserved residential parking under the Form Based Code, which requires one (1) space per one (1) unit, and with the tandem spaces, the project remains under the maximum amount of parking that can be reserved for residential uses (two spaces per unit). Allocating tandem parking spaces to the reserved residential total parking count would not have a negative impact on the overall parking for the project.

Modifying Shared and Reserved Parking Spaces

At the time of original project approval, the original applicant (The Georgelas Group, LLC) proposed 148 additional parking spaces beyond the minimum amount required by the FBC, including 107 non-reserved parking spaces, of which 35 parking spaces were additional shared spaces to be used for visitors to the site and for the general public beyond those required under the FBC. Now, the new owner (Woodfield Columbia Pike, LLC) is undergoing leasing activities, and requests to reduce that quantity of the additional shared parking from 35 to 25 spaces and to reclassify those ten (10) spaces as “reserved” commercial spaces. Therefore, the originally approved 38 “reserved” commercial parking spaces, per Condition #19, would increase by ten (10) spaces, to a total of 48.

The FBC allows for up to one space per 1,000 square feet of non-residential gross floor area to be set aside as reserved parking. This requested change to increase the “reserved” commercial spaces to 48, would remain consistent and compliant with the FBC, as the project includes 48,991 square feet of commercial space. The subject parking spaces would be available to either employees or visitors to the commercial uses; however, the spaces would be designated as “reserved”, and made available to certain building tenants. With this change, the previously approved quantity of 107 non-reserved, shared parking spaces would be reduced to 97 spaces, which exceeds the FBC minimum required amount of 72 spaces¹. All other parking quantities and allocations would remain unchanged (with the exception of tandem parking allocation noted above). No reduction in residential or commercial uses are requested, and no reduction in total parking spaces is requested, therefore, the applicant maintains compliance with Condition #19 which states that *“The developer further agrees that, if, at the discretion of the developer, either the residential unit count or commercial square footage is reduced subsequent to County Board approval of the use permit (U-3144-05-01) the parking ratios described in this report shall be maintained.”* The overall parking amount and use allocations remain consistent with the FBC regulations. Therefore, staff recommends approval of the requested changes. Staff is also recommending a phrase be added to Condition #19 to state that the shared parking is available “to the general public” in addition to shoppers and visitors to the site, as this is consistent with FBC goals for shared parking. The shared spaces were always proposed to be available to the public; the proposed additional phrase simply adds clarification. A comparison of the approved

¹The shared parking minimum, per the FBC, is based on 1/8 parking space per residential unit provided as shared parking (188 spaces x 0.125 = 24 spaces), and a minimum of one (1) space per 1,000 square feet of non-residential Gross Floor Area (GFA) provided as shared parking (Approximately 48,000 square feet of office retail / 1000 = 48 shared parking spaces. 24 + 48 = a total minimum of 72 shared parking spaces.

and current proposal is set forth in the table below, with proposed changes highlighted in gray.

	Required / (Allowed)	Amt. Approved in 2006	Current Proposal
Total units	--	188 units	188 units
Total Commercial GFA	--	48,991 square feet	48,991 square feet
Reserved residential spaces	188 spaces (min. req.) / 376 spaces (max. allowed)	263 spaces	263 spaces (including up to 6 tandem)
Shared residential spaces	24 spaces (min. req.)	24 spaces	24 spaces No change
Shared commercial spaces	48 spaces (min. req.)	48 spaces	48 spaces No change
Reserved commercial spaces	48 spaces (max. allowed)*	38 spaces	48 spaces*
Additional shared spaces	--	35 spaces	25**
Total Parking	260 spaces (min.) / 424 max. for reserved only (no max for shared)***	408 spaces	A minimum of 408**** (including tandem)
Parking Ratio	1.125 spaces per residential unit / 1 space per 1,000 sq. ft. of retail/office	1.40 per residential unit / 3.00 spaces per 1,000 sq. ft. of retail and office	1.40 per residential unit / 3.00 spaces per 1,000 sq. ft. of retail and office

*At the time of original approval in 2006, the staff report indicated that 47 spaces were allowed as commercial reserved spaces. A counting error occurred, as the total amount of commercial gross floor area (GFA) is 48,991 square feet; which by the FBC regulations would permit 48 spaces (at 1:1,000 square feet of commercial GFA).

** The “other” shared parking spaces are additional shared parking spaces being provided by the applicant above and beyond the minimum amount of 72 total shared residential and shared commercial parking spaces.

*** The maximum of 424 spaces is a maximum for reserved spaces only (376 spaces max allowed for reserved residential plus 48 spaces allowed for reserved commercial spaces = 424 total maximum reserved parking spaces. There is no maximum for shared parking spaces.

**** The applicant is requesting a minimum of 408 parking spaces to allow flexibility to increase shared parking if, through the final parking design/stripping phase, additional space for parking is found. The applicant would still be required, per the revised condition, to limit the number of residential reserved spaces to 263, including up to six (6) tandem spaces; limit the number reserved for office and retail users to 48 spaces; and provide *at least* 97 to shoppers and visitors to the site on a non-reserved basis.

Awning Height Clearance

The applicant is also requesting a modification of the height clearance for some retail awnings on South Wayne Street and South Adams Street, due to topography constraints. The grade increases traveling north on both South Wayne Street and South Adams Street from Columbia Pike. In order for the storefront awnings to be at a uniform height across the building, the applicant proposes to lower five (5) awnings. One (1) is 9’2” above the adjacent sidewalk grade, and four (4) are 8’ above the adjacent sidewalk grade. An 8’ foot clearance is consistent with awning clearances approved in other projects in the County, such as SP #106 for Shirlington. An eight (8) foot clearance would allow adequate room for pedestrians, as well as maintain a unified storefront along both of those streets.

Community Process: Staff circulated a copy of the applicant’s request to the members of the Form Based Code Advisory Working Group (FBC AWG) and the Presidents of the affected civic associations (Penrose and Columbia Heights) for comment. From the feedback provided, no

issues were raised regarding the tandem parking or parking space reallocation, other than a question to confirm if there would be any impact to the required Open Contiguous Lot Area. There are no impacts or changes to the previously approved Open Contiguous Lot Area. Also, regarding the awning clearance height modification, several replies were received with no concerns with the modified clearance, and one (1) comment was received suggesting that the awnings be stepped, following the topography with a more or less uniform height. The design for the building is already established and the placement of windows directly above the awnings prevents the awnings to be raised and stepped uniformly along the façade.

CONCLUSION: Staff concludes that the project remains compliant with the FBC and that there would be no impact on the overall parking of the project with the proposed allocation of tandem spaces, and the conversion of ten (10) shared spaces to reserved spaces. The Transportation Division of Department of Environmental Services (DES) has reviewed the parking requests and finds no issues with what is being proposed. Additionally, the proposed awning locations will be in keeping with the overall project's architectural design, and lowering the heights of some of the awnings will not cause pedestrian conflicts. Therefore, staff recommends approval of the use permit amendment to modify Condition #19 to permit tandem parking spaces to be counted toward the total parking quantity requirement, and adjust the parking allocations for reserved and shared parking spaces; and to modify the height clearance for five (5) awnings along South Wayne Street and South Adams Street, subject to all previous conditions, one (1) revised Condition # 19, and one (1) new Condition #27.

Revised Condition # 19:

19. The developer agrees to construct a minimum of 408 underground parking spaces as part of the development, ~~and agrees that up to~~ Of those 408 parking spaces, up to 263, including up to six (6) tandem spaces, may be reserved for residential occupants; ~~38~~ up to 48 of these spaces may be reserved for office and retail users; and at least ~~407~~ 97 spaces shall be made available at all times to shoppers and visitors to the site and to the general public on a non-reserved basis. The developer agrees to develop a parking management plan which outlines how guest and visitor parking for the building, parking for residential, office, and/or retail tenants' employees and customers, and general public parking will be provided, where the parking will be located and how guests and visitors, retail employees and customers, and the general public, will be directed to the parking spaces. The parking management plan shall also include the location of any secure areas and the location of security gates or other measures to restrict access. The parking management plan shall encourage parking by visitors and customers of the project, through ease of access to the parking spaces, signage, and fee structure. The fee structure shall discourage daily commuter parking. The developer shall submit the parking management plan, which shall include the parking fees and details of the validation program, to the Zoning Administrator and it shall be reviewed and approved by the County Manager prior to the issuance of the first Certificate of Occupancy for any portion of the site. The developer agrees to submit an annual report to the Zoning Administrator documenting compliance with the parking management plan as well as any changes to the plan. The developer further agrees that, if, at the discretion of the developer, either the residential unit count or commercial square footage is reduced subsequent to County Board approval of the use permit (U-3144-05-01) the parking

ratios described in this report shall be maintained. The developer also agrees to provide 79 bicycle parking racks within the parking garage for residents and visitors to the site.

New Condition # 27:

27. The developer agrees that the awning height clearances for five (5) awnings along South Wayne Street and South Adams Street, as shown on drawings dated June 22, 2009, shall have a clearance height of at least eight (8) feet from the ground, and otherwise remain consistent with the regulation set forth in the Form Based Code for awnings. Furthermore, the developer agrees that the Façade Plan will be modified, as needed, to reflect this approval.

PREVIOUS COUNTY BOARD ACTIONS:

August 1961	Designated as “Undetermined Uses” on the General Land Use Plan
December 1964	Designated “General Commercial” on the General Land Use Plan
November 15, 1986	General Land Use Plan amended to include the Columbia Pike Special Revitalization District. Designated as “Service Commercial”.
December 17, 2002	Columbia Pike Special Revitalization District boundaries amended on the General Land Use Plan
February 25, 2003	Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) adopted
February 10, 2004	Columbia Pike Street Space Plan adopted and Form Based Code amended to include new Required Building lines.
December 10, 2005	U-3144-05-1 deferred to May 20, 2006
May 20, 2006	U-3144-05-1 deferred to October 14, 2006
October 14, 2006	U-3144-05-1 deferred to October 14, 2006
October 26, 2006	U-3144-05-1 Use Permit (Form Based Code) approved for 2301 Columbia Pike project (now referred to as “Siena Park”)
June 16, 2009	Approved a use permit amendment to modify the sign requirements for retail tenant signs, directional signs and building identification signs, subject to all previous conditions and new condition #26, to require approval of a Comprehensive Sign Plan.

Approved Use Permit Conditions:

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

1. The developer (as used in these conditions, the term "developer" will include the property owner, the applicant, and their agents, employees, successors, and assigns) agrees to comply with the plans dated October 5, 2006 reviewed and approved by the County Board at the County Board meeting of October 14, 2006 together with any modifications proposed by the developer and accepted by the County Board or vice versa. This Columbia Pike Form Based Code Use Permit approval expires three (3) years after the date of County Board approval if the developer has not obtained a building permit for construction of the approved plan and commenced construction under that building permit. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this Columbia Pike Form Based Code Use Permit and its conditions for their compliance with the County policies for land use, zoning and special exception uses current at that time.
2. The developer agrees to comply with the following before issuance of the any building permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
 - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
 - b. Before commencing any clearing or grading of the site, the developer shall hold a meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project.
 - c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.

- d. At the end of each workday during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.
 - e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.
 - f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager.
3. The developer agrees to submit and obtain approval of final site development/engineering plans from the County Manager for consistency with this approval, any applicable statutes and ordinances, and County guidelines and policies. The final site development/engineering plan shall include the proposed location of water mains and service lines, storm and sanitary sewers, proposed underground utility services to the buildings, the trees to be preserved and new proposed trees on site. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. No Building Permit shall be issued for this site until final site development/engineering plans and the sequence of construction has been approved by the County Manager or his designee. The developer further agrees that all construction on the site shall be in accordance with the approved final site development engineering plan.
4. Prior to issuance of any Certificate of Occupancy for any part of the project the developer agrees to install address indicator signs, which comply with Section 27-12 of the Arlington County Code or successor provision, in a location visible from the street and as shown on the final engineering plan.
5. The developer agrees to construct the project in strict conformance with the submitted drawings dated October 5, 2006 as presented to the County Board, and made a part of the public record at the October 14, 2006 County Board meeting, and modifications proposed by the developer and accepted by the County Board or vice versa at that time. Modifications to the design, height and placement of the buildings made subsequent to

October 14, 2006 will require additional review by the Columbia Pike Form Based Code Administrative Review Team to ensure compliance with the Form Based Code and this approval provided, however, that this condition shall in no way relieve the developer of any obligation under any other condition.

6. The developer agrees that all required public deeds of easement and deeds of dedication shall be submitted by the developer to the Department of Environmental Services prior to the issuance of the First Certificate of Occupancy for all public walkway and street improvements described in Condition #11. The developer agrees to obtain the County Manager's approval of such deeds and to record them upon approval, among the land records of the Clerk of the Circuit Court of Arlington County, before the issuance of the Final Building Permit. Dedications for public street and sidewalk improvements constructed between the Required Building Line (RBL) and the existing street right-of-way shall be granted by the developer to the County in fee simple. A six-foot (6') wide portion of the above dedication may, at the County's discretion, be dedicated to the County as an easement for all public purposes adjacent to, and parallel to the RBL. The deed or deeds of easement for public purposes may provide that there is reserved unto the developer the right to construct and maintain, within specified portions of the boundaries thereof, appendages to buildings of the type and at the specific locations approved by the County Manager or designee as shown on the final engineering site design plans approved by the Department of Environmental Services, and as shown on the plat attached to the deed or deeds of easement. Any and all easements for public purposes shall be granted by deed, in form and substance acceptable to the County Manager or designee, and in form approved by the County Attorney.

The developer further agrees to dedicate to the County a 25-foot-wide public access surface easement over and across the alley located adjacent to, and parallel to the site's northern property line between South Wayne Street and South Adams Street, as shown on plans dated October 5, 2006. The public access surface easement shall be granted by deed, in form and substance acceptable to the County Manager or designee, and approved as to form by the County Attorney, for the maintenance by the developer of the surface improvements within the limits of the said alley.

7. Upon approval of the final site-engineering plan, the developer agrees to submit a performance bond estimate, for the construction or installation of all facilities within the public rights-of-way or easements, to the Department of Environmental Services for review and approval. Upon approval of the performance bond estimate, the developer agrees to submit a performance bond and agreement for the construction or installation of all these facilities within the public rights-of-way or easements to the Department of Environmental Services. This bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.
8. The developer agrees to develop a final landscaping plan, consistent with final site development/engineering plans and with this use permit approval, and to obtain approval of such plan from the County Manager or his designee prior to issuance of a building permit. The landscape plan shall include a Street Tree Plan which shall be reviewed by the Department of Parks, Recreation and Community Resources and shall be

accompanied by the site engineering plan and the two plans shall be compared to ensure that there are no conflicts between street trees and utilities; neither plan shall be approved until the landscape plan and the site engineering plan agree. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy for the project. The final site development and landscape plan shall include the following details, if applicable:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed in the setback area between the building and the street.
- b. The location, dimensions, and materials for driveways, driveway aprons, parking areas, interior walkways and sidewalks as well as for address indicator signs;
- c. The location and types of light fixtures for streets, for parking, walkway and plaza areas;
- d. The location and dimension of the preserved open contiguous lot area located within the project;
- e. Topography at two (2) foot intervals and the finished first floor elevation of all structures;

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

9. The developer agrees that landscaping on the site shall conform to Department of Environmental Services Standards and Specifications and to the following requirements:
 - a. Planting materials shall be of good nursery stock and a nursery guarantee shall be provided by the developer for one year including the replacement and maintenance (to include but not be limited to pruning, feeding, spraying, mulching, weeding and watering) of all landscape materials following the issuance of the final Certificate of Occupancy;
 - b. Plant materials and landscaping shall meet the American Standard for Nursery Stock Z60.1-73, and shall also meet the following standards:
 - (1) Street Trees: Red Maple trees at a minimum caliper of 4 to 4 1/2 inches.
 - (2) Other Planted Materials:

- a. Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum height of 8 to 10 feet.
 - b. Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)- a height of 10 to 14 feet with a minimum caliper of 1 1/2 to 2 inches.
 - c. Shrubs - a minimum spread of 18 to 24 inches.
 - d. Groundcover - in 2" pots.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager or his designee, based on accepted landscaping standards, seeding may be substituted for sod. All sod and seed shall be state certified;
 - d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed;
 - e. Soil depth shall be a minimum of four (4) feet for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the finished grade adjacent to them;
 - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
 - g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process.
 - h. The developer agrees to notify the Department of Parks, Recreation and Community Resources (DPRCR) Urban Forester at least 72 hours in advance of the scheduled planting of any street trees and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree plantings available from the DPRCR Urban Forester.
10. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the developer agrees to submit to the Zoning Administrator letters from the developer to the utility companies offering them access as stated above.

11. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the Columbia Pike Form Based Code Streetscape Standards, and/or the then-current Arlington County/Virginia Department of Transportation Standards for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.
 - a. Columbia Pike site frontage: The face of curb shall be located 35 feet from the survey centerline and as shown on the final engineering plan approved by the County Manager or his designee, and a concrete sidewalk between the back of curb and the front façade of the building, and parking lane nubs at the South Wayne and Adams Street curb returns, as shown in the final site engineering plan.
 - b. South Wayne and Adams Street site frontages: The face of curb shall be located 18 feet from the survey centerline and as shown on the final engineering plan approved by the County Manager or his designee, and a concrete sidewalk between the back of curb and the front façade of the building, and a parking lane nub on South Adams and Wayne Streets at Columbia Pike, as shown in the final site engineering plan.
12. The developer agrees that all improvements to streets for pedestrians and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act and any regulations adopted thereunder. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager or his designee on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the Columbia Pike Streetscape Plan or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval.
13. The developer agrees to remove or relocate to underground facilities all aerial utilities located along the South Wayne Street frontage of the site. In addition, all utility services serving the site shall be located below ground. Any utility improvements necessary to provide adequate utility services to this development shall be paid for by the developer and shall not result in the installation of any new utility poles. The transition from underground to overhead facilities shall occur off-site.
14. All engineering design plans and subsequent construction shall be in accordance with the latest edition of the Arlington County Department of Environmental Services Construction Standards and Specifications.
15. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures, or as approved by the County Manager or his designee. Water mains 16 inch and larger, and mains placed more than 10 feet below the surface shall have a minimum of 15 feet horizontal clearance from buildings and other

structures; and sanitary sewers 15 inch and larger, or sewers placed more than 10 feet below the surface shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

The developer agrees to relocate the existing utilities in conflict with the proposed development, including the storm sewer, around the periphery of the underground garage as shown on the final site engineering plan as approved by the County Manager or his designee.

16. The developer agrees to show, on the final engineering plans, and to construct water main improvements in accordance with the following:

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

17. The developer agrees to provide off-street parking for all construction vehicles during construction of the subject site. Construction vehicles and/or construction worker vehicles are not permitted to park on the neighboring streets during the hours of construction.
18. Prior to the issuance of the first Certificate of Occupancy (to include temporary Certificates of Occupancy) for any building on the site, the developer agrees to submit a Loading and Delivery Management Plan to the Zoning Administrator for review and approval. This plan shall provide for service access using the public alley as shown in the plans dated October 5, 2006 and the final site engineering plan and located at the rear of the site. This plan shall further provide for monitoring of loading and unloading/deliveries by the management of the residential and commercial components of the project, the restriction of loading and deliveries using public streets for the parking of loading and delivery vehicles and shall include a contact name of a person with authority to control loading and unloading/deliveries to whom outsiders may report violations.
19. The developer agrees to construct 408 underground parking spaces as part of the development, and agrees that up to 263 of these spaces may be reserved for residential occupants; 38 of these spaces may be reserved for office and retail users; and at least 107 spaces shall be made available at all times to shoppers and visitors to the site on a non-reserved basis. The developers agrees to develop a parking management plan which outlines how guest and visitor parking for the building, parking for residential, office, and/or retail tenants' employees and customers, and general public parking will be provided, where the parking will be located and how guests and visitors, retail employees and customers, and the general public, will be directed to the parking spaces. The parking management plan shall also include the location of any secure areas and the

location of security gates or other measures to restrict access. The parking management plan shall encourage parking by visitors and customers of the project, through ease of access to the parking spaces, signage, and fee structure. The fee structure shall discourage daily commuter parking. The developer shall submit the parking management plan, which shall include the parking fees and details of the validation program, to the Zoning Administrator and it shall be reviewed and approved by the County Manager prior to the issuance of the first Certificate of Occupancy for any portion of the site. The developer agrees to submit an annual report to the Zoning Administrator documenting compliance with the parking management plan as well as any changes to the plan. The developer further agrees that, if, at the discretion of the developer, either the residential unit count or commercial square footage is reduced subsequent to County Board approval of the use permit (U-3144-05-01) the parking ratios described in this report shall be maintained. The developer also agrees to provide 79 bicycle parking racks within the parking garage for residents and visitors to the site.

20. The developer agrees to develop and implement a Transportation Demand Management Plan to be approved by the County Manager or his designee before the issuance of the first Certificate of Occupancy. The Transportation Demand Management Plan shall describe the developer's efforts to implement, but not be limited to, the following strategies:

Program Participation and Funding

- A. Maintain membership in Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the homeowners' association and/or the property management company. Promote membership in ATP for all building tenants.
- B. Designate a member(s) of the property management company as Property Transportation Coordinator to be primary point of contact and with responsibilities for coordinating and completing TDM obligations. The Property Transportation Coordinator shall be appropriately trained to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
- C. Promote the formation of Employer Transportation Benefit Programs and encourage formation of transit-oriented commuting habits among office and retail employees.

Promotions, Services and Progressive Employee Policies

- D. Provide in the common area(s) of the property for a static display with printed materials to provide transportation-related information to residents and visitors, the content of which shall be approved by the developer and the Transportation Kiosk and materials provided by the Commuter Assistance Program.
- E. Provide SmarTrip cards on a one-time basis free to condominium purchasers

during the initial sales period.

- F. Distribute transit information to residents and visitors of the project, to include the following items:
1. Distribute a new resident package provided by Arlington County that includes site specific transit-related information to each person purchasing a condominium.
 2. Place a reference to the Pike Ride in promotional materials and advertisements.
 3. Distribute information in promotional materials regarding commute options and assistance services available.
 4. Cooperate with Arlington County to assist the County in implementing a transit advertising program that will distribute information once a year to all owners.
 5. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by advertising such promotions in a manner and at such locations within the building acceptable to the developer and homeowners' association.
- G. From first occupancy provide marketing support through coordination with Arlington County to encourage ridesharing and use of transit by employees of the property and of tenant companies through the following strategies:
1. Provide access to building or grounds at times acceptable to the developer to allow ATP and MWCOG's Commuter Connections to promote group riding among tenants of the building, by means acceptable to the developer.
 2. Distribute a new-tenant package to all persons or entities signing leases, with materials provided by Arlington County encouraging them to join Arlington Transportation Partners (or successor entity) and including site-specific transit-related information referencing the nearest Metro station and bus routes, and encouraging all employees to use Metrorail or bus services.
 3. Distribute rideshare and transit marketing materials provided by Arlington County to tenant managers for their use as part of recruiting and employment.
 4. Encourage tenants to display transportation posters, brochures, etc. in common work areas.

- H. Encourage building tenants to offer variable/flexible work hours to their employees in order to spread peak period transportation demands.
- I. Provide website hotlinks to CommuterPage.com from the developer's and homeowners' association websites regarding this development.

Coordinated Parking Management

- J. In conjunction with the Division of Transportation, and subject to the approval by the County Manager or his designee, the developer shall prepare a plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, access, and passenger waiting area; loading zones for short-term deliveries; bus stops; and on-and off-street parking for residents, employees, and visitors. Such plan shall include a schematic drawing depicting an area parking plan for all block faces abutting the site. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
- K. Provide effective directional signage subject to approval of a Comprehensive Sign Plan (parking, deliveries, taxi stand, etc.) to direct residents and visitors to appropriate locations on the property.

Monitoring and Performance

- L. Conduct one transportation performance monitoring study (two years after occupancy) and provide a report summarizing findings to the County. All data collection for this study must occur on the same day. The study must include an all-day count of site generated traffic and a voluntary mode split survey.
21. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples, for review by the County Manager for consistency with this use permit approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit. In addition, the developer agrees to:
- i. Place all vents shown on the submitted plans (dated October 5, 2006) on the interior wall of the adjacent balconies, where possible.
 - ii. Explore the use of newer technologies to reduce the height of the mechanical penthouse, and provide cladding similar in texture and color to the other exterior

elements.

22. The developer agrees that at no time shall the areas labeled as “Mechanical Room” and “Office Storage” areas within the mezzanine level be used for residential storage or other uses associated with the residential functions of the building.
23. The developer agrees that the use permit approval (U-3144-05-01) for this project is subject to and conditioned upon County Board approval of related utility and right-of-way vacation and encroachment requests pertaining to the development of this site. The developer also agrees that the use permit approval shall be null and void, should the developer not cause all conditions of such vacations and encroachments to be met and, all deeds of vacation and easement, and encroachment plat(s), which are to be approved by the County Manager, to be recorded among the land records of the Clerk of the Circuit Court of Arlington County on or before October 14, 2009.
24. The developer agrees to include a lighting plan for all public areas, including sidewalks and alleys, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager or his designee. The developer shall include in the site development and landscape plan certification that the lighting plan meet the minimum standards of Section 2 Subsection H and Section 20 of the Zoning Ordinance, and the Illumination Engineering Society of North America Standards. The lighting shall be installed and tested prior to the issuance of the First Certificate of Occupancy.
25. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.
26. The developer agrees to develop and submit a comprehensive sign plan to the Zoning Administrator and that all exterior signs (including identification and directional signage) shall be consistent with the regulations contained within the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance), with the following modifications:
 - a. Permit the signs shown as tenant signs Type A.4 on page 2, of the plans dated May 21, 2009, which may be used as a replacement for and instead of, but not in addition to, the type of retail signs otherwise permitted;
 - b. Permit a blade building identification sign as shown on the plans dated May 21, 2009, in lieu of a building name wall plaque that is otherwise permitted by the FBC.

- c. Permit the five parking, loading, and directional signs to exceed the size limit of 2 square feet per sign provided they are no larger than 6 square feet per sign as shown on the plans dated May 21, 2009; and

All signs permitted by the modification of regulations shall be the size, location, and design shown on plans dated May 21, 2009. The Zoning Administrator shall determine whether the signs meet the Form Based Code regulations as modified. No sign permits will be issued until a comprehensive sign plan is approved by the Zoning Administrator as being consistent with the FBC sign regulations as modified above. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the Last Partial Certificate of Occupancy. Individual tenants must apply for and obtain sign permits, including the design, colors, and materials of the signs, which shall be reviewed by