



ARLINGTON COUNTY, VIRGINIA

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

DATE: July 2, 2009

SUBJECT: U-3223-09-1 USE PERMIT REQUEST for approval under the Columbia Pike Form Based Code, 1100 S. Edgewood Street (Columbia Place). (RPC: #32-005-006, -007, -013-016, and -018)

Applicant:

Columbia Place, LLC
John W. Gosnell, Owner
8130 Boone Boulevard
Vienna, Virginia 22182

C.M. RECOMMENDATION:

Approve the use permit application, in accordance with the Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance), for a mixed use project with 14 multi-family residential units, 8 townhouse units, and approximately 3,000 square feet of retail with appropriate modifications for the alley location and streetscape details, subject to the Conditions in the staff report.

ISSUE: This is a use permit request for a Columbia Pike Form Based Code development. Although this site is less than 40,000 square feet in size, modifications are requested which require this proposal to be considered by the County Board for special exception approval. The Planning Commission raised concerns with the alley configuration and the requested modification to adjust the tree pit size on 11th Street South. Some community members have also requested that the County allocate funding for the acquisition and construction of the remaining portion of 11th Street South in this block.

SUMMARY: The applicant is requesting use permit approval of a mixed use project that includes a 14-unit condominium building with approximately 3,000 square feet of ground floor retail, and eight (8) townhouse units. The subject property, bordered by Walter Reed Drive, a future segment of 11th Street South, and S. Edgewood Street, is located within the Columbia Pike Special Revitalization District and is eligible for redevelopment using the Columbia Pike Form

County Manager: _____

County Attorney: _____

Staff: Jennifer Smith, DCPHD, Planning Division
Dolores Kinney, DES, Division of Transportation

PLA-5303

Based Code (FBC). After several review cycles of preliminary plans, staff finds that the final application is FBC compliant, with the exception of the requested modifications hence the need for the current application to be considered and approved by the County Board as a special exception use permit. The applicant requests to modify the required alley location and the size of the street tree pits. Both of these requested modifications are elements that can be modified by the County Board.

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 (FBC). 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 FBC.

Concurrently, a developer was monitoring the formation of the FBC and preparing a FBC development proposal for the subject site. At that time, the proposal consisted of 14 live-work style townhouses. The site was rezoned in February 2003 to the “CP-FBC” Columbia Pike Form Based Code Districts to enable administrative approval of a FBC compliant development proposal. However, the property ownership subsequently changed before that proposal became compliant. The current property owner has been working with staff for several years to determine how the FBC would apply and shape a revised development proposal.

Under the Code, projects involving sites less than 40,000 square feet in area are eligible for administrative approval, unless certain modifications that are allowable by the FBC are requested which automatically trigger the need for special exception use permit review and approval. In either scenario, proposals are subject to staff review and community input.

Site: The 36,239 square foot site is bordered by Walter Reed Drive to the west and S. Edgewood Street to the east. The property abuts a commercial property (Rite Aid) to the north, and five (5) single-family residences to the south that face S. Edgewood Street and 12th Street South. The site currently is vacant except for one existing dwelling that sits on a lot fronting on S. Edgewood Street.

Land Use: The site is designated on the General Land Use Plan (GLUP) as “Low” Residential, which permits low-density residential uses at 1-10 units per acre. The adjacent site to the north is designated “Service Commercial,” which permits personal and business services of generally one to four stories and a maximum 1.5 F.A.R. with special provisions within the Columbia Pike Special Revitalization District. The area to the south is designated “Low” Residential. The subject site, and the adjacent properties, are also designated within the “Columbia Pike Special Revitalization District” and located within the Town Center node.

Zoning: The site is zoned “CP-FBC” Columbia Pike Form Based Code Districts, and is eligible to be developed using the Form Based Code (Section 20, Appendix A). Two

“Building Envelope Standards” are designated for the site under the FBC: “Main Street Site” and “Local Site”. The commercial property to the north is zoned “C-2” Service Commercial - Community Business Districts; the residential properties to the south are zoned “R-5” One Family Residential Dwelling Districts.

Neighborhood: The site is located within the Columbia Heights Civic Association. Community review was coordinated through the Form Based Code Advisory Working Group (FBC AWG), a group comprised of civic association representatives and the Columbia Pike Revitalization Organization (CPRO) which serves as the advisory review group to aide in staff’s assessment of FBC compliance of development projects. The group assessed the project and generally concurred with staff that the project was compliant with the FBC, except for the requested modifications, and were supportive of finally seeing a development project near approval.

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

Proposed Development:

	Required / (Allowed)	Proposed
Site Area		36,239 square feet
Uses		8 townhouse units, 14 multi-family units, and approx. 3,000 square feet of ground floor retail
Total GFA		44,965 square feet
Columbia Pike Form Based Code Requirements		
Building Envelope Standards (Frontage Types)	Main Street Site Local Site	Main Street Site: 13,202.34 sq. ft. Local Site: 11,366.88 sq. ft.
Required Building Line (RBL)	Main Street Site: Min. 75% of building along RBL Local Site: Min. 75% of building along RBL	Main Street Site: 100% (158.91 ft. / 158.91 ft) Local Site: 84% (198.75 ft. / 236.50 ft)
Height	Main Street Site – Up to 6 stories (plus mezzanine)* Local Site – Up to 3 – ½ stories, (includes allowable attic story)* * Where buildings are within 40’ of adjacent properties with single-family detached (SFD) units, heights are 32’ maximum.	Main Street Site: 5 Stories* Local Site: 3 -1/2 Stories* * Where buildings are within 40’ of adjacent properties with single-family detached (SFD) units, heights are 32’ maximum.
Parking	No Parking Required for Sites less	Main Street Site & Local Site are

	Required / (Allowed)	Proposed
	than 20,000	each less than 20,000 sq ft in area
Residential (reserved) spaces	No minimum / 44 spaces (max. allowed)	30 spaces
Residential (shared) spaces	No minimum	4 spaces
Commercial (shared) spaces	No minimum	4 spaces
Commercial (reserved) spaces	No minimum / 3 spaces (max. allowed)	n/a
Total Parking	No minimum	38 spaces
Parking Ratio	No minimum	1.55 per residential unit / 1.33 spaces per 1,000 sq. ft. of retail and office
Open Space <ul style="list-style-type: none"> • Main Street: 15% of Buildable Area • Local Street: 15% of Buildable Area 	Main Street Site: 1,322.55 sq ft (8,817.00 sq. ft. Buildable Area x 15%) Local Site: 1,237.25 sq ft (8,248.32 sq. ft. Buildable Area x 15%)	Main Street Site: 1,337.84 sq ft (15.2% of Buildable Area) Local Site: 1,358.10 sq ft (16.5% of Buildable Area)
LEED Score	No minimum	24* (*with 12 possible additional points)

Transportation: The subject site is located on the east side of South Walter Reed at the terminus of 11th Street South. The site also has frontage on South Edgewood Street. The Master Transportation Plan – Part I, classifies this section of South Walter Reed as a Type C Arterial which has two northbound and two southbound travel lanes, with one turning lane and on-street parking. South Edgewood Street is classified in the Master Transportation Plan as a Non-Arterial Urban Center Local street which has one northbound and one southbound travel lane. South Edgewood also has on-street parking. The extension of 11th Street S. will be constructed on the northern portion of the property. Due to the constraints of the land, the new 11th Street S. will be a one-way, eastbound Urban Center Local street between Walter Reed and Edgewood. When the adjacent commercial property redevelops, the street will be widened to allow for two-way operations and will accommodate parking on both sides.

Streets and Sidewalks: The subject site has frontage along South Walter Reed Drive, the proposed 11th Street S., and South Edgewood Street. Table 1 lists the street classifications as identified in the Master Transportation Plan.

Table 1: Master Transportation Street Classifications

Street	Classification	Travel Lanes	Bike Access	Restricted Access Pkg	On-Street Parking	Pedestrian Access Minimum Sidewalk Widths
S. Walter Reed Street	Type-C Arterial	4 + Turning Lane	Bike Lane	No	Yes	13 ft. s/w 6 ft clear
S. Edgewood Street	Non-Arterial Urban Center Local	2	Bike/Shared Lane	No	Yes	12 ft. s/w 6 ft clear
11 th Street S.	Non-Arterial Urban Center Local	2	Bike/Shared Lane	No	Yes	12 ft. s/w 6 ft clear

The following describes the streetscape for each of the streets that abut the site.

South Walter Reed: Currently exists with two (2) northbound and two (2) southbound travel lanes, at a minimum width of sixty-four (64) feet, and a 4-foot sidewalk. The applicant’s proposed cross section is consistent with the FBC Regulating Plan and the adopted cross sections for this section. The applicant proposes to construct a 13-foot-wide sidewalk measured from the Required Building Line (RBL) to the back of curb, including a tree pit.

South Edgewood Street: Currently exists with two (2) travel lanes and no sidewalk fronting the site. South Edgewood Street runs north and south and has a minimum width of thirty-one (31) feet along this property. The applicant’s proposed cross section is consistent with the FBC Regulating Plan and the adopted cross section. The applicant proposes to construct a 19-foot wide sidewalk measured from the RBL to the back of curb, including a tree pit.

11th Street South: As a part of this development, a new section of 11th Street will be constructed with a minimum width of 23-feet from the face of curb to the property line and will provide frontage for the northern portion of the site. The Master Transportation Plan classifies 11th Street S. as a Non-Arterial Urban Local Center street, which requires two (2) travel lanes, and a minimum 6-foot wide clear sidewalk. The applicant’s proposed cross section is consistent with the FBC Regulating Plan and the adopted cross section except for the width of the tree pits. In the interim, the applicant proposes 11th Street S. as a one-way eastbound street until the adjacent property redevelops. The applicant proposes to construct a 14-foot-wide sidewalk from the RBL to the back of curb, including tree pits. The applicant proposes to narrow the tree pit width from 5 feet to 4 feet in order to accommodate the necessary space for stoops and stairs to each adjacent unit and to maintain the minimum 6-foot-wide clear walkway.

Pedestrian Circulation The plan proposes pedestrian circulation by providing contiguous sidewalk around the perimeter of the site with a minimum six (6) feet of clear sidewalk to be maintained along all street frontages.

Parking and Loading: No parking currently exists on the site, and none is required. The Form Based Code does not require parking for sites which are less than 20,000 square feet. In this case, the subject property has two sites defined by two Building Envelope Standards, Main Street Sites and Local Sites, and each site is less than 20,000 square feet. As such, no parking is required for this proposal. However, the applicant proposes both on-site and on-street parking consisting of thirty-eight (38) on-site parking spaces which include seven (7) covered parking spaces, sixteen (16) residential spaces, and seven (7) spaces in a surface lot. The plan also includes on-street parking, along South Edgewood and South Walter Reed. Once 11th Street is fully built, additional on-street parking may exist.

Public Transit: The site is well served by public transit, including service by Metrobus #10B, along South Walter Reed, ART Bus #74, along South Barton Street approximately 450 feet east of the site, and Metrobus #23A and 23C, along S. Glebe Road, approximately 800 feet west of the site. Also, the Metrobus #16 route along Columbia Pike, which is one block north of the site, provides connections to the Pentagon and Pentagon City Metrorail stations as well as service directly to Washington, DC.

Bicycle Access: The subject site is conveniently located with respect to accessing a number of bicycle trail and route facilities. An on-street bike route is located one block south of the site on 12th Street South, from S. Cleveland Street to S. Quincy Street. A one-block section on 12th Street South, between South Glebe Road and Monroe Street is an off-street shared use bike trail. West of the site, a bike route also travels along South Highland Street from 12th Street to 7th Street. East of the site, a bike route extends along Cleveland Street from 12th Street to Columbia Pike.

In addition, the FBC describes the minimum bicycle parking requirements for the site. For residential development, the developer must provide 1 tenant bicycle parking rack or bicycle locker (2-bike capacity) per 3 units and 1 visitor bicycle parking rack (2-bike capacity) per 50 units. For retail development, the developer must provide 1 employee bicycle parking rack or bicycle locker (2-bike capacity) per 5,000 square feet of GFA and 1 visitor/customer bicycle parking rack (2-bike capacity) per 12,500 square feet of GFA. The developer proposes to provide 20 bicycle racks as shown in Table 2 below.

Table 2: Proposed Bicycle Parking

Bicycle Racks Required		
	GFA/Units	Requirement
Retail Development Employee 1/5,000 GFA	<3000	1
Retail Development Visitor 1/12,000 GFA	<3000	1
Residential Development Tennant 1/3 Units	22 Units	8
Residential Development Visitor 1/50 Units	22 Units	1
Total Required		11
Bicycle Racks Provided		
		Amount Provided
TH Private Garage Edgewood (Covered)		5
TH Private Garages 11 th Street (Covered)		3
Multifamily Garage South Walter Reed (Covered)		6
On Street Edgewood		3
On Street South Walter Reed		3
Total Provided		20

Utilities: Adequate water and sanitary sewer system capacity will be available to serve the development. Approximately 180 feet of 8-inch sanitary sewer will be constructed in 11th Street South with a connection to existing sanitary sewer in South Edgewood Street. Approximately 130 feet of 12-inch water main will be constructed on South Walter Reed Drive, 175 feet of 8-inch water main on South Edgewood Street and 245 feet of 8-inch water main will be constructed on 11th Street South.

DISCUSSION: As part of the Columbia Pike Special Revitalization District, the subject site is eligible for redevelopment under the Columbia Pike Form Based Code. The proposal is subject to use permit approval by the County Board due to the applicant’s request for approval of several modifications to the FBC. Otherwise, the subject project would be eligible for administrative approval if no modifications were requested since the subject site is less than 40,000 square feet in total area.

The Regulating Plan (map) of the FBC specifies which Building Envelope Standards (BES) applies to each property, and specifically establishes the parameters for how the street frontage shall be built. The BES sets forth regulations pertaining to building height, building placement, and permitted uses on parcels within the District. The FBC also specifies where 15% of the Buildable Area shall be built and maintained as open space (Open Contiguous Lot Area). In this case, the subject site has been designated with two BES designations, “Main Street Site” on Walter Reed Drive and “Local Site” on 11th Street South and S. Edgewood Street. The applicant proposes to extend the Main Street Site frontage fifty (50) additional feet along 11th Street South from the Walter Reed Drive frontage, an option allowed under the FBC. This extension is needed to construct a building at the corner of Walter Reed and 11th Street following only one set of BES regulations. The Main Street frontage calls for a building between three (3) and six (6) stories in height. The Local Site frontage calls for a building of 3-1/2 stories in height. However, due to the subject site’s proximity to adjacent single-family dwellings, any buildings

within 40 feet of the abutting single-family detached property line is limited to 32 feet in height, as measured to the bottom of the eaves or to the top of the parapet. For this project, the requirement applies to the South Walter Reed Drive frontage and has been met.

For the Main Street Site, the applicant proposes a mixed-use, 5-story building with approximately 3,000 square feet of ground floor retail and 14 upper-story condominium units. The applicant proposes to step down the building height to 32 feet for the southern portion of the building that abuts the neighboring single-family dwelling property in order to comply with the FBC. The building is situated on the Required Building Line (RBL) for nearly 100% of its street frontage. The applicant has maintained an eight (8) foot setback along the southern property line. The required open contiguous lot area for the Main Street Site is located in the block's interior adjacent to surface parking spaces and it is contiguous with the open contiguous lot area required for the Local Site portion of the project. Although not required, parking for the Main Street building occurs behind the building in the block's interior; it is not visible from the street.

For the Local Site, the applicant proposes eight (8) townhouse units, three (3) facing 11th Street South and five (5) facing S. Edgewood Street. Each unit is 3-1/2 stories. Six units utilize a flat roof with a parapet and the half-story attic floor is set back 12 feet from the building line, per the FBC. Two units, nearest to the neighboring single-family dwellings, are designed with a pitched roof and dormers to accommodate the allowable one-half story; these units have a height limit of 32 feet to the bottom of the eaves. The eight townhouse buildings are situated on the RBL, occupying approximately 84 percent of the Local BES frontage. The required open contiguous lot area fronts on the S. Edgewood Street RBL, adjacent to the southernmost townhouse. A street wall has been proposed, consistent with the FBC, where the open space fronts on the RBL. Although not required, garage parking for the townhouse units is provided off the alley in the rear of each unit.

During the course of the review for this proposal, the applicant has continually refined the site and building layouts and architectural treatments to better comply with the FBC regulations. Staff has concluded that the proposed project and the architectural renderings attached are in compliance with the Form Based Code, with the exception of two areas where modifications are requested. Staff finds that the proposal is consistent with the goals of the Columbia Pike Initiative – A Revitalization Plan (Update 2005).

Modifications: The applicant requests to modify the location of the rear alley and to modify one element of the Streetscape regulations, narrowing the street tree pit widths along 11th Street South. Both of these elements can be modified by the County Board pursuant to the FBC.

- Alley: Unless shown on the Regulating Plan, an alley is required within the rear setback and shall provide access to the rear of all lots by definition under the FBC regulations. For this site, no alley is shown on the Regulating Plan; therefore, the FBC text applies. The rear setback would be determined by the location of the rear lot line and, for a corner lot such as this, the rear lot line is considered to be the property line that is furthest from and most parallel to the shorter of the two front property lines. In this case, the shorter

front property line is Walter Reed Drive, and the rear of the lot would, therefore, occur at the opposite property line along S. Edgewood Street. Locating the alley there would clearly conflict with the FBC which specifies a RBL for S. Edgewood Street. Under the FBC, the County Board may modify the location of alleys and place the required alley elsewhere on the site when unusual circumstances, common for small sites, preclude the FBC requirements from being implemented in a feasible, functional, and appropriate manner and when it finds that an alternative placement may better meet the intent of the FBC. Since an alley along S. Edgewood would conflict with the FBC regulations and would not be compatible with the vision established for the corridor, the applicant proposes an alternative location for the alley that connects from 11th Street South and provides access to the rear of all lots within the block interior. With this design, the developer is able to maintain buildings along the required building lines for the majority of the three street frontages. Staff concludes that the proposed alley location meets the overall intent of the FBC by providing access to parking and loading areas within the block's interior and maintaining compliance with the other FBC regulations.

At such time in the future when the remaining block area is under consideration for redevelopment, staff would work with an applicant to examine how the alley requirement would need to be met and best serve the development on this block. While the alley for this block may not necessarily have to fully connect with adjacent blocks, staff would evaluate on a case by case basis how additional connectivity to adjacent blocks and/or properties occurs in other areas of the Revitalization District. Without knowing how the properties might consolidate, it is unknown where a future alley location would be required; however, it is possible that an applicant for the remainder of the site may also need to seek a modification of the alley location due to the corner lot situation. In examining where an alley would be placed, staff would seek an alley location that connects with the proposed alley on the subject site and one that is consistent with the overall vision and intent of the FBC. A possible and logical connection might occur at the western segment of the proposed alley behind the Main Street building.

- Streetscape Element: Under the FBC, a number of streetscape requirements are specified, including the dimensions for tree pits and overall tree pit size in area. The minimum dimension in any one direction is 5 feet and the overall minimum tree pit area is 60 square feet. Along 11th Street, the applicant proposes to reduce the minimum tree pit dimension from 5 feet to 4 feet. This proposed reduction is needed to accommodate the minimum 6-foot-wide clear walkway and the space needed for the required stoop and stairs associated with each townhouse main entrance. However, the applicant proposes to lengthen the respective tree pits from 12 feet to 14 feet in order to maintain the total area of at least 60 square feet. Although one dimension of the tree pits size is less than the minimum requirement, staff supports the modification because the overall tree pit size is maintained and the four-foot-wide dimension has been used in other limited locations where conditions have not allowed for the minimum 5-foot-wide tree pit size. In the future, staff may reexamine the typical street cross sections that were developed for the side streets along the Pike corridor to determine if any further adjustments are needed so

as to avoid having this narrower tree pit condition duplicated on other streets where stoops and stairs are required. Staff will continue to work with the applicant at the time of the Landscape Plan review to determine the most beneficial tree planting techniques in these areas.

Community Review Process: Pursuant to the FBC Administrative Regulations 4.1.2, once the applicant's preliminary plans were substantially complete and compliant with the FBC, the applicant and staff met with the Columbia Pike Form Based Code Advisory Working Group (April 21, 2009) to review the plans with the FBC Checklist. Through this meeting, the AWG members asked questions about the project and the FBC regulations including whether the alley would have public access easements or remain private, and how it might connect in the future to the remaining block area. Staff recommends that a condition be approved requiring the applicant dedicate an easement over the alley for public street access. Overall, the AWG was supportive of the plans and did not indicate any concerns with the project moving forward. The issue related to future connectivity to the adjacent properties is discussed above.

Also required by the Administrative Regulations 4.1.2, the applicant presented the plans at a community meeting on June 15, 2009. CPRO representatives and community members from the Douglas Park and Columbia Heights civic associations attended the meeting. The following questions and concerns were discussed:

- Can the Fire Marshall's regulation to maintain a 20-foot wide drive aisle along 11th Street be waived, or reduced, in order to construct the three proposed parking spaces along the south edge?

Staff Response: The Fire Marshall previously indicated that the 20-foot wide drive aisle minimum standard must be met along 11th Street which would have precluded the installation of three on-street parallel parking spaces (8-foot-wide) on 11th Street until the full street width is provided because there would be insufficient clearance. After further discussion with the Fire Marshall and staff, the applicant may reduce the width to no less than 15 feet and the on street parking spaces may be reduced to 7 feet if the developer confirms that the townhouses on 11th Street are fully sprinklered and the street is built fully to the northern property line, rather than to the centerline as shown on the plans. When the full width of 11th Street is constructed, the parking area would increase to 8 feet from the face of curb. The nub areas at Walter Reed Drive and 11th Street will be at least 15 feet wide and is acceptable to the Fire Marshall. Condition # 44 clarifies what measures would be needed in order for the developer to construct 3 on-street parking spaces on 11th Street during the interim timeframe.

- Can the County obtain the necessary easements, or acquire property, from the adjacent property owner, and funding, to implement the balance of 11th street so that the full street can be implemented with this project, or at least acquire the necessary easements to allow for the above-mentioned three parking spaces?

Staff Response: When the FBC was adopted, several new streets were included on the FBC Regulating Plan map, including 11th Street South running parallel to Columbia Pike. The County expects that these new streets would be implemented through

redevelopment projects and as a result, interim conditions may occur that are less than the full-street and sidewalk cross sections. At this time, the County has not identified any funding resources to acquire property and construct the balance of 11th Street South on the neighboring commercial property. County staff encouraged the applicant to pursue a narrow easement from the adjacent property owner in order to obtain sufficient space to allow for three on-street parking spaces and meet the minimum 20' drive aisle. The applicant has not obtained an easement from the adjacent property owner and has removed the three parking spaces for the interim scheme. During the interim, the new street segment would serve one-way eastbound vehicular traffic from Walter Reed Drive to S. Edgewood Street.

- Can the applicant design the project, and the County require, using green-building techniques?

Staff Response: Under the FBC, applicants are required to submit a LEED scorecard showing possible green-building design elements as part of the formal application. The applicant has met this requirement and shows a range of 24-36 possible points for this project.

Planning Commission: The Planning Commission considered this item at its meeting on June 29, 2009 and voted 3-4-3 against a motion to approve the use permit.

Overall, the Planning Commission members raised several concerns with the proposed alley design and connectivity and questioned whether other modifications could have been proposed rather than reducing the tree pit width. In addition, the Commission raised concerns including the architectural design and the accessibility of units, questioned staff's interpretation on how parking would be regulated under the FBC, and several expressed that they had insufficient information to verify staff's conclusion that the project is FBC compliant. In order to indicate the level of compliance, staff has included a copy of the final FBC Checklist with this staff report (see Attachment 1), which had not been provided with the Planning Commission report pursuant to prior practices when FBC projects had been reviewed in the past. Staff has concluded that the proposed alley location is suitable for the site and that it meets the intent of the FBC regulations. Staff would evaluate in the future how this alley, once built, could connect to the remaining area of the block when redevelopment proposals for those areas are submitted for review.

In addition, staff recommends modification of the tree pit size rather than lowering the first floor level of the buildings or moving the Required Building Line along 11th Street South. After careful consideration, staff did not recommend that the applicant adjust the Required Building Line placement nor did staff recommend that the applicant lower the building height of units thereby minimizing the area needed for stoop and stair access. With regards to the RBL placement, staff has reviewed the 11th Street frontage in this section for several years and considered its placement settled and a threshold starting point for development. In addition, the small site size, combined with the multiple frontage types, added much complexity to this site and further setbacks from the street would continue to diminish development viability. Staff

does not recommend moving the RBL on 11th Street further from the proposed centerline. With regards to the first floor elevation, staff concluded that the criteria upon which a modification would be evaluated to adjust the first floor elevation is topography. Per the FBC, page 58, the text indicates that the examples of [modifications] that may be considered by the County Board may include "...problems related to topography or Street grade...". Staff discussed this option with the developer early in the review process and concluded that the relatively flat site does not provide a compelling reason to lower the buildings' finished floor heights and, more importantly, the raised elevation was a fundamental principle for development on Local Sites under the FBC. This separation would provide better privacy from the public sidewalk into the living quarters. Therefore, staff indicated that there was not support to lower the townhouse elevation along 11th Street, or similarly on S. Edgewood Street. Instead, staff recommended that the applicant modify the tree pit dimensions so that the space needed for the stoops and stair access could be provided, as well as the six-foot wide clear sidewalk. Lastly, staff does not view the dimensional change to the tree pit sizes in this location to negatively impact the survivability of the street trees.

CONCLUSION: Staff concludes that the proposal meets the Columbia Pike Form Based Code regulations, with the exception of the requested modifications, and therefore, staff recommends that the County Board approve the use permit request, subject to the use permit conditions attached to this report.

Columbia Place Proposed 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.

The following Conditions of FBC Use Permit approval (#1 through #7) are valid for the life of the FBC Use Permit and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.

1. **Use Permit Term**

The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and the revised plans dated May 11, 2009 and May 14, 2009 and reviewed and approved by the County Board and made a part of the public record on July 11, 2009, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

This Form Based Code Use Permit approval expires three (3) years after the date of County Board approval if a footing to grade permit has not been issued for the first building to be constructed pursuant to the approved plan. Extension of this approval shall be at the sole discretion of the County Board. The owner agrees that this discretion shall include a review of this Use Permit for a Form Based Code project and its conditions for their compliance with then current County policies for land use, zoning and special exception uses.

Pre-Construction Meeting

2. The developer agrees to coordinate and conduct a pre-construction meeting in a County office building prior to the issuance of any permits for the site plan. The meeting participants shall include the developer and its construction team, and relevant County staff. Relevant County staff will include the following personnel and division representatives: DCPHD Columbia Pike Initiative Coordinator, Zoning Plan Review and Inspectors, Department of Environmental Services (DES) Transportation Planner, Landscape Plan team, and other departments as determined by the County Manager. The developer agrees to notify the above meeting participants of the meeting time and location at least two weeks in advance. The purpose of the pre-construction meeting is to discuss the requirements of the Use Permit conditions.

Plan for Temporary Circulation During Construction

3. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. Exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The developer agrees to provide a copy of the approved plan to the appropriate civic associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

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

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

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The developer agrees to ensure 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.

Compliance with Federal, State and Local Laws

4. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this Form Based Code Use Permit plan and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this Use Permit approval. The developer specifically agrees that the County has the authority to take such actions as may be necessary, to include the issuance of a stop work order for the entire project, when the developer is not in compliance with the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.

Post-County Board 4.1.2 Filing

5. The developer agrees to file three copies of a Use Permit plan and the tabular information form, and digital copies on compact disc in JPEG, PDF, and DXF formats, which complies with the final approval of the County Board and with Administrative Regulation 4.1.2, with the Zoning Administrator within 90 days of the County Board approval and before the issuance of the Clearing, Grading and Demolition Permit.

The developer agrees to include on the post-4.1.2 plans details regarding existing traffic signal system infrastructure, e.g., poles, meters, controller cabinets, and to indicate on the plans if any part of the system will be moved and to where it is proposed to be moved.

The developer agrees to convene and participate in a meeting with pertinent County staff to address requirements of the Use Permit approval, per Condition #2.

The developer also agrees that no changes to the approved post-4.1.2 plans can take place in the field. All post-4.1.2 plan changes must be approved by the lead DCPHD contact for the Use Permit.

Community Liaison and Activities During Construction

6. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
 - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
 - b. Before commencing any clearing or grading of the site, the developer shall hold a community meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative must be notified once the community meeting dates/times are established. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. The developer agrees to submit to the Zoning Administrator two (2) sets of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation (one set of which will be forwarded to the Police). Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project. The location of all construction trailers shall be approved either by Administrative Change approval or to be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers shall require approval by DES staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.
 - c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.

- d. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.
- e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10:00 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. “Holidays” are defined as New Year’s Day, Martin Luther King Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.
- f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager.

7. **Vacations and Encroachments**

Prior to the issuance by the County of any permit for development of the Form Based Code Use Permit plan, except for demolition permits solely for buildings and structures neither owned by the County nor located on property in 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 Use Permit plan referenced in Condition # 1 of this Ordinance and in accordance with final site engineering plans for the project approved by the County. Irrespective of any other conditions set forth herein, the developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless and until the developer, before any Excavation/Sheeting and Shoring Permit is issued, first has: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s).

The following Conditions of Form Based Code Use Permit plan approval (#8 through #23) are valid for the life of the Use Permit and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.

- Coordination of these plans: final site development, landscape and site engineering**
8. The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final site development plan and a landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The developer agrees to provide a copy of the final landscape plan to the immediate neighbors to the south of the property and to the Columbia Heights Civic Association President, or his/her representative prior to the County Manager's approval. The final site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final civil engineering plan as required in Condition #12 below, as well as a vicinity map with major streets labeled. The final landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the final landscape plan and the final civil engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's Use Permit approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the Use Permit plan, and, at a minimum, shall conform to: the landscaping requirements in Conditions #10 and 15 below; the Arlington County Streetscape Standards if applicable; the Columbia Pike Form Based Code; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the Use Permit approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the civil engineering plan. All hardscape features shown on the approved landscape plan shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy. All plant materials shown on the final landscape plan shall be installed before the issuance of the first Partial Certificate of Occupancy for any space above grade for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season and the availability of planting materials.

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

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, bus stops, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final civil engineering plan and placed so they do not obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, and interior walkways. Transformers shall not be placed in any area designated as open contiguous lot area defined by the FBC, or other areas not permitted by the FBC.

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:

- 1) A pedestrian-activated traffic signal pole at the corner of Walter Reed and 11th Street as shown on the drawings dated May 11, 2009 and May 14, 2009.
- b. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of five (5) ~~four (4)~~ feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to the Columbia Pike Form Based Code or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.
- c. 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 #43 below.

- d. Topography at two (2) foot intervals, and the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- e. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures. Include public art information, if known.
- f. The location and planting details for street trees in accordance with Department of Environmental Services Standards and Specifications for planting in public rights-of-way and as shown on the final civil engineering plan.
- g. The limits of demolition and construction.
- h. Any overhang created by parking spaces located perpendicular to or abutting walkways shall not interfere with pedestrian movement on the walkway. The maximum overhang shall be three (3) feet and additional walkway shall be provided to accommodate the overhang.
- i. Building roof drains shall connect directly to the underground water detention system unless an alternative arrangement is approved by the County Manager on the final site development and landscape plan. In the case of an alternative arrangement, discharge of runoff shall be controlled to preclude sheeting of water onto sidewalks or patios.
- j. Mechanical equipment shall be located and/or screened so as not to be visible from public rights-of-way. The location of all transformers serving this site shall be approved by the County Manager as part of the final site development and landscape plan and shown on both the final landscape plan and the final site engineering plan.
- k. Privacy walls shall be constructed of durable materials as specified by the Columbia Pike Form Based Code ~~such as brick, cedar or redwood~~ and are subject to approval by the County Manager on the final site development and landscape plan. All privacy walls adjacent to the public right-of-way and any other walls as required by the Columbia Pike Form Based Code ~~County Manager~~ shall be constructed consistent with the Columbia Pike Form Based Code ~~of brick and shall not exceed a height of five and one half (5 ½) feet above the adjacent sidewalk.~~ All retaining walls shall be ~~constructed of either masonry or brick and are~~ subject to approval by the County Manager on the final site development and landscape plan.

The developer agrees that once approved, the final landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved through an Administrative Change request. The developer further agrees he will meet and review the proposed final landscape plan with the adjacent neighbors to seek any feedback on the design of the wall and landscape plantings abutting the southern portion of the site prior to the County Manager's approval of the final landscape plan.

Landscape Standards

9. The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements:
 - a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
 1. Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #15 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 plant all street trees prior to issuance of the first Partial Certificate of Occupancy for any space above grade for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season and the availability of street trees. The developer also agrees to fulfill the Public Improvement Bond requirements (Condition #27). The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
 - c. All new lawn areas shall be sodded. All sod shall be state certified.

- d. Exposed earth not to be sodded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
- e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.
- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.

Utility Company Contacts

10. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the developer agrees to submit to the Zoning Administrator copies of letters from the developer to the utility companies offering them access as stated above for each phase of the project. The developer agrees to also contact the Development Services Bureau Chief, Transportation Division of the Department of Environmental Services in Arlington County not less than two (2) months prior to its planned commencement of utility undergrounding for each phase of the project to offer the County, at no cost to the County, concurrent access to the locations where the developer plans to excavate trenches or similar areas during developer's installation of underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. If, at the completion of all other utility installation, the County has not completed all of its installation, the County shall have an additional thirty (30) days to complete its installation. Such access, and the terms and conditions under which access to the site will be provided and the undergrounding activities of the County and the developer will be coordinated, shall be set forth in an agreement approved by the County Manager and the County Attorney.

Final site engineering plan approval by DES

11. The developer agrees to submit final site engineering plans to the Department of Environmental Services. The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted. Staff comments on the final engineering plans will not be provided to the developer without submission of the landscape plan to the Zoning Office. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Department of Environmental Services and the CPHD Columbia Pike Coordinator, as consistent with all Use Permit approval requirements and all County laws. To ensure final sign-off, the plans shall include CPHD Columbia Pike Coordinator review and signature blocks. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Department of Environmental Services for recording.
12. All sanitary sewers and water mains, including water services, shall have a minimum of 10-feet horizontal clearance from each other and 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-inches and larger, and mains placed more than 10-feet below the surface shall have a minimum of 15-foot horizontal clearance from buildings and other structures; and sanitary sewers 15-inches and larger, or sewers placed more than 10-feet below the surface shall have 15-foot minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

Pavement, Curb and Gutter Along All Frontages

13. 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, and/or the then-current Arlington County 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. South Walter Reed Drive: The developer agrees to construct curb and gutter at a minimum distance of approximately 36-feet, (back of curb) from the survey centerline along South Walter Reed Drive as shown on the final site engineering plan as approved by the County Manager or his designee, and a minimum of 13-foot wide concrete sidewalk to include tree pits and minimum 6-foot clear sidewalk.
 - b. The developer agrees to construct handicap ramps along South Walter Reed Drive at the on-site and receptive corners of the intersections of South Walter Reed Drive and the new 11th Street as shown on the final engineering plan approved by the County Manager.

- c. The developer agrees to construct pedestrian crosswalks of materials as approved by the County, built per Arlington County Standards, along South Walter Reed Drive at the intersections of South Walter Reed and the new 11th Street, as shown on the final engineering plan approved by the County Manager.
- d. 11th Street: The developer agrees to construct curb and gutter at a minimum distance of approximately 24-feet (back of curb) from the property line as shown on the final site engineering plan as approved by the County Manager or his designee, and a minimum 14-foot wide sidewalk to include tree pits and minimum 6-foot clear sidewalk adjacent to the curb along 11th Street.

The developer agrees that the portion of 11th Street South that will be constructed with this Use Permit plan, will provide three (3) on-street parallel parking spaces along the southern curb, west of the proposed alley entrance/exit, at a minimum width of 7 feet from face of curb; that the drive aisle clearance adjacent to the on-street parking spaces is maintained a width of at least 15 feet and shown on the final engineering plans per Condition #11; that the three (3) adjacent townhouse units facing 11th Street South will be fully sprinklered to meet the satisfaction of the Fire Marshal; and that the constructed portion of 11th Street South will be built to the northern property line unless otherwise approved by the County Manager, with all other aspects of this Condition being met.

- e. The developer agrees to construct 11th Street S. as a one-way eastbound street until such time that the adjacent property redevelops. The developer further agrees to coordinate with the adjacent property owner to construct 11th Street to its ultimate design.
- f. South Edgewood Street: The developer agrees to construct curb and gutter at a distance of approximately 23-feet (back of curb) from the survey centerline along South Edgewood Street as shown on the final site engineering plan as approved by the County Manager or his designee, and a minimum 19-foot wide concrete sidewalk to include tree pits and minimum 6-foot clear sidewalk.
- g. The developer agrees to construct handicap ramps along South Edgewood Street at the on-site and receptive corners of the intersections of South Edgewood Street and the new 11th Street as shown on the final engineering plan approved by the County Manager.
- h. The developer agrees to construct pedestrian crosswalks of materials as approved by the County, built per Arlington County Standards, along South Edgewood Street at the intersections of South Edgewood Street and the new 11th Street, as shown on the final engineering plan approved by the County Manager

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the Columbia Pike Form Based Code Streetscape Standards or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the Use Permit plan drawings dated May 11, 2009 and May 14, 2009, unless otherwise amended at the time the County Board approves the project and unless the County provides additional funding to offset such increased cost.

14. **Sidewalk Design and Improvements**

The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager on the final landscape plan and final civil engineering plan, in accordance with the Columbia Pike Form Based Code Streetscape Standards. The clear pedestrian zone of all public sidewalks shall also be indicated.

The sidewalk clear zones along the street frontages of this development shall be consistent with the Columbia Pike Form Based Code Streetscape Standards and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services. The developer agrees that the clear pedestrian zone sidewalk shall:

- a. Continue across all alleys and any driveway aprons for loading and garage entrances along all frontages of the Use Permit plan, and there shall be no barriers to impede the flow of pedestrian traffic.
- b. Not be less than six feet wide at any point.
- c. Allow encroachments by sidewalk cafes only in accordance with Condition # 49 and under the provisions of the Columbia Pike Form Based Code Streetscape Standards.
- d. Allow pinch-points only under the provisions of the Columbia Pike Form Based Code 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 by the Columbia Pike Administrative Review Team and under the provisions of the Columbia Pike Form Based Code Streetscape Standards.
- f. 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 *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement options shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standard. The developer, or any subsequent owner, also agrees to maintain and replace the street trees and sidewalks for the life of the Form Based Code Use Permit. The sidewalk sections and street tree species shall be as follows:

- a. S. Walter Reed Drive – a minimum 13-foot, wide sidewalk measured from the back of curb maintaining a 6-foot wide clear sidewalk, including 5 feet by 12 feet tree pits placed at the back of curb, planted with 4 ½ inch caliper Red Maple street trees, or as otherwise approved by the Columbia Pike FBC Administrative Review Team at the time of final Landscape Plan approval, placed 25 to 30 feet on center.
- b. 11th Street South – a minimum 14-foot, wide sidewalk measured from the back of curb maintaining a 6-foot wide clear sidewalk, including 4 feet by 15 feet tree pits placed at the back of curb, planted with 4 ½ inch caliper Red Maple street trees, or as otherwise approved by the Columbia Pike FBC Administrative Review Team at the time of final Landscape Plan approval, placed 25 to 30 feet on center.
- c. S. Edgewood Street – a minimum 19-foot, wide sidewalk measured from the back of curb maintaining a 6-foot wide clear sidewalk, including 5 feet by 12 feet tree pits placed at the back of curb, planted with 4 ½ inch caliper Red Maple street trees, or as otherwise approved by the Columbia Pike FBC Administrative Review Team at the time of final Landscape Plan approval, placed 25 to 30 feet on center.
- d. The developer agrees that all underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site development and landscape plan. Utility lines shall not be located beneath street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.
- e. The developer agrees that if the County develops and/or revises the streetscape paving and furniture standards in the adopted Columbia Pike Form Based Code, prior to submission of the final site engineering plans, the streetscape paving and furniture standards shall be incorporated into the final site engineering plans.

Water Service Requirements

15. 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.

Existing Water Main or Fire Hydrant Service

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

Replacement of Damaged Existing Curb, Gutter and Sidewalk

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

Street Lighting Requirements

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

The developer agrees to purchase and install "Carlyle" standard street lights along all frontages of the site in accordance with the Columbia Pike Form Based Code. The developer agrees to remove all standard thoroughfare lights from the site, unless the County decides that one or more are required to provide adequate lighting for street safety purposes at intersections. The developer agrees to pay the cost of moving existing or installing additional standard thoroughfare lights if required above.

Underground Existing Aerial Utilities

19. The developer agrees to remove or place underground all existing aerial utilities within or along the periphery of the entire Use Permit 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. The developer agrees that this condition does, and shall not be construed to grant, to the developer, any rights or permissions for the developer to install utilities and related facilities underground within any land in which the County has a property interest, unless the developer first obtains from the County all approvals and permissions which authorize such installation(s).

Off-street Parking for Construction Workers

20. The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected. The developer agrees that neither construction vehicles nor construction worker vehicles will be permitted to park on the neighboring streets during the hours of construction. The developer also agrees that all construction traffic shall enter and leave the site using South Walter Reed Drive.

Address Indicator Signs

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

Façade Treatment of Buildings

22. 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, dated March 25, 2009 and May 11, 2009, and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples, for review by the County Manager for consistency with this Use Permit plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

In addition, the developer agrees to:

- a. Place all vents on the interior wall of the adjacent balconies, where possible, or otherwise away from view along facades along the Required Building Lines;
- b. Explore the use of newer technologies to reduce the height of the mechanical penthouse, and provide cladding that is compliant with the Columbia Pike Form Based Code and similar in texture and color to the other exterior façade elements and materials.

Recordation of Deeds of Public Easements and Deeds of Dedications

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

In addition to any other easements or dedications that may be otherwise required by this Use Permit, the developer, its successors in interest and title and assigns agrees to make the following conveyances and dedications, the deeds for which shall comply with the requirements of the above paragraph in this Condition #23 unless otherwise specifically provided below.

- a. To grant and convey, to the County Board, an easement for public sidewalk and utilities purposes, approximately 105 square feet in area, running the length of the western property line from the Required Building Line (“RBL”) to the western property line of the property upon which the Use Permit project is located (“Property) and as further shown on a plan entitled “Exhibit Showing Proposed Street Dedications and Easements”, dated (not provided) (“Plan”) (see Attachment 2). Such easement for public sidewalk and utilities purposes may provide a reservation unto the Developer, within the boundaries of the easement, to construct and locate above grade only building features, appendages or other protrusions within the easement area, provided, however, that such building features, appendages or other protrusions are consistent with and required by the Columbia Pike Form Based Code and the final engineering plans approved by DES. The developer, its successor in interest and title and assigns agrees, at its sole cost and expense, to perform and pay for all care, cleaning, maintenance, including snow and ice removal, repair, replacement, installation and removal of any curbs, signage, pavement marking, street trees and other landscaping, benches, trash receptacles, bicycle racks, lighting, sidewalk paving, fire hydrants, parking meters, and other similar facilities (collectively “Facilities”) and all areas located in such public sidewalk and utilities easement. Developer agrees obtain enactment of an ordinance of encroachment as required by Condition #8 for any above grade building feature, appendages or other protrusions which are proposed to be located in the public right of way abutting and outside of the sidewalk and utilities easement area.

- b.
 - i) To dedicate in fee simple, to the County Board, for public street and utility purposes, an area which is approximately 38 feet in width, running along the entire northern property line of the Property from the northern property boundary line of the Property to a line which is located at the edge of the required 6-foot wide clear sidewalk closest to the Required Building Line along future 11th Street South to the northern Property line and as further shown on the attached Plan. After the time of dedication in fee simple, the developer agrees to continue, at its sole cost and expense, to perform and pay for all care, cleaning, maintenance, including snow and ice removal, repair, replacement, installation and removal of any Facilities (as defined in subsection a. above) located within that portion of the dedicated area containing the sidewalk.

- (ii) Notwithstanding the above subsection (i), in that area adjacent to the RBL for the mixed use building to be constructed at the corner of South Walter Reed Drive and 11th Street South and located along 11th Street South for approximately 50 feet, the developer shall grant and convey to the County Board a six feet wide easement for public sidewalk and utilities purposes and as further shown on the attached Plan. Such easement for public sidewalk and utilities purposes may provide a reservation unto the Developer, within the boundaries of such easement, to construct and locate above grade only building features, appendages or other protrusions within the easement area, provided, however, that such building features, appendages or other protrusions are consistent with and required by the Columbia Pike Form Based Code and the final engineering plans approved by DES. The developer, its successors in interest and title and assigns agrees, at its sole cost and expense, to perform and pay for all care, cleaning, maintenance, including snow and ice removal, repair, replacement, installation and removal of any Facilities (as defined in subsection a. above) located in the public sidewalk and utilities easement shown on the Plan and for all areas in such public sidewalk and utilities easement.
- c. To dedicate in fee simple, to the County Board, for public street and utility purposes, an area which is approximately 17 feet in width, running along the entire eastern property line of the Property from the eastern property boundary line of the Property to a line which is located at the edge of the required 6-foot wide clear sidewalk closest to the Required Building Line along future South Edgewood Street to the eastern Property line and as further shown on the attached Plan. After dedication in fee simple, the developer agrees to continue, at its sole cost and expense, to perform and pay for all care, cleaning, maintenance, including snow and ice removal, repair, replacement, installation and removal of the the Facilities (as defined in subsection a. above) located within that portion of the dedicated area containing the sidewalk.
- d. To grant and convey, to the County Board, an easement for public access and utilities purposes, approximately 5,405 square feet in area which is shown as the alley in the plans dated May 11, 2009 and as further shown on the Plan, and approximately 23 feet in width from 11th Street to the rear of all townhouse units and the mixed-use building.
- i. The developer may construct and locate any roadbed, roadway, pavement, curbs, signage, pavement marking, street trees and other landscaping, benches, trash receptacles, bicycle racks, lighting, sidewalk paving, fire hydrants, parking meters, and other similar facilities (“Facilities”) in the area of the alley shown on the Plan.
- ii. The developer, its successors in interest and title and assigns, agree, at its sole cost and expense, to perform and pay for the continued care, cleaning,

maintenance, including snow and ice removal, repair, replacement installation and removal of the Facilities (as defined in subsection d.i. above) in the areas of the public access and utilities easement for the alley outlined herein and for the area of the alley shown on the Plan.

- iii. In addition, the developer, its successors in interest and title and assigns, agree to indemnify and hold harmless the County Board, its elected and appointed officials, officer, employees and agents from any liability, personal injury, death, claims, damages, losses, costs and expenses of whatsoever nature, concerning or arising out of the design, construction, installation, care, cleaning, maintenance, repair, use, access, regulation, repair and removal of the Facilities located in the areas of the public access and utilities easement for the alley outlined herein or for the area of the alley shown on the Plan.

The following conditions of site plan approval (#24 through #30) are valid for the life of the Form Based Code Use Permit plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.

Plat of Excavated Area

24. 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 #6 above. Spot elevations shall be taken at spots determined at the time of the pre-construction meeting and shall at a minimum consist of two corners and spot elevations from 50 % of the total area to be excavated. The elevations shall be provided prior to the issuance of the footing to grade permit. Provided however, that when the Zoning Administrator determines that the excavated area will be greater than 20,000 square feet, the Zoning Administrator may reduce the area for which elevations must be provided before issuance of a footing to grade permit. Additional elevations confirming the elevations of the remainder of the excavation shall be provided prior to issuance of any permit for above grade construction.

Public Improvements Bond

25. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Environmental Services for review and approval. Upon approval of the performance bond estimate by the Department of Environmental Services, the developer agrees to submit to the Department of Environmental Services a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all these facilities (to include street trees and all landscape materials)

within the public rights-of-way or easements, which shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.

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

Trash Collection and Recycling Areas

26. The developer agrees that space adjacent to the alley and outside of the required open contiguous lot area, shall be provided and used for the collection, storage, compaction, and removal of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. The collection, storage, compaction, and removal of trash shall occur within the alley and not within street rights-of-way. The developer agrees to indicate this area and any additional space needed to complete the necessary trash and recycling collection on the final site development, final landscape and final engineering plans. Additionally, the developer agrees that the trash storage area shall be enclosed and screen from view by fencing and landscape materials and will be reviewed and approved at the time of final landscape plan approval.

Loading and Delivery Management Plan

27. 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 May 22, 2009 and the final site engineering plan and located on South Highland Street. 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.

Bicycle Storage Facilities

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

Residential and Retail Bicycle Storage Facilities:

One (1) resident bicycle parking rack (2-bike capacity) for every three (3) residential units, or portion thereof, of residential units and one (1) visitor rack (2-bike capacity) for every 50 residential units, or portion thereof, of residential units.

One (1) retail employee bicycle parking rack (2-bike capacity) for 5,000 square feet of GFA and one (1) visitor/customer bicycle parking rack (2-bike capacity) per 12,500 square feet of GFA.

All bicycle parking facilities are to be highly visible to users and protected from rain and snow within a lockable structure, with the exception of visitor/customer bicycle parking. The bicycle parking facilities shall not encroach on any are in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire egress. Areas within the Open Contiguous Lot Area shall not be used for bike storage.

Multi-Space Parking Meters

29. Prior to the first Certificate of Occupancy, where parking meters currently exist along the site's street frontages, the developer agrees to install either parking meters or multi-space parking meters as required by the County Manager. The developer agrees to coordinate with the County Manager's designee to provide the multi-space parking meters.

Emergency Vehicle Access/support on Parking and Alley Areas

30. The developer agrees to construct all alleys and all surface parking areas to support the live load of any fire apparatus. No above-grade structure shall be allowed to obstruct fire lanes. The requirements of this condition shall be incorporated in the drawings submitted for the Footing to Grade Structure Permit.

The following conditions of Form Based Code Use Permit plan approval (#31) are valid for the life of the Use Permit and must be met by the developer before the issuance of the Final Building Permit.

Screening of Mechanical Equipment

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

The following conditions of the Form Based Code Use Permit plan approval (#32 through #39) are valid for the life of the Use Permit plan and must be met by the developer before the issuance of the First Certificate of Occupancy.

Water Main Improvements

32. The developer agrees to show on the final engineering plans, and to construct, water main improvements in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual as well as the following as outlined below. The water main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.
- a. The developer agrees to construct approximately 130 feet of 12-inch water main in South Walter Reed Drive along the frontage with connections to the existing water

mains at both ends of construction. The developer agrees to abandon the existing 6-inch water main along the frontage of South Walter Reed Drive.

- b. The developer agrees to construct approximately 175 feet of 8-inch water main in South Edgewood Street along the frontage with connections to the existing water mains at both ends of construction. The developer agrees to abandon the 6-inch water main along the frontage of South Edgewood Street.
- c. The developer agrees to construct approximately 245 feet of 8-inch water main in 11th Street South along the frontage with connections to the proposed 12-inch water main in South Walter Reed Drive and the proposed 8-inch water main in South Edgewood Street

Sanitary Sewer Main Improvements

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

- a. The developer agrees to construct approximately 180 feet of 8-inch sanitary sewer in 11th Street South with a connection to existing sanitary sewer in South Edgewood Street.

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

Storm Sewer Improvements

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

Fire Hydrant and Fire Department Connection Requirements

- 35. The developer agrees to show on the final engineering plan, and to install, fire hydrants at intervals of not more than 300 feet, as well as fire department connections in order to provide adequate fire protection. The County shall specify the kind of service and

locations at the time of the final site engineering plan approval based on applicable safety standards. The fire hydrants and fire department connections shall be installed prior to the issuance of the first Certificate of Occupancy.

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

Comprehensive Sign Plan

36. 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).

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. 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 the Zoning Administrator to ensure consistency with the comprehensive sign plan.

Transportation Demand Management

37. 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 for any part of the development. The Transportation Demand Management Plan shall describe the developer's efforts to implement, but not be limited to, the following strategies:

- a. Provide SmarTrip cards plus \$10.00 Metro fare media, 2 per unit, free of charge to the residents, at initial occupancy, to each residential lessee or purchaser, distributed no later than the day of move in.
- b. Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each residential lessee or purchaser. Packages will be distributed to tenants and / or owners no later than the day of move-in at the building.

Lighting Plan for Public Areas

38. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager, including street lighting as described in Condition #18 above. Furthermore, the developer agrees that the lighting

plan will be provided to the immediate neighbors and the Columbia Heights Civic Association President, or his/her representative, for review and comment prior to the submission to the County and prior to the County Manager's approval . The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards and the Columbia Pike Form Based Code. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.

The developer agrees to install lighting in the rear alley in accordance with the Columbia Pike Form Based Code and show the alley lighting on the Lighting Plan, the final site development, final landscape, and final engineering plans. The developer further agrees to make all reasonable efforts to design and place any lighting in the alley or parking area in order to prevent lighting from shining directly into the adjacent neighbors properties and to provide a lighting plan that adequately provides necessary safety measures in the area.

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

39. If the project includes a residential condominium or cooperative component, then the developer agrees that a copy of the conditions of this Use Permit plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's or homeowners association's bylaws or agreements. Documentation that this condition has been satisfied shall be provided to the County Manager before the issuance of the First Certificate of Occupancy. If the project includes a residential rental component that is converted to a condominium or a cooperative, then the developer agrees that a copy of the conditions of this Use Permit plan approval shall be made available to all prospective purchasers with the condominium's, cooperative's, or homeowners' association's bylaws or agreements prior to the issuance of the first Certificate of Occupancy following the conversion.

The following condition of site plan approval (#40) is valid for the life of the Form Based Code Use Permit plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.

Obtain Master Certificate of Occupancy

40. The developer agrees to obtain a Master Certificate of Occupancy within 90 days of receipt of any partial Certificate of Occupancy for full occupancy of the building.

Post Certificate of Occupancy: the following Conditions of Form Based Code Use Permit plan approval (#41 through #42) are valid for the life of the Use Permit.

Snow Removal

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

Maintenance of Residential Common Areas

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

The following unique site specific condition (#43) is valid for the life of the Form Based Code Use Permit and must be met before the issuance of the permit specified in each Condition.

Outdoor Cafes

43. Outdoor cafes shall be permitted in the public right-of-way or within public easements along Walter Reed Drive and 11th Street South in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. A minimum of six feet of clear sidewalk width must be maintained along each of the above-mentioned streets. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time, the Zoning Administrator may review the approval, impose conditions on the operation of the outdoor café, or revoke the prior approval.

PREVIOUS COUNTY BOARD ACTIONS:

1955 (No month shown)	Designated as “One Family” on County Land Use Plan
August 1961	Designated as “Undetermined Uses” on the General Land Use Plan.
January 1964	Designated “General Business Commercial” on the General Land Use Plan.
April 1975	Designated “Low Medium” (16-30 units per acre) 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 25, 3003	Approval of Rezoning Z-2496-03-1 from “R-5” One Family Dwelling Districts to “CP-FBC” Columbia Pike Form Based Code Districts
February 10, 2004	Columbia Pike Street Space Plan adopted and Form Based Code amended to include new Required Building lines.