



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of March 13, 2010**

DATE: March 11, 2010

SUBJECT: U-3242-09-1 USE PERMIT for additions to and expansion of existing nonconforming buildings and amendments of yard, setback, and parking regulations for existing apartment buildings, and a comprehensive sign plan for Buckingham Village 3 located at 307 North George Mason Drive (RPC: 20-023-002).

Applicant:

Buckingham Village LLC
1101 30th St NW, Fourth Floor
Washington, DC 20007

C. M. RECOMMENDATIONS:

1. Adopt the attached resolution designating the Buckingham Village 3 site as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD).
2. Approve the use permit, subject to the conditions of this staff report.

ISSUES: This is a use permit request for “bump-out” additions to and expansion of existing nonconforming buildings, with modification of parking and setback regulations in order to provide affordable housing. There is also a request to adopt a resolution designating the site a VCHPDD. In addition, the applicant is requesting approval of a comprehensive sign plan. No issues have been identified.

SUMMARY: The applicant, Buckingham Village LLC, the ground lessee, in connection with Arlington County, the underlying property owner, is requesting a use permit for the addition and expansion of nonconforming buildings and modification of parking regulations for existing apartment buildings at Buckingham Village 3 with a total of 140 dwelling units. The applicant proposes to “bump-out” the existing buildings to provide larger and more family-sized affordable dwelling units, but the total number of dwelling units will stay the same. With the proposed

County Manager: BMD/GA

County Attorney: CUM/KAM

Staff: Peter Schulz, DCPHD, Planning Division
Maureen Markham, DCPHD, Housing Division
Rebecca Ballo, DCPHD, Neighborhood Services Division
Robert Gibson, DES, Transportation Division

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addition to the buildings and expansion of units, there would be no change either in the total number of existing dwelling units or density. The applicant is also requesting a modification of the parking regulations. By the terms of the Arlington County Zoning Ordinance, none of the 156 parking spaces adjacent to this site meet the legal definition of an off-street parking space because they are partially located in the public right-of-way. Therefore, the existing off-street parking count is zero. The applicant is also proposing minor changes to the existing on-street parking to provide ADA accessible spaces. The applicant also has an approved Low and Moderate Income Housing Plan which furthers the County's Affordable Housing Goals and Targets, and the site would be designated as a Virginia Coordinated Housing Preservation and Development District (VCHPDD). This would ensure that 100% of the units are preserved for low and moderate income persons for a period of 75 years. The project satisfies many of the goals of the Comprehensive Plan, especially regarding the retention of affordable housing. Finally, the addition and expansion of the existing buildings would not: 1) adversely affect the health or safety of persons residing or working in the neighborhood; 2) be detrimental to public welfare or injurious to property or improvements in the neighborhood; and/or 3) be in conflict with the purposes of the master plans of the County. Therefore, staff recommends to adopt the resolution declaring the site a VCHPDD and that the use permit be approved subject to the conditions of this staff report.

BACKGROUND: Buckingham Village 3 is a garden apartment complex constructed in 1938. The underlying property is owned by Arlington County. The applicant, Buckingham Village 3, LLC, the ground lessee of the property, proposes to expand the footprint of seven (7) of the ten (10) existing buildings to provide for interior renovations and improvements that would result in larger and more family-sized, one, two and three-bedroom affordable housing units. The existing apartment buildings are nonconforming with regard to setbacks from the property lines and the public right-of way, setbacks between the existing buildings and parking.

The proposed structural modifications and expansion of existing nonconformities would be permitted with County Board approval of a special exception use permit.

Following is additional information on the subject site:

Site: Located on the entire block bounded by North George Mason and Pershing Drives and Fourth Street North and North Thomas Street, the subject property occupies a 249,835 square foot site (5.7 acres) with the following surrounding uses:

- To the north: Across North Thomas Street, Buckingham Village 5 garden apartments zoned "RA8-18" and part of the Buckingham Historic District
- To the west: Across Fourth Street North, garden apartments and townhouses under construction, zoned "RA8-18"
- To the east: Across North Pershing Drive, part of Buckingham Village 6 garden apartments, zoned "RA8-18" and part of the Buckingham Historic District; and the Arlington Oaks garden condominium complex zoned "RA8-18".

To the south: Across North George Mason Drive, Buckingham Site Plan #405, under construction, zoned “RA8-18”.

Zoning: “RA8-18” Apartment Dwelling Districts, and the property is also located in the Buckingham Historic District historic overlay district.

General Land Use Plan Designation: “Low-Medium Residential” (16-36 units per acre).

Neighborhood: The site is located within the boundaries of the Buckingham Community Civic Association. To date there has been no comment from the Association. The Civic Association, the Neighborhood Conservation Area representative and neighboring property owners had also been notified about the applicant’s proposal during the HALRB’s Certificate of Appropriateness review and hearing process earlier this year.

Existing Development: The site is currently developed with ten (10) two-story, multifamily apartment buildings which consist of a total of 140 one- and two-bedroom dwelling units. Currently, all parking for the site is on the street. None of the existing spaces meet the requirements of Section 34 of the Zoning Ordinance, which requires all parking spaces to be located on the property to which the parking is appurtenant. Therefore, the effective number of existing parking spaces at this property is zero (0).

Proposed Development: The developer proposes to construct bump-out additions to the rear and side areas of seven (7) of the existing buildings. The bump-outs would allow the addition of three-bedroom units to the existing buildings and would be designed to provide massing, materials, rooflines, roofing, windows and trim to match the adjacent buildings. A Certificate of Appropriateness has been approved by the Historic Affairs and Landmarks Review Board (HALRB).

The project will also be subdivided into an affordable rental project of 92 one-to-three bedroom dwelling units (“Parcel A”) and an affordable ownership condominium project with 48 one-to-three bedroom dwelling units (“Parcel B”).

The table below provides a statistical summary of the project.

| | Proposal |
|---|-----------------|
| SITE AREA | 249,835 s.f. |
| | 5.7 ac. |
| Density | |
| Residential G.F.A. | NA |
| Existing (and proposed) Residential Units | 140 |
| Proposed Rental Units | 92 |
| Proposed affordable condominium units | 48 |
| “RA8-18” Maximum number of dwelling Units permitted by right (1du/1200 s.f.) | 207 |
| Building Height | |

| | Proposal |
|---|---|
| Average Site Elevation | 264.22 ft asl |
| Main Roof Elevation (highest sited building) | 303.22 ft asl |
| Main Roof Height (highest sited building) ¹ | 39 ft. 30 ft. |
| Number of stories | 2 Stories + bsmt |
| “RA8-18” Maximum Height | 4 Stories or 40 ft. |
| Setbacks & Yard | |
| Setback from street centerline and right-of-way | Closest building to street centerline is 43.46 ft. Closest building to right-of-way is 23.46 ft. |
| Side Yard | Min. of 16 ft. |
| Rear Yard | NA |
| Separation distance between buildings in a multi-building project | The closest buildings are separated by 10 ft. |
| “RA8-18” Setback from street centerline and r.o.w. | 50 ft from Street Centerline but in no case closer than 25 ft from the street r.o.w. |
| “RA8-18” Side Yard | 12 ft |
| “RA8-18” Rear Yard | 25 ft |
| “RA8-18” Separation distance between buildings in a multi-building project | 20 ft. |
| Coverage | |
| Building Footprints | 58,541 s.f. |
| Parking and Driveway | 0 |
| Total Coverage | 58,541 s.f. |
| Percent Coverage | 23% |
| “RA8-18” Maximum Permitted Coverage | 56% |
| Parking | |
| Standard Parking Spaces | 0 |
| Total Parking Spaces | 0 |
| Parking Ratio | 0.0 sp/unit |
| Current On-street parking | 156 |
| Proposed on-street parking | Approx. 150, TBD by Final Engineering Review |
| “RA8-18” Required Parking Ratio | 1.125 sp/unit |
| “RA8-18” Required Parking Spaces | 158 |

¹ This is the height based on the Zoning Ordinance calculation as measured from the top of the roof ridge of the highest sited building less the average site elevation. Maximum height of each building from grade to the roof ridge is 30 feet.

³ Zoning Ordinance Sec. 12.B.2 forbids “additional density beyond the number of units already existing on the site at the time of application”. The overall density of the site does not change as there will be the same number of dwelling units (140) on the entire site as before the subdivision into two parcels.

| | |
|--|-----------------|
| | Proposal |
|--|-----------------|

Green Building: The applicant proposes that the renovation of the existing units and the construction of the “bump-outs” would be certified under the state of Virginia’s EarthCraft program. Green building elements proposed for the additions and interior renovations would include energy efficiency consistent with the County’s green building policies.

Transportation:

The Master Transportation Plan (MTP) classifies North George Mason Drive and North Pershing Drive as “Type D Primarily Garden Apartments and Townhouse Neighborhood Arterial Streets”. Fourth Street North and North Thomas Street are classified as neighborhood streets.

Traffic volume data has been collected for several locations near the site indicating a decrease in traffic volumes over time.

| | 2004 | 2009 |
|---|-------------|-------------|
| <i>North George Mason Drive: At Fourth Street North</i> | 23,463 | 22,556 |
| <i>North Pershing Drive: At North Thomas Street</i> | 8,841 | 6,504 |

Data source: Arlington County Department of Environmental Services

Streets and Sidewalks: North George Mason Drive currently measures 68 feet from face of curb to face of curb, with two (2) 10-foot wide travel lanes including curb and gutter in both the north and southbound directions, which are separated by a 20 foot-wide tree lined median. An eight (8) foot-wide parking lane is provided on the north side of the street adjacent to the site. A four (4) foot-wide sidewalk is provided at the back of the curb adjacent to the parking lane. The sidewalk has many cracks and is in disrepair, therefore staff recommends and the applicant agrees that the sidewalk, curb and gutter be replaced and widened to six (6) feet.

North Pershing Drive currently measures approximately 66 feet from face of curb to face of curb, with one (1) 15-foot to 17-foot wide travel lane in each direction and with on-street angled parking on each side of the street. At the intersection of George Mason Drive and Pershing Drive, Pershing Drive is striped to provide a southbound right-turn lane while remaining the same width from curb to curb. Along Pershing drive a four (4) foot-wide sidewalk provides pedestrian access adjacent to the site. Like other sidewalks in and around the site, the sidewalk is in need of repair. Due to the high pedestrian volumes along this section of Pershing Drive, staff recommends a new six (6) foot-wide sidewalk be constructed to replace the existing four (4) foot-wide sidewalk.

Fourth Street North varies in width, providing a single travel lane in each direction with on-street parking on both sides of the street. Adjacent to the site angled on-street parking is provided. A four (4) foot-wide sidewalk is provided along Fourth Street North. The sidewalk has been heavily damaged over the years and staff recommends and the applicant agrees to replacing it with a new five (5) foot-wide sidewalk located at the back of curb.

North Thomas Street is approximately 52-feet wide from curb to curb, with a single travel lane in each direction with head-in on-street parking on each side of the street. Like the rest of the site,

a 4-foot sidewalk provides pedestrian access adjacent to the site. The sidewalk along North Thomas Street is generally in the worst condition of all the sidewalks around the site, and staff recommends replacing it with a new five (5) foot-wide sidewalk. The width of the proposed sidewalks are consistent with the Pedestrian Element of the Master Transportation Plan.

In order to limit the impact on the existing mature trees located behind the existing sidewalk, the new sidewalks to be constructed around the site may need to be narrowed at points. The sidewalks should not be constructed with pinch points narrower than four (4) feet to maintain ADA access around the perimeter of the site.

To further improve the pedestrian environment around the site staff recommends the installation of new Arlington County Standard “Carlyle” style street lights at the back of sidewalk around the perimeter of the site.

Currently the head-in and angled parking spaces do not have wheel stops allowing cars to park with the front end of the car over the sidewalk. This significantly narrows the effective sidewalk width along the Pershing Drive, North Thomas Street and Fourth Street North frontages. Staff recommends and the applicant agrees to install wheel stops in each of the angled and head-in parking spaces.

Public Transportation: The site is well served by Metrobus service and is located approximately one-half a mile from the Ballston-Marymount University Metro station on the Orange Line. The bus routes serving the site include:

- Metrobus Route 10B – Along Glebe Road
- Metrobus Route 23A and 23C – Along Glebe Road
- ART Route 53 – Along Glebe Road
- Metrobus Route 22A – Along George Mason Drive
- Metrobus Route 4B and 4E – Along Henderson Road/ George Mason Drive

Metrobus Route 22A service operates between Ballston and Fairlington with stops along North George Mason Drive adjacent to the site. The 4B and 4E operates along North Henderson Drive and George Mason Drive adjacent to the site providing service between Arlington Forest and Rosslyn. The 10B, 23A and 23C are both north/south routes that operate along Glebe Road. The ART 41 provides service along the Rosslyn-Ballston corridor, Glebe Road and Columbia Pike. The combination of ART and Metrobus service in this area provide excellent local and regional connectivity providing accessibility to many of Arlington’s neighborhoods and services.

Bicycle Transportation: North George Mason Drive is designated as an on-street bike route headed north/south through the County, providing a connection to many of the county’s off-street trails including the W&OD Trail, the Custis Trail and the Bluemont Junction Trail. Henderson Road is identified as an “other recommended route” and can be used to connect to the on-street bike lanes along North Quincy Road and throughout the Rosslyn-Ballston Corridor. The project proposes to install new bike rooms in three (3) of the buildings while also adding approximately 90 visitor bike spaces around the perimeter of the site.

Transportation Management Plan (TMP)

Consistent with the County's adopted Policy, staff recommends that the developer implement a TMP to reduce single occupancy vehicle (SOV) trips to and from the site. The applicant has proposed to implement the TDM strategies referenced in Condition #27 and summarized below.

- Designate a member of the buildings' management team as Property Transportation Coordinator with responsibilities for completing and coordinating the TDM Plan obligations.
- Provide transportation kiosks in the community room and the on-site leasing office.
- Distribute transit information, included with a new resident package, to include site specific transit related information.
- Provide bicycle parking/storage facilities consistent with Condition #23.

Utilities

Adequate storm and sanitary sewer capacity is available to serve the proposed development. Staff has requested, and the applicant has agreed per Condition #24 to construct a new eight (8)-inch water main in North Thomas Street connecting to the new eight (8)-inch water main to be constructed by others in North Thomas Street to the west of the site and to the existing 12-inch water main in North Pershing Drive. The developer also proposes to install new water connections and water meters to support the renovations of the individual buildings on site.

DISCUSSION:

Land Use and Zoning: On October 24, 2009, the County Board approved a Zoning Ordinance text amendment to the "RA" districts, to permit, by special exception use permit, the expansion of, and addition to existing nonconforming buildings or uses and modification of regulations for those buildings where the building is proposed to be used for the provision of low or moderate income housing. Subsection 12.B.2. of the Zoning Ordinance as amended provides:

When a building is proposed to be used for the purpose of providing low or moderate income housing, and the land, buildings or structures on the site do not conform to the regulations of the Zoning Ordinance, the County Board may, by use permit approval pursuant to subsection 36.G. of the Ordinance, approve additions to or enlargements of building(s) on the property and modification of regulations on setback, yard, coverage, parking, and/or density. Provided however, that no use permit shall be approved unless the proposal includes a low or moderate income housing plan that furthers the County Board adopted Goals and Targets for Affordable Housing and a request for designation as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD) by the County Board. Provided further that, under no circumstances shall the County Board approve a use permit to allow:

- a. The greater of either 1) the height permitted in subsection 12.C. or 2) the height already legally existing on the site at the time of application; or*

- b. *Additional density beyond the number of units already legally existing on the site at the time of application.*

Following is an analysis of the existing conditions and the proposal in the context of the requirements of the Zoning Ordinance as amended.

| | Existing | Proposed | Permitted/ Required | Nonconforming | Modification Permitted | Modification Requested |
|--|---|--|---|---|---------------------------|---------------------------|
| Density | 24 units/acre | Parcel A: 25 units/acre ³ Parcel B: 24 units/acre | 36 units/acre | No | No | No |
| Height | 30 ft. 2 stories | 30 ft. 2 stories | 40 ft. or 4 Stories | No | No | No |
| Coverage | 23% | Parcel A: 30% Parcel B: 29% | 56% | No | Yes | No |
| Setbacks | Closest building is 43.46' from centerline/ 23.46' from the street right-of-way | | 50' from centerline but no less than 25' from street right-of-way line | Yes | Yes | Yes |
| Side Yards | 14' (Side Yard) 10' (Separation between buildings) | Parcel A: 6' Parcel B: 16' 10' | 12' 20' | Parcel A: Yes Parcel B: No | Yes Yes | Yes No |
| Rear Yards | NA ⁵ | Parcel A: NA ⁶ Parcel B: NA | 25' | NA | Yes | No |
| Yard-Separation between buildings | 10' | Parcel A: 10' Parcel B: 10' | 20' | Yes | Yes | Yes |
| Parking | 0 sp 0 sp/unit 0 loading spaces <i>There are currently 156 parking spaces are partially on the subject property and in the right-of-way.</i> | Parcel A: 0 sp 0 sp/unit 0 loading spaces Parcel B: 0 sp 0 sp/unit 0 loading spaces | Parcel A: 104 sp 1.125 sp/unit 1 loading space Parcel B: 54 sp 1.125 sp/unit No loading space required | Yes | Yes | Yes |

⁵ The subject property is one parcel of land that occupies an entire city block. There is no rear lot line and therefore, no rear yard setback.

⁶ Neither of the new parcels is an interior lot, and therefore does not have a rear property line as it is defined in the Zoning Ordinance.

- *Density* – The property currently has a density of 24 units/acre. After the property is subdivided into two parcels, Parcel A’s density would be approximately 25 units/acre, but the total project would remain well under the maximum permitted density of the “RA8-18” zoning district. Parcel B’s density will be reduced slightly. The Zoning Ordinance in Section 12.B.2 states that there shall be no “additional density beyond the number of units already legally existing on the site at the time of application.” The total unit count over the entire property is currently 140, and the total unit count after the proposed subdivision will remain 140, thus complying with the Zoning Ordinance.
- *Height* – Maximum permitted height in the “RA8-18” Zoning District is 4 stories or 40 feet. With the proposed addition to, and expansion of the existing apartment buildings, there would be no change in the height of the buildings. The proposed additions would also be no higher than the existing buildings, well under the maximum permitted height.
- *Coverage* – Per Section 32 of the Zoning Ordinance, lot coverage can not exceed 56% of the total site area. This includes the total area in square feet of the lot covered by the main building footprint(s), total footprints of accessory buildings with footprints greater than 150 square feet or heights of two (2) or more stories, and parking pads and driveways. Existing lot coverage for Buckingham Village 3 is 23%. After the addition of the bumpouts, coverage in Parcel A would increase to 30% and on Parcel B to 29%. Therefore, the applicant does not require a modification for lot coverage.
- *Setbacks and Side and Rear Yards* – Section 32 of the Zoning Ordinance requires structures to be set back 50 feet from the centerline of the street and no less than 25 feet from the street right-of-way line. Several of the existing buildings currently do not conform to that requirement and will be further nonconforming if the applicant is required to dedicate right-of-way. Action by the County Board is needed to permit the existing and proposed nonconforming setbacks. Currently, because it is sited on an entire block, the property has no side or rear yards. The proposed subdivision would create side yards, but not create rear yards as neither parcel would be an interior lot (Zoning Ordinance Section 32.D.2.d.). Required side yards for this property would be a minimum of 12 feet. One existing building on Parcel A would have a side yard of only six (6) feet. All side yards on Parcel B would exceed the minimum setback of 12 feet. Therefore, a modification is required to allow proposed Parcel A to have one existing building with a minimum setback of six (6) feet. All of the proposed bumpouts conform to the setback and yard requirements.

In addition, the zoning ordinance requires a minimum of 20 feet separation between buildings in a multi-building multifamily dwelling development. Both proposed parcels have a few occurrences where the existing buildings are 10 feet, rather than 20 feet apart. A modification will be required to allow the existing nonconformity to continue. The proposed bumpouts will not encroach in the required 20 foot separation distance between buildings.

The applicant has developed the building plans and the proposed subdivision in consultation with the Fire Marshal and the Inspection Services Division, and the proposed plan reflects their comments and input.

- *Parking* – The property currently has no on-site parking as defined and required by the Zoning Ordinance. All parking is essentially street parking, and the effective number of legal on-site parking spaces is zero (0). The applicant is requesting a modification of the parking requirements for both parcels to zero (0), recognizing what is currently the case. There are currently 156 on-street parking spaces around the perimeter of the block, and none are handicapped-accessible. The applicant proposes to create handicapped accessible parking spaces in the right-of-way, the number and location subject to the final engineering plans, providing approximately 150 spaces

Staff supports the requested modification of the Zoning Ordinance parking and loading requirements from 158 parking spaces to zero (0) parking spaces and a reduction from one (1) loading space to zero (0) loading spaces. The property has no room on-site to accommodate the required 158 parking spaces, drive aisles, and loading space. Buildings (and consequently affordable housing) and landscaping would have to be removed to accommodate Zoning Ordinance-compliant parking and loading space. Furthermore, the property is located in a County historic overlay district and it would be contrary to the historic landscape, character and physical form of the Buckingham community to provide on-site parking lots. There were no County zoning parking requirements when the Buckingham Villages were built in the 1930s. All parking in Buckingham was intended to be on the street, with landscaping, and not parking, to be located between the buildings. In addition, as stated above, the site is well served by public transit. There are five (5) Metrobus and Arlington Transit (ART) bus routes that directly serve Buckingham Village 3, and the site is located one-half mile from the Ballston Metro Station. North George Mason Drive also has an on-street bicycle route. Therefore, staff supports the applicant's requested modification for parking.

- *Voluntary Coordinated Housing Preservation and Development District* - In accordance with the Zoning Ordinance text amendment approved in October 2009, the subject property would be designated as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD). This would allow the County to provide assistance to preserve the existing housing for low or moderate income persons. While the requirement is that the County Board adopt a resolution to designate an eligible property as a VCHPDD and a developer to provide at least 20% of the units for low and moderate income persons for a minimum of 10 years, the applicant has agreed to preserve 100% of the units for low and moderate income persons for a minimum of 75 years.

Affordable Housing:

In March 2009 the County purchased Buckingham Village 3 for \$34.5 million and executed a Ground Lease with a development company that is managing the 140 rental apartments while the development, renovation and financing plans are being finalized. Subsequently (June 2009) the County Board approved the proposed affordable housing program to include:

1. 92 apartments serving households at 60%, 50% and 40% of the Area Median Income (AMI), or annual incomes between \$29,000 and \$66,000 per year; and,
2. 48 condominiums serving households at 60% to 80% of the AMI, or annual incomes between \$51,500 and \$95,000 per year⁷.

Implementing the housing program requires subdivision of the current 5.7 acre parcel to separate the rental property from the ownership units. The County will retain ownership of the rental parcel and continue the long term lease with the developer, but will transfer ownership of the condominium parcel.

The purpose of the use permit is to enable the subdivision and to allow for additions to the existing buildings that will better enable the County to preserve affordable housing. The additions would permit the expansion of the buildings whereby larger and more family-sized, affordable dwelling units would be created. The applicant proposed a Low and Moderate Income Housing Plan that was approved by the County Board on June 13, 2009. Currently the 140-unit development provides market-rate affordable rents for all units.

CURRENT & PROPOSED UNIT MIX

| Unit Type | Current # of Units | Proposed # of Units |
|--------------|--------------------|---------------------|
| 1-Bedroom | 78 | 64 |
| 2-Bedroom | 62 | 54 |
| 3-Bedroom | 0 | 22 |
| Total | 140 | 140 |

The applicant proposes that, consistent with the approved Affordable Housing Plan, 100% of the 140 units would be preserved as affordable housing. The rental development will contain 92 units with the following proposed unit mix and rents at no more than 60% of the AMI for a period of 75 years:

PROPOSED RENTAL UNIT MIX AND RENTS

| Unit Size | Affordability | Rent Level | Number of Units |
|-----------------------|---------------|------------|-----------------|
| 1-bedroom 38 units | 40% | \$703 | 8 |
| | 50% | \$896 | 8 |
| | 60% | \$1,088 | 22 |
| 2-bedroom 42 units | 40% | \$838 | 5 |
| | 50% | \$1,069 | 5 |
| | 60% | \$1,300 | 32 |
| 3-bedroom 12 units | 40% | \$963 | 5 |
| | 50% | \$1,230 | 5 |
| | 60% | \$1,497 | 2 |
| Total | | | 92 |

The ownership component will include 48 condominium units affordable to low and moderate income households with incomes at 60% - 80% AMI. The mix will include 26 one-bedroom units, 12 two-bedroom units, and 10 three-bedroom units

⁷ Annual income figures within a given percentage of median income vary with household size.

Currently there are no accessible units within the property. With the addition and expansion of units under the use permit, a minimum of 10% (10 of 92 rental units) would be renovated so as to be fully accessible to persons with mobility impairments and a minimum of 2% (2 of 92 rental units) would be accessible to persons with visual and hearing impairments.

As the property is currently occupied, the applicant prepared a Relocation Plan which was reviewed and approved by the Tenant Landlord Commission at their meeting on February 18, 2009. Consistent with the County's original goals for the property, every reasonable attempt will be made to minimize displacement of current residents.

Finally, the proposal meets the County's Affordable Housing Goals and Targets as follows:

Goal 2: Ensure through all available means that all housing in Arlington County is safe and decent.

Target 2A: Ensure that 100% of multi-family rental housing units have no major violations that are not corrected within the standard time permitted by the appropriate code enforcement agency by FY2010.

- Rehabilitation of the property as proposed would bring the property into compliance with current building codes. In addition the project will incorporate enhanced energy efficient features and will obtain Earthcraft certification.

Goal 3: Permit no net loss of committed affordable housing, and make every reasonable effort to maintain the supply of affordable market rate housing.

Target 3C: Help maintain the supply of affordable housing by assisting an average of 400 net new committed affordable housing units per year, especially the preservation of existing affordable housing through partnerships with nonprofit housing providers, while meeting the targets for goals 4, 5, 6 and 7.

- Before the County purchase Village 3 contained no Committed Affordable Units. After the renovation all 140 units will be preserved as affordable housing.

Goal 4: Reduce the number of households in serious housing need (defined as those earning below 40% of median income who pay more than 40% of their income for rent.).

Target 4B: Provide that 25% of the new committed affordable rental units produced annually are reserved for households with incomes below 40% of median.

- Of the 92 committed affordable rental units, 18 (20%) will be reserved for households with incomes below 40% of median. An additional five units will be occupied by tenants with rent subsidies through the supportive housing program, bringing the total to 23 units (25%).

Goal 5: Increase the number of housing units with two or more bedrooms in order to match the needs of households with children.

Target 5A: Increase the number of family-sized units in the County to 61,000 by FY 2010

- Currently Buckingham Village 3 is comprised of 62 two-bedroom and no three-bedroom units. Telesis proposes through the expansion of the existing buildings to provide a total of 76 units with (2) bedrooms or more. Twenty-two of those units will be three-bedroom units.

Goal 7: Increase the rate of home ownership throughout the County, and increase home ownership opportunities for low and moderate income households.

Target 7B: Provide home ownership education to 700 households with incomes below 80% of median annually and annually assist 50 households with incomes below 80% of median to become homeowners.

- Through the condominium component, 48 low and moderate income households will have the opportunity to become first-time homebuyers. Home ownership education classes are offered to all households interested in purchasing a unit and are required for actual buyers.

Historic Preservation:

As part of the 2007 Arlington County – Paradigm Development Company agreement for Buckingham Villages 1, 2 and 3, Paradigm (the owner of Buckingham Village 3 at the time) was allowed to demolish all of the historic buildings in Buckingham Villages 1 and 2 in order to construct townhouses and two medium-rise buildings (one for affordable housing), and to sell Buckingham Village 3 to the County. Since signing this agreement, the County put out an RFP to developers with a history of working with garden apartment complexes and affordable housing. After interviewing several firms, the County chose Telesis to lead the redevelopment of this project. The County purchased Buckingham Village 3 from Paradigm in the spring of 2009. At that time, per the motion of the County Board in 2007, the County added Buckingham Village 3 to the current locally designated Buckingham Village Historic District.

Prior to that designation, the HALRB was asked to review preliminary plans by Telesis and give conceptual approval for the project. The HALRB reviewed the project in January and February of 2009 and gave preliminary comments on the appropriateness of the renovations and site elements. After the County obtained ownership, Telesis returned to the HALRB in January and February 2010 to seek final approval of the Certificate of Appropriateness. The HALRB approved the CoA 09-04 at the February 17, 2010 public hearing. Some minor site elements and signage required further design review, and will be heard again on March 17, 2010.

The developers will be seeking both State and Federal rehabilitation tax credits, and thus also need the approval of the Virginia Department of Historic Resources and the National Park Service. The developer's architects, site planners, and historic preservation staff have met on site

with representatives of VDHR and have discussed the scope of the project over the course of this past year.

Comprehensive Sign Plan

The applicant is also requesting approval of a comprehensive sign plan that would permit one (1) lighted 24-square foot freestanding apartment complex identification sign on each new parcel—one (1) identification sign on the property of the apartment project and one (1) identification sign on the condominium parcel. The applicant is requesting County Board approval of the location and size of the signs, and the proposed signs would be reviewed and approved by the HALRB for exact materials and color, as stated in proposed condition #33. The Zoning Ordinance permits apartment buildings in “RA” districts one building identification sign, to be placed on the building, of a maximum size of 24 square feet. The HALRB has preliminarily reviewed the applicant’s proposed signs and indicated it would only approve freestanding signs in the Buckingham Historic District, and not approve building-mounted signs, as historically the signs in the Buckingham Villages community have been freestanding. The applicant agrees that no sign permit for any sign unless the HALRB has issued a Certificate of Appropriateness for same. The proposed comprehensive sign plan also conforms to the *Sign Guidelines for Site Plan Buildings*, for building and project identification signs, which allows freestanding building or project identification signs. Because Buckingham Village 3 will be subdivided into a rental component and an ownership component, it could be considered as two separate projects. The Zoning ordinance would permit by right, once the property is subdivided, a wall sign of 24 square feet on each building. Therefore the applicant is requesting no more sign area than would be permitted by right. Finally, the Buckingham community is outside the Metro Corridors as designated on the General Land Use Plan, where County policy has been to discourage freestanding signs by special exception.

CONCLUSION: Buckingham Village 3 apartments currently provides dwelling units at rents affordable to low and moderate income persons. In addition, there would be preservation of, and commitment to, providing 100% of the existing units as low and moderate income housing for 75 years. The additions would allow for more and larger family units consistent with the County’s Housing Goals and Targets. Also, consistent with the Zoning Ordinance provisions, the site would be designated as a VCHPDD. In reviewing the use permit, staff finds that it is consistent with the Zoning Ordinance provisions as amended on October 24, 2009. Where modifications are requested for parking and density, there would be minimal land use impact. The modification to density would not result in an increase in the number of units, but permit the current density existing on the site at the time of the application. The modification to parking would only reflect the situation as it currently stands. The proposal would not: 1) adversely affect the health or safety of persons residing or working in the neighborhood; 2) be detrimental to public welfare or injurious to property or improvements in the neighborhood; and/or 3) be in conflict with the purposes of the master plans of the County. The proposed comprehensive sign plan conforms to the *Sign Guidelines for Site Plan Buildings*. Therefore, staff recommends that the County Board adopt the attached resolution designating the Buckingham Village 3 site as a Voluntary Coordinated Housing Preservation and Development District (VCHPDD), and that the use permit be approved subject to the following conditions.

Conditions:

Use Permit Term

1. The developer (as used in these conditions, the term “developer” shall mean the owner, the applicant, the ground lessor and all successors and assigns) agrees to comply with the standard conditions set forth below and the revised drawings dated March 1, 2010 and labeled “*Arlington County Use Permit Application,*” prepared by Bowman Consulting, reviewed and approved by the County Board and made a part of the public record on March 13, 2010, 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 use permit approval expires three (3) years after the date of County Board approval if a building permit has not been issued for the first building “bump out” addition 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 and its conditions for their compliance with then current County policies for land use, zoning and special exception uses. Extension of the use permit is subject to, among other things, inclusion of amended or additional use permit conditions necessary to bring the plan into compliance with then current County policies and standards together with any modifications proposed by the owner and accepted by the County Board or vice versa.

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 use permit for the respective phase of the project. The meeting participants shall include the developer and its construction team, and relevant County staff. Relevant County staff shall include staff from the Departments of Community Planning Housing and Development – Planning, Zoning, Inspection Services, Code Enforcement Department, Neighborhood Services and Housing; Department of Environmental Services (DES), Landscape Plan team, green building staff contact, 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 (2) weeks in advance. The purpose of the pre-construction meeting is to discuss the requirements of the use permit conditions.

3. **Tree Protection and Replacement:**

- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site.

- b. The developer agrees to file and implement a tree protection plan which will designate any trees shown on the survey certified by Sharon Bradley dated December 18, 2009 and found in drawings identified in Condition #1 that are proposed to be saved by the developer. Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved use permit and shown on any filing in connection with this case will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager or his designee to meet the requirements of this use permit, before the issuance of the Clearing, Grading and Demolition Permit for the respective phase of the project.
- c. Upon approval of the tree protection plan, the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by DPRCR, the developer agrees to submit to DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit for the respective phase of the project. Prior to release of the public improvement bond, the developer agrees to submit to DPRCR as-built drawings showing the location of all saved trees.
- d. The developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. At a minimum, this plan shall include:
 - (1) A site-grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
 - (2) Detailed specifications for any tree walls or wells proposed.
 - (3) A description of how and where building materials and equipment will be stored during construction to ensure that no compaction occurs within the dripline of the trees to be saved.
 - (4) Identification of tree protection measures and delineation of placement of tree protection.
 - (5) Any tree required to be saved pursuant to this condition, which dies (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) years of the issuance of any Certificate of Occupancy in the final building for the respective phase of the project shall be removed and replaced by the developer at their expense with the number of major deciduous and

evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements as specified in subparagraph (3.d.5) does not relieve the developer of any violation resulting from the failure to save identified trees.

- (6) The location of all construction trailers shall be approved either by Administrative Change approval or be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers proposed to be located in the public right-of-way shall require approval by DES and Zoning staff, and the use permit's Arlington County Police representative shall receive a copy of the aforementioned map.
- e. In addition to saving identified trees, the developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall conform to the standards and specifications set forth in Condition #9a below and any replacement trees that cannot be accommodated on site will be provided in a monetary amount to the Tree Canopy Fund coordinated with Arlington County's Department of Parks and Recreation. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final landscape plan.
- f. Per Condition #3.e above, the developer agrees to make a contribution to the County's Tree Canopy Fund of at least \$2,400.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property. The payment shall be delivered to the Department of Parks and Recreation Office prior to the issuance of the Final Building Permit, and evidence of compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment.

Plan for Temporary Circulation During Construction

4. 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 for the respective phase of the

project. 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 (7) calendar days in advance of any street closure, except in the case of an emergency, of more than one (1) hour duration on any street. “Emergency” street closures may include, but not be limited to, those relating to rupture or potential rupture of a water or gas main, insecure building façade, or similar unforeseeable public danger. “Emergency” street closures shall not include closures for setting up or dismantling of a crane, exterior building construction, materials deliveries, or utilities work, or similar situations.

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

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The developer agrees to insure that the road surface is promptly repaired regardless of whether the 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 use permit and any County requirements relating to reconstruction and repaving of streets at the completion of construction.

Compliance with Federal, State and Local Laws

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

Community Liaison and Activities During Construction

6. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit for the respective phase of the project and to remain in compliance with this condition until the final Certificate of Occupancy for the final building in the respective phase of the project is issued.
 - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site or on call throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project.
 - b. Before commencing any clearing or grading of the site, the developer shall hold a meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The 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 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 Use Permit'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 12 midnight each day, and any such activity that occurs after 6:30 p.m., shall not exceed the noise levels defined in the Arlington County Code Noise Control Ordinance. The developer agrees to place a minimum of one (1) sign per street front around the construction site, indicating the permissible hours of construction, to place one (1) additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.
- f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager.

C&D Waste

- 7. The developer agrees to provide a plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by the project. The plan should outline recycling and/or reuse of waste generated during demolition and/or construction. The plan should outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on site, removed by licensed haulers for reuse/recycling, etc.). The developer agrees to obtain the County Manager's approval of this plan prior to the issuance of the Clearing, Grading, and Demolition permit for the respective phase of the project, and to implement the plan throughout demolition and construction of the project.

Coordination of these plans: final site development, landscape and 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 landscape plan prior to issuance of the Final Building Permit for the respective phase of the project. The final landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final civil engineering plan as required in Condition #11 below, as well as a vicinity map with major streets labeled. The 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 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 Final Building Permit. The plan shall at a minimum, conform to the landscaping requirements in Conditions #9 and #14 below; the Arlington County Streetscape Standards if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale also to 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 First partial Certificate of Occupancy for each phase of the project. 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.

The 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 as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, and interior walkways. Transformers shall not be placed above grade in the setback area between the building and the street.

- b. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Interior walkways shall have a minimum width of four (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 or his designee according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.
- c. The location and types of light fixtures for streets, parking, walkway, and plaza areas, and associated utilities.
- 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.
- f. The limits of demolition and construction.

The developer agrees that once approved, the final landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendment may be specifically approved through a landscape plan revision.

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 3 to 3 1/2 inches.
 - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.) - a minimum caliper of 7 to 8 feet.

- (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.) - a minimum caliper of 2 to 2 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 #24). The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
 - c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
 - d. Exposed earth not to be sodded or seeded shall be well mulched or planted in groundcover. Areas to be mulched may not exceed the normal limits of the 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 finished grade adjacent to them.
 - f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began, whichever is greater.
 - 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 for the respective phase of construction 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 use permit 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.

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. The first Building Permit for the respective phase of construction shall not 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 Planner, as consistent with all use permit approval requirements and all County laws. To ensure final sign off, the plans shall include CPHD Planner review and signature blocks. Upon completion of the construction of the project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Department of Environmental Services for recording.

Pavement, Curb and Gutter Along All Frontages

12. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first partial Certificate of Occupancy for occupancy of the applicable phase of the project, or as otherwise agreed to by the Director of the Department of Environmental Services based upon a written justification by the developer.
 - a. The developer agrees to construct new curb and gutter around the perimeter of the site, built per Arlington County Standards, as shown on the final engineering plan approved by the County Manager.
 - b. The developer agrees to construct handicap ramps on site built per Arlington County Standards, as shown on the final engineering plan approved by the County Manager.

- c. The developer agrees to install wheels stops in head-in and angled parking spaces adjacent to the site (on North Pershing Drive, 4th Street North and North Thomas Street), as shown on the final engineering plan approved by the County Manager.

13. **Survey Monuments**

The developer agrees to submit, before issuance of the Final Building Permit for the respective phase of the project, a survey of the site adherent to the following:

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

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

Sidewalk Design and Improvements

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

The sidewalk clear zones along the street frontages of this development shall be consistent with the Arlington County Streetscape Standards and shall be placed on a properly-engineered base approved as such by the Department of Environmental Services.

The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the first partial Certificate of Occupancy for occupancy of the applicable phase of the project, or as otherwise agreed to by the Director of the Department of Environmental Services upon written justification by the developer.

The sidewalks shall contain planted materials, consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. Placement, planting and root enhancement shall be consistent with the *Standards for Planting and Preservation of Trees in Site Plan Projects*, and as specified below. All public walkways shall be constructed to County Standard. The developer, or any subsequent owner, also agrees to maintain and replace the plantings and sidewalks for the life of the use permit. The sidewalk sections and plantings shall be as follows:

North George Mason Drive – A 6-foot wide sidewalk measured from back of curb, to preserve and protect existing trees on-site the sidewalk width may vary down to a minimum 4-foot clear sidewalk width as shown on the final engineering plan approved by the County Manager.

North Pershing Drive - A 6-foot wide sidewalk measured from back of curb, to preserve and protect existing trees on-site the sidewalk width may vary down to a minimum 4-foot clear sidewalk width as shown on the final engineering plan approved by the County Manager.

Fourth Street North A 5-foot wide sidewalk measured from back of curb, to preserve and protect existing trees on-site the sidewalk width may vary down to a minimum 4-foot clear sidewalk width as shown on the final engineering plan approved by the County Manager.

North Thomas Street - A 5-foot wide sidewalk measured from back of curb, to preserve and protect existing trees on-site the sidewalk width may vary down to a minimum 4-foot clear sidewalk width as shown on the final engineering plan approved by the County Manager.

Subsurface Structure-free Zone and Utilities and Streetscape

15. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb to the far edge of the public sidewalk. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and development and landscape plan. Utility lines shall not be located beneath street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.

Water Service Requirements

16. 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

17. 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 Final Building Permit for each applicable phase.

Replacement of Damaged Existing Curb, Gutter and Sidewalk

18. 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 partial Certificate of Occupancy for the respective phase of the project.

Street Lighting Requirements

19. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Final Building Permit for the respective phase of the project. 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 first partial Certificate of Occupancy for each phase of the project. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. The developer further agrees to install necessary service cabinets, meters and appurtenances necessary to connect to Dominion Power. All construction shall meet Arlington County standards.

The developer agrees to purchase and install Arlington County "Carlyle" standard LED street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be 16 feet on North George Mason Drive, and 12 feet on North, Pershing Drive and 4th Streets North and North Thomas Street, measured from the sidewalk to the base of the luminaire. 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.

Off-street Parking for Construction Workers

20. The developer agrees to provide off-street parking for all construction workers without charge to the workers as approved by the Zoning Administrator. 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 Final Building Permit for each phase of the project. 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.

Recordation of Deeds of Public Easements and Deeds of Dedications

21. The developer agrees that, for each phase, as phase is defined in the phasing plan required in Condition #30, all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved site engineering plans, for the construction of any public street, public infrastructure, public utility, public facility or public improvement (jointly "Public Improvements"), shall be: a) submitted by the developer to the Department of Environmental Services for review and approval prior to the issuance of any Above Grade Building Permit for such phase; and; b) approved by the County; and c) recorded by the developer, among the land records of the Circuit Court of Arlington County, all before the issuance of the first partial Certificate of Occupancy for the building(s) or any portion thereof for such phase. Real estate interests conveyed by the developer to the County for public street or public right-of-way purposes shall be conveyed in fee simple, free and clear of all liens and encumbrances. Real estate interests conveyed by the developer to the County for Public Improvements or public uses, including, but not limited to, sidewalk, street trees, other streetscape planting, water mains, storm sewers, sanitary sewers, and other public utilities and facilities, which other Public Improvements are not located, or to be located, in the public street or public right-of-way may be granted to the County by deed(s) of easement, provided, however, that in the deed(s) conveying such real estate interests to the County, all liens and encumbrances shall be subordinated to the easement rights of the County.

Public Improvements Bond

22. Upon approval of the final site engineering plan for the respective phase 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 for the respective phase of the project.

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.

Bicycle Storage Facilities

23. The developer agrees to provide, 46, class 1, bicycle storage spaces in Parcel A and 16 – 24 class 1, bicycle storage spaces in Parcel B with secured access at either a bicycle storage out-building or in storage areas within renovated buildings, for residents and, 29 U-type racks (58 spaces) in Parcel A and 17 U-type racks (34 spaces) in Parcel B, storing

two bike each for visitors and residents, located as shown on the final engineering plan approved by the County Manager.

Water Main Improvements

24. 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 partial Certificate of Occupancy for the respective phase of construction.

The developer agrees to replace the entirety of approximately 640 feet of existing 6-inch water main located in North Thomas Street, between 4th Street North and North Pershing Drive, with new 8-inch water main and to transfer all remaining existing appurtenances to the new water main. The existing 6-inch water main may either be abandoned in place or removed, depending on availability of adequate utility clearances as determined in final engineering review.

Sanitary Sewer Main Improvements

25. Before the issuance of the first partial Certificate of Occupancy for the respective phase of the project, 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.

Fire Hydrant and Fire Department Connection Requirements

26. The developer agrees to show on the final engineering plan, and to install, fire hydrants, 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 partial Certificate of Occupancy for the respective phase of the project.

The applicant agrees to install new fire hydrants at the corners of the property, as shown on the final engineering plan approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.

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.

Transportation Management Plan

27. The developer agrees to develop and implement a Transportation Management Plan

(TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. The developer agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first partial Certificate of Occupancy for the respective phase of the project.

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

Participation and Funding

- a. Maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.
- b. Designate a member(s) of building management as Property Transportation Coordinator (PTC) to be a primary point of contact with the county and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to Arlington County Commuter Services (ACCS) or successor. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

Facilities and Improvements

- a. Provide in the leasing office and the community room, an information display(s), the number/content/design/location of which shall be approved by ACCS / ATP, to provide transportation-related information to residents and visitors. Management shall keep display(s) stocked with approved materials at all times.
- b. Comply with requirements of use permit conditions to provide bicycle parking/storage facilities.

Promotions, Services, Policies

- a. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the property’s website(s) regarding this development.
- 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, or as approved by ACCS or successor.
- c. Reference to the bus routes in promotional materials and advertisements.
- d. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all

residents, tenants, employees, and visitors.

Performance and Monitoring

- a. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- b. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual report, which may be of an on-line, email variety, to the County Manager, describing completely and correctly, the TDM related activities of the site.

Documentation of Historical Artifacts, Features and Buildings

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

In the event a historical artifact or natural feature is found on the site, and is to be disturbed or removed from the site during construction, the developer agrees to contact the Arlington County Historic Preservation Program, Neighborhood Services Division before removing or disturbing the artifact or natural feature. Arlington County shall be given the opportunity to accept donation of the artifact or natural feature before the item is offered to any other organization or individual.

Tenant Relocation and Affordable Housing Plans

- 29. The developer agrees to comply with the Buckingham Village 3 Tenant Relocation Plan entitled "Buckingham Village 3 Relocation Plan" prepared by Telesis Corporation and National Housing Trust-Enterprise Preservation Corporation and dated February 23, 2009, and as recognized by the County Board as consistent with the Tenant Relocation Guidelines on February 29, 2009. The developer further agrees to implement and comply with the Buckingham Village 3 Affordable Housing Program as outlined and described in the document titled "Affordable Housing Program" dated March 13, 2010 as implemented through the County's Affordable Housing Loan, and the terms and conditions thereof. The developer further agrees to carry out the renovation of buildings in Buckingham Village 3 as set forth in Attachment 3 to the May 22, 2009 staff report with the subject "Buckingham Village 3 (BV3) Affordable Housing Program".

Phasing Plan

- 30. The developer agrees to obtain approval of the County Manager of a phasing plan prior to the issuance of any building permits for the project permitted by the use permit, and to implement the approved plan. During the phasing of construction, the developer further agrees to appropriately maintain the site and any buildings located within it. This maintenance shall include, but not be limited to, maintaining landscaping, keeping the

grass mowed, and removing litter and debris from the site. Until the buildings are demolished, the developer agrees to maintain access on the site for fire emergency vehicles. Improvements required by these use permit conditions shall be constructed in phases, consistent with the phasing plan for construction of the project. Any changes in the project phasing shall require a new phasing plan approved by the County Manager prior to the issuance of any permits.

EarthCraft Virginia Multifamily

31. The developer agrees to participate in the EarthCraft Virginia green home program for all renovations to this project. The project team shall work to incorporate sustainable design elements and innovative technologies into the project in order to achieve certification in the EarthCraft Virginia program.

The developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label: dishwashers, refrigerators and programmable thermostats. The developer shall submit to the County Manager a statement listing all Energy Star qualified components prior to issuance of the first partial Certificate of Occupancy of the first building for the respective phase.

The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report updating the EarthCraft Scorecard including information on the energy model results and/or updates, field reports prepared by the project's EarthCraft Technical Advisor (including blower door and duct blaster test results) and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

- Clearing, Grading and Demolition Permit of the respective phase
- First Above Grade Building Permit for the respective phase
- Final Building Permit for the respective phase
- Certificate of Occupancy for any space in the Final Building of the respective phase of the project.

The final EarthCraft certification will be provided to the County prior to issuance of the any Certificate of Occupancy for the last building of the respective phase.

Trash Enclosures

32. The developer agrees that all trash receptacles shall be enclosed and screened as shown on the drawings referenced in Condition #1.

Comprehensive Sign Plan

33. The developer agrees that all project signs shall be of the general size and location as shown in the exhibit dated March 1, 2010 and entitled "Buckingham Village III L.600" prepared by Wiencek & Associates, and the table in the staff report, and as approved by

the County Board on March 13, 2010. The Zoning Administrator may approve and issue the permits for the aforementioned signs administratively, without any further consent from the County Board. The Zoning Administrator may also administratively approve future additional signs or revisions to signs where such proposed additional or revised signs comply with the Zoning Ordinance or are required by County Code, the Chief Building Official or Fire Marshal. The developer agrees that minor changes to the approved signs may be approved administratively by the Zoning Administrator. For the purposes of the preceding sentence, minor changes shall include only the following: (i) a minor adjustment in the location of a sign to meet field conditions (less than 1 foot in any direction); or (ii) a minor change in the area of an individual sign (less than 5%). No sign permit shall be issued for any sign unless the Historic Affairs and Landmark Review Board (HALRB) has issued a Certificate of Appropriateness for same.

Address Indicator Signs

- 34. 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; or as otherwise approved by the HALRB, before the master Certificate of Occupancy for the respective phase is issued.

Towing of Impermissibly Parked Vehicles

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

Vacations and Encroachments

- 36. Prior to the issuance by the County of any permit for development of the use permit, except for demolition permits solely for buildings and structures not owned by the County or located on property within which the County has an interest, the developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the project, or any portion thereof, as depicted on the use permit referenced in Condition # 1 of this Ordinance and in accordance with final site engineering plans for the project approved by the County. The satisfaction of the requirements of this condition may be

phased (i.e., all ordinances of vacation or ordinances of encroachment associated with each approved phase of development must be enacted or obtained before issuance, by the County, of any permit for any work relating to, or necessary for, such phase, except for demolition permits for buildings or structures, not owned by the County or located on property within which the County has a legal interest) provided that such phasing is approved by the County Manager as part of a phasing plan as set forth in Condition #30. 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 Above Grade Building 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).

PREVIOUS COUNTY BOARD ACTIONS:

- November 14, 1939 Approved a rezoning of the 4300 block of North Pershing Drive (Z-30-39-1) from Res. "A" to Res. "B".
- July 11, 2006 Approved a memorandum of understanding with the owner of Buckingham Villages 1, 2 and 3 relative to proposed redevelopment.
- June 9, 2007 Approved the agreement of sale of Buckingham Village 3 and authorized the County Manager to develop an affordable housing plan.
- Adopted an ordinance to expand the Buckingham Historic District (Z-2407-92-HD) to include Buckingham Village 3.
- February 24, 2009 Adopted a resolution to authorize financing of the acquisition of Buckingham Village 3.
- Approved a deed of ground lease of Buckingham Village 3 between the Arlington County Board as landlord and Telesis Corporation and National Housing Trust-Enterprise Preservation Corporation or their designee as tenants.
- June 16, 2009 Approved an Affordable Housing Program for Buckingham Village 3
- February 20, 2010 Deferred use permit request (U-3242-09-1) to the March 13, 2010 County Board meeting.

**VOLUNTARY COORDINATED HOUSING PRESERVATION AND DEVELOPMENT
DISTRICT RESOLUTION**

WHEREAS, Buckingham Village 3 LLC, the owner of such rental property, Buckingham Village 3, or persons showing evidence of site control by a legally binding agreement, has requested the County to designate the site, generally bordered by North Thomas Street to the north, 4th Street North to the west, North George Mason Drive to the south and North Pershing Drive to the east, a Voluntary Coordinated Housing Preservation and Development District (VCHPDD); and

WHEREAS, there exists in the County a serious shortage of sanitary and safe residential housing at rentals and prices which persons and families of low and moderate income can afford; and this shortage has contributed and will contribute to the creation of substandard living conditions and is inimical to the health, welfare and prosperity of the residents of the County; and

WHEREAS, it is imperative that the supply of rental and other housing for such persons and families be preserved or developed; and

WHEREAS, private enterprise is unable, without assistance, to produce the needed development or rehabilitation of sanitary and safe housing which persons or families of low and moderate income can afford; and

WHEREAS, on March 13, 2010, the County Board approved a use permit (U-3242-09-1) for the addition to, and expansion of apartment buildings at Buckingham Village 3 to preserve existing and create larger and more family sized affordable housing units, such conditions of use permit approval outline actions to be taken by the owner and by the County to assure that physical improvements to the structures, site and infrastructure are designed to improve the neighborhood, enhance the useful life of the buildings and promote energy conservation; and

WHEREAS, on June 16, 2009 the County Board approved a Low and Moderate Income Housing Plan, and such plan specifies the actions to be taken by the owner and by the county (i) to minimize the displacement of persons or families of low and moderate income residing in the property; (ii) to reserve some units at rents and prices affordable to persons or families of low and moderate income; and (iii) otherwise to serve public purposes; and

WHEREAS, Buckingham Village 3 LLC has committed with the approval of the aforementioned use permit (U-3242-09-1) and the Low and Moderate Income Housing Plan approved by the county Board on June 16, 2009, to provide one hundred percent of the units (100%) for low and moderate income persons as defined by the county for a minimum of seventy-five years (75 years).

WHEREAS, the County Manager has recommended that the proposed resolution be adopted; and

WHEREAS, the County Board of Arlington County has considered the foregoing recommendations and the purposes of the Comprehensive Plan as set forth in these documents, the Arlington County Zoning Ordinance and the Code of Virginia; and

NOW, THEREFORE, be it resolved that, based on the aforementioned considerations, deliberations and all public comments, the County Board of Arlington County finds that the proposed resolution should be, and hereby are, adopted, designating the Buckingham Village 3 site as a “Voluntary Coordinated Housing Preservation Development District”.