



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of July 7, 2007**

**DATE:** June 25, 2007

**SUBJECT:** SP # 408 SITE PLAN Arlington VOA Assisted Living Residence, Inc., renovate and add space to accommodate a total of approx. 52 residents; 2000 S. 5th St. (RPC #24-032-036).

**Applicant:**  
Volunteers of America

**By:**  
Kevin White  
Volunteers of America  
1660 Duke St.  
Alexandria, VA 22314

**C.M. RECOMMENDATION:**

Approve the site plan to renovate and add space to the Arlington Assisted Living Residence to accommodate a total of approximately 52 residents, subject to the conditions of the staff report (RPC #24-032-036).

**ISSUES:** None.

**SUMMARY:** In partnership with Arlington County Department of Human Services (DHS), Volunteers of America (VOA) National Services plans to renovate the existing vacant 39-unit building at 2000 S. 5th St., build an addition for 13 more residents, and redevelop the site into a 52-unit assisted living building for low-income seniors with serious mental illness, mental retardation and/or physical disabilities that necessitate assistance with activities of daily living.

County Manager: \_\_\_\_\_

County Attorney: \_\_\_\_\_

Staff: Rich Dooley, DCPHD, Planning Division  
Cynthia Stevens, DHS, Director's Office  
Adam Denton, DES, Transportation Planning

PLA-4705

The proposal complies with Arlington County standards, policies and plans; it functionally relates to adjacent and surrounding structures; and it promotes and protects the public health, safety and welfare. The project would also provide a needed service for Arlington County residents. For these reasons, staff recommends that the County Board approve the site plan to renovate and add space to Arlington Assisted Living Residence to accommodate a total of approximately 52 residents, subject to the conditions of the staff report.

**BACKGROUND:** The property is 41,750 square feet, and contains a vacant, two-story apartment building with a partial basement. The property was operated under a County use permit approved in 1987 (U-2549-87-1) to adapt the 26 apartment units to a 39-unit elderly care facility. The Use Permit allowed for the care of a maximum of 75 elderly residents. The Virginia Department of Social Services had licensed the property since 1988 as an assisted living residence (Oak Springs) to provide assisted living. Oak Springs' business operations ceased in late 2002; the County purchased the property in June 2003.

In May 2005, the Arlington County Board approved an Agreement of Conveyance of Property and Improvements at 2000 S. 5th St. from Arlington County to Arlington VOA Assisted Living Residence, Inc., a single-asset, non-profit corporation established under the Internal Revenue Service group tax exemption of the Volunteers of America, Inc., to permit renovation and operation of the property exclusively as an assisted living facility with US Department of Housing and Urban Development (HUD) funding. The property conveyed to Arlington VOA on June 14, 2005. Attachment A provides additional information on the project's design planning process, funding for construction and operations, and the facility's benefits for the community.

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

- Site: The proposed site plan is located at 2000 S. 5th St. – east of South Courthouse Rd. and at the end of the cul-de-sac. The property backs to Washington Blvd. The site is 41,750 s.f. (0.958 acres).

Adjacent development includes:

- To the north: Adjacent parcels include land belonging to the Fort Myer Military Reservation, zoned "S-3A" and designated "Public" on the General Land Use Plan (GLUP), and an apartment house on a parcel zoned "RA8-18" and designated "Low-Medium Residential" on the GLUP.
- To the west: S. 5th St. extends to the west of the building, and garden apartments are located on both sides of S. 5th St. The parcels adjacent to the proposed site plan parcel contain a 5-unit garden apartment and a 4-unit garden apartment, respectively, and are zoned "RA8-18" and designated "Low-Medium Residential" on the GLUP.
- To the east: Behind the building is a steep embankment that leads to Washington Blvd. The land is zoned "S-3A" and designated "Public" on the GLUP.

To the south: Parcels to the south contain a mix of garden apartments, single family homes, and townhouses, and are zoned “RA8-18” and designated “Low-Medium Residential” on the GLUP.

- **Zoning:** The site is zoned “RA8-18” Apartment Dwelling District.
- **Land Use:** The site is designated “Low-Medium Residential” on the General Land Use Plan (GLUP). The existing zoning district is consistent with the GLUP designation.
- **Neighborhood:** The property is located within the Penrose Civic Association.

**Proposed Development:** The following tables set forth the statistical summary for the project.

	<b>Proposed</b>
<b>SITE AREA</b>	41,750 SF (0.958 acres)
<b>Density</b>	
	40,643 SF (23,073 s.f. in existing building, 17,570 s.f. in the addition)
Proposed number of residents	52 residents
<b>Permitted number of residents per former Use Permit</b>	75 residents
<b>“RA8-18” Max. Permitted Density</b>	36 du/acre <sup>1</sup>
<b>Height</b>	
Proposed building height	26’ 4”
<b>“RA8-18” Max. Permitted Height (by site plan)</b>	75 feet (8 stories)
<b>Parking – surface lots</b>	
<b>Proposed</b>	19 spaces
<b>Required Parking Ratio (Sec 33.C.4.a.11) (Hospitals, rest homes, nursing homes, sanitariums, convalescent homes and institutions)</b>	20 (13 for beds; 7 for the maximum 15 employees) <sup>2</sup>
<b>LEED</b>	26 points
Coverage (Proposed)	50.8% (21,222 s.f.)
<b>Permitted coverage (Sec. 32.C.3)</b>	56%

**Density & Uses:** The application to HUD, submitted on June 22, 2005, includes a concept design to rehabilitate the existing 39-unit structure (23,073 s.f.) and build an addition (17,570 s.f.) to provide 52 assisted living units with program areas and office space to effectively operate an assisted living facility.

The site is zoned “RA8-18”, in which there is a site plan option to modify placement requirements. Since the proposed project would exceed the by-right setback requirements, the project needed to submit a site plan application.

<sup>1</sup> Per Sec. 13.B.3 of the Arlington County Zoning Ordinance, “[W]hen a site with an area of more than twenty thousand (20,000) square feet, or with ten (10) or more existing dwelling units, is sought to be used in a manner inconsistent with existing regulations for height, setback, yard, coverage, or parking, or is sought to be developed using additional residential density, the County Board may allow exceptions, after application for a site plan approval consistent with subsection 36.H. of this ordinance, in order to achieve a design which is appropriate for the site, project, and the surrounding area.”

<sup>2</sup> One (1) space for each four (4) beds, plus one (1) space for each two (2) employees (other than staff doctors), plus one (1) space for each doctor assigned to the staff.

Oak Springs was an institutional use allowed under the Zoning Ordinance and approved by use permit for up to 75 elderly residents. VOA intends to provide care for 52 residents; the use would not change for the site. In addition, although there are living units in the building, the majority of the units are not considered “dwelling units” for density purposes because the use is “institutional” not apartment. As an institutional use, the proposed building is permitted by use permit in the “RA8-18” district.

The institutional use is permitted by use permit in “R-20.” In that section (5.A.6.a.(7)), “an institutional home which has an approved use permit and which is a licensed home for adults under the Code of Virginia, may have up to seventy-five (75) percent of the units with individual kitchens, provided that there are central cooking and eating facilities which serve all the units in such a home.” This proposed site plan adds 13 units with kitchenettes. Since all of the existing units have no individual kitchens, the final percentage of units with kitchenettes would be 25%, i.e., less than the 75% threshold noted in the Zoning Ordinance. Since this scenario would be allowed under use permit, staff supports the current project plan by special exception site plan.

Even if the building density were calculated on a dwelling-unit-per-acre basis, the proposal would be generally consistent with the “RA8-18” district’s density limit of 36 du/acre. Given the building GFA of 40,643 s.f., and assuming an average of 1,000 s.f./unit, this project would be equivalent to approximately 40.6 du/acre, which is comparable to the density of other “RA8-18” buildings, especially taking into account the 25% density bonus for affordable housing (resulting in a 45 du/acre density under “RA8-18”) that would be provided for this project.

Significant features of the renovation design include a dining area that can accommodate all residents; a wellness center, a designated refuge area serviced with emergency power, and enhanced common area space. The thirteen new units will have a standardized layout, will be fully handicapped accessible, and include kitchenettes. Renovated units will also be fully handicapped accessible. Mechanical systems will be replaced, as will security, fire, and unit emergency call back systems.

Site and Design: Proposed changes to the facility include the addition of a new wing on the back of the property that connects the existing east and west ends of the building. This addition also connects to the front of the building creating two enclosed courtyards. The addition allows for the creation of 13 new units, the addition of a more centrally located full-size elevator, and creation of more community and administrative space as requested by the Citizen’s Design Team.

The existing building’s façade would not change. The façade consists of red brick, wood trim painted white, white aluminum windows, and a gray shingle roof. The proposed addition would be constructed with a facade of red brick that would match the existing building’s façade. The addition is proposed to fill in the northeast and center portions of the existing building and connect the northeast and southeast wings.

Landscaping for the proposed addition will consist of several ornamental and deciduous shade

trees that will complement the new structure and create shade and accents throughout the proposed improvements. Native plantings of oak, maple, and dogwood trees will be used along the length of the east side of the assisted living residences to complement and eventually grow seamlessly together with the existing tree canopy along Washington Boulevard.

The new courtyard space will be planted with Specimen Japanese Maples to add a vegetative focal element to the interior and allow for the under planting of annual flowers. Along the new access ramp on the north side of the existing building, Centennial Spirit Crape Myrtles will accent the entrance with their wine red flowers and vase shape.

**Transportation:** The development is located at the end of the cul-de-sac on S. 5th Street connected by South Courthouse Road to the west. The Master Transportation Plan classifies S. 5th Street as a neighborhood minor street and South Courthouse Road minor arterial street.

Trip Generation: The proposed project is requesting to increase the existing facility from 39 to 52 rooms. The residents are not expected to own vehicles due to financial and cognitive reasons. The facility is expecting to operate with up to 15 staff during daylight hours and reducing to approximately 12 staff in the evening hours. The proposed 52 residential unit development is estimated to generate 8 AM and 15 PM peak hour vehicle trips upon project completion.

Parking: The applicant proposes to maintain the existing 19 surface parking spaces. Access to the residential parking lots is provided from two driveway entrances located off S. 5th Street. After researching several other assisted living residences in the immediate area, staff expects the 19 parking spaces to adequately serve the 52 residents, visitors, and facility staff. Below is a table of four assisted living communities, number of residents, and number of parking spaces.

Facility	# units/ residents	# cars owned by residents	# family visitors	# assisted living staff at peak hours	# spaces	Are spaces adequate ?
Lincolnia Assisted Living	52	0	2	15 estimate	Shared parking with other 2 facilities on campus	Yes
Birmingham Green Assisted Living	62	0	2	13-14 estimate	15 - 20	Yes
Culpepper Garden Assisted Living	77	3	1-2	10	Shared parking with other facilities on campus	Yes

Stevenson Place	36	1	2-3	15	30	Yes
AALR*	52	0	2-3	13-14	19	

\* This is a best estimate at this time. If AALR were to have a van, it would be parked in the side drive.

**Streets and sidewalks:** S. 5th Street currently exists and is planned to continue to operate as a two-way street terminating to the east at a cul-de-sac. S. 5th Street is constructed to a 36-foot wide paved area with on street parking on both sides and one travel lane each direction approximately 10-feet wide. The existing cul-de-sac measures 65-feet across, the applicant proposes to install a rolled curb from the start of each project driveway to the west transitioning back to a traditional curb as it exits. The cul-de-sac will be narrowed to 62-feet. The sidewalk is proposed to maintain the existing 4-foot wide sidewalk measured from the back of curb the entire length of S. 5th Street. Today there is a missing sidewalk section on the north and south sides of the cul-de-sac due to two Willow Oak Trees where a new 5-foot wide sidewalk will be installed behind the new rolled curb section.

**Public Transit:** The site is located approximately 500-feet from the nearest Metrobus and ART Bus service. Metrobus Route 16Y provides service between Four Mile Run and Rosslyn and continues into the District of Columbia by way of Key Bridge. Metrobus Route 24P provides service between the Ballston and Pentagon Metrorail Stations via Ft. Myer. ART Bus Route 42 provides Saturday service between the Ballston and Pentagon Metrorail Stations via Ft. Myer. Additional public transit available to the residents of the requested project include, Arlington County senior transportation network, including MetroAccess and Super Senior Taxi.

**Bicycle Access:** The subject site has convenient access to the County's bike trail system. On-street bicycle lanes are signed adjacent to the site along S. 2<sup>nd</sup> Street, South Uhle Street, and South Veitch Street and extend between Arlington Boulevard and through Arlington Cemetery, which provides connections to the Arlington Boulevard Trail to the north and the Key Boulevard Trail and Custis Parkway Trail to the north. Consistent with site plan development and the Arlington Bicycle Transportation Plan, the developer would also provide secure bicycle storage facilities for the site's residents, employees, visitors and guests.

**Transportation Management Plan (TMP):** Consistent with site plan development and the County's adopted TDM Policy, staff recommends that the developer implement a TDM Plan to encourage reduced single occupancy vehicle (SOV) trips to and from the site. Staff recommends, and the applicant agrees, to implement the TDM strategies that are briefly summarized below and referenced in Condition #56 of the site plan conditions:

- Maintain membership in the Arlington Transportation Partners program.
- Designate a member of the property management company to be primary point of contact and coordinate responsibilities for completing this TDM Plan.
- Encourage use of public transportation and ridesharing among its staff.
- Make available transportation-related information provided by the Commuter Assistance Program to staff and visitors. The property will also make available information on the location of the nearest metro stations (Courthouse, Orange Line; Pentagon, Blue &

Yellow Lines) as well as the bus lines servicing South Courthouse Road and Columbia Pike.

- Prepare a parking management plan, identifying the intended use of the 19 spaces by staff and visitors. Develop policies for paratransit, taxi, passenger drop-off and pick-up, short-term parking, and deliveries
- Complete a self-assessment of its transportation management plan performance two years after occupancy.
- Conduct a transportation monitoring study of the site.

**Utilities:** Adequate water and sanitary sewer capacity is available to serve the proposed development. Staff recommends the extension of a new 8-inch water main in S. 5th St. approximately 325-feet in length from the existing 8-inch main in South Courthouse Road. The existing 6-inch water main in North Irving Street being replaced by the new 12-inch main shall be abandoned and all service connections and other appurtenances shall be reconnected to the new main.

The developer will remove or relocate all existing aerial utility lines along the periphery of the site. The developer will be required to comply with the Chesapeake Bay Preservation Ordinance and the Plan of Development requirements, including a Resource Protection Area Delineation (site is not located in an RPA), a Landscape Conservation Plan, a Storm Water Management Plan, and an Erosion and Sediment Control Plan.

The proposed site plan would relocate the storm sewer utility into the Washington Boulevard right-of-way. Once the site plan is approved by the County, the applicant would apply for a VDOT permit to enable the applicant to construct the storm sewer within the right-of-way.

The Utility Undergrounding fund contribution normally applied to site plans is being waived for this project. Such a waiver is the typical for projects that have a significant affordable housing element and consist of an addition or remodeling of an existing facility.

**LEED Scorecard:** The proposed LEED score is 26 points, including credits for sustainable sites, water efficiency, energy and atmosphere, materials and resources and environmental quality.

## **DISCUSSION:**

**Adopted Plans and Policies:** The General Land Use Plan and Zoning Ordinance guide development on the subject site. The proposed development is consistent with the parcel's "Low-Medium Residential" designation and "RA8-18" zoning. Given the demand in Arlington County for affordable facilities and services for low-income seniors with serious mental illness, mental retardation and/or physical disabilities, this project is a valuable addition to the Arlington community.

**Affordable Housing:** All units in the facility will be affordable to low-income seniors, most of whom will have incomes below 30% of the Area Median Income, which for a family of one is

\$19,850. Three specific County Housing Target Goals are being met with this project:

Target 1 A: Provide assistance to priority households in the following proportions by FY 2010.

65% to families with children  
20% for the elderly, and  
15% for persons with disabilities.

All 52 units in the AALR will serve elderly persons with disabilities.

Target 3C: Help maintain the supply of affordable housing by assisting an average of 400 net new committed affordably housing units per year, especially the preservation of existing affordable housing through partnerships with nonprofit housing providers.

This project provides 13 additional units of affordable housing, along with the previously counted 39 existing units of affordable housing to be preserved. The project is a partnership of VOA, a recognized national, nonprofit leader in the development of affordable housing and assisted living for seniors, and the County Department of Human Services.

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

Reflecting the demographics of the clients assessed in 2004, it is expected that most of the residents will have incomes below 40% of median. The vast majority will receive Social Security Disability Income and be eligible for the Auxiliary Grant, a program of the Virginia Department of Social Services that pays for assisted living services.

In addition to meeting three of the County's Housing Targets, this project is directly related to meeting the goal of the County's Supportive Housing Plan to develop 375 to 425 units of supportive housing for persons with disabilities. The County Board adopted the Supportive Housing Plan in May 2005.

**Modification of Use Regulations:** The parking and setback modifications requested with this project are typical modifications associated with "RA8-18" special exception projects. The applicant has requested modifications of use regulations to provide 19 parking spaces, which is less than the 20 spaces required for an institutional use building under Sec. 33 of the Zoning Ordinance. Since the residents are not expected to own vehicles, and given the TDM plan presented by the applicant, staff supports the proposed modifications of use regulations.

The applicant has also requested modifications of use regulations to exceed the by-right setback requirements under Sec. 32 of the Zoning Ordinance. Since the setback that is being exceeded is on a corner of the building that backs to a wooded area, staff supports the proposed modifications of use regulations.

**Community Process:** Public meetings that were held on this proposal are listed below. In addition, the applicant participated in two (2) Penrose Civic Association meetings.

- Site Plan Review Committee: The applicant participated in two Site Plan Review Committee (SPRC) meetings that took place on May 14 and June 11, 2007.
- Planning Commission: The Planning Commission considered the proposed site plan at its June 25, 2007 meeting. The Commission voted 9-1 to recommend approval of the VOA-AALR site plan to the County Board, subject to the proposed staff conditions except as outlined below:
  - Eliminate duplicate site plan conditions regarding the green building fund (Conditions #12 and #43), and fill in the dollar amounts to be contributed by the applicant.  
*Staff response:* Eliminated Condition #43 and filled in the dollar amounts in Condition #12.
  - Change the condition regarding affordable housing (Condition #49). Make the applicant keep the facility running permanently as an affordable facility.  
*Staff response:* Modified Condition #49c to state that the facility must run as an affordable facility “throughout the life of the site plan.”
  - Include a civic association representative at the post-approval meetings (conditions #2 and #10b).  
*Staff response:* Modified Conditions #2 and #10b to include a Penrose Civic Association representative.

An amendment to the motion requested that the facility be considered for use as a refuge or central location for information in the event of a public emergency.

The County has designated refuge and shelters for emergencies per the county’s emergency plan and in cooperation with the Red Cross. While the County could consider adding the VOA-AALR facility to the list, it might be difficult for the facility to serve the public in such instances. The facility’s generator to be used in emergencies is designed to power the refuge area, kitchen, bathrooms and wellness center only. Total capacity for those areas is approximately 75 people. So, given the 52 residents and approximately 12 staff to be onsite at any one time, that would mean about 11 people from outside the building could come in and stay in the part of the building that will heated/cooled via the generator.

- Housing Commission: The Housing Commission’s Bricks and Mortar Subcommittee heard this site plan request at its May 29, 2007 meeting. The Housing Commission will hear this site plan request at its June 28, 2007 meeting.
- Transportation Commission: The Transportation Commission will hear this site plan request at its rescheduled recessed meeting on July 2, 2007.

**CONCLUSION:** The proposal meets the standards of Section 36.H.3.of the Zoning Ordinance, including compliance with County standards, policies and plans; functionally relates to adjacent and surrounding structures; and, promotes and protects the public health, safety and welfare. The project would also provide a needed service for Arlington County residents. For these reasons, staff recommends that the County Board approve the site plan to renovate and add space to Arlington Assisted Living Residence to accommodate a total of approximately 52 residents, subject to the conditions of the staff report.

## Site Plan Conditions

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

- **The following Conditions of site plan approval (#1 through #13) are valid for the life of Site Plan #408 and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.**

1. The developer (as used in these conditions, the term developer shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated June 20, 2007 and reviewed and approved by the County Board and made a part of the public record on July 7, 2007, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

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

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

3. Tree Protection and Replacement

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

of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #13 below, provided, however, that replacement as specified in this subparagraph (3.b.5) does not relieve the developer of any violation resulting from the failure to save identified trees.

- 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 #13a below and shall be installed on the project site or on County-owned land, determined by the County Manager. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final site development and landscape plan.
4. The developer agrees to produce and submit to the Zoning Administrator a photographic record of development, starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction. These photographs shall comply with the following specifications:

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

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

- a. Before Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)—Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #38 below.

- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- c. Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit)–At a minimum, views of the site: during excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.
- d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

The photographic record of the site as it appears before demolition shall be delivered to the Zoning Administrator prior to the issuance of a clearing, grading or demolition permit. The photographic records for which no time is specified above, including the completed compact disc with the entire photographic history, shall be delivered to the Zoning Administrator, before the issuance of a Master Certificate of Occupancy, for placement in the County archives.

If the developer uses the "Fast Track" Permit Process, the Site Clearance and Construction Phase photographs shall be submitted before the issuance of the Footing to Grade Structure Permit, or the first Building Permit, whichever comes first. The Construction Phase photographs, showing any construction to grade, shall be submitted before the Final Building Permit. The Construction Phase photographs showing all construction above grade and the Site Completion Photographs and completed compact disc showing the entire photographic history of the site shall be submitted before issuance of the Master Certificate of Occupancy.

- 5. ~~Intentionally Omitted In addition to funding and constructing the utility undergrounding work, the developer agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the Building Permit or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is \$\_\_\_\_\_ (\$1,667 x \_\_\_ units). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.~~
- 6. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify

temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

7. ~~Intentionally Omitted The developer agrees to coordinate with the Arlington County Relocation Program Coordinator in order to provide each rental household living in either an apartment unit or a single family dwelling which is displaced by the construction of this site plan, except those who sign initial leases for a unit in the project after the date of this site plan approval, with at least the following:~~
- ~~a. A minimum of 120 days written notice to vacate.~~
  - ~~b. Relocation payments, in accordance with the Arlington County Tenant Relocation Guidelines adopted by the County Board and in effect on the County Board date identified in Condition #1.~~
  - ~~c. Relocation services in accordance with the Arlington County Tenant Relocation Guidelines adopted by the County Board and in effect on the County Board date identified in Condition #1.~~

~~If the developer decides to limit relocation benefits to persons who executed initial leases before adoption of the site plan, the developer agrees to notify, in writing any tenant moving in after the date that the site plan is approved of his/her ineligibility for relocation payments and services. Any tenant who has not signed a waiver of rights to relocation assistance must receive the assistance. In cases where State law requires 120 day notice to vacate (displacement from multi-family buildings containing four or more units), notice cannot be waived, but the lead time for such notice may be reduced by mutual agreement in writing. Evidence of compliance with this condition shall be provided to the Zoning Administrator before the issuance of the Clearing, Grading and Demolition Permit.~~

8. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this plan and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this site plan approval. The developer specifically agrees that the County has the authority to take such actions as may be necessary, to include the issuance of a stop work order for the entire project, when the developer is not in compliance with the agreed-upon conditions.
9. The developer agrees to file three copies of a site plan and the tabular information form, and digital copies on compact disc in JPEG, PDF, and DXF formats, which complies with the final approval of the County Board and with Administrative Regulation 4.1, with the

Zoning Administrator within 90 days of the County Board approval and before the issuance of the Clearing, Grading and Demolition Permit.

The developer agrees to include on the post-4.1 plans details regarding existing traffic signal system infrastructure, e.g., poles, meters, controller cabinets, and to indicate on the plans if any part of the system will be moved and to where it is proposed to be moved.

The developer agrees to convene and participate in a meeting with pertinent County staff to address requirements of the site plan approval.

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

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

plan's Arlington County Police representative shall receive a copy of the aforementioned map.

- c. Throughout construction of the project, the developer agrees to advise abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property.
  - d. At the end of each work day during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the construction site are free of mud, dirt, trash, allaying dust, and debris and that all streets and sidewalks adjacent to the construction site are free of trash and debris.
  - e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7:00 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10:00 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity defined as activity occurring entirely within a structure fully enclosed on all sides by installed exterior walls, windows, and/or doors shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.
  - f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager.
11. 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 plan must include letters from contracted haulers, reprocessors, and recyclers indicating that they are able to manage waste from the project. The developer agrees to obtain the County Manager's approval of this plan prior to the issuance of the Clearing, Grading, and Demolition permit, and to implement the plan throughout demolition and construction of the project. Compliance with this condition may contribute to achieving LEED credits MR 2.1 and 2.2 (Construction Waste Management.)

12. The developer agrees to make a contribution to the County's Green Building Fund of \$1,219.29 ( $\$0.03 \times 40,643$  square feet). The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition Permit, and compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded upon receipt of written request, and documentation of LEED certification, by the applicant.
13. Vacations and Encroachments  
The developer agrees submit Vacation and Encroachment application(s) or waiver form(s) prior to the issuance of any permits for the site plan. Vacations and encroachments should be recorded before the Final Building Permit is issued.
  - **The following Conditions of site plan approval (#14 through #34) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit.**
14. The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final site development plan and a landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final site development plan and landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site engineering plan as required in Condition #15 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 both the final site development and landscape plan and the site engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for both plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to the landscaping requirements in Condition #13 below; the Rosslyn-Ballston Corridor Streetscape Standards if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final site engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing

administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the site engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the first Certificate of Occupancy for the respective phase of construction. The final site development and landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final site engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets shall not be located in the public sidewalk. Transformers shall not be placed above grade in the setback area between the building and the street.
- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated prior to submission of the post-County Board Administrative Regulation 4.1 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final site engineering plan and the final site development and landscape plan before issuance of the Footing to Grade Permit.
- c. The location, dimensions, ~~and~~ 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. ~~Brick or a concrete unit paver shall be used on the access drives, automobile drop-off areas, plaza areas, and interior walkways and roadways.~~ Interior walkways shall have a minimum width of four (4) feet. All plaza areas shall contain special paver treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final site development and landscape plan.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition #37 below.

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

- m. Once approved, the final site development and landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Manager.
15. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:
- a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
    - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #17 below.
    - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
    - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
    - (4) Shrubs—a minimum spread of 18 to 24 inches.
    - (5) Groundcover—in 2 inch pots.
  - b. The developer agrees to coordinate with the DPRCR Urban Forester to determine an appropriate and acceptable season in which to conduct planting. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant trees prior to issuance of the first Certificate of Occupancy Permit.
  - c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
  - d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
  - e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the

top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.

- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
  - g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.
  - h. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
  - i. The developer agrees to install raised planting bed in the interior courtyards. A planting bed will be installed in the North Courtyard along the retaining wall. This bed will be 44 feet long, two feet deep, and will be three feet above grade. Two raised planting beds will be installed in the South Courtyard along the south wall of the lounge. Each bed will be eight feet long, 20 inches deep, and will be two feet above grade.
16. 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.
17. The developer agrees to submit final site engineering plans to the Division of Transportation . The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted. Staff comments on the final engineering plans will not be provided to the developer without submission of the landscape plan to the Zoning Office. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Division of Transportation and the CPHD Site Planner, as consistent with all site plan approval requirements and all County laws. To ensure final sign-off, the

plans shall include CPHD Site Planner review and signature blocks. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Division of Transportation for recording.

18. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first Certificate of Occupancy for occupancy of the applicable phase of the project.

- a. The developer agrees to construct new rolled curb and gutter along the north and south sides of the S. 5th St. cul-de-sac approximately 31-feet from the Arlington County survey centerline, as shown on the final engineering plan approved by the County Manager.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated June 20, 2007 unless the County provides additional funding to offset such increased cost.

19. (Survey Monuments) The developer shall submit a boundary survey of the site, with an error of closure within the limit of one (1) in twenty thousand (20,000), related to the Virginia Coordinate System of 1983 (VCS 83). Two (2) adjacent corners or two points on every plan sheet shall be referenced to the VCS 83 with coordinate values shown in feet. If a conversion from meters to feet is necessary, the foot definition used for conversion is the U.S. Survey Foot of 1 ft = 1200/3937 E+00 meters. If the development is located more than one-half mile from an Arlington County Survey Control Network (ACSCN) monument, the developer shall utilize a Virginia Licensed Land Surveyor to establish a permanent second order accuracy (or higher) survey control monument. The surveyor shall comply with standards and specifications contained in the current VDOT Survey Manual. The surveyor will be required to submit his or her computations to the Office of the County Surveyor for inclusion into the ACSCN. Plans referenced to the VCS 83 shall be annotated as follows: "The site shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field survey which ties this boundary to the Arlington County Survey Control Network."

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

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

The developer agrees that the clear pedestrian zone sidewalk shall:

- a. Continue across all driveway aprons for loading and garage entrances along all frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic.
- b. Not be less than four feet wide at any point.
- c. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards, or as noted in Condition #21.
- d. Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval and under the provisions of the Arlington County Streetscape Standards.
- e. Not contain joints or use patters that create gaps of ¼-in depth or greater at spacings of less than 30”

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

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

**S. 5th St. - A new sidewalk 5-foot wide measured from the back of rolled curb to be installed on the north and south sides of the cul-de-sac in from the entry points of the cul-de-sac and transitioning back to a 4-foot wide sidewalk after the driveway aprons to the east as shown on the final engineering plans or as approved by the County Manager.**

21. 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.
22. The developer agrees that the location of the water services will be determined at the time of the review of the final engineering plan in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations; and the building walls shall be adjusted as necessary to provide these clearances.
23. The developer agrees that all sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet clearance from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures. Water mains 16 inch and larger, and mains placed more than 10 feet deep shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inches and larger, or sewers placed more than 10 feet deep shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.

The developer agrees that the minimum clear horizontal separation between each individual barrel of the storm sewer and proposed buildings or other permanent structures shall be as follows: 10 feet from the center line of storm sewer mains less than 27 inches in diameter and 10 feet or less in depth; 15 feet from the center line of storm sewer mains less than 27 inches in diameter and greater than 10 feet in depth; 15 feet plus half the diameter from the center line of storm sewer mains greater than 27 inches in diameter, at any depth.

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

25. The developer agrees to show on the final engineering plans, and to construct, water main improvements in accordance with the following. The water main improvements shall be constructed prior to the issuance of the Final Building Permit for the respective phases of construction.

A new 8-inch water main in S. 5th St. approximately 325-feet in length from the existing 8-inch main in South Courthouse Road. The existing 6-inch water main in S. 5th St. being replaced by the new 8-inch main shall be abandoned and all existing water services and fire hydrant connections shall be reconnected to the new main.

26. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following. The sanitary sewer main improvements shall be constructed prior to the issuance of the Final Building Permit.

None

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

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

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

28. 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 that is in poor condition or damaged by the developer prior to the issuance of the first Certificate of Occupancy.
29. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer

agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core Certificate of Occupancy. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. All construction shall meet Arlington County standards.

The developer agrees to purchase and install Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be 12 feet, single-globe along the S. 5<sup>th</sup> St. cul-de-sac. 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.

30. The developer agrees to remove or place underground all existing aerial utilities within or along the periphery of the entire site plan as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles, or aerial devices. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.
31. The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.
32. The developer agrees to install address indicator signs on the site which comply with Section 27-12 of the Arlington County Code or successor provision in a location visible from the street and as shown on the final site development and landscape plan.

33. The developer agrees that the design of the facade treatment for the buildings and the materials to be used on the facades shall be as specified and shown on the submitted drawings identified in Condition #1 and as presented to the County Board and made a part of the public record on the County Board date identified in Condition #1, including all renderings, drawings, and presentation boards presented during public hearings. The developer agrees to submit colored drawings and renderings which label the materials and colors for each elevation of the building, including interior elevations (e.g. elevations adjacent to interior courtyards, plazas and access drives), and material samples, for review by the County Manager for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.
34. All required public deeds of easement and deeds of dedication shall be submitted to the Division of Transportation prior to the issuance of the Excavation/Sheeting and Shoring Permit, and be approved and recorded among the land records of the Clerk of the Circuit Court of Arlington County, by the developer before the issuance of the Final Building Permit. The developer agrees that there shall be no building construction within the easement area without approval by the County Manager or the County Board. Dedications granted by the developer for street and public right of way purposes and improvements shall be dedicated in fee simple to the County. Dedications granted by the developer for improvements, including, but not limited to, sidewalks, street trees, other streetscape plantings, and water, storm sewer, sanitary sewer, and other utilities, may be dedicated by easement to the County.
- **The following conditions of site plan approval (#35 through #37) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit.**
35. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #9 above.
36. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Division of Transportation for review and approval. Upon approval of the performance bond estimate by the Division of Transportation, the developer agrees to submit to the Division of Transportation 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 to the Division of Transportation, which shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.

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

37. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance. Unless otherwise approved by the County Board, the number of compact spaces may not exceed the Zoning Ordinance requirement. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.
- **The following conditions of site plan approval (#38 through #39) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit.**
38. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #9 above.
39. The developer agrees to submit to the Zoning Administrator and the Operations Division of the Arlington County Police Department documentation that a Crime Prevention Through Environmental Design (CPTED) practitioner referred by the Police Department has reviewed and accepted the site plan for meeting CPTED design requirements.
- **The following conditions of site plan approval (#40 through #43) are valid for the life of the site plan and must be met by the developer before the issuance of the First Certificate of Occupancy.**
40. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager, including street lighting as described in Condition #26 above. The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all lighting from the County Manager and to install approved lighting, before the issuance of the First Certificate of Occupancy for occupancy of the applicable phase of the project.
41. The developer agrees to be responsible for documenting any historical artifact or historical natural feature uncovered during construction on the site. This documentation shall include written notation describing the artifact or natural feature, color photographs, and mapping of the location and/or depth of the site excavation at which the item was

found. The developer agrees to submit a copy of this documentation to Arlington County before issuance of the First Certificate of Occupancy.

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

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

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

43. ~~Intentionally Omitted The developer agrees to make a contribution to the County's Green Building Fund of \$\_\_\_\_\_ (\$0.03 X \_\_\_\_\_ square feet). The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition Permit, and compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded upon receipt of written request, and documentation of LEED certification, by the applicant.~~

- **The following condition of site plan approval (#44) is valid for the life of the site plan and must be met by the developer before the issuance of the Master Certificate of Occupancy.**

44. The developer agrees to submit, before the issuance of the Master Certificate of Occupancy, drawings certifying the building height as measured from the average site elevation to both the building roof and to the top of the penthouse roof.

- **The following condition of site plan approval (#45) is valid for the life of the site plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**
45. The developer agrees to obtain a Master Certificate of Occupancy within 90 days of receipt of any partial Certificate of Occupancy for full occupancy of the building.
- **Post Certificate of Occupancy: the following Conditions of site plan approval (#46 through #48) are valid for the life of the site plan.**
46. The developer agrees that any structural addition shall be subject to the approval of the Zoning Administrator consistent with Section 36.H.2.c of the Zoning Ordinance. If the Zoning Administrator determines that any proposed improvements have a significant impact on the site plan, or otherwise meet Zoning Ordinance requirements for site plan amendments that go to the County Board, a site plan amendment shall be required.
47. The developer or owner agrees to remove snow from all interior streets and interior and exterior sidewalks, including accessibility ramps and gutter areas within crosswalks, within a reasonable time after snow has stopped falling but in no case later than snow removal provided for vehicular access to the site.
48. The developer agrees that the maintenance of the common area, walkways, private drives and parking areas shall be provided for by the condominium's, cooperative's or homeowners association's bylaws or agreements consistent with Section 2.D.6 of the Zoning Ordinance.
- **The following unique site specific conditions (#49 through #57) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition.**
49. The developer agrees to comply with existing agreements with the County and the US Department of Housing and Urban Development (HUD) to develop and operate an assisted living residence, known as the Arlington Assisted Living Residence (AALR), for low-income elders and persons with disabilities. The developer agrees to execute or cause to be executed all documents requested by the County, including an Operating and Use Agreement, to evidence its obligation to the County to operate this property as set forth in the Developer's agreement with the Secretary of Housing and Urban Development. The Developer agrees to execute the Operating and Use Agreement in form and substance acceptable to the County Manager, before issuance of a Certificate of Occupancy. By way of illustration and not limitation, the developer agrees as follows:
- a. The Assisted Living facility (ALF) will be licensed and regulated by the State.
  - b. All units must be available to frail elderly persons and persons with disabilities that need and want assistance with the activities of daily living in order to live independently in the project.

- c. The developer will, throughout the life of the site plan, operate the project in accordance with a ALCP Declaration of Restrictive Covenants requiring that the project continue to serve low-income or very low income elderly or disabled persons.
- d. Developer will comply with federal Equal Opportunity Requirements.

The Developer agrees, at all times, to fully comply with existing agreements with the federal government and the County to develop and operate the property; the Developer also agrees to execute all future agreements requested by the County that govern the use and operations of the AALR and the disbursement of any funds from the County for the renovation or operation of the AALR.

- 50. The developer agrees to develop and implement a plan for the recycling of building materials from the existing buildings to be demolished. 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 existing buildings.
- 51. The developer agrees to hire a LEED certified consultant as a member of the design and construction team. The consultant shall work with the team to incorporate sustainable design elements and innovative technologies into the project so that numerous building components may earn the developer points under the U.S. Green Building Council's system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for seven (7) LEED Prerequisites and include at least 26 LEED credits. The developer agrees to use commercially reasonable efforts to achieve additional LEED credits which would qualify the building for certified levels.

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

The developer further agrees to submit, to the Department of Environmental Services (DES) and to the Zoning Office, a report prepared by the LEED consultant and documentation upon request to substantiate the report. Such reports will be submitted prior to issuance of the following permits or certificates of occupancy for construction of the project and will summarize the efforts to date of the inclusion of the sustainable elements within the project:

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

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

52. ~~Intentionally Omitted The developer agrees to grant permanent public use and access easements, in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County providing for public use and access to \_\_\_\_\_, entitled "\_\_\_\_\_." The final location of the easements may change with the preparation of the final building plans. The developer agrees to construct and landscape these areas, as shown on plans dated June 20, 2007 and made a part of the public record on July 7, 2007. Final landscape design and installation shall be approved by the County Manager as part of the final site development and landscape plan. Construction and landscaping of these areas shall be completed prior to the granting of the easements. Granting of the public use and access easements shall be completed prior to the issuance of the first certificate of occupancy for the building. The easements shall be granted by deed, in form and substance acceptable to the County Manager, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. The developer shall be responsible for maintaining these areas.~~
53. If the project does not participate in the County's refuse collection system, then the developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility designated by the County Manager. The developer further agrees to stipulate in any future lease or property sale agreements and deeds that all tenants or property owners shall also comply with this requirement for the life of the site plan.
54. 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.
55. The developer agrees to develop procedures, subject to approval of the County Manager, whereby uniformed Arlington County Police will be authorized to enter the parking areas for purposes of enforcing compliance with County ordinances and state laws applicable to resident's motor vehicles.
56. The developer agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. The developer agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first Certificate of Occupancy for each respective building.

Annual assessment rates will be adjusted for inflation by the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index (CPI) Inflation Calculator from the date of site plan approval.

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

#### Participation and Funding

- a. Maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the property management company.
- 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 TMP obligations. The applicant will provide, and keep current, the name and contact information of the PTC to the Commuter Assistance Program. The Property Transportation Coordinator shall be appropriately trained to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

#### Facilities and Improvements

- a. Provide an information display, the content/design/location of which shall be approved by ACCS / ATP, to provide transportation-related information to residents and visitors.
- b. During construction, maintain or coordinate relocation of any existing bus stops.
- c. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, and construction worker parking.

#### Promotions, Services, Policies

- a. Upon hiring of each of employee, provide a SmarTrip card plus \$100.00 Metro fare media per person, for free, to all on-site employees.
- b. Provide website hotlinks to CommuterPage.com<sup>TM</sup> under a “transportation information” heading from the developer and property manager’s websites regarding this development.
- c. Distribute an employee package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each employee. Packages will be distributed to employees no later than their first day on the job at the building.
- d. Reference to the nearest bus routes in promotional materials and advertisements.
- e. 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. Conduct a transportation performance monitoring study at two years, five years, and ten years after issuance of first Certificate of Occupancy and provide a report summarizing a voluntary mode-split survey.
- c. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the site

57. The developer agrees to provide a six-foot, ornamental aluminum decorative fencing system along the eastern property line.
58. The developer agrees to reconstruct the existing northern parking lot by removing improvements from adjacent property in such a manner that all new construction will remain on the developer's property.
59. The developer agrees to require the operator to establish and maintain a Community Advisory Council of not fewer than seven (7) members, in which two (2) members shall be appointed by the Arlington Commission on Long Term Care Residences. Facility staff will provide administrative support to the Council, but will not serve as members of the Council. The Council shall meet at least every other month, and the Chair shall be elected by the Council members.
60. The developer agrees to accept a volunteer ombudsman assigned to its site by the Northern Virginia Long-Term Care Ombudsman Program.

## ATTACHMENT A

### **Supplemental Information on the Arlington Assisted Living Residence (AALR)**

**Design and planning process:** The property was purchased by Arlington County using Local Public Assistance Cost Allocation Plan (LPACAP) Supportive Housing Funds with the intent of developing a specialized assisted living program for older persons with mental and cognitive disabilities. Grimm and Parker Architects were hired by DHS to develop renovation plans. A Citizens Design Team, including members from four advisory commissions (the Community Services Board, the Health Center Commission, the Commission on Aging, and the Housing Commission), worked with the architect and County staff on the renovation plans.

The Citizens Design Team met about 6 times from fall 2004 through spring 2005. As design plans for minimal rehab were reviewed, it became clear that renovation would be more expensive than originally projected and that it was more cost effective in the long term and would result in a better program to consider an expansion of the building with more extensive renovations.

HUD's Assisted Living Conversion Program (ALCP) was identified as an ideal source for renovation funds. In order to qualify for a competitive HUD grant, the property needed to be conveyed to a nonprofit. Through the procurement process, VOA was selected by Arlington County to own and develop the property. VOA is a national, nonprofit organization that provides a wide range of services to low- and moderate-income households. VOA has developed over 200 housing properties, serving more than 20,000 people in over 30 states, and operates 25 assisted living and nursing care facilities in three states.

After the HUD grant was awarded in 2006, a Citizens Operational Planning Work Group comprised of citizen representatives from the four County advisory commissions worked with DHS staff and the VOA Healthcare Division to review best practices in the operation of assisted living residences and provide input for program operation. This work group will make a recommendation to the DHS Director about the selection of an operator. This group met regularly (bi-monthly) in spring 2006 until the project was suspended in June 2006. This group resumed its meetings in April 2007.

**Community involvement:** This project is located in the Penrose neighborhood. In spring 2005 VOA, the project architects, and County staff informed the Penrose Civic Association about the plan to submit an application for HUD funding, including the renovation plan and proposal to build an addition on the back of the building. In spring 2006, VOA and the project architects updated the Civic Association on two occasions and at its June 2006 meeting the Civic Association unanimously voted to support the project. VOA has updated the association co-presidents and other neighbors several times over the last several months.

The Elder Readiness Task Force, convened in February 2006 by the County Board to evaluate the capacity of the County to meet the needs of elder persons in the future, included the timely opening of the AALR facility for elder persons with mental, cognitive, and physical disabilities, as its number one housing priority recommendation.

**Funding for Construction:** Arlington VOA, Inc. has been awarded a grant by the U.S. Department of Housing and Urban Development (HUD) in the sum of \$4,825,000. This is the first time that a Virginia-based organization has won a HUD ALCP grant and is one of just 12 conversion grants awarded in 2005. The HUD grant does not cover all renovation costs; LPACAP funds were planned to supplement the renovation. To replace the lost LPACAP funds, Arlington County was successful in securing a \$1.7 million dollar grant from the state to cover Arlington's share of the facility's cost. While the cost of construction has risen since the last cost estimate a year ago, VOA has identified other sources to apply for funds to fill the gap.

**Cost of on-going operations:** The DHS Business Plan projects the cost to operate the residence at \$3,400 per unit per month. The primary source of revenue available in the Commonwealth of Virginia to assist low-income persons with the cost of assisted living is the Auxiliary Grant Program (AG) which has an approved level of need rate of \$1,280 per month in Northern Virginia. Of this amount, \$75 is approved for personal needs and the balance of \$1,205 is for assisted living services.

To make up the gap between what the AALR would receive in Auxiliary Grant funds and the actual projected cost to operate, DHS has identified three other potential revenue sources: 1) residents who are not eligible for the AG pay a portion of their income for services; 2) local jurisdictions purchase some beds at full cost; and 3) using Section 8 project-based rental assistance is deemed feasible. The Business Plan projects a range of revenues between \$845,000 to \$1.5 million per year.

Even with a combination of possible revenue sources, significant on-going support from the County will be required. The County's approved FY 2008 budget includes \$130,000 for pre-opening expenses. The Business Plan projects cost of operating the AALR on an annual basis at \$2.1 million.

**Need for the AALR :** In December 2004, DHS assessed the housing needs of clients as part of the development of the Supportive Housing Plan. Among those assessed, the department identified more than 90 clients over the age of 55 in need of assistance with their activities of daily living, such as bathing, toileting, eating, and dressing. Among them:

- 68 percent were women
- 32 percent were men
- 64 percent had a diagnosis of serious mental illness
- 27 percent had a diagnosis of mental retardation
- 8 percent had severe physical disabilities
- 60 percent had serious medical conditions that needed to be monitored

Just like the general population, persons with mental and physical disabilities are living longer and need assisted living as they age. The AALR will meet a unique need, serving in one setting persons with mental illness, mental retardation, and physical disabilities, without segregation based on the nature of their primary diagnosis. Existing assisted living facilities face great

challenges in successfully serving this special population amongst their typical residents whose average age is 80. Their staff is not trained nor supported to manage challenging behaviors, detect early signs of decompensation, understand psychotropic medications and their side effects, or manage mental health crisis.

Currently, persons who need this special type of supportive housing either remain in their home without sufficient services in an unstable and unsafe environment, resulting in frequent hospitalizations, or are placed in a nursing home prematurely. Once assisted living services are provided, quality of life increases, and the need for more expensive services is greatly reduced. The proportion of adults with mental retardation who develop Alzheimer disease is higher than that of the general population, and the number of persons with mental illness is expected to double by the year 2030. The specialized services provided by the AALR will meet the needs of these residents over the long term.

**Services:** In April 2006, the Citizens Operational Work Group, previously mentioned and comprised of representatives of the Commission on Aging, Long Term Care Residences Commission, Disability Advisory Commission, and Community Services Board, as well as staff, adopted the following principles to guide the program operation for the AALR:

- A home where residents can age in place,
- Through the creation of a Resident Council, residents will participate in decision making and in all aspects of the program operations, which will be individually tailored to meet the interests and needs of the residents,
- The environment is homelike and personalized,
- Residents belong to one of five neighborhoods within the facility,
- Residents are supported to do as much as possible for themselves,
- Opportunities are provided for integration in the community and family involvement, and
- Staff is caring, committed, cross disability trained, with a person-centered focus.

Due to the high intensity of needs expected for the AALR residents, the following services will be provided by the contractor to be selected for program operation:

- Medication administration and compliance monitoring
- Medical coordination with multiple medical providers
- Availability of choices of recreational activities on and off-site
- Transportation to appointments for those who have no other means of transportation
- Personal care, which includes assistance with bathing, toileting, nutrition, and dressing
- Housekeeping and laundry service for those unable to do their own laundry
- Consulting pharmacist
- Consulting medical director/psychiatrist
- Pet therapy
- Availability of on-site barber and hairdresser for those who are homebound

DHS will refer clients to the AALR and be involved in admission and discharge plans. Each resident of the AALR will have an actively engaged assigned DHS case manager. The current

treating psychiatrist will continue to provide support to each resident in need of psychiatric services.