



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 22, 2010**

DATE: May 14, 2010

SUBJECT: SP# 395 Site Plan Amendment to modify density, parking, height, facades, landscaping, utility locations, located at 3565 Lee Hwy.

Applicant:

The Christopher Companies

By:

Benjamin T. Danforth, Agent/Attorney
Lawson, Tarter & Charvet, P.C.
6045 Wilson Blvd., Suite 100
Arlington, Virginia 22205

C.M. RECOMMENDATION:

Approve the site plan amendment request for Site Plan #395 to modify density, parking, height, facades, landscaping, and utility locations, with revised Conditions #1, 17, 18, 19, 32, 37, 47, 49, 62, 64, 70, new Conditions #81, 82, and 83, and all other previously approved conditions.

ISSUES: This is a site plan amendment that proposes to increase residential density within the approved building envelope, reduce the residential parking ratio, revise exterior trim materials, and make minor revisions to the landscape plan, and the only issue is whether to eliminate a stair entrance to a corner pedestrian plaza to achieve universal design. Consensus was not reached during the public review process that this change would result in an improved site plan.

SUMMARY: In 2005, the County Board approved a site plan to construct 49 new residential units with 8,545 s.f. of ground floor commercial space and one small office/commercial space. The project has not been constructed. In order to make the site plan more marketable, the applicant has proposed to increase the number, and decrease the size, of residential units using bonus density for LEED Gold Certification. The increase in units would decrease the residential parking ratio from 1.8 to 1.4 spaces per unit, significantly above both the by-right and Zoning Ordinance standards. Additionally, the applicant proposes to revise some exterior façade trim

County Manager: BMD/GA

County Attorney: CWM SAM

Staff: Lisa Maher, DCPHD, Planning Division
Dolores Kinney, DES, Transportation Division

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materials and correct some discrepancies in the original drawings between the elevations and renderings. The site plan amendment also includes revision of some landscape plan details, to comply with current County standards and to increase flexibility in planting locations on a residential terrace. In response to Site Plan Review Committee comments, staff analyzed suggestions regarding a plaza access point and the public sidewalk width at one location. Overall, the proposal is substantially faithful to the original site plan approval and meets the goals in adopted County plans and policies. With the addition of the proposed LEED Gold Certification, staff supports the site plan amendment with several revised and new conditions.

BACKGROUND: In 2005, the County Board approved a site plan to construct 49 new residential units with 8,545 s.f. of ground floor commercial space and one small office/commercial space. The approved building includes facades of precast concrete and brick with a precast band cornice at the parapet and a synthetic wood trellis as an oversized cornice at the fourth floor. Windows were defined with precast headers and sills, and the building showed windows separated by aluminum panel elements. The building is approved at generally four (4) stories, but would rise to five (5) stories facing Lee Highway due to the elevation change on the site.

The building fronts on both Lee Highway and North Monroe Street. The entrances to the retail space are located on Lee Highway. The main entrance to the residential space and to the commercial office unit is located on North Monroe Street. The parking garage access is from North Monroe Street and Lee Highway, and the loading entrance, with right-in, right-out only access, is on Lee Highway. The building has two levels of parking approved with a total of 130 spaces. The project was approved with 0.15 FAR of bonus density for provision of LEED certification.

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

Site: The site is located on the north side of Lee Highway east of its intersection with North Monroe Street. Adjacent to the site include the following uses:

- To the north: Maywood Mews Condominiums designated “Low-Medium” Residential on the General Land Use Plan (16-36 units per acre) and zoned “RA8-18” Apartment Dwelling Districts.
- To the west: Cherrydale Safeway across North Monroe Street.
- To the east: Car World, a used-car dealership.
- To the south: Lee Highway. Hunter’s Park (elderly housing project) and retail/commercial businesses across Lee Highway.

Zoning: The site is currently split-zoned “C-2” Service Commercial – Community Business Districts (19,573 sf) and “C-O-1.0” Commercial Office Building, Hotel and Apartment Districts (20,332 sf).

Land Use: The site has a split designation on the General Land Use Plan with “Low-Medium” Residential (16-36 units per acre) and Service Commercial (Personal and business services. Generally one to four stories. Maximum 1.5 FAR).

Neighborhood: Maywood Community. The Cherrydale community is located across Lee Highway from the site.

The following table sets forth the statistical summary for the proposed development and how it varies from the approved project statistics:

	APPROVED	PROPOSED	CHANGE
Site Area (pre-dedication)	39,905 sf (0.9161 acres)	39,905 sf (0.9161 acres)	
Site Area (post-dedication)	38,934 sf (0.8938 acres)	38,934 sf (0.8938 acres)	
Site Area to be Dedicated ¹	971 s.f. (0.0223 acres)	971 s.f. (0.0223 acres)	
“C-2”	348 s.f. (0.0080 acres)	348 s.f. (0.0080 acres)	
“C-O-1.0”	623 s.f. (0.0143 acres)	623 s.f. (0.0143 acres)	
Calculations Based on Pre-dedicated Area			
“C-2”	19,573 s.f. (0.45 acres)	19,573 s.f. (0.45 acres)	
Site Area Allocated to Res.	19,573 s.f.	19,573 s.f.	
Site Area Allocated to Retail	19,573 s.f.	19,573 s.f.	
“C-O-1.0”	20,332 s.f. (0.47 acres)	20,332 s.f. (0.47 acres)	
Site Area Allocated to Res.	19,602 s.f. (0.45 acres)	19,602 s.f. (0.45 acres)	
Site Area Allocated to Office	730 s.f. (0.017 acres)	730 s.f. (0.017 acres)	
DENSITY			
“C-2”			
Residential GFA (FAR)			
Base Site Plan Density	29,359 s.f. (1.5 FAR)	29,359 s.f. (1.5 FAR)	
Retail GFA (FAR)	8,545 s.f. (0.44 FAR)	8,420 s.f. (0.438 FAR)	-125 s.f.
“C-O-1.0”			
Residential Units (GFA)			
Base Site Plan Density Units (GFA)	18 (33,915 s.f.)	18 (23,957 s.f.)	(-9,958 s.f.)
Units/Acre	40	40	
Office			
Base Site Plan Density	1,232 s.f. (0.03 FAR ²)	730 s.f. (1.0 FAR)	-502 s.f.
Additional (Bonus) Density			
Res. LEED Bonus GFA (FAR)—Entire Site Area Allocated to Residential	5,986 s.f. (0.15 FAR)	15,401 s.f. (0.393 FAR)	9,415 (-0.243 FAR)
“C-O-1.0” Office LEED Bonus GFA (FAR)		71.3 s.f. (0.10 FAR)	71.3 (0.10 FAR)

¹ Land to be dedicated consists of 348 s.f. in “C-2” and 623 s.f. in “C-O-1.0”.

² FAR over entire site (as reported in 11/7/2005 County Manager’s report.)

Calculations Based on Post-dedicated Area			
“C-2”		19,225 s.f. (0.441 acres)	
Site Area Allocated to Res.		19,225 s.f. (0.441 acres)	
Site Area Allocated to Retail		19,225 s.f. (0.441 acres)	
“C-O-1.0”		19,709 s.f. (0.452 acres)	
Site Area Allocated to Res.		19,602 s.f. (0.45 acres) ³	
Site Area Allocated to Office		107 s.f. (0.0025 acres) ⁴	
DENSITY			
“C-2”			
Residential GFA (FAR)			
Base Site Plan Density		28,837.5 s.f. (1.5 FAR)	
Retail GFA (FAR)		8,420 s.f. (0.438 FAR)	
“C-O-1.0”			
Residential Units (GFA)			
Base Site Plan Density Units (GFA)		18 (23,957 s.f.)	
Units/Acre		40	
Office			
Base Site Plan Density		107 s.f. (1.0 FAR)	
Additional (Bonus) Density			
Res. LEED Bonus GFA (FAR)—“C-2”		7,690 s.f. (0.4 FAR)	
Site Area Allocated to Residential			
Res. LEED Bonus GFA (FAR)—“C-O-1.0”		7,840.8 s.f. (0.4 FAR)	
Site Area Allocated to Residential			
“C-O-1.0” Office LEED Bonus GFA (FAR)		37.45 s.f. (0.35 FAR)	
“C-2” Additional Residential GFA (FAR) for Right of Way Dedication		392.2 s.f. (1.13 FAR)	
“C-O-1.0” Additional Office GFA (FAR) for Right of Way Dedication		656.85 s.f. (1.05 FAR)	
Total GFA Requested			
Total Building GFA	79,037 s.f.	77,938 s.f.	-1,099 s.f.
Total Residential Units (GFA)	49 (69,260 s.f.)	66 (68,717 s.f.)	17 (-543 s.f.)
Total Office GFA	1,232 s.f.	801.3 s.f.	-430.7 f.f.
Total Retail GFA	8,545 s.f.	8,420 s.f.	-125 s.f.
Maximum Density Permitted			
“C-O-1.0” Permitted Units per Acre (Units)	40 units per acre (18 units)	40 units per acre (18 units)	
“C-O-1.0” Permitted Commercial GFA (FAR)⁵	730 s.f. (1.0 FAR)	730 s.f. (1.0 FAR)	
“C-2” Permitted Res. GFA (FAR)	29,359 s.f. (1.5 FAR)	29,359 s.f. (1.5 FAR)	
“C-2” Permitted Retail GFA (FAR)	9,786 s.f. (0.5 FAR)	9,786 s.f. (0.5 FAR)	

³ Sufficient site area allocated to residential use to support 18 residential units.

⁴ Remainder of “C-O-1.0” area after residential allocation.

⁵ Commercial density of 1.0 FAR based on 730 s.f. “C-O-1.0” site area remaining after allocating 19,602 s.f. for 18 residential units.

LEED Maximum Bonus Density	Certified (0.15 FAR)	Gold (0.4 FAR Res., 0.35 FAR Comm.)	
BUILDING HEIGHT⁶			
Average Site Elevation (ASE)	261.0 ft.	262.29 ft. ⁷	1.29 ft.
Main Roof Elevation	305.89 ft.	307.24 ft. ⁸	1.35 ft.
Main Roof Height from ASE	44.89 ft.	44.95 ft.	0.06 ft.
Number of Stories	4 – 5 stories	4 – 5 stories	
“C-2” Permitted Height	45 ft.	45 feet	
“C-O-1.0” Permitted Height	6 stories	6 stories	
PARKING			
Residential			
Number of Spaces	88	93	5
Parking Ratio	1.80 spaces/unit	1.4 spaces/unit	(-0.4 spaces/unit)
Required Spaces for Site Plans	49	66	17
Required Ratio for Site Plans	1 space/unit	1 space/unit	
Required Spaces by right	56 spaces	75	19
Required Ratio by right	1.125 spaces per unit	1.125 spaces per unit	
Commercial			
Number of Spaces	39 spaces	37	-2
Parking Ratio	1 space/ 251 s.f.	1 space/249 s.f.	
Minimum Required Spaces for Site Plans	17 spaces	16	-1
Minimum Required Ratio for Site Plans	1 space/580 sf	1 space/580 sf	
Required Spaces by right	39 spaces	37	-2
Required Ratio by right	1 space/250 sf	1 space/250 sf	
Coverage	32,878 s.f. (82.4%)	32,978 s.f. (82.6%)	
LEED Score	26 points (for Certification)	42 points for Gold Certification	16 points

Density and Uses: Uses and total gross floor area proposed for each use are not proposed to increase from the amounts approved in 2005. The applicant proposes to construct a larger number of smaller residential units within the approved residential gross floor area. For the portion of the residential density generated from the “C-2” zoning district (where density is measured by FAR), this change results in the same floor area with more units. For the portion of the residential density generated from the “C-O-1.0” zoning district, which measures density in units/acre, the maximum base site plan density yields 18 units. Reducing the sizes of these units results in less square footage being used. The applicant proposes to achieve a LEED Gold certification for this project in exchange for 0.393 FAR of additional residential density. This additional density will be provided within the approved envelope of the building that would be vacated by reducing the sizes of the 18 units. The end result is that 66 residential units would fit within the building envelope originally approved for 49 units.

⁶ Building height, as defined by the Zoning Ordinance, is the “vertical distance measured from a calculated average elevation of the existing or officially approved grade of the site at the perimeter of the site to the highest point of the roof surface...”

⁷ Correction to average site elevation.

⁸ Change based on adjustments to retail floor in order to work with sidewalk grade.

Due to a slight reallocation of site area among the residential and office uses, the applicant requests 0.1 FAR of additional office density for Gold LEED certification. One small commercial space that was approved on the first residential level of the building is proposed to be reduced slightly in size, from the originally approved 8,545 s.f. to 8,420 s.f., due to slight design changes to improve access to the retail space, both from the street and from within the garage.

Site and Design:

The building design would remain essentially the same as approved, with some very minor shifting of window locations to reflect the revised unit layout, and revisions requested to the materials of the cornices, parapet, window bays, and windows. Material changes are proposed as follows:

- Parapet: precast concrete to accent aluminum
- Cornices: synthetic wood to vinyl or aluminum
- Window bays: aluminum to synthetic wood
- Windows: aluminum to aluminum or vinyl.

The applicant has corrected an error in the average site elevation from the original approval, which results in an increase from 261 feet above sea level to 262.29 feet. In order to improve the access of the sloped sidewalk along Lee Highway to the ground floor retail, the applicant proposes to raise the retail floor elevation by one foot. Slight revisions to the building floor heights would result in an increase of the main roof elevation by approximately 1.35 feet, but an increase in building height by 0.06 feet (less than one inch), as measured by the Zoning Ordinance definition from average site elevation to main roof height. The proposed height is 44.95 feet, compared to 44.89 feet approved.

In addition, the applicant has proposed to slightly lower the retail floor-to-ceiling height to a minimum of 12 feet. Economic Development staff has confirmed that the proposed height is appropriate for this space and location.

In addition, the applicant has requested small revisions to the streetscape and open space, to replace fixed planters in the residential terrace to movable planters and to revise pavement materials for the terrace and sidewalks from pavers to the County's current standard concrete.

LEED Scorecard: The applicant has proposed to achieve a LEED Gold Certified building with 42 points in the proposed project, including three credits for energy and atmosphere. For the Gold certification, the applicant proposes bonus density of 0.393 FAR on the residential portion of the project out of a maximum of 0.4 FAR, and bonus density of 0.1 FAR on the small office portion of the project out of a maximum of 0.35 FAR. Bonus density has not been requested for the retail portion of the project. Condition #70 addresses the applicant's LEED scorecard, commitment to achieving LEED Gold Certification (39-51 points), and implementation of "green building" measures in the proposed project as permitted under the Green Building Incentive Program.

Affordable Housing: The applicant has proposed to contribute the amount of the approved affordable housing contribution, \$292,205, which was negotiated prior to approval of the current affordable housing ordinance. This figure exceeds the amount that would be required under the affordable housing ordinance.

Transportation:

The applicant has not proposed any changes to the physical layout of the streets, sidewalks, or access points that were approved in 2005. The only transportation-related changes would be to the parking ratios and trip generation.

Parking: The 2005 approved plan provided a parking garage with ingress/egress from Lee Highway and Monroe Street for 49 residential units with 88 residential parking spaces (1.80 spaces/unit), in addition to 9,777 square feet of retail and 1,232 square feet of commercial/office space with 39 retail spaces (1 space/251 s.f.). The proposed plan provides 66 residential units with 93 residential parking spaces (1.4 spaces/unit) and 9,221 total square feet of retail and commercial/office with 37 retail spaces (1 space/249 s.f.). Both of these ratios substantially exceed site plan standards for parking, which was a significant concern to the neighborhood. Staff supports these ratios.

Traffic Impact Analysis: A Traffic Impact Analysis was prepared by Wells & Associates in July 2004 and was updated in March 2010 to reflect the proposed project density. The street network analyzed in the study included Lee Highway and North Monroe Street. The updated study showed that the traffic generated from the site would increase from 62 am peak hour trips to 68 peak hour trips, an additional six am peak hour trips. The pm peak hour trips would increase from 65 to 72, an increase of seven trips. Staff supports this level of traffic as causing minimal impact to traffic flow on streets surrounding and near the subject site.

Utilities: The applicant proposes to relocate some underground utilities from the locations shown in the approved plan, after consultation with the utility companies and staff. Staff supports the proposed locations for these utilities, which have undergone more extensive review than is typical for a site plan at this stage in the development process.

DISCUSSION:

Approved Plans and Policies:

Staff supported the approved project as being consistent with the General Land Use Plan and complying with the intent of the Lee Highway-Cherrydale Revitalization Plan. Elements of the site plan that guided staff's recommendations, including uses, building height, and compatibility with the Lee Highway corridor in this area, as well as neighboring uses to the north, are not proposed to change in any way that would be incompatible with adopted plans. The proposed building height, at 44.95 feet compared to the approved height of 44.89 feet, is within the 45 foot height maximum recommended in the Lee Highway-Cherrydale Revitalization Plan. The applicant originally proposed to reduce this proposed height by one foot, which would slightly reduce the floor to ceiling heights of the residential levels. Community comments suggested that increasing the ceiling heights slightly would improve the quality of the building and be a good tradeoff for the additional foot of height. Since the resulting building maintains a height below

45 feet, staff supports this change.

Planning staff, Historic Preservation staff, the community, the Site Plan Review Committee, and the Historical Affairs and Landmark Review Board (HALRB) chair reviewed the requests for revisions to several of the trim materials. The final consensus was that all of the proposed revisions were appropriate for the location and building, and would not detract from the building quality, except for a proposal to revise precast banding and window heads and sills to brick. The applicant has agreed to retain precast in these locations. Staff supports the current proposed materials.

The applicant has made minor revisions to the plans to correct discrepancies in the original approved drawings. These include: the location of horizontal precast banding, which was different between the elevations and perspective renderings; elimination of an overhang and railing above the retail level, which was shown in the elevations but not the renderings; clarifying the detail of window bays and window muntons. The applicant corrected each of these items after receiving comments from the Site Plan Review Committee and staff, which in each case agreed with the correction.

The applicant also proposed two types of landscape changes. The first is a change to paving materials on the sidewalks and plazas to comply with current County standards. The second is to replace fixed planters on the residential terrace over the loading area with movable planters, for more long term flexibility for the residents. Staff supports both of these changes. A question was raised during the public review process concerning the clear sidewalk widths. The approved streetscape was carefully designed with substantial public input. The public sidewalk is approved at 10 feet, with a five foot wide pinch point at the corner of Lee Highway and North Monroe Street, where the curb ramp is located. Staff and the applicant reviewed options for widening the sidewalk. However, any changes would either reduce the size of a corner plaza adjacent to the sidewalk or would worsen truck turning movements around the corner. After evaluating the options, staff supports the approved sidewalk width.

One issue arose during the public process regarding the design of a plaza at the corner of Lee Highway and North Monroe Street. After extensive community input with the original site plan, the project includes a small level plaza, to support the retail space and serve as a community gathering place. Because of the severe grade change at the corner, as the sidewalk rounds Lee Highway toward North Monroe Street, the plaza has a level entrance from the sidewalk on Lee Highway and a second entrance via a set of stairs down to the plaza, at the corner. A discussion took place in the Site Plan Review Committee (SPRC) regarding elimination of the stair entrance, as it provides unequal access to the plaza for persons with certain mobility disabilities. While there was some support for this proposal as meeting universal design goals, there was also community and SPRC member opposition to this suggestion, as it was seen to reduce overall access, visibility, and general attractiveness of the corner for its stated purpose. Because of the steep slope at this location, there is no way to replace the stairs with a means of access that everyone could use. After consideration of the public review comments, the applicant has not proposed to change the approved design with the stairs. While staff supports the goals of universal design, staff also understands that those goals may not always lead to the best design and architecture in certain situations, particularly with unavoidable steep slopes that do not lend

themselves to ramping. The County Board has not adopted a policy regarding universal design. In this case, staff agrees that usability, safety, and attractiveness of the plaza would suffer if the stairs were eliminated, without increasing accessibility to the plaza's users, and therefore staff supports the approved design.

Modification of Use Regulations: The applicant has requested modification of use for bonus density for LEED Gold certification and in exchange for dedication of site area to the County for right of way.

LEED Gold Certification: The applicant has requested additional residential density and additional office density for a LEED Gold certified building per the County's green building incentive program. Current County policy permits up to 0.40 FAR of additional residential density and 0.35 FAR of additional commercial density for LEED Gold certification. Based on the current subject site area, the amounts of bonus density requested would be 0.393 FAR residential density and 0.10 office density. Since the applicant has been asked to dedicate site area to the County for right of way purposes, the density calculations change based on the post-dedicated area. Using the post-dedicated area, the applicant is requesting 0.4 FAR additional residential density and 0.35 FAR additional office density, plus lesser amounts based on the dedicated area as described below in the section titled "Additional Density for Right of Way Dedication." Staff evaluated the proposed LEED scorecard and supports the proposal as justifying the additional density. As noted above, according to Condition #70, the applicant commits to achieving Gold certification, with at least two points in the category of "Optimize Energy Performance", which addresses energy efficiency in the project.

Additional Density for Right of Way Dedication: For some site plans, the County requests the applicant to dedicate, in fee, a portion of the project site area for right of way or other public purposes. Site plan density calculations are made on the site area remaining after the dedication, which results in less density than could be achieved without the dedication. Since the dedication is at the request of the County to serve a public interest, and the County does not otherwise compensate the property owner for this dedication, the County Board may approve additional density for the subject site plan up to the amount that could be achieved on the dedicated land, in order to make the applicant whole.

In this case, the applicant has agreed to dedicate 971 square feet of site area to the County for public street purposes, which breaks down to 348 square feet in the "C-2" zoning district and 623 square feet in the "C-O-1.0" zoning district. This area would otherwise yield 522 square feet of residential GFA at 1.5 FAR in the "C-2" portion. The applicant is requesting additional density of 392.2 square feet of this amount, or 1.13 FAR. The amount of site area dedicated in the "C-2" district would also yield 175 square feet of retail density at 0.5 FAR, which the applicant is not requesting. Finally, allocated to office use, the 623 square feet of dedicated area in the "C-O-1.0" district would yield 623 square feet of office GFA at 1.0 FAR, plus an additional 218.05 square feet for LEED Gold certification at 0.35 FAR, for a total of 841.05 square feet. The applicant is requesting 656.85 square feet of this amount, or 1.05 FAR. The applicant requests less than the total amount of density that could be achieved on the portion of site area that it has been asked to dedicate to the County. Therefore staff supports the request.

Revised and New Conditions:

Several site plan conditions are proposed to be revised, and new conditions added, as follows.

- Condition #1—Updated the plan and County Board meeting dates.
- Condition #17—Updated the plan date.
- Condition #18.b.—Added a reference to plans showing sidewalk widths.
- Condition #19—Added a reference to plans, which show the location of structures under the sidewalk.
- Condition #32—Revised the standard public easements and dedications condition to reflect current language and to provide for a future encroachment for a transformer vault to be located in a sidewalk and utilities easement.
- Condition #37—Added a maximum truck length for loading, unloading, and trash.
- Condition #49—Revised language in the parking and parking management plan condition to reflect the proposed parking counts and ratios, provide for unbundling parking in excess of one space per unit and the residential handicapped spaces, and add a provision for enforcement of maintaining the retail/commercial/visitor parking for those uses.
- Condition #62—Revised the amount of retail space, floor to floor and floor to ceiling heights, and plan dates, to reflect the proposal.
- Condition #64—Added a provision to a parking condition to prohibit residents from parking in the retail/commercial/visitor parking spaces.
- Condition #70—Revised the LEED condition to reflect the proposed Gold certification and recent updates to the standard condition language.
- Condition #81—Added a new condition providing for automatic handicap-accessible doors at residential lobbies and elevator lobbies.
- Condition #82—Added a new condition providing, for a condominium, that the developer offers to build out up to two residential units as fully accessible.
- Condition #83—Added a new condition to reflect current standard language regarding vacations and encroachments.

Community Process:

- Site Plan Review Committee (SPRC): The Site Plan Review Committee met twice to review the site plan amendment proposal on March 22 and April 15, 2010.
- Planning Commission Recommendation: The Planning Commission heard this item at its May 12, 2010 carryover meeting. The Commission voted 8-2 to recommend approval of the site plan amendment, with the revised and new conditions recommended by staff, and with additional provisions for staff to confirm that the project is registered under the LEED version 2.2 scorecard, and to review the revised landscape plan to determine whether the proposed planters will support canopy trees. Commissioners who did not support the amendment felt that the stairs should be removed from the corner plaza for universal design purposes. The applicant has registered with the Green Building Council under the 2.2 version of the scorecard, so the LEED submissions will be reviewed using the requirements for that version. Staff is reviewing the proposed planter box details to determine their ability to support canopy trees.

- The applicant has met with the Maywood Community Association, the Cherrydale Citizen Association, and the Maywood Mews Condominium Association. Staff has received letters from the Maywood Community and Cherrydale, which are attached to this report, commenting on the proposed site plan amendment. The Maywood Community generally supports the amendment but is concerned about traffic, parking, and pedestrian safety. Traffic is projected to increase only minimally with the proposed amendment, and it is not expected to trigger the need for additional traffic calming. However, the Maywood Community urges the County to introduce new traffic calming measures in the neighborhood. The proposed residential parking ratio is higher than for most site plans, and the developer has agreed in Condition #49 to unbundle the parking above one space per unit in order to maximize flexibility of use of the parking spaces.

The letter from Cherrydale addresses a number of issues and supports several of the proposed changes. Remaining concerns regarding items that are not already part of the proposed plans include the desire to encourage owner occupancy over rental of units and prohibition of resident parking in retail spaces. The applicant has agreed that residents and visitors may not park in retail spaces and to develop measures to enforce this provision. Conditions #49 and #64 include language to this effect. It is not current County policy to approve or encourage a particular type of residential ownership.

CONCLUSION: The proposed site plan amendment meets all adopted plan and other County goals that were met with the original site plan approval and maintains all the approved community benefits. In addition, the applicant has proposed to achieve a LEED Gold certified building with bonus density that fits within the approved building footprint and building envelope. This proposal is a minor site plan amendment, which underwent extensive public review due to elements of the proposal, including building trim materials and the parking ratios, that were of concern to the community with the original project.

The proposed amendment meets the standards of Section 36.H.3 of the Zoning Ordinance, including compliance with County standards, policies and plans, and promoting and protecting the public health, safety, and welfare. In addition, it meets the intent of the original approval. For these reasons, staff recommends that the County Board approve the site plan amendment to modify density, parking, height, facades, landscaping, and utility locations, subject to the following revised and new conditions, and to all other previously approved conditions:

Revised and New Conditions:

1. **Site Plan Term**

The developer (as used in these conditions, the term developer shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the plans dated November 1, 2005, with revisions dated April 21, 2010, and reviewed and approved by the County Board and made a part of the public record on November 16, 2005 May 22, 2010, including all renderings, drawings, and presentation boards presented during public

hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

This site plan approval expires on November 16, 2011 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.

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.

17. Pavement, Curb and Gutter Along All Frontages

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. Provide new curb ramps, built per the Arlington County Standards then in effect, at the following locations:
 - (1) North Monroe Street, north of Lee Highway (western leg) crossing North Monroe Street on the east and west sides of North Monroe Street;
 - (2) Lee Highway, east of North Monroe Street (eastern leg); and as shown on the final engineering plan approved by the County Manager or his designee. All curb ramps are to be perpendicular to the face-of-curb.

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 or his designee 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 November 1,

2005 with revised plans dated April 21, 2010, unless the County provides additional funding to offset such increased cost.

18. Sidewalk Design and Improvements

The developer agrees that the final sidewalk pattern/design and final selection of materials and colors to be used shall be as determined by the County Manager on the final landscape plan and final civil engineering plan, in accordance with the 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 or as shown on the approved 4.1 plans. 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 six feet wide at any point except as otherwise shown on the plans dated April 21, 2010 and as outlined below.
- c. Allow encroachments by sidewalk cafes only in accordance with Condition #67 and under the provisions of the Arlington County Streetscape Standards.
- d. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards.
- e. Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval and under the provisions of the Arlington County Streetscape Standards.
- f. Not contain joints or use patterns that create gaps of ¼-in depth or greater at spacings of less than 30.”

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

The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the 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:

Lee Highway – A minimum 16-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits placed a minimum of eight (8) inches back from the back of curb and planted with 4 to 4 ½ inch caliper October Glory Red Maple (*Acer rubrum* ‘October Glory’) or Red Sunset Red Maple (*Acer rubrum* ‘Red Sunset’) street trees and such ground cover as liriopse muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center. The clear width of the sidewalk will be at a minimum 10 feet 4 inches wide.

North Monroe Street – A minimum 12-foot wide sidewalk measured from the back of curb, including 5-foot by 12-foot tree pits placed a minimum of eight (8) inches back from the back of curb and planted with 4 to 4 ½ inch caliper Red Maple street trees (or other such street tree as listed in the *Lee Highway Cherrydale Revitalization Plan*) and such ground cover as liriopse muscarii, hypericum, calycinum (Aarons Beard), or juniperus conferta (Shore Juniper), placed approximately 30 feet apart on center. The clear width of the sidewalk will be at a minimum 6 feet 4 inches wide.

Corner of Lee Highway and North Monroe Street (in the vicinity of the outdoor plaza) – A minimum 10-foot wide sidewalk measured from the back of curb, with a 5-foot clear width from the ramp to the wall.

19. **Subsurface Structure-free Zone for Utilities and Streetscape**

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* except as shown on the plans dated April 21, 2010. This zone shall generally 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. New 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.

32. **Recordation of Public Easements and Dedications**

~~All required public deeds of easement and deeds of dedication shall be submitted to the Department of Environmental Services 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 improvements shall be dedicated in fee simple to the County. Dedications granted by the developer for sidewalk improvements may be dedicated by easement to the County. Except as otherwise specifically provided for in these Site Plan conditions, the developer agrees that, for all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved site engineering plans, for the construction of any public street, public infrastructure, public utility, public facility or public improvement (jointly "Public Improvements"), the developer agrees to: a) submit such plats and/or deeds to the Department of Environmental Services for review and approval prior to the issuance of any Excavation/Sheeting and Shoring Permit; and b) obtain the approval and acceptance of the County Manager of such deeds and/or plats and record them among the land records of the Circuit Court of Arlington County, before the issuance of the first Certificate of Occupancy for any building(s) or any portion thereof. The developer agrees that real estate interests conveyed by the developer to the County for public street or public right-of-way purposes shall be conveyed in fee simple, free and clear of all liens and encumbrances. The developer further agrees that real estate interests conveyed by the developer to the County for Public Improvements or public uses, including, but not limited to, sidewalk, street trees, other streetscape planting, water mains, storm sewers, sanitary sewers, and other public utilities and facilities, which other Public Improvements are not located, or to be located, in the public street or public right-of-way may be granted to the County by deed(s) of easement, provided, however, that in the deed(s) conveying such real estate interests to the County, all liens and encumbrances shall be subordinated to the easement rights of the County.

The developer agrees, in addition to any other deeds of easement that are required to be dedicated, granted and conveyed for the site plan, to dedicate, grant and convey a deed for sidewalk and utilities easement along North Monroe Street and Lee Highway (the "Sidewalk Easement"). The Sidewalk Easement shall be limited to a depth of five feet below the final grade. The developer agrees to obtain the County Manager's review, approval, and acceptance of the Sidewalk Easement as being consistent with the requirements of this condition prior to County Board action on any encroachment ordinance to permit an electric transformer vault to be located within a portion of the Sidewalk Easement. The developer agrees that the Sidewalk Easement shall include a provision to indemnify and hold harmless the County Board, its elected and appointed officials, officers, employees and agents from all liability, personal injury, death, claims, damages, losses, costs and expenses of whatsoever nature, concerning or arising out of the design, construction, installation, care, cleaning, maintenance, repair, use, access, regulation, repair and removal of the manhole cover.

37. **Interior Loading Spaces**

The developer agrees that all loading spaces shall be in the interior of the building and shall also comply with the following requirements: minimum 12-foot clear width (including entrances), 25 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet. No truck serving the building for loading, unloading, trash removal, moving, or any other

purpose, shall exceed 30 feet in length. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8 a.m. to 6 p.m., seven (7) days a week. If any tenant, as suggested by the retail attraction and marketing plan specified in Condition #62, demonstrates the need, based on the nature of the tenant's business, for earlier deliveries, for example of baked goods or other perishable items, to accommodate morning patrons, the hours may be administratively changed by the Zoning Administrator through an Administrative Change Request and notification to the tenants of the building.

49. **Residential Parking and Parking Management Plan**

The intent of this condition is to ensure that at least one parking space is available in perpetuity for parking use by each ~~one-bedroom residential unit and at least two parking spaces are available in perpetuity for parking use by each two- or three-bedroom~~ residential unit in the project. Accordingly, the developer agrees to offer the use, for rental units, and the purchase or use for condominium units, of at least one parking space for each ~~one-bedroom dwelling unit and at least two parking spaces for each two- or three-bedroom~~ dwelling unit. Residential parking spaces located on the lower level, that are in excess of the number required to provide one space per unit, if conveyed by deed and transferred, shall be transferred by deeds that are separate from residential units and shall be transferred independently of units to either unit owners or the homeowners' association. For those parking spaces that are located on the upper garage level and are to be used for the residential portion of the building, they may be either conveyed by separate deed and transferred separately from residential units or may be managed by the homeowners' association or residential management company. If any parking spaces assigned to the residential part of the building are not conveyed by deed, then all such parking spaces, in excess of the number required to provide one space per unit, shall be available for use by all owners or tenants and shall not be assigned to specific units. In addition, the developer agrees that residential handicapped spaces shall not be transferred but shall be managed by the homeowners' association or residential management company and shall be provided preferentially to residents who are owners of vehicles with handicapped license plates.

Further, for condominium units, the developer agrees to notify the Zoning Administrator at the time of the settlement on the sale of the last dwelling unit. If excess parking spaces are available at the time of settlement of the last dwelling unit, the number of excess parking spaces equaling the number of dwelling units which were sold without a parking space, shall first be offered exclusively for a period of twelve (12) months to the owners of those dwelling units which were sold without a parking space. Any other remaining spaces shall be offered to all dwelling unit owners or transferred to the condominium, cooperative or homeowners association. By the end of twenty four (24) months following the settlement of the last dwelling unit, the developer agrees to relinquish in writing to the condominium, cooperative or homeowners association any and all remaining interest in the parking spaces or garage to file a copy of documents evidencing such transfer with the Zoning Administrator. The future purchase of any parking spaces shall be limited to the dwelling unit owners or condominium, cooperative or homeowners association of the building.

For both rental and condominium buildings, the use of the parking spaces shall be limited to parking use by the residents of the building and their guests, unless otherwise permitted by the Zoning Ordinance, and shall not be converted to storage or other use without approval of a site plan amendment.

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how guest and visitor parking for the residential building, and parking for retail tenants' employees and customers for retail located in the residential buildings, will be provided, where the parking will be located and how guests and visitors, and retail employees and customers, will be directed to the parking spaces. The developer further agrees to make a minimum of ~~39~~ 37 residential visitor/retail tenant parking spaces, available within the residential garage. The parking management plan shall include provisions for ensuring that residential vehicles are not parked in the retail/commercial/visitor spaces. The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager or his designee, prior to the issuance of the first Certificate of Occupancy for the first residential building. The developer agrees to implement the Parking Management Plan for the life of the site plan.

62. Retail Elements

- a. The developer agrees to develop and implement a retail attraction and marketing plan for the ~~8,545~~ approximately 8,420 square feet of retail space located on the first floor of the residential building. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The retail attraction and marketing plan shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment.
- b. The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but not be limited to: approximately 14 foot floor to floor height and a minimum floor to ceiling height of 12 feet, as shown on the revised plans dated November 1, April 21, 2010; access to the service corridor/areas as shown on the architectural plans dated November 1, 2005 with revised plans dated April 21, 2010; direct street frontage and access; provision for any venting systems required for any food preparation or restaurant use; and sufficient transparency of the building facade to achieve adequate street exposure.

64. After-hours Parking in Office Garages

The developer agrees to make all retail, commercial, and visitor parking in the garage (39 37 parking spaces, as described in Condition #49 above) available to the public for parking until the close of business of retail operations. The developer further agrees to make some parking spaces on the G-1 level of the garage available for use exclusively by the retail and commercial tenants' employees and customers; at a minimum, the number of spaces to be so reserved shall be consistent with the requirements of the Zoning Ordinance for the retail uses that occupy the space, but needs to leave sufficient spaces for other uses. The developer agrees to implement a validation program to allow free use of such spaces for retail and commercial customers and employees between 6 p.m. and 12 midnight or until the close of business of retail operations, whichever is later. Residents may not park in the 37 spaces designated for retail, commercial, and visitor parking.

70. **LEED Credits and Sustainable Design Elements**

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 (USGBC) system for LEED certification. Specifically, the developer agrees to include sustainable elements in design and construction that are sufficient to meet the requirements for 7 prerequisites and 26 39 LEED credits (or LEED Gold equivalent), which 39 credits shall include at least two (2) points from LEED Credit EA. 1, "Optimize Energy Performance." The developer agrees to use commercially reasonable efforts to achieve additional LEED credits which would qualify the building for additional levels of certification. The developer agrees to register the project with the USGBC as assurance that the project will seek LEED certification. The developer agrees to provide documentation of this registration to the County Manager or his designee prior to the issuance of the excavation, sheeting & shoring permit.

For residential development, the developer agrees that all of the following types of appliances, fixtures, and/or building components used in the project shall have earned the U.S. EPA's Energy Star label (or an equivalent as approved by the County Manager or his/her designee): clothes washers, dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), residential light fixtures (comply with Energy Star's Advanced Lighting Package), ~~programmable thermostats, and exit signs.~~ Programmable thermostats shall also be installed in residential units. The developer shall submit to the County Manager a statement listing all Energy Star-qualified components prior to issuance of the Core and Shell Certificate of Occupancy. For the commercial lighting in common areas of multifamily residential projects, (by way of illustration and not limitation, these areas include lobbies, corridors, stairwells, common rooms, fitness rooms, etc.), the developer shall reduce the need for lighting (through daylighting where possible) and shall specify the use of energy efficient fixtures, bulbs, light sensors, motion sensors, timers, and interior design, e.g., paint color, that maximize energy efficiency in lighting. The guidelines outlined by the US Green Building Council's LEED for Commercial Interiors (LEED-CI) credit entitled, *Optimizing Energy Performance: Lighting Power* shall be used toward the goal of maximizing energy efficiency in the lighting of common areas.

The developer further agrees to submit, to the County Manager or his designee, a report prepared by the LEED consultant, and documentation upon request, to substantiate the report. Such report 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 to obtain the certification level:

- 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 or his designee that the elements to earn the above specified numbers of points have been included in the buildings.

Within ninety (90) days after the issuance of the first certificate of occupancy for any part of the last floor of floors two through five, the applicant agrees to provide a certification by a LEED-accredited professional. The certification shall state that all of the Green Elements, as set forth above in the reporting mechanisms and including all of the LEED Prerequisites, have been incorporated into the project and that, in the professional's opinion, the project will qualify for at least a LEED Gold certification a LEED Score of 26 points or higher. The developer also agrees to submit all appropriate documentation to the USGBC for review and evaluation for LEED certification.

Prior to the issuance of the first certificate of occupancy for the building, the developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of ~~\$209,504.25~~ 541,520 (~~5,985.75~~ 15,472 sf x \$35 per sf) guaranteeing that, within ~~twenty-four (24)~~ eighteen (18) months from the date of issuance of the first certificate of occupancy for any part of the last floor of floors two through five, the developer will have received its LEED "Gold" ~~"Certified"~~ certification, with ~~39~~ 26 or more points, from the USGBC. Should the developer miss up to three (3) points, resulting in ~~36-38~~ 23-25 points, within the ~~twenty-four (24)~~ eighteen month period, the developer shall automatically forfeit twenty-five percent (25%) for each point, up to a total of seventy-five percent (75%) of the security, which shall be immediately paid to the County. Should the developer miss four (4) or more points, resulting in ~~35~~ 22 or fewer points, within the ~~twenty-four (24)~~ eighteen month period, the developer shall automatically forfeit 100 percent (100%) of the security, which shall be immediately paid to the County.

The developer agrees to permit the County Manager or his designee to access the USGBC records for the project, and to provide the County Manager with such authorization as may be necessary to allow such access. Should there be a dispute between the County and the developer as to whether any sustainable element has properly been included in the development so as to qualify for the applicable number of LEED Rating System points, the County and the developer will select a mutually agreeable third-party LEED-certified individual, or other person with substantial experience in the LEED system if approved by the County Manager, and accept the determination of that individual as to whether the developer has qualified for those points. If the third-party person determines that the sustainable element has properly been included, the County will issue the permit. Such a determination shall in no way relieve the developer of the obligation to achieve the level of certification called for in this condition.

81. Subject to compliance with building code requirements, the developer agrees to provide and maintain automatic handicap-accessible doors at all residential lobbies and elevator lobbies into the residential building. Additionally, the developer agrees that hands-free security systems (i.e. smartcards, fobs) shall be installed at such secure entrances. At the secure interior doors, the developer agrees that call boxes, if used, shall be mounted and measured at the lowest given height under the ADA with hands-free remote capability. These items shall be installed and functional prior to issuance of any certificate of occupancy for tenancy of the building.

82. The developer agrees to design two (2) units as Type A (accessible as per the ANSI code). The locations and sizes of these units shall be generally representative of all the units in the building in terms of size and location, and shall be shown on the drawings to be provided pursuant to Condition #10. For condominium units, the developer will offer, in writing, to the initial purchaser of these units, to construct any or all of these two units to the Type A design and, if the owner requests, to so construct the units. In the event that the initial purchasers do not request the Type A design, the developer shall construct the units to the Fair Housing Act standard (Type B) required of all of the other units in the building. The developer shall disclose the availability of these Type A units in its marketing materials as part of the sales process of the condominium project and shall inform the Arlington County ADA Coordinator of the availability of these units prior to offering them for sale or prior to issuance of the Shell and Core Certificate of Occupancy, whichever is first.

83. **Vacations and Encroachments**

The developer agrees to obtain, immediately upon acceptance by the County of any additional property rights that may be conveyed or dedicated to the County, including the Sidewalk Easement described by Condition #32, any ordinances of encroachment that may be necessary or required in the future to permit the location of any building, structure or utility in an area where property rights subsequently have been conveyed or dedicated to the County.

Except as otherwise specifically provided for in these Site Plan conditions, and except for demolition permits solely for buildings and structures not owned by the County or

located on property within which the County has a legal interest, prior to the issuance by the County of an Excavation, Sheeting and Shoring permit for development of the site plan, the developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the structures or facilities authorized by the Site Plan, or any portion thereof in accordance with final County approved site engineering plans for the site plan.

Irrespective of any other conditions set forth herein, the developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless and until the developer, before any Excavation/Sheeting and Shoring permit is issued, first has: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s).

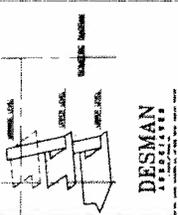
PREVIOUS COUNTY BOARD ACTIONS:

September 18, 1991	Accepted withdrawal of a request for antennae at a height not to exceed 100 feet with two microwave antennae. Approved a request for Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to conditions and a review in one year following a Certificate of Occupancy.
October 17, 1995	Deferred review of Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio.
November 21, 1995	Continued consideration of the Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio to the December 9, 1995 meeting.
December 13, 1995	Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions, six new conditions and a review in one year (January 1997).
January 11, 1997	Deferred review of Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio to the February 22, 1997 County Board meeting.
February 22, 1997	Deferred review of Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio to the March 22, 1997 County Board meeting.
March 22, 1997	Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions, with the deletion of one condition, the amendment of one condition and a review in three years (March 2000).
March 11, 2000	Deferred review of Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio to the April 8, 2000 County Board meeting.

April 8, 2000	Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions and a review in three years (April 2003).
April 26, 2003	Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions and an administrative review in three months (July 2003) and a County Board review in one year (April 2004).
April 24, 2004	Continued Use Permit (U-2711-91-1) for the operation of an audio-video (television) production studio subject to all previous conditions and a review in one year (April 2005).
September 18, 2004	Authorized final assessment for Local Improvements for High Density and High Pedestrian Concrete Maintenance Program.
February 12, 2005	Deferred consideration of rezoning (Z-2515-04-1) and site plan (SP #388) for construction of a 51-unit residential building with 8,545 square feet of retail to the March 12, 2005 County Board meeting.
March 12, 2005	Denied rezoning (Z-2515-04-1) and site plan (SP #388) for construction of a 51-unit residential building with 8,545 square feet of retail
November 16, 2005	Approved rezoning to “C-2” Service Commercial and “C-O-1.0” Commercial Office Building, Hotel and Apartment Districts, and site plan (SP #395) to permit 49 dwelling units, and approximately 9,777 sq ft of commercial/retail, with modifications for bonus density.
July 19, 2008	Approved extension of SP #395 to November 16, 2011, subject to new and revised conditions and previously approved conditions.

LOWER GARAGE APPROVED

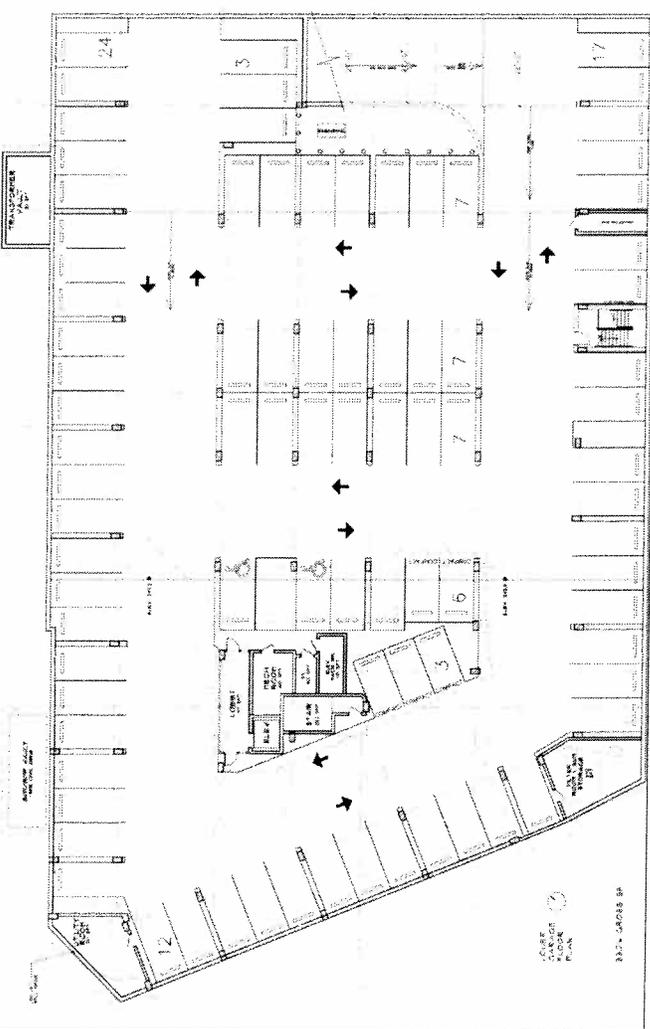
PARKING SUMMARY CHART			
LEVEL	FULL	H/C	VAN TOTAL
LOWER	80	2	0
UPPER	43	1	1
TOTAL	123	3	1
			127



DESIGNER
DESIGNER

LOWER GARAGE REVISED

PARKING SUMMARY			
LEVEL	STD	COMPACT	H-C/VAN TOTAL
LOWER	79	5	2
UPPER	40	2	1
TOTAL	119	7	3
			130

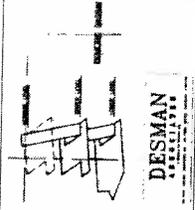


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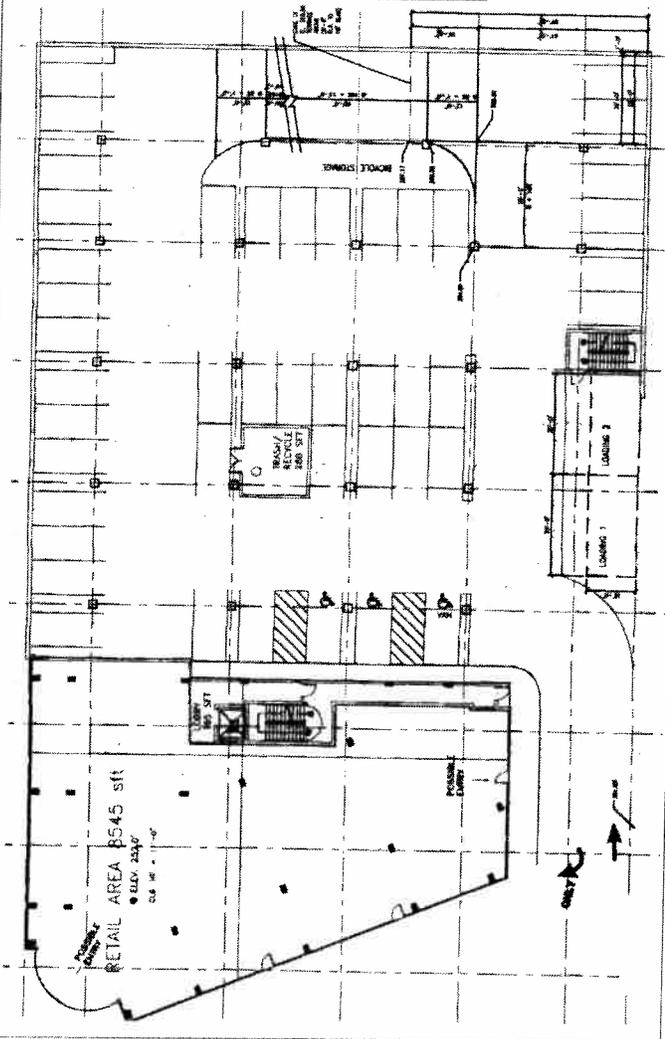
PRELIMINARY - NOT FOR CONSTRUCTION

UPPER GARAGE APPROVED

PARKING SUMMARY CHART			
LEVEL	PILL	H/C	IVAN TOTAL
LOWER	180	2	0
UPPER	43	1	45
TOTAL	223	3	127

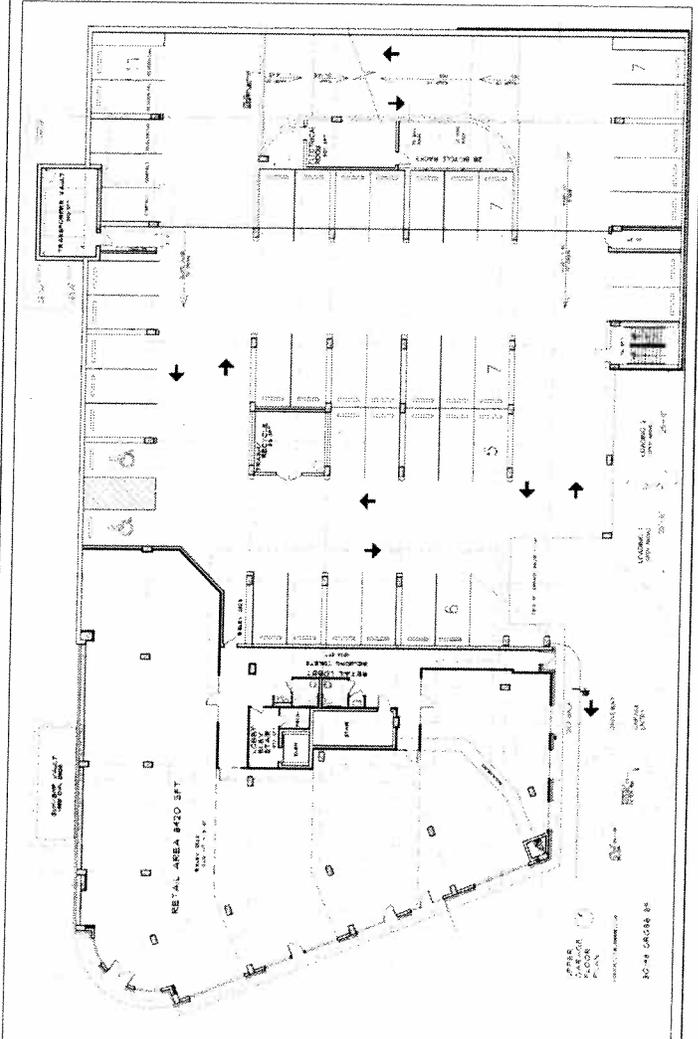


DESIGNER
DESSAUS & ASSOCIATES P.C.



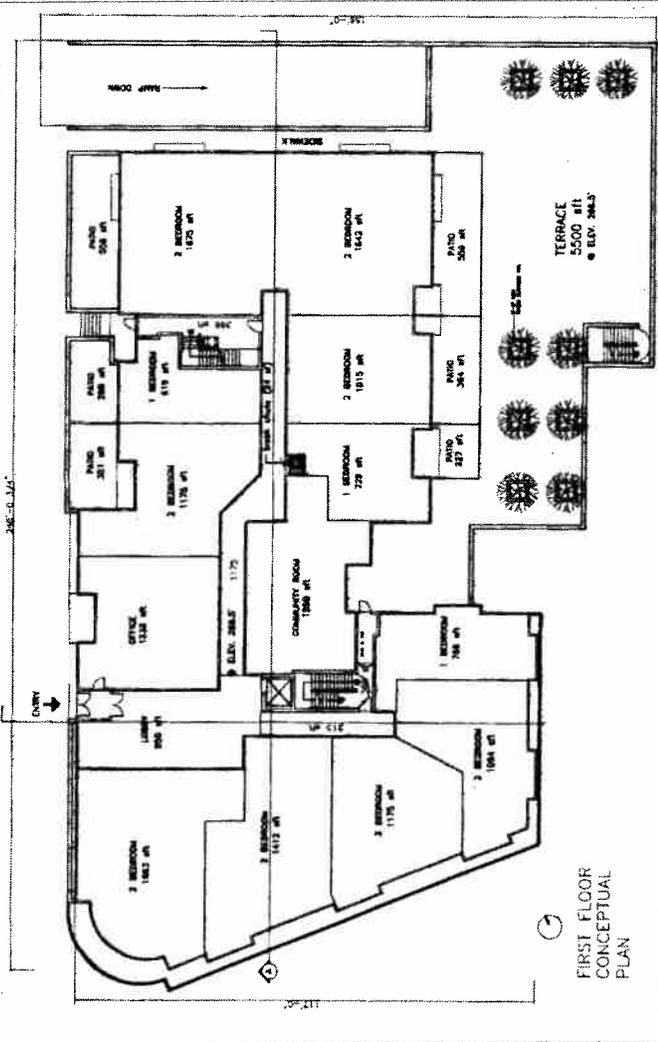
UPPER GARAGE REVISED

PARKING SUMMARY			
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UPPER	40	2	1
TOTAL	54	7	3
			150

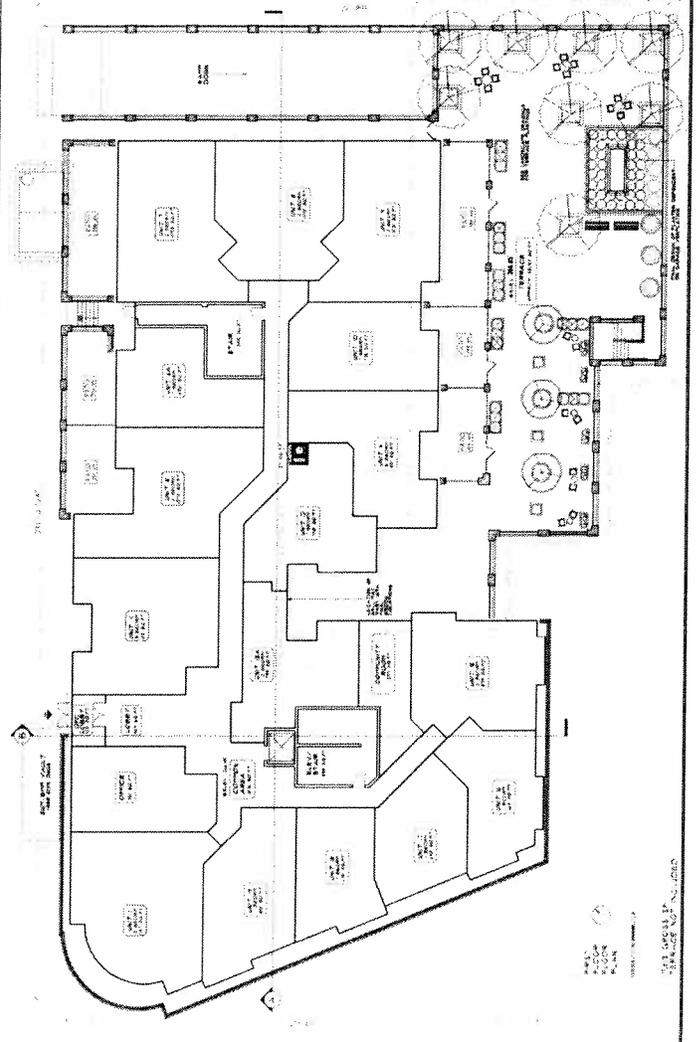


FIRST FLOOR APPROVED

FIRST FLOOR AREA
 stairs & elevator included,
 terrace not included
 18,060 sq ft
 8 2-BEDROOM UNITS
 3 1-BEDROOM UNITS
 11 TOTAL UNITS 1 OFFICE



FIRST FLOOR REVISED
 (SEE SHEET 2A FOR UNIT SUMMARY)

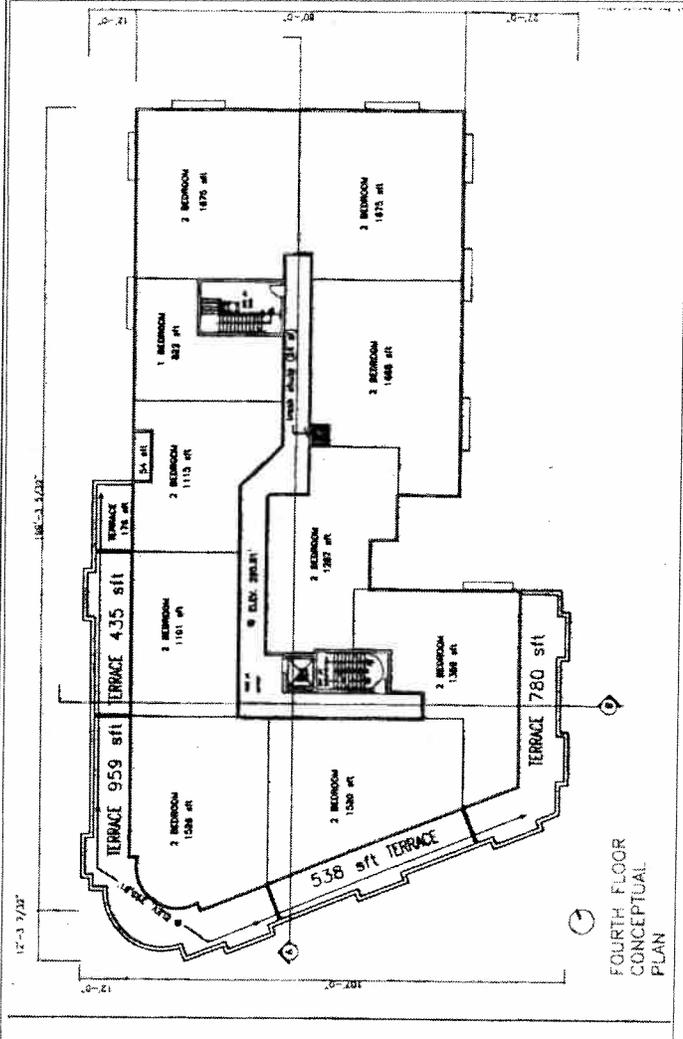


PRELIMINARY - NOT FOR CONSTRUCTION

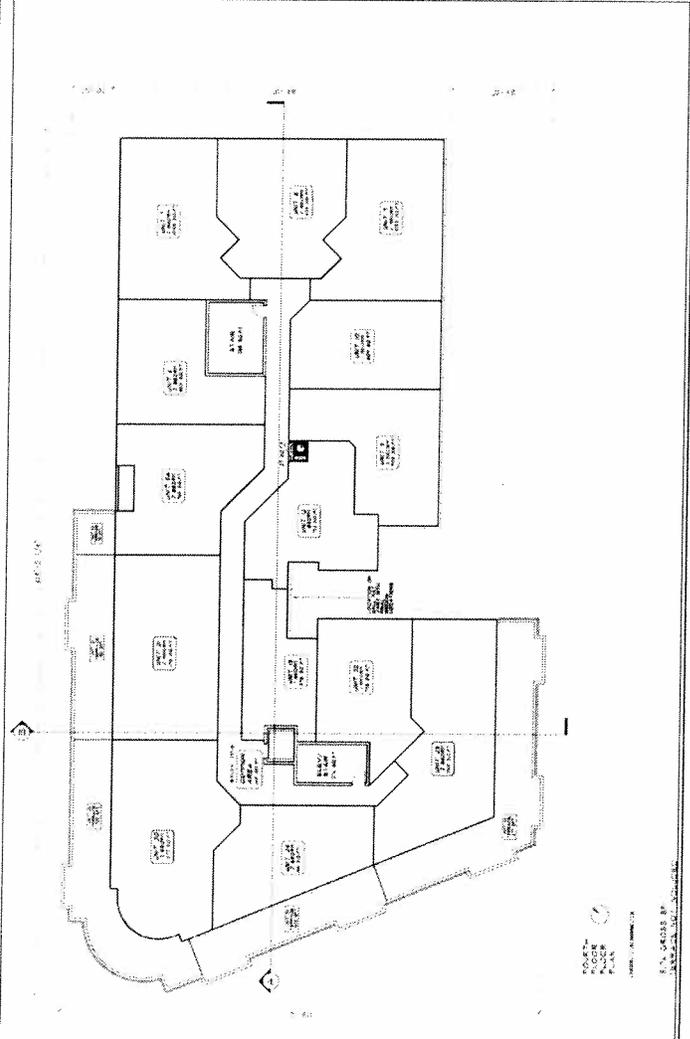
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FOURTH FLOOR APPROVED

FOURTH FLOOR AREA
 stairs & elevator included,
 terrace not included
 15,412 sft
 9 2-BEDROOM UNITS
 1 1-BEDROOM UNITS
 10 TOTAL UNITS



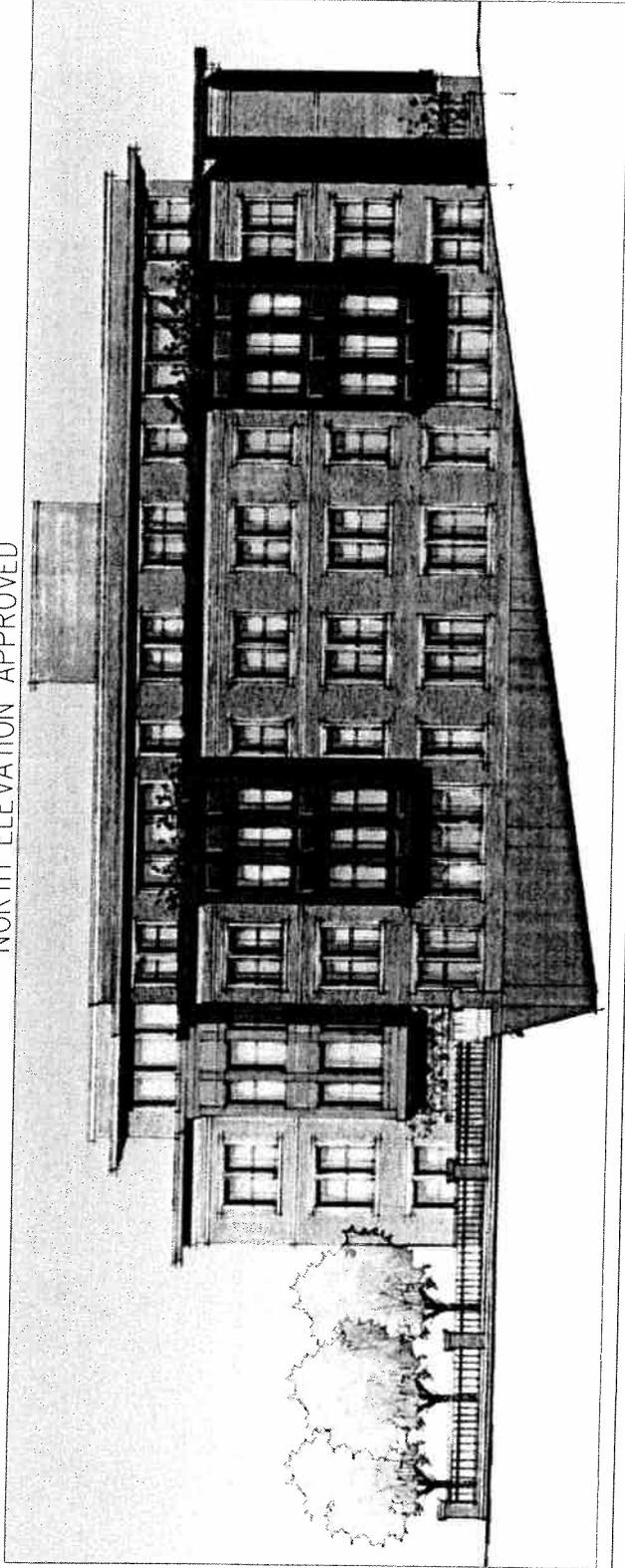
FOURTH FLOOR REVISED
(SEE SHEET 2A FOR UNIT SUMMARY)



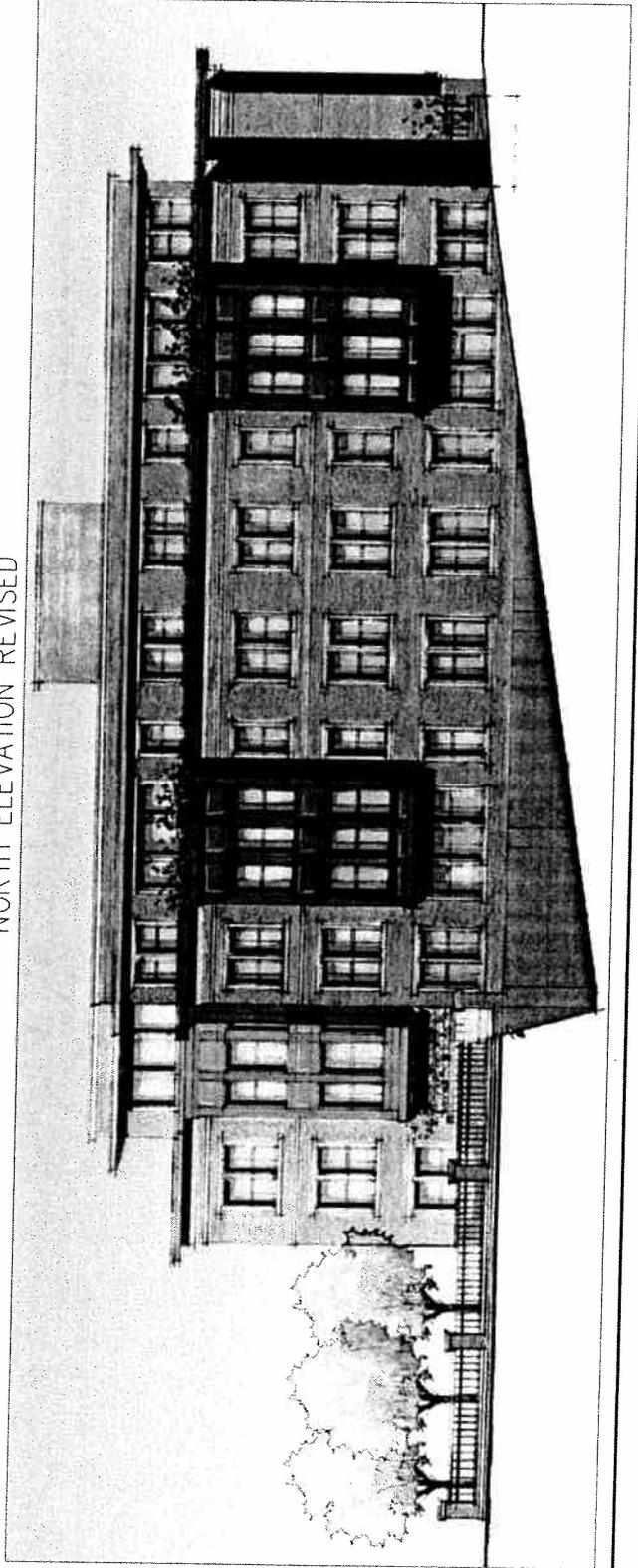
PRELIMINARY - NOT FOR CONSTRUCTION

(SCALE: 1"=15')

NORTH ELEVATION APPROVED



NORTH ELEVATION REVISED



(NTS)

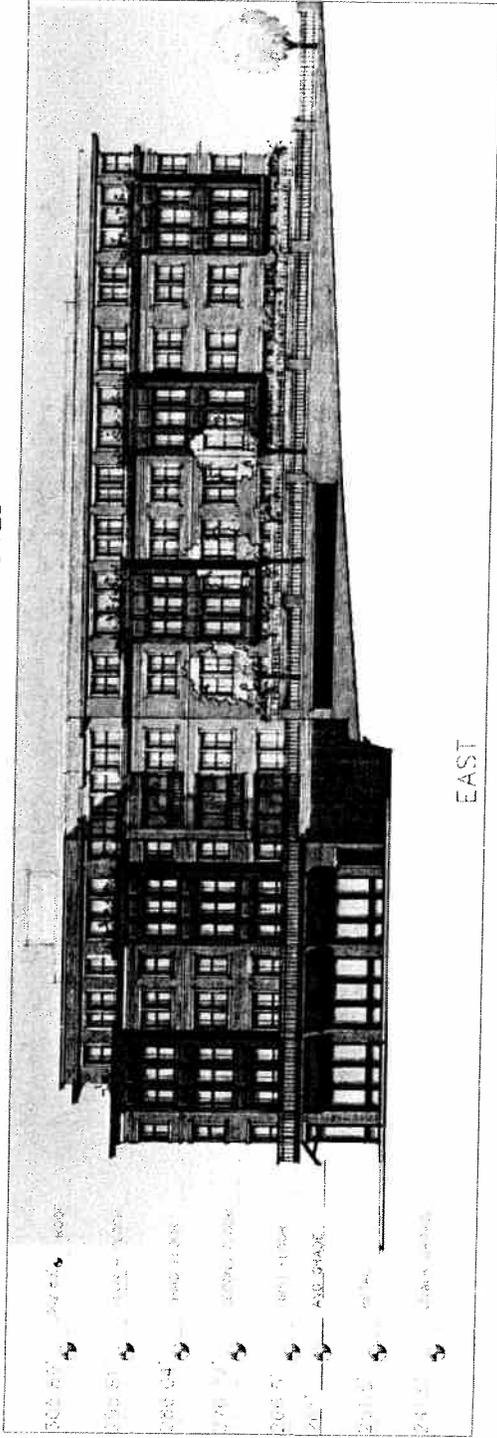
DOMINION HEIGHTS
(LOCATED AT 3565 LEE HIGHWAY)

DENNIS & ASSOCIATES P.C.
ARCHITECTS & INTERIORS
1000 WEST 10TH AVENUE, SUITE 1000, DENVER, COLORADO 80202
TEL: (303) 733-1111 FAX: (303) 733-1112
WWW.DENNIS-PA.COM

preliminary 2008 design

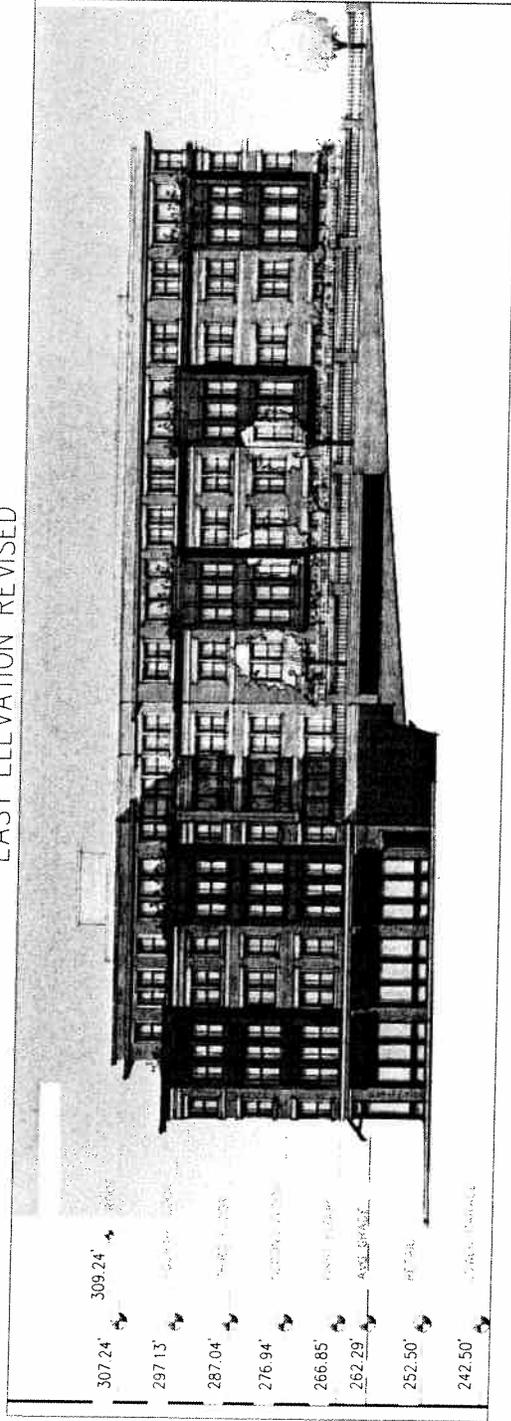
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BY	25-07-26
SCALE	1/8" = 1'-0"

EAST ELEVATION APPROVED



EAST

EAST ELEVATION REVISED



(SCALE: 1"=10')

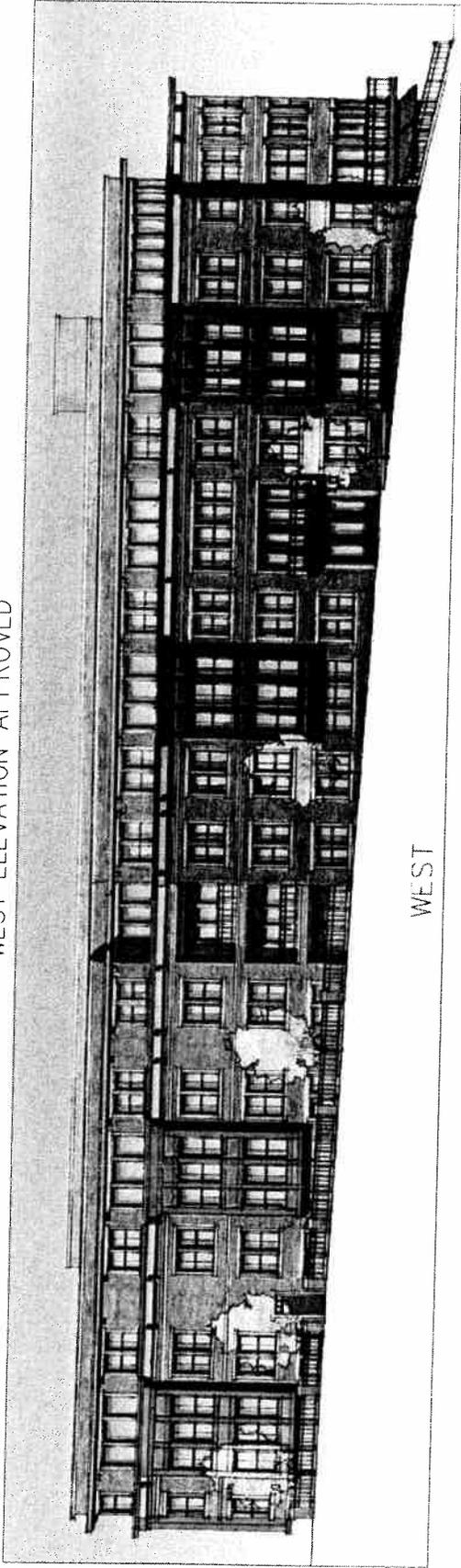
1801 CENTRE STREET SUITE 100 • DALLAS, TEXAS 75201 • TEL: 214-760-1100
 DIVERSAR & ASSOCIATES P.C.
 ARCHITECTS

DOMINION HEIGHTS
 (LOCATED AT 3565 LEE HIGHWAY)

4/21/10
 201007 28
 PROJECT 11.1

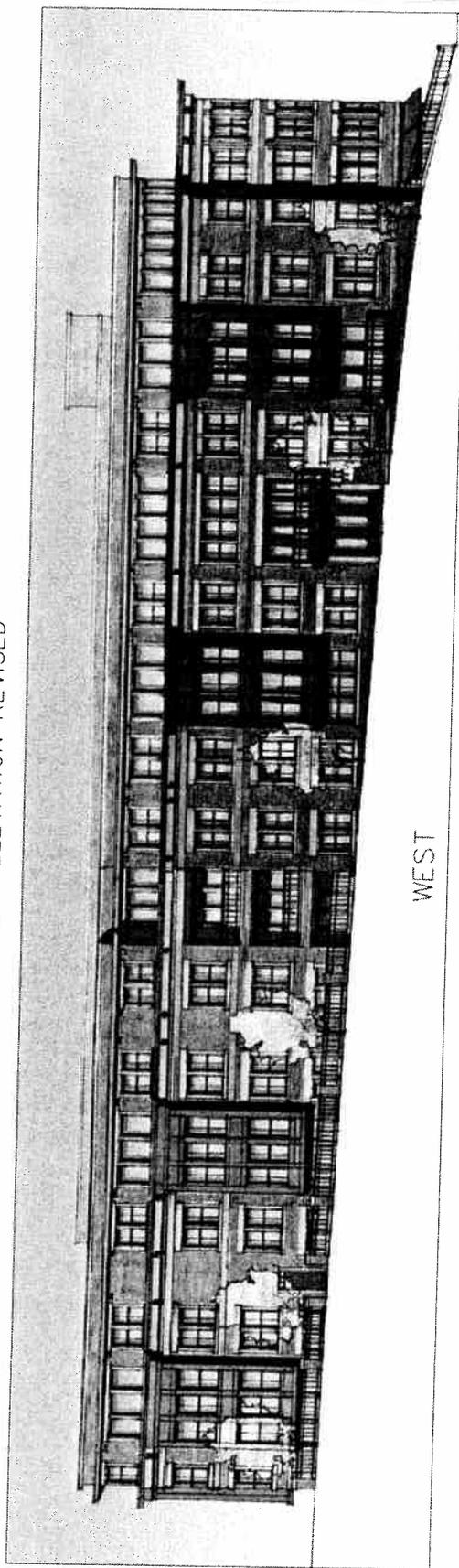
preliminary not for construction

WEST ELEVATION APPROVED



WEST

WEST ELEVATION REVISED



WEST

(N15)

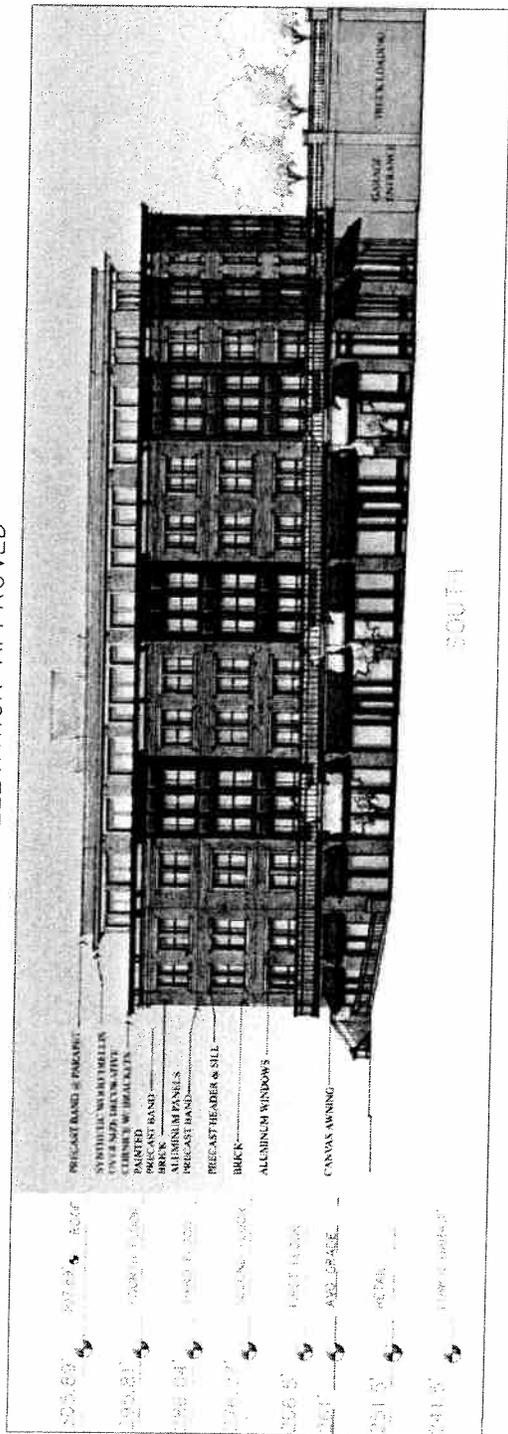
Dover & Associates
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1000 WEST 10TH AVENUE, SUITE 100
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DOMINION HEIGHTS
(LOCATED AT 3565 LEE HIGHWAY)

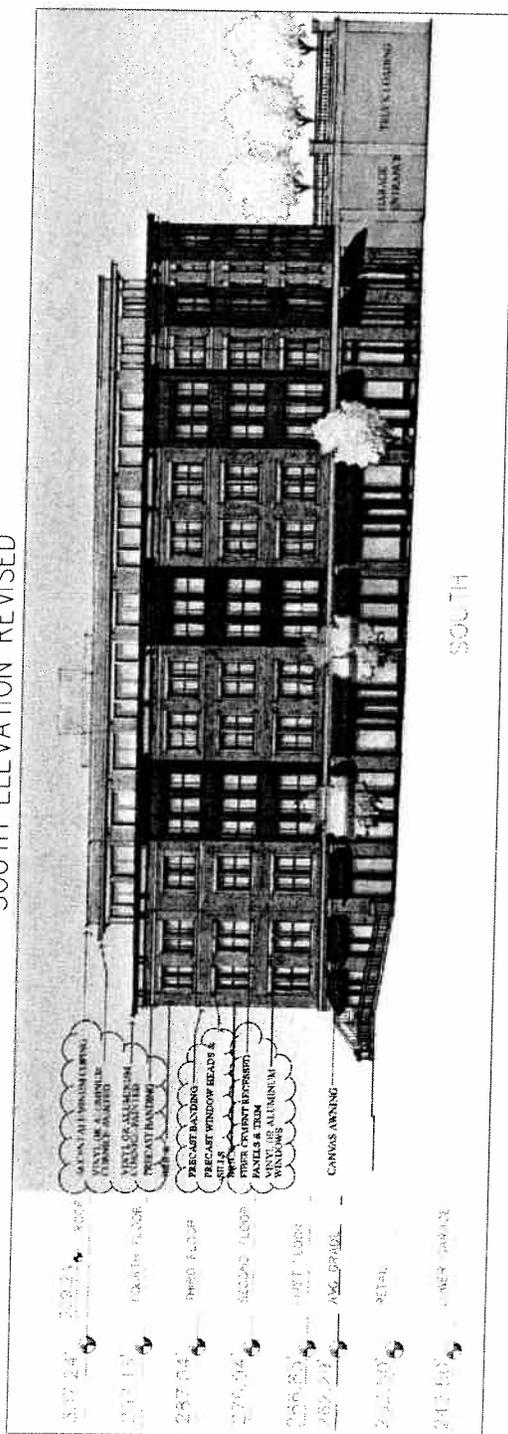
DATE	4/21/10
BY	JK
CHECKED	JK
SCALE	AS SHOWN
SHEET NO.	1
TOTAL SHEETS	1

4/21/10
JK
PROJ. - 1017

SOUTH ELEVATION APPROVED

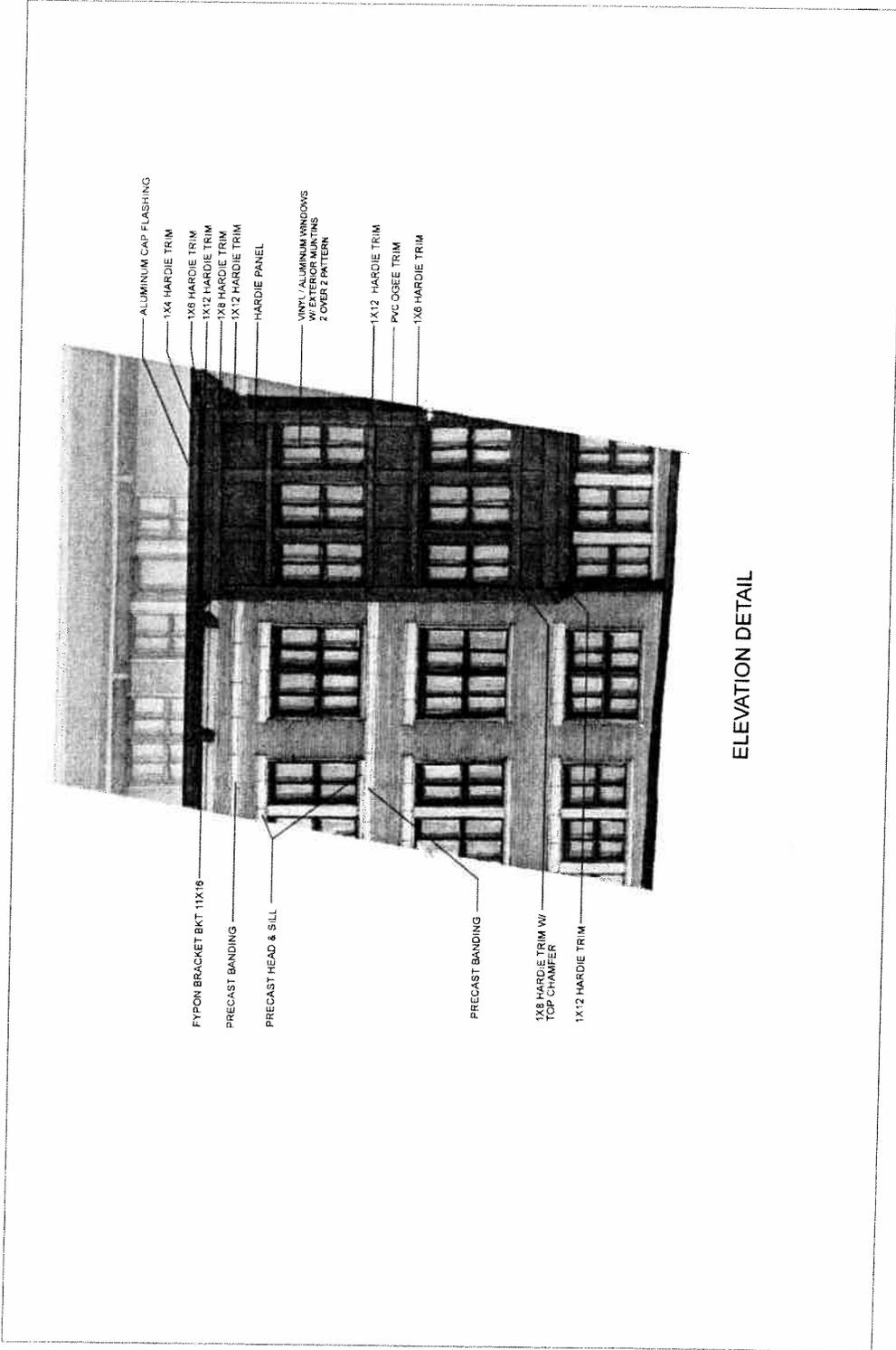


SOUTH ELEVATION REVISED



(SCALE: 1" = 10')

BAY DETAILS



ELEVATION DETAIL

LEED® Credit Scorecard for New Construction v2.0

Project Name: Dominion Heights
Project Address: 3535 Lee Highway

22-Dec-09



Total Project Score:		Yes	?	No
Certified: 26 to 32 points, Silver: 33 to 38 points, Gold: 39 to 51 points, Platinum: 52 for more points		42	6	21

10 2 2 Sustainable Sites		4 Points	
Yes	No	6	1
Construction Activity Pollution Prevention			
1			
Site Selection			
1			
Development Density & Community Connectivity			
1			
Brownfield Redevelopment			
1			
Alternative Transportation: Public Transportation Access			
1			
Alternative Transportation: Bicycle Storage & Changing Rooms			
1			
Alternative Transportation: Low-Emitting & Fuel-Eff. Vehicles			
1			
Alternative Transportation: Parking Capacity			
1			
Site Development: Protect or Restore Habitat			
1			
Site Development: Maximize Open Space			
1			
Stormwater Design: Quantity Control			
1			
Stormwater Design: Quality Control			
1			
Heat Island Effect, Non-Roof			
1			
Heat Island Effect, Roof			
1			
Light Pollution Reduction			
1			

4 0 1 Water Efficiency		5 Points	
Yes	No	4	1
1			
Water Efficient Landscaping: Reduce by 50%			
1			
Water Efficient Landscaping: No Potable Use or No Irrigation			
1			
Innovative Wastewater Technologies			
1			
Water Use Reduction: 20% Reduction			
1			
Water Use Reduction: 30% Reduction			
1			

6 2 9 Energy & Atmosphere		17 Points	
Yes	No	6	2
1			
Fundamental Commissioning of the Energy Systems			
1			
Minimum Energy Performance			
3			
Fundamental Refrigerant Management			
2			
Optimize Energy Performance			
1			
10.5% New Buildings			
1			
14% New Buildings			
2			
17.5% New Buildings			
3			
21% New Buildings			
4			
24.5% New Buildings			
4			
28% New Buildings			
5			
31.5% New Buildings			
6			
35% New Buildings			
7			
38.5% New Buildings			
8			
42% New Buildings			
9			
On-Site Renewable Energy			
1			
Enhanced Commissioning			
1			
Measurement & Verification			
1			
Green Power			
1			

11 1 3 Indoor Environmental Quality		15 Points	
Yes	No	11	1
1			
Minimum IAQ Performance			
1			
Environmental Tobacco Smoke (ETS) Control			
1			
Outdoor Air Delivery Monitoring			
1			
Increased Ventilation			
1			
Construction IAQ Management Plan: During Construction			
1			
Construction IAQ Management Plan: Before Occupancy			
1			
Low-Emitting Materials: Adhesives & Sealants			
1			
Low-Emitting Materials: Paints & Coatings			
1			
Low-Emitting Materials: Carpet Systems			
1			
Low-Emitting Materials: Composite Wood & Agrifiber Products			
1			
Indoor Chemical & Pollutant Source Control			
1			
Controllability of Systems: Lighting			
1			
Controllability of Systems: Thermal Comfort			
1			
Thermal Comfort: Design			
1			
Thermal Comfort: Verification			
1			
Daylight & Views: Daylight 75% of Spaces			
1			
Daylight & Views: Views for 90% of Spaces			
1			

5 0 0 Innovation & Design Process		5 Points	
Yes	No	5	0
1			
Innovation in Design: SSc4.4 Exemplary Performance			
1			
Innovation in Design: Green Housekeeping			
1			
Innovation in Design: Integrated Pest Management			
1			
Innovation in Design: EAc6 Exemplary or Low Mercury Lamps			
1			
LEED® Accredited Professional			
1			

6 1 6 Materials & Resources		13 Points	
Yes	No	6	1
1			
Storage & Collection of Recyclables			
1			
Building Reuse: Maintain 75% of Existing Walls, Floors & Roof			
1			
Building Reuse: Maintain 95% of Existing Walls, Floors & Roof			
1			
Construction Waste Management: Divert 50% from Disposal			
1			
Construction Waste Management: Divert 75% from Disposal			
1			
Materials Reuse: 5%			
1			
Materials Reuse: 10%			
1			
Recycled Content: 10% (post-consumer + 1/2 pre-consumer)			
1			
Recycled Content: 20% (post-consumer + 1/2 pre-consumer)			
1			
Regional Materials: 10% Extracted, Processed & Manufactured Regionally			
1			
Regional Materials: 20% Extracted, Processed & Manufactured Regionally			
1			
Rapidly Renewable Materials			
1			
Certified Wood			
1			





Facility: Dominion Heights
Program: LEED-NC v2.2
Purpose: LEED Feasibility Study
Impact: Multiple LEED Credits and Prerequisites
Date: December 22nd, 2009

EMO was contracted by Christopher Companies to provide general LEED Administration and Consulting services in support of potential LEED-NC v2.2 Certification for the Dominion Heights project. As part of this process, EMO plans to give intermittent feedback regarding procurement of materials, products, and services relative to meeting the goal of a successful LEED Certified project. The purpose of this memo is to provide feedback regarding the feasibility of achieving LEED Gold certification, noting the level of effort and investment needed to pursue specific LEED credits and prerequisites sufficient to attempt this certification. Forty-two (42) points have been identified to pursue, which will provide a three (3) point buffer into the Gold certification range.

This memo looks to address the following:

- Strategy of credit pursuit for Gold level certification
- Description of prerequisite and credit requirements specific to this project
- Status of credit achievement/pursuit, identification of responsible parties and action items
- Level of effort and cost necessary for credit achievement
- Recommendations as necessary to achieve credits and prerequisites

The following information may impact the LEED®-NC certification for the Dominion Heights building.

Reference:

1. *Preliminary LEED Checklist developed at meeting held at offices of Christopher Companies, 12/9/2009*
2. *S.D. Keppler LEED NCv2.2 Scorecard, Permit Set, 11/13/2007*



SUSTAINABLE SITES CATEGORY

- **SS P1 Construction Activity Pollution Prevention** – Create and implement an Erosion and Sedimentation Control (ESC) Plan for all construction activities associated with the project. Must conform to the 2003 EPA Construction General Permit OR local erosion and sedimentation control standards and codes, whichever is more stringent.

STATUS: SD Keppler report shows ESC plan and details included in civil drawings. Provide drawings to EMO to review.

LEVEL OF EFFORT/COST: Low

- **SS C1 Site Selection (1 point)** – Do not develop on Prime farmland, undeveloped within 100 year flood, habitat for endangered species, 100 feet of wetlands, 50 feet of a body of water, or previous parkland.

STATUS: Previously developed site appears to meet requirements. Civil should verify.

LEVEL OF EFFORT/COST: Low (documentation)

- **SS C2 Development Density & Community Connectivity (1 point)** – Must have 10 services and multifamily/townhomes within 1/2 mile of building site.

STATUS: More than 10 basic services and residential development within ½ mile. Low effort/cost needed to complete documentation.

LEVEL OF EFFORT/COST: Low (documentation)

- **SS C3 Brownfield Redevelopment (1 point)** – Site contamination must be found as a result of an ASTM E1903-97 Phase II Environmental Site Assessment, or asbestos found as a result of an asbestos survey. Any confirmed substances would need to be remediated by a certified asbestos abatement contractor prior to the demolition of the existing buildings.

*STATUS: Credit currently a 'Yes' pending official report for findings of hazardous materials. The boiler room may have asbestos present. **Credit was previously a 'Maybe,' will be necessary for Gold certification.***

LEVEL OF EFFORT/COST: related to testing and abatement.

- **SS C4.1 Alternative Transportation: Public Transportation Access (1 point)** – Option 1: Building must be located within 1/2 mile of metro OR Option 2: 1/4 mile of 2 bus lines



STATUS: The site is located along several bus lines with stops within ¼ mile. WMATA routes 3A, 3B, 3E and 3Y.

LEVEL OF EFFORT/COST: Low/No (documentation)

- **SS C4.2 Alternative Transportation: Bicycle Storage & Changing Rooms (1 point)** – For residential buildings, provide covered bicycle racks and/or storage (within 200 yards of a building entrance) for 15% or more of all building occupants.

STATUS: Number of occupants shown in SDK report is 120, requiring 18 bike rack spaces. Report also mentions that 35 spaces are shown in the architectural drawings, and 35 spaces shown in the civil drawings. Confirm number of covered bike racks included.

LEVEL OF EFFORT/COST: Low

- **SS C4.3 Alternative Transportation, Fuel Efficient Vehicles (1 point)** –
Option 1: Provide low-emitting and fuel efficient vehicles for 3% of Full-Time Equivalent Occupants
Option 2: Provide preferred parking for low-emitting and fuel-efficient vehicles for 5% of the total vehicle parking capacity of the site.
OR
Option 3: Install alternative-fuel refueling stations for 3% of total parking

*STATUS: Credit currently a 'Yes.' **Credit was previously a 'Maybe,' will be necessary for Gold certification.***

LEVEL OF EFFORT/COST: Option 1, High (cost of vehicle or lease contract). Option 2, Low (Provision of spaces, signage, painting). Option 3, Moderate (Approximately \$2,000-3,000 for each refueling station).

- **SS C4.4 Parking Capacity (1 point)** –
Options 1 & 2 – Not available for project.
Option 3 – Size parking to not exceed minimum local zoning requirements, AND provide infrastructure and support programs to facilitate shared vehicle usage such as carpool drop-off areas, designated parking for vanpools, or car-share services, ride boards, and shuttle services to mass transit.
Option 4 --- provide no new parking.

STATUS: Credit currently a 'YES.' SDK report shows local zoning requirement of 127 spaces, and 127 spaces provided. Confirm number of existing parking spaces, number of spaces required by zoning, and total number provided. Project will also be required to provide ride boards for residents interested in carpooling, at a minimum.

LEVEL OF EFFORT/COST: Option 3 - Low (Ride board).

- **SS C5.2 Site Development: Maximize Open Space (1 point)** –

Option 1: Reduce the development footprint (defined as the total area of the building footprint, hardscape, access roads and parking) and/or provide vegetated open space within the project boundary to exceed the local zoning's open space requirement for the site by 25%.

Option 2: For areas with no local zoning requirements (e.g., some university campuses, military bases), provide vegetated open space area adjacent to the building that is equal to the building footprint.

Option 3: Where a zoning ordinance exists, but there is no requirement for open space, provide vegetated open space equal to 20% of the project's site area.

For projects in urban areas that earn SS Credit 2, pedestrian oriented hardscape areas can contribute to credit compliance. 25% of the open space counted must be vegetated.

STATUS: Credit currently a 'Weak Maybe.' It is EMO's understanding that there is minimum amounts of proposed vegetated area, mostly planters and terraces. Please provide site drawings showing areas to be vegetated to perform compliance calculation.

LEVEL OF EFFORT/COST: Moderate (Plan changes to incorporate more vegetation, cost of vegetation, containers, growing media, maintenance).

- **SS C6.1 Stormwater Design: Quantity Control (1 point)** – EXISTING IMPERVIOUSNESS IS GREATER THAN 50%: Implement a stormwater management plan that results in a 25% decrease in the volume of stormwater runoff from the two-year, 24-hour design storm.

STATUS: Credit currently a 'Yes.' It is EMO's understanding that a retention tank will be included to capture stormwater. Urban Engineering should provide EMO with calculations documenting credit compliance.

LEVEL OF EFFORT/COST: Low/No (documentation only, as equipment is already proposed)

- **SS C6.2 Stormwater Design: Quality Control (1 point)** – Implement a stormwater management plan that reduces impervious cover, promotes infiltration, and captures and treats the stormwater runoff from 90% of the average annual rainfall using acceptable BMPs. BMPs used to treat runoff must be capable of removing 80% of the average annual post development total suspended solids (TSS) load based on existing monitoring reports.

STATUS: Credit currently a 'Weak Maybe.' It is EMO's understanding that the number of stormwater filters required by county regulations is four (4). Urban Engineering shall perform calculations to determine credit compliance.



LEVEL OF EFFORT/COST: Low/No (if sufficient number of filters - documentation only) or Moderate to High (If insufficient number of filters – plan changes, equipment, documentation).

- **SS C7.1 Heat Island Effect Non-Roof (1 point)** – Option 2 – Place a minimum of 50% of parking spaces under cover.

STATUS: Credit currently a 'Yes.' Because all parking spaces will be placed underground, the project meets the requirements of this credit, PLUS an Exemplary Performance point.

LEVEL OF EFFORT/COST: Low/No (already planned – documentation only)

- **SS C7.2 Heat Island Effect Roof (1 point)** – Option 1: Use roofing materials having a Solar Reflectance Index (SRI) equal to or greater than the required values for a minimum of 75% of the roof surface. (Low-sloped roof: $\leq 2:12$, SRI 78; Steep-sloped roof: $\geq 2:12$, SRI 29).

Option 2: Install a vegetated roof for at least 50% of the roof area.

Option 3: Install high albedo and vegetated roof surfaces that, in combination, meet the following criteria: $(\text{area of SRI roof}/0.75) + (\text{area of vegetated roof}/0.5) \geq \text{Total Roof Area}$

STATUS: Credit currently a 'Yes.' Architect must specify roofing material and/or color that meets SRI requirements.

LEVEL OF EFFORT/COST: Low to Moderate (cost of reflective roofing should be competitive with traditional roofing)

WATER EFFICIENCY CATEGORY

- **WE C1.1 Water Efficient Landscaping: Reduce by 50% (1 point)** – Reduce potable water consumption for irrigation by 50% from a calculated mid-summer baseline case. Reductions shall be attributed to any combination of the following items: plant species factor, irrigation efficiency, use of captured rainwater, use of recycled wastewater, use of water treated and conveyed by a public agency specifically for non-potable uses.

STATUS: Credit currently a 'Yes.' Urban Engineering shall investigate using captured stormwater for irrigation.

LEVEL OF EFFORT/COST: Moderate (equipment addition to stormwater retention tank for irrigation)



- **WE C1.1 Water Efficient Landscaping: No Potable Use or No Irrigation (1 point)** – No permanent irrigation. Landscaping must use vegetation that is native/adaptive to region, thus not needing irrigation.

STATUS: Credit currently a 'Yes.' Urban Engineering shall investigate using captured stormwater for 100% of irrigation needs.

LEVEL OF EFFORT/COST: Moderate (equipment addition to stormwater retention tank for irrigation)

- **WE C3.1 & 3.2 Water Use Reduction (2 points)** – Use 30% less water than calculated baseline using Energy Policy Act of 1992. Specify low-flow and/or dual-flush fixtures, water closets, urinals, showers, and faucets. The following table shows fixtures specifications that would result in 40% water usage savings (based on 120 occupants), and would qualify for an additional one (1) point for exemplary performance:

Fixture Type	Baseline Flush/Flow Rate (gpf / gpm)	Proposed Flush/Flow Rate (gpf / gpm)
Dual-Flush Water Closet	1.6 gpf	1.6 gpf/0.8 gpf
Lavatory Faucet	0.5 gpm	0.5 gpm
Kitchen Faucet	2.5 gpm	2.5 gpm
Shower	2.5 gpm	1.8 gpm

STATUS: Both Credits currently a 'Yes.' MEP and Architect should specify flush/flow rates for plumbing fixtures. Dual-flush water closets in bid documents.

LEVEL OF EFFORT/COST: Moderate (Dual-flush water closets already in bid documents, faucet aerators are inexpensive).

ENERGY & ATMOSPHERE CATEGORY

- **EA P1 Fundamental Commissioning of the Energy Systems** – Need to Develop "Owner's Project Requirements" and "Basis of Design" documents and submit to CxA for review.

STATUS: EMO to provide commissioning services.

Level of effort/cost: Moderate (commissioning services, documentation)

- **EA P2 Minimum Energy Performance** – Design the building project to comply with both: the mandatory provisions (Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) of ASHRAE/IESNA Standard 90.1-2004 (without amendments); and performance requirements (Section 11) of ASHRAE/IESNA Standard 90.1-2004 (without amendments) or PRM Appendix G.



Performing energy model that demonstrates earning two (2) points for EAc1 will meet requirements.

STATUS: EMO to provide modeling services.

Level of effort/cost: Moderate (modeling services, documentation)

- **EA P3 Fundamental Refrigerant Management** – Zero use of CFC-based refrigerants in new base building HVAC&R systems.

STATUS: Easy to get for new construction. MEP provide cutsheets of equipment using refrigeration with charge greater than 0.5 lbs of refrigeration per ton of cooling.

Level of effort/cost: Low/No (documentation)

- **EA C1 Optimize Energy Performance** – Demonstrate a percentage improvement in the proposed building performance rating compared to the baseline building performance rating per ASHRAE/IESNA Standard 90.1-2004 (without amendments) by a whole building performance rating per ASHRAE/IESNA Standard 90.1-2004 (without amendments) by a whole building project simulation using the Building Performance Rating Method in Appendix G of the Standard.

STATUS: EMO to provide modeling services.

Level of effort/cost: Moderate (modeling services, documentation)

- **EA C3 Enhanced Commissioning (1 point)** – Contract Commissioning Agent for additional commissioning process activities beyond Fundamental Commissioning.

*STATUS: Currently a "Yes." EMO can provide services. **Credit was previously a 'Maybe,' will be necessary for Gold certification.***

Level of effort/cost: Moderate (commissioning services, documentation)

- **EA C4 Enhanced Refrigeration Management (1 point)** – Most chiller manufacturers offer evergreen refrigerants. Depends on quantity of refrigerant and type. There is a set allowance (lb/ton) of refrigerant per type based on Ozone Depletion Potential and Global Warming Potential. Look to substitute HCFCs with HFCs (R-134a)

*STATUS: Currently a 'Yes.' MEP to investigate potential refrigerant options or determine equipment substitutes, provide compliance calculation and documentation. **Credit was previously a 'Maybe,' will be necessary for Gold certification.***

Level of effort/cost: Moderate to High (Possible HVAC&R equipment changes to units that can use evergreen refrigerant)

-
- **EA C5 Measurement & Verification (1 point)** – Following Option D of the IPMVP; calibrating the energy simulation utilized in EA Credit 1 with realized weather data, appropriate submetering, and trend logging.

STATUS: Currently a 'No.' Can be a "back-pocket" item, to be attempted if the point is needed. SDK report mentions submeters for tenants, retail, and gas will already be provided. Will require a central monitoring system and provision for trending and reporting.

Level of effort/cost: Moderate to High (additional equipment for monitoring, trending, and reporting. Additional modeling services).

- **EA C6 Green Power (1 point)** – Provide at least 35% of the total estimated energy use for the building by purchasing Renewable Energy Credits (RECs), utilizing energy model from EA Credit 1 to determine estimated energy use.

*STATUS: Currently a 'Yes.' **Credit was previously a 'Maybe,' will be necessary for Gold certification.***

Level of effort/cost: Moderate (Essentially "buying" a credit by entering a two year contract with a REC provider).

MATERIALS & RESOURCES CATEGORY

- **MR P1 Storage and Collection of Recyclables** – Provide an easily accessible area that serves the entire building and is dedicated to the collection and storage of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.

STATUS: SDK report shows adequately sized central storage area provided, and "trash" chute on each floor. Will need drawings showing area and chute, as well as narrative

Level of effort/cost: Low (Storage bins, documentation).

- **MR C2.1 & 2.2 Construction Waste Management (2 points)** – Recycle and/or salvage an additional 75% of non-hazardous construction and demolition debris. Excavated soil and land-clearing debris do not contribute to this credit. Calculations can be done by weight or volume, but must be consistent throughout.

STATUS: Both credits currently a 'Yes.' 75% diversion is not difficult, but will require making the General Contractor responsible by adding goal to the specifications and contract.

Level of effort/cost: Low

-
- **MR C4.1 & 4.2 Recycled Content: 20% (2 points)** – Use materials with recycled content such that the sum of post-consumer recycled content plus one-half of the pre-consumer content constitutes at least 20% (based on cost) of the total value of the materials in the project. Steel, ceiling tiles, wall board, concrete, and insulation all have recycled content.

*STATUS: Both credits currently a 'Yes.' 20% diversion is not difficult, but will require coordination between the Architect and General Contractor to specify products to meet the goal. Will require language in specifications requiring recycled content product selection. **Both points for this credit will be necessary for Gold certification.***

Level of effort/cost: Moderate (some products may have cost premium)

- **MR C5.1 & 5.2 Regional Materials: 20% (2 points)** – Use building materials or products that have been extracted, harvested or recovered, as well as manufactured, within 500 miles of the project site for a minimum of 10% (based on cost) of the total materials value.

*STATUS: Both credits are currently a 'Yes.' 20% regional material is not difficult to achieve, but will require coordination between the Architect and General Contractor to specify products to meet the goal. Will require language in the specifications requiring regionally extracted and manufactured product selection. **Both points for this credit will be necessary for Gold certification.***

Level of effort/cost: Moderate (regional products may not be least cost option, though may save on freight. More research on product options, documentation)

- **MR C7 Certified Wood (1 point)** – Use a minimum of 50% of all wood-based materials and products that are certified in accordance with the Forest Stewardship Council's (FSC) Principles and Criteria for wood building components. These components include, but are not limited to, structural framing and general dimensional framing, flooring, sub-flooring, wood doors and finishes. Only include materials permanently installed in the project.

*STATUS: Currently a 'Strong Maybe.' Will require making the General Contractor responsible by adding 50% goal to the specifications and contract. **Credit was previously a 'Maybe,' will be necessary for Gold certification.***

Level of effort/cost: Moderate to High (FSC products may still have a cost premium, although this is decreasing as more products are available)



INDOOR ENVIRONMENTAL QUALITY CATEGORY

- **EQ P1 Minimum IAQ Performance** – Meet the minimum requirements of Sections 4 through 7 of ASHRAE 62.1-2004, Ventilation for Acceptable Indoor Air Quality, based on cfm/sf and cfm/person (depending on space type and function).

STATUS: MEP to verify Prerequisite compliance.

Level of effort/cost: Low (documentation)

- **EQ P2 Environmental Tobacco Smoke (ETS Control)** –
 - Option 1: prohibit smoking in the building. Locate any exterior designated smoking areas at least 25 feet away from entries, outdoor air intakes and operable windows.
 - Option 2: Not applicable; more for commercial buildings with interior designated smoking areas
 - Option 3 (For residential buildings only):
 - Prohibit smoking in all common areas of the building.
 - Locate any exterior designated smoking areas at least 25 feet away from entries, outdoor air intakes and operable windows opening to common areas.
 - Minimize uncontrolled pathways for ETS transfer between individual residential units by sealing penetrations in walls, ceilings and floors in the residential units, and by sealing vertical chases adjacent to the units.
 - All doors in the residential units leading to common hallways shall be weatherstripped to minimize air leakage into the hallway.
 - If the common hallways are pressurized with respect to the residential units then doors in the residential units leading to the common hallways need not be weatherstripped provided the positive differential pressure is demonstrated (average of 5 Pa, minimum of 1 Pa). Acceptable sealing of residential units shall be demonstrated by a blower door test conducted in accordance with ANSI/ASTM-E779-03 AND use the progressive sampling methodology defined in Chapter 4 of the Residential Manual for Compliance with California's 2001 Energy Efficiency Standards.

STATUS: MEP and Architect to design rooms, hallways, and common areas to meet requirements of Option 3. Christopher Companies to provide letter and signage declaring no smoking in all common areas of building, and within 25 feet from entries, outdoor air intakes and operable windows opening to common areas. Blower door testing to be conducted.

Level of effort/cost: Low (documentation, signage, blower door testing)

- **EQ C1 Outdoor Air Delivery Monitoring (1 point)** – Monitor carbon dioxide concentrations within all densely occupied spaces (those with a design occupant density greater than or equal to

25 people per 1000 sq.ft.). CO₂ monitoring locations shall be between 3 feet and 6 feet above the floor.

For each mechanical ventilation system serving non-densely occupied spaces, provide a direct outdoor airflow measurement device capable of measuring the minimum outdoor airflow rate with an accuracy of plus or minus 15% of the design minimum outdoor air rate, as defined by ASHRAE 62.1-2004.

*STATUS: Currently a 'Yes.' EMO's understanding is that there are 8 common air handlers serving units that supply corridors. These will require outdoor airflow measurement devices, with an audible or visual alarm capability to alert building maintenance. CO2 monitors will need to be installed in densely occupied areas, such as the Community Room, and any retail spaces with functions such as barber shops/salons, pet stores, etc. Include in specifications and drawings. **Credit was previously a 'Maybe,' will be necessary for Gold certification.***

Level of effort/cost: Moderate (documentation, signage, blower door testing)

- **EQ C3.1 Construction IAQ Management Plan, During Construction (1 point)** – During construction meet or exceed the recommended Control Measures of the Sheet Metal and Air Conditioning National Contractors Association (SMACNA) IAQ Guidelines for Occupied Buildings under Construction, 1995, Chapter 3.

If permanently installed air handlers are used during construction, filtration media with a Minimum Efficiency Reporting Value (MERV) of 8 shall be used at each return air grille, as determined by ASHRAE 52.2-1999. Replace all filtration media immediately prior to occupancy.

STATUS: Currently a 'Yes.' Include Construction IAQ Management Plan in specifications. Specify MERV 8+ filters to be installed during construction, replaced immediately before occupancy.

Level of effort/cost: Low (filters)

- **EQ C3.2 Construction IAQ Management Plan, Before Occupancy (1 point)** –

Option 1: Building Flush-Out - After finishes installed, supply 14,000 cf of outdoor air per sf floor area

Option 2: Air Testing - Conduct baseline IAQ testing, after construction ends and prior to occupancy, using testing protocols consistent with the United States Environmental Protection Agency Compendium of Methods for the Determination of Air Pollutants in Indoor Air and as additionally detailed in the Reference Guide.

STATUS: Currently a 'No.' Option 1 would likely not be possible for residential project. Option 2 would be costly for air testing. Failed air testing would necessitate a flush-out before retesting, which would not be possible. Can be an option if a point is needed.

Level of effort/cost: High (air testing)

-
- **EQ C4.1 Low-Emitting Materials, Adhesives & Sealants (1 point)** – ALL Adhesives, Sealants and Sealant Primers must comply with VOC limits in South Coast Air Quality Management District (SCAQMD) Rule #1168. Aerosol Adhesives: Green Seal Standard for Commercial Adhesives GS-36

STATUS: Currently a 'Yes.' Must be included in specifications. Not difficult to achieve, many products available that qualify.

Level of effort/cost: Low (documentation)

- **EQ C4.2 Low-Emitting Materials, Paints & Coatings (1 point)** – ALL Paints, coatings, and primers must comply with VOC limits in Green Seal Standard GS-11. Anti-corrosive and anti-rust paints (interior): Green Seal Standard GS-03. Clear wood finishes, floor coatings, stains, sealers, shellacs: South Coast Air Quality Management District (SCAQMD) Rule #1113

STATUS: Currently a 'Yes.' Must be included in specifications. Not difficult to achieve, many products available that qualify.

Level of effort/cost: Low to Moderate (May have cost premium on some paints, documentation)

- **EQ C4.3 Low-Emitting Materials, Carpet (1 point)** – ALL carpet in building interior must meet requirements of Carpet and Rug Institute Green Label Plus. All carpet cushion shall meet requirements of Carpet and Rug Institute Green Label. Carpet adhesive shall not have VOC >50 g/L.

STATUS: Currently a 'Yes.' Must be included in specifications. Not difficult to achieve, many products available that qualify.

Level of effort/cost: Low to Moderate (May have cost premium, documentation)

- **EQ C4.4 Low-Emitting Materials, Composite Wood & Agrifiber Products (1 point)** – ALL Composite wood and agrifiber products used on the interior of the building (defined as inside of the weatherproofing system) shall contain no added urea-formaldehyde resins. Laminating adhesives used to fabricate on-site and shop-applied composite wood and agrifiber assemblies shall contain no added urea-formaldehyde resins. Composite wood and agrifiber products are defined as: particleboard, medium density fiberboard (MDF), plywood, wheatboard, strawboard, panel substrates and door cores. Materials considered fit-out, furniture, and equipment (FF&E) are not considered base building elements and are not included.

STATUS: Currently a 'Weak Maybe.' Must be included in specifications. May be difficult to achieve with a lot of wood used in project.

Level of effort/cost: High (Cost premium, documentation)

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- **EQ C5 Indoor Chemical Pollutant Source Control (1 point)** –
 - Permanent entryway systems 6' long in direction of travel (grates, grilles, slotted systems that allow for cleaning underneath), or roll-out mats if cleaned weekly
 - Where hazardous gases or chemicals may be present or used (including garages, housekeeping/laundry areas and copying/printing rooms), exhaust each space sufficiently to create negative pressure with respect to adjacent spaces
 - Minimum Efficiency Reporting Value (MERV) of 13 or better filtration

*STATUS: Currently a 'Yes.' Must be included in specifications. **Credit was previously a 'Maybe,' will be necessary for Gold certification.***

Level of effort/cost: Moderate (Cost of MERV 13 filters, potential oversizing of equipment to overcome pressure difference of filters, documentation)

- **EQ C6.1 Controllability of Systems, Lighting (1 point)** – Provide individual lighting controls for 90% of building occupants to enable adjustments to suit individual task needs and preferences. AND lighting system controllability for all shared multi-occupant spaces.

STATUS: Currently a 'Yes.' Include in specifications and construction drawings. Provide lighting drawings to verify compliance.

Level of effort/cost: Low (controls, documentation)

- **EQ C6.2 Controllability of Systems, Thermal Comfort (1 point)** – Provide individual comfort controls for 50% (minimum) of the building occupants to enable adjustments to suit individual task needs and preferences. Operable windows can be used in lieu of comfort controls for occupants of areas that are 20 feet inside of and 10 feet to either side of the operable part of the window. The areas of operable window must meet the requirements of ASHRAE 62.1-2004 paragraph 5.1 Natural Ventilation. AND Provide comfort system controls for all shared multi-occupant spaces to enable adjustments to suit group needs and preferences. Conditions for thermal comfort are described in ASHRAE Standard 55-2004 to include the primary factors of air temperature, radiant temperature, air speed and humidity. Comfort system control for the purposes of this credit is defined as the provision of control over at least one of these primary factors in the occupant's local environment.

STATUS: Currently a 'Yes.' MEP to verify compliance and provide documentation. Include thermostats in drawings and specifications for all bedrooms, offices, retail and multi-occupant spaces.

Level of effort/cost: Low (thermostats assumed already provided for most areas, documentation)



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- **EQ C7.1 Thermal Comfort, Design (1 point)** – Design HVAC systems and building envelope to meet requirements of ASHRAE 55-2004.

STATUS: Currently a 'Yes.' MEP to verify compliance and provide documentation.

Level of effort/cost: Low (documentation)

- **EQ C7.2 Thermal Comfort, Verification (1 point)** – Agree to implement a thermal comfort survey of building occupants within a period of six to 18 months after occupancy. This survey should collect anonymous responses about thermal comfort in the building including an assessment of overall satisfaction with thermal performance and identification of thermal comfort-related problems. Agree to develop a plan for corrective action if the survey results indicate that more than 20% of occupants are dissatisfied with thermal comfort in the building. This plan should include measurement of relevant environmental variables in problem areas in accordance with ASHRAE Standard 55-2004.

STATUS: Currently a 'Yes.' EMO has developed a thermal comfort survey that has been accepted for LEED Reviews.

Level of effort/cost: Low (survey execution, documentation)

- **EQ C8.2 Daylight & Views, Views for 90% of Spaces (1 point)** – Achieve direct line of sight to the outdoor environment via vision glazing between 2'6" and 7'6" above finish floor for building occupants in 90% of all regularly occupied areas.

STATUS: Currently a 'Yes.' EMO can verify compliance when provided with floor plans.

Level of effort/cost: Low (view calculations, documentation)

INNOVATION & DESIGN PROCESS CATEGORY

- **ID C1.1 – 1.4 Exemplary Performance or Innovation in Design (4 points)** – Either exceed performance on other qualifying LEED credits by a set level of achievement, or document a quantitative environmental achievement of the building or its operations.

Dominion Heights currently will achieve one (1) Exemplary Performance point for exceeding requirements for SS Credit 4.4 by providing 100% of parking spaces underground.

Possible options for Innovation in Design points include:

- Implementing a Green Housekeeping Policy



- Providing an Education & Outreach Program highlighting the building's green features (signage, a tour, and a brochure)
- Purchasing additional Green Power (EA Credit 6) for either 70% of expected energy usage over 2 years, or 35% for 4 years.
- Purchasing Low-Mercury Lamps for the building that are collectively below a mercury level of 90 picograms per lumen hour.

STATUS: All four points are currently a 'Yes.' **All 4 points for these credits will be necessary for Gold certification.**

Level of effort/cost: Most options are Low cost and Low effort

- **ID C2 LEED Accredited Professional (1 point)** – At least one principal participant of the project team shall be a LEED Accredited Professional (AP).

STATUS: Currently a 'Yes.' Over 80% of EMO employees are LEED Accredited.

Level of effort/cost: Low/No (documentation)

M·A·Y·W·O·O·D
COMMUNITY ASSOCIATION

May 3, 2010

Ms. Lisa Maher
Arlington County
Department of Community Planning
#1 Courthouse Plaza, Suite 700
2100 Clarendon Blvd.
Arlington, VA 22201

Re: SP #395 Christopher Companies plan for property located at 3565 Lee Highway

Dear Ms. Maher:

I write on behalf of the Maywood Community Association ("MCA") concerning the Christopher Companies' proposed site plan amendment for the property located at 3565 Lee Highway at the corner of North Monroe Street and Lee Highway (the "TV Station" property).

As the Planning Commission is aware, the TV Station property has been vacant for many years and is blighted. The property has been broken into several times and it is very unsightly. For these and other reasons our association has been very interested in seeing the property redeveloped to become an asset for the community. Redevelopment of the site as an attractive property with retail, as proposed, will greatly improve the look and function of the property.

The MCA has had numerous discussions regarding the planned redevelopment of the TV Station property. Most recently, a representative from Christopher Companies came to an MCA meeting and reviewed the latest plans with us. This was a very informative meeting and we commend them for meeting with us. In total, our association is pleased with the design and we look forward to this development proceeding as soon as possible. That said, our neighborhood has long-standing traffic and parking concerns that need to be addressed and may be exacerbated by this project.

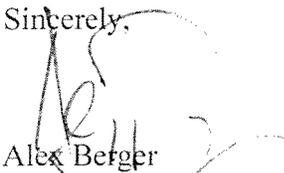
Traffic and pedestrian safety are our biggest concerns. Historic Maywood is a pedestrian-friendly and bicycle-friendly residential neighborhood. Kids ride bikes, play catch in the street, etc. Yet drivers regularly speed through the neighborhood from Lee Highway via North Monroe Street. The intersection of North Monroe Street and North 21st Avenue has long been a dangerous intersection due to poor visibility and a slightly shifted intersection. The County re-

alignment of the intersection has not helped and may actually have increased dangers to children and complicated the school bus pickup area. Additional traffic calming measures have been requested but denied due to the traffic flow and speed data available at the time. We are concerned that the increased traffic from the new development, especially given the location and traffic flow from the parking exit on North Monroe Street, will significantly increase traffic flow from those taking a shortcut from Lorcom Lane through the neighborhood and cause more dangerous conditions at an already unsafe intersection. We want to see every effort made to introduce new traffic calming measures in the neighborhood including, but not limited to, the installation of 4-way stop signs at the corner of North 21st Avenue and North Monroe Street.

We have also previously expressed our concern that the number of parking spaces in the TV Station property's garage will not adequately serve the proposed increased number of rental units. While we acknowledge that the revised ratio of parking to units exceeds minimum county requirements, we encourage the Planning Commission and the County Board to give careful consideration to the particular circumstances of the Maywood neighborhood. The existing apartment complexes on North Monroe Street already utilize North 21st Avenue as an overflow parking lot on evenings and weekends. Without addressing that problem, the new development will further exacerbate an already strained situation.

With these changes and considerations in mind, we think this would be a great project and hope it will be approved quickly and completed as soon as possible.

Sincerely,



Alex Berger

President, Maywood Community Association
3424 North 21st Avenue
Arlington, VA 22207

Cherrydale Citizen Association
Comments on
Site Plan 3565 Lee Highway - former bank/TV station site
May 2, 2010

Arlington County's Site Plan Review Committee (SPRC) has now held 2 meetings to discuss the site plan amendment that Christopher Company submitted for the tv station property. Cherrydale attendance included Maureen Ross, Randy Morrow, Mike Foreman and Tom Korn. We have communicated regularly in newsletter.

In January the CCA vote down a large increase in density. But now Christopher Co is requesting to add just 17 more units, (increase from 49 to 66) making all dwellings smaller to keep the exterior building the same size. The smaller units are thought to be more sellable/affordable in the current market.

Some of our concerns are:

- Whether these units become rental or condo - we would like legal wording to make rental more difficult and owner occupied more likely (eg condo rules that require owner occupancy 3 out of every 5 years or owner must sell); They have this sort of language for some condos in D.C.
- Change in the trim materials, from precast to brick on cornices and accent bands - which we have objected to;
- Change to from aluminum parapets to compressed PVC or hardiplank for the window bays were OK as long as they have the dimensionality of original drawings which looked like 1 inch wide trim pieces making squares, adding interest;
- Drop in residential parking ratio from 1.8 to 1.4 spaces per unit but still above average; however the development must make sure that residents and their visitors do not take up retail parking. How will this be assured?
- In addition, retail parking should be free for customers of all local businesses.
- We have concerns about the now 3rd or 4th change in pedestrian entrance at the corner, disallowing steps and using ONLY a ramp so that people in wheelchairs aren't separated from walking friends on the way to entering the building; We have objected to this. The entrance becomes less inviting and open. We support making public places accessible to the disabled but do not believe we need to make abled entry more inconvenient in that process. **We need to see what the most recent proposed change looks like. Every change thus far has been a diminishment in attractiveness as an important entry.**
- Change in construction method from concrete to wood, which decreases ceiling heights by a few inches per floor; OK;
- Revision of sidewalk from pavers to concrete. OK but what will this look like compare to the adjacent sidewalk?
- Arts donation - in the site plan the builder gives 75,000\$ to an art project and we want to make sure that money /art stays here along Lee Hwy rather than to a general county pot. Cherrydale looks forward to working with Maywood to do something lovely for Lee Hwy area.

