



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of September 25, 2010**

DATE: September 17, 2010

SUBJECT: U-3199-08-2 Use Permit Amendment for plan modifications to the Arlington Mill Community Center to construct an approximately 65,700 sq ft community center facility with gymnasium and retail, located at 4975 Columbia Pike (RPC: 22-001-004). Modifications of zoning ordinance requirements include: provisions for architectural details under the Form Based Code, and other modifications as necessary to achieve the proposed development plan.

C. M. RECOMMENDATION:

Approve the subject use permit amendment, subject to the amended conditions in the staff report.

Applicant:

Arlington County, Department of Environmental Services

By:

George May
Bureau Chief, Facilities Design & Construction
1400 N. Uhle Street, #403
Arlington, VA 22201

ISSUES: This is a request to amend a use permit for the development of the Arlington Mill Community Center under the Form Based Code, and no issues have been identified.

SUMMARY: A use permit amendment is requested to permit phased and revised development of the 2008 approved redevelopment plan for the Arlington Mill Community Center. Under the subject use permit amendment it is proposed that a six (6)-story, mixed use building comprised

County Manager:

MB *GA*

County Attorney:

GA

Staff: Samia Byrd, CPHD, Planning Division
Jennifer Smith, CPHD, Planning Division
Dolores Kinney, DES, Transportation Division

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of approximately 39,000 square feet of community uses including a gymnasium, 3,000 square feet of retail, and 33 residential units, and a five (5)-story residential building comprised of 159 units, would be replaced in Phase I with a five (5)-story community center building comprised of approximately 64,537 square feet of community uses including a gymnasium and up to 2,250 square feet of retail. Essentially the proposed use permit amendment would eliminate all approved residential development from Phase I, providing for a residential building to be developed as Phase II at a future date not yet determined. The proposed plan modifications were authorized by the County Board in December 2009 in order to facilitate the construction of the approved "civic building" independent of the residential uses and in the absence of a private development partner. Phasing redevelopment in this way would more immediately fulfill the County's long-term vision and commitment of constructing a new, modern, community center facility in Columbia Pike. The proposed modifications to the 2008 use permit and specifically, the community center building proposed for Phase I, remain in compliance with the Form Based Code requirements and would not require approval of additional modifications. Finally, as the Board previously determined, the proposed modifications would not: 1) affect adversely the health or safety of persons residing or working in the neighborhood, 2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood, 3) be in conflict with the purposes and intent of the *Columbia Pike Initiative – A Revitalization Plan*. Staff recommends that the County Board approve the subject use permit amendment and the conditions proposed to be amended with this staff report.

BACKGROUND: In June 2008, the County Board approved use permit U-3199-08-2, under the Form Based Code (FBC) for the redevelopment of 4975 Columbia Pike, the County-owned Arlington Mill Community Center site, through a public/private partnership. The approval provided for the development by the County and its private then-partner, Public Private Alliances, LLC (PPA), of a six (6)-story, mixed used building comprised of approximately 40,000 square feet of community center uses including a gymnasium, 3,000 square feet of retail, and 33 residential units, and a five (5)-story residential building comprised of 159 units, of which 61 units were to be affordable housing units funded with Low-Income Housing Tax Credits. The approved use permit also included three (3) stories of below grade parking, and a public plaza.

Public Private Alliances, LLC was negatively impacted by the economic downturn and unable to ensure the financial certainty, timing and construction of the housing portion of the project. Therefore, in December 2009 the County Board authorized the County Manager to modify the approved plans in order to advance the redevelopment and construction of the community center independent of the residential component, and to pursue another development partner for future development of residential uses on the balance of the site. The Board's intent was that the approved plans would be modified to provide for the phased redevelopment of the site with Phase I redeveloping the southern portion of the site with the community center and Phase II redeveloping the northern portion of the site with a residential building. The subject use permit amendment is required to provide for these modifications to the redevelopment plan.

The following provides additional information about the site and location:

Site: The 82,902 square foot (1.9 acres) site is located at 4975 Columbia Pike on the block in the Columbia Pike Special Revitalization District generally bounded by the Park Glen

Condominiums and the proposed 9th Street South to the north, S. Dinwiddie Street to the west, Columbia Pike to the south, and Arlington Mill Drive to the east (see Illustration 1 attached). The site, which is currently developed with an approximately 25,000 square foot building, was previously occupied by community center and school programs, and a surface parking lot. Adjacent and surrounding land uses include:

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|---------------|---|
| To the north: | Multi-family dwelling units dispersed in 18, 3-story buildings (Park Glen Condominium) zoned "RA14-26" and designated "Low-Medium" Residential on the GLUP (16-36 units per acre). |
| To the west: | Duplex residential units zoned "RA14-26" and designated "Low-Medium" on the GLUP front S. Dinwiddie Street north of 9 th Street. Strip commercial and associated surface parking (Pike Plaza Shopping Center) zoned "C-1" and designated "Service Commercial" on the GLUP exist south of 9 th Street South. |
| To the south: | Across Columbia Pike, east of South Columbus Street, strip commercial (7-11) zoned "C-1" and designated "Low-Medium" with the Triangle symbol on the GLUP. This area is planned for open space per the Columbia Pike Revitalization Plan. Across Columbia Pike, west of South Columbus Street, existing multi-family residential zoned "RA7-16" and "RA6-15" and designated "Low-Medium" on the GLUP. |
| To the east: | The Long Branch of Four Mile Run and Glen Carlyn Park zoned "S-3A" and designated "Public" on the GLUP. |

Zoning: "S-3A" Special Districts; eligible, by reference, to be developed using the "CP-FBC" Columbia Pike Form Based Code District.

General Land Use Plan Designation: "Public" (permits parks, schools, parkways, recreation areas, major unpaved rights-of-way, libraries, and cultural facilities); site is located within the Neighborhood Center node of the Columbia Pike Special Revitalization District.

Neighborhood: Located within the Columbia Heights West Civic Association and adjacent to the Columbia Forest (south) and Barcroft (east) civic associations.

Proposed Development: Under the subject use permit amendment, the County would proceed with construction of the community center building. In the future a developer would build new residential uses following the Columbia Pike Form Based Code under a long-term ground lease, while the County would retain ownership of the Arlington Mill site. However, it is proposed that the redevelopment plan be separated into two (2) phases. The subject of the proposed use permit amendment would permit the southern (Main Street) portion of the site to be redeveloped as Phase I with an approximately 55,283 sq ft community center, 8,504 sq ft of gymnasium, and up to 2,250 square feet of retail. The more than 15,000 square foot plaza would remain as initially approved. Phase II would permit, by separate use permit amendment, the redevelopment of the

northern (Avenue) portion of the site with residential development yet to be determined. Prior to the northern portion of the site being redeveloped, it would be treated with seed and sod and maintained as an open grass area (see approved and proposed site plans attached at the end of this narrative as Illustration 2).

The following table sets forth the preliminary statistical summary for the project, providing a comparison of the approved development and the proposed modifications to that development under the subject use permit amendment.

	Columbia Pike Form Based Code Requirements	Approved Development (June 2008)	Proposed Development
Site Area		82,902 sq ft (1.9 acres)	82,902 sq ft (1.9 acres)
Density (Gross Floor Area)			
Bldg 1: Mixed Use Community Center			
Community Center		30,000 sq ft	55,283 sq ft
Gymnasium		~9,000 sq ft	8,504 sq ft
Retail		3,000 sq ft	~2,250 sq ft
Residential		39,304 sq ft (33 units)	NA
Bldg 2: Residential		167,075 sq ft (159 units)	NA
Total Gross Floor Area (GFA)		248,379 sq ft	66,037 sq ft
Height			
Main Street Site	3 to 6 Stories	6 Stories	5 Stories
Avenue Site	2 to 5 Stories	5 Stories	NA
Vehicle Parking			
Residential Spaces	1.125 Sp/Unit	216 Spaces (216 Req.)	NA
Residential Spaces (Min. Shared)	0.125 Sp/Unit	24 spaces (24 Req.)	NA
Non-Residential Spaces (Min. Shared)	1 Sp/1,000 sq ft GFA	106 spaces (42 Req.)	140 Spaces (66 Req.)
Total Parking Spaces Approved/Proposed		322 spaces (258 Req.)	140 Spaces (66 Req.)
Bicycle Parking			
Residential Development			
Residential Tenant Parking	1 Rack (2 Sp)/3 Units	64 Racks (128 Sp)	NA
Residential Visitor Parking	1 Rack (2 sp)/50 Units	4 Racks (8 Sp)	NA
Retail Development			
Retail Employee Parking	1 Rack (2 Sp)/5,000 sq ft	1 Rack (2 Sp)	1 Rack (2 Sp)
Retail Visitor/Customer Parking	1 Rack (2 Sp)/25,000 sq ft	1 Rack (2 Sp)	1 Rack (2 Sp)
Community Use Development	NA	NA	20 Racks (40 Spaces)
Community Center Employees	NA	5 Racks (10 Sp)	NA
Community Center Visitors	NA	15 Racks (30 Sp)	NA
Total Bicycle Spaces Approved/Proposed		90 Racks (180 Sp)	22 Racks (44 Sp)
Total Bicycle Spaces Required		70 Racks (140 Sp)	2 Racks (4 Sp)
Open Contiguous Lot Area			
Main Street Site Buildable Area (34,998 sq ft)	15% Buildable Area	15,624 sq ft (43.02%)	15,778 sq ft (45.12%)
Avenue Site Buildable Area (56,206 sq ft)	30% Buildable Area	17,744 sq ft (30.88%)	56,206 sq ft (100%)
Sustainable Design – LEED/Earthcraft			
Building 1: Mixed Use Community Center		LEED Silver Certified	LEED Silver Certified
Building 2: Residential		Earthcraft Certified Consistent with VHDA Tax Credit Requirements or LEED	NA

	Columbia Pike Form Based Code Requirements	Approved Development (June 2008)	Proposed Development
		Equivalent	

DISCUSSION: There are three (3) primary concepts proposed for the modification of the approved use permit:

1. Separate the development of the (2) two approved buildings into distinguishable phases such that the community center building would be developed immediately upon approval of the subject use permit amendment as Phase I and the residential building developed under a separate use permit amendment as Phase II. This would include eliminating the approved five (5)-story residential building from the proposed Phase I and replacing the three (3) floors of residential development on the mixed use community center building with two (2) floors to be allocated to community center uses;
2. Modify the parking garage, locating it only on a portion of the site, and revise the total number of parking spaces commensurate to the reduction in residential units and the addition of community uses to the community center building; and
3. Provide for an interim plan of improvements (re-grade to as level a slope as possible and seed) for the remaining site area on which the residential building was approved, but will be built in the future Phase II.

Following is a more thorough review and analysis of the impact of the proposed modifications on land use and zoning, site design, building design and architecture, and transportation.

Land Use and Zoning: The table below provides a side-by-side comparison of the approved concept plan and proposed modifications to that plan in terms of compliance with the Form Based Code requirements.

	"Form Based Code"	Approved Concept	Proposed Concept
Density FAR	No density limit – density controlled by building form in FBC	30,000 sq ft Community Center	55,283 sq ft Community Center
		9,000 sq ft Gymnasium	8,504 sq ft Gymnasium
		3,000 sq ft Retail	~2,250 sq ft Retail
		192 Residential Units	0 Residential Units
Height	Main Street Site: 3 to 6 stories	Main Street Site: 6 Stories	Main Street Site: 5 Stories
	Avenue Site: 2 to 5 stories	Avenue Site: 5 stories	Avenue Site: NA
Parking	Residential: 1.125 Sp/Unit with .125 Shared Sp/Unit	Residential: 216 Spaces (192 Reserved; 24 Shared)	Residential: <i>Note: 1.125 Sp/Unit with .125 Shared Sp/Unit Required for future development</i>
	Non-Residential: 1 Sp/1,000 sq ft GFA	Non-Residential (Shared): 106 Spaces Community Center and Retail	Non-Residential (Shared): 140 Spaces (66 Required) Community Center and Retail
Permitted Uses	Main Street Site: Ground Floor Retail required; Upper stories not specified	Main Street Site: Community Center with Gymnasium, Residential, and Retail	Main Street Site: Community Center with Gymnasium, and Retail

	“Form Based Code”	Approved Concept	Proposed Concept
	Avenue Site: Residential; Ground Floor Retail not required	Avenue Site: Residential units and associated uses	Avenue Site: <i>Residential and associated uses (TBD in the future)</i>

Under the proposed use permit amendment there would be no modifications to the land use and zoning. The proposed modifications are consistent with the Form Based Code (FBC) requirements set forth in Section 20 of the Zoning Ordinance, as well as the approved use permit of 2008. As proposed, the subject amendment would have no impact on the current zoning of the site or the General Land Use Plan designation.

Site Design and Characteristics: The primary impact of the proposed amendment to the approved plans on site design and characteristics is the elimination of the residential building from the site plan. While the residential building would be removed from Phase I of the project, the approved placement, bulk and massing of the community center building remains generally consistent with the existing approval. In Phase I, in lieu of a residential building on the northern portion of the site, there would be green open space, undesignated for use until a residential building is constructed on the area under Phase II. (See attached Illustration 3).

Building Design and Architecture: The primary change to the approved community center building design and architecture with the proposed use permit amendment is related to building height. The height of the community center building would be modified from six (6) to five (5) stories which is still within the permitted height limit of a building under the FBC on a Main Street site. The proposed change in building height is the result of the loss of the three (3) floors of residential proposed to be replaced with two (2) floors allocated to community use. As provided in the table below, the impact of this change is seen in the upper levels of the building where the floor-to-ceiling heights would change commensurate with the change in use of these floors from residential to community use.

CHANGES IN PROPOSED BUILDING HEIGHT BY FLOOR ELEVATION & USE

Level/Floor	Approved Use	Approved Elevation	Proposed Use	Proposed Elevation
G1 & Plaza	Community Use/Parking	131'-0"	Community Use/Parking	131'-0"
Dinwiddie	Community Use/Retail	146'-0"	Community Use/Retail	146'-0"
3rd Floor	Community Use	162'-0"	Community Use	162'-0"
4th Floor	Residential	175'-9"	Community Use	175'-4"
5th Floor	Residential	185'-9"	Community Use	188'-8"
6th Floor	Residential	195'-9"	NA	NA
Roof		206'-9"		203'-0"
Penthouse Roof Translucent Screen		219'-9"		217'-0"
Top of Screen Wall @ Penthouse Roof		223'-9"		228'-0"

Of note, however, are changes in the height of the mechanical screening wall (translucent screen) on the penthouse roof. With the proposed changes, the overall building height in feet is approximately five (5) feet greater than that of the originally approved community center building. The wall height for the translucent screen on the penthouse roof is proposed to be modified from four (4) feet to approximately 12 feet in height. With the change in use of the

building from a mixed-use community center building with residential to all community and retail uses, the building's mechanical system would be modified such that a cooling tower would be located on the roof necessitating a higher screen than the mechanical system of the approved building. The cooling tower is an element of a four-pipe hydronic heating and cooling system that will provide greater thermal efficiency compared to the previous design. The HVAC system will include sleeves penetrating the foundation, allowing for the future installation of piping connections to a District Energy distribution system. This change is consistent with the commitment to certify by the project at the LEED-silver rating.

The impact to overall building height from grade to the top of the screening wall between the approved and proposed community center building is five (5) feet. Even with this change to the screening wall height, the building is still consistent with FBC requirements as building height is not measured in feet but in stories, for which the penthouse and screening wall are not considered. The visual impact of this change is depicted in the Columbia Pike elevation attached as Illustration 4, where it would be most prominent.

Other noted changes between the 2008 approved community center building and the proposed community center building under the subject use permit amendment include:

- Adjustments to the placement of doors and/or windows on the façade that would result from changes in the number of stories of the building, use of floors, and changes to the internal layout and program of space. Specifically, window and door types and building systems appropriate for a residential building would be replaced with those suitable for a building comprised of community and retail uses.

While there would be changes to placement, there would be no overall changes to window sizes and façade percentages from that approved under the 2008 use permit. In addition, there are no changes proposed to the approved building materials under the subject use permit amendment.

Transportation:

Trip Generation: Based on the Traffic Impact Analysis (TIA) prepared by Kimley-Horn and Associates, Inc., in December 2007, under the approved use permit, the project was estimated to generate approximately 144 AM and 185 PM peak hour vehicle trips. With the subject use permit amendment proposing only a community center and not residential development at this time, there are no anticipated negative impacts on peak hour trips. In fact, because the residential component is not proposed at this time, fewer trips would be generated than projected in 2007.

Street Sections and Streetscape: Under the subject use permit amendment street sections remain consistent with the original approval and compliant with the Master Transportation Plan (MTP) and the Form Based Code (FBC). The streetscape also remains consistent with the original approval and compliant with the MTP and FBC.

Parking: A three-level underground parking garage structure was originally proposed with the 2008 approval to service the residential, retail and community center uses. With this amendment, a two-level underground garage is proposed, which would be designed with “knock-

out” panels to horizontally expand the garage, when the residential component is constructed in Phase II. It is also proposed that the garage be designed with ramps to potentially construct a third level below grade if needed for the residential component in the future.

The 2008 approved plan proposed 106 parking spaces to be shared between the community center, gymnasium and retail uses and 216 parking spaces for residential (with 24 of those required to be shared with the non-residential uses) for a total of 322 parking spaces, 130 of which would be for non-residential uses. As provided in the table below, with the subject use permit amendment, a minimum of 140 parking spaces are proposed to be shared between the community center, gymnasium and retail uses. This eliminates all residential parking spaces and provides at least 1 space per 1,000 square feet for non-residential uses, which ratio exceeds the requirements for the FBC. In the future phase II, residential parking would be required at a minimum of 1.125 spaces per residential unit, of which a minimum of 0.125 per residential unit would be shared.

VEHICLE PARKING SPACE COMPARISON: APPROVED VS. PROPOSED

Use Type	Approved GFA/Units	Required # of Spaces	Approved # of Spaces	Proposed GFA	Required # of Spaces	Proposed # of Spaces
Residential (1.125 Sp/Unit)	192 Units	216	216	0 Units	0	0
Non-Residential (1 Sp/1,000 sq ft)	42,000 sq ft	42	106	66,037 sq ft	66	140

Bicycle parking spaces as approved were provided for both residential and retail use, plus additional spaces for the community center uses, although not prescribed in the FBC. In 2008, a total of 90 bicycle racks (180 spaces) were approved. This exceeded the minimum number required which was 70 racks (140 spaces) based on the amount of GFA proposed for residential and non-residential uses. The amendment proposes a total of 22 racks (44 spaces), which is consistent with the FBC and exceeds the required number of two (2) racks (4 spaces) based on the amount of GFA of the proposed uses. (See table on page 5).

Loading and Garage Access: Access to the parking garage and loading area consistent with the 2008 approval would remain on South Arlington Mill Drive under the proposed use permit amendment. However, the garage entrance would be shifted slightly south consistent with the redesign of the parking garage layout and placement. In the future Phase II, with the proposed design, a second garage entrance could also be constructed further north along South Arlington Mill Drive with the development of the residential component.

Utilities: With this amendment, the proposed location of the garage and loading entrance further south on South Arlington Mill Drive warrants the relocation of the fire hydrants. To provide adequate water service, an 8-inch water main would be installed around all frontages of the site. Additionally the transformers, which were originally planned to be located along the east side of South Arlington Mill Drive in the park, have been redesigned and incorporated in the site area on the west side of South Arlington Mill Drive, within the parking garage footprint.

Modification of Zoning Ordinance Requirements: Under the 2008 use permit, several deviations from the standard FBC requirements were approved for the community center building, having been designated as a “Civic Building”. The approved deviations were from

FBC architectural standards where the County Board found that the overall intention of the proposal was still consistent with the *Columbia Pike Initiative: A Revitalization Plan* and the Form Based Code, meeting the stated objective to achieve a landmark and distinctive architecture design for the community center building. Modifications proposed to the approved community center building under the subject use permit would not further deviate from the FBC architectural standards approved in 2008 as indicated below.

- **Building Walls:** A metal panel wall system approved and proposed as the primary façade material as opposed to traditional materials such as brick, native stone, and pre-cast masonry; an acceptable material but in FBC projects, typically limited to ornamental applications.
- **Wall Configurations:** Wall openings (glass) approved and proposed spanning vertically more than one story from the plaza level to level three (3), where FBC permits this vertical span no greater than one (1) story.
- **Cornices:** Proposed cornices, or sun shades, approved and proposed to project from the roof line approximately 24” for the height of the community center building where FBC requires cornice projections within a range of 30” to 60”.
- **Window Configurations:** Several of the window groupings approved and proposed along South Dinwiddie Street that exceed maximum permitted under the FBC at five (5) windows. Also, approved and proposed corner windows along the Columbia Pike frontage and wrapping around to the plaza façade and South Dinwiddie Street facades, where FBC limits window placement no closer than 30 inches to a building corner.

Community Review Process: Prior to the submission of the subject use permit amendment, the proposed modifications were presented for review and discussion at one meeting each of the Arlington Mill Steering Committee (AMSC) and the Public Facilities Review Committee (PFRC) on May 27, 2010 and June 22, 2010, respectively. The comments and input obtained during these community presentations were evaluated and where appropriate, incorporated into the formal use permit submission for County Board approval. Both the AMSC and the PFRC were supportive of the proposed modifications and moving forward with a use permit amendment, to implement the changes to the approved plan with no major outstanding issues to be resolved.

Transportation Commission: The subject use permit amendment was heard at the Transportation Commission meeting on September 9, 2010. The Commission voted unanimously, to recommend that the County Board approve the use permit amendment with the following recommendations:

- Study pedestrian/bike access options from the trail to the plaza level.

Staff Response: Staff will continue to explore options for better access and enhancements to the trail.

- Incorporate language regarding lighting from the 1900 Wilson site plan into Condition #6.

Staff Response: The proposed condition language incorporates language regarding lighting during construction, which is consistent with the current standard site plan condition language and the condition language approved for the 1900 Wilson site plan (SP #411).

- Relocate some of the bike parking from the G-2 to the G-1 level of the parking garage.

Staff Response: Staff will look at possible locations on the G-1 level where some bike parking from the G-2 level can be relocated.

- Ensure adequate space at the elevator on the plaza level to accommodate bikes.

Staff Response: The proposed elevator at the plaza level is sized to accommodate a hospital gurney as well as multiple bikes at one time.

Planning Commission: The subject use permit amendment was reviewed at the Planning Commission meeting on September 13, 2010. The Planning Commission voted 9-to-1 to recommend that the County Board approve the use permit amendment with the following recommendations:

- Include an up to date and complete LEED scorecard in the presentation materials for the County Board.

Staff Response: A complete and up to date a LEED scorecard will be included with the materials to be submitted with the staff report for the County Board.

- Evaluate the retail space, and design and construct up to 3,000 square feet so that it can be used flexibly and converted to retail space if there is demand in the future that is not apparently available at this time without the housing component.

Staff Response: Upon further review, staff determined that there is approximately 1,850 square feet of retail space provided in the current floor plan and approximately 400 square feet of space for outdoor seating. This would provide for approximately 2,250 square feet of retail space that could be flexibly adapted to the tenant's needs. The adjacent space in the soft seating reading lounge, could be combined with this retail space should it be needed by a retail tenant.

- Relocate Class I bicycle storage from the G-2 to the G-1 level of the parking garage.

Staff Response: Staff has determined that some Class I bicycle storage can be relocated to the G-1 level of the parking garage. The total number of spaces to be relocated would be determined at the time of final engineering.

- Reinstate the language that was inadvertently proposed to be removed from condition #43.d.

Staff Response: Staff has reinstated the language that was proposed to be removed from the condition numbered 43.d. in the Planning Commission draft report, now identified as condition #39.d.

CONCLUSION: Providing for the redevelopment of the Arlington Mill Community Center “Civic Building” approved in 2008 independent of the residential development would facilitate the more immediate fulfillment of the County’s long-term vision and commitment of constructing a new, modern, community center facility in Columbia Pike. The proposed modifications to the approved plans, and specifically the community center building, remain consistent with the Form Based Code requirements and would not further deviate from modifications approved at that time. As proposed to be amended, the community center building and use would not: 1) affect adversely the health or safety of persons residing or working in the neighborhood, 2) be detrimental to the public welfare or injurious to property or improvements in the neighborhood, or 3) be in conflict with the purposes of the purposes and intent of the *Columbia Pike Initiative – A Revitalization Plan*. Finally, under the proposed use permit amendment, the approved conditions would be amended to 1) bring them up to current County standard where appropriate, 2) reflect that development would be phased, 3) eliminate references to the approved residential development that would not be completed or fulfilled under this use permit amendment, and 4) reflect the proposed amendments to community center building gross floor area and parking requirements. These amended conditions would continue to ensure that any potential impacts from the proposed development would be mitigated. Therefore, staff recommends that the County Board approve the subject use permit amendment subject to the following amended conditions.

Conditions:

Note: The conditions where modified have been amended to reflect construction and development of a public facility (community center), by a public entity (Arlington County) on publicly-owned land. The term developer, owner, applicant throughout shall refer to the County. Where a particular County office is specified in these conditions, the specified office includes any functional successor to that office. Where the County Manager is specified in these conditions, “County Manager” includes the County Manager’s designee. Whenever, under these conditions, anything is required to be done or approved by the County Manager, the language is understood to include the County Manager or his or her designee.

The following Conditions of Form Based Code Use Permit approval (#1 through #9-10) are valid for the life of the Use Permit and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit.

Use Permit Term

1. The developer (as used in these conditions, the term “developer” shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and the plans dated ~~May 9, 2008 and May 12, 2008~~ July 14,

2010, September 3, 2010, and September 7, 2010 and reviewed and approved by the County Board and made a part of the public record on September 25, 2010 ~~June 24, 2008~~, 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.

Any modifications to the design, height and placement of the buildings made subsequent to September 25, 2010 ~~June 17, 2008~~ will require approval by the County Manager with, as necessary, additional review by the Columbia Pike Form Based Code Administrative Review Team to ensure compliance with the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance, as amended through June 24, 2008) and the intent of the County Board’s approval, which may require either an Administrative Change, or a Use Permit Amendment if the proposed change is inconsistent with the intent of the County Board’s approval of this Use Permit; however, this condition shall in no way relieve the developer of any obligation under any other condition.

This Columbia Pike Form Based Code Use Permit approval expires three (3) years after the date of County Board approval if the developer has not obtained a building permit (a Excavation/Sheeting and Shoring, in this context shall be considered a “building permit”) for construction of the approved plan and commenced construction under that building permit. Extension of this approval shall be at the sole discretion of the County Board. The developer agrees that this discretion shall include a review of this Columbia Pike Form Based Code Use Permit and its conditions for their compliance with the County policies for land use, zoning and special exception uses current at that time. Extension of the Use Permit is subject to, among other things, inclusion of amended or additional 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.

Use Permit Plan Orientation Meeting (subsequent to Use Permit approval)

2. The developer agrees to attend, along with its construction team, an orientation meeting coordinated by the DCPHD lead planner prior to the issuance of any permits for the Use Permit plan. The meeting is intended to inform the developer of the following: 1) a review of each of the Use Permit plan conditions that apply to the approved Use Permit plan, 2) the general process and contacts for obtaining permits, including plan review and approval and overview of associated ~~site plan~~ use permit compliance requirements, and 3) the potential need to attend additional pre-permit and pre-construction meetings coordinated by the Inspection Services Division (ISD) and the Department of Environmental Services (DES).

Community Liaison and Activities During Construction

3. The developer agrees to comply with the following before issuance of the any building permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.

- a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual, or his designee, shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to the Columbia Pike Revitalization Organization Executive Director, Columbia Heights Civic Association President, Arlington Mill Steering Committee Chair, Park Glen Condominium Unit Owners Association President, Barcroft Civic Association President, Columbia Forest Civic Association President, and to the Zoning Administrator, and shall be posted at the entrance of the project.
- b. Before commencing any clearing or grading of the site, the developer shall schedule a meeting with those whose property abuts the project and the Arlington Mill Steering Committee Chair to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative must be notified once the community meeting dates/times are established. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. The developer agrees to submit to the Zoning Administrator two sets of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation (one set of which will be forwarded to the Police Department by the County). Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project. The location of all construction trailers shall be approved ~~either by Administrative Change approval or approved as part of~~ and are to be shown on the Tree Protection Plan (see Condition #4.d), with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers shall require approval by DES staff, and the Arlington County Police representative shall receive a copy of the aforementioned map.
- c. Throughout construction of the project, the developer agrees to advise the Arlington Mill Steering Committee Chair, the Park Glen Condominium Unit Owner's Association, and other abutting property owners in writing of the general timing of utility work in abutting streets or on-site that may affect their services or access to their property. The developer agrees to provide a timeline of projected phases of construction in writing, including the expected duration for each phase, at the meeting with abutting property owners as described in Condition 3.b. above.
- d. At the end of each workday during construction of the project, the developer agrees to ensure that any streets used for hauling construction materials and entrance to the construction site are free of mud, dirt, trash, allaying dust, and

debris generated as a result of the work at the project site and that all streets and sidewalks adjacent to the construction site are free of trash and debris generated as a result of the work at the project site.

- e. The developer agrees that construction activity, except for construction worker arrival to the construction site and indoor construction activity, will commence no earlier than 7 a.m. and end by 6:30 p.m. on weekdays and will commence no earlier than 10 a.m. and end by 6:30 p.m. on Saturdays, Sundays, and holidays. "Holidays" are defined as New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas. Indoor construction activity is defined as activity occurring entirely within a structure enclosed on all sides facing residential properties (i.e., to the north and west of the property). Enclosed sides means that the exterior walls, windows, and/or doors on the floors that may contain indoor construction activities have been completed so as to create a barrier between the interior and exterior of the building. Indoor construction activities shall end at midnight each day, and any such activity that occurs after 6:30 p.m. shall not annoy or disturb reasonable persons of normal sensitivities. The developer agrees to place a minimum of one sign per street front around the construction site, indicating the permissible hours of construction, to place one additional sign within the construction trailer containing the same information, to provide a written copy of the permissible hours of construction to all subcontractors, and to require its subcontractors to observe such hours.
- f. Storage of construction materials, equipment and vehicles shall occur on the site or an approved off-site location, or as approved by the County Manager. Construction vehicles shall not park, idle, or stand on any street designated as a "neighborhood minor" or "neighborhood principal" street on the Arlington County Department of Environmental Services, Division of Transportation – Planning website, except that such activity may occur where not otherwise prohibited along any street within the area bounded by and including Columbia Pike, South Arlington Mill Drive, and South Dinwiddie Street. Construction vehicles shall not park, idle, or stand on the proposed 9th Street South unless there is specific construction work that can not be staged elsewhere on the site. The developer agrees to comply with any additional idling ordinance or policy that is enacted upon by the County Board prior to the commencement of construction of this site.

4. **Tree Protection and Replacement**

- a. The developer agrees to complete a tree survey, which shows existing conditions of the site and locates and identifies all trees which are four (4) inches in diameter or greater. The survey shall include any tree on adjacent sites whose dripline extends onto the subject site within a proposed limit of disturbance.
- b. The developer agrees to file and implement a tree protection plan which will designate any trees proposed to be saved by the developer during the construction

of the project. Trees designated to be saved on the tree protection plan, or those specified to be saved by the approved Use Permit and shown on any filing in connection with this case, will be protected. This plan shall include any tree on adjacent sites whose dripline extends onto the subject site within a proposed limits of disturbance. The tree protection plan shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in tree protection techniques on urban sites and shall be submitted and approved, and found by the County Manager to meet the requirements of this Use Permit, before the issuance of the Clearing, Grading and Demolition Permit.

- e. ~~Upon approval of the tree protection plan the developer agrees to submit to the Department of Parks, Recreation, and Cultural Resources (DPRCR) a performance bond estimate for the trees to be saved. Upon approval of the performance bond estimate by the DPRCR, the developer agrees to submit to the DPRCR a performance bond, in the approved amount of the estimate, and the approved tree protection plan, which bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit. Prior to the release of the performance bond, the developer agrees to submit to the DPRCR as-built drawings showing the location of all saved trees.~~
- d. The Developer agrees that any tree proposed to be saved on the tree protection plan or other filing shall be saved. At a minimum, this plan shall include:
- (1) A site grading plan at two (2) foot intervals, including the location of all proposed improvements and utilities.
 - (2) Detailed specifications for any tree walls or wells proposed.
 - (3) A description of how and where building materials and equipment will be stored during construction to ensure that no new compaction occurs as a result of developer's activities within the critical root zone of the trees to be saved.
 - (4) Identification of tree protection measures and delineation of placement of tree protection.
 - (5) Any tree required to be saved pursuant to this condition, which dies as a result of construction-related activities (any tree which is 30% or more dead as determined by the County's Urban Forester shall be considered to have died) prior to, or within ten (10) ~~three (3)~~ years of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at the developer's expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #~~12~~ 11 below, provided, however, that replacement as specified in this

subparagraph (3.b.d.5) does not relieve the developer of any violation resulting from the failure to properly protect identified trees.

(6) The location of all construction trailers shall be approved either by Administrative Change approval or to be approved on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers proposed to be located in the public right-of-way shall require approval by DES and Zoning staff, and the Arlington County Police representative shall receive a copy of the aforementioned map.

e. In addition to saving identified trees, the developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines in effect at the time of the granting of this Use Permit. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines in effect at the time of the granting of this Use Permit. The tree replacement calculations shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall conform to the standards and specifications set forth in Condition ~~#12a.~~ 11a. below and shall be installed on the project site or on County-owned land, as determined by the County Manager. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final site development and landscape plan.

5. **Photographic Record of Development**

The developer agrees to produce and submit to the Zoning Administrator a photographic record of development, starting with a record of the site as it appears before demolition is begun, including photographic records during construction, and ending with a photographic record of the development as it appears after completion of construction. These photographs shall comply with the following specifications:

All photographic records shall be taken in color, digital recording. Submission of a photo contact sheet, 8" x 10" prints on photographic paper, and a compact disc including the subject photo shall be the minimum acceptable standard. Color photographs on compact disc and the contact sheets must be submitted to the Zoning Administrator at the end of the project prior to the issuance of the Master Certificate of Occupancy

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

a. Before Clearing, Grading and Demolition of the site, (shall be submitted before issuance of the Clearing, Grading and Demolition Permit, unless otherwise approved by the County Manager)—Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of

the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets.

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

The completed compact disc (s) with the entire photographic history shall be submitted to the Zoning Administrator prior to the issuance of the Master Certificate of Occupancy for placement in the County archives.

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

Plan for Temporary Circulation during Construction

- 6. The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The developer agrees to maintain a minimum six-foot wide (or as wide as exists prior to the start of the work, but no less than four-foot-wide) sidewalk along the Columbia Pike frontage and South Dinwiddie Street at all times, except that the County Manager may approve temporary, short-term closures of the sidewalk for reasons including, but not limited to, the installation of façade elements, construction of utilities and streetscape, and other stages of construction that would pose an imminent danger to pedestrians. Exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. The developer agrees to submit this plan to, and obtain approval of the plan from the County Manager as meeting these standards, prior to the

issuance of the Clearing, Grading and Demolition Permit, and as part of the County Manager's review, the developer agrees to work with staff to review the plans with the Arlington Mill Steering Committee. The developer agrees to provide a copy of the approved plan to the Columbia Pike Revitalization Organization Executive Director, Columbia Heights West Civic Association President, Douglas Park Civic Association President, Arlington Mill Steering Committee Chair, and Park Glen Condominium Unit Owners Association President, Barcroft Civic Association President, and the Columbia Forest Civic Association President. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

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

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

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

adjacent to the site is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the developer, the developer's contractors, or private utility companies provided however developer shall not be responsible for damaged road surfaces existing prior to the commencement of construction nor shall developer be responsible for the repair of road surfaces damaged as a result of others who perform work not related to the project in any manner (for example, if there should be a water main break within the streets adjacent to the Project (and not caused by Developer), then developer shall not be responsible for the repair of such damage). The developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. The term "significant portion of a road" is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this Use Permit and County requirements relating to reconstruction and repaving of streets at the completion of construction, if any.

Compliance with Federal, State, and Local Laws

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

Post-County Board 4.1.2 Filing

8. The developer agrees to file three (3) copies of a Use Permit plan and the tabular information form, and digital copies on compact disc in JPEG, PDF, and DXF formats, which complies with the submitted drawings dated July 14, 2010, September 3, 2010, and September 7, 2010 ~~May 9, 2008 and May 12, 2008~~ as presented to the County Board, and made part of the public record at the September 25, 2010 ~~June 24, 2008~~ County Board meeting, and any modifications proposed by the developer and approved by the County Board or vice versa at that time, and with Form Based Code Administrative Regulation 4.1.2, with the Zoning Administrator within 90 days of County Board approval and before the issuance of the Clearing, Grading and Demolition Permit.

The developer agrees to ~~convene~~ and participate in a meeting with pertinent County staff to address requirements of the Use Permit approval as specified in Condition #2. The developer also agrees that no material changes to the approved post-4.1.2 plans can take place in the field. All material post-4.1.2 plan changes must be approved by the County

Manager, in conjunction with the lead DCPHD contact for the Use Permit, consistent with Condition #1.

C&D Waste

9. The developer agrees to require each contractor to provide a plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by both the project demolition of the existing building and the construction of the new community center. The plans should outline recycling and/or reuse of waste generated during demolition and/or construction. The plans should outline specific waste streams and identify the means by which waste will be managed (reused, reprocessed on site, removed by licensed haulers for reuse/recycling, etc.). The developer agrees to obtain the County Manager's approval of ~~this~~ these plans prior to the issuance of the Clearing, Grading, and Demolition permit, and to implement the plans throughout demolition and construction of the project. Compliance with this condition may contribute to achieving LEED credits MR 2.1 and 2.2 (Construction Waste Management)

~~Vacations and Encroachments~~

10. ~~Prior to the issuance of any Excavation/Sheeting and Shoring permits for the Use Permit, the developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the project, or any portion thereof, as depicted on the Use Permit referenced in Condition # 1 of this Ordinance and in accordance with final site engineering plans for the project approved by the County. If no ordinances of vacation or ordinances of encroachment are necessary, then developer agrees to submit to CPHD, prior to the issuance of any Excavation/Sheeting and Shoring Permit, a fully executed waiver form to such effect. Irrespective of any other conditions set forth herein, the developer agrees that no building, structure or utility of any type shall encroach upon, or interfere with, the use of any County property or the exercise by the County of any property right or interest, unless and until the developer, before any Excavation/Sheeting and Shoring Permit is issued, first has: a) obtained an ordinance of vacation or an ordinance of encroachment, enacted by the County Board, permitting such use, encroachment or interference; and, b) met all of the conditions of such ordinance(s).~~
- **The following Conditions of Form Based Code Use Permit Plan Approval (#~~11~~ 10 through #27 29) are valid for the life of the Use Permit and must be met by the developer before issuance of the Excavation/ Sheetting and Shoring Permit.**

Coordination of Plans: Use Permit Final Site Development, Landscape and Site Engineering

10. The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator and obtain approval from the County Manager a detailed final ~~Use Permit site development plan and a~~ landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final ~~Use Permit site development plan and~~ landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final site civil engineering

plan as required in Condition #14 below, as well as a vicinity map with major streets labeled. The final landscape plan shall be developed by, and display the professional seal of, a landscape architect certified to practice in the Commonwealth of Virginia. The developer further agrees that the ~~final Use Permit site development plan, the landscape plan, and the site~~ final civil engineering plan shall verify, by means of survey, that there are no conflicts between the street trees and utilities. The developer shall obtain approval by the County Manager for ~~both the final site development and~~ landscape plans as meeting all requirements of the County Board's Use Permit plan approval and all applicable county laws and plans before the issuance of the Excavation/Sheeting and Shoring Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the Use Permit plan, and, at a minimum, shall conform to: the landscaping requirements in Condition #~~12~~ 11 below; the *Columbia Pike Initiative – A Revitalization Plan (Update 2005)* and any supplemental documents to this Use Permit, the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board as part of this Use Permit approval. In order to facilitate comparison with the final ~~site~~ civil engineering plan, the landscape plan shall be at a scale of 1 inch = 25 feet; the County may require more detailed plans appropriate to landscape installation at a larger scale to also be submitted. The Zoning Administrator may approve minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance and with the intent of the approved Use Permit. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the ~~site~~ civil engineering plan. The installation of all plant materials shown on the final landscape plan shall take place before the issuance of the Partial Certificate of Occupancy for any space above grade ~~Final Certificate of Occupancy for the respective phase of construction,~~ unless otherwise approved by the Zoning Administrator, based on the planting season and availability of planting materials County Manager.

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

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final ~~site~~ civil engineering plan and placed so as not to obstruct pedestrian travel or be visually obtrusive. New traffic control cabinets shall not be located in the ~~public sidewalk clear space width~~ pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, an interior walkways. New transformers shall not be placed above-grade in the area between the street and the Required Building Line as

indicated in the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance).

- b. Intake and exhaust garage ventilation grates may not be located within public sidewalks or streets, or within areas between the street curb and any building which is used as a walkway. The developer agrees to provide drawings showing how the garage will be ventilated as part of the post-County Board Administrative Regulation 4.1.2 drawings required in Condition #8 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final civil engineering plan and the final landscape plan before issuance of the Footing to Grade Permit.
- c. The location, dimensions, materials, and pavement pattern, where applicable, for driveways and access drives, automobile drop-off areas, ADA ramps, driveway aprons, service drives, parking areas, interior walkways and roadways, plaza areas and sidewalks, as well as for address indicator signs. Outside walkways that are within the subject site shall have a minimum width of five (5) feet. In addition, the public plaza area shall contain areas of special paving treatments that coordinate in design, color and materials with the treatment of the public sidewalk and shall be determined as part of the final plaza design per Condition ~~#63~~ 55. The materials and colors used are subject to approval by the County Manager according to the *Columbia Pike Initiative – A Revitalization Plan (Update 2005)* and any supplemental documents to this Plan, and other urban design standards approved by the County Board as a part of review and approval of the final Use Permit site development and landscape plans.
- d. The location and types of light fixtures for streets, parking, walkway and plaza areas, and associated utilities, as contained in the lighting plan required in Condition ~~#24~~ 23 and ~~46~~ 40 below.
- e. Topography at two (2) foot intervals, the finished first floor elevation of all structures, top-of-slab elevation for any proposed underground structures, top of wall elevations/bottom of wall elevations of raised planters or retaining walls, and top of steps/bottom of steps.
- f. The location, dimensions, and required percentage of the open contiguous lot area located within the project.
- g. Landscaping for open space areas, plaza areas, courtyards, and raised planters (including cross-sections of raised planters), including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures, including public art.

- h. The location and planting details for street trees in accordance with Division of Transportation Standards and Specifications for planting in public rights-of-way and as shown on the approved final site engineering plan.
- i. The limits of demolition and construction.

The developer agrees that once approved, the final landscape plan shall govern construction and/or installations of elements and features shown thereon, except as amendments may be specifically approved by the County Board or by the Zoning Administrator as provided above.

Landscape Standards

- 11. The developer agrees that all landscaping shall conform to Division of Transportation Standards and Specifications and to at least the following requirements:
 - a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
 - i. Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #17 below.
 - ii. Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
 - iii. Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.
 - iv. Shrubs—a minimum spread of 18 to 24 inches.
 - v. Groundcover—in 2 inch pots.
 - b. The developer agrees to coordinate with the DPRCR Urban Forester to determine an appropriate and acceptable season in which to conduct planting. Planting is to occur during a season so as to best ensure the viability of the plantings. In addition, the developer agrees to plant trees prior to issuance of the Final Certificate of Occupancy Permit ~~for the respective building~~, or, if needed, at a time that the Columbia Pike Administrative Review Team determines to be a more appropriate planting time. Except that the Zoning Administrator may allow modifications to the timing of the installation of the plantings where the Zoning Administrator finds that: 1) the developer is diligently pursuing the work; 2) the timing of the conditions will unnecessarily impede progress of the project; and 3) the developer provided reasonable assurances that the work will be completed in accordance with the use permit's approved design.

- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. This exception shall apply to the area reserved for future residential uses on the northern portion of the site, which shall be seeded until such time as the residential uses are constructed. All sod and seed shall be state certified.
- d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in ground cover. Areas to be mulched may not exceed the normal limits of a planting bed.
- e. Soil depth shall be a minimum of four (4) feet plus 12 inches minimum of drainage material for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall except in areas of sufficient size to accommodate mounding of the earth, the depth of soil shall be the depth of such mounded earth.
- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- g. The developer agrees to maintain the site in a clean and well-maintained condition after the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction process.
- h. The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.

Utility Company Contacts

- 12. The developer agrees to contact all utility companies, including the electric, telephone and cable television companies, and offer them access to the site at the time of utility installation to install their underground cables. In order to comply with this condition the developer agrees to submit to the Zoning Administrator copies of letters from the developer to the utility companies offering them access as stated above.

The developer agrees that in the locations where there are plans to excavate trenches or similar areas to install underground utilities, fiber optic cable and/or conduit may also be installed in those places concurrently with the utility installation.

Final Site Engineering Plan Approval by DES

- 13. The developer agrees to submit and obtain approval of a final ~~site~~ civil engineering plan to the Department of Environmental Services ~~Division of Transportation~~. The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted. Infrastructure plans related to the construction or reconstruction of the streets and utilities

may be submitted and approved without submission or acceptance of the landscape plan. Final approval on the final civil engineering plan will not be provided to the developer without submission of the landscape plan to the Zoning Office. The final site civil engineering plan shall include the proposed location of water mains and service lines, storm and sanitary sewers, proposed underground utility services to the buildings, the trees to be preserved and new proposed trees on site. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until the developer has obtained approval of final site civil engineering plans that agree with the approved final site development and landscape plans, and the sequence of construction, from the Department of Environmental Services ~~Division of Transportation~~ and the lead CPHD Planner, as being consistent with the Use Permit approval requirements and all County laws. To ensure final sign-off, the plans shall include the lead CPHD Planner review and signature blocks. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Department of Environmental Services ~~Division of Transportation~~ for recording. The developer further agrees that all construction on the site shall be in accordance with the approved final site development engineering plan.

Pavement, Curb and Gutter Along All Frontages

14. The developer agrees to show on the final civil engineering plans pavement, curb and gutter along all frontages of this site described below in accordance with the Columbia Pike Form Based Code Streetscape Standards (Section 20. – Appendix A of the Zoning Ordinance), and/or the then-current Arlington County/Virginia Department of Transportation Standards for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the First Partial Certificate of Occupancy for occupancy of the applicable phase of the project, unless otherwise approved by the County Manager. Except that the Zoning Administrator may, through the administrative change process, allow modifications to the timing of the construction of the pavement, curb and gutter, where the Zoning Administrator finds that: 1) the developer is diligently pursuing the work; 2) the timing of the conditions will unnecessarily impede progress of the project; and 3) the developer provided reasonable assurances that the work will be completed in accordance with the use permit's approved design.
- a. The developer agrees to construct new curb and gutter along Columbia Pike's northern side along the subject property's frontage, approximately 35.3 feet from the Arlington County survey centerline, in accordance to the Form Base Code, and as shown on the final civil engineering plan approved by the County Manager or his designee.
 - b. The developer agrees to construct new curb and gutter along the east side of South Dinwiddie Street south of 9th Street South along the subject property's frontage, approximately 22.9 feet from the Arlington County survey centerline, and as

shown on the final civil engineering plan approved by the County Manager or his designee.

- c. The developer agrees to construct new curb and gutter along the east side of South Dinwiddie Street north of 9th Street South along the subject property's frontage, approximately 22.9 feet from the Arlington County survey centerline as shown on the final civil engineering plan approved by the County Manager or his designee.
- d. The developer agrees to construct new curb and gutter along the west side of South Dinwiddie Street south of 9th Street South pursuant to Condition #~~61~~ 53 and as needed to tie into the construction work that will be done with the other aspects of the project, which varies approximately 20 feet to 25.4 feet from the Arlington County survey centerline, and as shown on the final civil engineering plan approved by the County Manager or his designee.
- e. The developer agrees to construct new curb and gutter along the proposed 9th Street northern and southern edges approximately 11.5 feet from the proposed centerline of the new street section as shown on the final civil engineering plan approved by the County Manager.
- f. The developer agrees to construct a flush curb along the western edge of South Arlington Mill Drive approximately 10.5 feet from the Arlington County survey centerline, and new curb and gutter, as needed to meet new construction work, along the eastern side of South Arlington Mill Drive approximately 11 feet from the Arlington County Survey centerline as shown on the final civil engineering plan approved by the County Manager or his designee.
- g. The developer agrees to construct handicap ramps and a nub toward Columbia Pike at the northeast corner of the intersection of Columbia Pike and South Dinwiddie Street with crosswalks of striping materials as approved by the County, built per Arlington County Standards, across Columbia Pike and South Dinwiddie Street with ADA ramps at the receiving ends (on-site ends), as shown on the final civil engineering plan approved by the County Manager.
- h. The developer agrees to construct crosswalks on South Dinwiddie Street at the north side of existing 9th Street South of striping materials as approved by the County, built per Arlington County Standards, across South Dinwiddie Street with an ADA ramp at the receiving ends (on-site ends), as shown on the final civil engineering plan approved by the County Manager.
- i. The developer agrees to construct handicap ramps at the intersection of South Dinwiddie Street and proposed 9th Street South (on the east side of South Dinwiddie Street) with a crosswalk of striping materials as approved by the County, built per Arlington County Standards, with ADA ramps at the both ends of the crosswalk, as shown on the final civil engineering plan approved by the County Manager.

- j. The developer agrees to construct handicap ramps at the intersection of the proposed 9th Street and South Arlington Mill Drive with crosswalks of striping materials as approved by the County, built per Arlington County Standards with an ADA ramp at the receiving ends (on-site end), as shown on the final civil engineering plan approved by the County Manager.
- k. The developer agrees to construct handicap ramps at the southwest corner of the intersection of South Arlington Mill Drive and the proposed 9th Street and to provide a crosswalk to the pedestrian refuge per Condition #15.1 14.1. below, of striping materials as approved by the County, built per Arlington County Standards, as shown on the final civil engineering plan approved by the County Manager.
- l. The developer agrees to construct an off-site, within the street right-of-way, pedestrian refuge between the proposed 9th Street and egress from the Park Glen Condominiums parking lot at the intersection of South Arlington Mill Drive and 9th Street and to provide a crosswalk of striping materials to the existing curb ramp along Arlington Mill Drive adjacent to the Park Glen Condominiums, built per Arlington County Standards, adjacent to the southbound lane on South Arlington Mill Drive, as shown on the final civil engineering plan approved by the County Manager.
- m. The developer agrees to construct a mid-block pedestrian crossing with ADA ramp access on South Arlington Mill Drive, south of the developments' garage entrance and north of the loading dock. The pedestrian crossing will cross North Arlington Mill Drive from the subject site to the natural trail located east of the development, using striping materials as approved by the County, built per Arlington County Standards as shown on the final civil engineering plan and approved by the County Manager.
- n. The developer agrees to construct, at the north and south terminus points of the Community Center plaza, for emergency egress and ingress, a mountable curb at the intersection of Columbia Pike and South Arlington Mill Drive as shown on the final civil engineering plan.
- o. 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 pursuant thereto, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site civil Engineering Plan, in accordance with the *Columbia Pike Initiative – A Revitalization Plan (Update 2005)* and its supplemental documents or other

applicable urban design standards in effect at the time of final Site civil Engineering Plan approval.

Survey Monuments

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

The developer agrees to submit, before issuance of the Excavation/Sheeting and Shoring Permit, a survey of the site adherent to the following:

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

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

Sidewalk Design and Improvements

16. The developer agrees that final sidewalk pattern/design, final selection of materials and colors, and plant species to be used shall be as approved by the County Manager on the final ~~site development~~ and landscape plan and final civil engineering plan, in accordance with the *Columbia Pike Initiative-A Revitalization Plan (Update 2005)* and its supplemental documents approved by the County Board and in effect at the time of the final landscape plan approval. The developer further agrees to construct the sidewalk improvements detailed below prior to the issuance of the ~~First~~ Partial Certificate of Occupancy for ~~occupancy of the applicable phase of the project~~, unless otherwise approved by the County Manager. Except that the Zoning Administrator may, through the administrative change process, allow modifications to the timing of the construction of

the sidewalk improvements where the Zoning Administrator finds that: 1) the developer is diligently pursuing the work; 2) the timing of the conditions will unnecessarily impede progress of the project; and 3) the developer provided reasonable assurances that the work will be completed in accordance with the use permit's approved design. The sidewalks along the street frontages of this development shall be consistent with *the Columbia Pike Initiative-A Revitalization Plan (Update 2005)* and its supplemental documents and shall be shown on a properly-engineered base approved as such by the Department of Environmental Services Division of Transportation. The sidewalk treatment shall continue across all driveway aprons for loading and garage entrances along all frontages of the plan, and there shall be no barriers to impede the flow of pedestrian traffic. The sidewalks shall contain street trees placed in either tree pits, tree grates or planting strips, consistent with the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance), and as specified below. Placement, planting and root enhancement options shall be consistent with the Arlington County Landscape Standards Manual, and as specified below. Street trees shall not be placed within the vision obstruction area. All public walkways shall be constructed to County Standards for construction. The developer agrees to maintain the street trees and sidewalks for the life of the Use Permit. The sidewalk sections and street tree species shall be as follows:

- a. **Columbia Pike:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a minimum 20.7-foot-wide sidewalk measured from the back of curb shall be constructed including a minimum 2-foot shy zone, 6-foot clear sidewalk (except in the areas where accessible ramps at crosswalks are necessary), and a 7-foot zone for street furniture, tree pits and vehicle parking spaces. The tree pit areas will be planted with 4 to 4 ½ inch caliper London Planetree street trees, and such ground cover as *liriope muscarii*, *hypericum*, *calcinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper),. Along Columbia Pike, the trees shall be placed, consistent with the Columbia Pike Street Space Plan in a pit to accommodate two trees approximately 25 feet on center and a minimum of eight (8) inches from back of curb, as shown on the final civil engineering plans approved by the County Manager. Minor adjustments to the Columbia Pike sidewalk widths as necessary to meet the Virginia Department of Transportation requirements will be acceptable subject to County Manager's approval as part of the final site civil engineering plan.
- b. **South Dinwiddie, North of 9th Street South:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a minimum 14.5-foot-wide sidewalk measured from the face of curb shall be constructed including a minimum 6-foot clear sidewalk in addition to pedestrian lighting, and 5-foot by 12-foot tree pits. The tree pit areas will be planted with 4 to 4 ½ inch caliper London Planetree street trees, and such ground cover as *liriope muscarii*, *hypericum*, *calcinum* (Aarons Beard), or *juniperus conferta* (Shore Juniper),. The tree pits shall be placed approximately 30 feet on center and a minimum of eight (8) inches from back of curb, or as shown on the final civil engineering plans approved by the County Manager.

- c. **South Dinwiddie, South of 9th Street South:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a minimum 14.5-foot-wide sidewalk measured from the face of curb (with the exception of the pinch point located at the north stair tower) shall be constructed including a minimum 6-foot clear sidewalk in addition to pedestrian lighting, and 5-foot by 12-foot tree pits. The tree pit areas will be planted with 4 to 4 ½ inch caliper London Planetree street trees, and such ground cover as lirioppe muscarii, hypericum, calcinum (Aarons Beard), or juniperus conferta (Shore Juniper),. The tree pits shall be placed approximately 30 feet on center and a minimum of eight (8) inches from back of curb as shown on the final civil engineering plans approved by the County Manager.

- d. **Proposed 9th Street South:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a 10-foot-wide streetscape area along the south side of proposed 9th Street South measured from the back of curb shall be constructed including a minimum 6 foot clear sidewalk in addition to pedestrian lighting and a 4-foot-wide planting strip starting at the back of the curb planted with 4 to 4 ½ inch caliper Lacebark Elm street trees and such ground cover as lirioppe muscarii, hypercum, calcyinum (Aarons Beard), or juniperus conferta (Shore Juniper),. The tree pits shall be placed approximately 30 feet on center and a minimum of eight (8) inches from back of curb as shown on the final civil engineering plans approved by the County Manager.

- e. **South Arlington Mill Drive:** Unless otherwise approved by the County Manager after a review by the Columbia Pike Administrative Review Team, the following shall apply: a minimum 8 to 10-foot-wide sidewalk varying in width measured from the back of flush curb including a minimum 8-foot clear sidewalk north of the garage entrance and a minimum 6-foot clear sidewalk south of the garage entrance in addition to a landscape strip and pedestrian lighting in a 4-foot wide planting strip planted with 4 to 4 ½ inch caliper London Planetree street trees and such ground cover as lirioppe muscarii, hypercum, calcyinum (Aarons Beard), or juniperus conferta (Shore Juniper). The tree pits shall be placed approximately 30 feet on center as shown on the final civil engineering plans approved by the County Manager.

Subsurface Structure-Free Zone for Utilities and Streetscape

- 17. 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 *Arlington County Landscape Standards* Manual. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb for a distance of eight (8) feet towards the building. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, ~~within this zone~~ underground utilities and utility vaults may be located however they shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and development and landscape plan. Utility lines shall not be located beneath street trees. The location of all

existing and proposed utility lines shall be shown on both the final landscape plan and the final site civil engineering plan. Underground foundations for streetscape elements (bike racks, light posts, bus shelters, planter walls, etc.) are permitted within the subsurface structure free zone provided they do not interfere with street trees.

Water Service Requirements

18. ~~The developer agrees that the final details of the water services will be approved at the time of the review of the final engineering plan in accordance with the following standards: water meter installations shall be located behind and adjacent to the curb line in an area clear of driveways, a minimum of five (5) feet clear of other utilities and a minimum of 10 feet clear of structures; a clear space 15 feet wide by 20 feet long by 10 feet deep shall be provided for three (3) inch and four (4) inch meter installations, and 20 feet wide by 25 feet long by 10 feet deep for six (6) inch and larger meter installations.~~

The developer agrees that the location of the water services will be determined at the time of the review of the final civil engineering plan, and that such water services shall be constructed in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual.

Existing Water Main or Fire Hydrant Service

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

Prior to the issuance of the Excavation/Sheeting and Shoring Permit, and throughout the duration of construction, the Developer agrees to obtain approval from the Department of Environmental Services before taking out of service and/or making inaccessible any existing water main or fire hydrant.

Water Main Improvements and Sanitary Sewer Requirements

20. The developer agrees to show on the final civil engineering plans, and to construct, water main improvements in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual as well as the following as outlined below. The water main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for any part of the project. The Zoning Administrator may, allow modifications to the timing of the construction of the water main improvements where the Zoning Administrator finds that: 1) the developer is diligently pursuing the work; 2) the timing of the improvements will unnecessarily impact progress of the project; and 3) the developer provided reasonable assurances that the work will be completed in accordance with the use permit's approved design.

The developer agrees to construct a new eight (8) inch water main along the site frontages as follows:

- a. South Dinwiddie Street from Columbia Pike to 9th Street South - Approximately 400 linear feet
- b. 9th Street South from South Dinwiddie Street to South Arlington Mill Drive- Approximately 175 linear feet
- c. South Arlington Mill Drive from 9th Street South to Columbia Pike – Approximately 550 linear feet
- d. On the north side of Columbia Pike from South Dinwiddie Street to South Arlington Mill Drive - Approximately 250 linear feet

~~All sanitary sewers and water mains, including water services, shall have a minimum of ten (10) feet horizontal clearance from each other and five (5) feet from all other utilities, and shall have a minimum of 10 feet horizontal clearance from buildings and other structures, or as approved by the County Manager or his designee. Water mains 16 inch and larger, and mains placed more than 10 feet below the surface shall have a minimum of 15 feet horizontal clearance from buildings and other structures; and sanitary sewers 15 inch and larger, or sewers placed more than 10 feet below the surface shall have 15 feet minimum clearance from buildings and other structures. All water mains and sanitary sewers shall meet County Standard design criteria.~~

~~Water Main Improvements. The developer agrees to show, on the final engineering plans, water main improvements in accordance with the following:~~

- a. ~~The water main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.~~
- b. ~~A new 8 inch water main in South Dinwiddie Street shall be constructed from the existing 12 inch water main in Columbia Pike to the existing 8 inch water main at the intersection with 9th Street South. Also, the existing 6 inch water main in South Dinwiddie Street being replaced by the new 8 inch water main shall be abandoned and all appurtenances transferred to the new 8 inch water main. The County agrees to reimburse the developer for all reasonable labor and material costs associated with the 8 inch water main improvements at this location. The costs shall be determined in the development agreement between applicant and County.~~
- e. ~~All proposed water meters and fire protection services for the development shall be connected to the new or existing 8 inch water main in South Dinwiddie Street.~~

~~Sanitary Sewer Main Improvements. The developer agrees to show, on the final engineering plans, and to construct sanitary sewer main improvements in accordance with the following:~~

- d. ~~The sanitary sewer main improvements shall be constructed prior to the issuance of the Final Building Permit.~~

- e. ~~The existing 8" sanitary sewer between manholes # 6194 and # 6195 and between manholes #6193 and #6194 shall be relocated with approximately 530 feet of new 8" or 12" sanitary sewer (size to be determined upon final engineering).~~

Sanitary Sewer Main Improvements

21. The developer agrees to show on the final civil engineering plans, and to construct, sanitary sewer main improvements in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual as well as the following as outlined below. The sanitary sewer main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy. The Zoning Administrator may, for good cause shown, and through the administrative change process, allow modifications to the timing of the construction of the sanitary sewer main improvements where the Zoning Administrator finds that: 1) the developer is diligently pursuing the work; 2) the timing of the improvements will unnecessarily impact progress of the project; and 3) the developer provided reasonable assurances that the work will be completed in accordance with the use permit's approved design

The existing 8 inch sanitary sewer main between manholes #6194 and #6195 and between manholes #6193 and #6194 shall be relocated with approximately 530 feet of new 8 inch or 12 inch sanitary sewer (size to be determined upon final engineering).

Horizontal Standpipe or Fire Hydrant and Fire Department Connection Requirements

22. ~~The developer agrees to show, on the final civil engineering plan, horizontal standpipes with fire department connections at agreed upon locations and to install fire hydrants (existing and proposed) at intervals of not more than 300 feet, as well as fire department connections, unless otherwise approved by the fire department, in order to provide adequate fire protection for the project. The County shall specify the kind of service and locations shall be specified at the time of the final site civil engineering plan approval based on applicable safety standards. The fire hydrants and fire department connections shall be installed prior to the issuance of the Final Building Permit, and horizontal standpipes shall be installed prior to the issuance of the first Certificate of Occupancy.~~

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

Street Lighting Requirements

23. The developer agrees to show on the final civil engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the Shell and Core Certificate of Occupancy. Except that the Zoning Administrator may allow modifications to the timing

of the installation of the street lighting where the Zoning Administrator finds that: 1) the developer is diligently pursuing the work; 2) the timing of the conditions will unnecessarily impede progress of the project; and 3) the developer provided reasonable assurances that the work will be completed in accordance with the use permit's approved design. In addition, the developer agrees to furnish and install all conduit and junction boxes necessary for the lighting system. ~~All construction shall meet Arlington County standards.~~

The developer agrees to ~~purchase and~~ install Virginia Power "Carlyle" standard street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be 16 feet, measured from the sidewalk to the base of the luminaire. The developer agrees to remove all standard thoroughfare lights from the site unless it is determined the County decides that one or more are required to provide adequate lighting for street safety purposes at intersections.

Underground Existing Aerial Utilities

24. The developer agrees to remove and/or place underground all existing aerial utilities within or along the periphery of the entire subject site as shown on the final ~~site development and~~ landscape plan and the final civil engineering plan approved by the County Manager. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities ~~shall be paid for by the developer and~~ shall not result in the installation of any additional utility poles, or aerial devices. The developer agrees that where there are plans to excavate trenches or similar areas to install underground utilities, that fiber optic cable and/or conduit may be installed in those places concurrently with the developer's utility installation. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy ~~Final Certificate of Occupancy~~.

The developer agrees to ~~determine the costs of possible alternatives~~ to relocate off site overhead utility lines that exist along the east side of Arlington Mill Drive to underground locations so that the County Manager may determine if said utility ~~undergrounding may be completed~~ as part of the approved project. ~~The developer agrees to provide the information before the issuance of the Clearing, Grading, and Demolition Permit. If at the discretion of the County Manager, any undergrounding of utilities along the east side of Arlington Mill Drive is determined, any u~~Utility relocation shall be completed prior to the issuance of the Final Certificate of Occupancy.

Off-Street Parking for Construction Workers

25. The developer agrees to provide on-site parking or, if necessary, shuttle service for construction workers to arrive at the construction site without charge to the workers from the County parking facility at Barcroft Park, or other facility approved by the County Manager. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has

obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the quantity of parking that shall be needed for various stages of construction, and how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information for any construction workers that may arrive to the construction site or Barcroft facility via public transportation. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.

Address Indicator Signs

26. The developer agrees to install address indicator signs on the site, which comply with Section 27-12 of the Arlington County Code or successor provision, in a location visible from the street and as shown on the final engineering plan as specified in Condition #14 13.

Façade Treatment of Buildings

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

In addition, the developer agrees to:

- a. Reduce the impact of any vents installed on the exterior facades of the building by employing color schemes and materials that match the proposed adjacent exterior building materials, and also a reduction of the vent's overall size by combining of vents for multiple elements to the greatest extent possible.
- b. Provide cladding similar in texture and color to the other exterior elements of the building at the facades of the mechanical penthouses.

~~Recordation of Public Easements and Dedications~~

~~28. 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, in substance acceptable to the County Manager or designee, and in form acceptable to the County Attorney, by the developer before the issuance of the First Certificate of Occupancy unless otherwise noted below. Dedications granted by the developer for street and public right of way purposes and improvements shall be dedicated in fee simple to the County. Real Estate interests conveyed by the developer to the County for improvements, including, but not limited to, sidewalks, street trees, other streetscape plantings, and water, storm sewer, sanitary sewer, and other utilities, may be dedicated by easement to the County.~~

The developer agrees to dedicate to the County certain public rights of way and other legal interests as follows:

- ~~a. Along the eastern side of South Arlington Mill Drive, prior to the vacation of any portion of the western side of South Arlington Mill Drive, the Developer shall dedicate to the County, in fee simple for public street and utilities purposes, free and clear of all liens and encumbrances, any additional area required to maintain a minimum width of 30 feet for South Arlington Mill Drive, as shown on the engineering plans approved by DES.~~
- ~~b. Along the northern property line, the developer agrees to dedicate, by deed of subdivision and dedication, an area in fee simple for public street and utility purposes as shown on the final engineering plans approved by DES. The area shall be maintained as a minimum width of 30 feet for proposed 9th Street South, as shown on the final engineering plans approved by DES. This dedication shall be recorded prior to the opening and operational use of the new street.~~
- ~~c. In the area bounded by the easterly right of way line of S. Dinwiddie Street and the Columbia Pike Form Based Code Required Building Line (RBL), the developer agrees to dedicate to the County an easement for public sidewalk purposes. The above mentioned easement shall provide a reservation unto the developer, within the specified portions or boundaries thereof, for the right to construct require building features, appendages or other protrusions beyond the RBL consistent with the final engineering plans approved by the Arlington County Department of Environmental Services (DES).~~
- ~~d. The developer agrees to dedicate an easement for public sidewalk purposes for all other sidewalks as shown on the final site development plan and final engineering plan.~~

The easements granted to the County, as delineated in this Condition #28, shall not obligate or require the County to construct the sidewalks or the streets granted as easements.

- **The following conditions of site plan approval (#29 28 through # 34 36) are valid for the life of the Use Permit and must be met by the developer before issuance of the Footing to Grade Structure Permit.**

Plat of Excavated Area

28. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the proposed building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 8 above. Spot elevations shall be taken at spots determined at the time of the pre-construction meeting and shall at a minimum consist of two corners and spot elevations from 50% of the total area to be excavated. The elevations shall be provided prior to the issuance of the Footing to Grade Permit. Provided however, that when the Zoning Administrator determines that the excavated area will be greater than 20,000 square feet, the Zoning Administrator may reduce the area for which elevations must be provided before issuance of a Footing to Grade Permit. Additional elevations confirming the elevations of the remainder of the excavation shall be provided prior to issuance of any permit for above grade construction.

Public Improvements Bond

- ~~29. Upon approval of the final site engineering plan, the developer agrees to submit a performance bond estimate for the construction or installation of all facilities within the public rights of way or easements, to the Department of Environmental Services for review and approval. Upon approval of the performance bond estimate, the developer agrees to submit a performance bond and agreement for the construction or installation of all these facilities within the public rights of way or easements, which to the Department of Environmental Services. This bond shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.~~

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

Electrical Transformers

29. ~~The developer agrees that all new electrical transformers shall be placed in a pad-mounted position, partially embedded within a berm at the eastern edge of Arlington Mill Drive within the Glen Carlyn Park approximate to the area shown on plans dated May 9, 2008 and May 12, 2008, or, if through further negotiations with the County and Dominion Virginia Power, sufficient funding sources can be identified, all new electrical transformers shall be placed underground in vaults a location on site which meet Dominion Virginia Power standards. These underground vaults may be placed in the street right of way or in driveways if approved by the County on the final site engineering plan, and an encroachment has been approved pursuant to Condition #10. The locations of the vaults shall be coordinated with other utility locations so as to have a minimum clearance of five (5) feet to conduits and manholes and a minimum clearance~~

~~of 10 feet to water mains and sanitary sewers unless otherwise approved by the owner of that utility. The developer shall obtain approval from the County Manager on the location of the vault and the location of all vault ventilation grates and utilities as part of the review of the final site engineering plan and the final site development and landscape plan before the issuance of the Footing to Grade Structure Permit. If the above grade transformer location is determined as the final location, the developer agrees to position the transformer equipment within a secured enclosure, landscape the surrounding area, with a preference for native plant materials, in order to screen the facility from the adjacent trail area, and to utilize a wall and/or gate design that is compatible with the façade materials used on the adjacent structures and surrounding natural area.~~

Interior Loading Spaces

30. 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) and 40-foot length. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 14.0 feet. All loading docks shall contain operable doors. Use of the loading dock by any trucks 30 feet or longer shall be limited to the hours of 9:30 AM to 4:00 PM and 7:30 PM to 9:00 PM Monday through Friday (with the holidays excepted). If a tenant demonstrates the need for an exception to this rule, the hours may be administratively changed by the Zoning Administrator through an Administrative Change request. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry and exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures. The developer agrees that ~~neither the community center nor the residential building shall~~ not be serviced by trucks longer than 40 feet for loading, deliveries, or trash removal.

Parking Garage Van Access

31. The developer agrees that new parking garages shall be designed to allow access and use by vans. At least 1% of the total new parking supply shall be accessible to vans, shall be conveniently located on the level of the garage closest to street level, and shall have a minimum clearance of 98 inches. All other areas of the garage shall have a minimum clearance of 84 inches. Compliance with this condition shall be determined by review of the building plans by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit, which review shall not relieve the developer from constructing in accordance with this condition.

Parking Space Compliance with Zoning Ordinance

32. The developer agrees to ensure that all parking spaces comply with the requirements of Section 33 of the Zoning Ordinance. Unless otherwise approved by the County Board, the number of compact spaces may not exceed the Zoning Ordinance requirement. The developer shall submit drawings showing that these requirements are met, and shall obtain approval by the Zoning Administrator before the issuance of the Footing to Grade Structure Permit.

The developer agrees to construct a minimum of 140 ~~322~~ underground parking spaces as part of the development, ~~and agrees that up to 192 of these spaces may be reserved for~~

~~residential occupants; and at least 130 of which all 140 spaces shall be for use by site visitors including residential visitors, community center participants, retail customers, employees, and the general public on a non-reserved basis. The developer further agrees that, if, at the discretion of the developer, either the non-residential unit count, or commercial square footage is reduced subsequent to County Board approval of the use permit, parking may be reduced, but shall be provided in ratios approved by the County Board and consistent with the Columbia Pike Form Based Code (Section 20. - Appendix A of the Zoning Ordinance) shall be maintained.~~

Bicycle Storage Facilities

33. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to community center, ~~residential~~ and retail areas, on, at a minimum, the basis provided below on the following basis at a minimum, and that the bike parking for the employees and residents will be segregated from each other at the facility for security reasons. Any bicycle parking racks used on the site must conform to the Arlington County Standard or be approved by the Bicycle and Pedestrian Program Manager. Drawings showing that these requirements have been met shall be approved by the Bicycle and Pedestrian Program Manager before the issuance of the Final Building Permit. The Developer agrees to obtain approval of the location, design, and details regarding the proposed bicycle storage facilities set forth below as part of the final site development and landscape plans.

Community Center Employees and Retail Employees Bicycle Storage Facilities:

The community center and retail employee bicycle parking shall be as follows: Ten (10) Class I bicycle parking spaces for Community Center employees and two (2) Class I bicycle parking spaces for Retail employees. Also, unless otherwise approved by the County Manager, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space within the proposed locker rooms within the community center facility. The lockers shall be installed adjacent to the showers in a safe and secured area and both showers and lockers shall be accessible to all Community Center employees and retail employees. The lockers will be a minimum size of 12" wide, 18" deep, 36" high. These lockers shall be co-located in a locker room facility for the Community Center and designated for bicyclist use. Showers for these spaces shall be provided in the locker room facility for the Community Center as a shared amenity.

Residential Bicycle Storage Facilities:

~~The residential bicycle parking shall be compliant with the Columbia Pike Form Based Code as follows: One (1) resident bicycle rack/locker (2 bike capacity) per three (3) units, or portion thereof, of residential units, and one (1) visitor bicycle parking rack (2-bike capacity) per 50 units, or portion thereof, of residential units.~~

~~All Employee and Resident bicycle parking facilities provided as described above shall be highly visible to the intended users and protected from rain and snow within a structure shown on the final site development plan. The facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians or any required fire~~

~~egress. The facilities for employees and resident bicycle parking must meet the acceptable standards for Class I storage space as contained in the Arlington Bicycle Transportation Plan, dated April 1994 with Amendments through March 2003, and be highly visible from an elevator entrance, or a visitor/customer entrance. All resident visitor bicycle parking must be within the tree-furniture zone (as described in the Columbia Pike Form Based Code, Section 20- Appendix A of the Zoning Ordinance), positioned at a 45-degree angle to the adjacent curb, and within the plaza area to be determined through final plaza design per Condition #63. The resident visitor bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance, or in close proximity to the residential entrances so as to avoid conflicts with the placement of other streetscape elements such as street trees, benches, trash receptacles and street lights, and such locations shall be reviewed by the Division of Transportation and the lead CPHD planner. Facilities for resident visitor bicycle spaces shall be Class III spaces. Residential lease agreements shall not prohibit the storage of bicycles within individual apartment units.~~

Community Center Visitor Bicycle Storage Facilities:

The community center visitor/customer bicycle parking shall provide fifteen (15) bicycle racks (2-bike capacity) placed within the tree-furniture zone (as described in the Columbia Pike Form Based Code, Section 20- Appendix A of the Zoning Ordinance), positioned at a 45-degree angle to the adjacent curb, and within the plaza area to be determined through final plaza design per Condition # ~~55~~ 63. The community center visitor/customer bicycle spaces shall be installed at exterior locations within 50 feet of the primary entrance, unless otherwise approved by the Bicycle and Pedestrian Program Manager, or in close proximity to the community center entrances so as to avoid conflicts with the placement of other streetscape elements such as street trees, benches, trash receptacles, street lights, elements within the plaza, and such locations shall be reviewed by the Division of Transportation and the lead CPHD planner. Facilities for community center visitor bicycle spaces shall be Class III spaces.

Retail Visitor/Customer Bicycle Storage Facilities:

The retail visitor/customer bicycle parking shall be compliant with the Columbia Pike Form Based Code (Section 20- Appendix A of the Zoning Ordinance) as follows: one (1) visitor/customer bicycle rack (2-bike capacity) per 12,500 square feet, or portion thereof. The retail visitor/customer bicycle spaces shall be placed within the tree-furniture zone (as described in the Columbia Pike Form Based Code (Section 20. – Appendix A of the Zoning Ordinance), position at a 45-degree angle to the adjacent curb, and installed at exterior locations within 50 feet of the primary entrance, unless otherwise approved by the Bicycle and Pedestrian Program Manager, or in close proximity to the retail entrances so as to avoid conflicts with the placement of other streetscape elements such as street trees, benches, trash receptacles, and street lights, and such locations shall be reviewed by the Division of Transportation and the lead CPHD planner. The bicycle racks shall be installed within the space along the streetscape in the tree/furniture zone consistent with the Columbia Pike Form Based Code, within the pedestrian walkway which separates the two buildings on site, or within the plaza. Facilities for retail visitors/customers shall be Class III spaces

Emergency Vehicle Access/Support on Parking and Plaza Areas

34. The developer agrees to construct the Community Center plaza areas used for vehicular access and all above ground surface parking areas to support the live load of any fire apparatus. No above-grade structure shall be allowed to obstruct required fire lanes. The requirements of this condition shall be incorporated in the drawings submitted for the Footing to Grade Structure Permit.
- **The following conditions of Use Permit approval (#38 35 through #37 40) are valid for the life of the Use Permit and must be met by the developer before the issuance of the Final Building Permit.**

Wall Check Survey

35. The developer agrees to submit one (1) original and three (3) copies of a wall check survey to confirm its consistency with the plans approved by the County Board, as referenced in Conditions #1 and #8 above. The wall check survey shall show the location of the walls at the top level of the below-grade structure, and will be provided prior to the issuance of a permit for above grade construction. The developer further agrees that, within thirty (30) days after approval of the wall check survey, it will submit to the Zoning Administrator a wall check survey showing the location of the walls and the elevation of the slab, at grade.

Screening of Mechanical Equipment

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

Use of Penthouse

37. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space or telecommunication transmitter and/or receiver equipment.
- **The following conditions of Use Permit plan approval (#38 41 through #41 45) are valid for the life of the Use Permit and must be met by the developer before the issuance of the First Certificate of Occupancy, unless otherwise specified below.**

Comprehensive Sign Plan

- ~~38. The developer agrees to develop and submit a comprehensive sign plan and that all exterior signs (including identification and directional signage) shall be consistent with the regulations contained within the Columbia Pike Form Based Code (Section 20. Appendix A of the Zoning Ordinance), and meet, where not covered in the FBC, the guidelines contained in "Sign Guidelines for Site Plan Buildings", and with Section 34 of the Zoning Ordinance. Modifications to the guidelines found within the Columbia Pike Form Based Code are permitted for the community center building signs. The Zoning Administrator shall determine whether the signs meet the standards of the guidelines and the Ordinance. No sign permits will be issued until a comprehensive sign plan is approved. The developer agrees to obtain approval from the Zoning Administrator of the comprehensive sign plan before the issuance of the first Certificate of Occupancy. All proposed rooftop signs for the community center use, defined as all signs that are 35 feet~~

~~or more above the ground elevation at entrances, that are generally consistent with the overall size, dimensions, and placement as shown on plans dated July 14, 2010, September 3, 2010, and September 7, 2010 May 9, 2008 and May 12, 2008, may be administratively reviewed and approved by the Zoning Administrator.~~

~~The developer further agrees, in its fulfillment of Condition #51 below (retail improvements), that the only types of retail signs that shall be permitted shall be consistent with the types of signs permitted by the Columbia Pike Form Based Code and shall include some or all of the following: building wall signs; blade signs; window signs; carved, painted or sculptural signs; canopy or awning signs; and logo signs.~~

~~The colors and materials of retail tenant signs shall harmonize with and complement the exterior materials and design of the community center building and retail storefront so as to present a unified design approach for the individual retail unit. Individual tenants must apply for and obtain sign permits, including the design, colors, and materials of the signs, which shall be reviewed by the County Manager to ensure consistency with the comprehensive sign plan.~~

~~The developer agrees to include signs for the community center within the plan which should emphasize and demarcate the primary entrances to the community center, including the G1 level from within the garage.~~

Transportation Management Plan

38. The developer agrees to develop and implement a Transportation Management Plan (TMP) in order to achieve the desired results of the Arlington County Transportation Demand Management (TDM) program. The developer agrees to obtain the approval of the County Manager or his designee for such plan before the issuance of the first Certificate of Occupancy ~~for each respective building.~~

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

A. Residential and Retail Component:

A.1 Participation and Funding

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

ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

~~A.2 Facilities and Improvements~~

- ~~e. Provide in or adjacent to the residential lobby an information display, the number/content/design/location of which shall be reasonably approved by ACCS / ATP, to provide transportation related information to residents and visitors.~~
- ~~d. Provide in each lobby a means to call a taxi.~~
- ~~e. During construction, maintain or coordinate relocation of any existing bus stops with the County to comply with requirements of Use Permit conditions to provide bus stop improvements. Bus stops and shelters along the frontage of the property shall be maintained free of snow, ice, trash, and debris. A 6 foot wide path, clear of snow and ice, to the main entrance of the building(s) shall be maintained to bus stops.~~
- ~~f. Maintain one on-site business center (including, at a minimum, access to copier, fax, pc, and internet services in a minimum 56 sq. ft. of space), which shall be made available to support residents of the residential buildings who choose to work from home.~~
- ~~g. Comply with bicycle requirements to provide bicycle parking/storage facilities per Condition #37.~~
- ~~h. Upon request of the County Manager or his designee, up to two (2) Car sharing spaces shall be set aside in the visitor spaces of the garage for car sharing services. Upon a determination by the County Manager that such spaces are needed, the spaces shall be provided by the Residential/Retail component and the Community Center component by a mutually agreed upon cooperative, cost sharing, agreement with the car sharing service and as approved by the County Manager or designee. These spaces shall be located convenient to the garage entrance, available to the members of the car sharing service during normal garage operating hours (for security reasons the garage may be gated in such event, members of the car sharing service would have access to the spaces via a key pad combination to a pass code system, or other similar device). There shall be internal and external signage to direct people to the spaces, the cost of which, for installation and maintenance, shall be the responsibility of the car sharing service. Until requested, the spaces may be used for any parking use. Signs will be planned and included in the comprehensive sign plan, but not installed until the garage spaces are requested. The car sharing spaces shall be counted towards the parking requirements of the project.~~

~~A.3 Parking Management Plan~~

- i. ~~Subject to the approval by the County Manager or his designee, the developer shall prepare a parking management plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, and passenger waiting area; loading zones for short-term deliveries; bus stops; car-sharing locations; and on and off-street parking, and bicycle parking for residents, employees, and visitors. Such plan shall include a schematic drawing depicting an area parking plan for all block faces abutting the site. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.~~
- j. ~~Provide reserved spaces for carpools and vanpools for community center employees within the Community Center parking space allotment that are conveniently located with respect to the elevators serving the buildings. Oversee a program to provide carpools and vanpools with a parking subsidy if there are charges for parking. Subsidies shall be:

 1. ~~Two person carpool equal to two thirds the single-occupant vehicle monthly parking rate.~~
 2. ~~Three person (or more carpool) equal to one third the single-occupant vehicle monthly parking rate.~~
 3. ~~Provide registered vanpools with free parking.~~~~
- k. ~~No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.~~
- l. ~~Provide effective directional signage subject to approval of a Comprehensive Sign Plan to direct residents and visitors to appropriate locations on the property, plan to include provision for the items specified in the Parking Management Plan.~~

~~A.4 Promotions, Services, Policies~~

- m. ~~Provide a choice of either one (1) SmarTrip card plus Metro fare media with the value equivalent of four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, or four (4) Metrobus Weekly Passes for free, one time, excluding lease renewals, to each residential lessee of each unit, distributed no later than the day of move in at the building. Senior or Disabled weekly bus pass may be substituted if criteria are met. Passes shall be purchased through CommuterDirect, or successor entity, for ease of verification by ACCS. Signs announcing the program shall be approved by ACCS and posted in each mail room of each residential building and in the lobby of the Community Center. The program shall also be announced in any newsletter or website for the site.~~
- n. ~~Provide a choice of either one (1) SmarTrip card plus Metro fare media with the value equivalent of four (4) Metrobus Weekly Passes (Valid for a full week of unlimited travel region wide on regular Metrobus routes) or successor fare media, or four (4) Metrobus Weekly Passes for free, one time, to each to~~

~~on-site employees of the property management company at the time that employee is hired for the Project. Endeavor to provide or administer a sustainable commute benefit program for these employees (the program shall include, at a minimum, pre-tax employee contributions and/or tax-free transit or vanpool monthly contributions.)~~

- ~~e. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the developer and property manager’s websites regarding this development.~~
- ~~p. Distribute a new resident package, containing material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each lessee and / or condominium purchasers. Packages will be distributed to tenants no later than the day of move-in at the building. Distribute equivalent package to new employees no later than their first day of work.~~
- ~~q. Reference the transportation options in promotional materials and advertisements.~~
- ~~r. Cooperate with Arlington County to assist the County in implementing a transit advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.~~
- ~~s. Participate in Ozone Action Days and other regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).~~

~~A.5 Performance and Monitoring~~

- ~~t. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.~~
- ~~u. Conduct a transportation performance monitoring study at two, five, and ten years after issuance of first Certificate of Occupancy and provide a report summarizing findings report findings to the County, the Arlington Mill Steering Committee Chair, Park Glen Unit Owners’ Association President, Columbia Heights West Civic Association President, Columbia Forest Civic Association President, Barcroft Civic Association President, and the Columbia Pike Revitalization Organization Executive Director. The County will reasonably specify the scope of the study. The study may include average vehicle occupancy, daily vehicle trips to and from the site, and parking availability by time of day for the site and pedestrian traffic. Such report shall include an all-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator will assist and~~

~~encourage tenant's employee participation in mode split surveys which may be of an on-line, email variety.~~

- ~~v. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the site.~~

B. Community Center Component:

B.1 Participation and Funding

- a. The Community Center management shall maintain an active, on going relationship with Arlington Transportation Partners (ATP), or successor entity.
- b. Designate a member(s) of Community Center management as Property Transportation Coordinator to be a primary point of contact with ACCS and undertake the responsibility for coordinating and completing all TMP obligations ~~related to the Community Center~~. The Community Center management will provide, and keep current, the name and contact information of the PTC to ACCS. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.

B.2 Parking Management Plan

- a. The developer agrees to submit to, and obtain the County Manager's approval of, a parking management plan regarding where applicable: taxi passenger loading and unloading; accessible para-transit pick-up, drop-off, handicap access, and passenger waiting area; loading zones for short-term deliveries; bus stops; car sharing locations; and on- and off-street parking, and bicycle parking for residents, employees, and visitors. Such plans shall include a schematic drawing depicting an area parking plan for all block faces abutting the site as shown in the supporting narrative. Additionally, this plan will note restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
- b. Provide reserved spaces for carpools for community center and retail employees within the Community Center parking space allotment that are conveniently located with respect to the elevators serving the buildings. Oversee a program to provide carpools with a parking subsidy if there are charges for parking. Subsidies shall be:
 - 1. Two-person carpool equal to one-third the single occupant vehicle monthly parking rate.
 - 2. Three-person (or more) carpool equal to two-thirds the single occupant vehicle monthly parking rate.

- c. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.
- d. Provide effective directional signage giving direction to appropriate locations on the property. Such plan shall include provision for the items specified in the Parking Management Plan.
- e. Upon request of the County manager or his designee, up to two (2) car sharing spaces shall be set aside in the visitor spaces of the garage for car sharing services. Upon a determination by the County Manager that such spaces are needed, the spaces shall be provided by the Community Center component by a mutually agreed upon cooperative cost sharing agreement with the car sharing service and as approved by the County Manager or designee. These spaces shall be located convenient to the garage entrance, available to the members of the car sharing service during normal garage operating hours (for security reasons the garage may be gated – in such event, members of the car sharing service would have access to the spaces via a key pad combination to a pass code system, or other similar device). There shall be internal and external signage to direct people to the spaces, the cost of which, for installation and maintenance, shall be the responsibility of the car sharing service. Until requested, the spaces may be used for any parking use. Signs will be planned and included in the building and garage sign plans, but not installed until the garage spaces are requested. The car sharing spaces shall be counted towards the parking requirements of the project.

B.2 B.3 Promotions, Services, Policies

- a. Provide or administer a sustainable commute benefit program for the Community Center employees (the County’s standard commuting benefits package).
- b. The Community Center shall encourage clients to use alternative transportation to travel to and from the center with a goal of 20% reduction in single occupancy vehicle trips.
- c. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the Community Center website regarding this facility.
- d. Distribute a new-employee package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each employee. Packages will be distributed to employee no later than the first day of employment at the building.
- e. Reference transportation options in Community Center promotional materials and advertisements.

- f. Cooperate with and assist ACCS in implementing a transit-advertising program that will distribute information four times per year to all residents, tenants, employees, and visitors.
- g. Participate in ~~Ozone Action Days and other~~ regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).

B.3 B.4 Performance and Monitoring

- a. Upon approval of the TMP by the County, the Community Center agrees to implement all elements of Community Center portion of the plan with assistance when appropriate by agencies of the County.
- b. ~~Cooperate with the residential and retail component to conduct transportation performance monitoring studies.~~ The owner shall reimburse the County for, and participate in a transportation performance monitoring study at two (2) years, five (5) years and each subsequent five (5) years (at the County's option), after issuance of first Certificate of Occupancy. The study may include average vehicle occupancy, daily vehicle trips to and from the site, and parking availability by time of day for the site and pedestrian traffic. The study may include a seven-day count of site-generated vehicle traffic and a voluntary mode-split survey. The building owner and/or operator will notify, assist, and encourage tenant's employees and building employees to participate in mode split surveys which may be of an on-line, or e-mail variety. A report will be produced of the report summarizing the findings shall be given to the Arlington Mill Steering Committee Chair, Park Glen Condominium Unit Owner's Association President, Columbia Heights West Civic Association President, and the Columbia Pike Revitalization Organization Executive Director.
- c. During the first year of start up of the TMP and on an annual basis thereafter, the developer shall submit an annual report, which may be of an online, or e-mail variety, to the County Manager, describing completely and correctly, the TDM related activities of the site.
- d. ~~During the first year of start up of the TMP and on an annual basis thereafter, the Community Center will submit an annual letter to the County Manager, describing completely and correctly, the TDM related activities of the Community Center.~~

Parking Management Plan

- 39. The developer agrees to ~~coordinate with Arlington County to~~ create a parking management plan as referenced in the TDM Plan Condition #38 42, Parking Management Plan sections ~~A.3.1 through A.3.1~~ B.2.a. through B.2.e. The Plan will describe how the parking for residents, visitors to the site, employees and general public will be provided, how the parking will be managed and how motorists will be directed to the parking

spaces. The developer further agrees that it shall not sell or lease any of the parking spaces designated to make the project comply with the Americans with Disabilities Act (ADA). The parking management plan shall be submitted to the Zoning Administrator. The developer agrees to obtain the County Manager's approval of the plan as being consistent with the Zoning Ordinance requirements, the Columbia Pike Form Based Code (Section 20 – Appendix A of the Zoning Ordinance), and this condition, prior to the issuance of any ~~First~~ Partial Certificate of Occupancy ~~for the first residential building.~~

- a. ~~The developer agrees to coordinate with Arlington County to build a minimum of 192 residential tenant parking spaces and at least 130~~ 140 public parking spaces to be used by the site's visitors (including residential visitors, community center participants, retail customers, employees and the general public) per Condition ~~#36-32.~~
- b. The developer agrees to include a plan of the garage facility, a description of the type of revenue and access control equipment, an explanation of how the garage will be managed and a rate setting policy ~~coordinated with Arlington County~~ for the site's visitor parking spaces only. The plan will identify the different constituency groups and how they will be accommodated in the garage spatially and through management processes such as permits, validation, and pricing. The plan will include parking strategies for special events.
- e. ~~The developer agrees that, at its option, spaces which are not needed for residential parking will be made available as monthly parking spaces to the site's employees and others.~~
- c. The developer agrees to ~~coordinate with Arlington County so that~~ overnight parking in the site's visitor parking spaces is available to the public generally from 10:00 p.m. to 8:00 a.m. nightly.
- d. The developer agrees to have, as a part of its parking management plan, provisions relating to enforcement ~~the towing of impermissibly parked vehicles, in compliance with Arlington County Code 14.3. Such provisions shall include, but need not be limited to:~~
 - (1) ~~Requirements for signage in the garage providing notice of all applicable parking restrictions enforced by towing, the location of the towing contractor(s)' impoundment yard, and the name and telephone number of the developer's on-site representative responsible for towing-related complaints, as well as the telephone number of the Arlington County Office of Citizen and Consumer Affairs;~~
 - (2) ~~Disclosure by the developer and its towing contractor(s), at the developer's parking lot(s), of all fees and charges for towing; and~~
 - (3) ~~Evidence that the developer has a contract with the towing contractor that requires the towing contractor to clearly display all fees and charges for towing.~~

Lighting Plan for Public Areas

- 40. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final site development and landscape plan. This lighting plan shall be subject to review by the County Manager, including street lighting as described in Condition #23 above. The developer shall include in the site development and landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H, and the Illumination Engineering Society of North America Standards (however, developer shall not be responsible for the performance of County required and specified light fixtures). The developer agrees to obtain the approval of all public space lighting from the County Manager, and to install approved lighting, before the issuance of the First Partial Certificate of Occupancy for occupancy, unless otherwise approved by the County Manager, ~~of the applicable phase of the project.~~

Documentation of Historical Artifacts, Features and Buildings

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

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

- **The following condition of Use Permit plan approval (#46 42) is valid for the life of the Use Permit and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building.**

Obtain Master Certificate of Occupancy

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

- **Post Certificate of Occupancy: the following Conditions of Use Permit approval (#43 47 through #49 44) are valid for the life of the Use Permit**

County Installation of Telecommunications Transmitter and/or Receiver Equipment

- 43. In order to maintain the effectiveness of the County's public safety systems, the developer ~~agrees to grant to the County in perpetuity~~ shall maintain in perpetuity, the right to install

telecommunications transmitter and/or receiver equipment and conducting wire in or on the penthouse or top floor, and antennae and traffic monitoring systems on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both ~~upon request by the County. The developer agrees to provide, upon request by the County, access to electrical service separately metered, including auxiliary electrical power, and telephone radio control lines to the penthouse in the defined area.~~ Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County. ~~The County shall remain responsible for the maintenance and costs of the County's communication system and shall indemnify and hold harmless the developer from any costs or claims resulting from the presence of the County's equipment within developer's project.~~

In addition, to enhance the reach of the County's public emergency communications system-of-systems, the developer/applicant shall maintain in perpetuity the right to install tie-ins from the County's outdoor emergency warning system to the Central Place interior building fire/emergency warning annunciator systems using either land lines or emergency relay transceivers in or on the penthouse or top floor, antennae systems and along with hazardous material detection sensors on the roof of the proposed buildings in a location and design that is acceptable to the County and the building owner based on a reasonable exercise of judgment by both. Any radio transmitter or receiver equipment and antenna to be installed or used by others must not interfere with the emergency communication system of the County.

Snow Removal

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

Maintenance of Residential Common Areas

45. ~~The developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to residential units shall be provided for by the developer.~~

- **The following unique site specific conditions (#~~50~~ 45 through # ~~57~~ 66) are valid for the life of the Use Permit and must be met before the issuance of the permit specified in each Condition.**

45. **Retail Elements**

- a. The developer agrees to develop a retail attraction and marketing plan for ~~approximately 3,000~~ up to 2,250 square feet of retail space located on the Dinwiddie Level (2nd floor) ~~first floors~~ of the community center building. The plan shall identify the marketing strategy to attract the retail tenant types that would be compatible with the community center ~~and residential~~ uses including a preference for food tenants such as restaurant or retail space such as specialty

local bakeries/bagel shops/doughnut shops; ~~full-service restaurants~~; local, regional or national coffee shops; ice cream stores; delicatessen type restaurants; however, other retail spaces such as specialty product stores; sports/recreation/cultural/art-related non-food retail; and local convenience services are also acceptable. Any change in the use of the retail space from retail to community center or other non-retail use shall require a Use Permit 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 are not limited to: a minimum of 15 foot floor to floor heights, as shown on the plans dated July 14, 2010, September 3, 2010 and September 7, 2010 ~~May 9, 2008 and May 12, 2008~~; access to the service corridor/areas as shown on the architectural plans dated July 14, 2010, September 3, 2010, and September 7, 2010 ~~May 9, 2008 and May 12, 2008~~; direct street frontage and access; rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions; and provision for any venting systems required for any food preparation or restaurant use, if any, through the roof.

The developer agrees to submit an application for administrative change for any proposal for retail uses not clearly consistent with the above.

Outdoor Cafes

46. Outdoor cafes shall be permitted in the public right-of-way or within public easements along Columbia Pike and South Dinwiddie Street, in accordance with the applicable provisions of the Zoning Ordinance, with a maximum seating area and all other applicable requirements as set forth in the Zoning Ordinance and as determined by the Zoning Administrator. A minimum of 6-feet of clear sidewalk width must be maintained along Columbia Pike and South Dinwiddie Street. Plans for all outdoor cafes shall be subject to prior administrative approval by the Zoning Administrator for consistency with County ordinances, regulations and policies. Any outdoor café shall be administratively reviewed one year following its approval to evaluate it after a season of operation. At that time, the Zoning Administrator may review the approval, impose conditions on the operation of the outdoor café, or revoke the prior approval.

47. LEED Credits, ~~EarthCraft Credits~~, and Sustainable Design Elements

- a. The developer agrees to ~~continue working with~~ include a LEED Accredited Professional (LEED-AP) ~~and EarthCraft Virginia certified consultant(s) as a~~ members of the design and construction team. The ~~team consultant shall work with the team to~~ will incorporate sustainable design elements and innovative technologies into the project so that numerous building components will ~~may~~ earn the developer points under the U.S. Green Building Council's ~~system for LEED green building rating system certification and/or EarthCraft Virginia certification~~. Specifically, ~~for the mixed-use community center building~~, the developer agrees to ~~include sustainable elements in design and construction that are sufficient to meet the requirements for the~~ all LEED Prerequisites and achieve ~~include~~ at least

the number of LEED credits necessary for to achieve LEED certification at the ~~Silver-certification~~ level using the LEED NC version 2.2 green building rating system in place on the date on which the use permit project is accepted by the County through the Admin Reg 4.1.2 process or more recent version as approved by the US Green Building Council. For the residential-only building, the project will follow the specific requirements for the EarthCraft Virginia program, achieving at least 200 points as well as the specific energy efficiency requirements (as approved by EarthCraft Virginia), or a comparable LEED rating (as approved by the US Green Building Council). The developer agrees to fulfill the following before issuance of the indicated permit:

For all residential portions of the 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: 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. 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.

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

1. Demolition Permit
2. Excavation, Sheeting and Shoring Permit
3. ~~Footing to Grade Permit~~
4. First Above Grade Building Permit
5. Final Building Permit
6. Shell and Core Certificate of Occupancy
7. Certificate of Occupancy for occupancy of the last floor of space
8. Master Certificate of Occupancy

The developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED certification. The developer agrees that within twenty-four (24) months from the date of the issuance of the first certificate of occupancy for any part of the last floor of the building, the project will have received from the U.S. Green Building Council (or designee) its LEED Silver Certification. In addition, prior to issuance of the first Certificate of Occupancy after the Shell and Core Permit, the developer will have its LEED/EarthCraft consultant(s) submit a certification to the County Manager that the elements to earn the above specified sustainability rating have been included in the buildings.

Parking Enforcement

48. ~~The developer agrees to develop written procedures, subject to approval of the County Manager for reasonableness, whereby uniformed Arlington County Police will be authorized to enter the public parking areas for purposes of enforcing compliance with County ordinances and state laws applicable to resident's motor vehicles. The developer agrees to obtain the County Manager's approval of such procedures prior to issuance of the Master Certificate of Occupancy for the Community Center.~~

Bus Stop and Bus Shelter

48. ~~The developer agrees to provide and install for Arlington County a bus stop and bus shelter located on the east side of South Dinwiddie Street, south of the 9th Street South intersection. The design and location of which shall be approved by the County Manager or his designee as consistent with current standards prior to construction. The bus stop and bus shelter shall, to include an accessible connection to streets, sidewalks or pedestrian paths, bus shelter, bench, a secure device and 13' x 6' wide concrete pad that shall be a minimum of 4" thick, reinforced concrete for the full size of the bus shelter and extension pads, construct a 5.5' x 13' wide bus shelter. U, unless otherwise approved by the County Manager, the shelter that shall be located with a minimum 6-foot-wide clear sidewalk area around the shelter except that a minimum 5-foot wide clear hard surface area shall be provided adjacent to the front of the bus shelter measured from face of curb. The developer shall make, provisions for lighting the shelter (should the location be deemed appropriate for solar power then the developer may provide power by either conduit or solar technology), and provide a bus pole, and trashcan/recycling receptacle, to which meet Arlington County guidelines and standards, and that will be fully compliant with current ADA requirements.~~

Traffic Signal Light Improvements

49. ~~The developer agrees, in lieu of designing and constructing traffic signal improvements at the intersection of Columbia Pike and South Dinwiddie Street, to make a payment of \$75,000 to the Department of Environmental Services for the reconstruction of the traffic signals at South Dinwiddie Street and Columbia Pike. The payment shall be paid prior to the issuance of the final building permit. The developer County shall reconstruct the traffic signals at the intersection of Columbia Pike and South Dinwiddie Street in conjunction with coordination with the developer's work construction work on the site.~~

The developer agrees to indicate on its plans the relocation of any traffic signals, traffic signal cabinets, and any other existing related items as part of this development and curb alignment or relocation as part of this project ~~to meet all Arlington County guidelines and standards~~ subject to approval of the County Manager or his designee prior to the issuance of the first certificate of occupancy.

Temporary Traffic Signal

50. The developer agrees to ~~develop~~ ~~submit~~ a maintenance of traffic plan to ~~and submit it to~~ Arlington County ~~and or~~ VDOT. Upon the approval of ~~Arlington County or~~ VDOT, the developer agrees to design, install and maintain a temporary traffic signal located on Columbia Pike at its intersection of South Arlington Mill Drive until the completion of the new 9th Street South connection to South Dinwiddie Street is provided.

Public Safety Radio Communications

51. The developer agrees to install and maintain in operable condition, in a manner acceptable to the County Manager, an internal antenna/amplifier system that permits public safety radio communications to transmit in the 806-825 MHz frequency and to receive in the 851-870 MHz frequency from all areas within the building. The developer agrees to provide documentation in the approved electrical engineering drawings that adequate accommodations have been made in the building to meet this requirement.

Loading Delivery and Management Plan

52. Prior to the issuance of the first Certificate of Occupancy (to include temporary Certificates of Occupancy) for any building on the site, the developer agrees to submit a Loading and Delivery Management Plan to the Zoning Administrator for review and approval, including review by the PRCR facility manager. This plan shall provide for service access using Arlington Mill Drive as shown in the plans dated July 14, 2010, September 3, 2010, and September 7, 2010 ~~May 9, 2008 and May 12, 2008~~ and shall be shown on the final ~~site~~ civil engineering plan. This plan shall further provide for monitoring of loading and unloading/deliveries by the management of the ~~residential,~~ commercial, and community center components of the project, the restriction of loading and deliveries using public streets for the parking of loading and delivery vehicles and shall include a contact name of a person with authority to control loading and unloading/deliveries to whom outsiders may report violations.

Re-grading South Dinwiddie Street

53. The developer agrees to reconstruct (e.g., re-grade street and reconstruct curb and gutter and sidewalk along the western edge of South Dinwiddie) South Dinwiddie Street from the intersection of south of 9th Street South to Columbia Pike as shown on the final civil engineering plans approved by the County Manager. ~~The costs of the work shall be paid by the County.~~

Temporary Bus Route

54. The developer agrees to coordinate with ~~Arlington County~~ and WMATA for temporary bus route plans prior to the regrading of South Dinwiddie Street if such temporary bus routes are deemed necessary by the County and WMATA. The developer agrees to

submit plans and obtain approval of the plans from WMATA and Arlington County prior to the issuance of the first building Permit. The developer agrees to provide a copy of the approved plan to the Columbia Pike Revitalization Organization Executive Director, Columbia Heights West Civic Association President, Arlington Mill Steering Committee Chair, Park Glen Condominium Unit Owners Association President, Barcroft Civic Association President, Columbia Forest Civic Association President, Douglas Park Civic Association President, and to the Zoning Administrator. ~~The cost of any necessary work shall be paid by the County.~~

Plaza Improvements

55. The developer agrees to construct plaza improvements on the southeast portion of the site consistent with the intent of the master plan drawings dated July 14, 2010, September 3, 2010, and September 7, 2010 ~~May 9, 2008, May 12, 2008, and May 30, 2008~~, reviewed and approved by the County Board, and made part of the public record on September 25, 2010 ~~June 24, 2008~~ prior to the issuance of the first Partial Certificate of Occupancy for occupancy of the Community Center building constructed pursuant to this Use Permit Plan. The developer further agrees to incorporate the final details of the plaza design in the final approved Landscape Plan.

Public Use and Access Easements

56. ~~The developer agrees to grant permanent public use and access easements, in favor of the County and the public at large, for the purpose of providing nonexclusive public use and access, including but not limited to, the pedestrian passageway that extends from South Dinwiddie Street to Arlington Mill Drive, as shown on the drawings dated May 9, 2008 and May 12, 2008. The final location of the easements may change upon the review and approval by the County Manager or designee of the final building plans, the final site development plans, or the final landscape plans.~~

~~The developer agrees to dedicate to the County, prior to the First Partial Certificate of Occupancy for occupancy, certain public rights of way and other legal interests as follows:~~

~~The pedestrian passageway between S. Dinwiddie Street and Arlington Mill Drive shall be granted to the County as a public access easement for pedestrian use, 24 hours a day, seven days a week, year round. The deed of easement shall warrant that the developer shall construct and maintain the walkway, and the elevator and stairs at the eastern end of the walkway, and the elevator and stairs shall be included as part of this easement area. The developer agrees to be responsible for providing/maintaining lighting, maintain all other improvements in said easement area, and to be responsible for snow and trash removal.~~

~~The easements shall be granted by deed, in substance acceptable to the County Manager or designee, and in form acceptable to the County Attorney, and shall be recorded by the developer among the land records of Arlington County. The easements shall be submitted by the developer to the Department of Environmental Services for review and approval prior to the issuance of the Final Building Permit for the residential only~~

~~building and shall be recorded by the developer among the Land Records prior to the issuance of the final Certificate of Occupancy of the community center building. Final landscape design shall be approved by the County Manager as part of the final site development and landscape plan.~~

ADA Power Door Openers

56. In addition to the regulations and requirements established with ADA Federal law, the developer agrees to install an electric eye or a power door opener for a door leaf in the main ~~residential and~~ community center entrances (i.e., from G1 into the plaza, from the Plaza into the Plaza Level lobby, and from Dinwiddie into the Dinwiddie Level lobby). In addition, at the secure interior door, the developer agrees that a call box, if used, shall be mounted and measured at the lowest given height under the ADA with hands-free remote capability. ~~The entrance to the lobby of the residential elevators (if there is one) from the parking garage will have an automatic door opener.~~

Wall along proposed 9th Street South

57. The developer agrees to investigate and verify the structural integrity of the existing wall along the northern property line using a qualified professional, and to provide the results thereof to the Zoning Administrator, ~~and,~~ ~~s~~Should it be determined that the development as proposed under this Use Permit undermine the integrity of the existing wall, the developer agrees to design and construct a new wall in that location at its expense.

PREVIOUS COUNTY BOARD ACTIONS:

- May 1942 “C-1” zoning as shown in Zoning Map book
- August 1961 Designated “Neighborhood Shopping” on the General Land Use Plan.
- April 1975 Designated “Service Commercial” on the General Land Use Plan
- April 13, 1996 Ratified the offer to acquire property located at 4975 Columbia Pike
- June 4, 1996 Ratified the Agreement of Sale with Safeway, Inc. for the purchase of property located at 4975 Columbia Pike and reallocated funds for acquisition
- November 16, 1996 Found that the location, character and extent of a proposed community center which will provide school, recreation, and other community services at 4975 Columbia Pike, (formerly a Safeway grocery store) is substantially in accord with the Comprehensive Plan for Arlington County.
- Approved General Land Use Amendment GP-255-96-1 from “Service Commercial” (Personal and business services; and “Low-Medium” Residential (16 to 36 units per acre) to “Public” (Parks [local, regional and federal]); Schools [public]; Parkways, major unpaved rights-of-way; Libraries and cultural facilities) at 4975 Columbia Pike.
- Adopted an ordinance for a rezoning approval for a reclassification from zoning district “C-1” Local Commercial District, to zoning district “S-3A” Special District.
- Approved use permit (U-2897-96-1) for an adult education program (high school) and a by-right Department of Parks, Recreation and Community Resources facility, subject to conditions with a review in two (2) years, with the use permit expiring at the end of the 2001-2002 school year. (November 1998)

December 16, 1997	Approved use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in one (1) year. (December 1998)
November 14, 1998	Continued use permit (U-2897-96-1) for an adult education program (high school) with a review in four (4) years. (November 2002)
December 12, 1998	Continued use permit amendment (U-2897-96-1) to permit three (3) programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in three (3) years. (December 2002)
December 8, 2001	Continued use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in five (5) years. (December 2006)
July 20, 2002	Continued use permit (U-2897-96-1) for an adult education program (high school) with a review in three (3) years. (July 2005)
December 17, 2002	General Land Use Plan amended to include the "Columbia Pike Special Revitalization District".
February 25, 2003	Columbia Pike Form Based Code (Section 20 of the Zoning Ordinance) adopted
February 10, 2004	Columbia Pike Street Space Plan adopted and Form Based Code amendment to include new Required Building Lines
December 9, 2006	Continued use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in one (1) year. (December 2007)

December 15, 2007

Continued use permit amendment (U-2897-96-1) to permit three 3 programs for children: a preschool program for 15 children, an after-school program for 45 children and a cooperative parent play group subject to conditions and with a review in three (3) years, or until redevelopment of the site occurs. (December 2010)

General Land Use Plan amended to redraw the "Columbia Pike Special Revitalization District" boundary to include the northern portion of the County-owned Arlington Mill Community Center property

Columbia Pike Form Based Code amendment to redraw the Columbia Pike Revitalization District boundary to include the northern portion of the County-owned Arlington Mill Community Center property; and 2) Designate a portion of the Dinwiddie Street frontage that is 250' from the centerline of Columbia Pike to the north along the east side of South Dinwiddie Street and within the Revitalization District as an Avenue Site

January 29, 2008

Columbia Pike Form Based Code amendment to modify the distance between the Dinwiddie Street Required Building Lines from 91' to a dimension of 80' south of 9th Street and 65' north of 9th Street

Resolution to endorse Arlington Mill Community Center Concept Plan for development by Special Exception Use Permit under the Columbia Pike Form Based Code

Approval of affordable housing program and financial plan

Approval of an option to ground lease between the County Board and Public Private Alliances, LLC

April 19, 2008

Authorized advertisement of amendments to the Arlington County Comprehensive Plan - Master Transportation Plan Map - to add a new two-lane neighborhood-minor-street segment of 9th Street South between South Dinwiddie Street and South Arlington Mill Drive, and to delete a segment of

South Arlington Mill Drive from Columbia Pike to a point approximately 200 feet to the north. The public hearings by the Planning Commission and the County Board to consider the proposed amendments will be concurrent with the public hearings for the use permit for the Arlington Mill Community Center development

May 17, 2008

Authorized advertisement of public hearings by the Planning Commission on June 2, 2008, and the County Board on June 17, 2008, on the Special Exception Use Permit Form Based Code application for the proposed Arlington Mill Community Center

June 24, 2008

Approval of a use permit for a residential building with 159 units; a 6-story mixed-use building with approximately 40,000 square feet of community center uses including gymnasium, approximately 3,000 square feet of retail uses, and 33 residential units; an underground parking garage; and a public plaza at 4975 Columbia Pike

July 22, 2008

Approval of ground lease between Arlington County and Public Private Alliances, LLC for 4975 Columbia Pike

December 15, 2009

Authorized the County Manger to modify plans the plans for the approved Arlington Mill Community Center redevelopment project as needed to construct the public portion independently from the housing portion of the project with a target opening in the first quarter of 2013

Authorized the County Manger to pursue a development partner for the residential housing to be built on the northern portion of the site

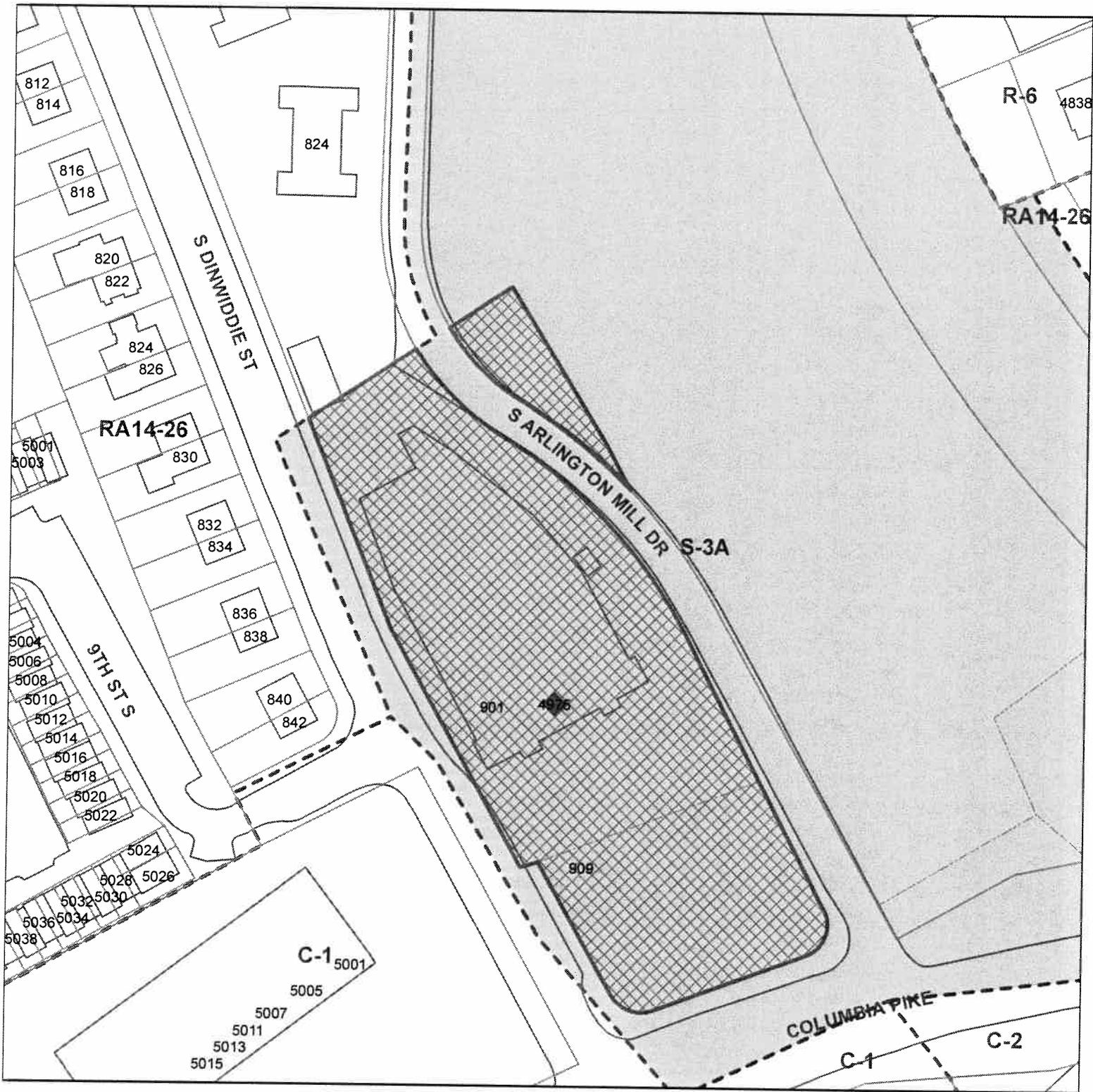
January 26, 2010

Authorization of sole source award to Davis Carter Scott Architects for design services for Phase I of the Arlington Mill Community Center

March 16, 2010

Approval of the ground lease termination between Arlington County and Public Private Alliances, LLC, dated July 22, 2008 for 4975 Columbia Pike





U-3199-08-2

4975 Columbia Pike

RPC: 22-001-004



 Case Location(s)

Scale: 1:1,200

Note: These maps are for property location assistance only. They may not represent the latest survey and other information.

