



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of January 22, 2011

SUPPLEMENTAL REPORT – REVISED CONDITIONS

DATE: January 20, 2011

SUBJECTS:

- B. Transfer of Development Rights from Mosaic Park (“Sending Site”) 76,212 square feet commercial GFA and 23 residential units, which units may be transferred on a unit for unit basis as residential or hotel use, or at a rate of 3,000 square feet commercial GFA per unit, to SP #413 – Founders Square (“Receiving Site”). The Sending Site is located on the block generally bounded by Wilson Blvd. to the north, N. Pollard St. to the east, 5th Road North to the south, and N. Quincy St. to the west - Wilson Boulevard, 5th Place North, 3929 5th Place North, 544 N. Pollard St., 548 N. Pollard St., and 538 N., Pollard St. (RPC: 14-060-016, -017, -019, -020, -037, -042, and -060). The Receiving Site is located on the 4000 Block Even of Wilson Blvd. between N. Quincy St. and N. Randolph St. (RPC: 14-060-036, -068, -069, and N. Randolph St. right of way).
- C. SP#413 Site Plan Amendment Ashton Park Associates c/o The Shooshan Company to increase north office building gross floor area and height, reallocate density between the north and south residential buildings, change the use of the south residential building to a hotel, and amend the Comprehensive Sign plan to add rooftop signs, located at the 4000 Block Even side of Wilson Blvd. between N. Quincy St. and N. Randolph St. (RPC: 14-060-036, -068, -069, -070, -073, -074, -077, N. Randolph Street right of way, and vacated portions of 5th Place North and 5th Road North). Modifications of Zoning Ordinance requirements include: density, height, parking, compact parking percentage, and other modifications as may be necessary to achieve the proposed development plan.

C. M. RECOMMENDATIONS:

1. Adopt the attached resolution to transfer 76,212 square feet of commercial GFA and 23 residential units, which units may be transferred on a unit for unit basis as residential or

County Manager:

BMD/GA

BMD/GA

County Attorney:

[Signature]

Staff: Samia Byrd, CPHD, Planning
Robert Gibson, DES, Transportation
Scott McPartlin, PRCR, Planning

25. B.-C.

hotel use, or at a rate of 3,000 square feet commercial GFA per unit, from Mosaic Park (“Sending Site”) to portions of Founders Square site plan-SP #413 (Receiving Site) owned by Ashton Park Associates III, LLC and Ashton Park Associates IV, LLC, by site plan amendment.

2. Adopt the attached ordinance to approve a site plan amendment to SP #413 including the approval of 108,192 additional square feet of commercial gross floor area in 5 stories on the north office building and 11 residential units on the north residential building based upon a Transfer of Development Rights; add approximately 5,628 square feet of bonus density for LEED Gold to the north office building; reallocate density from the south to the north residential building to provide for a total 256 residential units; change in use of the south residential building to a 183-unit hotel; amend the comprehensive sign plan to add two (2) rooftop signs; and modifications of Zoning Ordinance requirements for density; height; exclusion from density of below grade storage in the parking garage and mechanical shafts; reduced parking ratio for office and hotel parking; and compact parking ratio greater than 15% for office, residential and retail uses, subject to all previously approved conditions as amended and the addition of conditions #86, and 87 and 88.

DISCUSSION: This supplemental report provides corrections to data in the staff report dated January 14, 2011. In addition, this report provides revisions to Conditions #22, 51, 52, 82, 86, and 87. With the proposed revisions to the conditions as detailed below, references to condition numbers in the County Manager’s recommendation, Transfer of Development Rights Resolution and Site Plan Ordinance have also been revised as highlighted above and below.

Page 3: Delete the reference to Condition #88 at the end of the *Summary*. Due to the merging of Condition #82 with the previously proposed, new Condition #86, there are no longer 88, but rather 87 conditions for the site plan project.

Therefore, staff recommends the County Board adopt the attached resolution to transfer development rights from Mosaic Park to the Founders Square site plan – SP #413, and adopt the attached ordinance approving the subject site plan amendment, subject to all previously approved conditions as amended and the addition of conditions #86, and 87, and 88.

Page 7: Correct the proposed building height for the hotel building under the “Proposed Building Height” column.

	Approved Building Height			Proposed Building Height		
	Main Roof (Feet)	Penthouse Roof (Feet)	Stories	Main Roof (Feet)	Penthouse Roof (Feet)	Stories
Office South (DARPA)	154.94	172.94	13	154.94	172.94	13
Office North	187.84	205.84	15	248.94	268.94	20
Residential North	176.39	194.39	17	176.39	194.39	17
Residential South to Hotel	126.83	144.83	12	116.00 115.91	134.00 133.91	11

	Approved Building Height			Proposed Building Height		
	Main Roof (Feet)	Penthouse Roof (Feet)	Stories	Main Roof (Feet)	Penthouse Roof (Feet)	Stories
Retail	18.5	28.94	1	17.51	26.51	1

Page 13: Correct the amount of the increase in commercial FAR as a result of the proposal in the first sentence as follows:

With this additional commercial density, the commercial density approved in 2008 at 7.17 FAR including bonuses would increase by ~~1.46~~ 1.19 FAR to 8.36 FAR.

Page 20: Correct the bullet regarding the Modification of Use Regulation requested for a reduced parking ratio for the hotel building as follows:

Reduce the hotel parking ratio to ~~.57~~ .50, less than .70 spaces per unit which is typical for site plan projects.

Page 23: Correct the reference to the County Board under the Planning Commission recommendation as follows:

The ~~County Board~~ Planning Commission also voted 11 to zero (11-0) to unanimously recommend that the County Board adopt the Ordinance to approve the subject site plan amendment with the following recommendation:

Page 24: Delete the reference to Condition #88 in the *Conclusion* of the report as follows:

Therefore, staff recommends the County Board adopt the attached resolution to transfer development rights from Mosaic Park to the Founders Square site plan – SP #413, and adopt the attached ordinance approving the subject site plan amendment subject to all previously approved conditions as amended and the addition of conditions ~~#86, and 87, and 88~~ (which is not attached but will be provided with a supplemental report).

Page 26: Change Condition #2 of the *Transfer of Development Rights Resolution* which references Site Plan Condition #88, now identified as Condition #87 as follows:

2. Within 90 days of the January 22, 2011 County Board approval of the site plan amendment to Founders Square (SP #413) (April 22, 2011), the County and the developer of Founders Square – SP #413, Ashton Parks Associates III, LLC and Ashton Parks Associates IV, LLC, shall mutually agree upon the deeds necessary to transfer the by-right density from Mosaic Park to SP #413 ~~consistent~~ as shown on plans dated December 17, 2010 and as reviewed and approved by the County Board on January 22, 2011, certified at 76,212 square feet of commercial GFA and 23 residential units, which shall declare that this density is no longer available on Mosaic Park. The aforementioned deed shall be recorded at a time mutually agreed upon pursuant to Site Plan Condition ~~#88~~ 87.

Page 27: Correct the *Site Plan Amendment Approval Ordinance* to revise the dates and condition numbers referenced (attached):

Condition #22 (Page 46): Revises the proposed amended language of the County Board report dated, January 14, 2011 to clarify the extent and location of the subsurface structure-free Zone for utilities and streetscape consistent with the amended plans for the project.

Subsurface Structure-free Zone for Utilities and Streetscape

22. The developer agrees that in order to accommodate the subsurface requirements of utilities and streetscape elements (including street trees), the final design of the project shall provide a structure-free zone under the public sidewalk along all street frontages, as required in the *Standards for Planting and Preservation of Trees in Site Plan Projects*. This zone shall be a minimum of five (5) feet deep and shall extend from the back of the street curb approximately 16-feet into the ~~to the far edge of the~~ public sidewalk, except as specifically shown along North Randolph Street adjacent to the North Office Building, ~~on the plans dated June 4, 2010~~ June 16, 2008, and as shown along N. Randolph Street at the north and south end of the secure office building, ~~on plans dated November 5, 2010~~ December 17, 2010, and additionally excepting an area extending approximately two feet beyond the location of the planters located on the sidewalk along North Quincy Street, ~~in an approximate location between column lines 9 and 15 of the hotel building, along the entire length of the hotel garage, and excluding an area extending approximately two feet beyond the face of the north residential building towards the street between column lines 2 and 6 of the north residential building along the entire length of the north residential garage~~. No subterranean structures (such as parking garages) shall intrude into this five foot deep zone. Within the zone, underground utilities and utility vaults shall not be located in a manner that interferes with the appropriate spacing and replacement of street trees, consistent with the approved final site and development and landscape plan. Utility lines shall not be located beneath street trees. The location of all existing and proposed utility lines shall be shown on both the final landscape plan and the final site engineering plan.

Condition #51 (Page 58): This condition is revised to indicate under #51 A. 9. a. and b. that in lieu of SmarTrip cards, the contributions that shall be made by the developer to support capital and operation costs for the Capital BikeShare and Arlington County Commuter Services outreach efforts shall be for the Ballston Sector Plan area as opposed to the Ballston metro station area.

Transportation Management Plan

51. 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 for such plan before the issuance of the first Certificate of Occupancy for the building.

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

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

A. Program Participation and Funding

1. Maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, at no cost to the developer, on behalf of the property management company.
2. Designate a member(s) of building management as Property Transportation Coordinator (PTC) to be a primary point of contact with the County and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to Arlington County Commuter Services (ACCS) or successor entity. 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.
3. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, contribute \$8,218 per year for ~~each~~ the south office building for thirty (30) years, \$14,819 per year for north office building for thirty (30) years, \$8,218 per year for ~~each~~ the residential building for thirty (30) years, \$8,218 per year for the hotel building for thirty (30) years and \$500 per year for thirty (30) years for the retail building to the Arlington County Commuter Services (ACCS) or successor entity to sustain direct and indirect on-site and off-site services in support of TMP activities. Payment on this commitment will begin as a condition of issuance of the first Certificate of Occupancy for the first tenant in the first completed building. Subsequent payments will be made each year on the anniversary of the issuance of the first certificate of occupancy.
4. Promote the formation of Employer Transportation Benefit Programs with each tenant of the commercial building(s).
5. Except for and not including the secure office building, once ~~Onee~~, upon the issuance for ~~of~~ the initial tenant ~~partial~~ Certificate of Occupancy for tenant occupancy, for each initial tenant of each building, provide SmarTrip cards (or any subsequent form of a Metro fare media) plus \$70.00 Metro fare ~~media~~ per person, for free, to each of the office, hotel and retail tenants' employees. The fare cards shall be distributed no later than the employee's first day of work at the building and may be provided only one time for each employee.

6. Except for and not including the Secure office building, Provide SmarTrip cards (or any subsequent form of a Metro fare media) plus \$70.00 Metro fare media per person, for free, to each on-site employee of the property management company and/or building operator. The fare cards shall be distributed no later than the employee's first day of work at the building and may be provided only one time for each employee. Provide or administer a sustainable commute benefit program for these employees (the program shall include, at a minimum pre-tax employee contributions.)
7. Once, upon the first lease or initial sale of each residential unit located within the residential buildings, provide one (1) SmarTrip card (or any subsequent form of a Metro fare media) plus \$70.00 Metro fare media for free, one time, to each initial residential lessee or purchaser of each unit, distributed no later than the day of move in at the building.
8. Provide a one-time membership fee subsidy in a car sharing plan per residential unit. This subsidy shall be paid on proof of membership in a car share service by initial occupancy lessees or purchasers.
9. In lieu of providing SmarTrip cards (or any subsequent form of a Metro fare media) to secure office building employees, the developer agrees to contribute:
 - a. \$40,000 to Arlington County Department of Environmental Services prior to the issuance of the first Certificate of Occupancy for occupancy of the secure office building, to be used to support Capital Bikeshare capital and operation costs within the Ballston Sector Plan metro station area.
 - b. \$30,000 to Arlington County Department of Environmental Services prior to the issuance of the first Certificate of Occupancy for occupancy of the secure office building, to be used to support Arlington County Commuter Services outreach efforts on-site and within the Ballston metro station Sector Plan area.

B. Physical Facilities and Improvements.

1. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities, van access to the garage, showers and lockers, and construction worker parking. Bicycle clothing lockers will be a minimum size of 12" wide, 18" deep, and 36" high and shall be available for use on a 24 hour basis in office buildings.
2. During construction, maintain or coordinate relocation of existing bus stops at the developers cost. Bus stops and shelters within 50 feet 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 shall be maintained to bus stops. The developer agrees to comply with all other requirements of Site Plan conditions related to bus stops and shelters.

3. Upon request of the County Manager, up to eleven (11) spaces shall be set aside in the underground garage of the North Buildings ~~or the South Residential building~~ for car sharing services, if the demand exists, as determined by the County Manager for the additional spaces, and with six (6) month written notice given to the owner by Arlington County. Upon a determination by the County Manager that such spaces are needed, the spaces shall be provided by the owner to the car sharing service at no cost for six (6) months and then at a negotiated rate, no higher than market rate, thereafter. 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. Until requested, the spaces may be used for any other 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.

C. Coordinated Parking Management

1. Depict, as part of the parking management plan, an area parking plan encompassing all block faces around the site. This plan will include a schematic drawing regarding proposed locations for a taxi stand, an accessible paratransit pick-up/drop-off location, bus stops, loading zones for delivery vehicles, visitor bicycle rack locations, car sharing spaces, and on-street parking spaces. Additionally, this plan will note any restrictions as to times that various activities (such as deliveries and parking) are permitted in the respective spaces.
2. For the office buildings, provide reserved spaces for carpools and vanpools that are conveniently located with respect to the elevators serving the building.
3. For the office buildings, establish monthly parking rates for single occupant vehicles (SOV) consistent with comparable office buildings located in the Arlington County development corridors.
4. Provide registered vanpools with free parking for the office buildings only.
5. Oversee program to provide carpools with a parking subsidy for the office building only. Subsidies will be:
 - (a) Two-person car pool equal to one third the single-occupant vehicle monthly parking rate
 - (b) Three-person (or more carpool) equal to two thirds the single-occupant vehicle monthly parking rate

6. No on-street loading will be permitted between the hours of 7 and 9 AM and 4 to 6 PM.

D. Promotions, Services and Policies

1. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the developer and property manager’s websites regarding this development
2. Provide Transportation Information Center Displays, the number, content, design, and location of which shall be approved by ACCS / ATP, in each building to provide transportation related information and maintain a stock of information materials at all times.
3. Provide access to building or grounds, upon request, to allow ATP and Metropolitan Washington Council of Governments’ (MWCOG) Commuter Connections to promote group riding among tenants of the building.
4. Encourage new tenants and employers to inform all new employees of the existence of the nearby Ballston Metro station, and encourage all employees to use Metrorail, Metrobus, Arlington Transit, or other services through the following means:
 - (a) Distribute in a new-tenant package, materials provided by Arlington County including site-specific transit-related information and SmarTrip cards to all employees consistent with this TDM Sections A(1) through A(8). Packages will be distributed to each of the tenants’ employees no later than their first full day of work at the building.
 - (b) Distribute a new-resident package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each residential lessee, or purchasers. Packages will be distributed to tenants and / or owners no later than the day of move-in.
 - (c) Provide information to tenant office and retail managers for their use as part of recruiting and employment materials regarding available commute options and assistance services.
 - (d) Distribute transit services information and promotional materials provided by Arlington County, Four (4) times per year to persons employed at or visiting the site. Information regarding transit route, schedules, fares, etc. shall be distributed to all tenant and owner employees and shall be displayed in common work areas
 - (e) Participate in Ozone Action Days and other regionally sponsored clean air and traffic mitigation promotions by posting notice of such promotions in locations within the buildings.

5. Encourage each of the building tenants to offer variable/flexible work hours to their employees in order to spread peak period transportation demands.

E. Monitoring and Performance

1. 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.
2. Conduct a transportation performance monitoring study at two years, five years, and at the County's option, each subsequent five year period after issuance of first Certificate of Occupancy and provide a report summarizing findings report findings to the County. The County will 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.
3. During the first year of start up of the TMP and on an annual basis thereafter, the Applicant will submit an annual report to the County Manager describing completely and correctly the TDM related activities of the site.

Condition #52 (Page 63): Changes to Condition #52 have been made in response to the community's desire to have public access to parking within the hotel garage. This is reflected in the additional language highlighted in the revised condition below.

Residential Parking and Parking Management Plan

52. ~~The intent of this condition is to ensure that at least one parking space is available in perpetuity for parking use by each residential unit in the project. Accordingly, the developer agrees to offer the use, for rental units, and the purchase or use for condominium units, of at least one parking space for each dwelling unit.~~

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

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

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how guest and visitor parking for the residential and hotel building, and parking for retail tenants' employees and customers for retail located in the residential and hotel buildings, will be provided, where the parking will be located and how guests and visitors, and retail employees and customers, will be directed to the parking spaces. The developer further agrees to make a minimum of ~~10~~ 8 residential visitor parking spaces, and 20 retail tenant parking spaces, in total for all ~~Phases~~ phases, available within the residential and hotel garages. Four (4) retail ~~9~~ spaces will be delivered in Phase B2 ~~H~~, and ~~21-16~~ will be delivered in Phase C2 ~~III~~. The parking management plan shall be submitted to the Zoning Administrator, and reviewed and approved by the County Manager, prior to the issuance of the first Certificate of Occupancy for the ~~first~~ North residential building.

The developer further agrees to provide for public parking in the hotel garage, in parking spaces not required to meet the needs of the hotel. As part of the parking management plan, the developer shall outline how the number of such spaces will be determined, where these spaces will be located, how the spaces will be managed, and how the public will be directed to the spaces.

Condition #82 and Condition #86 (Pages 78 and 79): As approved in 2008, the Site Plan included a condition regarding the inclusion of elements of Universal Design in the project. One such element included the installation of code compliant interior manually opening doors. As this is consistent to the newly proposed Condition #86 of the County Manager's report dated January 14, 2011, staff proposes to consolidated these two conditions with revisions to the approved Condition #82 and the elimination of Condition #86 as follows:

82. **Universal Design**

The developer agrees to work toward making the project barrier free and to incorporate Universal Design Concepts into the plans, as shown on the plans dated July 11, 2008 and December 17, 2010, and reviewed and approved by the County Board and made a part of the public record on July 19, 2008 and January 22, 2011. The developer agrees to include the following specific Universal Design Concepts into the plans:

- Creating at-grade access to all first floor retail areas.
- Installing electric eye or power ~~interior manually~~ opening doors for the main pedestrian residential entrances to the residential building and the main entrance to the north office building that comply with ICC/ANSI A117.1-2003 code 404.2.8 and do not exceed 5.0 pounds of pull pressure. The entrances to the lobby of the residential elevators and the north office building elevators from the first level of the parking garage will have automatic door openers. These items shall be installed and

functional prior to issuance of any certificate of occupancy for tenancy of the residential building and the north office building.

- Installing at the secure interior doors of the residential building, call boxes, if used, mounted and measured at the lowest given height under the ADA with hands-free remote capability.
- Installing lobby desks that have a height no greater than 34 inches above grade and have an open design to allow unobstructed line of site between an individual behind the desk and a person in a wheelchair in front of the desk.

Notwithstanding any of the foregoing, if the Building Official determines that any of the aforementioned installations are prohibited by law, the developer shall not be required to perform that respective requirement of this Condition #82.

ADA Power Door Openers

86. ~~The developer agrees meet all regulations and requirements established with ADA Federal law and to install an electric eye or a power door opener for the main pedestrian residential entrances to the residential building and the main entrance to the north office building. In addition the developer agrees that, at the secure interior doors of the residential building, call boxes, if used, shall be mounted and measured at the lowest given height under the ADA with hands free remote capability. The entrances to the lobby of the residential elevators and the north office building elevators from the first level of the parking garage will have automatic door openers. These items shall be installed and functional prior to issuance of any certificate of occupancy for tenancy of the residential building and the north office building. If any of the aforementioned installations are prohibited by law, the developer shall not be required to perform the requirements of this Condition 86.~~

Condition #87 (Page 79): Condition #87 as provided in the County Manager's report of January 14, 2011 is now re-numbered to Condition #86. No changes have been made to the condition language.

Transferred Density from Mosaic Park to Founders Square

86. Additional density available from Mosaic Park certified in the amount of 76,212 square feet of commercial GFA and 23 residential units shall be transferred to SP #413 consistent with County Board approval of a Transfer of Development Rights on January 22, 2011.

The developer further agrees that there would be approximately 4,020 square feet of unused commercial gross floor area associated with the project after such transfer and that the use of any such unused by-right density transferred from Mosaic Park to the Founders Square site plan (SP #413), shall require a review by the Site Plan Review Committee and to County Board review and approval by a site plan amendment.

New Condition #87: As originally intended in July 2008, in exchange for the transfer of density from Mosaic Park to the Founders Square project, the developer will make a contribution to the

County for Phase I improvements to the park. During the site plan amendment review process, there were discussions between the developer and the County pertaining to an option that would have utilized the developer to construct the Phase I park improvements. Ultimately staff has determined and is recommending in a new Condition #87 below, that the Mosaic Park project go through the County's standard construction bidding process to ensure the lowest cost. As such, this process would entail the following:

- DPRCR will bid the construction contract for the park improvements after the developer has paid the County the first installment of \$2,183,720, which will occur prior to issuance of the Excavation, Sheeting and Shoring permit for the north office building.
- Within the next two (2) months, the Department of Parks, Recreation and Cultural Resources anticipates bringing a contract to the Board for architectural and engineering (A&E) design services for the final design of Mosaic Park.
- Any remaining funds not expended during the design, administration and construction of Mosaic Park Phase I will be set aside in a capital fund for future design and development of Mosaic Park Phase II. As the funds come in they will be placed in a capital reserve fund specifically for Mosaic Park.
- The County will continue to work with the Mosaic Park Planning Team throughout the process.

Following is the proposed Condition to address the contribution for construction of the Mosaic Park improvements.

Mosaic Park Improvements

87. The developer agrees to contribute \$6,551,160 for design, administration and improvements to Mosaic Park in exchange for the transfer of 76,212 square feet of commercial GFA and 23 residential units as set forth in Condition #86 and as approved by the County Board on January 22, 2011, which contribution shall be paid in three (3) installments, as follows:

The developer will pay the County one-third (1/3) of the total amount, or \$2,183,720, prior to issuance of the Excavation, Sheeting and Shoring permit for the north office building, and one-third (1/3) or \$2,183,720 prior to issuance of the Final Building Permit for the north office building, and the final payment of one-third (1/3), or \$2,183,720 prior to the issuance of the first Certificate of Occupancy for Tenant Occupancy of the north office building.

The developer further agrees that the County may use any part of the contribution that is not used for the construction of the park for such other purposes as the County deems appropriate.

Site Plan Amendment Approval Ordinance

WHEREAS, an application for a Site Plan Amendment dated July 26, 2010 for Site Plan #413, was filed with the Office of the Zoning Administrator: and

WHEREAS, the Planning Commission held a duly advertised public hearing on that Site Plan Amendment on January 10, 2011 and recommended that the County Board approve it, subject to all previous conditions and new conditions 86 ~~and 87 through 88~~ (which will be provided in a supplemental report) and ~~has provided in~~ a letter dated ~~January 18, 2011~~ January 12, 2011; and

WHEREAS, as indicated in Staff Report[s] dated January 14, 2011 and January 19, 2011 ~~and~~ through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan Amendment subject to numerous conditions as set forth in the Staff Reports; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on January 22, 2011 and finds, based on thorough consideration of the public testimony and all materials presented to it and/or on file in the Office of the Zoning Administrator, that the improvements and/or development proposed by the Site Plan as amended:

- Substantially complies with the character of master plans, officially approved neighborhood or area development plans, and with the uses permitted and use regulations of the district as set forth in the Zoning Ordinance and modified as follows:
 - Increased Density;
 - Increased Height;
 - Reduced Parking Ratios for office/commercial and hotel uses;
 - Increase percentage for compact parking ratios for office, retail and residential parking spaces
 - Exclusions from density of GFA associated with below grade storage in the parking garage and mechanical shafts;
 - Signs above 35 feet; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated July 26, 2010 for Site Plan # 413, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment to use density moved by TDR from Mosaic Park to SP #413, to increase density and the building height of the north office building, to reallocate density and to increase the number of units in the north residential building, and to change the

use of the south residential building to a hotel, for the parcel of real property known as RPC: 14-060-036, -068, -069, -070, -073, -074, -077, N. Randolph Street right of way, and vacated portions of 5th Place North and 5th Road North located at the 4000 Block Even of Wilson Blvd. between N. Quincy St. and N. Randolph St. approval is granted and the parcel so described shall be used according to the Revised Site Plan Application, subject to the following conditions: