



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of January 21, 2012**

DATE: January 19, 2012

- SUBJECTS:**
- B. Certification of Transferrable Development Rights to be considered for transfer from 2825 Wilson Boulevard (“Sending Site”) to SP #418 – Penzance Clarendon Assemblage, LLC (“Receiving Site”), as described below, for the purpose of historic preservation. The Sending Site is approximately 40,656 square feet located on the block generally bounded by Franklin Road to the north, North Edgewood Street to the east, Wilson Boulevard to the south, and North Fillmore Street to the west. Proposed density to be certified is 69,464 square feet of commercial GFA (RPC# 15-065-001, 15-065-011, 15-065-012, 15-065-013, 15-065-016, 15-065-017).

 - C. Certification of Transferrable Development Rights to be considered for transfer from 2901 Wilson Boulevard (“Sending Site”) to SP #418 – Penzance Clarendon Assemblage, LLC (“Receiving Site”), as described below, for the purpose of historic preservation. The Sending Site is approximately 15,390 square feet located on the block generally bounded by Franklin Road to the north, North Fillmore Street to the east, Wilson Boulevard to the south, and North Garfield Street to the west. Proposed density to be certified is 74,747 square feet of commercial GFA (RPC# 15-066-019).

 - D. Transfer of Development Rights from 2825 Wilson Boulevard (“Sending Site”), consisting of 69,464 square feet of commercial GFA, to SP #418 – Penzance Clarendon Assemblage, LLC (“Receiving Site”) by site plan under Section 36.H.5.b of the Zoning Ordinance. The Sending Site is approximately 40,656 square feet located on the block generally bounded by Franklin Road to the north, North Edgewood Street to the east, Wilson Boulevard to the south, and North Fillmore Street to the west (RPC# 15-065-001, 15-065-011, 15-065-012, 15-065-013, 15-065-016, 15-065-017).

County Manager:

BMD/GA

County Attorney:

CWK

GA

Staff: Aaron Shriber, DCPHD, Planning
Melanie Jesick, DES, Transportation
Rebecca Ballo, DCPHD, Neighborhood Services

41. B., C., D., E., F.

The Receiving Site is approximately 49,295 square feet located on the block generally bounded by 11th Street North to the north, North Garfield Street to the east, Washington Boulevard to the south, and North Highland Street (RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010), and North Garfield Street right of way.

- E. Transfer of Development Rights from 2901 Wilson Boulevard (“Sending Site”), consisting of 74,747 square feet of commercial GFA, to SP #418 – Penzance Clarendon Assemblage, LLC (“Receiving Site”) by site plan under Section 36.H.5.b of the Zoning Ordinance. The Sending Site is approximately 15,390 square feet located on the block generally bounded by Franklin Road to the north, North Fillmore Street to the east, Wilson Boulevard to the south, and North Garfield Street to the west (RPC# 15-066-019). The Receiving Site is approximately 49,295 square feet located on the block generally bounded by 11th Street North to the north, North Garfield Street to the east, Washington Boulevard to the south, and North Highland Street (RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010), and North Garfield Street right of way.
- F. SP# 418 SITE PLAN: Penzance Clarendon Assemblage, LLC, for the construction of a 306,492 square foot commercial building with 284,012 square feet of office space and 22,479 square feet of ground floor retail in the C-3 zoning district under Sections 27.D.2 and 36.H. The proposed density is 6.22 FAR. Modifications of zoning ordinance requirements include: parking ratio, bonus density for LEED silver certification and other modifications as necessary to achieve the proposed development plan (RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010).

APPLICANT:

Penzance Clarendon Assemblage, LLC
2400 N Street NW, Suite 600
Washington, D.C. 20037

BY:

Jonathan C. Kinney
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2300 Wilson Boulevard, 7th Floor
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C. M. RECOMMENDATIONS:

- B. Approve the attached resolution certifying 69,464 square feet of commercial GFA, as transferable development rights from 2825 Wilson Boulevard (“Sending Site”) for the purpose of historic preservation.
- C. Approve the attached resolution certifying 74,747 square feet of commercial GFA, as transferable development rights from 2901 Wilson Boulevard (Sending Site”) for the purpose of historic preservation.
- D. Approve the attached resolution transferring 69,464 square feet of commercial GFA from 2825 Wilson Boulevard (“Sending Site”) to SP #418 (“Receiving Site”).
- E. Approve the attached resolution transferring 74,747 square feet of commercial GFA from 2901 Wilson Boulevard (“Sending Site”) to SP #418 (“Receiving Site”).
- F. Adopt the attached ordinance to approve a site plan for the construction of a 306,492 square foot commercial building with 284,012 square feet of office space and 22,479 square feet of ground floor retail with modifications of zoning ordinance regulations for parking ratio, bonus density for LEED and other modifications as necessary to achieve the proposed development plan, subject to the conditions of the ordinance.

ISSUES: This is a special exception site plan request for two office buildings consisting of 284,012 square feet of office space and 22,479 square feet of ground floor retail use. To support the density proposed by the subject site plan, the applicant requests certification of the transfer of development rights (TDR) from two sites in Clarendon (Walgreens/Kenyon Peck and Boulevard Woodgrill/Faccia Luna) to the subject site. Issues have been raised during the public review process of this site plan related to the TDR proposal, sidewalk improvements on and off-site, the parking modification request, and building design. At its December 10, 2011 meeting, the County Board acted to defer hearing these items until their January 21, 2012 meeting.

SUMMARY: The applicant seeks approval to redevelop the block bounded by 11th Street North, North Garfield Street, Washington Boulevard and North Highland Street in a manner consistent with the *Clarendon Sector Plan*. The site contains an historic building (the former McQuinn’s Sporting Goods Store and an ABC liquor store) that is identified for building frontage preservation by the *Clarendon Sector Plan*, which will be accommodated with this site plan. In addition, the applicant proposes to transfer development rights (TDR) from two sites located within the Clarendon Metro station area that are identified for full building preservation by the *Clarendon Sector Plan*. The density for those two sites will be transferred to the subject site, which is identified by the *Clarendon Sector Plan* as a TDR receiving site, thereby permitting additional height and density above the General Land Use Plan (GLUP) baseline recommendation for the site. Further, the applicant requests approval of the vacation of 2,572 square feet of an existing public street and utility easement located on the west side of North Garfield Street and the vacation of 61 square feet of a public street and utility easement located on the north side of Washington Boulevard, as well as an encroachment of 896 square feet on the

west side of North Garfield Street for the purpose of supporting a proposed underground electric vault (these requested vacations and encroachments are addressed in a separate report, though they are necessary to support the redevelopment of the site as proposed by the applicant with this site plan).

The applicant's proposal to consolidate the properties that comprise this strategic block and redevelop the site with two office buildings containing ground floor retail use is in conformance with the recommendations of the *Clarendon Sector Plan*. The introduction of new office space will greatly benefit Clarendon's retail and restaurant community and provide balance to the significant amount of residential uses in Clarendon. Additionally, the preservation of two historically significant buildings and the preservation of the frontage of another historic building located on the subject property fulfill a major objective of the *Clarendon Sector Plan* (historic preservation of older commercial structures with an emphasis on corner lot buildings). Community concerns have been raised regarding the applicant's requested modification of the office parking ratio. Staff has analyzed the proposed parking ratio and finds that the resulting amount of parking is sufficient to support this level of development and that, in conjunction with the TDM program and other mitigation measures to offset the impact of reduced parking at the site, the proposed parking would not pose an undue adverse impact on the community. As the site currently provides no shared parking, the applicant has agreed to make three of the four levels of the parking garage available to the public for use during weeknights and on weekends; the proposed quantity of shared parking is an amount greater than anticipated for the site by the *Clarendon Sector Plan*. Therefore, and in consideration of the significant community benefits and fulfillment of the goals of the *Clarendon Sector Plan* proposed by this site plan, staff recommends that the County Board adopt the attached resolutions (subject items B through F) certifying the transfer of development rights from two historically significant properties within the Clarendon Metro station area and the attached ordinance to approve the subject site plan, subject to the conditions of this ordinance.

BACKGROUND: A site plan is requested by the Penzance Company (hereafter referred to as the "applicant") to redevelop a consolidation of parcels comprising a full block in Clarendon in accordance with the recommendations of the *Clarendon Sector Plan*. As proposed, the 1.13-acre site will be redeveloped with two buildings constructed on a common underground parking garage and consisting of 284,012 square feet of office use and 22,479 square feet of ground-floor retail space. In addition, the applicant requests approval to transfer density from two nearby sites, as well as to use the frontage preservation of another building for the purpose of permitting additional height and density on the site as permitted by the *Clarendon Sector Plan* and the provisions of the C-3 zoning district.

The following provides additional information about the site and location:

Site: The 1.13-acre (49,295 square feet) subject site, inclusive of the requested public easement vacations (2,633 square feet), is located on the block bounded by 11th Street North on the north, North Garfield Street on the east, Washington Boulevard on the south, and North Highland Street on the west. The site is surrounded by the following land uses:

To the north: 11th Street North and the Clarendon Center development (SP #397). The property is designated “High” Office-Apartment-Hotel on the General Land Use Plan (GLUP) and within the “Clarendon Revitalization District” (GLUP Note 12). The site is zoned “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts.

To the east: North Garfield Street and the Clarendon 1021 condominium building (by-right development). The property is designated Medium Density Mixed-Use on the GLUP and within the “Clarendon Revitalization District” (GLUP Note 12). The site is zoned “C-R” Commercial Development Districts.

To the south: Washington Boulevard and the Reserve at Clarendon Centre apartment building (SP #343). The property is designated Medium Density Mixed-Use on the GLUP and is within the “Clarendon Revitalization District” (GLUP Note 12). The site is zoned “C-R” Commercial Development Districts.

To the west: North Highland Street and the Olmstead office building (SP #194). The property is designated “High” Office-Apartment-Hotel on the GLUP and is within the “Clarendon Revitalization District” (GLUP Note 12). The site is zoned “C-O” Commercial Office Building, Hotel and Multiple-Family Dwelling Districts.

Zoning: “C-3” General Commercial Districts.

General Land Use Plan Designation: Medium Density Mixed Use (3.0 FAR); “Clarendon Revitalization District” (GLUP Note 12).

Neighborhood: The site is located within the Clarendon-Courthouse Civic Association.



Existing Development: The site is currently developed with a financial institution (BB&T), restaurant (11th Street Lounge), fitness establishment (Potomac Crossfit), monument shop (TA Sullivan & Son), and two automobile oriented establishments (Atlantic Motors and a vacant facility). The building that is currently occupied by 11th Street Lounge and Potomac Crossfit is the former McQuinn’s Sporting Goods Store and an ABC liquor store, which is listed as a “Notable” property on the County’s Historic Resources Inventory (HRI) and is identified for building frontage preservation in the *Clarendon Sector Plan*.

Development Potential:

Site Area:	DENSITY ALLOWED/TYPICAL USE	MAXIMUM DEVELOPMENT
“C-3” By-Right	One-Family Dwellings: 6,000 sf/lot; Multi-Family Dwellings: 7,500 sf/lot; Hotel: 600 sf/unit; or Commercial: unlimited subject to form based provisions	8 One-Family Dwellings; 6 Multi-Family Dwellings; 82 Hotel Units; or 73,942 sf
“C-3” Site Plan	Residential, Commercial, Hotel, or Mixed Use: 3.0 FAR (min. 60% commercial)	147,885 sf ¹

¹ Additional density per the *Clarendon Sector Plan* may be permitted in exchange for extraordinary community benefits.

Proposed Development: The following table sets forth the preliminary statistical summary for the proposed site plan:

	Proposed
Site Area	1.13 acres (49,295 sf)
Density ¹	6.22 FAR
Commercial (Office/Retail) ²	306,492.33 sf
Office GFA	284,012.66 sf
Retail GFA	22,479.67 sf
“C-3” Max. Permitted Commercial	3.0 FAR
Height ³	151 ft (north building) 113.6 ft (south building)
Main Roof	128 ft (north building)

	102.2 ft (south building)
Penthouse Height	23 ft (north building) 11.6 ft (south building)
Stories	10 (north building) 8 (south building)
“C-3” Max. Permitted Height - Office	110 ft
Average Site Elevation	262.15 ft
Parking⁴	395 spaces
Office	364 spaces
Standard Spaces	316
Compact Spaces	37
Tandem Spaces	48
Handicap Spaces	9
Handicap Van Spaces	2
Parking Ratio	1 sp/780 sf
Parking Ratio with Tandem Spaces	1 sp/690 sf
Min. Office Required Parking Ratio	1 sp/580 sf
Min. Office Required Parking Spaces	490
Retail⁵	31 spaces
Standard Spaces	28
Compact Spaces	3
Tandem Spaces	--
Handicap Spaces	--
Handicap Van Spaces	--
Parking Ratio	1 sp/564 sf
Min. Retail Required Parking Ratio	1 sp/580 sf
Min. Retail Required Parking Spaces	31
LEED Score	Silver
Coverage	38,768 sq (78%)

¹ Per the *Clarendon Sector Plan*, additional density greater than 3.0 FAR may be permitted in exchange for extraordinary community benefits.

² Does not include approximately 2,252 square feet of fitness and locker room facilities located on the B-1 level of the parking garage.

³ Per the *Clarendon Sector Plan*, additional height up to 128 feet (exclusive of penthouse) may be permitted in exchange for extraordinary community benefits.

⁴ Tandem parking spaces are not included in the parking ratio calculation.

⁵ Per Section 33 of the Zoning Ordinance, the first 5,000 square feet of retail space located within 1,000 feet from a Metro station may be exempted from parking requirements.

Density and Uses: The subject site is zoned “C-3;” the GLUP designates the site as “Medium Density Mixed Use” and within the “Clarendon Revitalization Area.” Special Exception site plans are permitted in the “C-3” zoning district to permit the redevelopment of properties in accordance with the recommendations of the *Clarendon Sector Plan*. In conformance with the recommendations of the *Clarendon Sector Plan*, and as permitted in the “C-3” zoning district,

the subject site may exceed a density of 3.0 FAR and a maximum height of 110 feet in exchange for extraordinary community benefits. The *Clarendon Sector Plan* does not prescribe a maximum density for the subject site, but it does limit the maximum height to 128 feet (exclusive of any penthouse), which in effect limits the maximum density that can be provided on the site. As proposed by the applicant with this site plan, the 1.13-acre subject site will be redeveloped with two buildings consisting of 284,012 square feet of office space and 22,479 square feet of ground floor retail use located on top of a shared four level underground parking garage. The resulting density of the proposal is 6.22 FAR, which exceeds the 3.0 FAR baseline density of the “C-3” zoning district. To permit this density, the applicant proposes to obtain density through the utilization of TDRs from two sites located within the Clarendon Metro station area that are identified by the *Clarendon Sector Plan* as TDR sending sites (Walgreens/Kenyon Peck and Boulevard Woodgrill/Faccia Luna), the frontage preservation of the historic building located on the site, and by achieving LEED Silver certification. The applicant’s density proposal is described below:

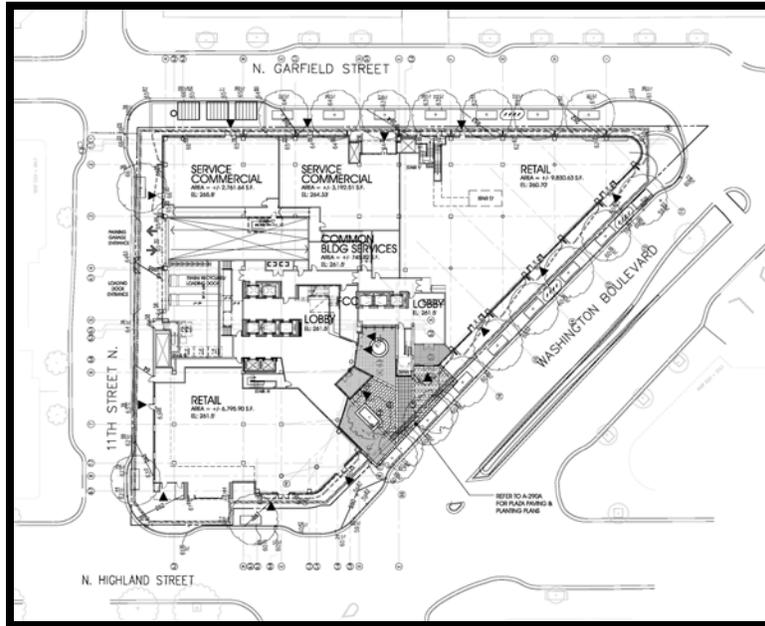
Site Area	49,295 square feet
Proposed Density	306,492 square feet (6.22 FAR)
C-3 Maximum Density	147,885 square feet (3.0 FAR)
TDR ¹	
Walgreens/Kenyon Peck	69,464 square feet
Boulevard Woodgrill/Faccia Luna	74,747 square feet
Historic Building Frontage Preservation ²	13,647 square feet
LEED Silver Certification	7,394 square feet
Excess Density	6,645 square feet

¹ Per the *Clarendon Sector Plan* and Section 36 of the Zoning Ordinance, the TDR density bonus for full building preservation is calculated on the basis of 500% for the first 10,000 square feet of historic building area preserved and 300% for any remaining square footage preserved.

² Per the *Clarendon Sector Plan*, building frontage preservation density bonus is calculated at the rate of 500% for the amount of square footage preserved.

The density and uses proposed with this site plan are consistent with the Zoning Ordinance and are in conformance with the GLUP and the *Clarendon Sector Plan*. As stated in the table above, the proposal results in excess available density that will not be utilized, as the site cannot accommodate additional density without violating the maximum height or step-back recommendations of the *Clarendon Sector Plan*.

Site and Design: This site plan proposes to redevelop the subject site with two office buildings with ground floor retail that will be constructed on top of a common four level underground parking garage. Per the recommendations of the *Clarendon Sector Plan*, the frontage of the historic building located on the site will be preserved and incorporated into the northwest portion of the north office building. Access to the underground parking garage and the loading dock will be provided from the south side of 11th Street North, opposite the loading facility for the Clarendon Center South building. Pedestrian accesses to the retail spaces and for emergency purposes are located around the building; the lobbies for each building are located adjacent to a plaza on the east side of Washington Boulevard near its intersection with North Highland Street.



As proposed, each of the buildings will have a different sized floor plate and amenities for the purpose of catering towards different types of office tenants. The north building will be ten (10) stories tall and is designed to accommodate traditional Class A office tenants, while the south building will be eight (8) stories tall and is designed for smaller office condominium types of tenants. Each building will have its own lobby entrance, though they will share the underground parking garage. Because of the limited size of the site, the parking garage will be constructed in one phase, regardless of whether the buildings are constructed in a single phase or separately.

The north office building is proposed with an orientation parallel to 11th Street North and will consist of 197,984 square feet of office space with 11,479 square feet of ground-floor retail space. Per the recommendations of the *Clarendon Sector Plan*, the frontage of the historic building located on the subject site (the former McQuinn’s Sporting Goods store and ABC liquor store) will be preserved and incorporated into the ground floor of this building. The preservation of this historic building’s frontage includes the retention and restoration of materials including the stone base, plate glass display windows, and glass block column walls (where possible). Retail uses will occupy the majority of the ground floor, thus the applicant has proposed the introduction of additional windows along 11th Street North of a size and material characteristic of the existing window on the north side of this building. These new windows on the historic building’s north façade will accommodate a greater range of potential retail uses for this space and will create a more activated building wall along 11th Street North. The office building’s exterior has been designed with a treatment that is differentiated by the portions above the frontage preservation area that will consist of clear vision glass windows with tinted vision glass headers separated by precast architectural panels between levels. This treatment is characteristic of the materials utilized in the construction of the historic building on-site, as well as the materials and form (including the building curvature along 11th Street North) that is reflective of the Leadership Building located on the north side of 11th Street North. The remainder of the

building will incorporate clear vision glass windows with tinted vision glass headers and footers with each level defined by a horizontal band of metal panels. The building will have a slight cantilever (less than two feet) in the building's northeast corner along North Garfield Street. A two story element along North Highland Street attempts to provide a transition between the frontage preservation area and the new portions of both buildings. Rooftop mechanical equipment will be concealed by a penthouse articulated with metal panels and tinted vision glass. Green roof elements will be provided on portions of the second, third, and roof levels.



The south office building will consist of 86,027 square feet of office space and 10,999 square feet of ground-floor retail use. The form of the south building is reflective of the triangular shape of the site that forms a sharp point at the intersection between Washington Boulevard and North Garfield Street. The building will be eight (8) stories tall with step-backs above the fourth and seventh floors with differing architectural treatment for each portion of the building. The first four floors will have a ground floor retail base with upper floors defined by clear vision glass windows and tinted vision glass headers; levels will be separated by precast concrete bands with brick infill. The fifth through seventh floors will have clear vision glass windows with tinted vision glass headers and footers; each level will be separated by precast concrete panels. The eighth floor will contain clear vision glass windows with a metal panel roof. Rooftop mechanical equipment will be screened by a penthouse treated with metal panels. Green roof elements will be provided on the fifth, eighth and roof levels.



The majority of the ground floor of both buildings will be devoted to retail or service commercial uses. To define entrances to these commercial spaces, metal canopies are proposed that will extend up to six feet from the face of the building. Vertical metal banners are proposed between the canopies to provide an additional architectural detail and potential signage opportunities for the building's future tenants.



The site's streetscape will consist of street trees, street furniture and bicycle racks, as well as a plaza area along Washington Boulevard that will accent the entrance areas to each building's lobby. Sidewalks are proposed as follows: a minimum of eighteen (18) feet with a minimum

clear zone sidewalk width of twelve (12) feet along Washington Boulevard; a minimum of eighteen (18) feet that will narrow to a minimum of fifteen (15) feet adjacent to the building frontage preservation area with a minimum clear zone sidewalk of twelve (12) feet along North Highland Street; a minimum of fourteen (14) feet that narrows to a minimum of ten-and-a-half (10.5) feet adjacent to the building frontage preservation area with a minimum clear zone sidewalk of eight (8) feet along 11th Street North; and a minimum of fourteen (14) feet with a minimum clear zone sidewalk width of eight (8) feet along North Garfield Street. The proposed sidewalks are consistent with the recommendations of the *Clarendon Sector Plan*, which expressly permits modifications to sidewalks adjacent to building frontage preservation areas.

LEED: The developer proposes that both buildings will achieve Silver certification through the US Green Building Council’s LEED program.

Transportation: The Master Transportation Plan (MTP) classifies Washington Boulevard as a Type B – Primarily Urban Mixed-Use Arterial. North Highland Street at this location is classified as a Type A – Primarily Retail Oriented Mixed-Use Arterial. Both 11th Street North and North Garfield Street are Urban Center Local Non-Arterials. Following is additional detail on the street typology as indicated in the MTP:

Street Name	Classification	Travel Lanes	Bike Accommodations	Restrict/Limit Driveway Access	On-street Parking Priority	Pedestrian Way
Washington Blvd.	Arterial	2 + turning (one-way) 4 + Turning (two-way)	Bike lane/shared lane	Yes	High	6-12 ft. sidewalk. 6 ft. furniture zone or tree pits.
N. Highland St.	Arterial	2 – 4 + turning	Bike lane/shared lane	Yes	High	10 – 16 ft. sidewalk. 6 ft. furniture zone or tree pits
11 th St. North	Non-Arterial	2	Bike lane/shared lane	No	High	6 – 8 ft. sidewalk 4-6 ft. Green Strip
N. Garfield St.	Non-Arterial	2	Bike lane/shared lane	No	High	6 – 8 ft. sidewalk 4-6 ft. Green Strip

Transportation Analysis: Trip Generation: A revised Traffic Impact Analysis (TIA) was submitted by the applicant, prepared by Wells and Associates, and dated June 17, 2011 and updated on October 25, 2011. The analysis assessed the impact of the development on the adjacent street network. The analysis concludes that approximately 370 AM peak hour vehicle trips and 378 PM peak hour trips will be generated from the proposed development. All intersections would continue to operate at acceptable overall levels of service. However, specific movements would continue to operate near or at capacity. The analysis also states that in the

future, delays would increase at the study intersections with or without the development. The County's recent installation of a traffic signal at the intersection of Washington Boulevard and North Garfield Street is expected to improve operations at that intersection.

Streets: Following is an overview of the current street conditions surrounding the subject site. Washington Boulevard is a four (4) lane, median-divided roadway that runs from 1-395 to East Falls Church. There are currently two (2) lanes on Washington Boulevard, as well as on-street parking on each side of the street. North Highland Street is a four (4) lane roadway with on-street parking. 11th Street North and North Garfield Street each have two (2) lanes with on-street parking on the project side.

Sidewalks and Pedestrian Circulation: Sidewalks and full streetscape would be provided around the entire site with the proposed development. The County has implemented pedestrian improvements at the intersection of Washington Boulevard and North Garfield Street, which include new nubs, crosswalks, a pedestrian refuge in the median on Washington Boulevard, and a traffic signal, which has been installed and is operational.

Parking, Loading, and Transit: Access to parking and loading for the proposed project would be from 11th Street North, across from the existing loading dock for the Clarendon Center South building.

The proposed parking would be provided by an underground parking structure which will accommodate 395 total direct-access parking spaces and 48 tandem parking spaces. The applicant's proposed parking ratio for the office space is approximately 1 space/780 square feet for direct access spaces (1 space/690 square feet with the inclusion of tandem spaces) and 1 space/563 square feet for the retail space. The TDM section below outlines staff's analysis for the lower parking ratio.

The site is located two (2) blocks south of the Clarendon Metro Station. Accessibility to bus transit includes the ART Bus routes 41 (Columbia Pike – Ballston – Courthouse via Clarendon Boulevard), 42 (Ballston – Pentagon), and 77 (Shirlington – Lyon Park – Courthouse). There is a northbound ART bus stop across from the site at the corner of 11th Street North and North Garfield Street. Metrobus Route 38B (Ballston – Farragut Square) also runs in the vicinity of the site, down Clarendon Boulevard.

DISCUSSION

Approved Policies and Plans: The *Clarendon Sector Plan* was adopted by the County Board in December 2006. This plan provides guidance for the redevelopment of properties within the Clarendon Metro Station Area, as well as guidance regarding the preservation of historic buildings within this area. Subsequent to the adoption of the *Clarendon Sector Plan*, the "C-3" zoning district was amended to allow properties located within the GLUP designated "Clarendon Revitalization District" to redevelop in a manner consistent with the guidance provided in the *Clarendon Sector Plan*. The subject site is identified as Block 33 in the *Clarendon Sector Plan*. Specific recommendations for redevelopment of the site include the following:

3001 Washington Boulevard (Penzance) Site Plan #418
Certification & Transfer of Development Rights
PLA-6081

- *Density*—Up to 3.0 FAR, though additional density may be permitted in exchange for extraordinary community benefits.
- *Use Mix*—Residential, commercial, hotel, or mixed use—prime office with a minimum of 60% commercial.
- *TDR Receiving Sites*—Additional density and height may be permitted in exchange for extraordinary community benefits.
- *Building Height*—Up to 110 feet or seven (7) floors, though up to 128 feet may be permitted in exchange for extraordinary community benefits.
- *Historic Preservation*—Building frontage preservation is recommended for the former McQuinn’s Sporting Goods Store and an ABC liquor store (1039-1041 North Highland Street). Full building preservation, through means of an easement, is recommended for Walgreens/Kenyon Peck (2825 Wilson Boulevard) and for the Boulevard Woodgrill/Faccia Luna (2901 Wilson Boulevard).
- *Step-Backs*—Twenty (20) foot step-backs along Washington Boulevard and a portion of North Highland Street above the third, fourth or fifth floors. In addition, a twenty (20) foot step-back is recommended above any portion of a building’s frontage to be preserved.
- *Retail Frontage*—Retail frontage along Washington Boulevard, North Highland Street and a portion of 11th Street North. Retail, and/or personal/business service frontage along North Garfield Street and the majority of 11th Street North.
- *Build-To Line*—Parking and loading areas should be accessed from North Garfield Street.
- *Streetscapes*—Eighteen (18) feet with a twelve (12) foot clear walkway zone sidewalk along Washington Boulevard and North Highland Street. Fourteen (14) feet with an eight (8) foot wide clear walkway zone sidewalk along 11th Street North and North Garfield Street. Streetscape widths may be modified for purposes of accommodating building frontage preservation.
- *Parking*—Provided in accordance with the Zoning Ordinance in an amount to meet the needs of the proposed land uses. In addition, seventy (70) percent of the office parking should be made available to the public during evenings and weekends.

The applicant’s proposal to construct two office buildings with ground-floor retail while preserving the frontage of the historic building located on-site and achieving the preservation of two other historic buildings within the Clarendon Metro station area accomplishes many objectives of the *Clarendon Sector Plan*. This proposal will transform a full block containing

multiple commercial establishments into a commercial development containing a ten-story and an eight-story office building with ground floor retail uses. An extensive streetscape system is proposed that will facilitate the safe passage of pedestrian movements from areas south of Washington Boulevard to the Clarendon Metro station. Though the site design is generally consistent with the recommendations of the *Clarendon Sector Plan*, modifications are proposed including a reduced office parking ratio (from 1 space/580 square feet to 1 space/780 square feet), an increase in the height of the penthouse structure on the ten-story north office building (from 18 feet to 23 feet), the location of the garage and loading access on 11th Street North rather than on North Garfield Street, and a reduced step-back for the area of the north office building above the preserved building frontage (from 20 feet to 10 feet). Each of these modifications is permitted by the “C-3” provisions of the Zoning Ordinance and was discussed throughout the public review process with the Site Plan Review Committee (SPRC) and the Historical Affairs and Landmark Review Board (HALRB). Staff has evaluated each of these modifications and finds that they are appropriate and would not have an undue adverse impact on the neighborhood or result in a development that does not meet the intent of the *Clarendon Sector Plan’s* guidance for the site.

Garage and Loading Access: The *Clarendon Sector Plan* recommends that the garage and loading entrances be located on North Garfield Street. The applicant has proposed these to be located on 11th Street North across from the loading entrance for the Clarendon Center South building (Lyon Place apartment building). Many elements of the *Clarendon Sector Plan* have been implemented since the time of its adoption, most notably the redevelopment of parcels surrounding the subject site and the installation of a traffic signal and pedestrian improvements at the intersection between Washington Boulevard and North Garfield Street. The proposed location of the garage and loading access points are intended to minimize pedestrian and vehicular conflicts along North Garfield Street, which is a major pedestrian pathway between areas on the south side of Washington Boulevard and the Clarendon Metro Station. To accommodate safe pedestrian passage along 11th Street North, the applicant has designed a streetscape that complies with the recommendations of the *Clarendon Sector Plan* (8-foot wide clear zone sidewalk), which is a similar treatment provided on the north side of 11th Street North adjacent to the Lyon Place apartment building. Additionally, the building owner for the Lyon Place apartment building located north of the subject site across 11th Street North and the Condominium Unit Owners’ Association for the Clarendon 1021 building located east of the subject site across North Garfield Street approve of the garage and loading points of access from 11th Street North. Staff does not believe that locating the garage and loading points of access on 11th Street North would provide a negative impact on the neighborhood; rather, staff believes that it is an improvement from the *Clarendon Sector Plan* by co-locating service facilities near each other and reducing curb cuts along major pedestrian pathways (North Garfield Street).

11th Street North Streetscape Treatment: The *Clarendon Sector Plan* recommends that 11th Street North be improved with a fourteen (14) foot wide sidewalk that includes an eight (8) foot wide clear walkway zone. As previously discussed, the applicant proposes to incorporate the preservation of the building frontage of the former McQuinn’s Sporting Goods Store and ABC liquor store into the north office building. To provide an appropriate transition between the frontage preservation and new construction, stepbacks above the one-story roofline of the

historic building will be provided and transitions in architectural materials will be utilized between the different portions of the north building. As proposed, the historic building will be deconstructed and reconstructed in its current location and size, which will allow for site work (undergrounding of utilities, streetscape improvements, and underground garage construction) to occur without damaging the building frontage to be preserved. This method is similar to that employed with the Clarendon Center development. The applicant has designed a streetscape treatment on the south side of 11th Street North to consist of a fourteen (14) foot wide sidewalk with an eight (8) foot wide clear walkway zone for the portion adjacent to the building's new construction which transitions to a 12.5 foot wide sidewalk with an eight (8) foot wide clear walkway zone adjacent to the building frontage preservation area. The *Clarendon Sector Plan* anticipated this type of situation by recommending slight modifications of streetscape treatments to accommodate building preservation. Specifically, the *Clarendon Sector Plan* states the following regarding streetscape and clear walkway zone improvements:

“While particular constraints, such as direct frontage of historic buildings, may not permit the provision of the minimum width in all locations, the standard is offered as a goal for reviewing improvement proposals. In any case, the minimum clear width directly adjacent to preserved historic structures should be at least 6’ wide... Where overall sidewalk width is constrained, the Clear Walkway Zone will have priority over other streetscape elements.” (*Clarendon Sector Plan*, page 137)

The applicant has designed a streetscape treatment along 11th Street North that gives priority to maintaining the minimum clear walkway zone (eight feet), with a slight modification to the overall sidewalk width adjacent to the building frontage preservation area. Staff, and the Historical Affairs and Landmark Review Board (HALRB), support this design as it provides a safe environment for pedestrians without impact the building frontage preservation area or the minimum clear walkway zone recommendation for 11th Street North.

Transfer of Development Rights (TDR). The applicant proposes to transfer density from two sites located within the Clarendon Metro station area that are identified for full building preservation by the *Clarendon Sector Plan*. Those sites are the Walgreens/Kenyon Peck located at 2825 Wilson Boulevard and the Boulevard Woodgrill/Faccia Luna building located at 2901 Wilson Boulevard. Both buildings are also listed as “Important” commercial structures in the County’s Historic Resources Inventory. As the subject site is identified as a TDR receiving site by the *Clarendon Sector Plan*, the transfer of density from these two sites in exchange for full building preservation of these historic buildings is permitted by both the *Clarendon Sector Plan* and Sections 27 (“C-3” General Commercial Districts) and 36 (Administration and Procedures) of the Zoning Ordinance. The *Clarendon Sector Plan* provides guidance for the conversion factor permitted with a TDR for historic preservation purposes, which for full building preservation sites is 500% of the gross floor area (GFA) for the first 10,000 square feet preserved and 300% for any additional GFA preserved.

The density to be transferred from the two sending sites to the receiving site is calculated as follows:

Boulevard Woodgrill/Faccia Luna (2901 Wilson Boulevard)

Site Area: 15,390 s.f.

GFA: 18,249 s.f.

Maximum TDR Potential: 74,747 s.f. $=((10,000 \text{ s.f.} \times 500\%) + (8,249 \text{ s.f.} \times 300\%))$

Walgreens/Kenyon Peck (2825 Wilson Boulevard)

Site Area: 40,619 s.f.

GFA: 16,488 s.f.

Maximum TDR Potential: 69,464 s.f. $=((10,000 \text{ s.f.} \times 500\%) + (6,488 \text{ s.f.} \times 300\%))$

In order to transfer density in compliance with the County's TDR Policy, the County Board must certify the density to be transferred by certifying both a "Sending Site" (Walgreens/Kenyon Peck and Boulevard Woodgrill/Faccia Luna) and a "Receiving Site" which will be the site subject to this site plan. The TDR Policy further states that when the transfer of density is certified for purposes of historic preservation that deed restrictions will be required on the sending site at the time that the development rights are transferred. Staff proposed Conditions #81-83 to address the applicable preservation easements and timing of the transfer of density. As proposed with this TDR, all of the future development potential of the sending sites will be transferred to the receiving site, thus the sending sites will not be able to increase the amount of density permitted on those sites in the future without separate action by the County Board to permit such an increase.

TDR Sidewalk Improvements: As discussed above, the applicant requests approval of a TDR from two sites within the Clarendon Metro station area for purposes of historic preservation. One of these sites, Boulevard Woodgrill/Faccia Luna located at 2901 Wilson Boulevard, has property boundaries that extend into North Fillmore Street and to the back of the tree pits on Wilson Boulevard. This results in on-street parking on North Fillmore Street and sidewalks on both North Fillmore Street and Wilson Boulevard located on private property. In addition, the building's tenants have valid Certificates of Occupancy to utilize portions of the sidewalk located on private property for outdoor seating in association with their restaurant establishments. These outdoor seating areas reduce the clear sidewalk width below six feet, which is generally the minimum recommended sidewalk width for new development located along commercial streets. If this requested TDR is approved by the County Board, this TDR Sending Site would not be able to redevelop in the future without separate action by the County Board to permit such an increase in density. Staff has evaluated this situation and has requested that, in conjunction with the TDR, the applicant cause the dedication of the following: a street and utility easement along North Fillmore Street for the purpose of permitting the County to maintain the public street and the on-street parking spaces; a sidewalk and utility easement along North Fillmore Street; and a sidewalk and utility easement along Wilson Boulevard (it should be noted that absent this TDR, the property owner would be under no obligation to grant these

easements as they operate with by-right uses). Since the building's tenants have valid Certificates of Occupancy to use portions of the North Fillmore Street and Wilson Boulevard sidewalks for outdoor seating areas, staff recommends that these easements be provided conditionally to permit the existing uses to be operated within this area. Staff recommends that any future tenant would need to provide a six-foot area free of any uses, but the interim condition would allow the existing uses to continue while not negatively impacting the current tenant's outdoor seating. Additionally, the building owner and the tenants have agreed to amend their existing Certificates of Occupancy for the outdoor seating to ensure compliance with the Americans with Disabilities Act. Staff believes that as proposed, these easements will allow for safe pedestrian passage on these sidewalks with the current and future tenants of this TDR Sending Site. Staff has proposed a condition (#84) addressing the granting of these easements and the impact to the existing tenants and building owner as described herein.

Historic Preservation: Clarendon's commercial history is displayed through the existence of older buildings that line the area's major streets. These buildings were constructed in a form, and at a scale, that is friendly to pedestrians and is uncharacteristic of new commercial development within Arlington County. Two of the strongest elements of the *Clarendon Sector Plan* are the goals to preserve older and historic buildings and the incentives (TDR and bonus density) that are provided to ensure that these buildings are preserved and maintained for future generations. Specific to the subject site, the *Clarendon Sector Plan* recommends that the building frontage of the former McQuinn's Sporting Goods Store and ABC liquor store be preserved. The applicant's site plan proposes the preservation of this building's frontage by incorporating it into the north office building. The north office building tower will step-back approximately ten feet from the roofline of the frontage preservation area along 11th Street North, with a step-back between ten and twenty feet along North Highland Street. In addition, and as addressed elsewhere in this report, the applicant requests approval of TDR from two sites located within the Clarendon Metro station area that are identified for full building preservation by the *Clarendon Sector Plan*. As the preservation of these buildings is a major goal of the *Clarendon Sector Plan* and the County's Historic Resources Inventory, and considering that the historic frontage is incorporated into the north office building in way that ensures the preservation of this structure in a contextually appropriate manner, staff believes that these goals will be achieved.

Office Parking Ratio: The applicant is requesting a modification of the office parking ratio from 1 space per 580 square feet as required by the Zoning Ordinance to approximately 1 space per 780 square feet. Staff recognizes the appropriateness of the Zoning Ordinance's parking requirement and could only support a modification to this requirement when it can be demonstrated that the amount of parking proposed will adequately serve the proposed density and that effective measures are in place to mitigate any impacts on the transportation network resulting from the ratio reduction, and that the project's contribution to community planning and transportation goals provide value to the project and warrant a modification of the parking ratio in this unique circumstance.

In terms of County policies, there are a number of policies, both in the *Clarendon Sector Plan* and in the MTP, that address parking. Some of those policies include:

“Ensure that minimum parking needs are met and excessive parking is not built. Divert resources saved by reducing excess off-street parking to other community benefits.” (*MTP Parking and Curb Space Management Element Policy 6.*) In addition, the discussion of the policy states:

“The community at large, motorists and the development community, benefit when the right amount of parking is built in off-street parking facilities, because building the right amount of parking encourages efficient transportation patterns, reduces the demand on existing transportation facilities and the need to expand or improve them, contributes to a reduction in long-term environmental hazards, enhances the marketability of buildings, and allows the construction of less costly, more efficient buildings thus encouraging economic growth and other community benefits.”

This policy is similarly expressed in the *Clarendon Sector Plan* by adopted policy #43 for transportation which states:

“Provide sufficient parking to meet realistic needs generated by the envisioned land use mix proposed in the plan.”

Staff determined, based on the policies in these plans, that a ratio other than 1:580 could be appropriate, if certain impacts of the request, related both to the parking itself and the impacts to the transportation network serving the site, as a result of the lower ratio, were mitigated.

Staff evaluated the specific project features that may differentiate this project with respect to parking provisions. In this special circumstance, density is being transferred from two (2) sending sites, allowing the preservation of two (2) historic buildings in Clarendon, in compliance with the *Clarendon Sector Plan*. Without the transferred density, the required parking ration would be met. If the developer were to provide parking for all of the density transferred through the TDR, for the purpose of full building historic preservation, this would be a disincentive for doing the TDR, since the developer pays for this density. If the developer were to provide parking for the amount of density being transferred (a total of 144,211 square feet of density), then an additional 249 parking spaces would need to be provided (at 1:580). It would become cost prohibitive to the developer to construct that required amount of parking on site, especially considering the triangle shape of this parcel, which impacts the efficiency of the garage. Only one (1) historic building, per the *Clarendon Sector Plan*, remains to be preserved by TDR, so no other project would be burdened by accommodating two (2) preserved buildings.

Staff looked at what kind of TDM would be needed in order to ensure the desired mode split to support the proposed parking ratio is achieved. This is consistent with *MTP Parking and Curb Space Management Element Policy 8* that states:

“Allow reduced parking space requirements for new development in close proximity to frequent transit service and exemplary access by non-motorized travel modes and car-sharing vehicles. Require enhanced TDM measures for developments with reduced

quantities of parking. Allow site plan and use permit developments to cooperate with each other to meet off-street parking requirements.”

The TDM measures proposed in Condition #50 include the following:

- Standard, base TDM elements:
 - Maintaining an active membership in Arlington Transportation Partners (ATP),
 - Contributing \$17,040 per year to Arlington County to support Arlington County Commuter Services (ACCS) activities for 30 years (approximately \$0.06 per square foot),
 - Distributing SmarTrip cards plus \$65 of fare media to each new employee at lease up,
 - Providing SmarTrip cards plus \$65 fare media to all property maintenance employees one time only.
 - Installing and information transportation display in the lobby,
 - Providing bicycle parking and shower facilities consistent with County standards,
 - Limiting reserved parking to 20% of the total supply,
 - Providing parking subsidies to vanpool and carpool vehicles
 - Providing parking accommodations for three (3) car sharing vehicles along with operating and parking subsidies for the first year.

- Enhanced TDM elements, which, themselves, are valued at almost \$600,000 include the following:
 - Contributing \$150,000 to off-site transportation infrastructure improvements in the Clarendon Metro Station area to enhance the pedestrian and transit environment in the neighborhood. These improvements would include such things as sidewalk signalization, intersection improvements for pedestrian safety, transit and other transportation improvements, and/or a contribution to a bikeshare station.
 - Contributing \$0.10 per square foot of office (approximately \$28,400) per year for 15 years, to be used as incentives for building employees to shift their commutes to non-SOV modes of travel (a total of \$426,000).

The project is also proposing (condition #65) to make the first three levels of the garage (287 spaces) available to the public on nights and weekends. This is consistent with the goals of the *Clarendon Sector Plan*, which recommends that 70% of the new office parking be made available on nights and weekends to the public. By doing this, the project would contribute to the public parking supply in the area by providing additional parking resources when the demand by retail establishments and restaurants in the area is highest. A question has also been raised about specifically how many shared spaces would be provided in this site plan compared to what was anticipated in the *Clarendon Sector Plan* for this site. The *Clarendon Sector Plan* expected that 60% of this site would develop with commercial uses, and 70% of the office parking spaces would be available after hours for public parking. Proposed density supported by this site includes the maximum base density of 3.0 FAR (147,885 gross square feet) plus 165,252 gross square feet of bonus density for TDR, on-site building frontage preservation and LEED Silver

certification (6,645 gross square feet of this density will not be utilized). Sixty percent of the base density amount would be 88,731 gross square feet, which would yield 153 parking spaces at 1 space/580 s.f. Seventy percent of this number would produce 108 shared parking spaces, which is less than the amount proposed for this site plan. Therefore, this project exceeds the shared parking count anticipated for this site per the *Clarendon Sector Plan*. The developer has proposed to utilize a managed parking system (i.e. valet system), which would maximize the efficiency of the 48 tandem spaces during the typical work day and would increase the availability of parking for the public (for a total of approximately 500 spaces) by providing additional tandem parking spaces. Further, the details of the parking management system (Condition #65) will be addressed in a supplemental staff report.

Overall, when looking at the site plan in its entirety, the plan would accomplish several overall planning and transportation goals, and achieve a number of goals in the *Clarendon Sector Plan*, including the provision of a significant amount of office space in a predominately residential and retail area, the transfer of development rights and the preservation of two historically significant buildings, and the on-site historic building frontage preservation.

For the reasons stated above, staff believes that the proposed parking ratio is adequate to support the variation from the standard parking ratio of 1 space per 580 square feet to 1 space per 780 square feet. This parking will support the amount of office space given the proposed TDM mitigation factors. However, staff recognizes the importance of the Zoning Ordinance's required office parking ratio of 1 space per 580 square feet and will continue to study this issue to determine appropriate standards for when, and how, parking ratio modifications could be supported with future site plan projects and methodologies to calculate the cost of measures to mitigate the impacts on the transportation network resulting from the reduced parking on site. Staff is currently evaluating the process that would need to be taken to achieve this.

Modification of Use Regulations: The following modifications to Zoning Ordinance requirements are requested with the subject site plan proposal:

Parking ratio for Office Parking. Staff believes that the parking ratio proposed (1 space per 780 square feet of office space), together with enhanced TDM and other mitigation measures is sufficient to support the amount of office space proposed. Staff does not typically include tandem parking spaces in the parking calculation, though the applicant has designed the parking garage to accommodate 48 such spaces, and will manage them during business hours as necessary to ensure the spaces function as regular spaces. If the tandem parking spaces were considered, for a total of 412 parking spaces, the resulting parking ratio for the office component would be 1 space per 690 square feet. In addition, the applicant has committed to making the uppermost three floors of the parking garage available to the public on weeknights and on weekends in an amount greater than anticipated for this site by the *Clarendon Sector Plan*, as well as to utilize a management system (i.e. valet) to increase the amount of spaces available to the public during these off-peak periods. Further, the site is of a shape that results in the design of an awkward parking garage, which impacts the efficiency of how the garage will operate. Through the proposed TDR, density will be transferred to this site to allow for the preservation of two historically significant buildings. Providing parking to meet the maximum base density is

a difficult endeavor on this site; requiring parking to be provided in accordance with the requirements of the Zoning Ordinance for this transferred density could serve as a disincentive for this TDR, as it would become cost prohibitive to acquire the density and provide parking for the amount of density to be transferred to this site. Considering these facts, and with the implementation of the proposed TDM program that includes enhanced mitigation measures designed to address transportation impacts on the neighborhood, staff finds that the proposed parking ratio is adequate for the proposed redevelopment of the site.

Bonus density for LEED Certification. Arlington County's *Green Building Density Incentive Policy for Site Plans*, provides that additional density may be permitted for site plan projects that meet the objectives of the County's green building program. The subject site plan proposes an additional 7,394 square feet (0.15 FAR) for the provision of a LEED certified building at the Silver level. Staff supports the request for bonus density for LEED Silver certification. With the adoption of the *Community Energy Plan*, staff has made it a focus of new development projects to achieve higher levels of energy efficiency than required with standard LEED certification projects. Therefore, staff has requested, and the applicant has agreed to achieve four points under LEED credit EA1 (Optimize Energy Performance), which commits the building to be designed to accomplish a 14% improvement in the performance of the building compared to the building's baseline.

Exclusion of Below Grade Fitness and Locker Facilities. The applicant has located the fitness facility and gender appropriate locker rooms in the G-1 level of the parking garage. These facilities will only serve the office buildings' tenants for fitness activities during the day and as support facilities for the nearby bicycle storage room. As these areas do not contribute to the bulk or mass of the building, and are provided solely for use by tenants of the building, staff is not opposed to the exclusion of approximately 2,252 square feet of fitness and locker room facilities from the density calculation for this site plan.

Community Benefits: The following are considered significant community benefits in association with the subject site plan:

- **Historic Preservation**—In association with the requested site plan, the applicant proposes the full building preservation of the Walgreens/Kenyon Peck building located at 2825 Wilson Boulevard and the Boulevard Woodgrill/Faccia Luna building located at 2901 Wilson Boulevard, as well as the frontage preservation of the former McQuinn's Sporting Goods Store and ABC liquor store that is located on the subject site. The recordation of easements (Condition #s 81-83) will ensure the preservation of these historic resources in perpetuity while maintaining their use as commercial establishments. The *Clarendon Sector Plan* and the Historic Resources Inventory identifies the preservation of these historic buildings, which will be accomplished with this site plan.
- **Off-Site Easements**—In association with the Boulevard Woodgrill/Faccia Luna TDR Sending Site, the applicant has agreed to cause the recordation of street and utility easements to permit public use of portions of North Fillmore Street as well as the

sidewalks located in front of this building along North Fillmore Street and Wilson Boulevard (Condition #84).

- Affordable Housing—In compliance with the Zoning Ordinance, the applicant will contribute approximately \$1.17 million dollars to the County’s Affordable Housing Investment Fund (Condition #66).
- Public Art—The applicant has committed to make a \$75,000 contribution to the County’s Public Art Fund. In lieu of this contribution, the applicant reserves the opportunity to commission the installation of public art on the site, which has been discussed by the applicant as a possibility (Condition #64).
- Utility Fund—The applicant has agreed to make a contribution of \$56,500 to the County’s Utility Fund (Condition #5).
- Transportation Demand Management—The applicant has agreed to implement a TDM Plan for the purpose of coordinating efforts to reduce the impact of these buildings on the existing transportation network. Among other items, the TDM Plan requires the designation of a Transportation Coordinator, contribution of \$65 SmartTrip cards to new employees of the buildings during initial lease up, contribution of \$17,040 to the Arlington County Commuter Services (ACCS) annually for thirty years, and installation of bicycle parking facilities for employees and visitors along with shower and locker facilities for employees. Considering the requested office parking ratio modification, the applicant has agreed to implement enhanced TDM efforts (\$150,000 for multi-modal transportation improvements in the Clarendon area and \$0.10 per square foot of office space for fifteen years to incentivize multi-modal commuting by employees) to ensure that the parking garage functions efficiently with fewer parking spaces than required by the Zoning Ordinance (condition #50).
- Shared Parking—The applicant has agreed to make the uppermost three levels of the parking garage available for use by the public on weeknights and on weekends (Condition #65). The 287 parking spaces to be provided to the public is a greater amount of shared parking than anticipated at this site by the *Clarendon Sector Plan*. If the site were redeveloped at the maximum baseline density recommended by the *Clarendon Sector Plan*, only 108 shared parking spaces would be provided (site area X 3.0 FAR X 60% commercial / 580 X 70%). In addition, the applicant has agreed to employ a parking management system (i.e. valet parking) within the garage on weeknights and weekends, should the demand be warranted, which will provide approximately 500 spaces available to the public.
- Parking Meters—The applicant has agreed to contribute up to \$24,000 for the installation of multi-space parking meters along the property’s public street frontage where on-street parking spaces will be provided (condition #79).

Community Process: The subject site plan was reviewed three (3) times by the site plan review committee (SPRC) on September 12, October 17 and November 3, 2011. Following are issues or concerns that were thoroughly discussed by the SPRC:

- The TDR proposal and how the density transfer was calculated and the impacts to the TDR Sending Sites.
- The state of the sidewalks along Wilson Boulevard and how they are impacted by the TDR proposal.
- Building frontage preservation issues related to the transition between the preserved frontage and the new construction.
- The design of the office buildings, and most notably, the transitions between the two buildings and the use of specific materials.
- The proposed 11th Street North streetscape regarding modifications of sidewalk width adjacent to the building frontage preservation area.
- The location of the loading and garage points of access.
- The proposed office parking ratio modification.
- The transition of North Highland Street north and south of Washington Boulevard and the pedestrian improvements in this quadrant.

With the conclusion of the SPRC process on November 3, 2011, the issues that remain outstanding and of community concern are related to the following: building frontage preservation related to its influence on the 11th Street North streetscape, the proposed office parking ratio, and the state of the sidewalks on Wilson Boulevard adjacent to the TDR Sending Sites. Each of these issues is discussed in prior portions of this report and addressed by specific conditions.

Historical Affairs and Landmark Review Board: The site plan was reviewed twice by the HALRB, on August 17, 2011 and November 16, 2011. On November 16, 2011, the HALRB voted to support the site plan proposal and provided specific justification in support regarding the building frontage preservation on-site and the impacts to the 11th Street North sidewalk, as well as the TDR proposal and the preservation of the Walgreens/Kenyon Peck and Boulevard Woodgrill/Faccia Luna building. At this meeting, the HALRB encouraged the applicant to continue to study the transition between the building frontage preservation area and the two-story element of the north office building along North Highland Street. In addition, the HALRB recommended that staff work with the applicant and the owners of the TDR Sending Sites to ensure that sufficient easement language is crafted that ensures the preservation of these buildings while remaining as viable spaces for commercial tenants. Since this meeting, staff has continued to work with the applicant's architect to refine the building transition between the 3001 Washington Boulevard (Penzance) Site Plan #418

frontage preservation area and the new construction of the north office building. Condition #81 and #82 provide adequate language regarding the easements that will be recorded on the TDR frontage preservation area and the TDR Sending Sites that will effectively preserve these resources while permitting commercial use by current and future tenants.

Transportation Commission: At its January 5, 2012 meeting, the Transportation Commission voted unanimously to recommend deferral of the proposed site plan primarily due to the concern regarding the proposed parking ratio. In addition, concerns were expressed regarding the sidewalk width along 11th St. North, adjacent to the historic building frontage preservation area..

Planning Commission: On November 28, 2011, the Planning Commission voted to defer discussion of this site plan to their January 9, 2012 meeting. At their January 9, 2012 meeting, the Planning Commission made the following recommendations to the County Board:

1. Approval (12-0) of subject items B through E regarding certification of the transfer of development rights from the Walgreens/Kenyon Peck site and the Boulevard Woodgrill/Faccia Luna to the subject site plan area.
2. Approval (12-0) of the vacation as being consistent with the Comprehensive Plan; and
3. Approval (9-3) of the proposed site plan (SP #418), with the following motions:
 - That prior to the County Board's consideration of the site plan, the HALRB review the optional architectural treatments proposed in the site plan.

Staff Response: The revised plans dated December 7, 2011 provided optional treatments of the two-story transition between the building frontage preservation area and the new construction, as well as the stair tower between the two buildings. These will be presented to the HALRB at their January 18, 2011 meeting. The recommendation of the HALRB for these treatments will be explained in a supplemental report for the January 21, 2012 County Board meeting.

- That Condition #84 be revised to clarify the definition of the lessee of the retail spaces.

Staff Response: Condition #84 has been revised to reduce any confusion about when the 6-foot easement terms must be adhered to by the retail tenants of the Boulevard Woodgrill/Faccia Luna building.

- That Condition #21 be revised to permit a modification of the tree planting width along 11th Street North for purposes of supporting the installation of additional trees adjacent to the building frontage preservation area.

Staff Response: The applicant has proposed a revised streetscape improvement for 11th Street North adjacent to the building frontage preservation area to address community comments. The *Clarendon Sector Plan* recommends that 11th Street North be improved

with a fourteen (14) foot wide streetscape consisting of an eight (8) foot wide clear zone walkway and a six (6) foot wide planting strip. Though the applicant proposes to deconstruct the former McQuinn's Sporting Goods Store and ABC liquor store, the HALRB recommended that it be reconstructed in its current location. The applicant originally proposed an approximately 10.5-foot wide sidewalk adjacent to the building frontage preservation area that transitions to a fourteen (14) foot streetscape adjacent to the new construction portion of the north building. This 10.5-foot streetscape section did not contain any trees in order to maintain the 8-foot wide clear zone walkway. During the public review process, the community expressed concerns that the full fourteen-foot streetscape should be provided, even though the *Clarendon Sector Plan* permits modifications for streetscapes adjacent to building preservation areas. To address these concerns, the applicant now proposes a 12.5-foot streetscape section that allows for the building frontage preservation area to be reconstructed in its current location, but reduces the width of 11th Street South by approximately two (2) feet. This configuration conforms to the recommendation of the HALRB and satisfies a community concern by providing additional street trees along 11th Street North without reducing the width of the clear zone walkway. To accomplish this, a reduction in the tree planting area width is necessary, which can be accomplished with the use of an enhanced soil panel. Condition #21 has been modified to require that this streetscape improvement be provided. A detail of this improvement is contained as an attachment to this report and will be reflected in the final site plan.

- That Condition #65 be revised to require, if the demand exists, the employment of a parking management system for purposes of increasing the availability of shared parking spaces.

Staff Response: Condition #65 has been revised to require that, if demand is warranted, a parking management system be employed for the purpose of providing additional public parking in the garage during weeknights and on weekends.

- That prior to the County Board's consideration of the site plan, the HALRB review the proposed preservation easements for the TDR Sending Sites.

Staff Response: The preservation easements for the two TDR Sending Sites are currently under review by County and the representatives for the two TDR Sending Sites. Staff expects to be able to provide the HALRB with current drafts for their January 18, 2012 meeting. The results of this meeting and conditions related to these preservation easements will be provided in a supplemental report for the County Board's January 21, 2012 meeting.

- That the County Board direct the County Manager to conduct a study of the Zoning Ordinance's parking ratio requirement for office space.

Staff Response: Staff is willing to commence a study of the Zoning Ordinance's parking ratio requirement for office space should the County Board request that this issue be analyzed further.

CONCLUSION: The proposed site plan accomplishes significant goals of the *Clarendon Sector Plan*, most notably the full building preservation of two historic buildings located off-site and the building frontage preservation of a historic building located on-site. As recommended by the *Clarendon Sector Plan*, the subject site should be developed with at least 60% commercial uses. This site plan seeks approval to redevelop the site as a 100% commercial development consisting of two office buildings with ground-floor retail uses. The introduction of new office space in Clarendon should be a welcome addition, as it will benefit the community in a manner not typical of residential developments, such as the provision of shared parking for public use during weeknights and weekends, reverse transit commuting patterns, and daytime support for neighborhood retail services. In addition, the applicant's proposed transfer of development rights is an appropriate use in association with this site plan as it will enable the preservation of two historic buildings. Therefore, staff recommends that that the County Board approve the attached resolutions certifying the transfer of development rights from the Walgreens/Kenyon Peck site (2825 Wilson Boulevard) and the Boulevard Woodgrill/Faccia Luna site (2901 Wilson Boulevard) to the subject site plan (SP #418), as well as the attached ordinance approving the subject site plan (SP #418) to permit the redevelopment of the subject site with two buildings containing 284,012 square feet of office space and 22,479 square feet of ground-floor retail use, subject to the proposed conditions.

Certification of Transferrable Development Rights Resolution

Whereas, the County Board finds that certain density existing on property owned by 2825 Wilson LLC and located on the block generally bounded by Franklin Road to the north, North Edgewood Street to the east, Wilson Boulevard to the south, and North Fillmore Street to the west – 2825 Wilson Boulevard (RPC: 15-065-001, 15-065-011, 15-065-012, 15-065-013, 15-065-016, 15-065-017), is appropriate for the transfer to another site.

Whereas, a certified survey plat dated October 11, 2011 and completed by Bowman Consulting Group, Ltd. concludes that the Walgreens/Kenyon Peck site is 40,619 square feet and is subject to the requirements set forth in the “R-6” One-Family Dwelling Districts and “C-2” Service Commercial-Community Business Districts of the Arlington County Zoning Ordinance.

Whereas, the *Clarendon Sector Plan* identifies the Walgreens/Kenyon Peck building for Full Building Preservation in recognition of its historic significance to Arlington County.

Whereas, the unused site plan density on the Walgreens/Kenyon Peck site has been calculated based on the certified survey plat dated October 11, 2011 completed by Bowman Consulting Group, Ltd, and the limits and requirements set forth in the Arlington County Zoning Ordinance and the *Clarendon Sector Plan* as 69,464 square feet of gross floor area (GFA).

Whereas, the County Board finds that the historic preservation of the Walgreens/Kenyon Peck building for the Transfer of Development Rights would be initiated and expanded consistent with Section 36.H.5.b. of the Arlington County Zoning Ordinance.

Now therefore, the County Board hereby certifies that the Walgreens/Kenyon Peck site is an eligible Sending Site for historic preservation purposes, to transfer by site plan, 69,464 square feet of commercial GFA, upon fulfilling the requirements set forth in Condition #82A – 83A of the 3001 Washington Boulevard Site Plan (SP #418) for the historic preservation of the subject properties.

Certification of Transferrable Development Rights Resolution

Whereas, the County Board finds that certain density existing on property owned by C.P. Master Associates, L.P. and located on the block generally bounded by Franklin Road to the north, North Fillmore Street to the east, Wilson Boulevard to the south, and North Garfield Street to the west – 2901 Wilson Boulevard (RPC: 15-066-019), is appropriate for the transfer to another site.

Whereas, a certified survey plat dated October 11, 2011 and completed by Bowman Consulting Group, Ltd. concludes that the Boulevard Woodgrill/Faccia Luna site is 15,390 square feet and is subject to the requirements set forth in the “C-3” General Commercial Districts of the Arlington County Zoning Ordinance.

Whereas, the *Clarendon Sector Plan* identifies the Boulevard Woodgrill/Faccia Luna building for Full Building Preservation in recognition of its historic significance to Arlington County.

Whereas, the unused site plan density on the Boulevard Woodgrill/Faccia Luna site has been calculated based on the certified survey plat dated October 11, 2011 completed by Bowman Consulting Group, Ltd, and the limits and requirements set forth in the Arlington County Zoning Ordinance and the *Clarendon Sector Plan* as 74,747 square feet of gross floor area (GFA).

Whereas, the County Board finds that the historic preservation of the Boulevard Woodgrill/Faccia Luna building for the Transfer of Development Rights would be initiated and expanded consistent with Section 36.H.5.b. of the Arlington County Zoning Ordinance.

Now therefore, the County Board hereby certifies that the Boulevard Woodgrill/Faccia Luna site is an eligible Sending Site for historic preservation purposes, to transfer by site plan, 74,747 square feet of commercial GFA, upon fulfilling the requirements set forth in Condition #82B – 83B of the 3001 Washington Boulevard Site Plan (SP #418) for the historic preservation of the subject properties.

Transfer of Development Rights Resolution

Whereas, the County Board certified that certain property owned by the 2825 Wilson LLC, identified as the Walgreens/Kenyon Peck site and located on the block generally bounded by Franklin Road to the north, North Edgewood Street to the east, Wilson Boulevard to the south, and North Fillmore Street to the west, is an eligible Sending Site.

Whereas, the County Board certified that the Sending Site contains 69,464 square feet of unused commercial GFA that may be transferred under Section 36.H.5.b of the Arlington County Zoning Ordinance and in accordance with the *Clarendon Sector Plan* to an eligible Receiving Site.

Whereas the County Board finds that Site Plan #418, 3001 Washington Boulevard submitted by Penzance Clarendon Assemblage, LLC located at the 3000 Block of Washington Boulevard between North Garfield Street to the east and North Highland Street to the west, is an eligible Receiving Site under Section 36.H.5.b. of the Zoning Ordinance.

Whereas, the County Board finds that the transfer of development rights from the Sending Site to the Receiving Site would further the County goal of historic preservation consistent with Section 36.H.5.b. of the Arlington County Zoning Ordinance and the recommendations of the *Clarendon Sector Plan*.

Whereas, the County Board finds that use of the additional density from the Sending Site on the Receiving Site is appropriate and that the dedication of development rights transferred would be consistent with the Zoning Ordinance as modified, approved policies and plans and public health safety and welfare, generally.

Now therefore, the County Board hereby transfers, from the Walgreens/Kenyon Peck site, 69,464 square feet of commercial GFA to Site Plan #418, 3001 Washington Boulevard.

Transfer of Development Rights Resolution

Whereas, the County Board certified that certain property owned by the C.P. Master Associates, L.P., identified as the Boulevard Woodgrill/Faccia Luna building located on the block generally bounded by Franklin Road to the north, North Fillmore Street to the east, Wilson Boulevard to the south, and North Garfield Street to the west, is an eligible Sending Site.

Whereas, the County Board certified that the Sending Site contains 74,747 square feet of unused commercial GFA that may be transferred under Section 36.H.5.b of the Arlington County Zoning Ordinance and in accordance with the *Clarendon Sector Plan* to an eligible Receiving Site.

Whereas the County Board finds that Site Plan #418, 3001 Washington Boulevard submitted by Penzance Clarendon Assemblage, LLC located at the 3000 Block of Washington Boulevard between North Garfield Street to the east and North Highland Street to the west, is an eligible Receiving Site under Section 36.H.5.b. of the Zoning Ordinance.

Whereas, the County Board finds that the transfer of development rights from the sending site to the Receiving Site would further the County goal of historic preservation consistent with Section 36.H.5.b. of the Arlington County Zoning Ordinance and the recommendations of the *Clarendon Sector Plan*.

Whereas, the County Board finds that use of the additional density from the Sending Site on the Receiving Site is appropriate and that the dedication of development rights transferred would be consistent with the Zoning Ordinance as modified, approved policies and plans and public health safety and welfare, generally.

Now therefore, the County Board hereby transfers, from the Walgreens/Kenyon Peck site, 74,747 square feet of commercial GFA to Site Plan #418, 3001 Washington Boulevard.

Site Plan Ordinance

WHEREAS, an application for a Site Plan dated June 22, 2011, for Site Plan # 418, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report[s] provided to the County Board for its January 21, 2011 meeting, and through comments made at the public hearing before the County Board, the County Manager recommends that the County Board approve the Site Plan subject to numerous conditions as set forth in the Staff Report[s]; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan on January 21, 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:

Modify the parking ratio to 1 space per 780 square feet of gross floor area of office use;

Permit bonus density for LEED Silver certification.

Exclude fitness and locker room facilities from the density calculation.

Increase the penthouse height to 23 feet.

Locate the loading and parking garage entrances from 11th Street North.

Decrease the step-back above the building frontage preservation area to ten (10) feet.

- 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 June 22, 2011 for Site Plan # 418, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition 1 below and dated December 7, 2011 (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan for Penzance Clarendon Assemblage, LLC to permit the construction of two buildings consisting of a total of 306,492

3001 Washington Boulevard (Penzance) Site Plan #418
Certification & Transfer of Development Rights
PLA-6081

square feet of commercial development comprised of 284,012 square feet of office space and 22,479 square feet of ground-floor retail use, for the parcels of real property known as RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010, approval is granted and the parcels so described shall be used according to the Revised Site Plan Application, subject to the following conditions:

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

- **The following Conditions of site plan approval (#1 through #14) are valid for the life of the site plan and must be met by the developer before issuance of the Clearing, Grading and Demolition Permit, unless otherwise stated in the Condition.**

1. **Site Plan Term**

The developer (as used in these conditions, the term "developer" shall mean the owner, the applicant and all successors and assigns) agrees to comply with the standard conditions set forth below and as referenced in Administrative Regulation 4.1 and the revised plans dated December 7, 2011 and reviewed and approved by the County Board and made a part of the public record on January 21, 2012, including all renderings, drawings, and presentation boards presented during public hearings, together with any modifications proposed by the developer and accepted by the County Board or vice versa.

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

2. **Pre-Construction Meeting**

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

3. **Tree Protection and Replacement**

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

of, the issuance of the Master Certificate of Occupancy shall be removed and replaced by the developer at his expense with the number of major deciduous and evergreen trees consistent with the Tree Replacement Guidelines and which meet the minimum size and other requirements of Condition #15 below, provided, however, that replacement as specified in this subparagraph (3.d.5) does not relieve the developer of any violation resulting from the failure to save identified trees.

- (6) The location of all construction trailers shall be approved either by Administrative Change approval or be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers proposed to be located in the public right-of-way shall require approval by DES and Zoning staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.
- e. In addition to saving identified trees, the developer also agrees to replace all trees shown on the Tree Survey that are removed as a result of the new construction in accordance with the Arlington County Tree Replacement Guidelines. The developer agrees to submit tree replacement calculations and a tree replacement plan in accordance with the Arlington County Tree Replacement Guidelines. The tree replacement calculations shall be developed by a certified arborist or other horticultural professional with a demonstrated expertise in assessing the condition of trees. Any replacement trees shall conform to the standards and specifications set forth in Condition #15a below and any replacement trees that cannot be accommodated on site will be provided in a monetary amount to the Tree Canopy Fund coordinated with Arlington County's Department of Parks and Recreation. The developer agrees to submit and obtain approval of this plan by the County Manager as part of the final landscape plan.
- f. Per Condition #3.e above, the developer agrees to make a contribution to the County's Tree Canopy Fund of at least \$2,400.00 per tree, or a greater amount specified by the County Board, for every tree that cannot be planted on site. The contribution shall be required when tree planting requirements cannot be met on the property. The payment shall be delivered to the Department of Parks and Recreation Office prior to the issuance of the Excavation/Sheeting and Shoring Permit, and evidence of compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment.

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

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

- a. Before Clearing, Grading and Demolition of the site (shall be submitted before issuance of the Clearing, Grading and Demolition Permit)–Views of north, south, east and west facades, as location permits, of buildings to be demolished, as well as at least one photo of the site before any clearing or grading including the existing physical relationship with adjacent buildings and streets. The photographic record shall also include all historic aspects of the facades of the building to be demolished, consistent with the requirements described in Condition #5477 below.
- b. Site Clearance (shall be submitted before issuance of the Footing to Grade Permit)–Views of cleared site facing north, south, east and west, as location permits, with adjacent buildings and streets included.
- c. Construction Phase (shall be submitted before issuance of the Shell and Core Certificate of Occupancy Permit)–At a minimum, views of the site: during excavation, upon completion of the first floor above grade, at topping out, and during the exterior cladding phase.
- d. Site Completion (shall be submitted before issuance of the Master Certificate of Occupancy)–North, south, east and west facades of completed building or buildings, as well as at least one view of completed project in context of adjacent buildings and streets.

The photographic records for which no time is specified above, including the completed compact disc with the entire photographic history, shall be delivered to the Zoning Administrator, before the issuance of a Master Certificate of Occupancy for placement in the County archives.

Utility Fund Contribution

5. In addition to funding and constructing the utility undergrounding work, the developer agrees to contribute in the amount specified in Site Plan conditions to the County utility fund before the issuance of the Building Permit or prorated consistent with an approved phasing plan for the development. The total utility fund contribution for this site is \$56,500 (\$50,000 x 1.13 acres). These funds may, but need not, be used by the County for the purpose of providing the undergrounding of utilities along the properties which

are not redeveloping in this undergrounding district. If the area of the site plan is subdivided, the contribution to be made by each owner shall be based proportionally on the amount of site area allocated to each subdivided parcel. The contribution, if not obligated by the County to pay for utility undergrounding projects within 10 years from the date of payment, will be refunded without any accrued interest to the development owners of record at the time of any refund.

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. Exceptions may be made only during an emergency as defined below, during actual demolition, and for such limited periods as are unavoidable for utility upgrades. The developer agrees to submit this plan to, and obtain approval of the plan from, the County Manager as meeting these standards, before the issuance of the Clearing, Grading and Demolition Permit. The developer agrees to provide a copy of the approved plan to the appropriate civic associations. The County Manager may approve subsequent amendments to the plan, if consistent with this approval.

The developer agrees, during the hours of construction, to provide “flagmen” to assist in the direction of traffic along or around a street any time that any driving lane of such a street is partially or fully blocked due to temporary construction activities. In addition, the developer agrees to notify the appropriate civic associations and all abutting property owners in writing (or, by mutual agreement, by e-mail) at least seven 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.

During construction the Developer agrees to provide adequate temporary lighting for roadway users, including pedestrian walkways. The temporary lighting plan shall be submitted, approved and implemented prior to the issuance of the demolition, clearing and grading permit. 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. The approved temporary lighting plan shall be operated from prior to issuance of the Demolition, Clearing and Grading permit until County standard lighting fixtures are in place and operational around the perimeter of the site. Street lighting shall be in accordance with the latest IES Roadway Lighting Design Guidelines, AASHTO Roadway Lighting Design Guide, VDOT Traffic

Engineering design manuals, and Arlington County's Streetlight System Design Guidelines memorandum, and shall conform to minimum illuminance levels approved by the County.

The developer agrees to maintain street surfaces adjacent to the site in a clean, smooth condition devoid of potholes at all times during the construction period. Whenever a significant portion of an adjacent road surface is disturbed for reasons relating to the construction, including utility work, the developer agrees to repair promptly the disturbed portion(s) of pavement with hot patching to return the road surface to a clean, smooth condition. The developer agrees to insure that the road surface is promptly repaired regardless of whether the excavation work or other damage to the road surface was done by the developer, the developer's contractors, or private utility companies. The developer agrees to make reasonable efforts to schedule construction work so that digging in the street surfaces will not occur during the winter months. However, if the road surface is disturbed during the winter months, the developer may temporarily restore the road surface using cold patching and then hot patch the disturbed surface at the earliest opportunity when weather conditions permit. If cold patching is used, it shall be properly maintained and resurfaced as necessary to maintain a clean, smooth road condition. The term "significant portion of a road" is understood to include, but not be limited to, a cut in the road surface that exceeds 10 feet in length or 100 square feet in size. This condition is in addition to any other conditions in this site plan and any County requirements relating to reconstruction and repaving of streets at the completion of construction.

Residential Relocation

7. ~~The developer agrees to coordinate with the Arlington County Relocation Program Coordinator in order to provide each rental household living in either an apartment unit or a single family dwelling which is displaced by the construction of this site plan, except those who sign initial leases for a unit in the project after the date of this site plan approval, with at least the following:~~

- a. ~~— A minimum of 120 days written notice to vacate.~~
- b. ~~— Relocation payments, in accordance with the *Arlington County Tenant Relocation Guidelines* adopted by the County Board and in effect on the County Board date identified in Condition #1.~~
- c. ~~— Relocation services in accordance with the *Arlington County Tenant Relocation Guidelines* adopted by the County Board and in effect on the County Board date identified in Condition #1.~~

~~If the developer decides to limit relocation benefits to persons who executed initial leases before adoption of the site plan, the developer agrees to notify, in writing, any tenant moving in after the date that the site plan is approved of his/her ineligibility for relocation payments and services. Any tenant who has not signed a waiver of rights to relocation assistance must receive the assistance. In cases where State law requires 120-day notice to vacate (displacement from multi-family buildings containing four or more units),~~

~~notice cannot be waived, but the lead time for such notice may be reduced by mutual agreement in writing. Evidence of compliance with this condition shall be provided to the Zoning Administrator before the issuance of the Clearing, Grading and Demolition Permit.~~

Intentionally Omitted

Retail Relocation

8. The developer agrees to coordinate with the Department of Economic Development in order to provide the following relocation assistance to all retail tenants under lease as of the date of the approval of the proposed site plan:
 - a. The developer agrees to keep all retail tenants informed of the redevelopment schedule by providing periodic updates with regard to material changes in the development program for the site, including the phasing of the project, anticipated schedules for eviction, construction and occupancy, and any anticipated material impacts on the tenants while they remain on the site, such as test borings, construction signs and fencing, asbestos removal, disruptions to customer parking and pedestrian paths, and the like.
 - b. The developer will assist the County to make available to all retail tenants, either directly or through the developer, information on available commercial space in the County, business counseling services and appropriate business courses.
 - c. The developer agrees to cooperate with the retail tenants by referring tenants who so request to private sources of professional assistance in regard to lease negotiation (i.e., understanding lease terms, trends and negotiation strategy), space planning and other related sources of help.
 - d. Except for provisions in any lease to the contrary, the developer agrees to maintain the site, structures and systems in good repair and in a businesslike appearance until the last retail tenant vacates or until the notice to vacate expires, whichever comes first.
 - e. The developer agrees to show compliance with the terms of this condition to the Zoning Administrator before the issuance of the Clearing, Grading and Demolition Permit.

Compliance with Federal, State and Local Laws

9. The developer agrees to comply with all federal, state and local laws and regulations not modified by the County Board's action on this plan and to obtain all necessary permits. In addition, the developer agrees to comply with all of the agreed-upon conditions approved by the County Board as a part of this site plan approval. The developer specifically agrees that the County has the authority to take such actions as may be necessary, to include the issuance of a stop work order for the entire project, when the

developer is not in compliance with the agreed-upon conditions. Further, temporary Certificates of Occupancy will not be issued without approval by the Zoning Administrator.

Post-County Board 4.1 Filing

10. The developer agrees to file four copies of a site plan and the tabular information form, and digital copies on compact disc in JPEG, PDF, and DXF formats, which complies with the final approval of the County Board and with Administrative Regulation 4.1, with the Zoning Administrator within 90 days of the County Board approval and before the issuance of the Clearing, Grading and Demolition Permit.

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

The developer also agrees that no changes to the approved post-4.1 plans can take place in the field. All post-4.1 plan changes must be submitted for review and approval by either the Zoning Administrator or the County Board.

Community Liaison and Activities During Construction

11. The developer agrees to comply with the following before issuance of the Clearing, Grading and Demolition Permit and to remain in compliance with this condition until the Master Certificate of Occupancy is issued.
 - a. The developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends and/or available for direct and immediate contact. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, the Clarendon-Courthouse Civic Association, the Lyon Park Citizens Association, the Lyon Village Citizens Association, the 1021 Clarendon Condominium Owners Association, and to the Zoning Administrator, and shall be posted at the entrance of the project.
 - b. Before commencing any clearing or grading of the site, the developer shall hold a community meeting with those whose property abuts the project to review the construction hauling route, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Zoning Administrator and the Arlington County Police representative must be notified once the community meeting dates/times are established. The developer agrees to provide documentation to the Zoning Administrator of the date, location and attendance of the meeting before a Clearing, Grading and Demolition Permit is issued. The developer agrees to submit to the Zoning Administrator two (2) sets of plans or maps showing the

construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation (one set of which will be forwarded to the Police). Copies of plans or maps showing the construction hauling route, construction worker parking and temporary pedestrian and vehicular circulation shall be posted in the construction trailer and given to each subcontractor and construction vehicle operator before they commence work on the project. The location of all construction trailers shall be approved either by Administrative Change approval or to be shown on the Tree Protection Plan, with the construction staging's location and travel routes shown on a map approved as part of that plan. All trailers shall require approval by DES staff, and the site plan's Arlington County Police representative shall receive a copy of the aforementioned map.

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

C & D Waste

- 12. The developer agrees to provide a plan for diverting from landfill disposal the demolition, construction, and land clearing debris generated by the project. The plan should outline

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

~~Green Building Fund Contribution~~

13. ~~The developer agrees to make a contribution to the County's Green Building Fund of \$_____ (\$0.045 X _____ square feet). The payment shall be made to the Department of Environmental Services prior to the issuance of the Clearing, Grading, and Demolition Permit, and compliance with this condition shall be provided to the Zoning Administrator in the form of a letter at the time of payment. If the project achieves formal certification as a LEED Green Building from the U.S. Green Building Council within one year of issuance of the Master Certificate of Occupancy, the Green Building fund contribution shall be refunded upon receipt of written request, and documentation of LEED certification, by the applicant.~~

Intentionally Omitted

14. **Vacations and Encroachments**

Prior to the issuance by the County of any permit for development of the site plan, except for demolition permits solely for buildings and structures not owned by the County or located on property within which the County has an interest, the developer agrees to obtain approval of, and fulfill all required conditions of, all ordinances of vacation and/or ordinances of encroachment associated with and/or required to build the project, or any portion thereof, as depicted on the site plan referenced in Condition # 1 of this Ordinance and in accordance with final site engineering plans for the project approved by the County. The satisfaction of the requirements of this condition may be phased (i.e., all ordinances of vacation or ordinances of encroachment associated with each approved phase of development must be enacted or obtained before issuance, by the County, of any permit for any work relating to, or necessary for, such phase, except for demolition permits for buildings or structures, not owned by the County or located on property within which the County has a legal interest) provided that such phasing is approved by the County Manager as part of a phasing plan as set forth in Condition #70. 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 site plan approval (#15 through #31) are valid for the life of the site plan and must be met by the developer before issuance of the Excavation/Sheeting and Shoring Permit, unless otherwise stated in the Condition.**

15. **Coordination of these plans: final site development, landscape and site engineering**
The developer agrees to attach the County Board meeting minutes outlining the approved conditions and the conditions themselves to each set of Building Permit drawings that they submit to the County. The developer agrees to submit to the Zoning Administrator ~~and obtain approval from the County Manager~~ a detailed final landscape plan prior to issuance of the Excavation/Sheeting and Shoring Permit. The final landscape plan shall be submitted at a scale of 1 inch = 25 feet, in conjunction with the final civil engineering plan as required in Condition #18 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 landscape plan and the 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 plans as meeting all requirements of the County Board's site plan approval and all applicable county laws and plans before the issuance of the ~~Excavation/Sheeting and Shoring~~ Footing to Grade Permit. The plan shall be consistent with the conceptual landscape plan approved as a part of the site plan, and, at a minimum, shall conform to: the landscaping requirements in Conditions #16 and 21 below; the Arlington County Streetscape Standards if applicable; the Sector Plans if applicable; the County's landscaping, planting, and sidewalk and driveway construction specifications; and/or other applicable urban design standards approved by the County Board. In order to facilitate comparison with the final 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 County may permit minor changes in building, street and driveway locations and other details of design as necessitated by more detailed planning and engineering studies if such changes are consistent with the provisions of the Zoning Ordinance governing administrative approval and with the intent of the site plan approval. The landscape plan shall include a Street Tree Plan which shall be reviewed by DPRCR and DCPHD, and shall be accompanied by the civil engineering plan. All hardscape features shown on the approved landscape plan shall be completed prior to the issuance of the first partial Certificate of Occupancy for tenant occupancy. All plant materials shown on the final landscape plan shall be installed before the issuance of the first Partial Certificate of Occupancy for occupancy for any space above grade for the respective phase of construction. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the planting season, availability of plant materials, weather, or other construction-related issues, which may not permit installation of plant materials or construction of hardscape features by the required timing.

Upon approval of the final landscape plan and prior to the issuance of the first partial Certificate of Occupancy for the respective phase of construction/tenant occupancy, the

developer agrees to submit to the Department of Community Planning, Housing, and Development (DCPHD) a copy of the contract for construction and installation of all landscape materials. The final landscape plan shall include the following details:

- a. The location and dimensions of traffic signal poles and control cabinets, utility meters, utility vaults and boxes, transformers, mechanical equipment, fire hydrants, standpipes, storm water detention facilities, bus stops, the location of all existing and proposed utility lines and of all easements. The location of traffic control cabinets shall be shown on the final civil engineering plan and placed so they do not obstruct pedestrian travel or be visually obtrusive. Traffic control cabinets (existing or proposed) shall not be located in the pedestrian clear zone of the public sidewalk, including but not limited to access areas to ADA ramps, crosswalks, building entrances, and interior walkways. Transformers shall not be placed above grade in the setback area between the building and the street.

The developer agrees to relocate existing traffic signal poles, traffic signal cabinets, and any other existing traffic-related items and equipment located on, or in the public right-of-way contiguous to, the development site as described below. The improvements shall conform to the DES Construction Standards and Specifications, and shall be shown on the final engineering plan. Installation of the improvements shall be completed prior to issuance of the first certificate of occupancy for the development. The developer agrees to install the following improvements:

None

- 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 drawings required in Condition #10 above. Ventilation grates shall be located and/or screened so as not to be visible from public rights-of-way. The developer shall obtain approval from the County Manager of the location and screening of all ventilation grates as part of the review of the final 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. Interior walkways shall have a minimum width of four (4) feet. All plaza areas, access drives, automobile drop-off areas, interior walkways and roadways shall contain special treatments that coordinate in design, color and materials with the treatment of the public sidewalk. The materials and colors used are subject to approval by the County Manager according to adopted Sector Plans or other urban design standards approved by the County Board as a part of review and approval of the final landscape plan.

- 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 #53 52 below.
- e. Topography at two (2) foot intervals, and the finished first floor elevation of all structures, and top-of-slab elevation for any proposed underground structures.
- f. Landscaping for open space areas, plaza areas, courtyards, raised planters (including cross-sections of raised planters), surface parking areas, and service drives, including a listing of plant materials; details of planting, irrigation and drainage; and details of proposed furnishings for all areas, including but not limited to dimensions, size, style(s), materials(s), finish(s) and manufacturer(s) of seating, bollards, trash receptacles, bike racks, arbors, trellises, and water features, and other landscape elements or structures. Include public art information, if known.
- g. The location and planting details for street trees in accordance with Department of Environmental Services Standards and Specifications for planting in public rights-of-way and as shown on the final civil engineering plan.
- h. 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 through an Administrative Change request.

Landscape Standards

- 16. The developer agrees that all landscaping shall conform to Department of Environmental Services Standards and Specifications and to at least the following requirements:
 - a. Plant materials and landscaping shall meet the then-current American Standard for Nursery Stock, and shall also meet the following standards:
 - (1) Major deciduous trees (shade or canopy trees such as Oaks, Maples, London Plane Trees, Japanese Zelkovas, etc.) other than street trees—a minimum caliper of 4 to 4 1/2 inches, except as indicated in Condition #21 below.
 - (2) Evergreen trees (such as Scotch Pines, White Pines, Hemlocks, etc.)—a minimum height of 7 to 8 feet.
 - (3) Ornamental deciduous trees (such as Cherries, Dogwoods, Serviceberries, Hornbeams, etc.)—a minimum caliper of 3 to 3 1/2 inches. Multi-stem trees shall not be less than 10 feet in height.

- (4) Shrubs—a minimum spread of 18 to 24 inches.
- (5) Groundcover—in 2 inch pots.
- b. The developer agrees to plant all street trees prior to issuance of the first Partial Certificate of Occupancy for occupancy of any space above grade for the respective phase of construction, unless otherwise approved by the Zoning Administrator, based on the planting season, the availability of street trees, and the weather. The developer also agrees to fulfill the Public Improvement Bond requirements (Condition #33). The developer agrees to notify the DPRCR Urban Forester at least 72 hours in advance of the scheduled planting of any street trees in the public right-of-way and to be available at the time of planting to meet with staff of DPRCR to inspect the plant material, the tree pit and the technique of planting. Soil used in the tree pit must meet the specifications for street tree planting available from the DPRCR Urban Forester.
- c. All new lawn areas shall be sodded; however, if judged appropriate by the County Manager, based on accepted landscaping standards and approved in writing, seeding may be substituted for sod. All sod and seed shall be state certified.
- d. Exposed earth not to be sodded or seeded shall be well-mulched or planted in 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 or other drainage material commonly used in the industry as reviewed and approved by the County Manager on the landscape plan, for trees and tall shrubs and three (3) feet for other shrubs. This requirement shall also apply to those trees and tall shrubs in raised planters. Soil depth for raised planters shall be measured from the bottom of the planter to the top of the planter wall. The walls of raised planters shall be no higher than seat-wall height (2 1/2 feet, maximum) above the adjacent finished grade.
- f. Finished grades shall not exceed a slope of three to one or the grade that existed before the site work began.
- g. The developer agrees to maintain the site in a clean and well-maintained condition before the issuance of the Clearing, Grading and Demolition Permit and agrees to secure and maintain the site throughout the construction and phasing process. Further, the developer agrees to submit a maintenance agreement which shall ensure that all plaza areas and other landscaped areas located on private property are kept in a clean and well-maintained condition for the life of the site plan and to follow the terms of that maintenance agreement approved for that purpose by the Zoning Administrator, as required in Section 32A of the Zoning Ordinance.

Utility Company Contacts

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

~~Final site Civil engineering plan approval by DES~~

18. ~~The developer agrees to submit final site engineering plans to the Department of Environmental Services. The plans shall include a receipt from the Zoning Office that the landscape plan has been accepted. Staff comments on the final engineering plans will not be provided to the developer without submission of the landscape plan to the Zoning Office. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the Excavation/Sheeting and Shoring permit nor the first Building Permit shall be issued until final site engineering plans which agree with the approved final site development and landscape plans, and the sequence of construction, has been approved by the Department of Environmental Services and the CPHD Site Planner, as consistent with all site plan approval requirements and all County laws. To ensure final sign-off, the plans shall include CPHD Site Planner review and signature blocks. Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built mylar plans for sanitary, storm sewer and water main construction to the Department of Environmental Services for recording.~~

The developer agrees to submit a complete set of civil engineering plans acceptable to the Department of Environmental Services prior to issuance of the Demolition, Clearing and Grading Permit. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. The Footing to Grade Permit shall not be issued until civil engineering plans which agree with the approved final landscape plan, and the sequence of construction, have been approved by the Department of Environmental Services and the CPHD Site Planner, as consistent with all site plan approval requirements and all County codes, standards, and policies.

The developer further agrees to meet the following requirements prior to issuance of the Excavation/Sheeting and Shoring Permit:

- Approval of a Maintenance of Traffic Plan for the Excavation/Sheeting and Shoring phase of work;
- Approval of a tieback plan, or alternatively, submission of a statement from the developer confirming that tiebacks will not be used in the right of way during construction of the project; and
- A minimum of one complete review of the civil engineering plans for which staff has made a finding of no adverse impact to public infrastructure and adjacent public or private property.

The developer also agrees to obtain all necessary permits prior to commencing excavation, sheeting, and shoring.

Pavement, Curb and Gutter Along All Frontages

19. The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first partial Certificate of Occupancy for tenant occupancy of the applicable phase of the project/tenant occupancy. The Zoning Administrator may, for good cause shown and through the administrative change process, allow modifications to the timing of this condition based on the season, weather, or other construction-related issues, which may not permit installation of these features by the required timing.
- a. The developer agrees to construct new curb and gutter along Washington Boulevard, which results in a street cross section of approximately 75 feet, as shown on the final engineering plan approved by the County Manager. The developer agrees to nub the parking lanes along the north side of Washington Boulevard at North Garfield Street and at North Highland Street. The developer agrees to construct crosswalks across Washington Boulevard at the intersections of Washington Boulevard and North Garfield Street and Washington Boulevard and North Highland Street, as shown on the final engineering plan approved by the County Manager.
 - b. The developer agrees to construct new curb and gutter along North Highland Street, which results in a street cross section of approximately 44 feet, as shown on the final engineering plan approved by the County Manager. The developer agrees to nub the parking lane along the north and south side of North Highland Street. The developer also agrees to construct an ADA ramp on the west side of North Highland Street at the intersection of 11th Street North, as shown on the final engineering plan approved by the County Manager.
 - c. The developer agrees to construct new curb and gutter along 11th Street North, which results in a street cross section of approximately 35-37 feet, as shown on the final engineering plan approved by the County Manager. The developer agrees to nub the parking lanes along the west and east side of 11th Street North. The developer agrees to construct crosswalks across 11th Street North at North Highland Street and at North Garfield Street, as shown on the final engineering plan approved by the County Manager.
 - d. The developer agrees to construct new curb and gutter along North Garfield Street, which results in a street cross section of approximately 37 feet, which narrows down to approximately 28 feet at the intersection with 11th Street North, as shown on the final engineering plan approved by the County Manager. The developer agrees to nub the parking lanes along the north and south side of North Garfield Street. The developer agrees to construct crosswalks across North

Garfield Street at 11th Street North and Washington Boulevard, as shown on the final engineering plan approved by the County Manager.

All improvements to curb, gutter, sidewalks and streets for pedestrian and/or vehicular access or circulation shall be in full compliance with the Americans with Disabilities Act (ADA) and any regulations adopted thereunder, as well as any other applicable laws and regulations. The developer further agrees that all improvements to curb, gutter, sidewalks, crosswalks, and streets for pedestrian and/or vehicular access or circulation shall be as determined by the County Manager on the final Site Development and Landscape Plan and on the final Site Engineering Plan, in accordance with the Rosslyn-Ballston Corridor Streetscape Standards or other applicable urban design standards in effect at the time of final Site Engineering Plan Approval; provided, however, that the provision of such improvements shall not increase the projected cost anticipated for such improvements as shown on the site plan drawings dated December 7, 2011 unless the County provides additional funding to offset such increased cost.

20. **Survey Monuments**

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."

21. **Sidewalk Design and Improvements**

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

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

- a. Continue across all driveway aprons for loading and garage entrances along all

- frontages of the site plan, and there shall be no barriers to impede the flow of pedestrian traffic.
- b. Not be less than six feet wide at any point.
 - c. ~~Allow encroachments by sidewalk cafes only in accordance with Condition # 67 and under the provisions of the Arlington County Streetscape Standards.~~
 - d. Allow pinch-points only under the provisions of the Arlington County Streetscape Standards.
 - e. Use plain, un-tinted concrete or, subject to approval, an integral tint that harmonizes with its setting. Non-standard materials or surface treatments may be used subject to approval and under the provisions of the Arlington County Streetscape Standards.
 - f. Not contain joints or use patterns that create gaps of ¼-in ~~depth~~ width or greater at spacings of less than 30.”

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

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

Washington Boulevard – a minimum 18-foot wide sidewalk measured from the back of curb maintaining a 12-foot wide clear sidewalk, including 5 feet by 12 feet tree pits, planted with 4 ½ inch caliper Willow Oak street trees, placed 28 to 32 feet on center and the tree pits located a minimum of eight (8) inches back from the back of curb, except in front of the plaza along Washington Boulevard, where two (2) Lacebark Elm trees will be planted as shown on the Plaza Paving and Planting Plan.

North Highland Street – a minimum 18-foot wide sidewalk measured from the back of curb, except in front of the preserved building frontage, where the sidewalk shall be a minimum of 15-foot, maintaining a 12-foot wide clear sidewalk across that frontage, including 5 feet by 12 feet tree pits, planted with Lacebark Elm street trees, placed 28 to 32 feet on center and the tree pits located a minimum of eight (8) inches back from the back of curb.

11th Street North – a minimum 14-foot wide sidewalk measured from the back of curb with a minimum 8-foot clear sidewalk, except where adjacent to the preserved building frontage, where the sidewalk shall be a minimum of 12 feet, maintaining an 8-foot wide

clear sidewalk, including 4.66 feet by 12 feet tree pits, utilizing an enhanced soil panel such as, but not limited to a Silva Cell installation, planted with London Plane street trees, placed 28 to 32 feet on center, or as shown on the final landscape plan and final engineering plan approved by the County Manager, and the tree pits located a minimum of eight (8) inches back from the back of curb.

North Garfield Street – a minimum 14-foot wide sidewalk measured from the back of curb maintaining a minimum 8-foot wide clear sidewalk, including 5 feet by 12 feet tree pits, planted with Zelkova street trees, placed 28 to 32 feet on center and the tree pits located a minimum of eight (8) inches back from the back of curb.

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 to the far edge of the public sidewalk, except in those locations shown on the final site plan and as shown on the exhibit titled “Perimeter Grade Sections Exhibit #22-A,” along North Highland Street and Washington Boulevard, from column 8.7/A.2 (corner of North Highland Street and 11th Street North) to column 1/I (corner of Washington Boulevard and North Garfield Street), where such zone may be less than five feet shown on the aforementioned exhibit. 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.

The developer further agrees that the developer, its successors and assigns, shall indemnify and hold harmless the County Board, its elected and appointed officials, employees and agents from any liability, claim, damage, cost and expense of whatsoever nature concerning or arising out of the design, location, construction, reconstruction, maintenance, use and/or regulation of the garage located under the sidewalk and utility easements along North Highland Street, 11th Street North, North Garfield Street, and Washington Boulevard.

Water Service Requirements

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

Existing Water Main or Fire Hydrant Service

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

Replacement of Damaged Existing Curb, Gutter and Sidewalk

25. The developer agrees to remove and replace, according to the Arlington County Department of Environmental Services Construction Standards and Specifications Manual, any existing curb, gutter and sidewalk along the street frontages of this site which is in poor condition or damaged by the developer, prior to the issuance of the first Certificate of Occupancy for tenant occupancy. The Zoning Administrator shall, upon a finding that(1) the season, weather, or unforeseen construction-related issues have prevented the applicant from removing and replacing the curb gutter and sidewalk within the timeline of this condition, and (2) the developer has been diligently pursuing the work and has agreed to reasonable provisions to ensure that the removal and replacement will be completed in a reasonable amount of time, approve a modification to the timing of this condition.

Street Lighting Requirements

26. The developer agrees to show on the final engineering plans street lighting along all frontages of the site prior to the issuance of the Excavation/Sheeting and Shoring Permit. The plans shall include the height and color of the street light poles. The developer agrees, at its cost, to purchase and install approved Arlington County street lighting along the frontages of the site prior to the issuance of the ~~Shell and Core~~ Certificate of Occupancy for tenant occupation. 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 "~~Carlyle~~" standard Arlington County street lights along all frontages of the site in accordance with adopted County Street Lighting Policy. The height of the street lights shall be ~~feet, measured from the sidewalk to the base of the luminaire~~ as shown on the final engineering plan or as otherwise approved by the County Manager. The developer agrees to remove all standard thoroughfare lights from the site, unless the County decides that one or more are required to provide adequate lighting for street safety purposes at intersections. The developer agrees to pay the cost of moving existing or installing additional standard thoroughfare lights if required above.

Underground Existing Aerial Utilities

27. The developer agrees to remove and/or place underground all existing aerial utilities within or along the periphery of the entire site plan site as shown on the final site development and landscape plan and the final engineering plan approved by the County Manager. Any utility improvements necessary to provide adequate utility services to this development or utility work necessary to provide a terminus to the underground facilities shall be paid for by the developer and shall not result in the installation of any additional utility poles, or aerial devices. ~~The developer agrees to also contact the Development~~

~~Services Bureau Chief, Transportation Division of the Department of Environmental Services in Arlington County not less than two (2) months prior to its planned commencement of utility undergrounding for each phase of the project to offer the County, at no cost to the County, access to the locations where the developer plans to excavate trenches or similar areas to install underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. Such access, and the terms and conditions under which access to the site will be provided and the undergrounding activities of the County and the developer will be coordinated, shall be set forth in an agreement approved by the County Manager and the County Attorney. All utility relocation shall be completed prior to the issuance of the Shell and Core Certificate of Occupancy.~~

The developer agrees to construct/install four (4) 2-inch communication conduits (HDPE or equivalent County standard for communication conduits) and junction boxes along North Garfield Street, for the sole and exclusive use by Arlington County, unless the County Manager determines that less conduit is required at the time of Final Engineering Plan approval. The conduit shall be designed and built as approved in the Final Engineering Plan and consistent with the then current Arlington County Traffic Signal Specification for the installation of communication conduit. The developer agrees to install the conduit prior to the issuance of the Certificate of Occupancy for tenant occupation.

Off-street Parking for Construction Workers

28. The developer agrees to provide off-street parking for all construction workers without charge to the workers. In lieu of providing parking, the developer may provide a subsidy for the construction workers in order that they may use Metro, provide a van for van pooling, or use another established method of transportation to provide for construction workers to arrive at the site. Compliance with this condition shall be determined based on a plan which shall be submitted to the Zoning Administrator, and for which the developer has obtained the Zoning Administrator's approval, before the issuance of the Excavation/Sheeting, and Shoring Permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of Metro, carpooling, vanpooling, and other similar efforts. The plan shall also provide for a location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes, and carpooling and vanpooling information. If the plan is found to be either not implemented or violated during the course of construction, a correction notice will be forwarded to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, and construction halted until the violation has been corrected.

Address Indicator Signs

29. The developer agrees to install address indicator signs on the site which comply with Section 27-12 of the Arlington County Code or successor provision in a location visible from the street and as shown on the final site development and landscape plan.

Façade Treatment of Buildings

30. 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 three (3) copies of colored façade elevations at 24" x 36", 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), one (1) copy of black and white architectural elevations, and one (1) sample material board at no larger than 24" x 36", for review by the County Manager for consistency with this site plan approval prior to the issuance of the Footing to Grade Permit. The submission shall be made to the Zoning Office. The developer further agrees to obtain the approval of the County Manager of the façade treatment as being consistent with the County Board approval before the issuance of the Final Building Permit.

The developer agrees that all retail storefronts along public rights-of-way are required to have an overall minimum transparency of 50% as measured from floor to ceiling. In addition, the portion of the retail storefronts that is located between three and eight feet from grade is required to be at least 80% transparent. The purpose of this condition is to allow pedestrians to view the activity within the retail establishment and to allow patrons and employees of the retail establishments to view the activity on the sidewalk and street. "Transparency" shall mean using glass or other transparent exterior material offering a view into an area of the retail establishment where human activity normally occurs and shall not be satisfied by views into areas blocked by display cases, the rear of shelving, interior walls, blinds, hallways, or the like. Provided that the exterior material is glass or other transparent material, a tenant may apply to the County Board for a site plan amendment to grant an exception to this condition for a specified duration.

Recordation of Deeds of Public Easements and Deeds of Dedications

31. The developer agrees that, for each phase, as phase is defined in the phasing plan required in Condition #70, all required plats, deeds of conveyance, deeds of dedication, and deeds of easement associated with, and/or required by the final approved site engineering plans, for the construction of any public street, public infrastructure, public utility, public facility or public improvement (jointly "Public Improvements"), shall be, unless otherwise specifically required by the associated vacations of ordinance: a) submitted by the developer to the Department of Environmental Services for review ~~and approval~~ prior to the issuance of any Excavation/Sheeting and Shoring Permit for such phase; and b) approved by the developer shall obtain the approval from the County and recorded ~~by the developer~~ such deeds, among the land records of the Circuit Court of Arlington County, before the issuance of the first Certificate of Occupancy for the

building(s) or any portion thereof for such phase. Real estate interests conveyed by the developer to the County for public street or public right-of-way purposes shall be conveyed in fee simple, free and clear of all liens and encumbrances. Real estate interests conveyed by the developer to the County for Public Improvements or public uses, including, but not limited to, sidewalk, street trees, other streetscape planting, water mains, storm sewers, sanitary sewers, and other public utilities and facilities, which other Public Improvements are not located, or to be located, in the public street or public right-of-way may be granted to the County by deed(s) of easement, provided, however, that in the deed(s) conveying such real estate interests to the County, all liens and encumbrances shall be subordinated to the easement rights of the County.

- **The following conditions of site plan approval (#32 through #40) are valid for the life of the site plan and must be met by the developer before issuance of the Footing to Grade Structure Permit, unless otherwise stated in the Condition.**

Plat of Excavated Area

32. The developer agrees to submit one (1) plat, drawn at the scale of 1 inch = 25 feet and 24 inches x 36 inches in size, of the excavated area showing spot elevations which confirm that the construction drawings are consistent with the average site elevation, and with the building's ground floor elevation(s) at the building's lowest level(s), as approved by the County Board and as indicated in the plans referenced in Conditions #1 and #10 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

33. Upon approval of the final site engineering plan the developer agrees to submit a performance bond estimate for the construction or installation of all facilities (to include street trees and all landscape materials) within the public rights-of-way or easements to the Department of Environmental Services for review and approval. Upon approval of the performance bond estimate by the Department of Environmental Services, the developer agrees to submit to the Department of Environmental Services a performance bond, in the approved amount of the estimate, and an agreement for the construction or installation of all these facilities (to include street trees and all landscape materials) within the public rights-of-way or easements, which shall be executed by the developer in favor of the County before the issuance of the Final Building Permit.

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.

Underground Electrical Transformers

34. The developer agrees to install all new electric transformers, and all associated appurtenances, in underground utility vaults that shall meet both Dominion Virginia Power and County design and construction standards and specifications. The developer agrees to install all other underground utility vaults in conformance with the County design and construction standards and specifications, and all applicable construction standards and specifications of the owner of the utilities. Such underground utility vaults (“Utility Vaults”) may be placed, in whole or in part, within the County right-of-way or public easement, only after the developer applies for, and there is enacted by the County Board, an encroachment ordinance, or other County Board approval, permitting use of the County right-of-way or public easement for such purpose. Upon enactment of the ordinance or approval, the developer agrees to comply with all the conditions of such ordinance and any other conditions prescribed in the site plan condition addressing vacations and encroachments, including, but not limited to, recordation of any deeds, plats, or ordinances, the payment of compensation and required fees. Any associated ventilation grates for such vaults shall not be permitted, located or constructed within any portion of the County right-of-way or public easement area for sidewalks or public streets, or within any areas that provide pedestrian access to any buildings, street, and public or private open spaces. The location and placement of the Utility Vaults shall not conflict with the physical operation or placement of other existing or proposed public or private utility facilities. The Utility Vaults shall have a minimum horizontal clearance of five (5) feet to conduits and manholes and a minimum horizontal clearance of ten (10) feet to public water mains and public sanitary sewers, unless a greater or lesser clearance is specifically shown on the site engineering plans and approved by the Department of Environmental Services. The developer shall obtain approval from the County Manager, or his/her designee, for the location of all Utility Vaults, ventilation grates, and associated appurtenances, as part of the review and approval of the final site engineering plans by the Department of Environmental Services.

Interior Trash Collection and Recycling Areas

35. The developer agrees that interior space shall be provided and used for the collection, storage, compaction, and removal of trash, as well as appropriate facilities for the recycling of reusable materials as defined by the County. The collection, storage, compaction, and removal of trash shall not occur outside the interior loading space. This space may not conflict with the use of a loading berth. The developer agrees to obtain approval from the Zoning Administrator of drawings showing compliance with this condition before the issuance of the Footing to Grade Structure Permit.

Interior Loading Spaces

36. 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), 30 foot-length and 14-foot height clearance. Any loading dock to be used for trash removal shall have a minimum interior height clearance of 18 feet. However, if the developer provides documentation to demonstrate that compaction services require a lower interior minimum height clearance, then the County Manager may approve a lower minimum interior height clearance of not less than 15 feet. If the minimum interior height clearance is approved at less than 18 feet, the developer agrees to use only services for trash collection and pick-up that require a maximum height clearance of 15 feet for the life of the site plan. All loading docks shall contain roll-down doors. Use of the loading dock for deliveries or trash pick-ups, excluding moving vans, shall be limited to the hours from 8:00 a.m. to 6:00 p.m., seven (7) days a week. The loading dock door shall also be closed when the loading dock is in use, except when necessary for entry or exit of vehicles, venting of vehicle exhaust, or when required for similar operational or safety measures. If any tenant, as suggested by the retail attraction and marketing plan specified in Condition #63, demonstrates the need, based on the nature of the tenant's business, for earlier deliveries, for example of baked goods or other perishable items, to accommodate morning patrons, the hours may be administratively changed, for that tenant's deliveries only, by the Zoning Administrator through an Administrative Change Request and the developer agrees to provide notification to the Clarendon-Courthouse Civic Association, the Lyon Park Citizens Association, the Lyon Village Citizens Association, and the 1021 Condominium Owners Association. However, the Zoning Administrator shall not approve any deliveries to occur earlier than 6:00 a.m.

Parking Garage Van Access

37. The developer agrees that new office parking garages shall be designed to allow access and use by vanpools. At least 10% 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

38. 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.

Bicycle Storage Facilities

39. The developer agrees to provide, at no charge to the user, secure bicycle storage facilities in locations convenient to office, ~~residential~~ and retail areas on the following basis at a minimum:

Office and Residential Bicycle Storage Facilities:

One (1) employee bicycle parking space for every 7,500 square feet, or portion thereof, of office floor area and one (1) additional such visitor space for every 20,000 square feet, or portion thereof, of office floor area.

~~One (1) resident bicycle parking space for every three (3) residential units, or portion thereof, of residential units and one (1) visitor space for every 50 residential units, or portion thereof, of residential units.~~

Employee ~~and resident~~ bicycle parking facilities shall be highly visible to the intended users and protected from rain and snow within a structure shown on the site 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 office users 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, a full-time parking attendant, a full-time security guard or a visitor/customer entrance. Visitor parking must be located within 50 feet of the primary building entrance. 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 Zoning Administrator before the issuance of the Footing to Grade Structure Permit. ~~Residential condominium covenants shall not prohibit the storage of bicycles in individual condominium units.~~

In addition, the developer agrees that for every 50,000 square feet or fraction thereof of office Gross Floor Area (GFA), one (1) shower per gender shall be installed, up to a maximum of three (3) showers per gender. Also, a minimum of one (1) clothes storage locker per gender shall be installed for every required employee bicycle parking space. 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 tenants of the building. The location, layout and security of the showers and lockers shall be reviewed by the Arlington County Police Department before issuance of the Footing to Grade Structure Permit. The developer agrees that an exercise/health facility containing a maximum of 1,000 square feet shall not count as density (FAR) but shall count as GFA if this facility meets all of the following criteria: 1). The facility shall be located in the interior of the building and shall not add to the bulk or height of the project; 2). Showers and clothes lockers shall be provided as required above; 3). The lockers shall be installed adjacent to the showers in a safe and secured area within the exercise facility and both showers and lockers shall be accessible to all tenants of the project; 4). The exercise facility shall be open only to tenants of the project and shall not accept or solicit memberships from outside of the project. The exercise facility, including the showers and lockers, shall be open during normal working hours.

Retail Bicycle Storage Facilities:

Two (2) retail visitor/customer bicycle parking spaces for every 10,000 square feet, or portion thereof, of the first 50,000 square feet of retail floor area; one (1) additional retail visitor/customer space for every 12,500 square feet, or portion thereof, of additional retail floor area; and one (1) additional retail employee space for every 25,000 square feet, or portion thereof, of retail floor area. The retail visitor/customer bicycle spaces shall be installed at exterior locations that are convenient to the retail visitors/customers, and such locations shall be reviewed by the Department of Environmental Services. The developer agrees to obtain approval of the location, design and details of the retail visitor/customer bicycle spaces as part of the final site development and landscape plan. Facilities for retail visitors/customers must meet the County standards for bicycle racks, and be located close to retail visitor/customer entrances.

Emergency Vehicle Access/support on Parking and Plaza Areas

40. The developer agrees to construct all plaza areas used for vehicular access and all surface parking areas to support the live load of any fire apparatus. Architecturally designed bollards or curbs shall be used on pedestrian plazas to separate the areas intended for emergency vehicle use from areas intended for pedestrian use. No above-grade structure shall be allowed to obstruct 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 site plan approval (#41 through #45) are valid for the life of the site plan and must be met by the developer before the issuance of the Final Building Permit, unless otherwise stated in the Condition.**

Wall Check Survey

41. 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 #10 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, or such other time as mutually agreed upon by the Zoning Administrator and the developer, to 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

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

Use of Penthouse

43. The use of any penthouse shall be limited to mechanical equipment and equipment maintenance space or telecommunication transmitter and/or receiver equipment as required in Condition #58 57 below.

Review by Crime Prevention Through Environmental Design (CPTED) Practitioner

44. The developer agrees to submit to the Operations Division of the Arlington County Police Department the approved post-4.1 drawings for review by the Crime Prevention Through Environmental Design (CPTED) practitioner in the Police Department for review of CPTED design elements.

FAA Documentation

45. The developer agrees to obtain from the Federal Aviation Administration (FAA), before the issuance of the final building permit, a written statement that the project is not a hazard to air navigation or that the project does not require notice to or approval by the FAA.

- **The following conditions of site plan approval (#46 through #5554) are valid for the life of the site plan and must be met by the developer before the issuance of the First Certificate of Occupancy, unless otherwise stated in the Condition.**

Water Main Improvements

46. The developer agrees to show on the final engineering plans, and to construct, water main improvements in accordance with the standards defined in the Arlington County Department of Environmental Services Construction Standards and Specifications Manual as well as the following as outlined below. The water main improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.

The developer agrees to construct approximately 450 feet of new 8-inch water main along the entire site frontage on North Garfield Street to replace the existing 8-inch water main installed in 1927. The new 8-inch water main shall be connected to the existing 8-inch main in 11th Street North and to the existing 12-inch water main located in the eastbound lanes of Washington Boulevard. The developer shall also provide two (2) 12-inch valves on the existing 12-inch water main in Washington Boulevard, one (1) on either side of the new 8-inch water main connection from North Garfield Street.

Sanitary Sewer Main Improvements

47. The developer agrees to show on the final 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 for the respective phases of construction.

None

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

identified by County staff and as shown on the final engineering plan approved by the County Manager.

Storm Sewer Improvements

48. The developer agrees to show on the final engineering plans, and to construct, storm sewer 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 storm sewer improvements shall be constructed prior to the issuance of the first Certificate of Occupancy for the respective phases of construction.

None

Fire Hydrant and Fire Department Connection Requirements

49. The developer agrees to show on the final engineering plan, and to install, fire hydrants at intervals of not more than 300 feet, as well as fire department connections in order to provide adequate fire protection. The County shall specify the kind of service and locations at the time of the final site engineering plan approval based on applicable safety standards. The fire hydrants and fire department connections shall be installed prior to the issuance of the first 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 final engineering plan set submitted.

Transportation Management Plan

50. ~~The developer agrees to develop and implement a transportation management plan as outlined in the attached letter from _____ (applicant) dated _____ to _____ (staff), and the attachment thereto prior to the issuance of the first Certificate of Occupancy. Such plan shall include a schedule for and details of implementation and continued operation of the elements listed in the letter.~~

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 and to mitigate the impacts of the reduced parking ratio for the project. The developer agrees to obtain the approval of the County Manager for such plan, as meeting all requirements for this site plan approval before the issuance of the first Certificate of Occupancy for the building. In addition, unless otherwise specified below, payment of each element of the TDM should be made prior to issuance of first Certificate of Occupancy for tenant occupancy.

All dollar denominated rates stated in this condition shall 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:

1. Participation and Funding

- a. Maintain an active, ongoing relationship with Arlington Transportation Partners (ATP), or successor entity, on behalf of the property owner.
- b. Designate a member(s) of building management as Property Transportation Coordinator (PTC) to be a primary point of contact with the County and undertake the responsibility for coordinating and completing all Transportation Management Plan (TMP) obligations. The applicant and /or building management will provide, and keep current, the name and contact information of the PTC to Arlington County Commuter Services (ACCS) or successor. The Property Transportation Coordinator shall be appropriately trained, to the satisfaction of ACCS, to provide rideshare, transit, and other information provided by Arlington County intended to assist with transportation to and from the site.
- c. In addition to supporting the ongoing activities of the Property Transportation Coordinator and other commitments of this TMP, the developer agrees to contribute to the Arlington County Commuter Services (ACCS), or successor, to sustain direct and indirect on-site and off-site services in support of TMP activities annual contributions of \$17,040 for commercial (office and retail) use per year for thirty (30) years. Payment on this commitment will begin as a condition of issuance of the Shell and Core Certificate of Occupancy. Subsequent payments will be made annually.

2. Facilities and Improvements

- a. Provide in the lobby or lobbies, an information display(s), the number/content/design/location of which shall be approved by ACCS / ATP, to provide transportation-related information to tenants and visitors. Management shall keep display(s) stocked with approved materials at all times.
- b. Comply with requirements of Site Plan conditions to provide bicycle parking/storage facilities. Bicycle clothing lockers shall be a minimum size of 12" wide, 18" deep and 36" high and shall be available for use on a 24 hour basis. The developer agrees to develop a plan of operation of the bicycle facilities which shall include details of implementation and continued operation of the bicycle facilities and related systems.
- c. Comply with requirements of Site Plan conditions to provide construction worker parking.
- d. Bus stops and shelters within 25 feet of the property and contiguous to the property shall be maintained free of snow, ice, trash, and debris. A 6 foot wide path, or the full width of the sidewalk (if less than 6 feet), shall be maintained clear of snow and ice, to the main entrance of the building(s) from these bus stops.
- e. Provide a canopy at the northeast corner of the building along North Garfield Street and 11th Street North, in compliance with the provisions of Condition #80, and a bench for the purpose of serving as a bus stop. The developer agrees to obtain the approval of the County Manager for the final location and design of this canopy and bench, which shall be installed prior to issuance of the first Certificate of Occupancy for tenant occupancy.

3. Parking Management Plan

- a. Subject to the approval by the County Manager, the developer shall prepare a parking management plan regarding: taxi passenger loading and unloading; accessible paratransit pick-up, drop-off, handicapped access, bicycle parking, and passenger waiting area; loading zones for short-term deliveries; bus stops; car sharing locations; and on-and off-street parking for 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.
- b. The developer agrees to provide a maximum of 20% of the total parking spaces as reserved spaces for specific individuals.
- c. The developer agrees to allow three (3) levels of the parking garage to be

available for public parking usage after hours, per condition #65.

- d. No on-street loading will be permitted.
- e. Provide effective directional signage subject to approval of a Comprehensive Sign Plan, if required, to direct tenants and visitors to appropriate locations on the property, such plan to include provision for the items specified in the Parking Management Plan.
- f. Establish monthly parking rates for single occupant vehicles (SOV) consistent with comparable office buildings located in the Arlington County development corridors.
- g. Provide reserved, signed, spaces for carpools and vanpools that are conveniently located with respect to the elevators serving the building.
- h. Provide no cost parking for carpools or vanpools that have two (2) or more employees from the building. The developer agrees to develop a plan of operation of the carpool/vanpool facilities which shall include details of implementation and continued operation.
- i. Three (3) parking spaces shall be set aside in the garage at no cost for one year, and then at market rate for monthly parking, for car sharing services. A minimum monthly subsidy shall be paid to the car sharing service as required. Provision for the spaces shall be provided in the first phase to be built. Upon completion of all phases, the spaces may be provided in any on-site building at the direction of the County. These spaces shall be located convenient to the garage entrance, available to the members of the car sharing service twenty-four hours a day, seven days a week, without restrictions, (for security reasons the garage may be gated—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 car sharing spaces shall be counted towards the parking requirements of the project and shall be designated on the Parking Management Plan. These spaces shall be allocated from those intended to serve the office space.

4. Promotions, Services, Policies.

- a. Provide SmarTrip cards plus \$ 65.00 Metro fare media per person, for free, one time, to all new on-site property management and maintenance employees. Provide, administer, or cause the provision of 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).

- b. Provide SmarTrip cards plus \$ 65.00 Metro fare media per person, for free, one time, upon initial lease-up to all new on-site employees of the retail and office tenants, distributed no later than their first day of work at the building.
- c. Provide website hotlinks to CommuterPage.com™ under a “transportation information” heading from the developer and property manager’s websites regarding this development.
Link:
<http://www.carfreediet.com/pages/arlington-urban-villages/clarendon/getting-around/>
- d. Distribute a new-employee package, material provided by Arlington County, which includes site-specific ridesharing and transit-related information to each new office and retail employees no later than their first day of work.
- e. Reference to the nearest Metro Station and bus routes in all promotional materials and advertisements.
- f. Cooperate with Arlington County to assist the County in implementing a transit-advertising program that will distribute information four times per year to all tenants, employees, and visitors.
- g. Participate in regionally sponsored clean air, transit, and traffic mitigation promotions by posting notice of such promotions in locations within the building(s).

5. Performance and Monitoring

- a. Upon approval of the TMP by the County, the developer agrees to implement all elements of the plan with assistance when appropriate by agencies of the County.
- b. The owner shall reimburse the County for, and participate in, a transportation performance monitoring study at two years, five years, and each subsequent five years (at the County’s option), after issuance of Shell and Core Certificate of Occupancy, with a total cost of each survey not to exceed \$10,000. The County may conduct the study or ask the owner to conduct the study. The County will specify the timing and scope of the study. The study may include building occupancy (leased space, vacant space, available space by use type); garage occupancy and turnover by time of day, on an average weekday, for the hours of garage operation; average vehicle occupancy, daily vehicle-trips to and from the site; daily pedestrian trips to and from the site; and journey to work mode of building tenants’ employees. The study may include a seven-day count of site-generated vehicle traffic. The building owner and/or operator

will notify, assist, and encourage residents, tenants' employees, and building employees to participate in the journey to work surveys which may be of an on-line, or email variety. A report will be produced as specified by the County and shared with the County and the developer (the building management).

- c. During the first year of start up of the TMP and on an annual basis thereafter, the developer will submit an annual report, which may be on-line, or by email, to the County Manager, describing completely and accurately, the TDM related activities of the site, and continuous reports of changes in commercial tenants during each year.

6. Enhanced TDM to Address Parking Reduction

- a. Contribute to Arlington County \$150,000 prior to the issuance of the Shell and Core Certificate of Occupancy, to support construction of multi-modal transportation improvements within the Clarendon Metro station area. Improvement may include but may not be limited to sidewalk, signalization, and intersection improvements for pedestrian safety; transit and other transportation improvements; and bikeshare station.
- b. Contribute \$0.10 per square foot of on-site office development (proposed plan shows approximately 284,000 square feet of office development) annually for fifteen (15) years, to a County fund to be applied only to the proposed building, to incentivize transportation programs for commuting alternatives to driving a Single Occupancy Vehicle (SOV), such as but not limited to: transit, carpooling, vanpooling, cycling, bikeshare, carshare, and walking. The first payment shall be made by First Partial Certificate of Occupancy for tenant occupancy, and thereafter, annually for fifteen (15) years, on or before the anniversary date of the issuance of such Certificate of Occupancy. The developer agrees to provide the County with documentation indicating that payment to the County fund has been made. Funds shall be applied only to the proposed building and its tenants and employees. Alternatively, the funds may be contributed to Arlington County, at the developer's discretion, to support programs to incentivize commute alternatives to the use of an Single Occupancy Vehicle (SOV) by on-site employees or visitors of the project. The building transportation coordinator shall develop and implement a plan for the expenditure of the funds, and allocations consistent with the plan, and shall revise that plan every two (2) years. The initial plan and revised plans developed every two (2) years shall be reviewed and approved by ACCS. In addition, the developer agrees to provide annual reporting to ACCS on the expenditure of these funds. Any money remaining in the fund after the completion of year fifteen (15) will be committed to Arlington County Commuter Services (ACCS) within 90 days of a request by the County Manager

~~Residential Parking and Parking Management Plan~~

51. ~~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, 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.~~

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

The developer agrees to submit to the Zoning Administrator a parking management plan which outlines how guest and visitor parking for the ~~residential~~ office building, and parking for office and retail tenants' employees and customers for retail located in the ~~residential~~ office 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 ___ residential visitor parking spaces, and ___ retail tenant parking spaces, available within the residential garage.~~ 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 tenant occupancy for the first residential office building. The developer agrees to implement the Parking Management Plan for the life of the site plan.

Lighting Plan for Public Areas

52. The developer agrees to include a lighting plan for all internal and external public areas, including parking areas, as part of the final civil engineering plan and the final landscape plan. This lighting plan shall be subject to review by the County Manager, including street lighting as described in Condition #~~30~~ 26 above. The developer shall include in the final civil engineering plan and in the final landscape plan certification that the lighting plan meets the minimum standards of the Zoning Ordinance, Section 2, Subsection H,

and the Illumination Engineering Society of North America Standards. The developer agrees to obtain the approval of all lighting from the County Manager, and to install approved lighting, before the issuance of the First Certificate of Occupancy for tenant occupancy of the applicable phase of the project.

Documentation of Historical Artifacts, Features and Buildings

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

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

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

~~Availability of Site Plan Conditions to Residential Condos, Cooperatives and Homeowners Associations~~

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

Intentionally Omitted

- **The following condition of site plan approval (#56 55) is valid for the life of the site plan and must be met by the developer before the issuance of the Master Certificate of Occupancy, unless otherwise stated in the Condition.**

Building Height Certification

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

- **The following condition of site plan approval (#57 56) is valid for the life of the site plan and must be met by the developer within 90 days of receipt of the partial Certificate of Occupancy for full occupancy of the building, unless otherwise stated in the Condition.**

Obtain Master Certificate of Occupancy

56. The developer agrees to obtain a Master Certificate of Occupancy within 180 days of receipt of any partial Certificate of Occupancy for full occupancy of the building; however, the Zoning Administrator may administratively approve an extension if she finds that the developer is diligently, and in good faith, pursuing completion of the project.

- **Post Certificate of Occupancy: the following Conditions of site plan approval (#58 57 through #63 62) are valid for the life of the site plan, unless otherwise stated in the Condition.**

County Installation of Telecommunications Transmitter and/or Receiver Equipment

57. In order to maintain the effectiveness of the County's public safety systems, the developer/applicant hereby agrees to grant to the County 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. The developer is not required to pay for design and installation costs for such equipment. 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.

In addition, to enhance the reach of the County's public emergency communications system-of-systems, the developer/applicant agrees to grant to the County in perpetuity the right to install tie-ins from the County's outdoor emergency warning system to the 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 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.

Structural Additions

- 58. The developer agrees that any structural addition or changes to the facades or materials shall be subject to the approval of the County Manager. If the County Manager, in consultation with the Zoning Administrator determines that any proposed improvements or changes to the facades or materials have a significant impact on the site plan, or otherwise meet Zoning Ordinance requirements for site plan amendments that go to the County Board, a site plan amendment shall be required.

Snow Removal

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

~~**Maintenance of Residential Common Areas**~~

- 60. ~~If the project includes a residential component, then the developer agrees that the maintenance of the common area, walkways, private drives and parking areas which are tied to condominium units shall be provided for by the condominium's, cooperative's or homeowners association's bylaws or agreements consistent with Section 2.D.6 of the Zoning Ordinance.~~

Intentionally Omitted

Retention of Approved Parking Ratio over Subdivided Site

- 61. The developer agrees to provide parking for each building according to the approved parking ratio; when this parking is not located within the parcel designation of each building but located within the overall project, it shall continue to be committed to the entire project for purposes of administering the Zoning Ordinance.

Retention of Approved Density over Subdivided Site

- 62. The density allocated for any new construction pursuant to the site plan on any subdivided parcel of the site shall be the same as the approved density for the entire site. No additional density shall be allowed on any individual parcel formed by subdivision of the site.

- **The following unique site specific conditions (#64 63 through #78 84) are valid for the life of the site plan and must be met before the issuance of the permit specified in each Condition, unless otherwise stated in the Condition.**

63. Retail Elements

- a. The developer agrees to develop and implement a retail attraction and marketing plan for the 22,479 square feet of retail and service commercial space located on the first floors of the office ~~and residential~~ buildings. The plan shall identify the types of retail desired, the marketing strategy to attract the retail, and strategies to retain the retail. The retail attraction and marketing plan shall be in accordance with the approved Retail Action Plan for the Rosslyn-Ballston Corridor, dated January 2001. The retail attraction and marketing plan shall be reviewed and approved by the Department of Economic Development before being submitted to the Zoning Administrator. The above-grade building permit shall not be issued until documentation has been provided to the Zoning Administrator assuring that the plan has been approved by the Department of Economic Development. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment.
- b. The retail spaces shall be designed and constructed to include interior and exterior improvements necessary to ensure that they are functional and attractive to prospective retailers and that they animate the street frontage. These elements shall include, but are not limited to: approximately 15.75 foot floor to floor heights, with the exception of the service commercial space that may have an approximately 12 foot floor to floor height, as shown on the plans dated December 7, 2011; access to the service corridor/areas as shown on the architectural plans dated December 7, 2011; direct street frontage and access; rough-in of utilities, i.e., sprinkler heads, plumbing, electrical wiring, and stubs for extensions; provision for any venting systems required for any food preparation or restaurant use; and sufficient transparency of the building facade to achieve adequate street exposure.

The developer agrees to submit an application for administrative change for any proposal for retail uses or parking not clearly consistent with the above. Any change in the use of the retail space from retail to office or other non-retail use shall require a site plan amendment.

Public art site plan condition

64. The developer agrees to commission a professional artist to create public art on the subject site for a minimum cost of \$75,000, inclusive of artist fees, fabrication, installation, transportation, artist travel/expenses but exclusive of art consultant fees, fees for coordinating with artist or with other design professionals on the project (architect, landscape architect, engineer, etc.), and other in-house costs or fees. The public art shall respond to the themes and priorities discussed in the Public Art Master Plan (adopted

December 2004) in support of the goals of the Public Art Policy (adopted September 2000). If the ~~contribution~~ commissioning is made more than 12 months after site plan approval, the ~~contribution~~ commissioned amount will be adjusted based on the Consumer Price Index.

The developer agrees to obtain the approval of the County Manager for the process to be followed in the selection of artist, art proposal development, maintenance plan, placement and design of informational signage in accordance with Public Art Program signage specifications, and then to implement that approved process. The developer agrees to notify the County Manager when the artist selection process is about to begin. The County Manager at his/her option may, within 15 business days following receipt of this notification, request that a panel process be undertaken and designate panel members to be included or artists to be considered. If requested, the developer agrees to use a panel to select the artist and the art. The panel used by the developer will consist of at least three persons, up to two of whom may be professional artists or arts professionals, as defined by the County, and should include representatives from the developer's project team, including architect, landscape architect and other design professionals. The developer agrees to include in its panel those persons designated by the County Manager and to compensate them at a reasonable hourly rate agreed to by that individual.

The selection panel will consider at least three different artists for the commission, including any named by the County Manager as set forth in this condition. The developer agrees that artists who are currently under contract in the County will not be eligible for commissions for public art within four years after the time of signing a contract or otherwise being initially engaged to create public art. The developer agrees to present its or the panel's choice of artist to, and obtain approval of this choice from the Arlington Commission for the Arts/Public Art Committee (ACA/PAC), prior to issuance of the Clearing and Grading Permit. The developer further agrees to present the art proposal to, and obtain approval from, the ACA/PAC prior to issuance of the Excavation/Sheeting and Shoring Permit. The art proposal shall consist of visual and written representations of the public art and its proposed location within the site, list of materials, proposed maintenance plan, and an itemized budget. The developer further agrees to resubmit the art proposal to reflect any revisions made in response to any recommendations made by ACA/PAC to the County Manager prior to issuance of the Footing to Grade Permit. The public art shall be installed prior to the issuance of the Certificate of Occupancy for the top floor of the building.

In order to prevent the public art from conflicting with other elements of the site plan, the developer also agrees to represent the public art on the landscape plan, building elevation or other plan that represents the site of the art, in the normal course of submission of such plans as provided for in these site plan conditions. The plan(s) on which the art is represented will be determined based upon the art's chosen location within the site plan.

The developer may choose to make a contribution of \$ 75,000 to the Public Art Fund to fund County-initiated public art projects in the Clarendon metro/~~or other specified~~ station

area in lieu of commissioning public art through the process set forth above. Such contribution shall be made to the Public Art Fund prior to issuance of the first above grade building permit. If the contribution is made more than 12 months after site plan approval, the contribution amount will be adjusted based on the Consumer Price Index.

After-hours Parking in Office Garages

65. The developer agrees to make ~~all parking~~ the upper three levels in the garage available to the public for parking after standard office hours (weekday evenings after 6:00 p.m., weekends, and all legal holidays) until 12:00 midnight or until the close of business of retail operations, whichever is later. ~~The developer further agrees to make some parking spaces on the levels of the garage available for use exclusively by the retail tenants' employees and customers; at a minimum, the number of spaces to be so reserved shall be consistent with the requirements of the Zoning Ordinance for the retail uses that occupy the space, but need to leave sufficient spaces for other uses. The developer agrees to implement a validation program to allow free use of such spaces for retail customers and employees between 6:00 p.m. and 12:00 midnight or until the close of business of retail operations, whichever is later. In addition, the developer agrees to employ a parking management system, if the garage exceeds 85% occupancy during nights and weekends, for the purpose of increasing the supply of available shared parking in the garage after the standard office hours of the building as stated above. The developer agrees to submit and obtain approval from the Zoning Administrator for the provision of any parking management system to be employed after standard office hours which shall be reflected in an amendment to the Parking Management Plan required by Condition #51. The developer further agrees that no portion of the public right-of-way be utilized in support of this parking management system.~~

Affordable Housing Contribution

66. The developer agrees to comply with Subsection 36.H.6.of the Zoning Ordinance, “Affordable Dwelling Units for Increased Density Within General Land Use Plan.” Prior to the issuance of the first Certificate of Occupancy for the project, the developer shall have submitted to and obtained from the County Manager confirmation or approval of the developer’s finalized plan for meeting the requirements of the affordable housing ordinance, and shall have executed all necessary documents to implement the approved or confirmed plan.

67. Building Security Requirements

- a. The developer agrees to coordinate with County staff on the design of exterior building security measures in order to limit or mitigate any adverse impacts that these measures may have on the project's urban design (including street and retail base) and streetscape. All exterior building security measures shall be shown on, and approved as part of, the final site development and landscape plan and the approved façade treatment plan. The base of the buildings, as shown in the drawings dated December 7, 2011, and consistent with Condition #64 above, have been designed to accommodate retail uses and provide interest and activate the

streetscape. Any change in the use and design of the base resulting from any proposal for exterior building measures shall require a site plan amendment.

- b. The developer agrees that it is the policy of the County to maintain the maximum number of on-street parking spaces around the perimeter of a site, and that it will not remove or reduce the number of on-street parking spaces around the perimeter of a site whether at the request of the developer or a tenant or otherwise. Accordingly, the developer agrees that it shall notify tenants of the aforesaid policy prior to execution of any lease with a tenant.

Phasing Plan

68. The developer agrees to obtain approval of the County Manager of a phasing plan prior to the issuance of any building permits for the site plan, and to implement the approved plan. During the phasing of construction, the developer further agrees to appropriately maintain the site and any buildings located within it. This shall include, but not be limited to, maintaining landscaping, keeping the grass mowed, and removing litter and debris from the site. Until the buildings are demolished, the developer agrees to maintain access on the site for fire emergency vehicles. Improvements required by these site plan conditions shall be constructed in phases, consistent with the phasing plan for construction of the project. Any changes in the project phasing shall require a new phasing plan approved by the County Manager prior to the issuance of any permits.

Enclosure of Balconies

69. The developer agrees that no balconies, other than those identified in the approved site plan, shall be enclosed. Enclosure of any additional balconies shall constitute additional gross floor area and shall require a site plan amendment.

70. LEED Credits and Sustainable Design Elements

- a. The developer agrees to include a LEED[®] Accredited Professional (LEED-AP) as a member of the design and construction team. The team will incorporate sustainable design elements and innovative technologies into the project so that numerous project components will earn the developer points under the U.S. Green Building Council's LEED green building rating system. Specifically, the developer agrees to meet the requirements for all LEED Prerequisites and achieve at least the number of LEED credits necessary to achieve LEED certification at the Silver level using the LEED CS version 2009 green building rating system in place on the date on which the site plan project is accepted by the County through the Admin Reg 4.1 process, or a more recent version as approved by the County Manager. At least four (4) points from LEED EA Credit 1, "Optimize Energy Performance," shall be included in the certification of the project. The developer also agrees to achieve LEED SS Credit 9, "Tenant Design and Construction Guidelines" and will provide the guidelines to all new tenants prior to tenant fit out design.

The developer agrees to fulfill the following before issuance of the indicated permit:

~~b. **Shell & Core CO**~~

- ~~1. For residential units, the developer agrees that all of the following types of appliances, fixtures, and/or building components initially installed in the project shall have earned the U.S. EPA's ENERGY STAR label (or an equivalent as approved by the County Manager or his/her designee): clothes washers, dishwashers, refrigerators, and ceiling fans. Residential units will comply with the EPA's Advanced Lighting Package (or equivalent as approved by the County Manager or his/her designee). The developer shall submit to the County Manager (or designee) documentation sufficient to confirm that such components are ENERGY STAR qualified (or equivalent as approved by the County Manager (or designee)) prior to issuance of the Shell and Core Certificate of Occupancy.~~
- ~~2. For residential units, the developer agrees that all the following fixtures initially installed in the project shall have earned the U.S. EPA's WaterSense label (or equivalent as approved by the County Manager or his/her designee): toilets, showerheads, and bathroom sink faucets. The developer shall submit to the County Manager documentation sufficient to confirm that such components are WaterSense qualified (or equivalent as approved by the County Manager (or designee)) prior to issuance of the Shell and Core Certificate of Occupancy.~~

~~c. **First Partial CO** - The developer agrees to submit documentation to the County Manager (or his/her designee) verifying that the prerequisites and credits needed to earn the above specified LEED certification have been included in the project. A site visit to verify LEED components will be accommodated as requested by staff.~~

d. **Report Submittals** - The developer further agrees to submit to the Department of Environmental Services (DES) (with notification of submission to the Zoning Office), reports prepared by the LEED-AP and documentation upon request to substantiate the report. Such reports will be submitted prior to the 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, Clearing & Grading Permit
2. Excavation/Sheeting & Shoring Permit
3. Above-Grade Building Permit
4. Shell and Core Certificate of Occupancy
5. Partial Certificate of Occupancy for occupancy of the last floor of space
6. Master Certificate of Occupancy

- e. The developer agrees to provide certification by a LEED-AP within ninety (90) days after the issuance of the first certificate of occupancy for any part of the last floor of building. The certification shall state that all the prerequisites and the minimum number of LEED credits, as set forth above in the reporting mechanisms, have been incorporated into the respective building and that, in the professional's opinion, the project will qualify for at least a LEED Silver Certification as outlined in the LEED CS version 2009 rating system or a more recent version. At the request of staff, the developer agrees to accommodate site visits to verify LEED progress. The developer also agrees to submit all appropriate documentation to the USGBC (or their designee) for review and evaluation for LEED certification.

- f. Prior to the issuance of the ~~first~~ partial certificate of occupancy for any space on the last floor of space for which a certificate of occupancy is issued, the developer agrees to provide to the County financial security (in the form of a bond or letter of credit or other form approved by the County Attorney) in the amount of \$295,760 [(\$40 per s.f.) x (7,394 s.f. of LEED bonus density)] guaranteeing that, within twenty-four (24) months from the date of the issuance of the first certificate of occupancy for tenancy of any part of the last floor of the building, the developer will have received from the U.S. Green Building Council its LEED Silver certification. If the total number of LEED points earned during certification is less than the number of points required to achieve the agreed upon LEED certification level, the developer shall automatically forfeit a percentage of the financial security as follows:

Points missed	Percentage of financial security forfeited
<u>1-2</u>	25%
<u>3-4</u>	50%
<u>5-6</u>	75%

For each building, should the developer miss ~~six (6) or more points for LEED-NC or seven (7) or more points for LEED-CS~~, within the twenty-four (24) month period (unless due to delay related solely to the USGBC), the developer shall automatically forfeit 100 percent (100%) of the security. The forfeited amount shall be paid to the County within 30 days of the date of notification from the USGBC. The developer agrees that the County may take any amounts due under the condition out of the financial security as deposited with the County.

- g. The developer agrees to provide a complete ENERGY STAR Portfolio Manager report (or equivalent as approved by the County Manager or designee) as outlined in County guidelines titled *Submission Requirements for Site Plans with Portfolio Manager Proffers* for the project each year for a period of five (5) years. The first report shall be due on or before January 31 of the first year following issuance of the partial certificate of occupancy of the last floor of space.

- h. The developer agrees that the LEED points referenced in this condition refer to ~~the version of LEED in use on the date of site plan acceptance~~ LEED CS version 2009 and apply to all buildings in the development project. Any changes to the point valuations incorporated into future updates to the LEED Green Building Rating System must equal or exceed the requirements outlined in version of LEED in use on the date of site plan acceptance.

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

Public Use and Access Easements

71. The developer agrees to grant permanent public ~~use and~~ access easements, in a form acceptable to the County Attorney and County Manager, to the County Board of Arlington County providing for public ~~use and~~ access to the plaza in the southern portion of the site along Washington Boulevard. The final location of the easements may change with the preparation of the final building plans. The developer agrees to construct and landscape these areas, as shown on plans dated December 7, 2011 and made a part of the public record on January 21, 2012. Final landscape design and installation shall be approved by the County Manager as part of the final site development and landscape plan. Construction and landscaping of these areas shall be completed prior to the granting of the easements. Granting of the public ~~use and~~ access easements shall be completed prior to the issuance of the first certificate of occupancy for the building. The easements shall be granted by deed, in form and substance acceptable to the County Manager, and shall be recorded among the land records of the Clerk of the Circuit Court of Arlington County. The developer shall be responsible for maintaining these areas.

Refuse Delivery to County Disposal Facility

72. The developer agrees to deliver all refuse, as defined by the Arlington County Code, to an operating refuse disposal facility ~~designated by~~ mutually acceptable to the County Manager and the developer. Any facility designated by the County Manager will have competitive rates at or below other facilities in the region otherwise available to the developer. The developer agrees that if it intends to deliver its refuse from this project to a facility other than the disposal facility designated by the County Manager, then the

developer will submit that decision in writing to the DES Solid Waste Bureau along with a comprehensive cost analysis justifying the developer's decision. The developer further agrees to stipulate in any future lease or property sale agreements and deeds that all tenants or property owners shall also comply with this requirement for the life of the site plan.

Towing of Impermissibly Parked Vehicles

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

Speed Bumps at Garage Exit Ramps

74. The developer agrees to install speed bumps adjacent to the top of garage exit ramps at locations where ramps abut the pedestrian sidewalk, in order to slow vehicular traffic prior to vehicles crossing the sidewalk. The locations of the speed bumps shall be shown on the site engineering and building plans approved by the County Manager. The garage doors shall be setback from the sidewalk a minimum distance of six (6) inches.

~~**Authorization for Police to Enter Residential Parking Areas**~~

75. ~~The developer agrees to develop procedures, subject to approval of the County Manager, whereby uniformed Arlington County Police will be authorized to enter the parking areas for purposes of enforcing compliance with County ordinances and state laws applicable to resident's motor vehicles.~~

Intentionally Omitted

Public Safety Radio Communications

76. 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.

Historic Building Deconstruction

77. The developer agrees to develop and implement a plan, prior to the issuance of the Clearing and Grading or Demolition permit, for the salvage and recycling of building elements and materials from the existing building(s) proposed to be demolished or deconstructed in the event the site contains a building that is identified and/or surveyed by Arlington County's Historic Preservation Program. The developer agrees to contact and permit the staff of the Historic Preservation Program to inspect the property and the existing building(s) to identify those historic building elements and materials to be salvaged. Provisions for such salvage shall be incorporated into the plan. The developer agrees to pay for a recycling contractor or other licensed contractor to have the identified building elements and materials that are marked for salvage to be removed from the building and the site.

Power Door Openers

78. The developer agrees to install power door openers for the main pedestrian entrances to the ~~residential~~ office buildings. In addition, at the secure interior doors, the developer agrees that call boxes, if used, shall be mounted and measured at a height that allows for hands-free remote capability. The entrances to the lobby of the ~~residential~~ office 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 building.

Parking Meters

79. The developer agrees to contribute the cost, up to a maximum of \$24,000, for installation of multi-space parking meters along the project's frontage. The number of meters and the amount of the cost of installation will be determined by the County Manager prior to approval of the Final Engineering Plan and the resulting contribution shall be paid by the developer in one installment prior to the issuance of the first Certificate of Occupancy for the first phase of the project.

Canopies and Awnings

80. The developer agrees that it will not construct or permit to be constructed any structures within areas dedicated, or to be dedicated, as public sidewalk easements and public sidewalk and utilities easements pursuant to the conditions of this site plan, except canopies, awnings and/or other similar architectural details as depicted in the final site plan on the face of the building ("canopies and awnings"), within such easement areas, provided that all such canopies and awnings shall be consistent with the final design and site engineering plans approved by the County Manager. Such canopies and awnings shall also, among other requirements, meet the following minimum standards: each canopy or awning shall (i) be suspended from the face of a building or structure; (ii) have no ground supports; (iii) extend no more than six (6) feet into the adjoining public sidewalk easement or public sidewalk and utility easements, with the exception of the bus

stop awning at the northeastern corner of the building along North Garfield Street and 11th Street North, which may extend from the face of the building at a variable distance without encroaching into the public right-of-way; (iv) contain no permanent fixtures, such as, among other things, fans, heaters and sprinklers, with the exception of HVAC vents as long; (v) extend no more than six feet in any location from the face of the building to the outer edge of the canopy or awning, with the exception of the bus stop awning at the northeastern corner of the building along North Garfield Street and 11th Street North, which may extend from the face of the building at a variable distance without encroaching into the public right-of-way; (vi) extend into the easement area no further than to a point that is five feet behind the back of the curb line; (vii) not be located in the clear space above any utility vault; and, (viii) maintain a clearance of at least eight feet above the public sidewalk to the lowest part of the canopy or awning, provided, that if such canopy or awning incorporates a sign, the canopy or awning and the sign shall meet all applicable zoning ordinance provisions.

In the event such canopies and awnings are approved by the County Manager as part of the final site plan, the developer further agrees for itself, its successors in title and interest, and assigns, to indemnify and hold harmless the County Board of Arlington County, Virginia and County officials, officers, employees, and agents from all claims, negligence, damages, costs and expenses arising from the canopies and awnings. The developer agrees that, in the event of an emergency, the County may remove the canopy or awning and shall not be liable for any loss or damage to the canopy, awning or building that may result from such removal. In such event, the County shall not be responsible for replacing such canopy or awning.

The developer agrees that in the event of need for routine utility work in the area of a canopy or awning, or need for County infrastructure repairs in the regular course of business in the area of the canopy or awning, the County may, by written notice delivered to the developer, require the developer, at the developer's sole cost and expense, to remove the canopy or awning within fourteen (14) days of delivery of said notice. The developer further agrees that, if the canopy or awning is not removed within fourteen (14) days of delivery of said notice, the County may, at the sole cost and expense of the developer remove the canopy or awning and the developer agrees that the county shall not be liable for any loss or damage to the canopy, awning or building that may result from such removal, or for replacing such canopy or awning.

The developer agrees that, if the County Manager determines that any canopy or awning, whether or not approved, interferes with public access or is otherwise inconsistent with the public welfare, zoning ordinance requirements, or future development, the developer agrees to, at its sole cost and expense, to remove the canopy or awning and fully restore any affected surface areas of the canopy, building or easement. The developer agrees to complete removal of any canopy or awning upon notice of the County Manager's determination. The developer agrees that, if the developer fails to remove the canopy or awning within the time specified, the County may remove the canopy or awning, at the

expense of the developer, and that the County shall not be liable for any loss or damage that may occur as a result of such removal.

Frontage Preservation Easement

81. The developer agrees to record a permanent frontage preservation easement (hereafter referred to as the “Easement”) over the building frontage area of the former McQuinn’s Sporting Goods Store/ABC Store (1039-1041 North Highland Street; RPC# 18-026-004) (hereafter referred to as the “Frontage Preservation Building”) prior to issuance of the Clearing, Grading and Demolition Permit. The developer further agrees that the Easement shall be subject to review and approval by the County Manager, and shall run with the land and be for the benefit of the County Board or to another entity mutually acceptable to the owners of the façade preservation building and the County Manager. The developer agrees that the Easement shall run with the land and require the developer to deconstruct, reconstruct and thereafter preserve and maintain the frontage of the Frontage Preservation Building, subject to the terms of this condition, and as depicted in the final site plan. The Easement shall not require the developer to preserve any aspects of the interior of the Frontage Preservation Building. The Easement may permit modifications to be made to the Frontage Preservation Building, as specifically set forth below. This Easement will allow the commercial signage and awnings on the Frontage Preservation Building to be changed, provided that such signage/awnings otherwise comply with the Arlington County Sign Ordinance or are permitted in a comprehensive sign plan for SP #418, and provided that signage color may be subject to commercially reasonable standards customarily applied with respect to commercial signage on historic properties. The developer agrees that the Easement may permit modifications to the exterior of the Frontage Preservation Building either (i) as required by insurance carriers for insurance on the Frontage Preservation Building or businesses contained therein, or (ii) as required by, or according to standards set forth in, any Federal, state or local laws (such as ADA, etc.). The developer also agrees that the Easement terms may permit the owners to maintain, repair or replace any exterior features with features that are identical as to design, materials, and decoration. The Easement shall permit other exterior modifications proposed by the developer of the Frontage Preservation Building if, after review by and with input from the Historical Affairs and Landmark Review Board (HALRB) the County Manager determines that the modifications will not be detrimental to the historic nature of the Frontage Preservation Building as it existed prior to acceptance by the County Board or other identified entity. The developer may receive any available tax credits as a result of any improvements or renovations that are performed to the exterior or the interior of the Frontage Preservation Building. The Easement will provide that the developer specifically agrees that no work shall be performed on the exterior of the Frontage Preservation Building prior to the recording of Easement, except as outlined above, and that the County may take such actions as it deems necessary, to include the issuance of a stop work order for the entire project subject to SP #418, if the developer fails to comply with this condition.

Walgreens/Kenvon Peck Building Preservation Easement

82A. Condition to be provided in the supplemental report following HALRB review of the preservation easement at their January 18, 2012 meeting.

Boulevard Woodgrill/Faccia Luna Building Preservation Easement

82B. Condition to be provided in the supplemental report following HALRB review of the preservation easement at their January 18, 2012 meeting.

Walgreens/Kenyon Peck Transferred Density

83A. Additional unused density available from the Walgreens/Kenyon Peck store (2825 Wilson Boulevard/RPC# 15-065-001, -011, -012, -013, -016, -017) certified in the amount of 69,464 square feet of commercial GFA shall be transferred to SP #418 consistent with County Board approval of a Transfer of Development Rights on January 21, 2012. Prior to the issuance of the Footing to Grade Permit, the developer agrees to provide evidence to the Zoning Administrator that the appropriate deeds, have been recorded among the land records transferring such density as described above.

Boulevard Woodgrill/Faccia Luna Transferred Density

83B. Additional unused density available from the Boulevard/Faccia Luna restaurants (2901 Wilson Boulevard/RPC# 15-066-019) certified in the amount of 74,747 square feet of commercial GFA shall be transferred to SP #418 consistent with County Board approval of a Transfer of Development Rights on January 21, 2012. Prior to the issuance of the Footing to Grade Permit, the developer agrees to provide evidence to the Zoning Administrator that the appropriate deeds have been recorded among the land records transferring such density as described above.

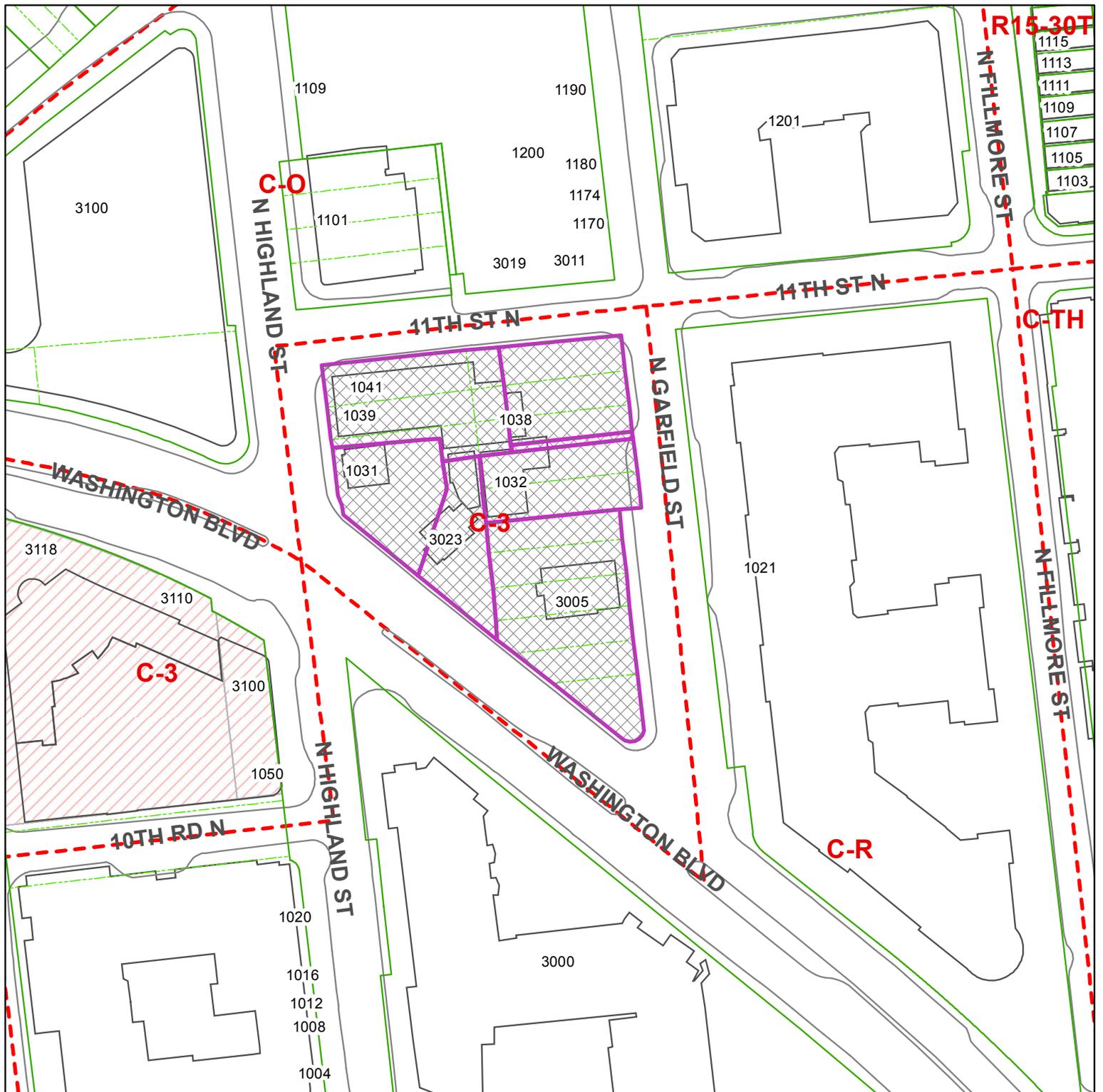
TDR Sending Site Sidewalk/Street and Utility Easements

84. The developer agrees, prior to issuance of the Footing to Grade Permit, to cause the dedication and recordation of sidewalk easements on the Boulevard Woodgrill/Faccia Luna TDR Sending Site located at 2901 Wilson Boulevard, RPC# 15-066-019 (hereafter referred to as the "Boulevard Woodgrill TDR Sending Site"). The developer further agrees that the easements to be dedicated shall provide a) the additional area necessary to provide a six foot wide sidewalk and utility easement along the property's entire southern boundary adjacent to Wilson Boulevard; b) the additional area necessary to provide a six foot wide sidewalk and utility easement along the property's entire eastern boundary adjacent to North Fillmore Street; and c) a street and utility easement of variable width, as measured from the eastern property boundary in North Fillmore Street westward to the back of the existing curb. The developer agrees that sidewalk and utility easements to be granted may permit existing, and approved, uses within the easement areas so long as the retail spaces remain under lease to the tenants occupying the retail spaces at the time of recordation of said easements, and no longer. The developer further agrees that the easement will provide that upon termination of the aforementioned leases for each respective retail space, the new tenant(s) shall not be permitted to locate any structures, or operate any uses, within the easement areas without separate authorization by way of County Ordinance or County Board approval.

Previous County Board Actions

December 10, 2011

Deferred a) TDR certification of 2825 Wilson Boulevard as an eligible Sending Site; b) TDR certification of 2901 Wilson Boulevard as an eligible Sending Site; c) TDR certification transferring density from 2825 Wilson Boulevard to SP #418; d) TDR certification transferring density from 2901 Wilson Boulevard to SP #418; d) SP #418 to permit redevelopment of the subject site with 284,012 s.f. of office use and 22,479 s.f. of ground-floor retail use with modifications of use.



SP# 418

RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010



 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.



3001 N. WASHINGTON BOULEVARD, ARLINGTON, VIRGINIA 22201

ARCHITECT

NORITAKE
associates

605 Prince St.
Alexandria, VA 22314
Tel: 703.739.9366

OWNER

 **PENZANCE**

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Washington, DC 20037
Tel: 202.339.8001

4.1 SITE PLAN APPLICATION
PRE-COUNTY BOARD FINAL 4.1 SITE PLAN FILING

DECEMBER 7, 2011

CIVIL / LANDSCAPE

Bowman Consulting

2121 Eisenhower Avenue, Suite 300
Alexandria, VA 22314
Tel: 703.548.2188

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Fernandez & Associates

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Tel: 703.533.7700

MEP

GHT, LTD.

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Tel: 703.243.1200

GEOTECHNICAL

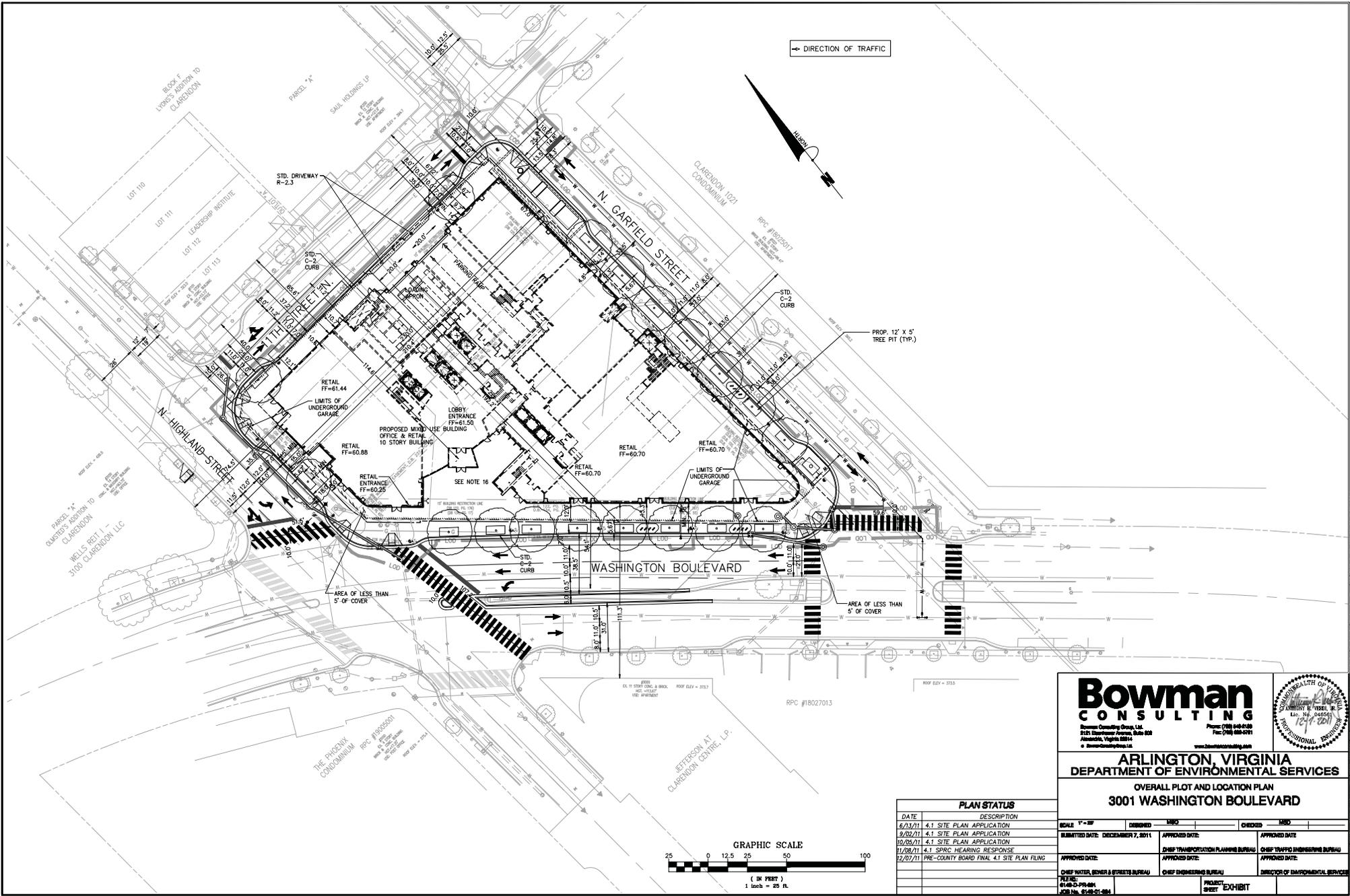
ECS, LLC

14026 Thunderbolt Place, Suite 100
Chantilly, VA 20151
Tel: 703.471.8400

LEED

EMO

3141 Fairview Park Drive, Suite 450
Falls Church, VA 22042
Tel: 703.205.0445



Bowman CONSULTING

Bowman Consulting Group, Ltd.
215 Eisenhower Avenue, Suite 202
Alexandria, Virginia 22304
• bowman@bmg.com • www.bowmanconsulting.com

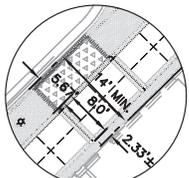
Phone: (703) 844-0100
Fax: (703) 844-0111

ARLINGTON, VIRGINIA
DEPARTMENT OF ENVIRONMENTAL SERVICES

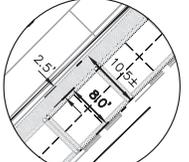
OVERALL PLOT AND LOCATION PLAN
3001 WASHINGTON BOULEVARD

PLAN STATUS		SCALE 1" = 25'	DIBROWED	MBC	CHECKED	LSC
DATE	DESCRIPTION					
6/13/11	4.1 SITE PLAN APPLICATION					
9/02/11	4.1 SITE PLAN APPLICATION					
10/26/11	4.1 SITE PLAN APPLICATION					
11/08/11	4.1 SPIC HEARING RESPONSE					
12/07/11	PRE-COUNTY BOARD FINAL 4.1 SITE PLAN FILING					
SUBMITTED DATE: DECEMBER 7, 2011		APPROVED DATE:		APPROVED DATE:		
CHIEF WATER, SEWER & STREETS BUREAU		CHIEF TRANSPORTATION PLANNING BUREAU		CHIEF TRAFFIC ENGINEERING BUREAU		
APPROVED DATE:		APPROVED DATE:		APPROVED DATE:		
FILE #:		CHIEF ENGINEERING BUREAU		DIRECTOR OF ENVIRONMENTAL SERVICES		
PROJECT SHEET: EXHIBIT						

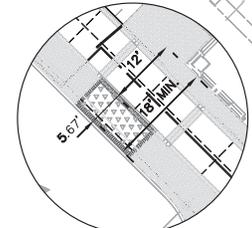
2011 File Name: 11_1108_103_3001 Washington Blvd (04-01-01) (05) - 2200.dwg, Date: 11/11/2011, 11:00:00 AM, User: jason@bmg.com



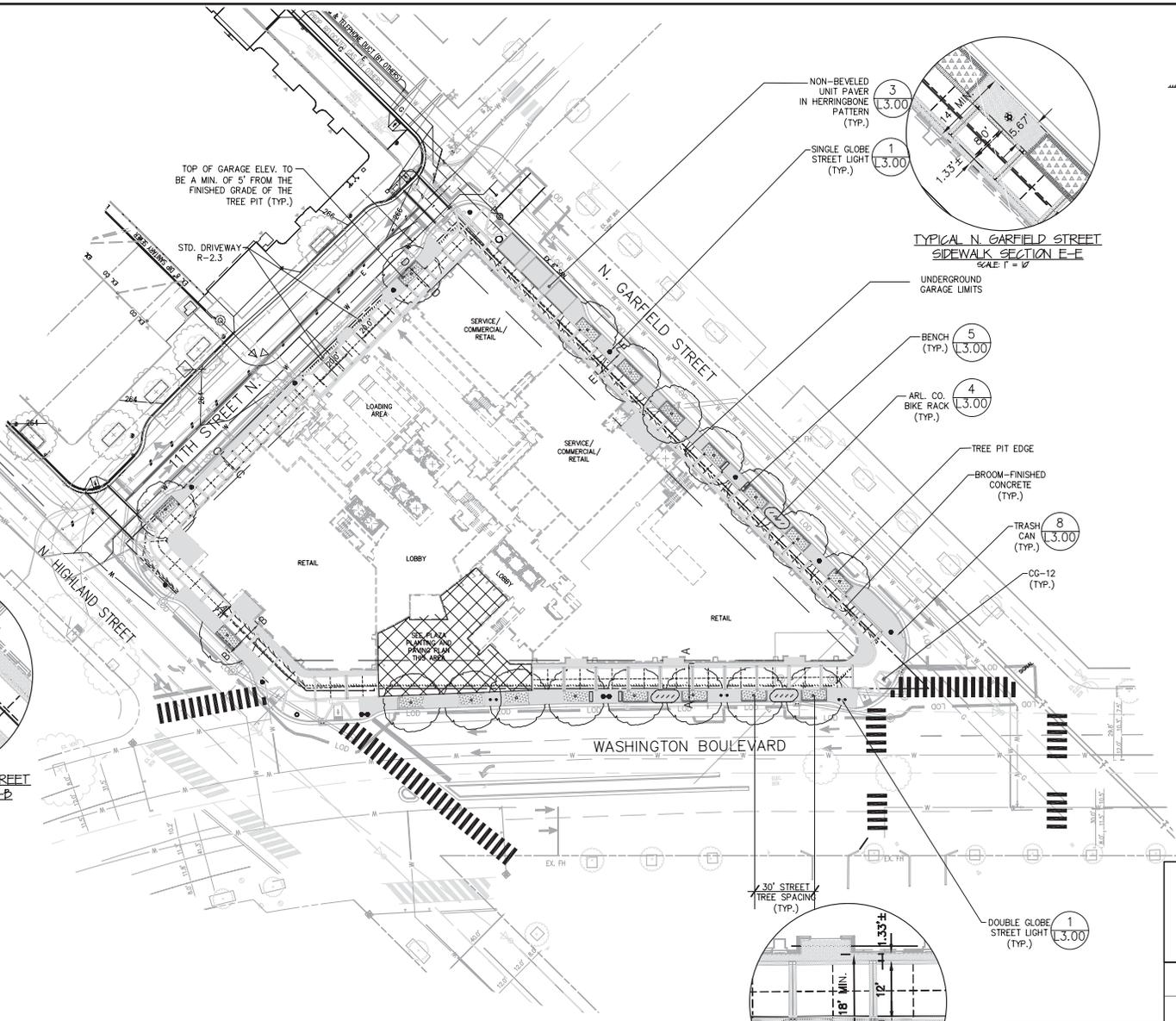
TYPICAL 11th STREET N
SIDEWALK SECTION D-D
SCALE 1" = 10'



11th STREET N
SIDEWALK SECTION C-C
SCALE 1" = 10'



TYPICAL N HIGHLAND STREET
SIDEWALK SECTION B-B
SCALE 1" = 10'



LEGEND

- UNDERGROUND GARAGE LIMITS
- - - - - LIMITS OF STRUCTURAL SOIL
- DEODIOUS STREET TREE (SEE STREET TREE SCHEDULE)
- SMALL ORNAMENTAL TREE
- ARL. CO. TREE PIT W/ GROUNDCOVER (SEE STREET TREE SCHEDULE)
- SMALL EVERGREEN SHRUB
- ▭ ARL. CO. BENCH (5) (3.00)
- ||| ARL. CO. BIKE RACK (4) (3.00)
- ARL. CO. TRASH CAN (8) (3.00)
- SINGLE HEAD STREET LAMP
- DOUBLE HEAD STREET LAMP

STREET TREE SCHEDULE

- N. WASHINGTON STREET-- WILLOW OAK (QUERCUS PHELLOS) W/ LIRIOPE
- N. GARFIELD STREET-- ZELKOVA (ZELKOVA SERRATA) W/ ST. JOHNS' WORT
- N. HIGHLAND STREET-- LACEBARK ELM (ULMUS PARVIFOLIA) W/ ST. JOHNS' WORT
- 11TH STREET N-- LONDON PLANE (PLATANUS ACERIFOLIA) W/ LIRIOPE

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 Alexandria, Virginia 22314
 Phone: (703) 548-2188
 Fax: (703) 693-9791
 www.bowmanconsulting.com

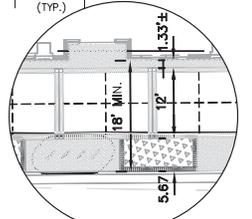
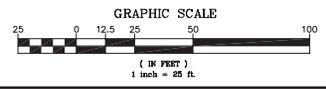
**ARLINGTON, VIRGINIA
 DEPARTMENT OF ENVIRONMENTAL SERVICES
 STREETScape PLAN
 3001 WASHINGTON BOULEVARD**

PLAN STATUS	
DATE	DESCRIPTION
6/23/11	4.1 SITE PLAN APPLICATION
09/02/11	4.1 SITE PLAN APPLICATION
10/05/11	4.1 SITE PLAN RESUBMISSION
11/28/11	4.1 SPRC HEARING RESPONSE
12/07/11	PRE-COUNTYBOARD FINAL 4.1 SITE PLAN FILING

DATE	DESIGNED	CHECKED	APPROVED
SUBMITTED DATE: SEPTEMBER 2, 2011	DESIGNED DATE:	CHECKED DATE:	APPROVED DATE:
APPROVED DATE:	CHIEF TRANSPORTATION PLANNING BUREAU	APPROVED DATE:	CHIEF TRAFFIC ENGINEERING BUREAU
APPROVED DATE:	CHIEF ENGINEERING BUREAU	APPROVED DATE:	DIRECTOR OF ENVIRONMENTAL SERVICES

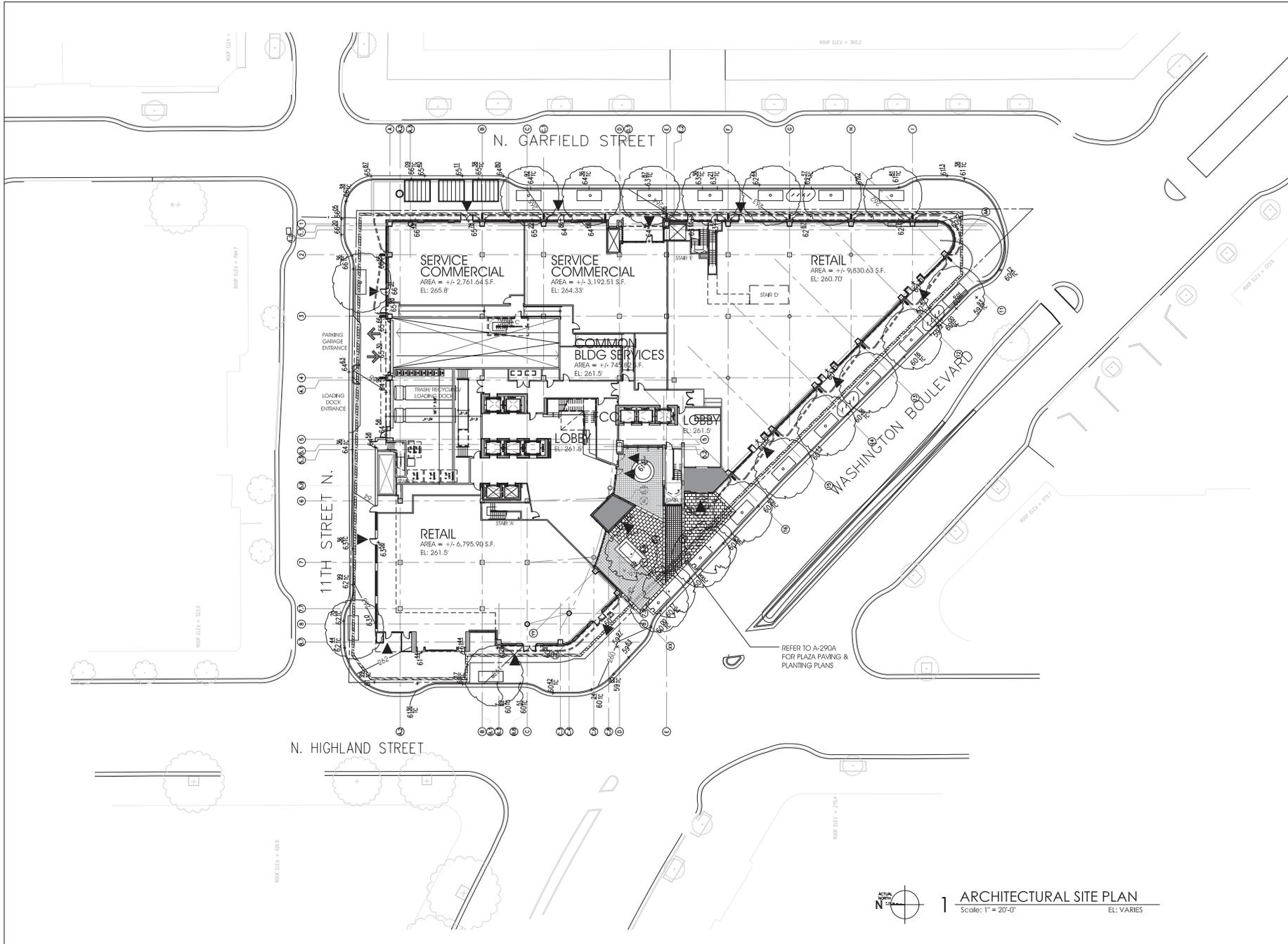
LANDSCAPED OPEN SPACE CALCULATION:

TOTAL SITE AREA	4229.00 SF (12 AC)
LANDSCAPE OPEN SPACE REQUIRED (10%)	422.90 SF
LANDSCAPE OPEN SPACE PROVIDED (10.2%)	4314.00 SF
GREENROOF	5310.00 SF
STREET LEVEL	1080.00 SF



TYPICAL WASHINGTON BOULEVARD
SIDEWALK SECTION A-A
SCALE 1" = 10'

024 File Name: 11_1118 - Washington Blvd. & N. Garfield Street (SPR-01-1100) (REV) (ISSUED) 12.03.11 STREETSCAPE PLAN



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 fax 703.683.5781

Structural
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 Structural Engineers, P.C.
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 Arlington, VA 22201

Penzance
 Management LLC.
 2400 N. Street, N.W., Suite 400
 Washington, D.C. 20037
 Tel: 202.339.8880

4.1 PRE-SUBMISSION	03/14/11
4.1 PRE-SUBMISSION	04/01/11
4.1 PRE-SUBMISSION	05/11/11
4.1 SITE PLAN APPLICATION	06/13/11
DO PROGRESS SET	07/01/11
4.1 SITE PLAN APPLICATION	09/02/11
4.1 - SPRC HEARING RESPONSE	10/05/11
4.1 - SPRC HEARING RESPONSE	11/03/11
4.1 - SPRC HEARING RESPONSE	11/08/11
PRE-COUNTY BOARD FINAL	12/07/11
4.1 SITE PLAN REVIEW	12/07/11
2011 NORITAKE Project No: D1101	



Professional Seal
ARCHITECTURAL
 SITE PLAN

Scale: 1" = 20'-0"

A-290

1 ARCHITECTURAL SITE PLAN
 Scale: 1" = 20'-0" EL: VARIES

ROOF LEVEL
GREEN ROOF AREA
300.29 SF

N. GARFIELD STREET

LEVEL 9
GREEN ROOF AREA
4,559.72 SF

LEVEL 5
GREEN ROOF AREA
2,069.25 SF

LEVEL 8
GREEN ROOF AREA
590.34 SF

LEVEL 2
GREEN ROOF AREA
1,167.09 SF

N. HIGHLAND STREET

LEVEL 3
GREEN ROOF AREA
705.24 SF

11TH STREET N.

WASHINGTON BOULEVARD

MECH. EXHAUST

LEGEND

-  EXTENSIVE GREEN ROOF AREA
-  INTENSIVE GREEN ROOF AREA

SITE AREA: 49,295.03 SF
 TOTAL ROOF AREA: 36,997.82 SF
 TOTAL GREEN ROOF AREA (ACTUAL):
 9,391.93 SF
 (19.05% OF SITE AREA)
 (25.39% OF TOTAL ROOF AREA)



GREEN ROOF PLAN

Scale: 1/16" = 1'-0"

4.1 PRE-SUBMISSION	03/14/11
4.1 PRE-SUBMISSION	04/01/11
4.1 PRE-SUBMISSION	05/11/11
4.1 SITE PLAN APPLICATION	06/13/11
DO PROGRESS SET	07/01/11
4.1 SITE PLAN APPLICATION	09/02/11
4.1 - SPRC HEARING RESPONSE	10/05/11
4.1 - SPRC HEARING RESPONSE	11/03/11
4.1 - SPRC HEARING RESPONSE	11/08/11
PRE-COUNTY BOARD FINAL	12/07/11
4.1 SITE PLAN REVIEW	12/07/11
Q2011 - NORITAKE	Project No: D1101



ARCHITECTURAL GREEN ROOF PLAN

Scale: 1/16"=1'-0"



AERIAL VIEW LOOKING EAST



LOOKING EAST at WASHINGTON BOULEVARD & NORTH HIGHLAND STREET



STAIR TOWER PROPOSED DESIGN ALTERNATIVE



STAIR TOWER CURRENT DESIGN

LOOKING NORTHEAST along WASHINGTON BOULEVARD

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 Tel: 202.339.8880

4.1 PRE-SUBMISSION	03/14/11
4.1 PRE-SUBMISSION	04/01/11
4.1 PRE-SUBMISSION	05/11/11
4.1 PRE-SUBMISSION	06/13/11
DO PROGRESS SET	07/01/11
4.1 SITE PLAN APPLICATION	09/02/11
4.1 - SPRC HEARING	10/05/11
RESPONSE	
4.1 - SPRC HEARING	11/03/11
RESPONSE	
4.1 - SPRC HEARING	11/08/11
RESPONSE	

PRE-COUNTY BOARD FINAL
 4.1 SITE PLAN REVIEW 12/07/11
 2011 NORITAKE Project No: D1101



Professional Seal

ARCHITECTURAL
 PERSPECTIVES

Scale: N.T.S.

A-292A



CORNER of NORTH HIGHLAND STREET and WASHINGTON BOULEVARD



EYE LEVEL VIEW at NORTH HIGHLAND STREET



NORTH HIGHLAND STREET at 11TH STREET N. and WASHINGTON BOULEVARD



CORNER of NORTH HIGHLAND STREET and GARFIELD STREET

3001

WASHINGTON
BOULEVARD

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Arlington, VA 22201

**Penzance
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Washington, D.C. 20037
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4.1 PRE-SUBMISSION	03/14/11
4.1 PRE-SUBMISSION	04/01/11
ARLINGTON COUNTY	
4.1 PRE-SUBMISSION	05/11/11
INITIAL COMMENTS	
4.1 SITE PLAN APPLICATION	06/13/11
DO PROGRESS SET	07/01/11
4.1 SITE PLAN APPLICATION	09/02/11
4.1 - SPRC HEARING	10/05/11
RESPONSE	
4.1 - SPRC HEARING	11/03/11
RESPONSE	
4.1 - SPRC HEARING	11/08/11
RESPONSE	

PRE-COUNTY BOARD FINAL
4.1 SITE PLAN REVIEW 12/07/11
0211 NORITAKE Project No: D1101



Professional Seal

ARCHITECTURAL
PERSPECTIVES

Scale: N.T.S.

A-292B



SIDEWALK LOOKING EAST on 11TH STREET NORTH



CORNER of 11TH STREET NORTH & NORTH GARFIELD STREET



VIEW of EAST FACADE along NORTH GARFIELD STREET



LOOKING NORTHEAST along WASHINGTON BOULEVARD

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Structural Engineers, P.C.
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Washington, D.C. 20037
Tel: 202.339.8880

4.1 PRE-SUBMISSION	03/14/11
4.1 PRE-SUBMISSION	04/01/11
4.1 PRE-SUBMISSION	05/11/11
4.1 SITE PLAN APPLICATION	06/13/11
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4.1 SITE PLAN APPLICATION	09/02/11
4.1 - SPRC HEARING RESPONSE	10/05/11
4.1 - SPRC HEARING RESPONSE	11/03/11
4.1 - SPRC HEARING RESPONSE	11/08/11

PRE-COUNTY BOARD FINAL
4.1 SITE PLAN REVIEW
12/07/11

2011 NORITAKE Project No: D1101



Professional Seal

ARCHITECTURAL
PERSPECTIVES

Scale: N.T.S.

A-292C



VIEW LOOKING NORTHWEST along WASHINGTON BOULEVARD



VIEW LOOKING NORTHWEST - NORTH GARFIELD FACADE



EYE LEVEL VIEW at WASHINGTON BOULEVARD & NORTH GARFIELD STREET



SIDEWALK LOOKING NORTH on NORTH GARFIELD STREET

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4.1 PRE-SUBMISSION	03/14/11
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RESPONSE	
4.1 - SPRC HEARING	11/03/11
RESPONSE	
4.1 - SPRC HEARING	11/08/11
RESPONSE	

PRE-COUNTY BOARD FINAL
 4.1 SITE PLAN REVIEW 12/07/11
 02011 NORITAKE Project No: D11D1

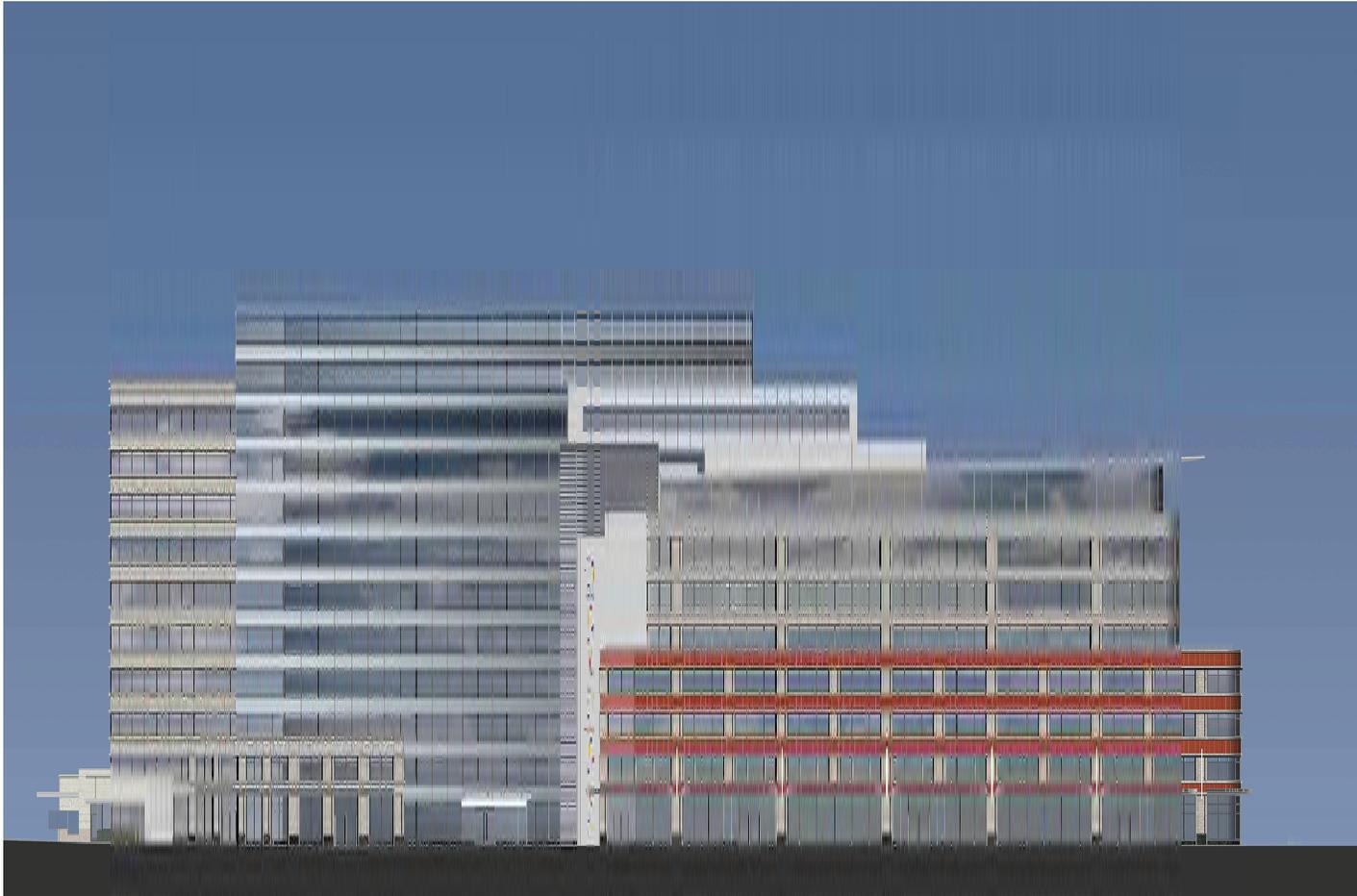


Professional Seal

ARCHITECTURAL
 PERSPECTIVES

Scale: N.T.S.

A-292D



1 WASHINGTON BLVD. ELEVATION (SOUTH)
N.T.S.

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Washington, D.C. 20037
Tel: 202.339.8880

4.1 PRE-SUBMISSION	03/14/11
4.1 PRE-SUBMISSION ARLINGTON COUNTY	04/01/11
4.1 PRE-SUBMISSION INITIAL COMMENTS	05/11/11
4.1 SITE PLAN APPLICATION	06/13/11
DO PROGRESS SET	07/01/11
4.1 SITE PLAN APPLICATION	09/02/11
4.1 - SPRC HEARING RESPONSE	10/05/11
4.1 - SPRC HEARING RESPONSE	11/03/11
4.1 - SPRC HEARING RESPONSE	11/08/11
PRE-COUNTY BOARD FINAL	
4.1 SITE PLAN REVIEW	12/07/11
2011 NORITAKE Project No: D1101	



Professional Seal

**BUILDING
ELEVATION
SOUTH - STAIR 'F'
OPTION 1**

Scale: N.T.S.

A-500A



1 WASHINGTON BLVD. ELEVATION (WEST)
N.T.S.

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4.1 PRE-SUBMISSION	03/14/11
4.1 PRE-SUBMISSION ARLINGTON COUNTY	04/01/11
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4.1 - SPRC HEARING RESPONSE	11/08/11

PRE-COUNTY BOARD FINAL

4.1 SITE PLAN REVIEW

12/07/11

©2011 NORITAKE Project No: D1101



Professional Seal

**BUILDING
ELEVATION
WEST - STAIR 'F'
OPTION 1**

Scale: N.T.S.

A-501A



1 WASHINGTON BLVD. ELEVATION (NORTH)
N.T.S.

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4.1 - SPRC HEARING RESPONSE	11/03/11
4.1 - SPRC HEARING RESPONSE	11/08/11

PRE-COUNTY BOARD FINAL
4.1 SITE PLAN REVIEW
12/07/11

©2011 NORITAKE Project No: D1101



Professional Seal

BUILDING
ELEVATION
NORTH

Scale: N.T.S.

A-502A



1 WASHINGTON BLVD. ELEVATION (EAST)
N.T.S.

NORITAKE
associates
606 PRINCE STREET, ALEXANDRIA, VA 22314
T. 703.738.8966 F. 703.738.9481

Civil / Landscape

Bowman Consulting
Group, Ltd.
2121 Eisenhower Ave.
Suite 302
Alexandria, VA 22314
tel 703.548.2188
fax 703.683.5781

Structural

Fernandez & Associates
Structural Engineers, P.C.
101 Park Washington Court
Falls Church, VA 22046-4519

tel 703.533.7700
fax 703.534.0319

MEP

GHT, Ltd.

1010 N. Glebe Rd.
Suite 200
Arlington, VA 22201
tel 703.243.1200
fax 703.276.1376

3001

WASHINGTON
BOULEVARD

3001 Washington Blvd.
Arlington, VA 22201

Penzance
Management LLC.
2400 N. Street, N.W., Suite 600
Washington, D.C. 20037
Tel: 202.339.8880

4.1 PRE-SUBMISSION	03/14/11
4.1 PRE-SUBMISSION	04/01/11
4.1 PRE-SUBMISSION	05/11/11
4.1 SITE PLAN APPLICATION	06/13/11
DO PROGRESS SET	07/01/11
4.1 SITE PLAN APPLICATION	09/02/11
4.1 - SPRC HEARING	10/05/11
RESPONSE	
4.1 - SPRC HEARING	11/03/11
RESPONSE	
4.1 - SPRC HEARING	11/08/11
RESPONSE	

PRE-COUNTY BOARD FINAL
4.1 SITE PLAN REVIEW
12/07/11
Q2011 NORITAKE Project No: D1101

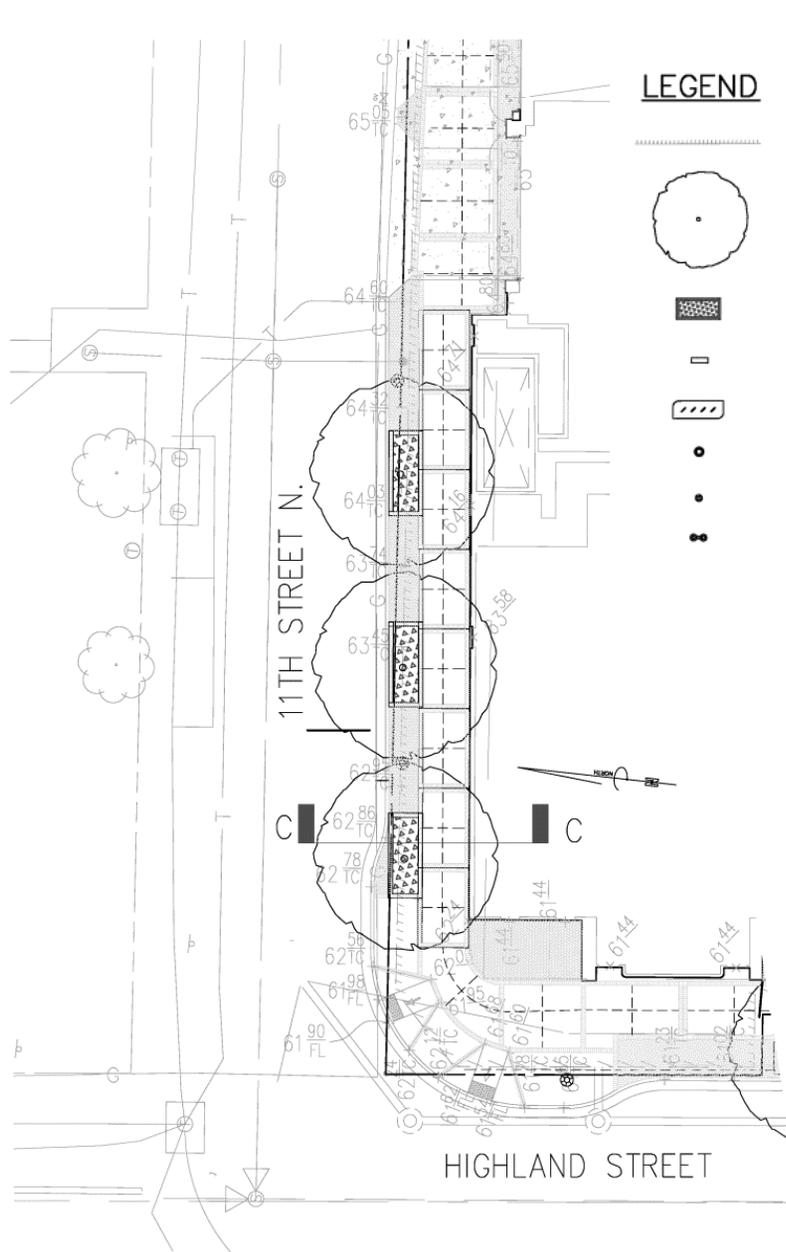


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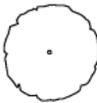
BUILDING
ELEVATION
EAST

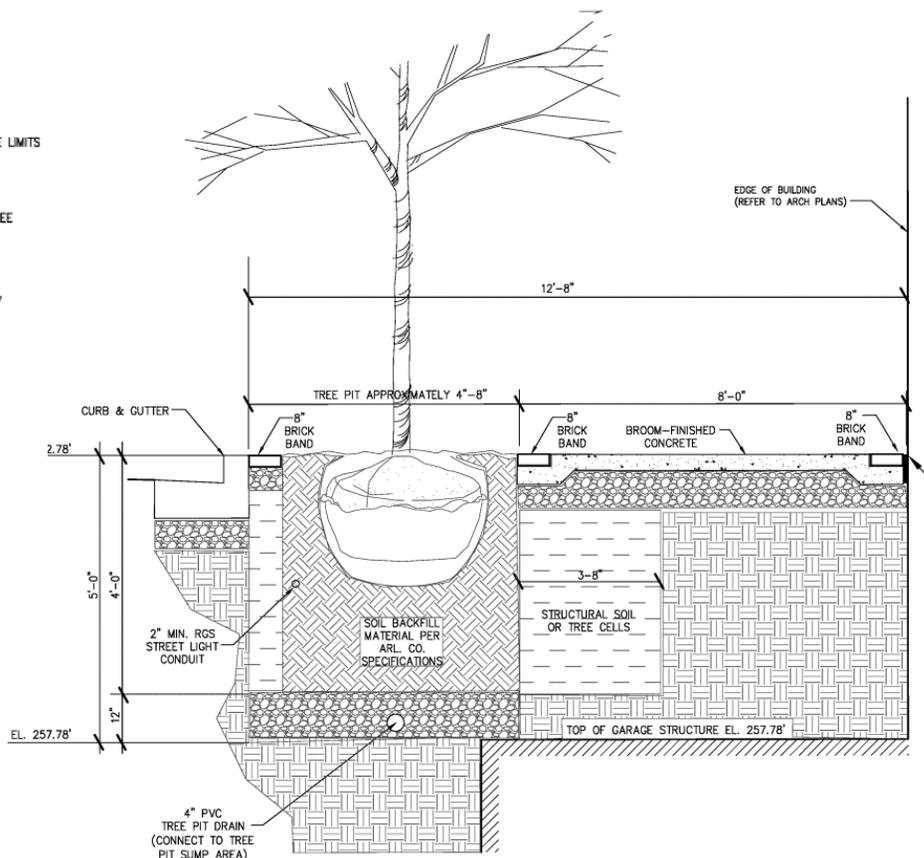
Scale: N.T.S.

A-503A



LEGEND

-  UNDERGROUND GARAGE LIMITS
-  DECIDUOUS STREET TREE
-  ARL. CO. TREE PIT W/ GROUNDCOVER
-  ARL. CO. BENCH
-  ARL. CO. BIKE RACK
-  ARL. CO. TRASH CAN
-  SINGLE HEAD STREET LAMP
-  DOUBLE HEAD STREET LAMP



TREE PIT DETAIL – 11TH STREET N.
SECTION C-C

N.T.S.

TREE PIT DETAIL – 11TH STREET N.
PLAN

1"=10'-0"



Bowman CONSULTING

Bowman Consulting Group, Ltd.
2121 Eisenhower Avenue, Suite 302
Alexandria, Virginia 22314
Bowman Consulting Group, Ltd.

Phone: (703) 548-2188
Fax: (703) 663-5781

www.bowmanconsulting.com

ARLINGTON, VIRGINIA
DEPARTMENT OF ENVIRONMENTAL SERVICES

TREE PIT EXHIBIT @ 11TH STREET NORTH
3001 WASHINGTON BOULEVARD

SCALE 1" = 10'	DESIGNED JDB	CHECKED JDB
SUBMITTED DATE: JANUARY 16, 2012	APPROVED DATE:	APPROVED DATE



10 August 2011

Penzance Clarendon Assemblage, L.L.C.
c/o The Penzance Companies
Attn: Julia Tolkan & Christopher McGrew
2400 N. Street, NW
Suite 600
Washington, DC 20037

Re: Consent Letter for filing 4.1 Site Plan Application; Transfer of Development Rights from 2825 Wilson Boulevard ("Sending Site") to Proposed Project at 3001 Washington Boulevard ("Receiving Site")

Dear Julia:

2825 Wilson LLC ("Owner") hereby acknowledges that it has entered into an Agreement of Purchase and Sale of Transferable Development Rights with your affiliate Penzance Properties L.L.C. ("Penzance"), dated 21 June 2011, whereby Owner has agreed to sell the transferable development rights at the Sending Site to Penzance. As a result, Owner hereby grants Penzance Clarendon Assemblage, L.L.C authority to include all of its transferable development rights from the Sending Site in its 4.1 Site Plan Application at the Receiving Site.

We look forward to the successful conclusion of the 4.1 Site Plan process and the consummation of the transfer of development rights to Penzance.

Sincerely,

2825 Wilson LLC

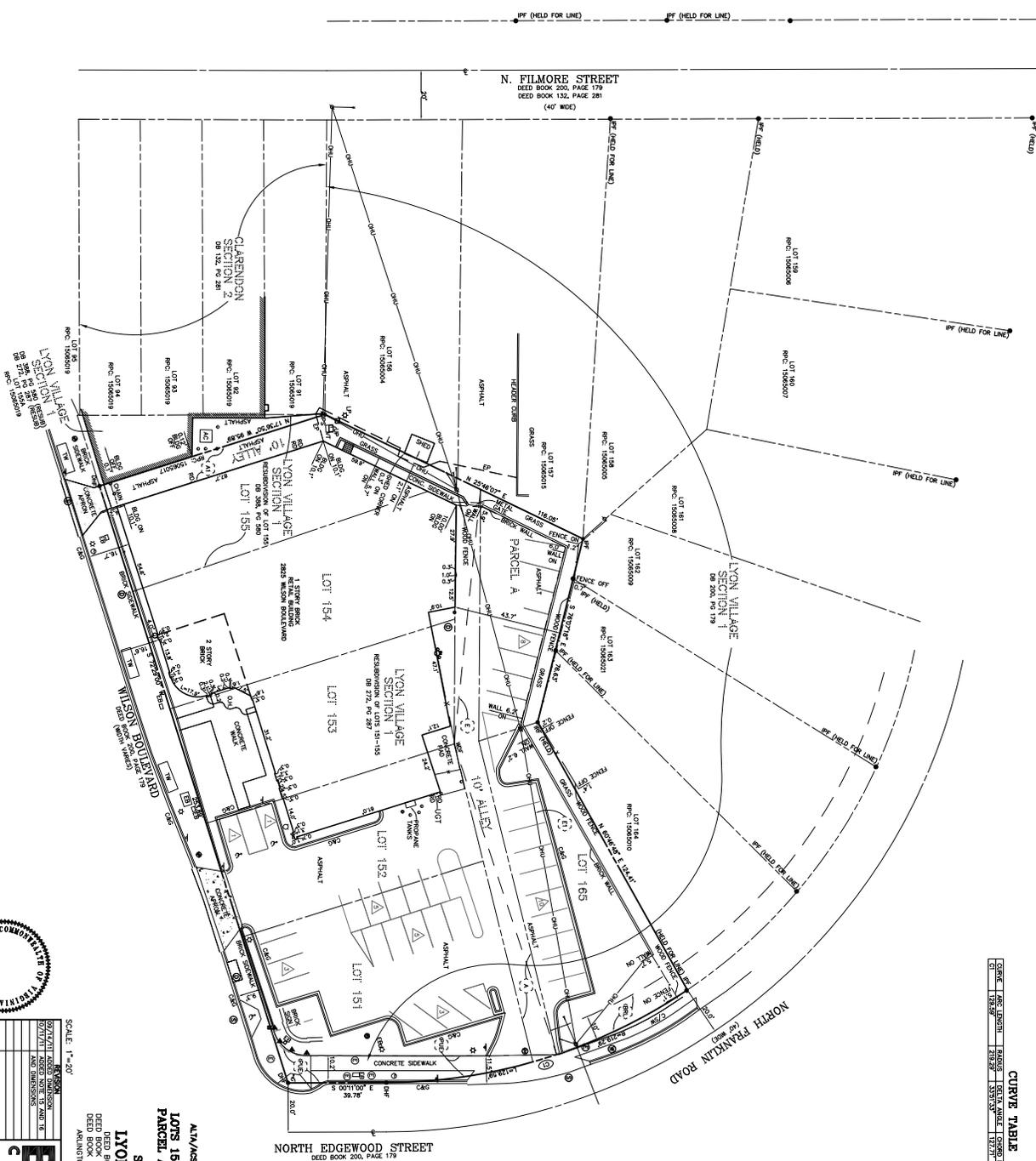
By: 
Robert Selzer
Managing Member

cc: Nan E. Walsh, Esq.

Selzer Gurvitch Rabin Wertheimer Polott & Obecnny, P.C.

4416 East West Highway ■ Fourth Floor ■ Bethesda, MD 20814-4568
Phone: (301) 986-9600 ■ Fax: (301) 986-1301 ■ Toll Free: (888) 986-9600

www.selzergurvitch.com



CURVE TABLE

STATION	CHORD BEARING	CHORD LENGTH	CHORD BEARING	ARC LENGTH
151+00	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
151+25	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
151+50	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
151+75	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
152+00	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
152+25	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
152+50	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
152+75	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
153+00	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
153+25	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
153+50	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
153+75	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
154+00	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
154+25	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
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155+25	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
155+50	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
155+75	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00
156+00	S 71° 27' 00" E	100.00	S 71° 27' 00" E	100.00



Survey Information

DATE: AUGUST 28, 2011

PROJECT: LYON VILLAGE SECTION 1

SCALE: 1"=20'

BY: JAMES M. BOWMAN, SURVEYOR

FOR: BOWMAN CONSULTING, INC.

PROJECT NO: 11-01

DATE: AUGUST 28, 2011

PROJECT: LYON VILLAGE SECTION 1

SCALE: 1"=20'

BY: JAMES M. BOWMAN, SURVEYOR

FOR: BOWMAN CONSULTING, INC.

PROJECT NO: 11-01

DATE: AUGUST 28, 2011

ALTA/ASBL LAND TITLE SURVEY
LOTS 151-156, LOT 165
PARCEL A AND 10' ALLEY
 OF
LYON VILLAGE
SECTION 1
 DEED BOOK 200, PAGE 179
 DEED BOOK 272, PAGE 287 (RESUB)
 DEED BOOK 388, PAGE 268 (RESUB)
 FAYETTE COUNTY, VIRGINIA



August 22, 2011

Tad Lunger, Esquire
Bean, Kinney & Korman, P.C.
2300 Wilson Boulevard, 7th Floor
Arlington, Virginia 22201

Re: **Consent Letter for filing 4.1 Site Plan Application; Transfer of Development Rights from 2901 Wilson Boulevard ("Sending Site") to Proposed Project at 3001 Washington Boulevard ("Receiving Site")**

Dear Mr. Lunger:

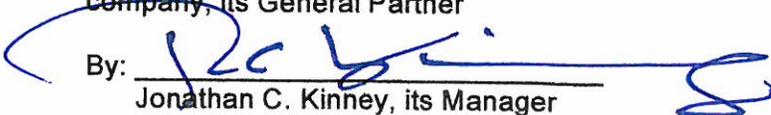
C. P. Master Associates, L. P., a Virginia limited partnership ("Owner") hereby acknowledges that it has entered into an Agreement of Purchase and Sale of Transferable Development Rights with Penzance Properties, LLC, a District of Columbia limited liability company and an affiliate of Clarendon Assemblage, LLC, a Delaware limited liability company (collectively, "Penzance") whereby Owner has agreed to sell the density and transferable development rights at the Sending Site to Penzance pursuant to the guidelines set forth in the Clarendon Sector Plan. As a result, Owner hereby grants Penzance authority to include the transferable development rights of the Sending Site in its 4.1 Site Plan Application for the Receiving Site.

We look forward to the successful conclusion of the 4.1 Site Plan process and the consummation of the transfer of density to Penzance.

Sincerely,

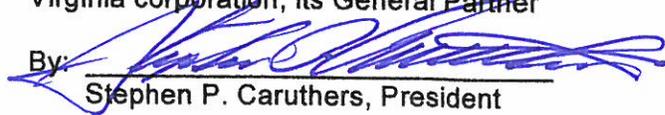
C. P. Master Associates, L. P., a Virginia limited partnership

By: Chesapeake, L.C., a Virginia limited liability company, its General Partner

By: 
Jonathan C. Kinney, its Manager

By: Phil-Pres Associates, L. P., a Virginia limited partnership, its General Partner

By: Caruthers Development Corporation, a Virginia corporation, its General Partner

By: 
Stephen P. Caruthers, President



ARLINGTON COUNTY, VIRGINIA

ARLINGTON COUNTY PLANNING COMMISSION

2100 CLARENDON BOULEVARD, SUITE 700
ARLINGTON, VIRGINIA 22201
(703) 228-3525 • FAX (703) 228-3543



ROSEMARY CIOTTI
CHAIR

STEVE SOCKWELL
VICE CHAIR

FREIDA WRAY
COORDINATOR

GIZELE C. JOHNSON
CLERK

December 6, 2011

Arlington County Board
2100 Clarendon Boulevard
Suite 300
Arlington, Virginia 22201

- SUBJECT:**
4. **A. Certification of Transferrable Development Rights** to be considered for transfer from 2825 Wilson Boulevard (“Sending Site”) to SP #418 – Penzance Clarendon Assemblage, LLC (“Receiving Site”), as described below, for the purpose of historic preservation. The Sending Site is approximately 40,656 sq. ft. located on the block generally bounded by Franklin Road to the north, North Edgewood Street to the east, Wilson Boulevard to the south, and North Fillmore Street to the west, and is identified as RPC# 15-065-001, 15-065-011, 15-065-012, 15-065-013, 15-065-016, 15-065-017. Proposed density to be certified is 69,464 sq. ft. of commercial GFA. Applicable policies: Clarendon Sector Plan; GLUP designation as Service Commercial and “Clarendon Revitalization District”; and Policy Guidance for Transfer of Development Rights.
 - B. Certification of Transferrable Development Rights** to be considered for transfer from 2901 Wilson Boulevard (“Sending Site”) to SP #418 – Penzance Clarendon Assemblage, LLC (“Receiving Site”), as described below, for the purpose of historic preservation. The Sending Site is approximately 15,390 sq. ft. located on the block generally bounded by Franklin Road to the north, North Fillmore Street to the east, Wilson Boulevard to the south, and North Garfield Street to the west, and is identified as RPC# 15-066-019. Proposed density to be certified is 74,747 sq. ft. of commercial GFA. Applicable policies: Clarendon Sector Plan; GLUP: Medium Density Mixed Use and “Clarendon Revitalization District”; and Policy Guidance for Transfer of Development Rights.
 - C. Transfer of Development Rights** from 2825 Wilson Boulevard (“Sending Site”) 69,464 sq. ft. of commercial GFA to SP #418 – Penzance Clarendon Assemblage, LLC (“Receiving Site”) by site plan under §36.H.5.b of the Zoning Ordinance. The Sending Site is approximately 40,656 square feet located on the block generally

P.C. #7.A.-F.

bound by Franklin Road to the north, North Edgewood Street to the east, Wilson Boulevard to the south, and North Fillmore Street to the west, and is identified as RPC# 15-065-001, 15-065-011, 15-065-012, 15-065-013, 15-065-016, 15-065-017. The Receiving Site is approximately 49,295 sq. ft. located on the block generally bound by 11th Street North to the north, North Garfield Street to the east, Washington Boulevard to the south, and North Highland Street and identified as RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010, and North Garfield Street right of way. Applicable policies: Clarendon Sector Plan; GLUP: Medium Density Mixed Use and “Clarendon Revitalization District”; and Policy Guidance for Transfer of Development Rights.

D. Transfer of Development Rights from 2901 Wilson Boulevard (“Sending Site”) 74,747 sq. ft. of commercial GFA to SP #418 – Penzance Clarendon Assemblage, LLC (“Receiving Site”) by site plan under §36.H.5.b of the Zoning Ordinance. The Sending Site is approximately 15,390 sq. ft. located on the block generally bound by Franklin Road to the north, North Fillmore Street to the east, Wilson Boulevard to the south, and North Garfield Street to the west, and is identified as RPC# 15-066-019. The Receiving Site is approximately 49,295 sq. ft. located on the block generally bound by 11th Street North to the north, North Garfield Street to the east, Washington Boulevard to the south, and North Highland Street and identified as RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010, and North Garfield Street right of way. Applicable policies: Clarendon Sector Plan; GLUP: Medium Density Mixed Use and “Clarendon Revitalization District”; and Policy Guidance for Transfer of Development Rights.

E. 1) An Ordinance to Vacate a Portion of an Easement for Public Street and Utility Purposes, Running North from the Corner of the Intersection of Washington Boulevard and N. Garfield Street along the Eastern Boundary of Lot 12, Lot 11, Lot 10, Part Lot 8 and Part Lot 7, Moore’s Addition to Clarendon, RPC No. 18-026-001.

2) An Ordinance to Vacate a Portion of an Easement for Public Street & Utility Purposes, located at the Northeastern Corner of the Intersection of N. Highland Street and Washington Boulevard, on Lot 5-A, Moore’s Addition to Clarendon, RPC No. 18-026-009, both with Conditions.

F. SP# 418 Penzance Clarendon Assemblage, LLC for a special exception site plan for the construction of a 306,492 sq. ft. commercial building with 284,012 sq. ft. of office space and 22,479 sq. ft. of ground floor retail in the “C-3” zoning district under §§27.D.2 and

36.H. Property is approximately 49,295 sq. ft. and is identified as RPC# 18-026-001, 18-026-002, 18-026-003, 18-026-004, 18-026-008, 18-026-009, 18-026-010. The proposed density is 6.22 FAR. Modifications of zoning ordinance requirements include: parking ratio, penthouse height, bonus density for LEED silver certification and other modifications as necessary to achieve the proposed development plan. Applicable Policies: Clarendon Sector Plan; GLUP: Medium Density Mixed Use and “Clarendon Revitalization District”, and Policy Guidance for Transfer of Development Rights. **(Penzance)**

RECOMMENDATIONS:

- A. Defer consideration of a resolution to certify the transfer of development rights from 2825 Wilson Boulevard (“Sending Site”) to SP #418 to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.**
- B. Defer consideration of a resolution to certify the transfer of development rights from 2901 Wilson Boulevard (“Sending Site”) to SP #418 to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.**
- C. Defer consideration of a resolution to transfer 49,295 square feet of commercial GFA from 2825 Wilson Boulevard (“Sending Site”) to SP #418 (“Receiving Site”) to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.**
- D. Defer consideration of a resolution to transfer 74,747 square feet of commercial GFA from 2901 Wilson Boulevard (“Sending Site”) to SP #418 (Receiving Site”) to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.**
- E. Defer consideration of an Ordinance Vacate: 1) a Portion of an Easement for Public Street and Utility Purposes, Running North from the Corner of the Intersection of Washington Boulevard and N. Garfield Street along the Eastern Boundary of Lot 12, Lot 11, Lot 10, Part Lot 8 and Part Lot 7, Moore’s Addition to Clarendon, RPC No. 18-026-001; and 2) a Portion of an Easement for Public Street & Utility Purposes, located at the Northeastern Corner of the Intersection of N. Highland Street and Washington Boulevard, on Lot 5-A, Moore’s Addition to Clarendon, RPC No. 18-026-009, both with Conditions.**

- F. Defer consideration of an ordinance to approve a site plan for the construction of a 306,492 square foot commercial building with 284,012 square feet of office space and 22,479 square feet of ground floor retail to the January 9, 2012, and January 21, 2012 meetings of the Planning Commission and County Board, respectively.**

Dear County Board Members:

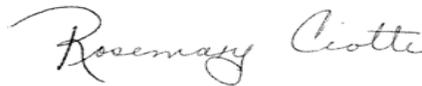
The Planning Commission heard these items at its November 28, 2011 meeting. Freida Wray, CPHD Planning, presented the staff recommendation to defer. There were no public speakers.

Planning Commission Motion

Commissioner Monfort moved that the Planning Commission recommend that the County Board defer consideration of the above actions (resolutions to certify transferable development rights from two sending sites to SP #418 [receiving site]; resolutions to transfer commercial GFA from two sending sites to SP #418 [receiving site]; two ordinances to vacate portions of public easements; and an ordinance to approve a site plan (SP #418) to the January 9, 2012 Planning Commission and January 21, 2012 County Board meetings. Commissioner Malis seconded the motion.

The Planning Commission voted 9-0 to support the motion. Commissioners Cole, Fallon, Forinash, Harner, Kumm, Malis, Monfort, Savela, and Sockwell supported the motion.

Respectfully Submitted,
Arlington County Planning Commission



Rosemary Ciotti
Planning Commission Chair

ARLINGTON COUNTY PLANNING COMMISSION

SITE PLAN REPORT FOR 01-09-2012 PC AGENDA ITEM #2, 3001 N. Washington Blvd. (Penzance)

Submitted by Terry Savela, Planning Commissioner and Site Plan Chair

SPRC Meeting Dates: 9/12/2011; 10/17/2011; 11/3/2011

Project Summary: This application is likely one of the most complex site plans ever brought forward in Arlington County. It seeks to assemble several parcels separately owned (some through family trusts) on a small unredeveloped block in the heart of Clarendon. This block, bounded by Washington Blvd, N. Highland St., N. Garfield St., and 11th St. North represents one of three blocks identified in the Sector Plan as a potential receiving site for additional height and density “in return for extraordinary community benefits including building preservation, affordable housing, green building design, and/or public open space.” This block is also one of four remaining unredeveloped blocks with a use mix target for the base density of 3.0 FAR of 60% commercial, reflecting the County’s objective of increasing the percentage of GFA that is office space in Clarendon. (The County has long sought to increase the office mix in Clarendon, with very limited success.) Finally, the block contains a building listed as Notable on our Historic Inventory list and targeted for façade preservation in the sector plan. The application has sought to overcome the obstacles and meet the many goals for the block set forth in the Sector Plan.

The proposed project for two office buildings with ground floor retail far exceeds the use mix target (100% commercial for both base density and transferred density). It preserves and restores the historic façade with modifications negotiated with HALRB to improve the viability of the retail space and the pedestrian experience on 11th St., and perhaps most importantly, ensures the full building preservation of those historic buildings housing Faccia Luna/Boulevard Woodgrill building and Walgreens. Finally, three of the four levels of parking are made available for public use after 5:00 p.m. weekdays and on weekends. An additional benefit not anticipated by the Sector Plan are new public easements adjacent to the preserved buildings along Wilson Boulevard. There are some modifications of use or departures from urban design guidelines sought, including a reduction in the stepback above the historic façade, the 11th Street sidewalk, and the office parking ratio, all of which are compatible with and anticipated by the Sector Plan and fully comply with Section 27.D of the Zoning Ordinance.

Issues Addressed and Agreed upon by the Developer:

- Request initiated by community to relocate garage and loading from N. Garfield St., as described in Sector Plan, to 11th Street North. SPRC committee members agreed, given the changes to the character of N. Garfield St. since the adoption of the Sector Plan.
- Several architectural features were discussed by the committee, with the applicant responding with modifications and alternatives for consideration. The committee was generally very complimentary on the architecture. In particular, the higher penthouse of 23” to fully screen the mechanical equipment was endorsed.
- The applicant modified the design of the small plaza at the corner of Highland and Washington Blvd. in response to SPRC comments.

Outstanding Issues:

- The committee sought an extended awning and amenities at the building corner on 11th St. North and Garfield to accommodate bus stop patrons. County policy prohibits an extension of the awning into the public right-of-way and to date, staff has not supported this request. However, this issue remains under discussion and may be resolved favorably prior to the County Board meeting.
- Questions were raised regarding the completion of the modifications to the Washington Blvd. and Highland St. intersection suggested by the Sector Plan and adjacent to already redeveloped properties. Such improvements are not typically made the responsibility of an applicant, although the applicant has not stated an opinion on this issue. However, the County has not determined whether any changes to the intersection are appropriate (the Sector Plan provided a schematic showing significant nubs on the NW and SE corners, but no actual measurements or studies were done) and staff continues to discuss this issue.
- Community representatives remain strongly opposed to the reduction in the office parking ratio. They believe there is insufficient parking in Clarendon to support the evening and weekend demand.
- Community representatives seek to require the applicant to move the historic building on site targeted for façade preservation to provide a wider sidewalk and planting strip on 11th St. N. The Sector Plan does envision such a streetscape, but specifically acknowledges that the desired streetscape along preserved frontages is unlikely and allows for the reduction in clear space to 6'. Various allocations of the space between the building wall and curb were considered in SPRC, with some consensus around devoting the maximum amount of space possible for pedestrian passage while including tree pits in select locations. However, Planning Commissioners and HALRB did not support moving the building.

Suggested Outline for Questions:

- Historic Preservation (including questions on TDR calculations, façade preservation requirements, HALRB position, preservation easement conditions 81 and 82, and action items A through D in staff report)
- Parking (incl. parking counts, ratios, tandem spaces, and public access)
- Other Transportation (including TDM condition #50)
- Streetscape and plaza (including sidewalk widths and treatments on 11th Street and fronting preserved buildings on Wilson Blvd.)
- Condition 84 (Sidewalk, utility, and street easements to be granted by sending sites)
- Vacation issues (staff report item 2.E)
- Architectural issues
- Assessment of Community Benefits
- Commission questions not captured above



HISTORICAL AFFAIRS AND LANDMARK REVIEW BOARD

Courthouse Plaza One 2100 Clarendon Boulevard, Suite 700 Arlington, VA 22201

TEL 703.228.3830 FAX 703.228.3834 www.arlingtonva.us

December 21, 2011

Mr. Christopher Zimmerman, Chairman and
Members of the County Board
2100 Clarendon Boulevard, Suite 300
Arlington, Virginia 22201

Dear Mr. Zimmerman:

At our regular monthly public hearing on Wednesday, November 16, 2011, the Arlington County Historical Affairs and Landmark Review Board (HALRB) discussed and voted in relation to Site Plan #418 at 3001 Washington Boulevard known as the Penzance project.

This site plan includes two important historic preservation proposals that are provided for in the current Clarendon Sector Plan. These are:

- 1) the full building preservation of the buildings at 2825 Wilson Boulevard (Walgreens site) and 2901 Wilson Boulevard (Boulevard Woodgrill/Clarendon Building) through Transfer of Development Rights (TDRs); and
- 2) frontage preservation of the old McQuinn's Sporting Goods store (currently Café Eleven) and the adjacent ABC store at the corner of North 11th Street and Highland Street.

The HALRB received presentations and had discussions with the applicant and among ourselves concerning the site plan at both our August and November, 2011 regular public hearings, as well as receiving testimony from interested citizens. In November, the Board reviewed the changes made from the previous meeting. Our discussions then focused on:

Frontage preservation at the corner of Highland and 11th Street.

This corner is one that is called out for frontage preservation in the Clarendon Sector Plan adopted in 2006. It was recognized that Clarendon, which had been redeveloping, would continue to do so and that redevelopment within specified parameters would be beneficial to the near neighborhoods as well as the rest of Arlington. It was also recognized in order to keep the character of Clarendon, elements of its historic built environment needed to be preserved – either as full buildings or as frontages or facades. These preserved structures would serve as “anchors” for new development. This corner is one such anchor. HALRB discussed the proposed restorations to the frontage and agreed to the modifications shown by the applicant in drawings presented at the November, 2011 meeting. It was agreed new windows along 11th Street North would enliven the façade, and while not original, would enhance the building. HALRB acknowledged preserved buildings need to be viable structures for businesses and other

uses. If they remain empty and unable to support tenants, they are not fulfilling their historic roles.

We also acknowledged one of the original showcases in the McQuinn structure would not be recreated. We did ask that curved glass block be found from some source so that the ABC façade would again look like its few remaining brethren. This glass is vital to this simple façade.

HALRB also reaffirmed the guidelines for this block as noted in the Clarendon Sector plan wherein it was acknowledged where older buildings, frontages and/or facades are preserved, the sidewalks may be narrower than those that would be created fronting new structures. The placement of the preserved frontage and its relationship to the street and other buildings is an important part of how we experience its history. Also, trying to reorient frontages – even if they will be disassembled for preservation and then reassembled on site as we did at the B.F. Saul North Building – means that the structures on the entire block would need to shift, or some of the historic facades would need to be “shortened.” Neither is a good alternative. However, HALRB does support the applicant’s suggestion to alter the standard street façade on 11th Street North that eliminates the planting strip so that more surface is made available for pedestrians in this one location.

Transfer of Development Rights and Easements.

The HALRB also discussed the use of TDRs for the development of the site. Again, in the 2006 Clarendon Sector Plan, in order to preserve certain designated buildings, the owners of the buildings were given the opportunity to preserve them as they are and “sell” foregone density on the site to other sites that had been designated as receiving sites. (It was recognized in the Sector Plan that greater density than what is available by right could be accommodated on the receiving sites.)

TDRs are relatively new in the County. However, a form of them has already been used successfully in Clarendon on the B.F. Saul project wherein the Underwood and Old Dominion buildings were preserved and their density used in adjacent new buildings. The mass and materials of structures (not necessarily tenants, or exact signage, or colors) on the Boulevard Woodgrill/Faccia Luna block and the Walgreen’s site, will remain. HALRB has asked the Historic Preservation staff to continue to work with the applicant and owners of the site as well as the County Attorney to make sure the easement language accomplishes this community expectation. HALRB is also aware that the preserved buildings need to remain viable for tenants, and so continue in their historic roles as housing commercial retail.

Two –Story Transitional Element Along North Highland Street.

Finally, HALRB had a long conversation concerning the new two-story element that is proposed by the preserved frontages. This two story structure provides a transition to the newer, taller proposed buildings on the block. However, HALRB did not feel its design was at the best point it could be for a successful transition. It is a small part of the block, but a very important one. It needs to reflect the historic but not imitate it. Its design is challenging, but it is a challenge to which the architect is more than equal.

Following these discussions, the HALRB unanimously voted on the following motion:

The HALRB strongly supports the frontage preservation and restoration in the proposed site plan.

The HALRB urges the applicant to continue to work with the two-story element adjacent to the ABC store.

The HALRB is also very pleased with the use of TDRs as a mechanism for the preservation of the Boulevard Woodgrill site and the Walgreen's site. We ask the applicant to work with staff on easement language to ensure that the structures retain their historic integrity while allowing property owners flexibility to update and maintain their businesses.

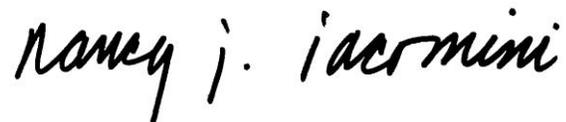
The HALRB continues to support the adopted sector plan that notes the frontage preservation for the old McQuinn's Sporting Goods store and the ABC store and the preservation of them in their original location.

The HALRB also supports the applicant's proposal to eliminate a planting strip along the 11th Street frontage in order to accommodate a wider clear area for the sidewalk.

The HALRB would also urge the applicant to research the materials that will be required to restore the historic facades, and further states that the applicant shall obtain curved glass block to use in the restoration of the ABC façade.

As always, the HALRB appreciates the opportunity to comment on projects that preserve Arlington's history as a great place to live and work.

Sincerely,

A handwritten signature in black ink that reads "Nancy J. Iacomini". The signature is written in a cursive, slightly slanted style.

Nancy Iacomini
Chairman

cc: Members of Planning Commission
Members of HALRB



Clarendon-Courthouse Civic Association

1109 N. Fillmore St., Arlington Virginia 22201

January 7, 2012

Arlington Planning Commission
2200 Clarendon
Arlington, VA 22201

Commission Members,

The CCCA urges the Planning Commission to recommend that the County Board defer action on the Penzance project to allow for public review and discussion on several key issues, most notably a proposed fundamental change in the parking requirements for Arlington.

Several members Clarendon-Courthouse Civic Association (CCCA) attended the Transportation Commission meeting on Thursday, January 5, 2011, and spoke on the Penzance project. Other Arlington residents, as well as representatives of the Lyon Park Citizens Association and the Lyon Village Citizens Association, also made comments to the Transportation Commission. Neighbors were unanimous in their recommendation that the Penzance project application be deferred for further discussion of the important issues not yet resolved. As a result of the discussion, the Transportation Commission unanimously voted to defer approval of the application.

Key points made by community residents and civic associations included the following:

Facade preservation at 11th and North Highland

- **The full sidewalk width is needed at this location.** The current version of this project does not provide a needed 14- foot sidewalk on 11th street to compensate for diminished street scape resulting from parking and loading deck entrances, lack of retail storefronts, reduced trees, and to compensate for the original intent to have this street be a significant pedestrian thoroughfare.
- **Locating the preserved façade to allow the sidewalk is consistent with other changes made to the structure.** This façade “preservation” actually involves disassembling and removing the structures during construction, reconstruction (in some cases using new materials) the façades with substantial modifications that include new cladding, a significant number of new windows, and other modifications intended to render the spaces commercially viable. By



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failing to use this opportunity to reposition the façades, the project effectively is preserving a historically inadequate sidewalk at the expense of "preserving" a significantly changed historic façade. Therefore the Sector Plan's flexibility for sidewalk width near historic buildings is not applicable to this site.

- **The Sector Plan calls for 14 feet at this location.** The Clarendon Sector Plan (see Urban Design Guidelines, Section D.8 "Streetscapes" pages 137-9, and table 3.1) seeks to have clear sidewalks up to 14 feet wide. The current plan accommodates this at 11th and Garfield, but tapers the sidewalk to only 10.5 feet wide at 11th and North Highland.

Reduced parking ratio and other transportation issues

- **Our neighborhood specifically needs to maximize night and weekend parking availability at this site.** There are well-established complaints by Clarendon businesses (restaurants, entertainment venues, grocery stores, general retail) guests and visitors finding available parking when visiting the neighborhood. not all visitors to the Clarendon neighborhood can walk or use public transportation; many visitors travel by car from residential or distant areas where public transportation is not a reasonable option. A lack parking is likely to diminish visitors not from the immediate neighborhood to the detriment of Clarendon businesses. The proposed 1-780 parking space ratio does not comport with Clarendon Sector plan required 1-580 ratio for this block (see Sector Plan "Vision Statement", Section D.8, page 105).
- **We need this garage to create office parking flexibility, not absorb it.** On nearby blocks, challenging design constraints will be needed to create a new public park where there are now extensive underground utility lines. The Penzance 6.2 FAR building should be creating office parking capacity to allow parking reductions in the future, not spilling over to absorb claimed current excesses.
- **The proposed "enhanced TDM" is a completely inadequate substitute for the needed parking.** If the reduced parking ratio is granted—a decision that would wrongly deviate from the Sector Plan—the direct benefits offered by the developer in exchange for parking reduction (a one-time payment of \$150,000 plus nominal enhanced TDM contributions and nominal contributions to Arlington County Commuter Services that primarily benefit only building tenants) are inadequate to the value represented by the parking spaces. The proposed benefit is little more than \$1000 per space, whereas the Clarendon Sector Plan values such spaces at about \$40,000. (See Sector Plan "Vision Statement", Section D.8, page 105 for the estimated value of an underground parking space. See also pages 19 – 20 of the staff analysis for the proffered direct benefits.)



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- **The developer and staff have compared this building to others that are not similar to justify lower parking ratios.** Comments by the applicant at the Transportation Commission meeting regarding instances where reduced parking ratios have been granted in the Rosslyn-Ballston corridor fail to address the significant benefits received or other factors not in evidence with Penzance. The examples cited at the meeting were not presented and vetted in the SPRC process, and citizens believe additional facts mitigate against this argument.
- **The survey used to justify this massive policy change is flawed and was suppressed until after all public discussion was over.** The parking survey referenced in the staff analysis on pages 18 – 19 was not provided to citizens and civic associations in advance of the meeting despite direct requests. At a minimum, the survey times failed to include periods when significant new businesses were open (i.e., Trader Joes) and were conducted only during a limited set of business hours, ignoring evening and weekend hours.
- **Staff claims that excess parking is a burden on Arlington is inapplicable to our needs for this site.** Night and weekend demand “induced” by “excess” parking is off-peak and has little fiscal impact on Arlington. Area residents,— even those in relatively close proximity— particularly elderly citizens, who shop at Trader Joes value parking availability because they cannot reasonably transport bulky purchases by foot or public transportation. In any event, reducing driving demand by constraining parking was debated and rejected in the Master Transportation Plan. Rather, reduced parking must be diverted to other more tangible community benefits.
- The site plan does not incorporate or address a building awning on Garfield for the bus stop, which was discussed and informally proposed by the applicant during the SPRC process.

Problems associated with policy and/or the public process

- **The final hours of a site plan are the wrong time to create sweeping new parking policies.** Comparisons to of Arlington parking ratios to those in Alexandria, Crystal City, and Tysons Corner focus on isolated facts and fail to consider the variety of interrelated factors that were considered in developing the Clarendon Sector Plan. The carefully negotiated interrelated elements of the Sector Plan cannot be modified without resulting knock-on unintended consequences that would be detrimental to the entire Plan.
- **Staff admits that it only has information on half the needed analysis.** Although staff has produced a last-minute parking survey to purportedly justify lower parking ratios throughout the R-B corridor, at the Transportation Commission meeting, they conceded that they have not finished their analysis of the economic value of foregone parking spaces to developers in order to ensure



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that we “Divert resources saved by reducing excess off-street parking to other community benefits.” (Master Transportation Plan Parking Policy #6) The reduced parking in and of itself is not a valid benefit, particularly on this site.

- **The Sector Plan and it’s 1:580 parking ratio should be adhered to until the County Board votes to change that policy after community discussion.** The Master Transportation plan specifically says “use the parking ratios specified in the Zoning Ordinance... as a starting point for evaluating off street parking needs in special exception projects” (MTP parking implementation action 6(a)). The Clarendon Sector Plan was thoroughly and publicly discussed over an extended period before becoming final. It represents an integrated, tightly woven vision. It would be inappropriate—and undermine the transparent public process that is “the Arlington way”—to randomly and arbitrarily change fundamental elements of the Sector Plan.
- **The public process on this aspect of the site plan was deeply flawed.** Multiple speakers noted the unevenness, lateness, or unavailability of critical information flow from staff throughout the process. These problems in information flow inhibited public discussion. As a specific example, multiple speakers noted that the parking survey cited by staff on pages 18 – 19 of their analysis was not available prior to the Transportation Commission meeting and was not even identified as ongoing throughout the SPRC process.
- **Criticism of this inadequate process must be tolerated and debated, and is not the same thing as “attacks” on county staff.** The simple fact is that the entire analysis provided in the staff report on this project was conducted in secret. This is a fact to which staff admits: they acknowledge that secret, internal staff discussions were underway for a year before this report came out. Even up until the hour of the Transportation Commission meeting, staff refused to allow citizens access to the underlying data, and even then the much of the data and methodology remains a mystery.
- **The Planning Commission has a specific duty to ensure planning policy is not made in this way.** Public policy should not be set, nor governance subverted, by a pattern of special exceptions. The fundamental purpose of the Planning Commission is to guard against just this sort of ad-hoc policy-making.

Many of comments above were contained in the CCCA’s letter to the Transportation Commission; a copy of that letter is below. The CCCA believes that the breadth and significance of these issues represent a compelling need to defer this project for further public discussion.

We note that one of the issues in our previous comments, which involves easements on historic sending sites, has been satisfactorily addressed by proposed conditions. This



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is another additional example of the applicant ongoing efforts to be responsive to citizen and staff concerns. We have noted the applicant's creativity and flexibility in past comments, and we would be remiss in complementing this again.

Thank you for the opportunity to comment on this project.

Regards,

Ken Fulton
CCCA President
703-243-2536



Clarendon-Courthouse Civic Association

1109 N. Fillmore St., Arlington Virginia 22201

December 22, 2011

Arlington County Board
2200 Clarendon
Arlington, VA 22201

Board Members,

The Clarendon-Courthouse Civic Association (CCCA) has been actively participating in SPRC and other discussions regarding the Penzance project bordered by Washington Boulevard, 11th Street, N. Highland Street and N. Garfield Street. The CCCA greatly appreciates the opportunity to participate in the project discussion. In general, the developers have been quite responsive to citizen input, and have demonstrated flexibility and creativity in addressing issues posed. The project represents an important and valuable economic development project for the neighborhood, and will help to fulfill some of the central goals of the Clarendon Sector Plan—most notably, it will for the first time use the Plan’s innovative density transfer formula to preserve two historic buildings of great interest to the community. In addition, the project will provide daytime office density that will help improve lunchtime traffic for area restaurants and take better advantage of our peak transportation infrastructure capacity.

The CCCA has received regular updates on the project, including two presentations from the developer, and has discussed it at each of our last few meetings. At our December 20, 2012 meeting, CCCA members considered the various issues and concerns outstanding and voted to take the following positions.

First, the CCCA believes that the density transfers for the project should not be approved until the County has secured permanent protection of the sidewalk in the 2900 block of Wilson Blvd. adjacent to the Faccia Luna Trattoria and the 2800 block of Wilson Blvd. adjacent to the Walgreens. Because this is the first time that the Sector Plan’s historic preservation density transfer provision is being used and is establishing precedent, the County should carefully resolve certain theoretical and practical challenges. In this project, the County is indirectly financially rewarding owners of historic properties in return for a promise never to re-develop them. But in doing so, the County is permanently relinquishing its standard means of obtaining safe and ample sidewalks—also a key Sector Plan goal. These goals can be fully compatible, provided that the County sets the precedent that when paying a property owner to remove a site from development it ensures that the payment also secures the necessary public



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access and utility easements. We urge the County to secure permanent easement rights at these locations as a condition for granting density benefits to the Penzance project.

Second, the CCCA strongly opposes granting the developer an office parking ratio of less than 1-to-580. This *quantity* and quality of night and weekend public parking is a specified community benefit for this block of Clarendon. The current proposal is for a 1-780 office parking ratio, a reduction of 95 spaces in the garage, and we find this unacceptable.

In taking this position, the CCCA reminds County staff that the Clarendon Sector Plan Task Force and the County Board considered and rejected planning for a Bethesda-like public parking facility. Instead, as the Sector Plan clearly indicates throughout its Section D.8, the County has chosen to rely on private facilities to provide sufficient public parking to meet demand. Considering that the 3033 garage no is longer a free public parking facility, and that a grocery store has opened across the street from this site, the need for such private parking on nights and weekend is only more acute.

Increasing the supply of night and weekend parking for the public was and remains a key goal of the Clarendon Sector Plan. Furthermore, the Plan makes clear that the designation of the Penzance site, in particular, for office uses (as opposed to residential units) was in part to ensure "*opportunities for new shared parking resources.*" Quoting from the Sector Plan that discusses this particular block (which is called "Block 33" in the plan): "*These prime office areas include Blocks 4, 6, 20, 22, 24, 27, 28, 29, 30 and 33 (Washington Boulevard Frontage). These areas are clustered together in close proximity to the Metro station, are visible from the station entrance and Central Park, and are situated facing at least one of Clarendon's primary streets. In addition, these future office development sites could advance the shared parking goals for Clarendon which would increase the supply of parking available to the public during off-peak times.*" (emphasis added). The 1:580 parking ratio is specifically mentioned in the Sector Plan on page 2.86 of the plan as the underlying office parking ratio for the Plan's analysis and policies.

The Sector Plan notes that (as of 5 years ago) an underground parking space in Clarendon cost on average \$35,761 to construct. Reducing the parking in this building by 95 spaces is thus a reduction in cost to the developer—and a lost opportunity for direct community benefits—of approximately \$3.4 million. Although the applicant and staff have posited a "robust" Transportation Demand Management Program to reduce the possibility of spillover office worker parking during the day, this in no way addresses the Sector Plan's stated need for parking availability on nights and weekends.



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Moreover, there has been no proposal or discussion of any other transportation benefit even approaching the value of the lost spaces.

Looking forward, the CCCA notes that other blocks in Clarendon where future development could occur will not have the flexibility of this site in constructing parking. This site will have no out-parcels, no buildings preserved intact, and no other serious impediments to excavation or garage layout. The CCCA believes it important to secure parking supply in conjunction with this project in order to provide greater flexibility in future construction where it would need it more, such as at the Verizon site where a public park is of great interest to residents and where construction may have to contend with immovable underground utility lines.

In sum, the CCCA believes this is the right block on which to build a central public parking facility with ample space. That is what is called for in the Sector Plan, and we believe that is the appropriate transportation benefit to insist on at this location.

Finally, we request the historic facade at the corner of 11th and Garfield streets be located such that it provides standard sidewalk widths. As currently planned, the historic facade will be disassembled and rebuilt in its existing location, which will not provide a standard clear-width for the sidewalk along 11th Street. The CCCA has proposed, and continues to believe, that the rebuilding of the facade can be accomplished in a way that provides the standard sidewalk clear width and retains the historic nature of the structure, if not its exact current location. (Although some at the SPRC meetings have asserted otherwise, the CCCA believes that the architecture of the building surrounding can easily be modified to accommodate this facade position without diminishing appearance or building density or adversely affecting the historic preservation effort.) While the CCCA recognizes that the Sector Plan allows for a narrower sidewalk if required for historic preservation, we believe it is inappropriate to apply this principle when the building is in any event going to be completely disassembled and then only partly reconstructed. We urge the County to require the modest adjustment in location of the re-built historic facade to facilitate sidewalk clear-width (including shy zone) in conformance with the Sector Plan.

In taking these positions, the CCCA seeks to acknowledge the flexibility and responsiveness of the developer, help realize the important economic and quality of life benefits that the project can bring to the community, and ensure that the spirit and explicit requirements of the Clarendon Sector Plan are realized. We are grateful for the opportunity to participate in these discussions and comment on the project.

Regards,



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Ken Fulton
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