



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of March 10, 2012

SUPPLEMENTAL REPORT—NEW CONDITION

DATE: March 8, 2012

SUBJECT: SP #403 SITE PLAN AMENDMENT to modify roof top plan to allow construction of a roof top pool with associated amenities and improvements, and to extend the site plan term; located at 2009 14th St. N. (RPC# 17-014-001).

C.M. RECOMMENDATION:

Adopt the attached ordinance to approve a site plan amendment to SP #403 to add a rooftop deck and pool, resulting in an increase of height from 180 feet to 186 feet and an increase in FAR from 5.11 to 5.12, and to extend the site plan term for an additional three (3) years, subject to all previous conditions including revised Conditions #1, 2, 3, 6, 11, 15, 17, 18, 19, 25, 27, 30, 41, 57 and 80, and with new Conditions #88 and #89.

DISCUSSION: Since the staff report was distributed on March 2, 2012, staff has become aware of a citizen concern regarding the potential impacts of rooftop illumination on the surrounding buildings. To address this concern, staff is recommending that an additional condition be added that requires that a rooftop lighting plan be put in place that includes a process for adjusting the intensity of light post construction if an issue is identified. A similar condition was added to the Noland Building (SP #122), which was approved in February for a rooftop terrace. The new condition is as follows:

#89. The applicant agrees to submit and obtain the County Manager's approval of a Lighting Plan for the rooftop pool and deck prior to the issuance of the final certificate of occupancy. The County Manager will approve the Lighting plan if she finds that the plan incorporates dark sky lighting principles in accordance with the standards of the International Dark-Sky Association; specifies the hours of illumination, and includes a process and mechanism for adjusting the intensity of light after construction if necessary

County Manager:

BMD/GA

County Attorney:

[Handwritten Signature]

Staff: Sophia S. Fisher, DCPHD, Planning Division
Robert Gibson, DES
Stephen Wade, DCPHD, Housing Division

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to ensure that the rooftop lighting has no adverse effect on the surrounding area or monumental views.

SITE PLAN AMENDMENT ORDINANCE

WHEREAS, an application for a Site Plan Amendment dated December 2011 for Site Plan # 403, was filed with the Office of the Zoning Administrator; and

WHEREAS, as indicated in Staff Report provided to the County Board for its March 10, 2012 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 Amendment subject to numerous conditions as set forth in the Staff Report; and

WHEREAS, the County Board held a duly-advertised public hearing on that Site Plan Amendment on March 10, 2012 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:
 - Increase the approved FAR from 5.11 to 5.12
 - Increase the maximum height of a building in the C-O district from 180 feet to 186 feet; and
- Functionally relates to other structures permitted in the district and will not be injurious or detrimental to the property or improvements in the neighborhood; and
- Is so designed and located that the public health, safety and welfare will be promoted and protected.

NOW THEREFORE, BE IT ORDAINED that, as originally requested by an application dated April 25, 2009 for Site Plan # 403, and as such application has been modified, revised, or amended to include the drawings, documents, conditions and other elements designated in Condition #1 below (which drawings, etc... are hereafter collectively referred to as "Revised Site Plan Application"), for a Site Plan Amendment for rooftop pool and associated locker rooms and amenities and extension of the site plan term, for the parcel of real property known as RPC# 17-014-001, 2009 14th Street N. approval is granted and the parcel so described shall be used according to the Site plan as originally approved on April 25, 2009 and amended from time to time as shown in the records of the Office of Zoning administration, and as amended by the Revised Site Plan Application, subject to all previously approved conditions (numbers 1 through 87) with Conditions #1-3, 6, 11, 15, 17-19, 25, 27, 30, 41, 57, and 80 amended as follows; and new Conditions #88 and 89:

REVISED CONDITIONS:

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

by the County Manager, the language is understood to include the County Manager or his or her designee.

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 April 17, 2009 and reviewed and approved by the County Board and made a part of the public record on April 25, 2009, 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. The developer further agrees to comply with the additional renderings dated October 24, 2011 and March 3, 2012 showing the revised elevations and the revised rooftop layout with the swimming pool as made part of the public record on March 10, 2012

This site plan approval expires ~~three (3) years after the date of County Board approval on April 25, 2015~~ if a ~~footing to grade 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 ~~coordinate request and conduct~~ 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 developer agrees to notify the above meeting participants of the meeting time and location at least two weeks in advance.~~ The purpose of the pre-construction meeting is to discuss the requirements of the site plan conditions.

3. **Tree Protection and Replacement**

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. ~~If the contribution is made more than 12 months after site plan approval, the contribution amount will be increased by the same percentage as the percentage change in the Consumer Price Index (CPI-U) from the date of initial County Board approval of the site plan to first day of the month on which the contribution is made.~~

6. **Plan for Temporary Circulation During Construction**

The developer agrees to develop and implement (after approval) a plan for temporary pedestrian and vehicular circulation during construction. The applicant will maintain temporary covered pedestrian access during construction along 14th Street and Taft Street. 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.

~~Where county street lighting has been removed or disconnected due to construction and not yet replaced or reconnected, the developer agrees to maintain lighting around the perimeter of the site between the start of construction and completion of the project. The lighting shall be designed to illuminate the temporary pedestrian walkways and roads around the perimeter of the site. The developer may do this by means of overhead lights (e.g. “cobra head” lights) that meet the lighting standards for Arlington County streets, or by stringing lamps of the kind used in “used car” lots or similar along sidewalks and streets along the perimeter of the site. If lighting is accomplished by the latter, such lighting shall be with 75 watt bulbs (or approximate equivalent) placed no more than 25~~

~~feet apart and 6 to 10 feet high. 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. For purposes of this condition, “completion of the project” shall mean the time when 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.

11. Community Liaison and Activities During Construction

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 or available for direct and immediate contact throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and

business owners whose property abuts the site, the Radnor-Fort Meyer Heights Civic 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 including without limitation the Arlington County Sheriff's Office, the SRA Office Building and Meridian Apartments 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 two (2) sets of the aforementioned plans~~ 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 ~~on public property~~ 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.

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 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 Shell and Core Certificate of Occupancy for each respective (as determined by the Zoning Administrator) phase of the project. All plant materials shown on the final landscape plan shall be installed before the issuance of the first Partial Certificate of Occupancy for

occupancy any space above grade, excluding the garage, for the respective phase of the construction, unless otherwise approved by the project. The Zoning Administrator may, through the administrative change process, allow modifications to the timing of this condition if the Zoning Administrator finds that the planting season, availability of plant materials, weather, or other construction-related issues, do not permit installation of plant materials or construction of hardscape features by the required timing, and that the developer has been diligently pursuing the planting of the required materials.

Upon approval of the final landscape plan and prior to the issuance of the first Certificate of Occupancy for the respective phase of ~~construction for any space above grade excluding the garage~~ the project, 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. In the event that the developer completes the construction and installation without a third party contractor, the developer agrees to submit to DCPHD documentation from the General Contractor that the improvements were installed pursuant to the approved final landscape plan. 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:~~

- 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. Specifically, all intake vents located along N. Troy Street, shall include exterior architectural metal grille panels and landscape screening, as shown on Sheet A-12 (West Elevations) and Sheet A-21b (Elevation of the Metal Railing & Air Intake Grille) of the 4.1 plans,

dated April 17, 2009. 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 five (5) 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 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.

17. Utility Company Contacts

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. ~~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, concurrent access to the locations where the developer plans to excavate trenches or similar areas during developer's installation of underground utilities so the County may install its fiber optic cable and/or conduit in those places concurrently with the developer's utility installation. If at the completion of all other utility installation, the County has not completed its installation, the County shall have an additional thirty (30) days to complete its 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.~~

18. **Final site Civil engineering plan approval by DES**

~~The developer agrees to submit final site engineering plans to a complete set, as complete is determined by the Department of Environmental Services. The plans shall include a receipt from the Zoning Office that of civil engineering plans based on a draft First Submission Plan Checklist dated January 20, 2012 or subsequent submission checklist, prior to the issuance of the landscape plan has been submitted. Staff comments on the final engineering plans will not be provided to the developer without submission of the landscape plan to the Zoning Office. Demolition, Clearing and Grading Permit for the applicable phase of the project consistent with the approved Phasing Plan for the development, pursuant to Condition #70 below. The plans shall be drawn at the scale of 1 inch = 25 feet and be 24 inches by 36 inches in size. Neither the~~

The developer agrees to meet the following requirements prior to issuance of the Excavation/Sheeting and Shoring permit nor the first Building Permit shall:

1. Approval by the County Manager of a Maintenance of Traffic Plan for the Excavation/Sheeting and Shoring phase of work;
2. Approval by the County Manager of a tieback plan, or alternatively, submission of a statement from the developer confirming that tiebacks will not be ~~issued until~~ final site used in the right of way during construction of the project; and
3. Approval by the County Manager of an Erosion and Sediment Control Plan that extends through the Excavation/Sheeting and Shoring phase of work;
4. A minimum of one complete County staff review of the civil engineering plans that results in a finding by the County Manager that the limits of Excavation/Sheeting and Shoring shown on the plan will not damage, or pose a substantial risk of damage 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.

The developer agrees to obtain approval of civil engineering plans which that agree with the approved final site development and landscape plans-plan, and the sequence of construction, has been approved by from 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. codes, standards, and policies, prior to issuance of the footing-to-grade permit or the issuance of the above grade building permit for any phase consisting only of buildings on slab.

Upon completion of the construction of a project, the developer agrees to submit one (1) set of as-built ~~mylar~~ Mylar plans for sanitary, storm sewer and water main construction to the Department of Environmental Services for recording.

19. **Pavement, Curb and Gutter Along All Frontages**

The developer agrees to show on the final engineering plans pavement, curb and gutter along all frontages of this site in accordance with the then-current Arlington County Standard for concrete curb and gutter and the then-current standards for pavement and according to the following dimensions. The pavement, curb and gutter shall be constructed prior to issuance of the first partial Certificate of Occupancy for ~~any space excluding~~ occupancy of the ~~garage~~ applicable phase of the project/tenant occupancy. The Zoning Administrator may, if she finds that the season, weather or other construction-related issues do not permit installation of these features by the required timing, and finds that the developer is diligently pursuing the work approve an extension of time for completion of construction of the curb, gutter, and pavement, approve an administrative change that permits an extension of time to complete work under this condition..

25. **Replacement of Damaged Existing Curb, Gutter and Sidewalk**

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 ~~after the Shell and Core Permit~~. The Zoning Administrator may, if she finds that the season, weather or other construction-related issues do not permit installation of these features by the required timing, and finds that the developer is diligently pursuing the work, approve an extension of time for completion of construction of the curb, gutter, and pavement.

27. **Underground Existing Aerial Utilities**

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.

30. **Façade Treatment of Buildings**

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 drawings and renderings-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), ~~and material samples~~, 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.

41. **Wall Check Survey**

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, at such time as the

structure reaches ground level at the corner of N. 14th Street and N. Troy Street, 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.

57. **Obtain Master Certificate of Occupancy**

The developer agrees to obtain a Master Certificate of Occupancy within ~~90~~180 days of receipt of any partial Certificate of Occupancy for full occupancy of the building. ~~At the request of the developer, the Zoning Administrator may approve an extension of the time to obtain a Master Certificate of Occupancy if the Zoning Administrator finds that the developer is diligently pursuing completion of all aspects of the project, including compliance with all conditions, and the developer has offered reasonable assurances that the Master Certificate of Occupancy will be obtained within the extended time frame.~~

80. **ADA Power Door Openers**

~~In addition to the regulations and requirements established with ADA Federal law, The developer agrees to install an automatic door opener for the main pedestrian residential entrances to the residential 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 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. In addition, at any secure interior door, the developer agrees that a call box, if used, shall be mounted and measured at the lowest given height under the ADA with hands-free remote capability. The developer further agrees to provide an automatic door opener at the entrance to the lobby of the elevators from the parking garage adjacent to the ADA/van accessible parking spaces.~~

NEW CONDITIONS

88. **Additional Affordable Housing Contribution**

The developer agrees to make a housing contribution of \$36,900 that is based on Subsection 36.H.7 of the Zoning Ordinance, "Affordable Dwelling Units for Height and Density Above General Land Use Plan." The amount shall be paid prior to obtaining the first Certificate of Occupancy for the project.

89. **Rooftop Lighting Plan**

The applicant agrees to submit and obtain the County Manager's approval of a Lighting Plan for the rooftop pool and deck prior to the issuance of the final certificate of occupancy. The County Manager will approve the Lighting plan if she finds that the plan incorporates dark sky lighting principles in accordance with the standards of the International Dark-Sky Association; specifies the hours of illumination, and includes a

process and mechanism for adjusting the intensity of light after construction if necessary to ensure that the rooftop lighting has no adverse effect on the surrounding area or monumental views.